

WITHOUT CRISIS PARADIGM: FOOD SECURITY LAW AND POLICY IN THE COVID-19 PANDEMIC IN INDONESIA

Isharyanto, Sebelas Maret University
Jadmiko Anom Husodo, Sebelas Maret University
Sri Wahyuni, Sebelas Maret University
Dian Esti Pratiwi, Sebelas Maret University

ABSTRACT

The COVID-19 pandemic has driven attention to Indonesia's food system and food security for years. The article describes that food security laws and policies during the pandemic do not have a crisis paradigm by abandoning the need for inter-governmental interrelation, resulting in distrust of the imperative ability of legal texts in anticipating their applicability in all situations. During a pandemic, confidence in food production figures is likely to be a long-term problem in food availability, access, and utilization. This socio-legal study makes an essential contribution in critiquing the role of government in developing the crucial function of law in the more expansive operating space for welfare.

Keywords: Covid-19, Food Security, Indonesian Food, Law and Public Policy.

INTRODUCTION

The COVID-19 pandemic has impacted food security, including nutritional adequacy, in various ways (Jaime, 2020; Rodriguez-Leyva and Pierce, 2021; Clemente-Suárez et al., 2021), not only income, but also overall health (Islam et al., 2020). In Brazil's experience, for example, the impact of food security requires systematic mitigation through state policies (Alpino et al., 2020; Gurgel et al., 2020). In short, together latent poverty, food insecurity into the effects of the pandemic as amplitude too great for other sectors (Pereira and Oliveira, 2020; Mardones et al., 2020; Han et al., 2021; Anelich et al., 2020; Rizou et al., 2020; Ilesanmi et al., 2021). In the case of China with its large population and at the beginning of the pandemic, COVID-19 has *"the potential threats to agriculture and aquaculture sectors that control almost the total food supply chain and market"* (Ma et al., 2021), even when the pandemic period is over (Zhang et al., 2021).

An excellent work previously (Bakalis et al., 2020), has confirmed that the COVID-19 pandemic necessitates a massive paradigm shift in food security. This paradigm includes the four distinctive dimensions of food security formulated by FAO (Summerton, 2020). Unfortunately, social innovation suffers from inequality in this regard (Huang and Tsai, 2021). This social innovation is important to develop governance in order to *"increase the sense of wellness in the*

minds of people as food consumers by increasing food safety and security" (Huang and Lin, 2021).

Indonesia case is not far from this phenomenon. In the COVID-19 pandemic situation, comprehensive food security is urgently needed, helping communities build the resilience capabilities needed to move forward. The social assistance rolled out by the state does not target efforts to maintain food security even though it includes ten benefits to the beneficiaries. In fact, state intervention is needed to maintain food security as part of social protection (Open Society Foundations, 2014). On the other hand, it appears that the government and local governments are also not building governance related to the pandemic situation. Whereas the Food Law requires the government and local governments to be prepared to build food reserves and food availability in an emergency situation. The policy is running normally and under the pretext that the stock of food availability in the regions has actually increased quantitatively, yet the governance for food security is not much different between the pandemic period and the normal situation.

This phenomenon is interesting based on a legal point of view. Law in a positivistic view is believed to have a projective character for all circumstances. The operational description is in the form of neutral (and often draped) commands that translate text into reality (Eleftheriadis, 2010). The goals of law are thus believed to extend: from order (Hardin, 2001; Cooter, 1995; Dénes, 2009) to efforts to build social welfare (Itzkowitz, 1988; Cousins and Cousins, 2002). In the case of Indonesia, these things are believed in the scientific field, but rejected in practice. If conditions are left unchecked, such as food governance during the current pandemic, it will certainly thwart the glory of the law in providing welfare measures that are often required as written by Pistor in development in developing countries (Pistor, 2002). For this reason, analysis is needed so that there is confidence for policy makers in Indonesia that the law must be anticipatory by bringing to social welfare.

METHOD

This research was carried out in Central Java and the Yogyakarta Special Territory province (Yogyakarta City) by applying socio legal approach. This paper discusses the current concept of legal principle as to whether it really holds food governance in Indonesia for COVID-19 outbreak. This study involves socio-legal research drawing on empirical data. It discusses the practice of legal principle in Indonesia by analysing the characteristics of her legal system, especially the for governance in food security.

LITERATURE REVIEW

Discussion of the problem of food security, particularly in Indonesia, not just a matter of "*practical reasons*" but also the culture which often missing from the primary analysis of the food security practice (Dundon and Vokes, 2021). While food security is still a contentious concept (Burchi and De-Muro, 2012), the concern of this article is not with this discussion, but following the dominant discourses shared by mainstream institutions such as FAO, World Bank, and international agri-food research systems as well as most national governments (Jarosz, 2011). They have long shared a view of food security as a set of technical issues of production,

distribution, and access. More recent and critically informed analysis have shifted focus to the political-economic structures and processes that shape food production, distribution and access, and the associated patterns of food sovereignty inequality and inequality (Friedmann, 1982; McMichael, 2009). All these understandings, whether technical, agronomic, ecological, political, economic, or social, are real and important formulations, but until now even international discourse is still far from the cultural dimension where food supply security is influenced by certain cultural settings and values. The failure to recognize and adequately address this cultural dimension has long confused development interventions including in food systems.

The influence of these cultural values has influenced the governance of food security in Indonesia. In both discourse and policy, it causes serious contradictions between the characteristics of food sovereignty, such as between the goals of national and local food self-sufficiency; between promoting food crops and farmers' freedom to choose which crops to grow, and how to grow them; between strengthening family farming and achieving gender equality; and between collective and individual rights, especially to land ownership. In the food safety laws in 2012, it is stated that the regulation on food is to realize a system p notion that provides protection, both for the party producing and consuming food. Implementation p wishful is made to meet basic human needs which provide benefits in a fair, equitable, and sustainable based on "*Food Sovereignty*", "*Independence of Food*" and "*Food Security*". That means that in order to meet the consumption needs p wishful society to the level of the individual, the state has the freedom to determine policy p her mind independently, cannot be regulated by any party, and the business communities p dreams have the freedom to establish and implement in accordance with sources in its power. Fulfilment consumption p wishful must prioritize domestic production by utilizing indigenous resources optimally.

With such a policy formulation, the Indonesian government does not seem to feel the need to build a new mechanism to deal with COVID-19. In fact, the COVID-19 food crisis is very different from the previous crisis. This was not characterized by sudden increases in food prices on world markets and fears of a global food shortage, as occurred during the food crises of 1972–74 and 2007–08 (Conceição and Mendoza, 2009; Sommerville et al., 2014). Nor is it the product of long-term low and falling commodity prices that slowly undermined agricultural livelihoods, as was the case in the 1980s and 1990s (Clapp and Moseley, 2020).

On the other hand, pandemics suddenly affect food systems through several interrelated and difficult dynamics to disentangle. First, there are major disruptions to the movement of food through the supply chain due to lockdown measures and disease among food system workers (Singh et al., 2021; Shanker et al., 2021; Karwasra et al., 2021). Second, the global recession triggered by the pandemic has resulted in massive job losses, which has led to increased hunger as well as damage to the livelihoods of the food system (Oni et al., 2020). Third, a number of multiple factors have contributed to highly unequal food price dynamics at both local and global scales that have exacerbated food insecurity in many places (Clapp and Moseley, 2020; Kim et al., 2021). These broad dynamics have triggered after-effects that affect food and nutrition security, change people's access to adequate and nutritious food, and jeopardize agricultural livelihoods (Islam, 2021).

The scale of the economic crisis triggered by the pandemic is, in short, enormous, and has affected people's ability to access food. Even though global food stocks are at record highs, and

food prices on world markets fell in the early months of the pandemic, many people have had to reduce their food intake due to lost income, and more and more people are facing food insecurity.

Food systems also need to be supported by stronger social protection measures, for small-scale farmers, food traders, and low-income consumers (Osabohien et al., 2020; Cammack, 2012). Over the years, small-scale farmer risk mitigation strategies have been undermined and actively undermined by colonial and post-colonial “*development*” efforts to destroy or reshape the peasantry to build a more capitalistic agricultural system. The policy, which not only emphasizes the diverse planting strategy, but also the excess storage of seeds during those difficult years, has been revealed again by this COVID-19 pandemic as a prudent action in a world filled with health and climate risks. Beyond policies and approaches that support traditional social safety nets, food system workers, from agricultural workers to meat packers, deserve better safety protection and adequate health insurance when infected.

Realization of Laws and Policies

Food security and nutrition policies in Indonesia during the 2015–2019 periods were shaped by two main frameworks. The first framework is the Long Term Development Plan of the National 2005-2025 which explicitly confirms the importance of food security and nutrition for the development of the nation. Apart from requiring the government to improve food and nutrition security, the document also underscores the importance of increasing domestic production capacity and including food self-sufficiency as an indicator of achieving fair and equitable development. It was also emphasized that food production and distribution is needed to support government policies in the health sector. The second framework is the 2012 Food Law which adds and formalizes the goal of food sovereignty in Indonesia's development agenda. Guided by these two frameworks, the 2015–2019 National Medium-Term Development Plan states that the government should focus on efforts to (i) increase the food availability by increasing domestic food production; (ii) improve the quality of food distribution and access; (iii) improve the overall quality and nutritional value of Indonesian food; (iv) protect food security through preparedness for disasters and plant diseases; and (v) improve the livelihoods of small farmers, fishermen, and food producers. This is in line with Indonesia's commitment to the Sustainable Development Goals/Social Development Goal 2 which states that by 2030 Indonesia will eliminate hunger and tackle malnutrition and increase agricultural productivity in an inclusive and sustainable manner. Commitment to achieve the Objectives of Sustainable Development/Social Development Goal is stipulated in Presidential Regulation No. 59 of 2017 Related to Interest Sustainable Development/ Social Development Goal 2, the regulations specifically set a target - the government's target to eradicate hunger and ensure food access for all parties, eradicate all forms of malnutrition, and ensure a sustainable food production system.

The National Mid-Term Development Plan 2020–2024 follows similar guidelines. This document sets out increasing food production and access, as well as improving the quality of food consumption as a priority. However, compared to the previous period's document, the National Medium-Term Development Plan 2020–2024 places greater emphasis on increasing water security and water productivity as a way to increase food production. This is placed as one

of the priorities under infrastructure development. In addition, nutrition improvement is also used as one of the main components under human development one of the five main guidelines for the 2020-202 development plans 4.

So far, there have been no major changes to the institutional arrangements to improve food and nutrition security or the food system as a whole. The Food Security Council, which was established through Presidential Decree No. 83/2006, is still mandated to address issues related to food security and nutrition. This council can suggest the formulation of policies that regulate the supply and distribution of food, development of food reserves, food diversification, and control of food quality. The Council is also responsible for monitoring and evaluating food security improvements as well as coordinating various stakeholders at the central, provincial, and district/city levels.

During the preparation of the National Medium-Term Development Plan 2015–2019, there was a discourse to form a special institution that was directly under the leadership of the president in charge of food security and nutrition. Unlike the Food Security Council which functions more as an inter-ministerial coordinating agency and an agency dealing with food security and nutrition matters, the proposed special institution is expected to have the authority to implement policies and programs in food and nutrition security and is directly under the guidance of the president. So, the agency will be different from the Food Security Agency which is under the guidance of the Ministry of Agriculture and has a focus on activities to improve food security. However, the establishment of a special institution that handles food security and nutrition is less popular because the agency has the potential to take over some of the tasks and functions that exist in other ministries and agencies.

The latest development is the issuance of Presidential Regulation Number 83 of 2017 concerning Strategic Food and Nutrition Policy which highlights the need to strengthen institutions responsible for improving food and nutrition security. However, this regulation does not state how governments at the national and local levels can and should strengthen institutions that address food and nutrition security. There are also inconsistencies in the leadership of the two related main strategies/action plans, namely the National Action Plan for Food and Nutrition 2017–2019 and the National Strategy for Stunting 2018–2024. The National Action Plan for Food and Nutrition adopts a multi-sectoral approach involving 20 ministries and agencies and 3 coordinating ministries under the leadership of the Coordinating Ministry for Human Development and Culture who are assigned as heads of a special task force for the implementation of the National Action Plan on Food and Nutrition and report directly to the president.

Food Security during a Pandemic

At the end of March 2020, Indonesia decided to implement a social distancing policy to limit the spread of COVID-19. However, in contrast to countries such as India which implement a national- regional level quarantine, Indonesia chose to implement a partial regional quarantine called Large-Scale Social Restrictions at the regional level. According to Government Regulation No. 21 of 2020 which was signed by President Joko Widodo on March 31, 2020, provincial and district/city governments can implement Large-Scale Social Restrictions in their

areas with the approval of the Minister of Health. Jakarta became the first province to implement this restriction. On April 10, 2020, through the Governor Issuance of the Jakarta Governor No. 33 of 2020 and Decree of the Governor No. 380 of 2020, the implementation of the restrictions in the national capital was started. Many provincial and district/city governments have followed Jakarta's lead due to the spread of the COVID-19 virus in their areas. On 23 May 2020, 4 provinces and 25 regencies/cities have implemented Large-Scale Social Restrictions (**Priastuti, 2020**), aims to limit the movement and social activities that can cause crowds (**Wiwoho and Isharyanto, 2021**).

As stated in the Governmental Regulation No. 21 of 2020, local governments can instruct the closure of schools, workplaces, and places of worship, as well as limit sports, cultural events, movement and social activities that can cause crowds. In line with this physical social restriction policy, the Central Government has also implemented restrictions on public transportation and the use of private cars. According to the Minister of Health Regulation Number 9 of 2020 concerning Guidelines for Large-Scale Social Restrictions, all modes of transportation must limit the number of passengers to a maximum of 50% of vehicle capacity. To further limit the movement of people, the Central Government prohibits the annual homecoming during the Eid al-Fitr holiday; The government also banned commercial passenger flights, as well as land and sea transportation from April 24, 2020 to June 1, 2020, with the exception of certain types of business travel (**Wiwoho and Isharyanto, 2021**). Although the government has made efforts to maintain the supply chain system in Indonesia, the implementation of Large-Scale Social Restrictions has a negative impact on the distribution of food and other necessities. According to the head of the Centre for Transportation and Logistics Studies, Universitas Gadjah Mada, the implementation of Large-Scale Social Restrictions causes disruption to the supply chain system which in turn causes delays in the distribution of medical and food ingredients.

In the COVID-19 pandemic, there are no standard guidelines as the basis for Indonesian government policies. There is only Circular Letter of the Secretary General of the Ministry of Agriculture No. 1056/SE/RC.10/03/2020 concerning the Government's Strategy to Overcome the Impact of COVID-19 on the Agriculture Sector states that makes the government will concentrate on five priorities: (i) ensuring the availability of basic foodstuffs, particularly rice and corn; (ii) accelerating the export of strategic commodities to maintain the country's economic growth; (iii) notifying farmers and extension workers of health protocols from the Ministry of Health to limit the spread of the virus; (iv) developing agricultural markets in each province, increasing local food consumption, and building logistics infrastructure and electronic marketing systems for agricultural commodities; and (v) implementing labour-intensive projects in rural areas to assist the agricultural sector and provide funds for rural communities to mitigate the negative impacts of COVID-19.

The regions in the research locations rely on stabilizing food production, especially rice, which is not disturbed during the pandemic. One important issue related to food availability is whether and at what time the government should adopt a policy to import rice. Since the beginning of the COVID-19 pandemic, several observers have advised the government to import rice as soon as possible to anticipate the potential negative impact of COVID-19 on domestic food supplies. They argue that domestic rice production is predicted to decline this year due to the prediction of a hotter than usual dry season in several regions of the country. As a result, rice

production in 2020 will be lower than 2019. Several agricultural economists point out that without imports, Indonesia will experience a rice shortage between November 2020 and January 2021. However, the Minister of Agriculture emphasized that Indonesia will have enough rice by the end of the year.

The government's appeal to the public to work from home and maintain physical distance as well as the policies of several local governments to implement partial regional quarantines and restrict activities in crowds which have created new changes in the situation in almost all aspects of life, including changes in food supply chain patterns. The system or work pattern in the food sector does seem to have changed very significantly in the midst of the COVID-19 pandemic, starting from the production process to consumption, from upstream to downstream.

From a production or upstream perspective, farmers and food producers are starting to feel changes in the supply of inputs and also have to adjust production protocols to ensure food quality and safety in the midst of the COVID-19 pandemic, especially in areas that have been contaminated. First, the implementation of the PSBB has a negative impact on the tourism industry in general; many hotels and restaurants were forced to close due to the decline in visitor numbers. This condition adversely affected the agricultural sector as the demand for food fell drastically. At the same time, the implementation of Large-Scale Social Restrictions forced many local governments not only to reduce the operating hours of traditional markets but even to close them. This policy makes it difficult for farmers to sell their products. Second, the implementation of Large-Scale Social Restrictions, particularly restrictions on flights and other means of transportation, has also disrupted the logistics system of certain regions that depend on other regions to supply their food needs. In a cabinet meeting on April 28, 2020, President Joko Widodo stated that the implementation of Large-Scale Social Restrictions had a negative effect on the distribution of food and other necessities in certain areas. For example, there was a deficit of rice in seven provinces, maize in 11 provinces, chili in 23 provinces, and eggs in 22 provinces.

The mobilization of food stuffs will also undergo several adjustments where there is a change in the pattern of supply lines that are more towards modern markets and online-based markets. Meanwhile, from the consumption side, due to the implementation of social/physical distancing or large-scale social restrictions in several areas, transaction patterns have also begun to change, as indicated by the increasing number of transactions using digital platforms. All changes have not been accommodated in government and local government policies.

Other policies taken by the government, among others, are the release of food stocks into the market to reduce the prices of food commodities. Market operations like this can be carried out not only by the Central Government but also by the provincial and district/city governments; this is intended to maintain food availability and food price stability. For this purpose, the government allocated IDR25 trillion to support logistics infrastructure for the physical movement of food. The government also provided incentives for farmers to maintain their production. For this purpose, the Ministry of Trade revised the existing regulations on domestic rice procurement by issuing Regulation of Minister of Trade No. 24 of 2020 concerning Government Purchase Prices. This regulation stipulates that the Logistics Business Entity will buy farmers' rice if the commercial price of rice falls below the government's purchase price. So, as part of the economic stimulus package to tackle the COVID-19 pandemic, the government is monitoring and ready to intervene the market to maintain rice availability and price stability.

Then, because 93% of agricultural business actors are small farmers, social protection is needed so that they are helped to improve their production performance. In the current pandemic situation, in addition to the facilities or assistance mentioned above, a production protocol is also needed to guarantee the quality and safety of food that is free from COVID-19. Therefore, there should be supervision that can be carried out by the Ministry of Agriculture and the Agriculture Service in each region to ensure that facilities and assistance can be distributed properly accompanied by socialization of production protocols that are safe and free from the dangers of spreading COVID-19. In the 2020 state budget, the government did provide a fiscal stimulus of IDR405.1 trillion, of which IDR110 trillion would be allocated in the form of a social safety net, including additional recipients of the Family Hope Program (Non-Cash Food Aid, pre-employment cards, discounts, etc.) electricity tariffs (for 450 and 900VA customers), meeting basic needs and market operations, and adjusting the education budget. However, there is no special scheme for social protection for farmers. Even though the government has provided social assistance through the distribution of basic necessities and cash distributions from various posts social funds, but has yet to reach all vulnerable groups. Policies compensation is indeed an important role to save people who are in the space consumption of the margin, but is not effective for long-term durability in facing the uncertainty when a pandemic ends. The primary issue is the less cutting-edge database on households recipient which at risk of failure to be targeted, in which the most vulnerable groups include female-headed households and persons with disabilities. As the COVID-19 pandemic has also affected the implementation of government policies and programs in the health and nutrition sector, emergency measures are needed to ensure the continuity of these services.

Some evidence suggests that the COVID-19 pandemic has increased the number of poor people in the country. The Central Statistics Agency shows that in line with the 1.3% economic contraction experienced by Indonesia in the first quarter of 2020, the poverty rate increased from 9.2% to 9.8% between September 2019 and March 2020. The number of poor people increased by 1.6 million people, which is an increase from 24.8 million people to 26.4 million people in that period (Central Bureau of Statistics, 2020). There will be more people who may fall into poverty and risk becoming food insecure groups if this pandemic lasts longer and affects the economy more severely. According to Suryahadi et al. (2020) COVID-19 could increase the number of poor people by around 1.3 million to 19.7 million people, depending on the severity of the economic contraction caused by this pandemic (Suryahadi et al., 2020).

Taking into account the geographical conditions of Indonesia, the distribution of its population, as well as the increasingly inelastic demand for food in the midst of the COVID-19 pandemic, it is important that the logistics sector can be optimized and the logistics protocols can be carried out properly because this sector is one of the key sectors that can maintain availability and stability of food prices in Indonesia. Therefore, the government and local governments should encourage and facilitate this logistics sector to run optimally, especially in terms of providing infrastructure and other special facilities. Incentives for the logistics sector in the food supply chain need to be a priority so that food distribution is guaranteed and the availability and stability of food prices is maintained. If there are no incentives at all and there are no clear logistical protocols, it is not impossible that the distribution of food instead of supporting the

resolution of the impacts due to COVID-19, but instead becomes one of the ways for the virus to spread from one point to another.

Since the food insecurity and undernutrition is likely to increase due to the pandemic COVID-19, the government's duty is to maintain and improve the resilience of food and nutrition of the population, especially the poor and vulnerable, the more weight during and after a pandemic. However, COVID-19 can also be an opportunity for the government to improve its policies and programs. For example, the challenge of mitigating the impact of COVID-19 on food security and nutrition could be an opportunity for the government to accelerate the development of systems that can ensure regular data updates.

CONCLUSION

Food security laws and policies in Indonesia during the COVID-19 pandemic do not change much under the threat of the crisis. Measures are needed related to the handling of COVID-19 by calculating that the pandemic could last a long time and affect the food security of the population. This situation is similar at the regional level due to the lack of interrelation between government units. On a broader scale, the situation illustrates the state's distrust of the function of law which should have imperative projections to reach future situations.

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