

# LEGAL POLICY IN STRENGTHENING REGIONAL FOOD SECURITY IN PANCASILA PERSPECTIVE: A STUDY ON REGIONAL FOOD SECURITY MANAGEMENT IN TANGERANG REGENCY

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## ABSTRACT

The main instrument in strengthening food security is regulations that must be made by local governments based on their authority by maintaining aspects of local wisdom. Based on article 18 paragraph 6 of the 1945 Constitution of the Republic of Indonesia, in an effort to give authority to regions, regions can make regional regulations. This authority is a regional effort to form norms oriented towards regional interests to maintain regional food security. In general, Tangerang Regency has 3 (three) potentials, which are industry, agriculture and fisheries, through 2 (two) potentials: agriculture and fisheries. The commodity produced by Tangerang Regency with high productivity is rice with productivity reaching 5.9 tonnes / ha. Tonnes of GKG. For secondary crops productivity in 2017 included corn 3.3 tonnes / ha, peanuts 1.6 tonnes / ha, cassava 12.5 tonnes / ha, and sweet potatoes 9.9 tonnes / ha. Therefore, local governments must have special norms that are manifested through regional regulations relating to regional food security as a legal policy and as a mandate for Pancasila in the dimension of creating social justice that must be carried out. This research approach method is a normative juridical approach. The research specification used is descriptive analytical which aims to describe, analyze, and systematically analyze a fact about food security in the Tangerang regency.

Keywords: Social Justice, Regional Food Security and Legal Instruments

## I. INTRODUCTION

Legal policy is inseparable from the participation of all stakeholders in striving for the birth of a system based on public interests, especially in fields oriented to the values of social justice. The basic principle of a state is inseparable from the efforts to create an order of social values in people's lives towards a prosperous society on the basis and paradigm towards social justice for all Indonesian people. There are many different but overlapping definitions of food security. In simple terms, food security is closely related to the right of people to live in dignity and have access to an adequate food supply. Over time, the application of the concept has expanded to nutritional planning, rural development, livelihoods and environmental sustainability. According to the Food and Agriculture Organization (FAO), food security is achieved when groups or individuals have access at all times to a supply of nutritious, adequate, quality and safe food, capable of meeting the energy needed by all family members to live healthy, active and productive lives. . (FAO, 2009). However, food security is not just about availability; it is also about accessibility, including the purchasing ability that individuals have in terms of buying supplies (FAO, 2015). (Abosede Omowumi Babatunde). This is closely related to the role of the government in policies regulating the entire community's labor towards food circulation, especially those in the regions and based on regional potential. In addition, food security is related to the basic conception of social justice which is related to legal policies. The main aspect of legal policy is often referred to as legal politics as an effort to create legal power in order to achieve the main goals of legal development based on legal justice as the main philosophical foundation of creating a prosperous and just society. Food security is an effort to create social justice for the community. In a substantial sense, food security must be based on the interests of the community, so that people are able to build patterns of basic needs towards a prosperous society.

The issue of food security is closely related to the food system, where the management system includes various factors and activities that are interrelated in the production, processing, distribution, preparation, food consumption, and the output of these activities, including socio-economic and environmental outcomes that are closely related to society. (Mariko Kawabata, et. al) Therefore, legal policy is important in making or forming laws in the field of food security.

The main instrument in strengthening food security is the regulation that must be formed by local governments based on its authority by maintaining local wisdom aspects. Based on article 18 paragraph 6, as an effort to give authority to the regions, local governments can formulate regulations. This authority is an attempt to form norms oriented towards regional interests to maintain food security in the regions. The following is an overview of the location of the Tangerang district.

<i>Basic Physical Potency</i>		<i>Annotation</i>
(1)		(2)
1.	<i>Geographical Position</i>	<i>In the eastern part of Banten Province</i>
2.	<i>Region Area</i>	959,60 km <sup>2</sup>
3.	Coordinate	106 <sup>0</sup> 20'–106 <sup>0</sup> 43' <i>East Longitude</i> 6 <sup>0</sup> 00' – 6 <sup>0</sup> 20' <i>South Latitude</i>
4.	<i>Boundaries</i>	
	<i>North Boundary</i>	<i>Java Sea</i>
	<i>East Boundary</i>	<i>Special Capital Region of (DKI) Jakarta and Tangerang City</i>
	<i>South Boundary</i>	<i>Bogor Regency and South Tangerang City</i>
	<i>West Boundary</i>	<i>Serang Regency and Lebak Regency</i>
5.	<i>Government</i>	
	<i>District</i>	29
	<i>Special Village</i>	28
	<i>Village</i>	246

Source : Central Bureau of Statistics (BPS) of Tangerang Regency

Geographically, Tangerang Regency is part of the administrative area of Banten Province, which lies between 6.0 - 6.20 South Latitude and 106, 20 - 106.43 East Longitude. Tangerang Regency has a large area, consisting of 29 sub-districts, 28 sub-districts and 246 villages with an area of 95,961 hectares or 959.61 km<sup>2</sup>. The administrative area of Tangerang Regency is bordered by several regencies / cities and the surrounding stretch of sea, as follows.

- 1 The north side is bordered by the Java Sea
- 2 The east side is bordered by South Tangerang City, Tangerang City and Special Capital Region of Jakarta.
- 3 The south side is bordered by Bogor Regency
- 4 The west side is bordered by Serang Regency and Lebak Regency.

The distance between Tangerang Regency and DKI Jakarta is only about 30 kilometers, which can be reached in approximately one hour. The two regions (Tangerang and DKI Jakarta) are connected by freeway land traffic, the Jakarta - Merak toll road, which is the main route for economic traffic between Java and Sumatra. Based on data from the Central Statistics Agency (BPS), the district with the largest area is Rajeg District with an area of 53.7 Km<sup>2</sup> or 5.6% of the area of Tangerang Regency, while the smallest area is Sepatan District with 17.32 Km<sup>2</sup> or 1.8%. In general, there are three big potentials in Tangerang Regency, which are industry, agriculture and fisheries. Fisheries and agriculture are potentials that can create food security in Tangerang Regency.

## II. LITERATURE REVIEW

Social justice is the right of every Indonesian citizen who lives in this country. The legal treatment between the upper class and the lower class should not be different; everyone has the right to a fair and equal law. In general, someone can be said to be unfair if they do not obey the law (unlawful, lawless) and someone who is not fair. Meanwhile, a just person is someone who obeys the law (law-abiding) and is fair. Since the act of fulfilling or obeying the law is fair, all law-making actions by the legislature in accordance with existing rules are fair. All actions that tend to produce and maintain people's happiness are fair. Thus, justice can be equated with basic social values. Complete justice not only achieves happiness for oneself, but also happiness for others. Soekarno highly prioritized the value of justice and upheld human rights in the concept of living as a nation and state. Of course, the emergence of a definition of social justice was the result of Soekarno's reflection on the dark period of Indonesian history. Justice is idealism in Pancasila, born after Indonesia's independence to create a strong atmosphere in which every human being can exercise their rights as citizens in all aspects of life, which are personal justice and social justice. The meaning contained in the fifth precept includes being fair to others and respecting others. (Deanna)

This is a benchmark in an effort to create justice for the Indonesian nation. The realization of justice and social justice in a rule of law constitutes the main, fundamental, as well as the most complex, broad, structural, and abstract element. This is because the concept of justice and social justice contains the meaning of protection of rights, equality, and position before the law, public welfare, and the principle of proportionality between individual interests, social interests, and the interests of the state. Justice and social justice are not always born from rationality, but are also determined by the social atmosphere which is influenced by other values and norms in society. One of the basic concepts of justice is equity. Therefore, the concept of food security can be interpreted as equitable distribution of food needs for the community. The term "food security" was first defined at the 1974 World Food Conference, its definition is the availability of food as well as the ability to access food. In the following years, the international market system was deliberately expanded to make food not only more available, but also more affordable. However, persistent global malnutrition and growing concerns about agricultural capacity worldwide led to the 1996 World Food Summit. (Kristine Caiafa and Maria Wrabel). Food availability depends on healthy agricultural systems and natural lands. Therefore, a food security policy that is aware of ecosystems is needed in order to maintain food security in the long term. Government can strengthen long-term productive agriculture using sustainable land use and responsible management of resources. Specific policies shaping these objectives include: allocating tenure rights and access to natural resources, protecting soil and pollination essential for plant growth, protecting forests that offer a source of food and contributing to water regulation, and enabling ecosystem restoration services that ensure a sustainable healthy ecosystem. (IUCN, 2013; Abulela & Harwell, 2020; Azab, 2020; Codina et al., 2020) (Kristine Caiafa and Maria Wrabel). To quote the definition of the concept of food security according to the FAO in 2004: "Food security exists when all people, at all times, have physical and economic access to adequate, safe and nutritious food to meet their diet, needs and food preferences for an active and healthy life.. The four pillars of food security are availability, supply stability, access, and utilization". (P. Paulsen, A. Bauer, et.al) The four pillars are essentially stability in the food distribution channel itself.

## III. METHOD

The research method is qualitative, using an approach in legal and statutory research. The research specification is descriptive analytical which aims to describe, analyze, and systematically analyze a fact about a certain situation. This research is about legal policy in the framework of strengthening food security in the perspective of Pancasila as a *weltanschauung*: a study of regional food security law in Tangerang regency. The data obtained through field research and literature studies are analyzed normatively and qualitatively to obtain clarity on issues to be discussed relating to legal policies in local governments on norm formation related to regional food security in the Tangerang regency, Indonesia.

## IV. RESULTS AND DISCUSSION

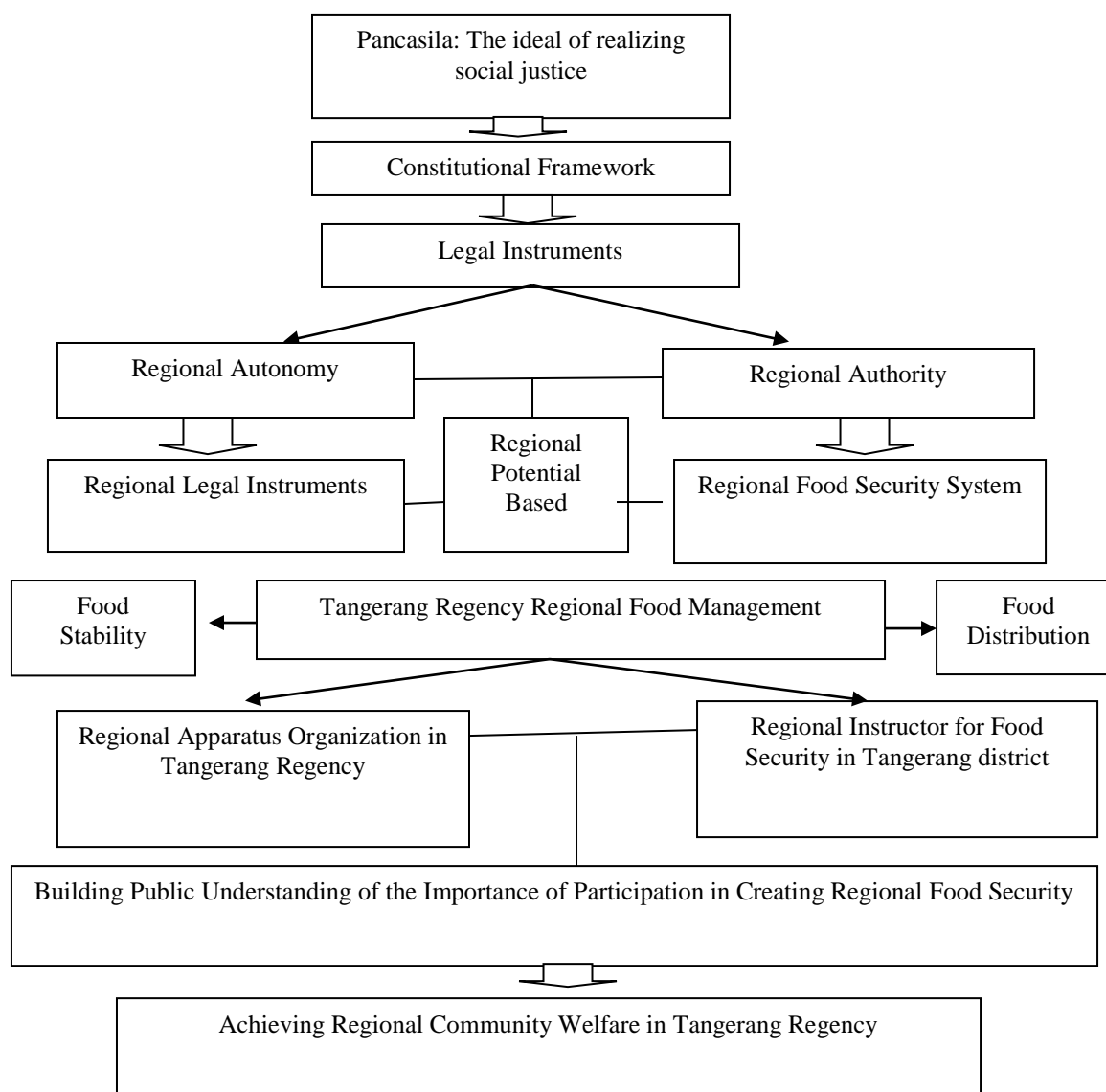
### **The Urgency of Regional Food Security Legal Instruments in Tangerang Regency Based on Pancasila as the Fulfillment of Social Justice**

The main milestone in the development of legal instruments is Pancasila as the source of all sources of law. The legal system influences legal policy in a country. It is necessary to have a regulatory pattern for the objects that are the basis for the preparation of legal instruments, based on the authority of the regional government. In the

area of regional food security in Tangerang Regency, this is closely related to the authority of the Tangerang Regency regional government. In it, there is local government management in the area of regional food security, which is basically capable of creating the welfare of the local community by exploring regional potential and food circulation to the community. In the concept of public law, authority is a basic concept of constitutional law and state administrative law (HM Arief Muljadi). The government (administration) can carry out its functions on the basis of the authority it obtains. This means the legality of governmental acts based on the authority regulated in statutory regulations (*legalitet beginselen*) (Sadjijono). Without authority, state administrative bodies or officials cannot carry out an act or governmental action. According to Donner, there are two functions related to authority: “the policy marking function which is the power that determines the task (*taakstelling*) of the government tools or power that determines state politics and the policy execution function (policy executing) which is the power in charge of realizing it. predetermined state politics (*verwezeblikking van de taak*)”(Victor Situmorang). This is closely related to the role of the state in creating legal norms related to the interests of society to achieve justice for society. In order to create regional food security, a legal framework is needed, as follows:

Diagram I

Regional Food Security Legal Frameworks and Instruments



This framework is implemented as an effort to create a regional food security system based on the regional potential of Tangerang Regency. In this case, regional legal policies in Tangerang Regency in the field of food security are very much needed as an effort to create regional welfare for the people of Tangerang Regency. Basically, regional food security is closely related to regional potential and regional management in the field of regional food security and is made in the form of regional regulations as legal policies in the area of regional food

security. Within the legal framework, the central and regional governments must be able to formulate legal norms relating to efforts to fulfill the interests and welfare of the community. This is one of the government's obligations in fulfilling the interests of the community in the management pattern of regional potentials related to regional food security. In this case, local governments need to create a good norm order to produce norms that are closely related to the potential of the region. This relates to aspects of regional authority. In literacy, according to Ateng Syafrudin, authority is what is called formal power, power that comes from the power given by law, while authority only concerns a certain “*onderdeel*” (part) of authority. Some sources explain that the term authority (authority) is similar to *bevoegheid* in the Dutch term. According to Philipus M. Hadjon, “authority consists of at least 3 (three) components, which are influence, legal basis, and legal conformity”. (Philipus M. Hadjon).

The influence component means that the use of authority is intended to control the behavior of legal subjects; legal basis means that the authority must have a legal basis, while the legal conformity component means that the authority must have a standard. According to Philipus M. Hadjon, ( Philipus M. Hadjon, and Tatiek Sri Djatmiati). The scope of the legitimacy of government actions and state administrative decisions includes: authority, substance and procedure. Authority and substance form the basis for formal legality. Substantively, this relates to the source of authority. Therefore, the authority will facilitate the management of the food resources of the Tangerang Regency area to achieve food security in the area. In creating regional food security in Tangerang Regency, there are several norms as a basis for efforts to create regional regulations on food security based on regional potential, as follows:

Table I

Legal Norms Foundation in the Formation of Regional Regulations on Regional Food Security in Tangerang Regency

Norms	Legal Norm Position
Law Number 25 of 2004 concerning the National Development Planning System (State Gazette of the Republic of Indonesia of 2004 Number 104, Supplement to the State Gazette of the Republic of Indonesia Number 4421);	As a legal basis in the preparation of legal instruments for regional regulations
Law Number 18 of 2012 concerning Food (State Gazette of the Republic of Indonesia of 2012 Number 227, Supplement to the State Gazette of the Republic of Indonesia Number 5360);	As a legal basis in the preparation of legal instruments for regional regulations
Government Regulation Number 28 of 2004 concerning Food Safety, Quality and Nutrition (State Gazette of the Republic of Indonesia of 2004 Number 107, Supplement to the State Gazette of the Republic of Indonesia Number 4424);	As an operational basis for the preparation of legal products and legal instruments for drafting local regulations on regional food security
Government Regulation Number 17 of 2015 concerning Food Security and Nutrition (State Gazette of the Republic of Indonesia of 2015 Number 60, Supplement to the State Gazette of the Republic of Indonesia Number 5680);	As an operational basis for the preparation of legal products and legal instruments for drafting local regulations on regional food security
Government Regulation Number 18 of 2016 concerning Regional Apparatus (State Gazette of the Republic of Indonesia Number 114, Supplement to State Gazette of the Republic of Indonesia Number 5887);	As an operational basis for the preparation of legal products and legal instruments for drafting local regulations on regional food security
Presidential Regulation Number 22 of 2009 concerning Policies to Accelerate Diversification of Food Consumption Based on Local Resources;	As an operational basis for the preparation of legal products and legal instruments for drafting local regulations on regional food security
Presidential Regulation Number 83 of 2017 concerning Strategic Policy on Food and Nutrition (State Gazette of the Republic of Indonesia of 2017 Number 188)	As an operational basis for the preparation of legal products and legal instruments for drafting local regulations on regional food security

These legal instruments serve as the basis for creating a draft regional regulation for Tangerang Regency regarding food security. This is based on the authority possessed by the regional government to realize regional food security and create community welfare with a regional food security management pattern based on regional potential.

### **Existing Condition of Regional Food Security in Tangerang Regency in the Framework of Fulfillment of Regional Food Based on Regional Autonomy**

The implementation of regional autonomy is based on fulfilling a balance for the realization of the welfare of the Indonesian nation. Regional autonomy in the basic conception of the Unitary State of the Republic of Indonesia is the mandate of Article 18 paragraph 1 of the 1945 Constitution of the Republic of Indonesia. This article states that the structure of the Indonesian government is divided into the government and regional governments, in which the regional governments run their own households based on the authority granted by the laws and regulations. The affairs carried out by the regional government as an effort to implement regional autonomy, are carried out hierarchically and must not conflict with the laws and regulations above it. Regional autonomy is basically the right, authority, and obligation of a region to regulate and manage its own household. This right is obtained through the transfer of government affairs from the central government to regional governments, in accordance with the circumstances and capabilities of the regions concerned. Regional Autonomy, as a form of decentralization principle, is expected to be able to provide the best service to the community. The authority received by the regions through regional autonomy will provide "freedom" to carry out various actions that are expected in accordance with the conditions and aspirations of the people in the region. This assumption arises because, logically, local governments are closer to the community, so they better understand the demands and desires of the community.(Sakinah Nadir).

Regional autonomy must show harmony and must be seen from a process that strengthens will and independence. Therefore, in preparing for the implementation of regional autonomy, several factors must be considered that may strengthen and weaken the preparation, especially those related to regional policies in the area of regional food security. Fulfilling food needs as one of the strategic roles of agriculture is a difficult task, considering that the population of Tangerang Regency is increasing from year to year. BPS data shows that in 2018 the population of Tangerang district was 3,477,495 people with a density of 3,624 people per km<sup>2</sup>. With such a population, the level of food consumption per capita per year is also very large. The level of rice consumption in 2018 alone reached 109 kg/capita/ year and will continue to increase in line with the increasing population.

Based on these conditions, the Department of Agriculture and Food Security places rice, meat and eggs as the main food commodities. In order to fulfill these main food needs, the target of the Department of Agriculture and Food Security during 2019 - 2023 is to increase agricultural production and increase the production of livestock products by 1% per year. The achievement of increased production is aimed at rice, secondary crops, vegetables, fruits, meat and eggs. The rice productivity target is 6.67 tonnes / ha, corn 3.5 tonnes / ha, peanuts 1.74 tonnes / ha, shallots 11.34 tonnes / ha, chilies 2.94 tonnes / ha, fruits 35,000 tonnes, beef 60,000 tons, and eggs 50,000 tons by 2023. Along with the increase in population and community welfare, the need for the types and quality of products is also increasing and varying. Therefore, efforts to increase sustainable production and increase food diversification are very important, especially to increase the growing need for food. From 2013 to 2018, the development of food crops, horticulture, various plants, animal husbandry, animal health, veterinary public health, and food security has continued to record various successes. One thing to be grateful for and proud of is that Tangerang Regency has succeeded in achieving an increase in rice production which reached 5% per year, even in 2016 it increased by 28% compared to the previous year. In addition to increasing rice production, during the development period of the last four years, development in the fields of food crops, horticulture, various crops, animal husbandry, animal health, veterinary public health and food security has also recorded a number of successes. Several increases in production occurred in agricultural commodities, including secondary crops, vegetables, fruits, meat and eggs.

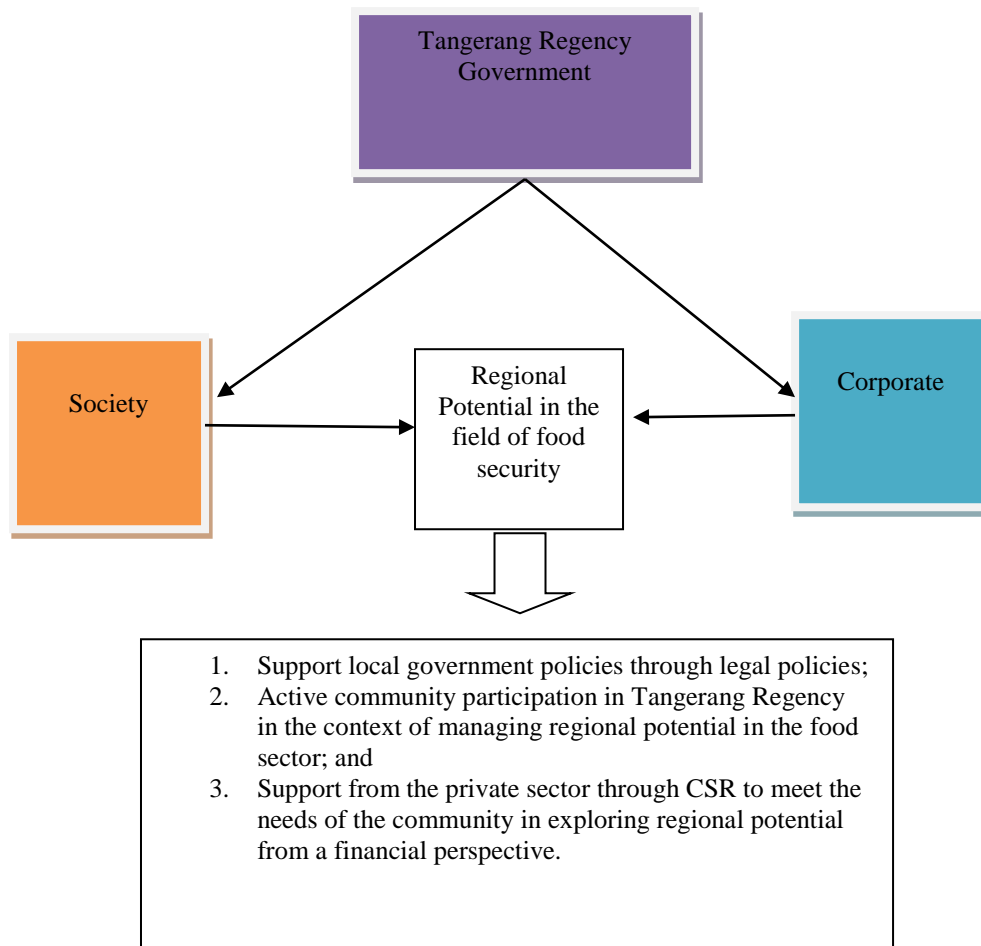
The 2019-2023 Strategic Plan for Tangerang Regency shows that during 2013 - 2018, the average growth in production was quite high each year, shown by rice, amounting to 4.5%. Agriculture has been a savior during the multidimensional crisis in 1998 and has been quite successful in providing food needs, creating jobs, increasing foreign exchange, and reducing poverty in rural areas. Tangerang Regency has long been free from having to queue for food. Even if there are cases of relatively limited food insecurity in some remote areas, it is mostly due to unfriendly agro-climates and insufficient agricultural infrastructure, particularly related to water management and uneven distribution of food. In 2018, the type of commodity produced by Tangerang Regency with high productivity was rice which reached 5.9 tons / ha. Ton GKG. The productivity of secondary crops in 2017 included maize 3.3 tonnes / ha, peanuts 1.6 tonnes / ha, cassava 12.5 tonnes / ha, and sweet potatoes 9.9 tonnes / ha. Meanwhile, commodity vegetables are very diverse, including water spinach which has a productivity of 4.2 tons / ha and red onions 10.8 tons / ha. In 2018, 2,196 tons of fruit were produced, 700 tons of guava, and 564

tons of mangoes. Meanwhile, meat production in Tangerang Regency in 2018 reached 46,133 tons and egg production reached 45,854 tons. This existing condition is an illustration of the food security condition in Tangerang Regency, where part of the area has been converted into a labor-intensive industrial area.

In an effort to build food security in Tangerang Regency, of course local governments need local legal instruments as the basis for regulating and management of regional potential management in the food sector, so that in certain conditions the local government can fulfill food needs at the synergy with the following pattern:

Diagram II

## Synergy in Regional Food Management



This will encourage strengthening in the management of food resources in Tangerang Regency, because through legal instruments and local resource management in the food sector, the availability of local food in Tangerang Regency will be stable in the community.

## V. CONCLUSION

Based on Pancasila and the 1945 Constitution / UUD NRI as the basis for fulfilling equal rights in the field of food security, on an operational basis, the central and regional governments carry out food security efforts so that there is equality in society. Based on the existing conditions of Tangerang Regency, the area is an agricultural and industrial area, and this condition becomes a challenge for the development of the area's food security. Based on the Tangerang Regency Strategic Plan 2019-2023, in the development of regional food security in 2018, the type of commodity produced by Tangerang Regency with high productivity is rice with 5.9 tons / ha tons of GKG. This condition must be continuously encouraged so that productivity increases to achieve regional food security.

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