

Food Security and Regulation of Food Security in Samarinda City, Indonesia

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Abstract: Food distribution requires regulation and professional implementation, this is motivated by the decreasing area of agricultural land from year to year, the population is increasing. So it requires the availability of food in large quantities, and the distribution of food evenly. The problem is that the distribution of food in Samarinda City is not optimal. This is due; first; regulations to support the implementation of food affairs in the regions are still lacking, secondly; the availability of food between time and between regions is not evenly distributed, third; the existence of uncertain climatic conditions and frequent occurrence of unexpected disasters (floods, landslides, droughts, earthquakes) which have the potential to cause food insecurity and as a result, food stocks are not evenly distributed in all regions. There are areas that experience a deficit and some are experiencing excess production. Therefore, the problem of food security must be resolved not only with one discipline, but must be solved with multiple disciplines.

Keywords: Food, Regulation and Equity

1. Background

Food is the most important basic human need and its fulfillment is part of the human rights of every Indonesian people. Food must always be available in sufficient, safe, quality, nutritious and diverse manner at a price that is affordable by the people's purchasing power, and does not conflict with the religion, belief, and culture of the community. To achieve all that, it is necessary to organize a food system that provides protection, both for those who produce and consume food.

Food distribution requires regulation and professional implementation, this is motivated by the decreasing area of agricultural land from year to year, the population is increasing. So it requires the availability of food in large quantities, and the distribution of food is not evenly distributed. Therefore, agricultural land is decreasing because it has been converted into housing and factories.

Therefore, the State has an obligation to guarantee the fulfillment of the right to food for its citizens. The state in fulfilling the right to food for its citizens has four obligations; The first is "respect", namely the state must respect human rights by reducing state power. The second is "protect", that is, the state must implement policies that regulate the involvement of non-state parties. The third is "fulfilling" which means that the state is obliged to carry out realizations that focus on the most vulnerable groups. Fourth is "promote" which means the Government must make, implement and supervise policies that facilitate access to food production sources (Amalia, 2019).

Some argue experts say that; "Food is the most essential basic need for humans to sustain life and life. Food as a source of nutrients (carbohydrates, fats, proteins, vitamins, minerals and water) is the main basis for humans to achieve health and well-being throughout the life cycle" (ES.Karsin, 2004).

According to the philosophical aspect, food is the main basic need for humans that must be met at all times. Food is the most essential basic human need for residents of a country. Therefore, since the establishment of the Unitary State of the Republic of Indonesia, the 1945 Constitution of the Republic of Indonesia has mandated that the State must exercise food sovereignty (people's right to food) and strive to fulfill food needs for the population. This obligation includes the obligation to ensure the availability, affordability, and fulfillment of food consumption that is sufficient, safe, quality, and nutritionally balanced.

The obligation to ensure availability is to carry out a food purchase policy with the provisions of the Purchase Reference Price. The obligation of affordability, namely Equitable distribution of national stock, distribution of social assistance and other food and sales through internal and external networks, and the obligation to fulfill consumption, namely maintaining price stability at the level of farmers and consumers. Article 27 paragraph (2) of the 1945 Constitution affirms that every citizen has the right to obtain a decent life for humanity. To obtain a decent life for humanity, in the context of realizing prosperity and intelligence, it is necessary to provide goods and services in sufficient quantities, of good quality, and at affordable prices in the community. This means that Perum BULOG buys grain and rice at prices according to INPRES No. 5 of 2015

with the aim of keeping farmers' selling prices at a safe level, and Perum BULOG sells several commodities such as rice, sugar, and beef at prices set by the government.

The inclusion of aspects of food sovereignty is a consequence that Indonesia has ratified the International Covenant on Economic, Social and Cultural Rights through Law Number 11 of 2005 concerning Ratification of the International Covenant on Economic, Social and Cultural Rights (ECOSOC Rights). The basis of the argument is that so far the state has not been able to systematically recognize the right to food of its citizens. With food sovereignty, it is hoped that there will be no more basic problems regarding food, such as poor nutrition, hunger, food insecurity and so on. This new Food Law seeks to provide an obligation to the state to respect, fulfill and protect the rights to food of its citizens.

Food as a basic need has very broad direct and indirect links, including health conditions, intelligence and productivity of human resources, even peace, order and security. In real terms, Indonesia is still always reactive to any problems that arise because this nation has not been able to carry out careful planning due to looking at solving problems with mono-sectoral solutions.

In order to avoid food insecurity or food crises, proper regulation of food distribution is needed according to the goals and objectives of national food security. The definition of regulation in legal science means legislation in written form, because it is a written decision, then statutory regulations as legal rules are commonly referred to as written law (Simon, 1995).

The problem is that the distribution of food in Samarinda City is not optimal. This is due; first; regulations to support the implementation of food affairs in the regions are still lacking, secondly; the loss of interest of farmers to continue their farming business which resulted in the loss of Human Resources in the agricultural sector, which made the land converted into housing and other infrastructure not related to agriculture.

2. Method

The type of research used in this study, using the type of normative legal research. A normative legal approach, namely research that is focused on examining the application or rules or norms in positive law (Jonaedi, 2016). Normative legal research is a process to find a rule of law, legal principles, and legal doctrines in order to answer the legal issues faced (Peter, 2010). In this study, law is often conceptualized as what is written in legislation or laws that are conceptualized as rules or norms that are standards for community behavior towards what is considered appropriate. All sources come from written materials related to research problems.

3. Discussion

3.1 Regulation and Distribution of Food Security in Indonesia

Regulation is an abstract concept of managing a complex system according to a set of rules and requirements. In systems theory, this type of rule exists in various fields of biology and society, but the term has slightly different meanings according to the context (Sudikno, 2014). Indonesia as a legal state that follows the continental legal tradition, makes legislation as one of the main joints in its national legal system, therefore, national development is always accompanied by the development of a sustainable and integrated legal system, this is in accordance with the need for structural developments. law with a legal culture (Harahap, 2004).

The definition of regulation in legal science means legislation in written form. Because it is a written decision, statutory regulations as legal rules are commonly referred to as written law. Legislation established by officials or office environment (body or organ) that has the authority to make regulations that are generally binding (aglemeen). General binding only shows that statutory events do not apply to certain concrete events or individuals.

Maria Farida Indrati Soeprato stated that the term legislation (legislation, wetgeving or gesetzgebung) has 2 (two) different meanings, namely, first; legislation is the process of forming/forming state regulations, both at the central and regional levels, secondly; Laws are all state regulations, which are the result of the formation of regulations, both at the central level and at the regional level (Maria, 2007). According to Bagir Manan, statutory regulations are any written decisions made, determined and issued by State Institutions and/or Officials who have (execute) legislative functions in accordance with applicable procedures (Bagir, 1987).

Tahun 2021, Pemerintah membentuk Badan Pangan Nasional (BPN) sebagai amanat dari Undang-Undang Pangan yang tertuang dalam Peraturan Presiden No. 66 tahun 2021 tentang Badan Pangan Nasional. BPN ini akan mengambil alih hampir semua tupoksi Badan Ketahanan Pangan (BKP) di Kementerian Pertanian. Peran dan fungsi perdagangan dalam negeri terkait pangan di Kementerian Perdagangan dan sebagai peran dan fungsi bulog mengenai ketersediaan dan stok pangan. Adanya BPN ini belum memberikan perubahan urusan ketahanan pangan di daerah. Namun demikian dimungkinkan akan adanya penyesuaian seiring dengan beroperasinya BPN ini.

Setiap tahun Kementerian Pertanian melakukan pengukuran Indeks Ketahanan Pangan (IKP). IKP adalah ukuran dari beberapa indikator yang digunakan untuk menghasilkan skor komposit kondisi ketahanan pangan di suatu wilayah. Nilai IKP dapat menunjukkan capaian ketahanan pangan dan gizi wilayah (kabupaten/kota/provinsi) dan peringkat relatif antara satu wilayah dibandingkan dengan wilayah lainnya. Dengan demikian IKP dapat menjadi salah satu alat untuk menentukan prioritas daerah menerima intervensi program penguatan ketahanan pangan.

The Central Government and Regional Governments give authority and assign tasks to the public company Bulog in the form of price stabilization and supply of various integrated main food commodities from upstream to downstream throughout Indonesia. This authority and assignment is regulated based on Presidential Regulation of the Republic of Indonesia Number 48 of 2016 concerning Assignments to Public Company (Perum) BULOG in the Context of National Food Security. Perum BULOG is tasked with maintaining food availability and stabilizing food prices at the consumer and producer levels for staple foods of rice, sugar, corn and soybeans.

The form of assignment activities starts from purchasing commodities at the producer level to their distribution through various activities, such as rice for the Prosperous People (Rastra), Market Operations (OP), to the Food Stabilization Movement (GSP) or in other words Perum BULOG gets the assignment of Public Services (PP) or Public Service Obligation (PSO) from the Government in the form of price stabilization and supply of various integrated main food commodities from upstream to downstream throughout Indonesia.

The entire assignment principally supports the three pillars of Food Security, namely: the availability pillar, the affordability pillar, and the stability pillar. One of the main tasks of Perum BULOG includes distributing rice to the poor called Rice for the Prosperous People (Rastra). Availability Pillar, implements purchasing policies with terms of purchase reference prices. The pillars of affordability, equitable distribution of national stock, distribution of social assistance for Rastra and other foods, OP and sales through internal and external. While the pillar of stability, namely maintaining price stability at the level of farmers and consumers. The Government and Regional Governments authorize Perum BULOG as a public service, namely distributing food.

Food distribution is regulated in a Government Regulation of the Republic of Indonesia. No. 68 of 2002 on Article 47 paragraph (1) food distribution is carried out to meet the equitable distribution of food availability throughout the territory of the Unitary State of the Republic of Indonesia in a sustainable manner. Paragraph (2) food distribution as referred to in paragraph (1) is carried out so that individuals can obtain food in sufficient, safe, quality, diverse, nutritious and affordable quantities. Paragraph (3) The Government and Regional Governments are responsible for the distribution of Food in accordance with their respective authorities.

The purpose of the regulation of food distribution according to the Government Regulation of the Republic of Indonesia. No. 68 of 2002, in Article 48 Paragraph (1) in the context of equitable distribution of food availability, food distribution is carried out throughout the region to the household level; Paragraph (2) To realize the distribution of food as referred to in paragraph (1), firstly; developing a food distribution system that reaches all regions efficiently, secondly; manage a food distribution system that can maintain food safety, quality and nutrition. Third; ensure the safety of food distribution;

Paragraph (3) Further provisions regarding food distribution as referred to in paragraph (2) shall be stipulated by the Minister who is responsible for agriculture, marine and fishery, forestry, transportation, industry and trade, and cooperatives, in accordance with their respective duties and authorities (Sulhani, 2012).

3.2 Food Problem Analysis and Food Regulation in Samarinda City

The problem of food security in Samarinda City is the lack of Human Resources, especially from the Farmers, who are expected to be productive and take advantage of technological sophistication in farming, decreasing from year to year. The reduction in productive farmers hampers the implementation of food security. Rice farmers are one of the sources that are urgently needed at this time considering the need for rice for the people of Samarinda is a basic need that requires large and tiered quantities.

Another inhibiting factor is the lack of land that can be used for agricultural land. Some of the land that was previously used as agricultural land is now converted into plantation land, livestock and housing, all of which are used for personal interests. This is what causes the Samarinda City Government to import rice, both domestically and abroad. In this case, the Samarinda City Government failed in terms of regulating the distribution of land use for agriculture (Resnu, 2021).

Regional regulations specifically that legitimize all local government policies related to food regulation. There is a legal vacuum that makes there is no legal domain for the Samarinda City Government to act in this case, there is no future vision and mission, to carry out targeted legal actions that result in many interests, other interests which are finally put forward, such as the transfer of land use for housing, livestock to plantation. The Samarinda City Government needs a definite and guaranteed legal standing in order to provide solutions to the

provision of agricultural land which is also supported by the empowerment of human resources, especially farmers.

The purpose of food in the Government Regulation on food security is to guarantee availability, equitable distribution throughout the territory of the Unitary State of the Republic of Indonesia, down to the household level. The development of an efficient long distribution system, maintaining the safety and quality of nutrition and ensuring the security of food distribution is an attribution given by the Central Government to Regional Governments.

Of the stakeholders who are responsible for food distribution, not only the Minister of Agriculture, but the Minister of Maritime Affairs, the Minister of Fisheries, the Minister of Forestry, the Minister of Transportation and Industry, as well as the Minister of Trade and the Minister of Cooperatives. Supposedly with so many stakeholders involved, the role of land availability and farmer empowerment can be prioritized for sustainable food distribution.

Food security regulation arrangements must be made immediately, in order to ensure the continuity of food in Samarinda City which is obtained from its own territory. According to the theory of legislation regarding the level of norms, the Constitution of the Republic of Indonesia, has mandated this, supported by the Law on Food Security and Government Regulation on Food Security, which does not yet exist as an implementing rule is the Samarinda Regional Regulation on Food Security.

The hope of the Regional Regulation on Food Security is to give priority to a larger amount of land designated for agriculture, especially for rice, which is a basic need and the majority of the people of Samarinda City. Furthermore, the empowerment of farmers must be increased in order to ensure their survival and so that they do not switch to other jobs. The last is socialization to the younger generation to be more active in promoting that the problem of food security is a serious problem and we must be the solution to this problem.

4. Conclusion

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The expectation from the Regional Regulation on Food Security that the Samarinda City Government must immediately make is to give priority to a larger amount of land destined for agriculture, especially for rice, which is a basic need and the majority of the people of Samarinda City. Furthermore, the empowerment of farmers must be increased in order to ensure their survival and so that they do not switch to other jobs. The last is socialization to the younger generation to be more active in promoting that the problem of food security is a serious problem and we must be the solution to this problem.

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