

The Law No.12/1992 Governing Plant Cultivation System in Indonesia

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INTRODUCTION

Agricultural development as an integral part of national development, should be sustainable and environmentally sound. The strategic goals of agricultural development are to achieve an advanced, efficient, and resilient, agriculture, with the specific objectives to increase the yield and quality of production, increase incomes and living standards of farmers, expand employment and business opportunities, support industrial development, increase exports, and support regional development.

The cultivation system as part of agriculture is basically the system of plant and natural resource use through human activities along with capital, technology, and other resources to produce goods to meet human needs in much better ways. Therefore, the plants cultivation system will be developed in accordance to the economic benefit, It's being environmentally friendly, and being sustainable.

To achieve these objectives, the government of Indonesia has formulated plant cultivation development tailored to the stages of national development, established development cultivation areas, regulated the production of strategic crops according to national interests and created environments that support the participation of society, with due regard to the interests of society. As competition increased in the era of globalization, the development of plant cultivation should also be directed toward an efforts to take a comparative advantage of plant products by integrating the crops cultivation with marketing and processing industries. With these principle, the value-added of agricultural production will be captured by farmers as producers.

The development of plant cultivation system should be wisely implemented, by taking into account the capability and sustainability of natural resources and environment, applying appropriate technology, with the aim to promote crops diversification, to meet the human needs for food, clothing, shelter, health, domestic industry, and increase exports.

Basic concepts

Plant cultivation is defined as the system of natural resource development and utilization through human effort along with capital, technology, and other resources to produce goods to better meet human needs. In implementing the plant cultivation development, the government should formulate a development plan consistent with national development, taking into account the interests of the people.

Germplasm is a substance that is included in the life organism, and source of off-spring traits that can be exploited and developed or assembled to create a superior species or new cultivars. Plant breeding is a series of activities to maintain purity species and/or existing varieties or to produce new and better varieties. Seeds are plant or parts of the plant which are used to reproduce and/or breeding plants.

Variety is a type of plant characterized by its shape, growth, leaves, flowers, fruits, seeds, and other properties which can be distinguished in the same type. Certification is the process to get certified seeds after inspection, testing, and supervision and meets all requirements for distribution. Crop protection is all efforts made to prevent loss in crops caused by pests. Plant pests are all organisms that can damage, interfere, or destroy plant life.

Framework of the Law

The Law No. 12/1992 on Plant Cultivation System consists of several aspects, namely: (1) Plant cultivation planning; (2) Plant cultivation operation; (3) Production inputs; (4) Spatial and land use for plant cultivation; (5) Land cultivation; (6) Guidance and community participation; (7) Delivery of affairs and assistance; (8) Investigation; (9) Penalty provisions; and (10) Transfer provisions.

The Law sets up a reward system for inventors or holders of plant varieties. Eleven of its 42 articles pertain to genetic resources. Article 55 of the Law mentions that government may grant a reward to an inventor of a new or superior plant variety and for that purpose, the inventor has the right to be named after his invention. Government may also grant a reward to a person or legal entity whose plant has certain superior qualities.

Every person or legal entity that is clearing or preparing land for cultivation is obliged to follow procedures to prevent environmental damage and environmental pollution. People or legal entities may conduct plant breeding to create superior varieties. However in doing so, searching for and collecting germplasm is subject to a license.

By this law, the government regulates the procedures, standards, conducts surveillance and accreditation concerning: the basic price, expenses and revenue from plants and seeds; activities on planting, utilization of water, plant protection, plant maintenance, harvest and post

harvest. The government may prohibit the procurement, distribution, and planting of certain seeds considered as harmful to society, plant cultivation, natural resources and/or the environment. The government may also prohibit the cultivation systems that interfere with human health and/or threaten human safety, cause disruption and/or damage to natural resources and/or the environments.

Utilization of land for cultivation purposes shall be synchronized with spatial plans and with due regard to the suitability and ability of land to ensure the preservation of environmental functions. The government will determine a maximum area of land allowed for cultivation by individual farmers. Commercial plantation can be managed by individual farmers, cooperatives, state-owned companies and private companies. Any legal entity that conducts plant cultivation using the services and facilities provided by government may be subject to a levy.

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