

CHAPTER V

CONCLUSION

A. Conclusion

Based on the results of the study of the case study and discussion of the Denpasar District Court Decision Number: 809/Pid.Sus/2024/PN Dps, the following conclusions can be drawn:

1. The criminal case of keeping *Hystrix Javanica* as a protected animal was acquitted by the Panel of Judges in Decision Number 809/Pid.Sus/2024/PN Dps because one of the elements of the article was not fulfilled or not proven. This is because the actions carried out by the defendant I Nyoman Sukena were not unlawful. The actions of the defendant I Nyoman Sukena were not intentional (*opzet*), but only unintentional (*culpa*). Another reason for this case being acquitted is that the *Hystrix Javanica* is one of the animals protected by the government and has been secured by the Natural Resources Conservation Centre (BKSDA) when it became evidence.
2. The judge's legal considerations in issuing an acquittal in Decision Number 809/Pid.Sus/2024/PN Dps used considerations in the legal aspect, considerations in the philosophical aspect, and considerations in the sociological aspect. The legal basis for the judge's considerations was based on the failure to fulfill one of the elements of the article charged by the Public Prosecutor. Philosophically, the Panel of Judges is of the opinion

that in assessing the defendant's actions, they do not merely prioritize the legal certainty approach, but also look at the sense of justice and benefit that lives in society. Then, sociologically, the Panel of Judges is of the opinion that by looking at the consequences of the defendant's actions, it did not have a bad effect because the animals was well cared for until it reproduced and when the crime was revealed, the animals was immediately secured by the authorized agency.

B. Recommendation

Based on the existing problems and related to the conclusions that the author has put forward, the suggestions that the author can provide are as follows:

1. Law enforcement officers function to enforce the law or justice through their duties and authorities. In relation to the case in the Denpasar District Court Decision Number 809 / Pid.Sus / 2024 / PN Dps, law enforcement officers, especially the Public Prosecutor in indicting someone suspected of committing a crime, must be carried out with great care and attention. This is done so that the law does not misdirect and does not deprive the freedom rights of innocent individuals. The Public Prosecutor should, in preparing the indictment, ensure that the suspect's actions have met the elements of the article being charged. Then, by looking at the flashback of this case, the government or the authorized agency in protecting protected animals, namely the Bali Natural Resources Conservation Center (BKSDA), should make preventive efforts to the surrounding community.

2. The court is expected to be able to increase transparency in providing legal considerations for judges. This can be done by explaining in detail the considerations in the legal aspect, considerations in the philosophical aspect, and considerations in the sociological aspect. Especially considerations related to the philosophical aspect and the sociological aspect so that in the future the principles used in the decision can be mentioned in detail.

