



RESPONSIVE LAW MODEL FOR REALIZING FOOD SOVEREIGNTY REGENCY

Ade Arif Firmansyah^{1*}, Yhannu Setyawan² and Malicia Evendia³
Faculty of Law, Universitas Lampung^{1,2,3}

ade.firmansyah@fh.unila.ac.id^{1*}, yhannu.setyawan@fh.unila.ac.id², malicia.evendia@fh.unila.ac.id³

Abstract

Data from the Ministry of ATR / BPN in 2018 shows the raw area of rice fields in Indonesia is only 7.1 million hectares (ha) or a decrease compared to 2013 which was still 7.75 million ha. This of course will have a negative impact on the achievement of national food sovereignty, coupled with the condition of regional agricultural regulations which are still sectoral and not comprehensive. Using a doctrinal approach, this paper aims to develop a responsive legal model for realizing a food sovereign district. The results show that a responsive legal model to empower farmers and create a food sovereign district is needed because so far regional regulations in the agricultural sector are still partial in nature so that they have not fully supported the realization of food sovereignty conditions. The targets to be realized, the scope of regulation, reach, and direction of regulating food sovereignty reGENCY models based on responsive law will contain three major parts, namely: the Agricultural Land Protection Section, the Farmers Protection and Empowerment Section, and the Irrigation Network Section, so that the realization of a sovereign district food can be achieved comprehensively.

Keywords: food sovereignty, responsive, model.

1. INTRODUCTION

The team's research conducted in 2019 shows that regulations related to food sovereignty in the regions are still sectoral among several regional regulations and there is an inconsistency between some of the content materials.[1] The birth of Law Number 19 of 2013 concerning Protection and Empowerment of Farmers is expected to guarantee the protection and empowerment of farmers for the welfare of the people. Moreover, Nawacita itself has outlined food sovereignty as a model for agricultural and food development 2014-2019. Food sovereignty changes the previous paradigm known as food security.

However, data from the Ministry of ATR / BPN shows that in 2018 the raw area of rice fields in Indonesia was only 7.1 million hectares (ha) or decreased compared to 2013 which was still 7.75 million ha. [2] On the other hand, the government's efforts through the Ministry of Agriculture for the paddy field printing program are only able to produce around 60 thousand ha of rice fields each year. That way, Indonesia has experienced a deficit in rice fields of nearly 350 thousand ha in the last 5 years. In addition to the reduction in the number of rice fields, in recent times there have been reports that farmers in various places often experience fertilizer problems. From time to time, inorganic fertilizers are getting more expensive and even often the distribution is not correct, the weather is uncertain, crop failure and the fluctuation of the price of crops. This kind of situation puts the farmers in a difficult situation.

These various conditions will have a negative impact on the survival of farmers and even more so on the vision of food sovereignty that is promoted by the government. Therefore, the protection of sustainable food agricultural land and empowerment of farmers are important issues that need to be considered by the government and local governments. Protection of sustainable agricultural food land and empowerment of farmers must be carried out through careful planning and determination, so that it must be stated in the district RPJP, RPJM and RKP. However, until now there are still many regencies in Indonesia that have not integrated this into their development plans. In addition to

development planning, it is no less important to put it in the form of a Regional Regulation of the Food Sovereign District which will serve as a trigger for other regions in the preparation of related legal products to realize food sovereignty in their regions.

The slow response of local governments in formulating policies related to the above problems is a form of the unresponsive character of the law established by local governments. A responsive legal model is needed that can be used by local governments in empowering farmers and realizing a food sovereign district. Based on the background described, the problems to be solved in this study are: what is the responsive legal model to empower farmers and create a food sovereign district?

2. LITERATURE REVIEW AND HYPOTHESIS DEVELOPMENT

The realization of Food Sovereign District in the context of government affairs is a derivative affair which is delegatedly given by Law Number 41 of 2009 concerning Protection of Sustainable Food Agricultural Land and Law Number 23 of 2014 concerning Regional Government. Apart from these two laws, it is also necessary to pay attention to Law Number 26 of 2007 concerning Spatial Planning, which regulates that spatial planning for rural areas is one of the means of defense of the area of eternal food agriculture for food sovereignty.

Food sovereignty, namely the ability of a country to provide, fulfill, and establish food policies independently is very important. Food is not just an ordinary commodity but a commodity full of political and social nuances that lead to the resilience, sovereignty and existence of a nation and state. Therefore, the need for food sovereign districts is important to be realized. [3]

The Regulatory Model of the Food Sovereign District has an important meaning for local governments in order to control the activity of changing the function of agricultural food land to non-food agriculture which is not much more productive, whose aim is to protect the area and land for food agriculture in a sustainable manner, ensure the availability of food agricultural land in a sustainable manner, realizing self-reliance, food security and sovereignty, protecting the ownership of agricultural food land belonging to farmers, increasing the prosperity and welfare of farmers and society, increasing the protection and empowerment of farmers, increasing the provision of employment for a decent life, maintaining ecological balance, and realizing agricultural revitalization. Therefore, the concept of responsive law from Nonet and Selznick, which views responsive law as a facilitator of various responses to social needs and aspirations, is important to adopt in this paper. [4]

Based on the Preamble of the 1945 Constitution, one of the objectives of the state is to realize the general welfare of society, as contained in the concept of the Welfare State. One form of welfare is the existence of a social security system which in developing countries takes the form of a social protection system and in times of crisis it takes the form of a social safety net.

Departing from the philosophical foundation of the constitution, government administration is essentially obliged to provide services and welfare to the community. In realizing this spirit, both the central and local governments must optimize development for the welfare of the community, including in implementing regulations in the agricultural sector.

Furthermore, if it is associated with authority, according to Philip Selznick and Philippe Nonet in the theory of law and power, there are several stages of legal development, among others, from repressive legal phases to more autonomous law and then towards responsive law. From these stages, it is clear that the emergence of responsive law is more due to the reaction and will of the community which is caused by the rigidity that occurs in modern law which is regressive, and on the basis of the reaction of the people who want change, finally there is a shift to more autonomous law and then towards responsive law. More clearly, Nonet and Selznick's theory distinguishes three basic modalities or "statements" related to law in society (law and society): [5] (1) law as a servant of repressive power, (2) law as a separate institution capable of taming repression and protect one's integrity, and (3) the law as a facilitator of various responses to social needs and aspirations. [6] Nonet and Selznick further explain the repressive, autonomous and responsive character of law as cited below:

In its clearest and most systematic form, repressive laws exhibit the following characteristics: [7]

- a. Legal institutions are directly accessible to political forces; the law is identified with the State and is placed under the objective of the State.
- b. The perpetuation of an authority is the most important issue in legal administration.
- c. Specialized control institutions, such as the police, became independent centers of power.
- d. A “double law” regime institutionalizes class-based justice by consolidating and legitimizing patterns of social subordination.
- e. Criminal law reflects dominant values; legal moralism that will prevail.

The character of the autonomous law which can be summarized as follows: [8]

- a. Law is separate from politics. Typically, this legal system asserts the independence of judicial power, and draws a clear line between the legislative and judicial functions.
- b. Legal order supports the “regulatory model”. The focus on regulation helps establish measures for official accountability; at the same time, it limits the creativity of legal institutions as well as the risk of interference by legal institutions in the political sphere.
- c. "Procedure is the heart of the law". Order and justice, not substantive justice, are the main objectives and competences of legal order.
- d. "Obedience to the law" is understood as complete compliance with positive legal rules. Criticism of the prevailing law must be channeled through the political process.

Responsive law means showing a responsible adaptive capacity, and thus selective and not haphazard adaptation. A responsive institution maintains firmly the things that are essential to its integrity while still paying attention to the existence of new forces in its environment. Responsive law reinforces the ways in which openness and integrity can support each other despite the conflict between the two. Responsive institutions regard social pressures as sources of knowledge and opportunities for self-correction. [9]

3. RESEARCH METHODOLOGY

This paper is in the corridor of normative legal research (doctrinal research) which only uses secondary data. The legal research model is a comprehensive and analytical study of primary and secondary legal materials. Approach the problem using a statutory approach (statute approach) and a conceptual approach (conceptual approach). [9] The data were analyzed qualitatively by describing the data generated from the research in the form of a systematic explanation so that a clear picture of the problem under study can be obtained, the results of the data analysis were concluded deductively.

4. RESULTS AND DISCUSSIONS

The agricultural sector is an important sector as an input provider for other sectors, so that this sector is said to have an influence on the structure of the Indonesian economy. The agricultural sector itself is not limited to farming or cultivation of crops (food crops, plantations and horticulture), but includes the fisheries, livestock and forestry sectors, with cultivation activities upstream to distribution activities to consumers downstream, as well as changing inputs. be output in the form of clothing, food, shelter and a comfortable environment for living things. Agriculture is not just planting and gardening. The above shows how broad the agricultural sector is. [11]

The development of the agricultural sector as an effort to fulfill food in an era of high demand for food and food products is an indicator of the start of an eco-friendly economy and industry era based on various input creations and innovations, processes and agricultural products, fisheries, livestock and forestry, both from the aspect of environmental management value cyclic justice and supply cycle management fairness. [1] Furthermore, this new era will develop in the midst of a modern society in a sustainable manner (sustainable modern community) with creation, innovation, technology, and ecology. Furthermore this is known as the green economy concept and blue economy. The era of the green economy and the blue economy is a new economic era that not only prioritizes innovation, but also corrects inequality and the non-linear nature of the system (system-cyclic). Green economy and blue economy are also constructive for the realization of the 17 indicators of Sustainable Development Goals (SDGs).

Therefore, the development of land requirements for each type of production activity will be determined by the development of the demand for each commodity. In general, food commodities are less elastic to income than demand for non-agricultural commodities, the consequence is that economic development which leads to increased income tends to increase land demand for non-agricultural activities at a faster rate than the increase in land demand for agricultural activities. [12] Change of Land Function is a process of changing land use from a certain form of use to other uses, for example to non-agriculture, and usually in the conversion of its function it leads to something that is negative for the ecosystem of the natural environment of the rice field itself. Apart from the transfer of functions, issues related to the protection of farmers and the implementation of irrigation become important to support food sovereignty. [13]

Irrigation is all human effort related to planning and making facilities to distribute and divide water into agricultural plots on a regular basis, as well as removing excess water that is no longer needed. [14] As a science, irrigation does not only discuss and explain methods and efforts related to taking water from various sources, accommodating it in a reservoir or raising its surface elevation, by channeling and distributing it to land parcels to be processed. , but also covers river flood control issues and all efforts related to the maintenance and protection of rivers for agricultural purposes.

Irrigation is generally defined as the use of water in the soil for the purposes of providing the fluids needed for plant growth. However, a more general and inclusive definition of irrigation is the use of water in the ground for any of the following eight uses:

- a. Adding water to the soil to provide the fluid needed for the growth of plants.
- b. To provide guaranteed harvests during the short dry season.
- c. To cool the soil and atmosphere, thus creating a favorable environment for growing crops.
- d. To reduce the danger of freezing.
- e. To wash or reduce salt in the soil.
- f. To reduce the danger of soil erosion.
- g. To soften plowing and clods of earth.
- h. To slow down shoot formation by cooling due to evaporation. [15]

Technically, irrigation was intended to reduce the amount of transportation costs for agricultural products, so in the era of the 1970s s.d. In the 1990s, the government was active in building irrigation networks to develop all agricultural land in Indonesia. Irrigated land development is carried out through the provincial irrigation development project (PIDP). [16] Thus irrigation is seen as a primary factor in development in the agricultural sector, apart from land and farmer factors. The development of the agricultural sector absolutely requires a good and integrated irrigation system. The relationship between irrigation systems and agriculture is ultimately related to farmers as water use. [17] Irrigation activities always foster cooperation between farmers in the construction and maintenance of irrigation buildings and canals. The distribution of water between rice fields and between rice fields in the same area requires well-organized cooperation among farmers in the irrigation network concerned. [18] Contrary to the description above, the regency regulation model for food sovereignty which is based on responsive law is basically composed of three parts of content, each of which will be described as follows.

a. Agricultural Land Protection Section

The section on Sustainable Food Agricultural Land Protection covers regulatory matters relating to regional government policies in the agricultural sector related to the participation of district communities to maintain the quality and quantity of sustainable food agricultural land. This section will be divided into several regulatory chapters as a form of mapping content material in the theory of statutory regulations. The direction of regulation in the Section for Sustainable Food Agricultural Land Protection is adjusted to the direction of district development policies listed in the District RPJMD and the Regent's Vision and Mission. Therefore, basically the regulation of Sustainable Food Agricultural Land Protection is directed at realizing food sovereignty in the district. The core regulatory foundation for this section refers to Law Number 41 of 2009 concerning Protection of Sustainable Food Agricultural Land.

b. Farmer Protection and Empowerment Section

The Farmers Protection and Empowerment Section covers regulatory matters which include: planning; farmer protection; empowerment of farmers; financing; supervision; community participation. The Farmers Protection and Empowerment Section is basically a systematic, comprehensive and sustainable activity in the framework of protecting and empowering farmers in the district. The direction of regulation in this section is aimed at an effort to realize the concept of protection and empowerment of farmers which is supported by legal certainty, clarity of responsibilities and authority of district governments. The core regulatory foundation for this section refers to Law No. 19/2013 concerning the Protection and Empowerment of Farmers.

c. Irrigation Network Section

The Irrigation Section includes: Irrigation system management planning; Irrigation system management institutions; Irrigation system management; Guidance, supervision and empowerment, so as to guarantee legal certainty in the implementation of irrigation management in the district starting from the planning process to accountability. The direction and scope of this part of Irrigation is primarily to implement the authority of the Regency Government in the irrigation sector as outlined in the statutory regulations. The core regulatory foundation for this section refers to Law No. 17 of 2019 concerning Water Resources.

5. CONCLUSION

Based on the descriptions that have been discussed in previous chapters, it will be concluded that a responsive legal model to empower farmers and create a food sovereign district is needed because so far regional regulations in agriculture are still partial in nature so that they do not fully support the realization of food sovereignty conditions. The targets to be realized, the scope of regulation, reach, and direction of regulating food sovereignty regency models based on responsive law will contain three major parts, namely: the Agricultural Land Protection Section, the Farmers Protection and Empowerment Section, and the Irrigation Network Section, so that the realization of a sovereign district food can be achieved comprehensively.

LIMITATION AND STUDY FORWARD

This study is the initial stepping stone for regulating the food sovereignty regency model, further studies are still needed to map out academic papers whose substance contains various aspects of harmonization and synchronization of related laws and regulations as well as philosophical, sociological and juridical foundations.

ACKNOWLEDGEMENT

Thanks to the research and community service institute University of Lampung for funding research as the basis of this article.

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