The Legal Framework for the Protection of Turtles as Protected Animals from Culinary Business Production

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ABSTRACT
Turtles are protected animals, regulated both in international agreements and by Government Regulation of the Republic of Indonesia Number 7 of 1999 on the Preservation of Plant and Animal Species. Six of seven species of turtles that still exist are in Indonesia. Protection of these animals has to deal with conditions in which their meat and eggs are still used as culinary products. Consumption of turtles is still a culture of society. The high demand for dishes made from turtles causes them to be traded illegally. In this study, the legal framework for the protection of turtles as endangered species and turtle ecotourism policies based on local wisdom will be studied. This research is empirical legal research that examines the application of the legal framework to protect turtles as protected endangered species. This research also examines the legal culture of the people who actually use turtles as a culinary business product. The data used consists of primary and secondary data. Primary data comes from interviews with criminal law experts, while secondary data consists of primary and secondary legal materials. The legal materials are collected through literature study. The legal framework for protecting turtles as endangered species is carried out by bringing this issue into international forums. A number of international agreements have been reached by countries to protect endangered animals. The Union for Conservation of Nature and Natural Resources (IUCN) even issued a Red List and put turtles on the list. The Indonesian government ratifies international legal instruments and develops policies at the national level to protect sea turtles. In addition, the government also raises public awareness not to consume turtles with a local wisdom approach.

Keywords: Protection; Animals; Turtle; Culinary;

INTRODUCTION
Biodiversity in Indonesia is one of the country's proudest assets. The existence of this biodiversity is one of the attractions and identities of a country. Indonesia is a country that is rich in culture, natural charm and, of course, biodiversity, consisting of flora and fauna, which can be seen from the various types of plants and animals existing throughout Indonesia, becoming a characteristic and icon of a region. Therefore, Indonesia deserves to be called the "emerald
country of the equator." Besides, the clusters of islands and forests in Indonesia are very supportive of the preservation of its ecosystem. This can also support the improvement of the country's economy, especially in the tourism sector, by making foreign tourists enthusiastic and willing to come all the way to see and enjoy the natural beauty of Indonesia. (Herliyanto, 2019).

Turtles are animals that have been found since ancient times. Turtles are dinosaurs that are still alive today. They have existed since 150 million years ago, even before the time of the dinosaurs. At that time, Archelon measured 6 meters long, and Cimochelys had been swimming in the ancient sea like today's turtles. The difference is that the bones in the back have not been so widened and have not all fused together to form a perfect shell. Turtles have a pair of forelegs in the form of paddle legs, giving them the dexterity to swim in the water. They generally migrate long distances for not too long periods of time. A distance of 3000 kilometers can be covered in 58-73 days. (Juliono & Ridhwan, 2017). The animals belonging to this marine reptile group lived hundreds of millions of years ago, of which six of the seven species of turtles that exist in the world today are in Indonesia. (Marlian et al., 2021)

The six species of turtles that still exist in Indonesia have the status of protected animals. Referring to the Attachment to Government Regulation of the Republic of Indonesia Number 7 of 1999 on the Preservation of Plant and Animal Species, on January 27, 1999, the protected turtles included Caretta caretta (loggerhead turtle), Chelonia mydas (green turtle), Dermochelys coriacea (leather turtle), Eretmochelys imbricate (hawksbill turtle), Lepidochelys olivacea (riddle turtle), and Natator depressa (flat turtle). The legal status of the turtle as a protected animal cannot be separated from the biological condition of the turtle itself. Turtles grow very slowly and take decades to reach reproductive age. Adult turtles will live for many years in one place before migrating to mate by traveling long distances of up to 3000 km from the feeding area to the nesting beach. When they are around 20–50 years old, male and female turtles will migrate to their nesting areas around their birth areas. (Hamino et al., 2021).

Adult turtle mating occurs off the coast a month or two before the first spawn of the season. Turtles mate with the male turtle perched on the back of the female turtle. Not much regeneration is produced by a turtle. From the hundreds of eggs released by a female turtle, only 1–3% at most reach adulthood. At the time of mating, the male turtle's tail-shaped genitals will extend backwards while swimming to follow where the female turtle swims. The male turtle then climbs onto the female turtle's back to mate. During mating, the male turtle uses his forelegs to clamp the female turtle's body so it does not come off easily. The two turtles that are mating appear and sink on the surface of the water for quite a long time. It can last more than 6 hours. Each type of turtle copulates in the sub-tidal area in the late afternoon or at sunrise. After 2-3 times of copulation, a few weeks later the female turtle will look for a suitable nesting area along the desired coast. (Hamino et al., 2021).
Turtles have experienced a decline in population numbers in recent times and even some species are threatened with extinction. In nature, newly hatched turtles face death threats from animals such as crabs, lizards, and birds. The greatest threat to sea turtles in Indonesia, as well as worldwide, is humans. Although turtles in Indonesia have been protected by law, their existence is still threatened by egg harvesting, hunting, and being entangled in fishing nets. (Irwandi & Winarti, 2018). In an effort to complete the List of Food Ingredients (DKBM), especially processed food ingredients and regional specialties, Slamet, DS, & Komari, K. in their research on the Nutrient Levels of Processed Foods/Local Typical Snacks from Several Regions in Indonesia included turtle lawar, satay, and serapah as Balinese foods. The nutrients analysed included total nitrogen, fat, ash, fiber, calcium, phosphorus, iron, carotene, vitamin A, vitamin B1, and vitamin C. (Oka et al., 2021). This proves that turtles are still consumed and used in the production of culinary businesses.

Bali was once a trading center and an island where turtles were slaughtered in Indonesia. At the 1987 International Union for Conservation of Nature (IUCN) in Ottawa, Canada, it was reported that an estimated 30,000 turtles were caught from all turtle nesting beaches in Indonesia. Since then, this world animal lover organization has criticized Indonesia as a country that slaughters turtles on a large scale. In 1990, Green Peace sent a declaration to the Governor of Bali stating that Balinese tourism would have been boycotted if the government had not made an effort to stop the exploitation of sea turtles. When Rahmat Witoelar, the Minister of the Environment of the Republic of Indonesia, opened a seminar organized by the Regional Government Network on April 25, 2005 at the Grand Bali Beach Hotel, Sanur, he highlighted the negative point that Bali was still the center of the world's turtle executioners. (Slamet & Komari, 2012).

Police in Bali conducted a raid on the Kayu Manis Warung, which sells turtles in the culinary business it manages. The investigation began with reports from the public stating that the shop was selling green turtle satay and lawar. From those reports, the police team then conducted an investigation at the Kayu Manis Jimbaran Warung located in South Kuta, Badung Regency. There was information that there were frequent buying and selling transactions of green turtle meat in large quantities in this place. When conducting a raid on the Kayu Manis Warung, the team checked and found that the shop was selling lawar and satay using green turtle meat. In addition, it was also found to have some chopped green turtle meat. (Widyaswara, 2020).

A total of seven protected green turtles caught by the Bali Police were released back to their habitat on Kuta Beach. This turtle smuggling is carried out due to the high activity of turtle smuggling in Bali. The high rate of smuggling is also due to high consumer demand. Turtle meat is widely purchased by lawar and satay traders; therefore, it becomes one of the most wanted animals. The modus operandi of the turtle trade in Bali continues to change due to its relatively high economic value and the access of turtles to enter Bali is quite large. (Jaya, 2017). Based on
data from the Coastal and Marine Resources Management Agency Denpasar, there are several places that are used as illegal turtle trade routes in Bali. First, it is the North Bali route in Bon Dalem, Buleleng, and Karangasem. Second, it is in South Bali, namely in Serangan. Third, it is in West Bali, through Gilimanuk Harbor, where the meat has been cut into pieces. Based on data from the Bali Natural Resources Conservation Center, the illegal turtle trade in Bali originates from Madura. The turtles are brought to Bali by fishing boats and disembarked in Karangasem, Jembrana, and Buleleng. After arriving in Bali, the turtles are brought to the Badung and Denpasar areas by land using trucks. The current trend in Bali is that the meat has been cut into pieces. (Widyaswara, 2019).

The phenomenon in which turtles are used as ingredients for culinary production occurs in several places in Indonesia. People in the Aru Islands Regency enjoy and still often consume turtle meat and eggs as daily food. Although not all people consume it, it has become a bad habit for the community. The large market demand and high market prices for turtles have made people not pay attention to the impacts and existing regulations. Abundant profits due to the high market prices play a role in causing high turtle smuggling activities. Abundant profits will not be able to maintain the market and increase the trading numbers if there is no demand from the market itself. In fact, the increase in the number of trades and profits are caused by the increasing demand in the market. In the Aru Islands Regency, especially Dobo (the capital of the Aru Islands Regency), the price of turtles sold from smuggling proceeds at market demand is Rp. 500,000 (five hundred thousand rupiah) per head, which is then marketed back to the public at a price of Rp. 10,000 (ten thousand rupiah) per bag. (Ubwarin, 2019).

In connection with research on the Legal Framework for the Protection of Turtles as Animals Protected from Culinary Business Production, there are several results of previous studies that also examine the existence of turtles from various perspectives. L.M. Sonos et al. examine the condition of the decline in the turtle population in the Caribbean due to over-exploitation, disease, and climate change as well as the community's perspective on turtles and their protection. This research is recommended to the government for future policy making. Sonos et al., 2022) conducted research on the substance of Enggano customary law norms in protecting turtles and harmonized turtle protection norms contained in national legal norms into “Village Regulations,” or Traditional Village Regulations. (Yamani et al., 2021). Jarina Mohd Jani, et al. examine the contradictory phenomenon where the turtle trade is carried out legally in conservation areas in which the turtles are threatened with extinction. This research was conducted using the “Sustainable Livelihoods Approach.” The study finds the conditions of institutional absence, financial constraints, and unclear legal protection status in turtle habitat areas. (Mohd Jani et al., 2020). Problems regarding the protection of turtles in various countries are actually not too much different. The law is a very important instrument in protecting turtles from the threat of extinction.
On the one hand, turtles are endangered species that must be protected. However, on the other hand, there are facts in which the business actors still provide turtle meat and eggs as culinary production. This condition will certainly threaten the survival of turtles and, of course, open up illegal trade routes that are getting bigger. This study examines the legal framework for protecting turtles as endangered species, which will examine the existence of international and national legal instruments as well as turtle ecotourism policies based on local wisdom.

METHOD

This research is empirical legal research that examines the application of legal principles in the protection of turtles from the habits of the community that makes turtles as a culinary business production. The data consists of primary data, namely the results of interviews with criminal law experts, and secondary data, consisting of primary and secondary legal materials. Primary legal materials consist of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on the Conservation of Migratory Species of Wild Animals, the Convention on Biological Diversity, and the International Union for Conservation of Nature and Natural Resources, Law No. 5 of 1990 on the Conservation of Biological Natural Resources and Their Ecosystems, Government Regulation of the Republic of Indonesia Number 7 of 1999 on the Preservation of Plant and Animal Species, Regulation of the Minister of Tourism and Creative Economy of the Republic of Indonesia Number 11 of 2014 concerning Restaurant Business Standards and other policy regulations. Primary legal materials are supported by secondary legal materials, dominated by the use of journals as references, in addition to books and electronic articles on the official website. The approaches used are the statute approach, namely by examining primary legal materials, and the legal concept approach, namely by using legal concepts as outlined in legal regulations and doctrines. The technique of collecting legal materials used is called literature study. The analysis is carried out qualitatively. The results of the analysis are presented in an analytically descriptive way.

ANALYSIS AND DISCUSSION

A. The Legal Framework in Protecting Turtles as Endangered Species

Crimes against animals or wildlife cause material and immaterial losses, which are still common today. The decrease in wildlife has a negative impact on the balance of the ecosystem. This is inseparable from the role of humans who want to fulfil personal desires and for the benefit of certain parties. Various cases have been found in various places in the world. Penalties have also been given to those who, with any purpose, try to commit this crime. (Christine et al., 2018). This wildlife crime has caused multi-dimensional damage, including ecosystem damage, endemic species extinction, disease threats, and economic consequences. The first is the damage to the ecosystem. In the case of wildlife crime, the perpetrators have threatened ecosystem damage in
forest or marine areas. The second is the extinction of endemic species. The crime of wild flora and fauna being protected in the long term will result in the extinction of endemic species and Indonesian animals. Third, there will be the threat of disease. Illegal wildlife trade in animal markets in big cities has the potential to spread wildlife diseases to other animals and even has the potential to transmit diseases to humans. Fourth, the emergence of economic losses (Hanif, 2015). The crime of wild animal hunting has further reduced the number of animals included in the list of protected animals.

In responding to the protection of protected animals, policy makers create a legal protection framework to overcome these problems. Legal protection can be divided into two types, namely preventive and repressive legal protection. Preventive legal protection is protection provided by the government with the aim of preventing violations before they occur. This is contained in laws and regulations with the aim of preventing a violation and providing signs or limitations in carrying out an obligation. Repressive legal protection is the final protection in the form of penalties such as fines, imprisonment, and additional penalties given if a dispute has occurred or a violation has been committed. (Permatasari, 2021). Legal protection for these endangered species is not only the government's concern but also the world's attention. According to a criminal law expert, Dewi Bunga, on February 14, 2022, "Endangered animals need to be protected to maintain the balance of the ecosystem." Every living thing has an important role in ecosystems and food chains. The law has a role in maintaining the balance.

The use of turtles as culinary products has been carried out by the illegal trade. Even though the countries in the world have agreed on a free trade scheme, it does not mean that the object of trade is carried out without boundaries. GATT Article XX establishes general exceptions to trade rules and has had an important role in accommodating environmental concerns in the multilateral trading system. This exception is intended to limit the import and export of environmental trade, including endangered species. These exceptions also exist to ensure a balance between the rights of members to take regulatory measures, including trade restrictions, to achieve legitimate policy goals (such as conservation of natural resources) and the rights of other WTO members under basic trade rules. (Ruslin, 2014). Free trade rules limit the sale of endangered protected animals according to lists issued in the relevant international agreements.

Countries in the world have agreed to several international agreements, including the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on the Conservation of Migratory Species of Wild Animals, the Convention on Biological Diversity, and the International Union for Conservation of Nature and Natural Resources. CITES is an international agreement drawn up based on the resolution of the session of the members of the International Union for Conservation of Nature (IUCN) in 1963. The convention aims to protect wild plants and animals against the international trade in wild plant and animal specimens, which causes threats to the preservation of these species. The Convention on
the Conservation of Migratory Species of Wild Animals is also known as the Convention on Migratory Species (CMS) or the Bonn Convention. The agreement was signed under the auspices of the United Nations Environment Program and deals with the conservation of wildlife and habitats on a global scale, with the aim of conserving migratory species across their ranges. The Convention on Biological Diversity, abbreviated as CBD, is a multilateral agreement that has three main objectives: conservation of biological diversity; sustainable use of its components; and fair and equitable sharing of benefits arising from the use of genetic resources. The International Union for the Conservation of Nature and Natural Resources (abbreviated IUCN, sometimes referred to as the World Conservation Union) is an international organization dedicated to the conservation of natural resources. IUCN's goal is to assist communities around the world with nature conservation.

CITES (President Regulation 43/1978 Ratifies on Convention on International Trade in Endangered Species (CITES) of Wild Flora and Fauna, 1978) is the main international agreement used by Indonesia to carry out its international obligations to protect sea turtles from extinction. According to CITES, the parties are obliged to provide annual reports on all trade in flora and fauna species listed in the Annex to the Convention and to provide biennial reports on legislative, regulatory, and administrative measures taken. Trade in species is regulated through the issuance of export licenses whose trade originates in the country registering the species or through the issuance of certificates of origin. Each party shall maintain a record of trade in species, including names and addresses of exporters and importers; the types of permits and certificates granted; and the country in which the trade took place. (Bergesen et al., 2018). This permit aims to identify the number, distribution, and use of endangered animals as well as to distinguish whether animal transfer activities are carried out legally or illegally. Through the licensing mechanism, the government can control and supervise activities in certain matters, the provisions of which contain guidelines that must be carried out by both interested parties and authorized officials.

CITES classifies wild animal and plant species into one of its three appendices based on the level of threat posed by these species and their impact on international trade. CITES does not completely prohibit international trade related to wildlife because a decision to engage in trade permitted by the convention is returned to the scope of the sovereignty of each country, but the subject of CITES allows international trade in certain specimens subject to certain controls depending on the classification into the annex. (Ayu, 2021). International trade by itself involves a minimum of two countries crossing national borders. This shows the importance of legal instruments that provide legitimacy for countries to cooperate in protecting turtles as protected animals.

Law enforcement against illegal turtle trade across national borders needs to be done. CITES also discusses the urgency of strengthening cross-border cooperation in animal trade law
enforcement, namely because of the high biodiversity potential in Indonesia; the threat of wildlife trade that is rife in Indonesia; law enforcement on animal trade that is not yet optimal; and problems with regional and international cooperation. international community in combating the illegal wildlife trade. Secondly, there are efforts that can be made to strengthen cross-country cooperation in law enforcement of animal trade, namely by improving the provisions of CITES, improving the governance of CITES authorities in Indonesia, and strengthening cooperation between countries in the ASEAN region. Through these efforts, it is expected that the eradication of the wildlife trade can be carried out optimally for the sake of the sustainability of the animals so that they do not become extinct. (Zakariya, 2021).

The protection and regulation of the animal trade in CITES encourages member states to establish management and scientific authorities. The management authority has the authority to regulate the export and import schemes of animals and plants that may be traded. This institution is also tasked with recording all trades that occur. Meanwhile, the Scientific Authority has the authority to provide scientific studies and considerations on determining the quota of animals and plants that are allowed to be traded. In Indonesia, the management authority is in the Directorate General of Natural Resources and Ecosystem Conservation, Ministry of Environment and Forestry (Direktorat Jenderal Konservasi Sumber Daya Alam dan Ekosistemnya Kementerian Lingkungan Hidup dan Kehutanan). The scientific authority is held by the Indonesian Institute of Sciences (Lembaga Ilmu Pengetahuan Indonesia/LIPI). (Kamim, 2020). The government, through the competent authorities, has a series of policies and concrete actions to prevent the illegal trade in turtles in Indonesia.

In connection with the many and uncontrollable problems of buying and selling endangered animals, an organization that provides protection for animals called the International Union for Conservation of Nature and Natural Resources (IUCN) does not remain silent. The IUCN Red List is a list that discusses the conservation status of various types of living things, such as animals, issued by the IUCN. This list was first issued in 1948 and is the most influential guide to the status of biodiversity. The aim of the IUCN is to warn the public and policymakers of the importance of conservation issues to improve the rarity status of a species. (Aristides et al., 2016). Sea turtles are one of the endangered animals according to the IUCN. This condition requires the role of the state in making policies at the national level.

In order to comprehensively enforce the rules to protect endangered species in Indonesia, the government issued Law No. 5 of 1990 on the Conservation of Biological Natural Resources and Their Ecosystems. A national and comprehensive law on the conservation of living natural resources and their ecosystems is indispensable as a legal basis to regulate the protection of life support systems, the preservation of the diversity of plant and animal species and their ecosystems, and the sustainable use of living natural resources and their ecosystems in order to ensure their utilization for the welfare of society and improve the quality of human life. This
The Legal Framework for the Protection of Turtles

Provision imposes criminal sanctions that can be imposed on anyone who uses turtles as a culinary business product. The use of turtle meat as a food product will lead to a high illegal trade in turtles. This will cause extinction. Criminal Law No. 5 of 1990 regulates criminal sanctions for perpetrators.

Article 21 paragraph (1) of Law No. 5 of 1990 prohibits anyone from taking, cutting, possessing, damaging, destroying, maintaining, transporting, and trading protected plants or their parts, alive or dead, as well as removing protected plants or parts thereof, alive or dead, from one place in Indonesia to another place inside or outside Indonesia. Article 21 paragraph (2) of Law no. 5 of 1990 formulates a criminal act for anyone who catches, injures, kills, keeps, owns, maintains, transports, and trades protected animals alive; storing, possessing, maintaining, transporting, and trading protected animals in a dead state; releasing protected animals from one place in Indonesia to another place inside or outside Indonesia; trade, keep or own the skin, body or other parts of protected animals or goods made from parts of these animals or release them from one place in Indonesia to another inside or outside Indonesia; take, damage, destroy, trade, keep or possess eggs and/or nests of protected animals. According to a criminal law expert, Dewi Bunga, on February 14, 2022, the regulation of criminal threats is carried out in accordance with the function of criminal law, namely in general to regulate social life or organize governance in society and specifically to protect legal interests against harmful actions with sanctions in the form of criminal sanctions.

The implementing provision of Law No. 5 of 1990 is the Government Regulation of the Republic of Indonesia Number 7 of 1999 on the Preservation of Plant and Animal Species. Article 5 of Government Regulation Number 7 of 1999 provides criteria for protected animals, namely that a type of plant or animal must be designated as a protected group if it meets the criteria, namely having a small population and a sharp decline in the number of individuals in nature. In addition, the distribution area is also limited (endemic). Before government regulations were enacted, people used turtles for consumption, souvenirs, trade, medicine, and religious activities. In fact, it is known that one of the causes of the decline in the turtle population is unsustainable use, especially for consumption. This has caused strong criticism from various world conservation organizations, such as Greenpeace, who launched an intensive campaign to stop the turtle trade, especially its use for religious activities (Firliansyah et al., 2017).

Article 27 of Government Regulation of the Republic of Indonesia Number 7 of 1999 on the Preservation of Plant and Animal Species mandates that in the context of preserving plants and animals, it be carried out through supervision and control. Supervision and control are carried out by authorized law enforcement officers in accordance with applicable laws and regulations. The supervision and control referred to in paragraph (2) is carried out through preventive and repressive measures. Preventive actions include counseling; law enforcement training for law enforcement officers; and publishing manuals on the identification of protected and unprotected...
plant and animal species. Repressive measures include law enforcement actions against allegations of legal action against the business of preserving plant and animal species.

In terms of consumer protection, consumers have the right to obtain safety in consuming food. Food products can harm consumers. The private sectors or the food industry need to pay attention and understand consumer eating habits and behavior. Moreover, they should also know what is produced and marketed to consumers. Food safety is one of the important factors that must be considered in daily consumption. The food safety situation in Indonesia is still far from safe, which can be seen from the recent food poisoning incidents. Under such conditions, consumers generally do not care or have no awareness about the food they consume; therefore, they have not demanded much from producers to produce safe food products. (Sastrawan, 2021). Security is not only in the context of the body but also against the law. Consumers must be given protection that what they consume is not against the law.

In regulating food production standards, the government issued Regulation of the Minister of Tourism and Creative Economy of the Republic of Indonesia Number 11 of 2014 concerning Restaurant Business Standards. The regulation is the government's response in line with the rapid development of the restaurant business, which is a type of business providing food and beverages, and in the context of improving product quality, service, and management as well as the competitiveness of the restaurant business, the operation of the restaurant business must meet business standards. In connection with these provisions, there must be guidance from the government regarding the types of animals that cannot be used as food ingredients.

B. Turtle Ecotourism Policy Based on Local Wisdom

Turtle protection is the protection of endangered species to ensure that turtles are protected from extinction. Theoretically, there are five principles of animal welfare that need to be considered in the consideration of making legislation on animal protection that can be used as guidelines by the community in maintaining, managing, and treating animals. The principles of animal welfare include freedom from hunger, thirst, and malnutrition; freedom from pain and discomfort; freedom from fear and distress; freedom from pain, injury, and disease; and freedom to express normal patterns of behavior. The five principles must be fulfilled in relation to the management and treatment of animals. Individuals and corporations who violate the principles and laws or regulations on animal welfare in force must be given a deterrent criminal sanction. (Ismantara et al., 2021). The use of turtles as protected animals is limited in accordance with the provisions of laws and regulations.

Utilization of protected animal species is only allowed for the purposes of research, science, and rescue of the relevant animal species. The Ministry of Home Affairs has also ordered local governments to take steps to protect turtles by issuing a Circular Letter of the Minister of Home Affairs Number 523.3/5228/SJ/2011 dated December 29, 2011 regarding Management of Turtles
and Their Habitat, which instructs Governors to further coordinate with Regents and Mayors and related agencies in their territories to protect turtles through prevention, supervision, law enforcement, and prosecution, as well as socializing related laws and regulations, as well as fostering public awareness in order to protect turtles. In addition, the Ministry of Maritime Affairs and Fisheries, in order to control the use of turtles and their derivatives, has also issued Circular No. SE 526 of 2015 concerning the Implementation of Protection of Turtles, Eggs, Body Parts, and/or Their Derivative Products, while internationally, all types of sea turtles have been included in appendix I, which means that international trade of turtles for commercial purposes is also prohibited (Convention on International Trade in Endangered Species of Wild Flora and Fauna). (Ministry of Marine and Fisheries, 2020).

The use of criminal law instruments in protecting turtles from the production of culinary businesses is basically an utium remedium which is a last effort if there is no other way or other legal fields that can reduce the illegal use of turtles. According to a criminal law expert, Dewi Bunga on February 14, 2022 This condition provides opportunities for various tourism policies and customary provisions to make arrangements for saving turtles, turtle rescue can be done by making the turtle conservation area an ecotourism area.

Protection of turtles from illegal trade can be done by building an ecotourism center that provides protection for the survival of this species. Tourism activities have the core of securing the safety of tourists, environmental sustainability and quality, or public order and peace, which are carried out based on the provisions of the applicable laws and regulations. If a tourist destination in a country cannot provide a sense of security, orderliness, and cannot provide adequate safety and services for tourists, then that country will be shunned by tourists and in the end will greatly affect the development of tourism in that country. An increase in the progress of national tourism, which is marked by an increase in the number of tourists to Indonesia, needs to be maintained by providing maximum legal protection for tourists by maintaining the security and safety of the tourists concerned from possible detrimental actions or events. (Oktaviarni, 2018)

Ecotourism is an activity in which the authorities (government), the tourism industry, tourists, and local communities work together to make it possible for tourists to travel to natural/native areas to admire, learn and enjoy nature and culture by not exploiting the resources, but providing contribution to sustainable development. Ecotourism is a form of tourism that is very closely related to the principle of conservation. Even in the strategy of developing ecotourism, it also uses a conservation strategy. Thus, ecotourism is very effective and efficient in maintaining the integrity and authenticity of ecosystems in unspoiled areas. (Sembiring, 2018) The Turtle Conservation Group in Bali signed a joint commitment to manage turtle ecotourism in Tanjung Benoa, Bali. Tanjung Benoa Turtle Island in Bali is a place for captive breeding and rehabilitation for turtles caught in the fishing nets of Tanjung Benoa fishermen. The Bali Regional Government through the land of Perhutani Bali then managed a small island in Tanjung Benoa. The goal, of course, is
to protect the green turtle, which is decreasing in population and is one of the rare marine animals to be protected.

The Turtle Conservation and Education Center (TCEC) is located on Serangan Island, Bali, and has been open since 2006. TCEC was built as part of a comprehensive strategy to eliminate the illegal turtle trade on Serangan Island, Bali. TCEC also supports the community to find alternative livelihood solutions outside of the turtle trade. This TCEC utilizes the potential of education, tourism, conservation, and research with a business touch to provide new opportunities for endangered turtles on Serangan Island (Subhadra, 2015). Some of the requirements for turtle nesting sites (Subadra, 2015) include the sand that must not be wet or moist, the sand used must be smooth, and it is better to use sand where the turtles lay their eggs. It must be washed and turned back frequently so that the moisture in the sand is maintained and free from the contamination of predators such as lizards and wild dogs. The turtle holding tank in the TCEC area consists of 4 reservoirs, namely a large reservoir that functions as a place for adult turtles to be placed. This large reservoir serves to educate the public and introduce the community directly to the types of turtles found in TCEC, which serves as a place for new hatchlings to hatch until they reach the age of 2 weeks. Quarantine tanks are used to put sick turtles. The release tub serves to select the hatchlings to be released so that no sick hatchlings are released. (Alfinda, 2017).

Turtle conservation in Bali is carried out because the Balinese people have a culture of consuming turtles. Culinary products made from turtles are usually mixed with jackfruit vegetables called lawar and made into satay. In an effort to strengthen the protection of turtles from extinction, the researchers embedded this protection principle with the local wisdom of the community. According to Covarrubias, the island of Bali stands on a turtle, which floats in the sea. Vishnu is tasked with protecting the gods from the threat of evil spirits that disrupt the gods’ peace. He suggested that the gods and evil spirits unite in search of tirta amerta, or the water of life, that had been lost during the flood of the world. The effort made is to use Mount Mandara to stir the sea water and Basuki’s snake as the rope. Because it was too heavy and the earth was sinking, Vishnu transformed into a big giant tortoise and supported Mount Mandara with his back. At that time, tirta amerta, or water of life, came out. This magical creature is manifested through a statue at the base of the padmasana at the main temple on the island of Bali, so the philosophy is that turtles are the support of life on the Earth. (Handri, 2020).

The regulations on turtles are written in the Adi Parwa book and the regulations (awig-awig) of Serangan Traditional Village, South Denpasar. In general, what is meant by awig-awig is a rule made by the community itself with a habit of daily life, which is still guided by the embodiment of Tri Hita Karana, adapting to the religious obligations of each traditional village. (Windia, 2013). The turtle is defined as a symbol of the balance of nature because it must be preserved with a high religious spirit. Efforts to protect turtles are described in the Awig-awig of Serangan
Traditional Village, pawos 29, which reads "penyu lan binatang laut lianan tur seluring paksi," or the turles and other sea animals and all birds. "Utsaha desa sane kesangkreb antuk desa wantah pasar desa, LPD, TCEC (Pusat Pendidikan dan Perlindungan Penyu), dermaga lan parkir, sane kaayomin oliah badan usaha milik desa", or the efforts approved by the village are the village market, LPD, TCEC, harbour, and parking area protected by village-owned enterprises. The awig-awig only contains points about the pattern of life of the Serangan Traditional Village community, without any social sanctions (Nampipulu & Hadjon, 2019).

After 1999, the government stopped the turtle trade because it was carried out continuously, which caused the turtle population to decrease. The Serangan Traditional Village community took precautions and made other alternatives, starting from community food. They made a substitute for turtle meat with tuna meat but given spices such as turtle meat, whose aroma and taste are difficult to distinguish from real turtle meat. As for accessories and jewelleries made from turtle shells that are sold to tourists, they have also undergone changes, namely using wood, plastic, ceramics, and earthenware (Nampipulu and Hadjon, 2019).

CONCLUSION

Sea turtles have been designated as vulnerable to extinction by the international community. A legal framework for saving protected animals is established in both international and national legal instruments. The provisions for turtle protection primarily refer to CITES. Indonesia has ratified this international agreement. As a result, the Indonesian government has a legal and moral obligation to develop legal rules to protect turtles, create a framework for law enforcement, promote international cooperation, and work with the private sector, turtle-loving communities, and local communities to save turtles from extinction. The government is also attempting to create a legal culture in the community so that turtles are not sold as culinary products, as well as to change the public's perception of turtles as sacred animals that cannot be consumed.

REFERENCES


