



The state responsibility on food availability on the pandemic

Maskun^a, A. Ilmar^b, Naswar^b, Ahmad^c, Marthen Napang^a,
Rian Nugraha^{d,*}

^a Department of International Law, Faculty of Law, Hasanuddin University, Indonesia

^b Department of Constitutional Law, Faculty of Law, Hasanuddin University, Indonesia

^c Consultation and Legal Aid Division, Faculty of Law, Hasanuddin University, Indonesia

^d Assistant Researcher Legal Study Program, Faculty of Law, Hasanuddin University, Indonesia

ARTICLE INFO

Article history:

Received 28 June 2021

Accepted 30 July 2021

Keywords:

Food security

Pandemic

State responsibility

ABSTRACT

Objective: The study aims to investigate legal responsibility of state on food security on the pandemic.

Method: This research used normative legal research, namely research methods using materials sourced from regulations.

Methods: This study was a normative study, the data is collected through several source such as laws and principle of law. The data then analyzed qualitatively to answer the legal issue.

Result: The availability of the food in this pandemic, is one of the responsibilities of states as the provider. As the provider of food, the state should make sure about the availability of food for their community first. As it is state that the food is one of the rights that have to be fulfilled. The society and government should cooperate together.

Conclusions: Food security occurs when all people have an access to enough, safe, and nutritious food for their healthy life.

© 2021 SESPAS. Published by Elsevier España, S.L.U. This is an open access article under the CC BY-NC-ND license (<http://creativecommons.org/licenses/by-nc-nd/4.0/>).

Introduction

With the COVID-19 categorized as a pandemic by WHO on March 2020,¹ it is changing how society should be living, interacting with other person, and other such normal activities. The pandemic also made a change into the economy of the whole world. With the pandemic that happen, it is made people to work from home to keep them safe and healthy. The pandemic has affecting on the economy side. One by one company starting to declare their bankruptcy. Other than economy, it also affecting the agriculture field. The Food and Agriculture Organization has conveyed about the food scarcity in the middle of the COVID-19 Pandemic.²

The problem about food is very important and also could be problematic in the middle of disaster especially on this COVID-19 pandemic. The food security indicates about the availability of an access of the food so it can fulfill the basic need.³ According to Central Bureau of Statistics of the Ministry of Agriculture, the national food stock is predicted to be a surplus until June 2020, but this does not mean that Indonesia is free from the food crisis threat that could be happen in the future, and also with the COVID-19 pandemic that is still occur and we do not know when this pandemic will stop, it will have an impact in the agriculture field.⁴ The agriculture field is being in the spotlight because it is related to the national food security. The acts such as fulfilling the high demand

ensure the product quality, the distribution, and other things that need adjustment strategy so the food fulfillment on the society and the food security in Indonesia on this pandemic will be guaranteed in the future.⁵

According to The Food and Agriculture Organization, there are 4 dimensions in food security namely availability, access, utilization, and stability. Even though this pandemic is not affecting all countries and all people, but as the pandemic raging in all over the world, it can have a big impact such devastating family, damaging countries economy, and immobilizing hundreds of million at home. The only way for not to reducing the number of infected people by lockdown or social distancing. This lockdown or social distancing might damaging the economy of the country, and could lead into a big work termination for workers that can affecting their lives.⁶

Methods

Design of research

This study was a normative study which the data is collected through several source such as laws and principle of law. In addition to review the case, the source of information is resulted from scientific journal, and other media such as news. The data then analyzed qualitatively to answer the legal issue.

Data analysis

Both primary and secondary data will be collected and then the data will be analyzed descriptively quantitatively.

Peer-review under responsibility of the scientific committee of the 3rd International Nursing, Health Science Students & Health Care Professionals Conference. Full-text and the content of it is under responsibility of authors of the article.

* Corresponding author.

E-mail addresses: maskunmaskun31@gmail.com, pmc@agri.unhas.ac.id (R. Nugraha).

<https://doi.org/10.1016/j.gaceta.2021.10.049>

0213-9111/© 2021 SESPAS. Published by Elsevier España, S.L.U. This is an open access article under the CC BY-NC-ND license (<http://creativecommons.org/licenses/by-nc-nd/4.0/>).

Result

The availability of the food in this pandemic, where the activity of export and import is being limited by many states, is one of the responsibilities of the states as the provider. As it is state that the food is basic need and it is one of the rights that have to be fulfilled. The society and government should cooperate together. In society, people should not do a panic buying during pandemic. The panic buying can cause an unstable price in the market, while in the government side, the government should support the small farmer to grow their market. Government can also relocate the Regional Revenue and Expenditures Budget (APBD) to mitigating the risk of decreasing food security in the future during the pandemic.

Discussion

Food is the basic need for humanity that need to be fulfilled. The right to get food is one of human rights, as it is explained on the Article 27 of The Constitution 1945 and also on Rome Declaration 1996. With those consideration, it is used as the base of the Law No. 7 of 1996 Concerning Food. As a basic need and one of the human rights, the food has an important value and act for the nations. If the food availability is smaller than the need, it could make an unstable economy.⁷ In the context on the right of food, the state has an obligation to fulfilled the food for the society as how the other right is fulfilled. Therefore, neglect of food and nutrition itself can be considered a violation of human rights by the state. When the right of food is being continuously being neglected, then it is also the same with genocide.⁸ Various economy and politic turmoil could happen if the food is disturbed. For Indonesia, the food is identified with rice because this kind of food is the primary food. The experience happened on economy crisis on 1997/1998 has been showed as the evidence about the disturbed food stock such as the price of rice is increasing significantly, that developed into a multi-dimensional crisis that harm the stability of economy and national stability.⁹

On the Law No. 18 of 2012 Concerning Food, Article 1 Paragraph 1 explains that the food which is “all things originating from biological sources of agricultural products, plantations, forestry, fisheries, livestock, waters, and water, whether processed or unprocessed that are intended as food or drink for human consumption, including food additives, food raw materials, and materials others that are used in the process of preparing, processing and/or making food or drinks”. According to United Nation, the food security is availability to avoid acute food shortages in the event of wide spread coop failure or other disaster. The term of food security is sometimes identified with the adequacy of rice self-sufficiency. But the food security is the fulfillment of the society food need from the side of availability, stability and access.¹⁰ There are three areas of global concern that impact food security: overpopulation, climate change and urbanization.¹¹

This COVID-19 pandemic is hinting on the possibility on the food crisis. The Food and Agriculture Organization has warned the state about this danger that could happen from this pandemic. But, until now no one can predict when the food crisis can happen in Indonesia. It already showed up example on the early March 2020 some of the food such as vegetables became rare in the market. The society was able to buy the primary food, until the government tell the society to not doing a panic-buying to convincing about the food stock is still available. In the report that released by The Food and Agriculture Organization on April 2020, the commodity of primary food is predicted to be not affected by the pandemic. But the food such as vegetables and fruit will be affected by the pandemic.¹²

Food security can be obtained when all society in the state have an access to enough, safe, and nutritious food that meet the requirement of healthy life and also sustainable for the future. But, food security facing several challenge on both production and consumption by society. Many countries in the world are facing hunger and undernutrition alongside overweight and obesity, one out of three people across the globe are suffering from malnutrition.¹³ As coronavirus happen all over the world, the risk on food security in the world are on the country level. Disruptions in domestic food supply chains might happened and can affecting food production. The loss of incomes causing by the economy are creating strong tension and food security risk in many countries. This problem has been warned by The United Nations World Food Program. According to them, it is estimated around 265 million people could face an acute food insecurity by the end of 2020. It is increased up from 135 million people before the food security crisis happened.¹⁴

The strategy that a state can do to saving the food supply while this pandemic is still happening is by making a special policy about their own food in the country. This kind of special policy not only adapt to the current emergency that happened but also preparing the food security to facing new normal. According to Aminou Arouna et al., on Policy options for mitigating impacts of COVID-19 on domestic rice value chains and food security in West Africa, there are three ways to reduce the current potential impact of this pandemic which is short, medium, and long-term policy. For short-term option, the policy maker should provide financial support by buying a local product and providing social safety. On medium and long-term policy option, government is recommended providing an environment that can support crowding in domestic and foreign direct investment in rice value chain upgrading. Also, government can develop a special credit line for investor to modernize the rice milling infrastructure, also government can continue to develop the rural infrastructure.¹⁵

With the pandemic that happening in this period, the government got more burden than before to fulfill the society food need. Example, on the market the government should stabilize the price in the market. As it is happened before on the early period of the pandemic, according to the data is released by the National Strategic Food Price Information Center, there is a food price that is relying on the import, example the price of sugar which is indicated to have risen in price as of February 2020 but has declined again as of June 2020. With the increase in prices of these basic ingredients becoming high, some people become unable to buy these goods. This pandemic also has an impact on the farmer life in Indonesia. With the increasing price in the market, the small farmer that have a limited market access, the farmers can only sell their products at cheap prices in the local market. Of course, this has an impact on the difficulty of farmers buying seeds and renewing their crops. Considering the short shelf life, stockpiling such food ingredients for too long will actually bring another impact on the environment, namely the increase in waste from food that cannot be consumed because it has passed its shelf life. Several expert giving their opinion to the government so the society can still fulfill their need. It is not just the government, but there should be a good cooperation between the society and government. In the society side, people can help with not doing a panic buying. Also, by following the Food and Agriculture Organization in order to create a stable food prices and sustainable food, the society can prioritize to buy a food on the small farmer or producer directly. Compared to buy directly to the distributor that always get a big profit that can made a small farmer gain a big loss. And then, in the government side, to keep the food security stable, the relocation of Regional Revenue and Expenditures Budget (APBD) can be fine to mitigating the risk of decreasing food security.¹⁶

Conclusion

As one of the rights that need to be fulfilled, government need to work extra hard to do so. With the pandemic that happened, it can affecting the activity of the workforce, transportation system, and also the supply chains. This virus have a big impact on many areas in the world and might resulting on food security crisis. As it is state, food security can be obtained if everyone in the society can obtain enough, safe, and nutritious food for their life. Even though, this pandemic showing a possibility on food crisis, The Food and Agricultural Organization has warned all the state about the danger about this food security risk. Several things that the government can do by making their own special policy for their own state about their food security. This special policy not just adjusting on the emergency but also have to adapt to the current new normal situation.

Conflicts of interest

The authors declare no conflict of interest.

References

1. WHO. Rolling updates on coronavirus disease (COVID-19); 2020. <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/events-as-they-happen>
2. Marpaung DS. Ketahanan Pangan Saat Pandemi. Surat Kabar Harian Lampung Post. 26 Mei. 2020.
3. Utami DW. Ketahanan Pangan dan Ironi Petani di Tengah Pandemi COVID-19 [Internet]. Kependudukan lipi. 2020. Available at: <https://kependudukan.lipi.go.id/id/berita/53->
4. BHP UMY. Ketahanan Pangan Indonesia di Masa Pandemi [Internet]. www.umi.ac.id; 2020. Available at: <https://www.umi.ac.id/ketahanan-pangan-indonesia-di-masa-pandemi.html> [cited 12.07.20].
5. Diwangkara C. Upaya Bela Negara Melalui Ketahanan Pangan Dimasa Pandemi COVID-19; 2020.
6. Zurayk R. Pandemic and food security: a view from the global south. *J Agric Food Syst Community Dev*. 2020;9:1–5.
7. Bulog. Ketahanan Pangan [Internet]. Bulog. Available at: <http://www.bulog.co.id/ketahananpangan.php> [cited 14.07.20].
8. Bina Desa. Kewajiban Negara Dalam Hak Atas Pangan [Internet]. Bina Desa. 2016. Available at: <https://binadesa.org/kewajiban-negara-dalam-hak-atas-pangan/> [cited 23.07.20].
9. Triyono K. Keaneekaragaman Hayati Dalam Menunjang Ketahanan Pangan. *J Inov Pertanian*. 2013;11:12–22.
10. Pan American Health Organization. Regional Overview of Food Security and Nutrition in Latin America and the Caribbean 2020. Santiago: Food and Agriculture Organization of the United Nations; 2021. 1–42 bl.
11. Havas KA, Salman MD. Food security: its components and challenges. *Int J Food Saf Nutr Public Heal*. 2011;4:4–11.
12. Rahmadi M. Pentingnya Bertani dan Krisis Pangan di Tengah Pandemi [Internet]; 2020, ekuatorial. Available at: <https://www.ekuatorial.com/id/2020/06/pentingnya-bertani-dan-krisis-pangan-di-tengah-pandemi> [cited 16.07.20].
13. Global Food Security. The Challenge [Internet]. Food security; 2020. Available at: <https://www.foodsecurity.ac.uk/challenge/> [cited 18.07.20].
14. World Bank. Food Security and Covid 19 [Internet]. Worldbank; 2020. Available at: <https://www.worldbank.org/en/topic/agriculture/brief/food-security-and-covid-19> [cited 22.07.20].
15. Arouna A, Soullier G, Villar PMD, et al. Policy Options for Mitigating Impacts of COVID-19 on Domestic Rice Value Chains and Food Security in West Africa. *Glob Food Sec*. 2020;26.
16. Dwijayanto A. Ini Solusi Terhadap Ancaman Ketahanan Pangan Selama Pandemi Covid 19 [Internet]. Industri kontan. 2020. Available at: <https://industri.kontan.co.id/news/ini-solusi-terhadap-ancaman-ketahanan-pangan-selama-pandemi-covid-19?page=1> [cited 24.07.20].