

## REFLECTION ON INDONESIA'S FOOD REGULATION: THE DILEMMA BETWEEN TRADE LIBERALIZATION, FOOD SOVEREIGNTY AND PROTECTION OF TRADITIONAL FARMERS

HS. Tisnanta

Faculty of Law, Lampung University,

Prof. Dr. Soemantri Brodjonegoro street, No. 1, Bandar Lampung, Lampung-Indonesia.

e-mail: s.nymus@yahoo.co.id

Ade Arif Firmansyah

Faculty of Law, Diponegoro University,

Imam Bardjo, S.H. street, No. 1, Semarang, Central Java-Indonesia.

e-mail: recht87@gmail.com

Malicia Evendia

Center for Public Policy and Human Rights Studies (PKKP-HAM),

Faculty of Law, Lampung University, Bandar Lampung, Lampung-Indonesia.

e-mail: maliciaevendia@gmail.com

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### ABSTRACT

*Achievement of food sovereignty and the protection of traditional farmers is two things that should be a priority on the food regulation. However, Indonesia as a WTO member that should be accommodated WTO policies on food trade liberalization is the condition that must be understood wisely. The reflection of this cross side condition is interesting to analyze. The purpose of this study is to analyze and mapping the position of Indonesia's food regulation to the trade liberalization, food sovereignty and traditional farmers protection. This study is qualitative research that only used secondary data. The analysis performed by using the function of law concept from Roscoe Pound and Tamanaha. The result shows that the position of food regulation, strongly supports the policies of the WTO in trade liberalization on the food sector and that extend negative impact on the achievement of food sovereignty and traditional farmers protection in Indonesia. It is recommended that the government should prepare policies that empower food management system to support the achievement of food sovereignty. Law No. 18 of 2012 on Food needs to be changed, especially the provisions of the articles relating to the empowerment and protection of traditional farmers. It should be set in a separate chapter on the development and empowerment of traditional farmers from the flow of food trade liberalization, so that they can have competitiveness to face global competition.*

Keywords: food regulation, trade liberalization, sovereignty, protection, traditional farmers.

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### A. Introduction

National development is a reflection of the will of all the people to constantly improve the prosperity and well-being fair and equitable in all aspects of life are conducted in an integrated, effective, and sustainable in order to realize a fair and prosperous society, both materially and spiritually based on Pancasila and the Constitution of the Republic of Indonesia Year 1945.<sup>1</sup> One form of national development succeeded is in order to realize the prosperity of the people when insufficient of food needs.

Food is a basic human need and its fulfillment is the most important part of the human right of every Indonesian people. Food should always be available in sufficient, safe, quality, nutritious, and diverse with an affordable price by purchasing power, and not contrary to religion, beliefs, and culture. To achieve all this, the system needs to be organized a Food that provides protection for both parties producing and consuming food.<sup>2</sup>

Access to healthy food in sufficient quantities is a basic prerequisite for humans in order to develop the capacity of the physical, mental, intellectual and to live a life with dignity. Hence the sufficiency of food into the basic human rights. Human rights to food sufficiency (Human Right to Adequate Food) is part of Article 25 Universal Declaration of Human Rights (General Declaration of Human Rights) compiled in 1948 and Article 11 of the International Covenant on Economic, Social and Cultures (International Covenant on Economic, Social and Cultural Rights - ICESCR) which is compiled by the United Nations (UN). The convention has entered into force since 1976 and is currently a total of 156 countries have ratified the convention, which means that every state government is obliged to fulfill the right to food for its citizens.<sup>3</sup> In an effort to fulfill the right to food of its citizens, Indonesia needs to realize food security, food self-sufficiency and eventually food sovereignty.

In realizing Food Sovereignty, Independence of Food, and Food Security, the public can participate through the implementation of the production, distribution, trade, Food consumption, the implementation of the Food Reserve Society, the prevention and control of vulnerable Food and Nutrition, information delivery and knowledge of Food and Nutrition, supervision

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<sup>1</sup> General Explanation of the Law No. 18 Year 2012 on Food.

<sup>2</sup> *Ibid.*

<sup>3</sup> Armin Paasch (editor), Frank Garbers dan Thomas Hirsch, *Kebijakan Perdagangan dan Kelaparan: Dampak Liberalisasi Perdagangan Terhadap Hak Atas Pangan Komunitas Petani Padi di Ghana, Honduras dan Indonesia*, Edisi Indonesia - Diterjemahkan oleh Indraswari - Editing oleh Tina E.T.V. Napitupulu, Ecumenical Advocacy Alliance, 2007, hlm. 11.

smoothness implementation of Food Availability, affordability Food, Diversification Food, Food Safety, and/or improvement of household food self-sufficiency. Communities can also convey concerns, input, and/or problem resolution of Food to the Government and Local Government.<sup>4</sup> The role of the community in realizing food sovereignty is mainly carried out by the farmers (including fisherman), both in large-scale enterprises, medium and small. However, trade liberalization in the agricultural sector marginalizes traditional farmers because of the opening of the taps of imported food products.

Trade liberalization prevailing in Indonesia is a consequence of the participation of Indonesia in the (World Trade Organization - WTO). Indonesia became a member of the World Trade Organization in 1995 and began to implement the Agreement of Agriculture (AoA) that asked the Indonesian government to open the market for imported products, decrease and eventually eliminate subsidized agricultural inputs such as fertilizers, pesticides and seeds. The consequences of WTO membership are Indonesia should accommodate all the policies of the WTO, including in agriculture in its laws and regulations.

Law No. 18 of 2012 on Food is one of the products resulting legislation as a consequence of Indonesia's membership in the WTO. Setting its provisions accommodating towards trade liberalization policies in the food sector outlined by the WTO. These conditions, poses certain problems for Indonesia as a sovereign state. On the one hand do not want ostracized internationally that participate in international association with a member of the WTO, on the one hand have to defend the sovereignty of the nation and the welfare of the whole society, including traditional farmers.

Liberalization of trade in relation to the food sector in Indonesia will basically with regard to some things, namely: Indonesian conditions to achieve food sovereignty in the country given the conditions of trade liberalization has resulted in Indonesia became a net importer; business interests of traditional farmers are marginalized when it came to dealing openly with food imports, or in other words they are openly confronted with a larger capital owner. In connection with these conditions, all of them in the form of legal legalization Act No. 18 of 2012 on Food. Therefore, this paper will further mapping the problems related to the Law No. 18 Year 2012 of Food in relation to the interests of traditional farmers and on a wider scale and urgency associated with Indonesian food sovereignty as a nation.

The remainder of this paper will describe the research methods used, the discussion about food regulation related to trade liberalization, food sovereignty and the protection of traditional farmers. This study aims to mapping a substantial relation of food regulation in Indonesia with the reality of trade liberalization associated with the condition of food sovereignty and the protection of traditional farmers, will be seen whether the existing of food regulation, providing space alignments on traditional farmers or only in favor of trade liberalization mechanisms and WTO regulation.

## B. Research Method

This research is a doctrinal research, model of legal research is a comprehensive and analytical study that only used secondary data. The secondary data splitting to the primary legal materials (rules of food regulation), secondary legal materials (books, journal, reports, results of previous research) and tertier legal materials (magazines, newspaper and dictionary). Approach the problem using the statutory approach and the conceptual approach.<sup>5</sup> Data were analyzed qualitatively by describing the data generated in the form of an explanation of the study systematically so as to obtain a clear picture of the problem under study.

Analysis of the legal materials will done in two phases. First, by mapping the content analysis about the structure of rules, systematization of law indication to the problem that mapped and analyzed, interpreting and assessment of the occur rules.<sup>6</sup> The articles relating to issues raised in the study will be analyzed further substance to the aspect of trade liberalization, food sovereignty and the protection of traditional farmers. The second phase, on the legal materials will analyze using the *Regulatory Impact Assessment* (RIA) method.<sup>7</sup> RIA is used to mapping the impact of a regulation on certain aspects, in order to see whether the substance of regulation will affect a particular condition. In the context of this research will be seen the impact of Indonesian food regulation to the aspects of food sovereignty and the protection of traditional farmers. The results of the data analysis inferred deductively, that conducted by examining common issues to the special issue direction.

## C. Result and Discussion

In 1995 Indonesia became a member of the WTO. The background of the establishment of the WTO is inseparable from the history of the events of World War II. During the course of World War II, the allied country, especially the United States and Britain initiated the establishment of an international economic organization to fill international economic policies. The first goal of the initiative to issue a policy The Reciprocal Trade Agreement legislation that requires the obligation of reciprocity for tariff reductions in trade.<sup>8</sup> Tariff reductions in the trade are the forerunner of trade liberalization.

The creation of a system of trade liberalization marked by the birth of an international trade agreement known as the General Agreement on Tariffs and Trade (GATT) in 1994. GATT trade negotiations are also an intergovernmental forum, built on the assumption that an open trading system is more efficient than a system that protectionist and the belief that free competition would be beneficial for the country that applies the principles of effectiveness and efficiency.<sup>9</sup> During its development, the GATT has been reinforced over time through negotiation efforts. The last attempt was the implementation of the Uruguay Round of multilateral trade negotiations (MTNs) which resulted in the formation of the WTO as a formal intergovernmental organization that has not existed before.<sup>10</sup>

<sup>4</sup> Op. Cit. General Explanation of the Law No.18 of 2012.

<sup>5</sup> Peter Mahmud, *Penelitian Hukum*, Kencana Prenada, Jakarta, 2005, hlm xx.

<sup>6</sup> D.H.M. Meuwissen, *Tentang Pengembangan Hukum, Ilmu Hukum, Teori Hukum, dan Filsafat Hukum* (translator B. Arief Sidharta), Bandung, Refika Aditama. 2007.

<sup>7</sup> Kolin Kirkpatrick and David Parker, *Regulatory Impact Assessment*, Edward Elgar Publishing, 2007.

<sup>8</sup> Huala Adolf, *Hukum Ekonomi Internasional*, Rajawali Grafindo, Jakarta, 1998, hlm 20.

<sup>9</sup> Ridha Amaliyah, *Dampak Penerapan Agreement on Agriculture terhadap Ketahanan Pangan Indonesia: Kasus Kedelai Impor*, Unair, tanpa tahun, hlm. 228.

<sup>10</sup> FX. Joko Priyono, *Hukum Perdagangan Barang dalam GATT/WTO*, Badan penerbit UNDIP, Semarang, 2012, hlm. 3.

WTO rules related to trade liberalization covers three areas, namely trade in goods (including agriculture), trade in services and trade-related copyrights. In agriculture, multilateral cooperation embodied by the WTO agreements, in the form of agriculture, the Agreement on Agriculture (AoA). The goal is to reform trade policies in agriculture, in order to create a fair system of agricultural trade and market-oriented.<sup>11</sup>

WTO agreement on agriculture (AoA) supports the policies of the World Bank and the IMF to prohibit non-tariff restrictions and require developing countries decrease the average price of agricultural products by 24% during the period 1995-2004. Restrictions prices (a tariff bindings) mean the state sets a limit on where the market price should not exceed the limit. Price is applied (applied tariff) should be between zero point and the maximum limit.<sup>12</sup>

Application of AoA asked the Indonesian government to open the market for imported products, lowering and eventually eliminating subsidies of agricultural inputs such as fertilizers, pesticides and seeds. Furthermore, the rice price limit set at 160% of the cif import price and schedule based on AoA Indonesia should open up access to the entry of rice with a minimum quota of 70,000 tons per year. With the quota, tariff preference level (preferential tariff) sets a maximum of 90%. Indonesia then committed to reduce export subsidies that have been made during the years 1986 to 1990. The export subsidy generates a total of 300,000 tons of rice per year with a subsidy of U.S. \$ 28 million per year.<sup>13</sup>

However, since the AoA effect, Indonesia stopped exporting rice and turned into a pure importer. Since 1995 Indonesia has opened the domestic market exceeds the provisions of the WTO. In 1995-1997, there is no import tariffs, import quotas applied otherwise flexible and inviting entry of 3,100,000 tons of imported rice in 1995, 1,000,000 tons in 1996 and 400,000 tons in 1997. Overall the import makes Indonesia the world's biggest rice importer during 1995-1997. Thailand, Vietnam and the United States are a major supplier of rice imports during the period (UNDP 2005:24).<sup>14</sup> Current conditions are not much different, still drifting in Indonesian trade liberalization and still put food imports to meet domestic needs. This situation certainly proves that the liberalization of trade in the food sector has an impact on the achievement of food security especially against food sovereignty.

The concept of food sovereignty is the right of the state and nation that independently determines the Food policies that guarantee the right to food for the people and for the people who give you the right to determine the appropriate Food system with the potential of local resources.<sup>15</sup>

Trade liberalization directly or indirectly affects the performance of alleged national food security. It is based on the fact that most developed countries are still high enough to provide protection in the agricultural sector, while Indonesia according agreement of World Trade Organization (WTO) has implemented a policy on a range of agricultural commodities that led to the free market. In such case, the issue of trade liberalization that is felt by a large part of developing countries, including Indonesia, is a matter of market inequities (unfair trade).<sup>16</sup> When developing countries are faced with the developed countries in the competitive free market, of course products of the developed countries and it is possible better cheaper than the production of the developing countries. That way, food sovereignty can certainly be difficult to achieve by developing countries in the mechanism of trade liberalization, it is more because the government is not able to function fully in the economic field in relation to the food sector.

In general, the functions of government in a modern economy can be divided into:<sup>17</sup>

1. The function of allocation; government arranged for the allocation of economic resources efficiently implemented.
2. The distribution function; an action said to be useful if the group who benefit from such measures to compensate for the group who suffered a loss so that the position of the group remains the same losses as well as prior to the action in question.
3. The function of stabilization; economy that is left entirely to the private sector is very sensitive to shock the state that will lead to unemployment and inflation.

Trade liberalization in the food sector and the distribution function weakens the government's economic stabilization function. WTO's trade policy in the field of food that must be accommodated member states has led to the powerlessness of the government in achieving food sovereignty. The government should go back to the beginning to embody the spirit of the food management system that empowers farmers in the country by not burden consumers. Participation in the WTO should be followed wherever possible by intelligent and pithy solutions to well in favor of local interests and to achieve food sovereignty. Law can be used as an instrument to support the achievement of these goals.

Citing the opinion of Rousseau, who conceptualize law as a concrete expression of the general will of the institutionalized. As the general will come from mutual interests and the law also refers to base itself on common interests.<sup>18</sup> Law is the "rules of the game", the rules of the game which would prevent or hinder the authorities and ordinary people act arbitrarily.<sup>19</sup> Moreover, the law also can be used to achieve certain positive measures by the government.

In line with the concept of law, with a futuristic view Roscoe Pound stated that the task of the law is to harmonize the interests of the individual with the interests of society with reference to the fairness with which it is desired.<sup>20</sup> For pound more

<sup>11</sup> *Op. Cit.* Ridha Amaliyah..., hlm 228.

<sup>12</sup> *Ibid*, hlm. 19.

<sup>13</sup> UNDP, *Integrated Assessment of the Impact of Trade Liberalization. A Country Study on the Indonesian Rice Sector*, 2005, hlm. 14.

<sup>14</sup> *Ibid*, hlm. 24.

<sup>15</sup> Article 1 paragraph 2 of Law no. 18 of 2012 on Food.

<sup>16</sup> Handewi P.S.Rachman, Sri Hastuti Suhartini, dan G. S. Hardono, *Dampak Liberalisasi Perdagangan Terhadap Kinerja Ketahanan Pangan Nasional*, Jurnal Pengembangan Inovasi Pertanian, 2008, hlm. 48.

<sup>17</sup> I Gede AB Wiranata, *Perdagangan Internasional (Kajian Hukum dan Ekonomi)*, Penerbit Universitas Lampung, Bandar Lampung, 2012, hlm. 35-36.

<sup>18</sup> Reza A.A. Wattimena, *Melampaui Negara Hukum Klasik*, Kanisius-cet 5, Yogyakarta, 2011, hlm. 57-58.

<sup>19</sup> Mukthie Fadjar, *Membangun Negara Hukum Yang Bermartabat*, Setara Press, Malang, 2013, hlm .2.

<sup>20</sup> FX. Adji Samekto, *Hukum Dalam Lintasan Sejarah*, Indepth Publishing, Bandar Lampung, 2013, hlm 72.

noteworthy is the work of the law. How far is it legal rulings positive influence on the lives of people in the community. Of a growing argument like this was born the famous Pound opinion that the law is a tool of social engineering.<sup>21</sup>

In the theory of law is a tool of social engineering belongs to Roscoe Pound, the law is no longer seen merely as a guardian of the status quo order, but also believed to be a regulatory system to achieve certain goals in a planned manner.<sup>22</sup> Tamanaha is based on the function of law as an instrument as proposed Pound, also look at the instrumental side of the law as a tool to gain certain goals, such as maximizing social welfare or create a balance of competition.

An instrumental view of law means that law – encompassing legal rules, legal institutions, and legal processes – is consciously viewed by people and groups as a tool or means with which to achieve ends. The supply of possible ends is open and limitless, ranging from personal (enrichment, harassment, or advancement), to ideological (furthering a cause), to social goals like maximizing social welfare or finding a balance of competing interests.<sup>23</sup>

Concepts and theories about the function of the law as a tool to achieve certain goals in a state that has mapping above, should be adopted by the government to realize the food management system that can realize the achievement of food sovereignty by the Indonesian government amid the obligation to participate ratify and accommodated WTO policy on food trade sector that are quite liberal. Do not let food management regulations only set up to support the WTO policies regardless of the condition of local food producers that should need to get the support and attention.

Indonesia is an agricultural country, with a land area of approximately 190.9 million ha. Of the total area, 37.1% was used for farming activities, such as rice, dry land agriculture, plantations, fields and other uses, while 62.9% is forested.<sup>24</sup> Ideally, Indonesian land use for the management of food we should be able to make food sovereignty without having to rely on imports from other countries to rely on the free trade mechanism initiated by the WTO. But in reality it is not so, as an example of the only Indonesian rice sector is still the largest rice importer in the world.

The above conditions will be related to the liberalization of trade in the food sector. The issue of trade liberalization coloring commodity trading in the international market in the current era of globalization, no food trade exception. As economies open and ratified the various agreements of economic cooperation and regional and global trade, liberalization pressures through various cooperation agreements such rules is not likely it will eventually collide with internal policies and threaten national interests.<sup>25</sup> One form of accommodation in the WTO agreement on cooperation relating to trade liberalization in the food sector is a discharge of Law. 18 of 2012 on Food. Food Law is interesting to analyze its provisions to restore the provisions of the spirit and purpose of the state to provide maximum prosperity for the people as stated in the Preamble UUDNRI 1945.

As several articles in Food Law by author needs to be studied and explored further in relation to the efforts to achieve food sovereignty that takes into account the interests of traditional farmers is presented in the following table.

Table 1. Analysis of the substance of the Law. 18 of 2012 on Food

No.	Rules	Analysis
1.	<p>Article 14</p> <p>(1) The source food supply comes from domestic food production and national food reserves.</p> <p>(2) In the case of the provision of the Food sources referred to in paragraph (1) is not sufficient, Food Import Food can be met with in accordance with the requirements.</p>	<p>The provisions of Article 14 paragraph (2) can threaten business continuity of traditional farmers. With this provision, the traditional farmers (including fisherman) directly confronted with the mechanism of free trade which of course would have a negative impact on them. Limitations of capital and means of production is an important factor that should receive attention.</p> <p>The government should be more concerned to improve food production in the country with policies that support traditional farmers to achieve food sovereignty, rather than relying on food imports.</p>
2.	<p>Article 15</p> <p>(1) The Government priority to domestic food production to meet the consumption needs of Food.</p> <p>(2) In the case of the Availability of Food to Food consumption and reserves have</p>	<p>The provisions of Article 15 questionable validity when the government was more pro-trade liberalization compared to the fate of traditional farmers. This article must be supported by legal policy further in the technical level to provide a fulfillment mechanism of food</p>

<sup>21</sup> Soetandyo Wignjosoebroto, *Pergeseran Paradigma dalam Kajian-Kajian Sosial dan Hukum*, Setara Press, Malang, 2013, hlm 126-127.

<sup>22</sup> Bernard L Tanya dkk, *Teori Hukum Strategi Tertib Manusia Lintas Ruang dan Generasi*, Genta Publishing, Yogyakarta, 2013, hlm 146.

<sup>23</sup> Brian Z. Tamanaha, *Law as a Means to an End*, Cambridge University Press, The Edinburgh Building, 2006, P. 6.

<sup>24</sup> MF. Anita Widhy Handari, Aziz Nur Bambang, Hartuti Purnaweni, *Analisis Prioritas Kebijakan Perlindungan Lahan Pertanian Pangan Berkelanjutan Di Kabupaten Magelang*, Jurnal Ekosains Vol. IV No. 3 November 2012, hlm. 1.

<sup>25</sup> Gatoet S. Hardono, Handewi P.S. Rachman, dan Sri H. Suhartini, *Liberalisasi Perdagangan: Sisi Teori, Dampak Empiris dan Perspektif Ketahanan Pangan*, Forum Penelitian Agro Ekonomi, Volume 22 No. 2 Desember 2004: 75-88, hlm 76.

	been fulfilled, the excess of domestic food production can be used for other purposes.	crops in the country, empowering and fostering traditional farmers to be able to produce high quality food products and have a competitive edge when it should be faced with trade liberalization in the food sector.
3.	Article 17 Government and Local Government should be protecting and empowering Farmers, Fishermen, Fish Farmer, and business communities as producers of Food.	In line with the provisions of Article 15, the provisions of Article 17 should also be supported by the government in good faith and zeal to protect traditional farmers so as to improve competitiveness in trade liberalization.
4.	Article 18 Government and Local Government in meeting the needs of Food obligated: a. organize, develop, and allocate agricultural land and water resources; b. provide counseling and mentoring; c. eliminate policies that impact on the competitiveness; and d. do budget allocation.	The provisions of Article 18, particularly the letter c that wants to eliminate policies that impact on the competitiveness should be studied further and needs to be changed. The real condition of Indonesia's traditional farmers needs support and protection to improve competitiveness. If then the policy impact on the competitiveness removed, then what about the traditional farmers who need to be kept in the building.  By eliminating policies that impact on the competitiveness, it means the government does not want to interfere in the food trade. The government wants to relinquish responsibility by simply throwing food trade on market mechanisms and this will have a negative impact on traditional farmers.  Article 18 letter c tends to counter with the provisions of Article 15 and 17 who want to give priority to domestic production in food needs and empower traditional farmers.
5.	Article 36 (1) Import Food can only be done if food production is inadequate and /or cannot be produced domestically. (2) Staple Food Imports can only be done if the domestic food production and national food reserves are insufficient. (3) Adequacy of Staple Food Production in the country and the Government Food Reserves established by the minister or government agency that have housekeeper task of carrying out government duties in the field of Food.	The provisions of Article 36 paragraph (1) of the Food Imports to do if food production is inadequate and / or cannot be produced in the country, is also inversely proportional to the passion to empower and protect traditional farmers.  Although imports to uphold a consequence of Indonesia's membership in the WTO, but the government should be seeking to improve the national food system to empower local farmers to achieve food sovereignty..
6.	Article 39 Government policies and regulations set Imported Food that does not negatively impact the sustainability of farming, increased production, welfare Farmers, Fishermen, Fish Farmer, and Food Entrepreneur micro and small.	The provisions of Article 39 of this will be difficult to realize, even tended only as a sweetener in the regulation of food. Almost certainly every food import policy would have a negative impact on the sustainability of farming.

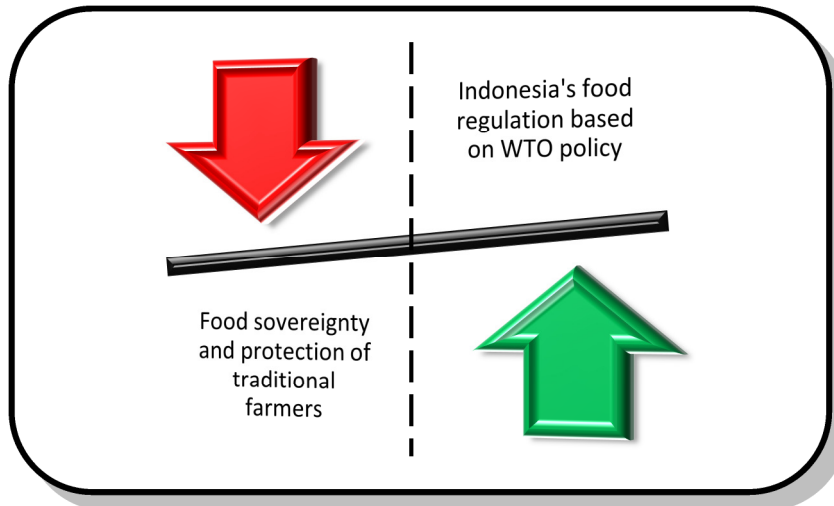
Source: Law. 18 of 2012 on Food, the data is processed.

Based on the analysis of the provisions of the Food Act, as presented in the table above, it can be said that the position of Law. 18 of 2012 on Food strongly supports the policies of the WTO in trade liberalization in the food sector. Law no. 18 of 2012 on Food not in favor of the interests of traditional farmers because of the provisions in it does not provide protection for traditional farmers. The articles relating to the protection of traditional farmers tend to be abstract and only a mere sweetener. There is no specific chapter regulating the empowerment and development of the traditional farmers in the face of trade liberalization. The articles are only inclined in the import policy without regard to the interests of traditional farmers can be said



to negate the principles<sup>26</sup> in the administration of food based on the principles: sovereignty; independence; resilience; security; and benefits. Abandonment protection of traditional farmers in the Food Act also does not fit with the objectives of the food regulation to improve the ability to produce independently Food and increase the added value and competitiveness of Food commodities in the domestic market and abroad.<sup>27</sup> The condition and implication of Indonesia's food regulation to the achievement of food sovereignty and traditional farmers protection is described on the chart one.

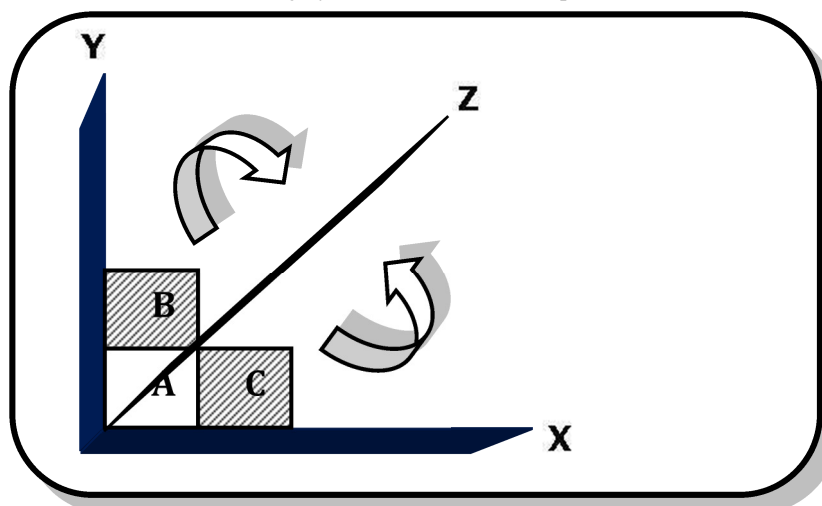
Chart 1. Condition and implication of Indonesia's food regulation to achievement of food sovereignty and traditional farmers protection



Through chart one, presented how the conditions and implications of Indonesian food regulations if it is associated with the achievement of food sovereignty and the protection of traditional farmers. If the green arrow pointing up is assumed to be the reality of Indonesia's food regulatory policy that accommodates the WTO in the field of food trade, the red arrow that is pointing downwards assumed as a condition of achievement of food sovereignty and the protection of traditional farmers. From chart one can be known if trade liberalization is raised it will drown the achievement of food sovereignty and the protection of traditional farmers.

Food regulatory conditions described above should be changed towards the better, so as to accommodate the external aspects of Indonesia's membership in the WTO is also an internal aspect to achieve food sovereignty and protect traditional farmers. Therefore, it needs the ideal food regulation as presented in the chart two.

Chart 2. Ideal position of Indonesia's food regulation between trade liberalization, food sovereignty and traditional farmers protection



Based on chart two, if the X axis is assumed as trade liberalization and the Y-axis as food sovereignty and the protection of traditional farmers, the Z axis is assumed as food regulation. Indonesia's food regulatory conditions currently symbolized by box C which means more inclined to trade liberalization mechanism. On the other hand, the box C is faced with a box B which is symbolized as food regulation in favor of traditional farmers and food sovereignty. If in fact that Indonesia as a

<sup>26</sup> See Article 2 of Law no. 18 of 2012 on Food.

<sup>27</sup> *Ibid*, Article 4.

member of the WTO to be subject to the liberalization of trade in food, but as a country is also required to provide protection to small farmers and food sovereignty, then the next food regulations should be directed to the A box that symbolized as food regulations to accommodate the various interests, both obligations as a member of the WTO and the need to protect traditional farmers and achieve food sovereignty. Way of doing this is by setting up a policy that empowers traditional farmers with regard to the intensification and extensification of agriculture to achieve food sovereignty. Law No. 18 of 2012 on Food needs to be changed, especially the provisions of articles relating to the empowerment and protection of small farmers. Need to be regulated in a separate chapter on coaching empowerment and protection of small farmers from the current trade liberalization of food so that they can be competitive to facing global competition on the food sector.

#### D. Conclusions

Based on the formulation of the problem and the foregoing discussion, two conclusions can be stated as follows: First, the liberalization of trade in the food sector have a negative impact on the achievement of food sovereignty of Indonesia. The mechanism of trade liberalization in the food sector, which requires the government to open the faucet wide import food products resulted in the weakening of the position of traditional farmers and disruption of domestic food production so it is likely to depend on imported food products becomes greater. This situation led to the achievement of food sovereignty be difficult to achieve. WTO policies in the field of food trade liberalization must be accommodated member states has led to the powerlessness of the government in realizing food sovereignty, especially in developing countries such as Indonesia.

Second, the position of the Law No. 18 of 2012 on Food strongly supports the policies of the WTO in trade liberalization in the food sector. Law no. 18 of 2012 on Food not in favor of the interests of traditional farmers because of the provisions in it tend to be counterproductive to the empowerment and protection of traditional farmers. The articles relating to the protection of traditional farmers tend to be abstract and only a mere sweetener. There is no specific chapter regulating empowerment and guidance to traditional farmers to increase their competitiveness in the face of trade liberalization. Food Law does not function as a tool of social engineering to empower and protect traditional farmers, but only as an instrument to legitimize the WTO trade liberalization policies in Indonesia.

Some suggestions are given related to the discussion in this paper is: first, participation in the WTO should be followed wherever possible by intelligent and pithy solutions to also side with the interests of local farmers to achieve food sovereignty. The government should prepare policies that empower food management system to support the achievement of food sovereignty. The law should be used as an instrument to support the achievement of these goals. Second, Law No. 18 of 2012 on Food needs to be changed, especially the provisions of the articles relating to the empowerment and protection of traditional farmers. It should be set in a separate chapter on the development and empowerment of traditional farmers protection from the flow of food trade liberalization so that they can have competitiveness in the food sector to face global competition.

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