

The Role of the Natural Resources Conservation Agency (BKSDA) in the Legal Protection of Elephant Animals in Aceh Jaya Regency

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Abstract

This research and study aim to find and develop theories about justice, the role, and the protection of the law. Where the researcher develops a conception of the legal area that guarantees justice, carries out the role according to the authority based on the applicable provisions so that the realization of legal protection for animals is protected by the state. This type of research is empirical legal research, using a sociological approach to law. The data sources are secondary data in the form of primary legal materials, secondary legal materials, and tertiary (supporting) legal materials. The data obtained, both from primary, secondary, tertiary legal materials, as well as information from experts or academics, the data analysis was carried out with a qualitative and quantitative approach, namely content analysis and analysis of numbers and then explanations. This study shows that First, legal protection against elephants in the jurisdiction of Aceh Jaya Regency, which is based on Qanun Number 11 of 2019 concerning Wildlife Management. This protection is guaranteed in every area in Aceh, especially in Aceh Jaya District, where the Government is directly involved in dealing with issues regarding elephant conflicts. Second, the role of BKSDA Aceh Province, Aceh Jaya Regency in the protection of elephant animals, which is by applicable laws and regulations. However, this role has not been maximized in its implementation, where there are obstacles and obstacles in carrying out the duties and roles of the BKSDA.

Keywords

Role of BKSDA, Legal Protection, Elephant Animals, Aceh Jaya District

1. Introduction

Aceh has a forest area of about 3,557,928 hectares. This area is based on the Decree of the Minister of Environment and Forestry of the Republic of Indonesia Number SK.103/MenLHK-II/2015 concerning Amendments to the Decree of the Minister of Forestry Number SK.865/Menhut-II/2014 concerning Forest Areas and Water Conservation of Aceh Province dated 29 September 2014. Forests in Aceh are divided into several parts of Nature Reserve Areas and Nature Conservation Areas covering an area of 1,058,144 hectares, Protected Forests covering an area of 1,788,265 hectares, Limited Production Forests covering an area of 141,771 hectares, Permanent Production Forests covering an area of 554,339 hectares, and convertible forests covering an area of 15,409 hectares (Hanafiah, 2019).

The conflict between the community and elephants is a conflict that often occurs and threatens the existence of elephants. Elephants are some of the animals that get their food mostly from the forest area. Elephants need the existence of the forest as a place to live and breed. Deforestation that continues to occur is increasingly threatening the lives of wild animals, including the Sumatran elephant whose habitat continues to be damaged either by narrowing or fragmentation, due to the conversion of forests into plantations and industrial forest plantations. Conflict management in the forestry sector needs to be a lesson for all parties, it is time for the government to pay attention to conflict management as one of the requirements in forest management (Wulan et al., 2004). Elephants are increasingly threatened because of high pressure and disturbance and lack of knowledge about how elephants live in their natural habitat, to be a reference for managing elephants' natural habitats.

Elephants are wild animals that are feared to be extinct, so they have been officially protected since 1951. This is based on ordinances number 134 and 226 of 1951 concerning the protection of wild animals. Elephants have also protected animals as stipulated in the Decree of the Minister of Agriculture of the Republic of Indonesia Number 234/Kpts/Um/1972 and also strengthened by the **Government Regulation of the Republic of Indonesia Number 7 of 1999 concerning Preservation of Plant and Animal Species**, elephants are included in serial number 21 (twenty-one) category mammals in the appendix to regulations.

Elephants are categorized as rare animals that are threatened with extinction, so their existence is protected by the world globally. In CITES (Convention on International Trade in Endangered Species of Wild Flora and Fauna) elephants are included in the Appendix I list (CITES 2000). Currently, the condition of the population is decreasing along with the high rate of loss in the forest. Elephants are currently listed as Critically Endangered on the Red List of Threatened Species issued by the World Conservation Organization or the International Union for Conservation of Nature (IUCN).

The national legal basis comes from CITES (Convention on International Trade in Endangered Species of Wild Flora and Fauna), where elephants are in-

cluded in the Appendix I list (CITES 2000). Indonesian national law regulates provisions regarding animals and their ecosystems contained in Law Number 5 of 1990 concerning Conservation of Biological Natural Resources and Their Ecosystems, then regarding the protection of the environment, it is regulated in Law of the Republic of Indonesia Number 32 of 2009 concerning Environmental Protection and Management. Life and **Government Regulation of the Republic of Indonesia RI Number 7 of 1999 concerning Preservation of Plant and Animal Species**. Furthermore, it is also related to the **Regulation of the Minister of Forestry Number: P. 02/Menhut-II/2007 concerning the Organization and Work Procedures of the Technical Implementation Unit for Natural Resources Conservation**.

Articles 2 and 3 of the 2007 Minister of Forestry Regulation (Permenhut) describe the duties and functions of the Technical Implementation Unit for Natural Resources Conservation. The task of the KSDA as referred to in Article 2 explains that the Technical Implementation Unit for Natural Resources Conservation has the task of implementing the conservation of living natural resources and their ecosystems and the management of nature reserves, wildlife reserves, natural tourism parks, and hunting parks, and technical coordination of the management of large forest parks and protected forest and conservation of wild flora and fauna outside the conservation area based on the prevailing laws and regulations.

Article 22 of **Government Regulation of the Republic of Indonesia Number 7 of 1999 concerning Preservation of Plant and Animal Species**, namely as the implementer of the provisions of Law Number 5 of 1990 concerning Conservation of Biological Natural Resources and Ecosystems explains that the main task and function of a conservation institution is to reproduce and or saving plants and animals while maintaining the purity of their species. The Conservation Institute also functions as a place for education, demonstration, and research as well as the development of science. Conservation institutions can take the form of zoos, zoological museums, special animal parks, special animal training centers, botanical gardens, herbariums, and other special plant gardens.

Decree of the Minister of Agriculture Number 428/Kpts/Org/7/1978 dated June 10, 1978, 8 **Natural Resources Conservation Centers (BKSDA)** was formed as Technical Implementation Units (UPT) in the field of nature protection and conservation and are responsible to the Director-General of Forestry. BKSDA has the main task of carrying out the management of nature conservation parks, nature reserve forests, and tourism forests as well as the use of development and protection of natural resources (<http://ksdae.menlhk.go.id/>).

This can be seen in several cases that occurred in Aceh Jaya District, including in July 2008 in Pantee Kuyun Village near SP-II Transmigration Settlement Unit (UPT) Pate, Sampoiniet District, 20 elephants ransacked rubber, banana, and oil palm plantations but attacked farmers, who live around the plantation area (Kompas.com). Then also in November 2014 in Panga Pucok Village, Panga

District, there were cases of 10 elephants running amok and destroying residents' gardens (merdeka.com). So that the existence of some of these cases can be troubling to residents and can lead to negative attitudes and thoughts for the community itself.

On the other hand, there was also a case in the form of January 2020 the death of two elephants, while the alleged death was caused by an electric current, an electric fence was found with a height of about 1.5 meters, in an oil palm plantation area belonging to the community in Tuwi Pria Village, Pasie Raya District, Aceh Jaya Regency (Permana, 2020).

This case is still in the investigation stage, to find out the truth about the cause of death of the elephant found dead or there are other causes involved individual intervention. This is the task of the local government that handles it. Meanwhile, there was also a case in 2013 in Ranto Sabon Village, Sampoinet District, Aceh Jaya Regency, where elephants were killed and their tusks were taken to be traded (Rini, 2013). However, this case has been processed in the Calang District Court with 13 perpetrators committing the crime of killing protected elephant wildlife and these actions were carried out together.

It is said that in the 2013 case, the perpetrators were sentenced to imprisonment for 6 (six) months and each of them was fined IDR 10,000,000 (Ten Million Rupiah) with a subsidiary of 1 (one) month in prison. There is confusion in the decision with the low punishment given. Meanwhile, based on Article 40 of the criminal provisions in Law Number 5 of 1990 concerning Conservation of Biological Natural Resources and Ecosystems, the minimum sentence given is 1 (one) year in prison and a minimum fine of IDR 50,000,000 (fifty million rupiahs).

The task that is neglected by the Provincial and City District BKSDA is not to carry out routine-scale monitoring every time and to maintain elephant habitat in Aceh through programs implemented by the Elephant Conservation Center (PKG), as well as tackling elephant poaching that often occurs in the forests of Aceh Regency, Jaya, so that the role of the Aceh Jaya Regency BKSDA is not seen ideally.

When viewed from the side of the actions and punishments given to the perpetrators are not commensurate with the circumstances that occurred. This injustice can be seen from the results that the perpetrators obtained were not comparable to the fines that the perpetrators received sanctions from the Court. So there is a value of social justice that tends to be sidelined. Therefore, it is interesting for researchers to carry out this research further. On the other hand, researchers also want to examine the role of BKSDA in protecting animals in conservation areas and also the role of BKSDA as an institution that is trusted to be one of the considerations in giving testimony in court.

This research aims to know and explain the legal protection provided by the government to elephant animals in the jurisdiction of Aceh Jaya Regency and to know and explain the role of BKSDA in the legal protection of elephant animals in the jurisdiction of Aceh Jaya Regency.

2. Research Methodology

Research is aimed and oriented to solve problems. Therefore, a certain method or method is needed in the process of achieving it, so that the results are by the expected goals. Hassan and Koentjaraningrat (YLBHI, 2013) stated that method means a way of working to understand an object that is the target of certain knowledge. The methodology is chosen by considering its suitability with the object of study. In principle, a methodology is a way of working to understand the object of a study.

This study uses a legal sociology approach, which is an approach that analyzes how reactions and interactions occur when the norm system works in society (Salim & Nurbani, 2017). And besides that too the research approach used in this research is qualitative. Qualitative methods are research procedures that produce descriptive data in written or spoken words from people and observed behavior (Nufiar & Ali, 2020). Enumerators were selected from each participating village and trained with community leaders on approaches to data collection. Community leaders must raise public awareness about data collection activities and provide social support to enumerators. Qualitative and quantitative approaches were used to collect data (Mbuvi et al., 2020).

3. Theoretical Framework

3.1. Justice Theory

The concept of justice proposed by Plato is closely related to expediency, where the intended benefit is something that is judged to have benefits obtained with goodness. Salim & Nurbani (2017) said “there is no theory of justice that can be separated from the claim of expediency. Justice is the term given to rules that protect claims that are considered essential for the welfare of society, claims to keep promises to be treated equally, and so on.”

John Stuart Mill focuses the concept of justice on the protection of claims, which aims to develop welfare and can reinforce promises given in a balanced way. Kelsen (2008), presents the essence of justice. Justice is:

“A possible, but not necessary, quality of a social order that leads to reciprocal relationships among human beings. Only after that, it is a form of human goodness, because humans are fair when their behavior is by the norms of the social order that should be fair. The meaning of just social order is that the rules guide human behavior in creating conditions that are satisfactory for all human beings, in other words, that all people can feel happy in the rules.”

The essence of justice according to Kelsen (2008) is by the provisions of the principle of living law. Legal norms are not just written, but there are other norms as well which along with the times and developments of that era live in society. The unwritten norms are in the form of religious norms, decency, and others. The purpose of the norm is to obtain true happiness (Salim & Nurbani,

2017). Explains the principle of justice that:

“In various applications of the concept of justice that individuals before others are entitled to a relative position in the form of certain equality or inequality. This is something that must be considered in the uncertainty of social life when burdens or benefits are to be recovered when disturbed. From there, according to tradition, justice is seen as the maintenance or restoration of balance or proportion, and the basic rule is often formulated as the treatment of similar and dissimilar things, even though we need to add to it and treat different things in the same way. different.”

3.2. Role Theory

Role theory or what is called the role of theory (English), in Dutch it is called *theorie von der rolle*, while in German it is called *theorie von der rolle* is a theory that analyzes the tasks that must be carried out by people or institutions. -Institutions that have a position in society, both formal and informal (Salim & Nurbani, 2017).

3.3. Legal Protection Theory

The theory of legal protection is one of the most important theories to study because the focus of the study of this theory is on the legal protection provided to the public. The people targeted by this theory are people who are in a weak position, both economically and weakly from the juridical aspect. The term legal protection theory comes from English, namely legal protection theory, while in Dutch it is called *theorie van de wettelijke bescherming*, in German, it is called *theorie der rechtliche Schutz*. Grammatically, protection is (Departemen Pendidikan dan Kebudayaan, 1989): 1) shelter; or 2) the thing (action) of protecting. To protect is to cause or cause to take refuge. The meaning of taking refuge includes: 1) placing oneself so as not to be seen, 2) hiding, or 3) asking for help. Meanwhile, the notion of protecting includes: 1) covering so that it is not visible or visible, 2) guarding, caring for, or maintaining, 3) saving or providing help.

The definition of protection can be studied from the formulation contained in the following legislation. In Article 1 number 5 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence, a formulation on protection has been presented. Protection is: All efforts aimed at providing a sense of security to victims carried out by the family, advocate, social institutions, police, prosecutors, courts, or other parties, either temporarily or based on court decisions.

4. Discussion

4.1. Legal Protection for Elephants in the Jurisdiction of Aceh Jaya Regency

The basis for legal protection for elephants is contained in sustainability prin-

principles, including Law Number 5 of 1990 concerning Conservation of Biological Natural Resources and Their Ecosystems, then Government Regulation Number 7 of 1999 concerning Preservation of Plant and Animal Species. Then the **Government Regulation Number 8 of 1999 concerning the Utilization of Wild Plants and Animals**. Furthermore, the Regulation of the Minister of Environment and Forestry Number P.106/MENLHK/SETJEN/KUM.1/12/2018 concerning the Second Amendment to the Regulation of the Minister of Environment and Forestry Number P.20/Menlhk/Setjen/Kum.1/6/2018 concerning Protected Types of Plants And Animals. Then Appendix I CITES and also Critically Endangered (IUCN).

Elephants are wild animals that are feared to be extinct, so they have been officially protected since 1951. This is based on ordinances number 134 and 226 of 1951 concerning the protection of wild animals. Elephants have also protected animals as stipulated in the Decree of the Minister of Agriculture of the Republic of Indonesia Number 234/Kpts/Um/1972 and also strengthened by the **Government Regulation of the Republic of Indonesia Number 7 of 1999 concerning Preservation of Plant and Animal Species**, elephants are included in serial number 21 (twenty-one) category mammals in the appendix to regulations.

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The national legal basis is derived from CITES (Convention on International Trade in Endangered Species of Wild Flora and Fauna), where elephants are included in the Appendix I list (CITES 2000). So that the Indonesian national law regulates the provisions regarding animals and their ecosystems contained in Law Number 5 of 1990 concerning Conservation of Biological Natural Resources and Their Ecosystems, then regarding the protection of the environment it is regulated in Law of the Republic of Indonesia Number 32 of 2009 concerning Protection and Management. Environment and **Government Regulation of the Republic of Indonesia RI Number 7 of 1999 concerning Preservation of Plant and Animal Species**. Furthermore, it is also related to the **Regulation of the Minister of Forestry Number: P. 02/Menhut-II/2007 concerning the Organization and Work Procedures of the Technical Implementation Unit for Natural Resources Conservation**.

Article 22 of **Government Regulation of the Republic of Indonesia Number 7 of 1999 concerning Preservation of Plant and Animal Species**, namely as the implementer of the provisions of Law Number 5 of 1990 concerning Conservation

of Biological Natural Resources and Ecosystems explains that the main task and function of a conservation institution is to reproduce and or saving plants and animals while maintaining the purity of their species. The Conservation Institute also functions as a place for education, demonstration, and research as well as the development of science. Conservation institutions can take the form of zoos, zoological museums, special animal parks, special animal training centers, botanical gardens, herbariums, and other special plant gardens.

Special legal protection for wild animals in the Aceh region is based on Aceh Qanun Number 11 of 2019 concerning Wildlife Management, as Article 2 states that Wildlife Management is based on: 1) Islam; 2) Pancasila; 3) Justice; 4) human rights; 5) openness; 6) benefit; 7) diversity; 8) sustainable and sustainable; 9) harmony and balance; 10) order and legal certainty; and/or 11) harmony and coherence.

The scope of regulation on Wildlife Management includes 1) determination of protected types of Wild Animals; 2) Strategy and action plan for Wildlife Management; 3) management of wildlife populations and habitats; 4) use of wild animals; 5) Wildlife conflict control; 6) institutional; 7) research, development, and innovation; 8) community participation; 9) funding; 10) prohibitions; 11) administrative sanctions; 12) investigation; 13) criminal provisions; this is as stated in Article 4 of Aceh Qanun Number 11 of 2019.

Data obtained from the [Natural Resources Conservation Center \(BKSDA\)](#) of Aceh Province in Banda Aceh, there are a total of 218 cases related to elephants in several districts or cities in Aceh Province. The researchers summarized the data from 2019 to December 2020. The number of events that occurred in 2019 and 2020 is described, then the location points for conflicts between humans and elephants are also described. So the details of the researchers are described in [Table 1](#).

Based on the table above, the researcher can conclude that from the last 2 years, namely from 2019 and 2020, there are many regional points in Aceh that are still grappling with elephant-human conflicts. As calculated, there are 10 to 11 areas in Aceh that conflict with elephants. So that this can pose a danger to the relationship between humans and elephants in everyday life. Many negative things are predicted to happen if there is no good or harmonious relationship between humans and elephants. Furthermore, the researcher summarizes in the table several cases that occurred in several sub-districts in Aceh Jaya Regency, the details of these cases can be seen in [Table 2](#).

Summarized based on the table above, the researcher can conclude that there were 20 cases of elephants in 2020 and 16 cases of elephants in 2019 that occurred in the Aceh Jaya Regency area. A total of 36 cases of elephants are summarized from 2019 to 2020. It is also seen that elephant-human conflicts occur every month from February 2019 sequentially. Then in 2020 also starting from February the conflict case until the end of December as can be obtained from the BKSDA Aceh Banda Aceh Province.

Table 1. Data on elephant conflict in Aceh 2019-2020.

No.	Year	Event	Number of events	Location of Incident (District/City)
1	2020		111	East Aceh, North Aceh, Pidie Jaya, Aceh Jaya, Pidie, Bener Meriah, Central Aceh, West Aceh, Bireuen, Aceh Tamiang, Nagan Raya.
2	2019		107	Pidie, North Aceh, Bireun, Central Aceh, South Aceh, Nagan Raya, Bener Meriah, East Aceh, West Aceh, Aceh Jaya, Aceh Besar.
		Total	218	

Data source: BKSDA Aceh Province, Banda Aceh.

Table 2. Data on elephant conflict in Aceh Jaya regency in 2019-2020.

No	Occurrence Time	Location of the incident (Village/Gampong/District)	Description of the incident	Number of events
1.	2-19 December 2020	Alue Punti and Ceuraceu, Kec. Pasie Raya	(December 18, 2020) 8 elephants in the village of Alue Punti entered a residential area and damaged rice and oil palm seedlings. (December 8, 2020) In Ceuraceu Village, elephant disturbances occur to residents' plants. (2 December 2020) In Alue Punti Village, elephant disturbances occur to residents' plants.	3
2.	November 18, 2020	Teupin Asan and Babah Dua, Kec. Darul Wisdom	(November 18, 2020) There was an elephant disturbance to the residents' plants. Types of loss of coffee, jengkol, and oil palm.	1
3.	19-29 October 2020	Gunong Buloh, Kec. Panga and Mareu, Kec. Jaya	(27-29 October 2020) Gunong Buloh Village, Kec. Panga Disturbance of dozens of elephants and baby elephants to residents' huts and plants. (25 October 2020) Gunong Buloh, Kec. Panga Elephant disturbance to residents' huts and plants. (October 19, 2020) Mareu, District. Jaya Harassment of wild elephants to residents	3
4.	01-24 September 2020	Alue Meraksa, Kec. Teunom, Alue Jang, Kec. Pasie Raya and Pante Kuyuen, Kec. Faithful Devotion	(24 September 2020) Alue Meraksa, Kec. Teunom Harassment of wild elephants to residents. (11 September 2020) Alue Jang, district. Pasie Raya Harassment of wild elephants to residents. (September 8, 2020) Alue Jang, district. Pasie Raya There were disturbances of 10 elephants to residents (1 September 2020) Pante Kuyuen, Kec. Faithful Devotion Harassment of wild elephants to residents.	4

Continued

			(28 and 29 August 2020) Pante Kuyuen, Kec. Faithful Devotion	
5.	6-29 August 2020	Pante Kuyuen, Kec. Setia Bakti and Lhok Bot, Kec. Faithful Devotion	Elephant disturbance to local people's crops damaged coffee, banana, and jengkol stems. (6 August 2020) Lhok Bot, Kec. Faithful Devotion The elephant's disturbance to the local people's crops damaged the oil palm and srei.	2
			(18 July 2020) Ceeracee, Kec. Pasie Raya Elephant disturbance to residents' crops. (17 July 2020) Ceeracee, Kec. Pasie Raya	
6.	12-18 July 2020	Ceeracee, Kec. Pasie Raya, Alue Raya and Alue Teungoh, Kec. Panga	Elephant disturbance to residents' rice crops. (14 July 2020) Alue Raya and Alue Teungoh, Kec. Panga The disturbance of elephants to the residents' oil palm and areca nut trees. (12 July 2020) Alue Raya, Kec. Panga The disturbance of elephants to the residents' oil palm plantations.	4
7.	April 29, 2020	Baroeh, district. Faithful Devotion	The death of a 1-year-old male baby elephant calf.	1
			(28 February 2020) Bouquet Meulinteung, Kec. Panga	
8.	17-28 February 2020	Bouquet Meulinteung, Kec. Panga	Elephant disturbance to the residents' peanut, banana, and areca nut plants. (17 February 2020) Bouquet Meulinteung, Kec. Panga Elephant disturbance to residents' palm oil huts and nurseries.	2
			(22 August 2019) Cot Puntie, Kec. Sampoiniet The herd of elephants has headed to Cot Puntie Village. (05 August 2019) Gampong Baroeh, Kec. Faithful Devotion	
9.	01-22 August 2019	Cot Puntie, Kec. Sampoiniet and Gampong Baroeh, Kec. Faithful Devotion.	Elephant disturbance to the residents' rice, banana, areca nut, coconut, and oil crops. (01 August 2019) Cot Puntie, Kec. Sampoiniet Elephant disturbance to residents.	3
			(19 June 2019) Gampong Baroeh, Kec. Faithful Devotion	
10.	1-19 June 2019	Gampong Baroeh, Kec. Setia Bakti and Geunie, Kec. Krueng Sabe	The disturbance of elephants to the residents' rice, banana, and areca nut areas. (1-3 June 2019) Geunie, district. Krueng Sabe The elephant's disturbance of the residents' banana, patchouli, and palm oil.	2

Continued

			(30 May 2019) Cot Puntie, Kec. Sampoiniet	
11.	13-30 May 2019	Cot Puntie, Kec. Sampoiniet	Disturbance of elephants to residents' plantations. (13 May 2019) Cot Puntie, Kec. Sampoiniet Elephant disturbance to residents' crops	2
12.	06 April 2019	Gampong Baroh, Kec. Faithful Devotion	Elephant disturbance to local people's crops destroys areca nut, palm oil, and coconut.	1
			(28 March 2019) Abeh Awee, Kec. Sampoiniet Elephant disturbance to residents' crops.	
13.	09-28 March 2019	Abeh Awee, Kec. Sampoiniet, Cot Puntie, Kec. shampoo.	(11 March 2019) Cot Puntie, Kec. Sampoiniet Elephant disturbance to residents' crops. (09 March 2019) Cot Puntie, Kec. Sampoiniet The disturbance of elephants to the plantations and crops of residents.	3
			(21 February 2019) Ie Jeureungeh Village, Kec. Sampoiniet Elephant disturbance to residents' crops.	
			(13 February 2019) Ie Jeureungeh, Kec. Sampoiniet Disturbance of elephants to residents' plantations.	
14.	04-21 February 2019	Ie Jeureungeh, Kec. Sampoiniet, Cot Puntie, Kec. Sampoiniet, and Stage, Kec. Krueng Sabe.	(9-10 February 2019) -Cot Puntie, Kec. Sampoiniet Disturbance of elephants to residents' plantations. -Ie Jeureungeh Village, Kec. Sampoiniet Elephant disturbance to residents' crops. (04 February 2019) Stage, District. Krueng Sabe Disturbance of elephants to residents' plantations.	5

Source: BKSDA Aceh Province, Banda Aceh.

It can be seen that there is no minimization and the impact of reducing the number of cases that occurred from 2019 to 2020 on an elephant and human conflicts. However, there was an increase of 4 cases from the previous year when the elephant-human conflict occurred.

So it can be concluded that the legal protection that protects every activity of elephant animals and minimizes the occurrence of damage and conflicts with humans against elephants has not been fully realized. So it can be seen that there is an increase in cases that need to be handled by the relevant agencies and government.

4.2. The Role of BKSDA in the Legal Protection of Elephants in Aceh Jaya District

The personnel composition of the coordination team for handling conflicts between humans and wildlife in Aceh Province is based on the attachment to the Decree of the Governor of Aceh Number 522.51/1521/2020 regarding the amendment to the Decree of the Governor of Aceh Number 522.51/1098/2015 concerning the coordination team for handling conflicts between humans and wildlife in Aceh Province. The composition of the coordination team is led directly by the Governor of Aceh who is on the team as a coach, the Aceh Regional Secretary as the Coordinator, the Head of the Aceh Environment and Forestry Service as the Deputy Coordinator and the Head of the Aceh Natural Resources Conservation Center as the Secretary.

In the attachment to the Aceh Governor's Decree Number 522.51/1519/2020 concerning the amendment to the Aceh Governor's Decree Number 522.51/1097/2015 concerning the establishment of a task force for handling conflicts between humans and wildlife in the Province of Aceh, the details are also detailed. Aceh. In his position the Head of the Aceh Natural Resources Conservation Center as chairman, the Head of the Aceh DLHK Natural Resources Protection and Conservation Division as deputy chairman, and the Head of Administration of the Aceh Natural Resources Conservation Center as secretary. The details can be seen in the description in attachment 2 which is attached.

The personnel composition of the integrated team is also seen in the Decree of the Governor of Aceh Number 522.51/1375/2020 concerning the formation of an integrated team for the prevention and eradication of forest destruction and controlling the circulation of protected plants and wildlife in Aceh. As for the details of the positions in the team, namely the Governor of Aceh, Wali Nanggroe, Kapolda Aceh, Pangdam Iskandar Muda, Kajati Aceh and Kabinda Aceh as directors. Then the team in charge of the Direskrimsus Polda Aceh as Chair, Head of the Aceh Environment and Forestry Service as Deputy Chair I, Head of Regional Law Enforcement Center I Sumatra **Ministry of Environment and Forestry** as Deputy Chair II, Head of Aceh BKSDA Hall as Secretary and there are subordinate teams as members which are related.

This integrated team, apart from the team in charge, also includes a prevention team, an action team, and a recovery team. The composition of the team can be seen in more detail in appendix 3 which has been attached by the researcher. The results of the researcher's interview on January 26, 2021, at the BKSDA Hall of the Aceh Province of Banda Aceh with several employees of the BKSDA of the Aceh province, stated that the BKSDA here as a government party carries out its duties by the applicable law. Where the BKSDA of Aceh Province operates as a UPT institution under the Ministry of Environment, the strategy is to establish a CRU in conflict-prone locations, in collaboration with partners in Aceh Jaya, a barrier trench is built (to limit the movement of elephants to plantation sites or community settlements), wire harnesses (exit areas) entry of ele-

phants from their habitat into plantation areas). The speed wire is installed between the barriers, namely cliffs and ravines in the area. However, the installation of the speed wire has not been maximized due to the very large area so that the installation will be planned in stages.

Then in the interview, it was stated that there is an essential ecosystem development program that is collaborative where it is necessary to cooperate with several related parties in government agencies and institutions such as the DLHK and the local Tourism Office. This essential ecosystem program requires the existence of nature tourism in the location or region. There needs to be education about elephants so that humans and elephants can live side by side.

The results of the slide presentation of Agus Arianto as the Head of the Aceh BKSDA on the Strategy for Handling the Conflict of Elephants in Aceh are also by the results of interviews that the researcher conducted with the staff of the BKSDA employees of the Aceh Province, wherein the slides it was conveyed that there were several efforts or roles of the Aceh BKSDA in dealing with elephant conflicts, including namely:

4.2.1. Sanctuary or KEE

Article 1 paragraph 15 of Aceh Qanun Number 11 of 2019 concerning the management of wildlife, explains that the sanctuary is a natural and/or artificial habitat whose designation is as a protected area or sanctuary for endangered wildlife and requires special protection to ensure its sustainability from the threat of hunting, destruction. Natural habitats and loss of genetic potential in native habitats.

KEE (Essential Ecosystem Area) is an ecosystem outside a conservation forest area that is ecologically important for biodiversity conservation which includes natural and artificial ecosystems inside and outside the forest area. Ecosystems outside Nature Reserve Areas and/or Nature Conservation Areas that have ecologically important values that support the survival of life through biodiversity conservation efforts for the welfare of society and the quality of human life are designated as protected areas.

4.2.2. Conservation Response Unit (CRU)

CRU is a unit that was established to resolve conflicts that occur between humans and elephants and has a lauser ecosystem area that stands in Aceh with the parties concerned such as the Aceh Conservation and Natural Resources Center (BKSDA). Where the Aceh Provincial Forestry Service, the district government, and assisted by Fauna Flora International (FFI) agreed to establish an area called the Conservation Response Unit (CRU). Meanwhile, the first place where the CRU is planned to be established is in Aceh Jaya District, where the chosen location is Ie Jereungeh Village, Sampoiniet District, Melaboh, and others.

Conservation itself is an effort made by humans to preserve or protect nature. Conservation comes from English, namely conservation which means preservation or protection. Meanwhile, according to environmental science, conservation

can be interpreted as follows (Zain, 1998):

- 1) Efficiency efforts from energy use, production, transmission, or distribution which result in a reduction in energy consumption on the other hand provide the same service at the same level.
- 2) Careful protection and management of the environment and physical natural resources.
- 3) Management of a certain quantity that is stable during a chemical reaction or physical transformation.
- 4) Asylum efforts and long-term protection of the environment.
- 5) A belief that the natural habitat of an area can be managed while the genetic diversity of species can be maintained by maintaining the natural environment.

The CRU Task Force was formed to support the handling of conflicts between humans and wild elephants. Where the CRU team will monitor and control the activities of animals around the task points that are ordered to monitor the location, both in every village and also in every sub-district in each district.

4.2.3. Commodity Adjustment

There are several types of plants or plants that can be eaten by elephants and which cannot be eaten by elephants, including the following, namely plants/plants that can be eaten by elephants: Oil Palm, Sugar Cane, Jackfruit, Banana, Rice. And plants/plants that elephants cannot eat: Coffee, Cloves, Nutmeg, Candlenut, Pepper, Lemon, Fragrant Lemongrass.

4.2.4. GPS Collar Installation

The function of installing a GPS Collar is to determine the movement of wild elephants, monitor elephant populations and behavior, and as an Early Warning System. Currently, there are 4 (four) GPS Collars installed, namely in the Mila area (1), the East Aceh area (2), and the Southeast Aceh area (1).

4.2.5. Artificial Barriers

Types of Barrier in the form of Trench and Shock Wire. Barrier construction that has been, is being and will be carried out is in East Aceh (FKL, Pemda), Bener Meriah (Pemda, BKSDA, KKH, CRU Aceh) and Aceh Jaya (BKSDA Aceh, PT. Tunggal Perkasa Plantation, CRU Aceh).

The researcher concludes that based on several strategies for overcoming the elephant animal conflict that has been programmed, it is still not optimal for the response to be carried out. Due to the large area and also the team on duty lacks personnel. Therefore, there are obstacles and obstacles in carrying out the duties and roles of the BKSDA to the fullest. Although the BKSDA is assisted by other institutions or agencies which technically collaboratively implement tasks and roles in coordinating the resolution of human and elephant conflicts in the Aceh Jaya District.

As the personnel structure of the coordination team for conflict management between humans and elephants has been structured well. However, the CRU team that monitored and supervised the location of the incident points expe-

rienced a shortage of members on duty. As a result of this obstacle, the CRU team should have increased the number of members.

Lack of personnel such as the CRU team group in this task, the Head of BKSDA can ask for consideration from the supervisor or the head of the local Provincial/Regency LHK service head and also the regional government, be it the governor or the regional secretary or the local head/regent of Aceh Jaya Regency to recommend additional CRU members on duty, with the addition of members can maximize the performance of the BKSDA who works in the supervision and monitoring division of elephant and human-animal conflicts in every point of the smallest area. to minimize the handling of conflicts between elephants and humans in the Aceh area.

Then each CRU group team is held in the form of a weekly or monthly program that is implemented, for those who do not implement and implement the program, sanctions can be given to the CRU team who does not run the program. Thus, the role of the BKSDA in providing legal protection for elephant animals in the Aceh Regency is guaranteed.

5. Conclusion

1) Legal protection for elephants in the jurisdiction of Aceh Jaya Regency, is based on Qanun Number 11 of 2019 concerning Wildlife Management. This protection is guaranteed in every area in Aceh, especially in Aceh Jaya District, where the Government is directly involved in dealing with issues regarding elephant conflicts.

2) The role of the BKSDA of the Province of Aceh and the Regency of Aceh Jaya in the legal protection of elephant animals is by the applicable laws and regulations. However, this role has not been maximally achieved in its implementation, where there are obstacles and obstacles in carrying out the duties and roles of the BKSDA.

Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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