Law perspective on preserved fauna trading through Internet to statute No.5/1990 regarding conservation of biological resources and Its Ecosystem juncto statute No.11/2008 regarding Electronic Transaction and Information

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Abstract

*Every nation stakeholders has an obligation to support country development to achieve national goals. As mentioned in constitution (*UUD 1945*), the national goals consist of protecting all Indonesian people, improving public welfare, education for all, and participating in world order. The sophisticated of information technology has been increasing widely and involving massively. It affected global economy including Indonesian. In spite of its benefits, the modern of information technology has also a harmful effects including its effects on preserved fauna which protected by government. Interet as a sophisticated of information technology has become an effective instrument in preserved fauna trading. Based on this phenomenon, this research studied about how statute No.5/1990 regarding conservation of biological resources and Its Ecosystem regulates preserved fauna trading and what judicial action can be undertaken by the authority against trader in preserved fauna trading through internet based on Statute No. 11/2008 regarding Electronic Transaction and Information and statute No.5/1990*

This research applied with normative yuridical method and descriptive analysis. Collected data was analyzed using yuridical qualititative which one regulation must not conflict against anothers and it should notice on regulation hierarchy and law enforcement.

Based on research result, it was concluded that internet has been a dominat factor in influencing preserved fauna trading. Internet has provided on easy communication by breaking distance for traders to conduct trade. Statute No.11/2008 regarding Electronic Transaction and Information in article 17 mentioned that Electronic Transaction can be carried out in public or sector area. Furthermore, Statute No.5/1990 regarding conservation of biological resources and Its Ecosystem, it was explained that yuridical action can be enforced against preserved fauna traders who utilizing internet through 3 method : technological, social method and law enforcement. Law enforcement or repressive action which enforced by police offcer or investigator based on article 40 (2) mentioned that everyone who intently violating regulation as metined article 21 (1) and (2) and article 33 (3) will be criminalized by 5 years imprisoned maximum and by financial fine upto Rp. 100.000.000,00 (a hundred million rupiahs).