



The Law No. 18/2012 Governing Food Security in Indonesia

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Introduction

Food is a primary basic human need and its fulfillment is part of human rights for every Indonesian. Food should always be available in sufficient, safe, excellent, nutritious, and diverse way at affordable price in accordance to the purchasing power of the people, and not in conflict with religion, belief and culture. To obtain those requirements, there is a need to organize food system providing the protection for both producer and consumer. Consequently, it is necessary to establish the special law on food (Food Law) in Indonesia.

In November 2012, the Government of the Republic of Indonesia released the Law No. 18/2012 on food. The law is an amendment of the previous law (No. 7/2006) which is no longer in line with the external and internal dynamic development issues related to this subject.

The substance of the Food Law

The Food Law No. 18/2012 consists of three basic considerations. *Firstly*, food is the most essential human need and its fulfillment is part of human rights guaranteed in the 1945 Constitution of the Republic of Indonesia as a basic component in creating quality human resources. *Secondly*, the state has an obligation to achieve availability, affordability and fulfillment of food consumption which are sufficient, safe, excellent, and nutritionally balanced both on the national and local levels to individuals equally in the entire territory of the Republic of Indonesia at all time utilizing local resources, institution, and culture. *Thirdly*, as the state with large population and on the other hand has various natural resources and food sources, Indonesia can fulfill her demand for food in a sovereign and independent manner.

The provisions in the Food Law

The general provisions of the Food Law No. 18/2012 include the specific terminologies related to food system. Food system is organized to fulfill basic human necessity providing benefit in a just, equitable, and sustainable manner based on food sovereignty, independence, and security. The fulfillment of food consumption must prioritize domestic production by optimally utilizing local resources and wisdom. To achieve this goal, three aspects should be considered, namely: (1) food availability based on optimal utilization of local resources; (2)

food affordability from physical and economical aspects of the society; and (3) utilization or consumption of food and nutrition for a healthy, active, and productive life.

The principles in the Food Law

Food system is basically organized based on the principles of sovereignty, independence¹, security, safety, benefit, equality, sustainability, and equity. To some extent, the principles of food sovereignty, food self-sufficiency, food security, and food safety are quite essential among other principles.

Food sovereignty

Food sovereignty is the right of the state and nation that independently establish food policy to ensure the right on food for the people and grant the right for the society. It is aimed to establish food system, which is appropriate for the local potential resources.

The word “sovereignty” can be described as a philosophical foundation providing the messages that as an independent and sovereign state, Indonesia has the freedom or authority to determine the strategies, policies, and programs as well as the food system in accordance with its potential resources. It cannot be regulated, dictated, or interfered by other countries. Nevertheless, the “sovereignty” is no longer fully exercised in determining “policy instruments” but it can be adjusted or be consistent with international rules/regionally agreed upon and ratified in the Law of the Republic of Indonesia.

Food independence, food self-sufficiency, and food resilience

Food independence is semantically related to food self-sufficiency and food resilience. Those can be defined as the ability of the state and nation to produce various food domestically which can guarantee the fulfillment of sufficient food demand reaching the individual levels using potential natural, human, social, and economic resources, as well as local wisdom with dignity.

The word “independence” entails the ability of the state and nation to produce its own food diversity by utilizing the potential of natural resources in the country. This definition must be interpreted alertly since it may lead to the interpretation that Indonesia should produce its own food while import indicates the failure of the state, which should be restricted or prohibited.

The word “self-sufficiency” refers to a situation in which a state may meet all or most of the food needs of the population from domestic production². With regard to this, Indonesians first ever achieved self-sufficiency on rice in 1984. Yet, a few years later, the status of self-sufficiency in rice is slowly eroded by population growth and the concomitant fading domestic rice production capacity. Furthermore, up to now, Indonesia uses the term self-sufficiency “on trend” with opening up the possibility to import up to 10% of total consumption.

The word “resilience” in the food system is multi-faceted, focusing on processes starting with sustainable food production and ending with waste management, in order to facilitate a more locally-based and independent food system within the community. With regard to this, matter, in the Food Law No. 18/2012 (Article 45), food resilience refers to the

¹ This term is originally stated in the Law (Indonesian version) as “*kemandirian*” which can be literally translated into English as “independence”.

² It is interesting that the word “self-sufficiency” is not included in the Food Law No. 18/2012. It is probably the word “independence” is considered more important and includes the conditions of “self-sufficiency” which are able to reach 100 percent independence (self-sufficiency), less or more than 100 percent.

government arrangement on the regulation, promotion, control, and supervision on the sufficient food availability, both in its quantity, quality, safety, nutrition, diversified, equally distributed, and accomplished by the purchasing power of the community.

Food security

Food security is the fulfillment of food for the state up to the individual reflected by food availability in terms of sufficient (both in quantity and quality), safe, diverse, nutritious, prevalent and affordable as well as not conflicting with religion, belief and culture, to live healthy, active, and productive in a sustainable manner.

The definition of “food security” in the Food Law No. 18/2012 includes the “individual” and “appropriate religious belief” as well as “culture” of the nation. Those can be assumed as an “enrichment scope” of the definition in the Food Law No. 7/1996³. It was noted that the definition of “food security” in the Food Law No. 18/2012 is substantially in line with the definition of FAO (Food and Agriculture Organization) in which “...*food security exists when all people, at all times, have physical and economic access to sufficient safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life*”.

Food safety

Food safety is a condition and effort that is required to prevent food from the possibility of biological, chemical, and other types of pollution which can interfere, harm and endanger the human health as well as not conflicting with religion, belief and culture of the society. In other words, food is safe for consumption.

The word “safety” requires food production activity or process for consumption which has to be performed through food sanitation, regulating food additives, regulating genetically engineered food products and food irradiation, establishing food packaging standard, issuing food quality and safety guarantee, as well as “*halal* (permitted)” product guarantee.

Above all, it is argued that the content and explanation of the Indonesian Food Law is not quite clear and may still lead to interpret divergently. It should be noted that, however, the most important thing for Indonesia as a sovereign state and having a large population (250 million people) is to create a concrete steps to continue increasing national food production capacity and competitiveness. In other words, whatever food terminology exists – food independence and food self-sufficiency, as well as food resilience – the better the capacity of Indonesia to produce food efficiently and competitively, the greater the chances of this country to achieve food (independence, self-sufficiency, and resilience). Hence, the debatable definitions are expectantly immaterial.

The objectives of the Food Law

The food system is organized in order to: (1) increase production of food in an independent manner; (2) provide diverse food and fulfill safety, quality and nutrition requirements for consumption; (3) achieve food sufficiency level, especially staple food with reasonable and affordable prices according to the necessity of the people; (4) facilitate or improve food access for the people, especially people with food insecurity and malnutrition; (5) increase added value and competitiveness of food commodity in domestic and foreign market; (6) increase knowledge and awareness of the people concerning food safety, quality and

³ According to the Food Law No. 7/1996, food security is the condition in which the fulfillment of food for the households is reflected by the availability of sufficient food in terms of quantity and quality, safe, evenly distributed and reachable.

nutrition for consumption; (7) improve welfare for farmers, fishermen, fish farmers, and food businesses; and (8) protect and develop the rich resources of national food.

The scope of implementation of the Food Law

The scope of implementation of the Food Law No. 18/2012 includes: (1) food planning; (2) food availability; (3) food affordability; (4) consumption of food and nutrition; (5) food safety; (6) food label and advertisement; (7) food control; (8) food information system; (9) food research and development; (10) food institution; (11) community participation on food; and (12) food investigation.

Food planning

Food planning is implemented to develop food system towards food sovereignty, food independence, and food security. It has to be integrated into national and regional development plans.

Food availability

The government has the obligation to manage stability of staple food supply and price, manage government staple food reserve and staple food distribution to achieve sufficient staple food, which is safe and nutritious for people. The source of food supply originates from domestic food production and national food reserve; however, it can be fulfilled through food import according to necessity. On the other hand, the government prioritizes domestic food production to meet the necessity of food consumption in which if food reserve were fulfilled, the excess domestic food production can be used for other purposes.

Food affordability

The government and regional government have the obligation to realize food affordability for the people, households, and individuals. Food distribution is performed to fulfill equitable distribution of food availability in the entire territory of the Republic of Indonesia in a sustainable manner. Moreover, the government has the obligation to regulate Food Trading. The national government and regional government are responsible to provide and distribute staple food and/or other food according to necessity for the poor, food insecurity and malnutrition as well as for emergency response.

Food consumption and nutrition

The government and regional government have the obligation to increase the quantity and quality of food consumption for the people. It includes diversification of food consumption to fulfill people's nutritional necessity and to support healthy, active, and productive life of the people.

Food safety

Food safety is implemented to maintain food to be safe, hygienic, excellent, nutritious and not in conflict with religion, belief and culture. It is intended to prevent the possibility of biological, chemical and other pollution that can interfere, harm, and endanger human health. The implementation of food safety is performed through: (1) food sanitation; (2) control of food additives; (3) control of genetically engineered food products; (4) control of food irradiation; (5) establishment of food packaging standard; (6) issuing food quality and safety guarantee; and (7) *halal* (permitted) product guarantee for those required.

Food label and advertisement

The food label aims at providing information that is clear and correct for the public about every food product that is packed before food is purchased and/or consumed. It is written or printed using *Bahasa Indonesia* (Indonesian language) shown explicitly and clearly so that it is easily understood by the public. On the other hand, every advertisement concerning food being traded must contain information or statement regarding food, which is correct, and not misleading.

Food control

Food control is regulated under the Government Regulation. In other words, the government has an authority to control in line with: (1) the availability and/or sufficiency of staple food that is safe, nutritious, and affordable by the purchasing power of the people; and (2) the requirements for food safety, food quality, and food nutrition, as well as requirements for food label and advertisement.

Food information system

Food information system includes gathering, processing, analyzing, storing and presenting as well as distributing of data and information concerning food. In addition, the government and regional government according to authority have the obligation to announce price of food commodity, which is regulated under the ministerial regulation.

Food research and development

Food research and development is performed to advance food science and technology as well as becoming the base in formulating food policy that enhances food sovereignty, food independence and food security. The government encourages and synergizes food research and development activities performed by regional government, educational institution, research institution, food businesses, and the public. It can be performed independently and/or through cooperation with international research institutions, managed by the government as well as private.

Food institution

The government formed an institution, which is responsible directly to the President to handle food sector with regard to national food sovereignty, food independence, and food security. This institution may propose to the president to provide special assignment to state-owned enterprise in the food sector to implement production, procurement, storing and/or distribution of staple food and other foods that has been determined by the government.

Food community participation

The community can participate in implementing food sovereignty, food self-sufficiency, and food security. Hence, the public can address their problems, suggestions and/or solution regarding food problem to the government and/or regional government.

Food investigation

Other than police officers of the Republic of Indonesia, certain civil servant officials with the scope of duties and responsibilities in the food sector have been given special

authority as investigator. It performs investigation of crime in the food sector according to the provision of the regulating legislation in the field of Criminal Law.

Conclusion

As a country with large population and endowed with diverse natural resources to produce food, Indonesia can fulfill demand for food in a sovereign and independent manner. Therefore, there is a need to establish the Food Law, which provides foundation in governing food security within the country. Compared to definition of food security mentioned by FAO, in Indonesian context, the food security also includes the “individual” and appropriate “religious belief and culture” of the nation. The implementation of the Food Law incorporates food in terms of its availability, affordability, consumption and nutrition, safety, trade, control, information system, research and development, institution, participation, and investigation.

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