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The Legal Aspects of Importing Rice to Food Sovereignty in Indonesia

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Abstract:

The rice import policy that issued by the minister of trade with the consideration of the lack of rice supply became polemic because the policy was issued just before the harvest season arrived. This caused turmoil for the farmers who were disadvantaged by the rice import policy. This study aims to determine how rice imports should be carried out based on Law Number 18 of 2012 concerning Food and *maslahah mursalah* to the implementation of food sovereignty in Indonesia.This research was conducted using normative research methods using normative case studies in the form of legal behavior products. The study was conducted using a conceptual approach and the regulatory approach. The rice import policy that carried out by the government is deemed incompatible with the ideals of food sovereignty and the concept of *maslahah mursalah*. This happened because the policy makers do not look at the sustainability of farmers' business and ignore their welfare. Rice imports cause losses for farmers and society in general. In addition, rice imports also have a negative impact on the country's economy.

Keywords: rice import; food sovereignty; *maslahah*

Introduction

Indonesia is an agricultural country. This is seen from the vest agricultural land that available in Indonesia. It is undeniable that with the vast agricultural land that available in Indonesia, the majority of population of the Indonesian state works as farmers. Fertile land makes agricultural land in Indonesia can be planted with a variety of plants. There is even the term *"Gemah ripah loh jinawi"* which in Indonesia means "Abundant natural wealth". Agricultural development to build food sovereignty becomes very important to be realized. This has become an important issue with developments that have taken place in this modern era. The development of food sovereignty is part of national development concept.[1]The development of food sovereignty is not marely to get the food needs of the Indonesian people so that there is no hunger, malnutrition, and so on. This is the way how Indonesia builds its identity and maintains its dignity. In addition, the Law Number 18 of 2012 concerning Food becomes the benchmark for the developments of food sovereignty. Laws on exports,

[1] Triwibowo Yuwonodkk, *Pembangunan Pertanian Membangun Kedaulatan Pangan* (Yogyakarta: GadjahMada University Press, 2011), 3.

imports, and trade have a close relationship in building food sovereignty. This can be used as a basis for the government to make policies as a form of improving the standart of living and the economy of the community.

Indonesia is a producer of abundant food. With this abundant food product, it is necessary to create legislation to ensure that the food product can be managed and used properly. This concerns the benefits and standart of living of the Indonesian people. With the recent phenomena of the community regarding abundant yields and food import policies, Indonesian farmers are loss. This needs to be reviewed in terms how the exports and imports should be done. If these exports and imports activities are carried out improperly, it will be detrimental to many parties. Not only losses for farmers, but companies and even countries can suffer losses due to lack of supervision and lack of calculation in carrying out exports and imports activities.

In 2012 a new law concerning food was passed, namely Law Number 18 of 2012 concerning Food. The Law is a Law that has been revised from Law Number 7 of 1996 concerning Food. According to the Deputy Chairman of the Commission IV of the Republic of Indonesia House of Representatives, Herman Khaeron, the revision of Law Number 7 of 1996 concerning Food was carried out because it was felt that the concept of food security was no longer in accordance with the needs of the community.[2] With the new concept of food sovereignty, this will be a challenge for the country to be able to implement the ideals of food sovereignty. In its implementation, Indonesia must be able to increase food productivity and manage it well so that the ideals of food sovereignty can be implemented properly.

Provisions on the export and impoer of rice are regulated in Minister of Trade Regulation Number 19/M-DAG/PER/3/2014.[3] In recent years, Indonesia has imported rice to meet the basic food needs. This becomes a polemic especially when the Ministry of Trade Decree on the addition of 500 thousand tons of rice imports in the Coordination Meeting at the Office of the Coordinting Minister for the Economy in 2018.[4] The decision was considered not in line with Law Number 18 of 2012 concerning Food because in Article 36 paragraph 1 of the Law Number 18 of 2012 concerning Food states that "Importing food can only be carried out if domestic food production is inadequate and/or can not be produced domestically".[5] Especially with abundant harvest and with a ministerial decree on the addition of rice imports resulting in losses of farmers. This was stated by agricultural observer of Institute for Development of Economics and Finance, Bustanul Arifin that rice imports can have a negative impact on farmers by falling rice prices.[6] Rice imports that occur also become polemic when the Minister of Trade (Enggartiasto Lukita) in February 2018 decided to import rice because the price of rice continued to surge and the supply of rice began to decrease due to the rainy season which affected crop yields. While the Minister of

[2] Kemenkumham, "DPR RI Akan Revisi UU Tentang Pangan", *Kemenkumham*, accessed on February, 28 2020, http://ditjenpp.kemenkumham.go.id/berita-hukum-dan-perundang-undangan/1938-dpr-ri-akan-revisi-uu-tentang-pangan.html.

[3] Kementerian Perdagangan Republik Indonesia. "Hukum", *Kemendagri*, accessed on February, 28 2020 http://inatrade.kemendag.go.id/index.php/perijinan/get_perijinan_detail/010023.

[4] Inilahcom, "Impor Beras Melanggar UU Pangan, Buntutnya Panjang", *Inilahcom*, May, 23 2018, accessed on February, 28 2020, https://inilah.com/news/2457581/impor-beras-melanggar-uu-pangan-buntutnya-panjang.

[5] Article 26 Paragraph 1 Law Number 18 of 2012 concerning Food.

[6] Shintaloka Pradita Sicca, "Dampak Impor Beras Terhadap Petani Lokal", *Tirto.id*, January, 16 2018, accessed on April, 12 2020, https://tirto.id/dampak-impor-beras-terhadap-petani-lokal-cDiW.

Agricultural (Amran Nasution) stressed that there was no need to import rice because in February-April it was harvest time.[7] That was the polemic about importing food that happen in Indonesia because it will be impact to the economic of Indonesia.

In connection with food sovereignty which is very influential on the economy, one of the principles of Islamic economics is *al-hurriyyah* which means freedom, in which a person is given freedom by God to seek wealth and meet his needs.[8] Islamic law itself is formed from several sources. The source of legal laws in Islam comes from the commands and prohibitions of Allah SWT. This does not need to be a debate because only God is able to control what he wants. The principles and legal principles are sourced from the Quran which was later revealed to the Prophet Muhammad.[9] Al-Quran guarantees for human freedom that contains benefit, glory and human interests as well as guard against arbitrariness and arrogance towards others.[10] Al-Quran and other sources of law become human limitations in behavior.

The system of government that is commonly known as the *khalifah* explores the laws that are applied from *Illahi* sources. This basically explores the best law to implement in running the government. Good government policy if it has reached the level of the problem *maslahah mursalah*. According to Arabic linguists, *maslahah mursalah* is every action that can bring benefits to humans.[11] This includes the whole, not only for certain individuals or groups. The law was inherent in man before he was born.[12] When humans live in society, their lives are controlled by the laws inherent in themselves so that they can live well as social beings. When viewed from the side of Indonesia as the majority country is Muslim, Islam as a perfect religion has a concept and vision in realizing food sovereignty. In Article 39 of Law Number 18 Year 2012 concerning Food, it is stated that "The government sets policies and regulations on food imports that do not have a negative impact on the sustainability of farming, increased production, welfare of farmers, fishermen, fish breeders, and micro and small food businesses".[13] With the problems regarding the policy of importing rice, the author needs to examine the "The Legal Aspects of Importing Food to Food Sovereignty in Indonesia Based on Law Number 18 of 2012 concerning Food and MaslahahMursalah".

Method

This article is normative law research that uses normative case studies in the form of legal behavior products, for example studying the law. The subject of the study is the law which is conceptualized as a norm or rule that applies in society and serves as a reference for everyone's behavior. So that normative legal research focuses on positive law, principles, legal doctrine, legal discovery in concreto, systematic law, the degree of synchronization, legal comparison, and legal history.[14] Based on the explanation above, the author decides to use the normative legal research method to examine and write this

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[7] Puti Aini Yasmin, "Mendag, Mentan dan Buwas Terlibat Polemik Impor Beras,"*detikFinance*, October, 22 2018, accessed on April, 12 2020 https://m.detik.com/finance/berita-ekonomi-bisnis/d-4268053/mendag-mentan-dan-buwas-terlibat-polemik-impor-beras.

[8] Muhammad Sharif Chaudry, *Fundamental of Islamic Economic System*, terj. Suherman Rosyidi, (Jakarta: Kencana, 2012), 44.

[9] Mustofadan Abdul Wahid, *Hukum Islam Kontemporer* (Jakarta: SinarGrafika, 2009), 9.

[10] WahbahAz-Zuhaili, *Fiqih Islam waAdillatuhu* (Jakarta: GemaInsani, 2011), 267.

[11] Amin Farih, *Kemaslahatan dan Pembaharuan Hukum Islam* (Semarang: WaliSongo Press, 2008), 17.

[12] Amin.*Islamic Law and Its Implications for Modern World* (London: Billing & Sons Ltd, 1989), 12.

[13] Article 39 Law Number 18 of 2012 Concerning Food.

[14] Abdul kadir Muhammad, *Hukum dan Penelitian Hukum*, (Bandung: PT. Citra AdityaBakti, 2004), 52.

thesis material as a legal research method. The use of normative research methods in the effort to research the title and thesis writing is based on the suitability of the theory with the research methods needed by the author. In this research, the author uses qualitative methods that produce descriptive data in the form of written words that are not stated in variables or hypotheses.[15] The method of approach in this research is the conceptual approach (conceptual approach) and the regulatory approach (statue approach).[16] The primary legal material is Law Number 18 of 2012 concerning Food. The secondary legal material is books and literature that related to legal aspects of importing food and food sovereignty in particular. Among other things, the literature on *qaidah fiqhiyyah* rules, problems, government policies, and food export and import regulations. And the tertiary legal material of this research. These legal material are collected through inventory procedures and identification of laws and regulations, as well as classification and systematization of legal materials in accordance with the research problem. The analysis of law concluded: (1) Examining of data (editing) which is to re-examine the data obtained to find out whether the data is good enough or not enough to continue research.[17] This data checking is the initial stage carried out to process data. Researchers corrected data relating to food sovereignty by correlating according to Islamic law. (2) Classification (Classifying), which is grouping data that has been obtained to facilitate processing data. Data grouping is done by grouping data regarding the legal aspects of food sovereignty with related laws and regulations. (3) Verification, namely reviewing all data obtained from various sources. Among the results of official documents such as Islamic law books, Law Number 18 of 2012 concerning Food, books, and the internet. (4) Analysis, namely the process of compiling data so that the data can be interpreted. Data is worked out and utilized in such a way that the truths are concluded to answer the problems raised in the study.[18] (5) Conclusion, taking conclusions from the data that has been obtained is intended to get a clear and easy to understand answer so that the reader will get an answer to the problem presented in the problem formulation.[19]

Result and Discussion

The Legal Aspects of Importing Food to the Implementation of Food Sovereignty Based on Law Number 18 of 2012 concerning Food and *Maslahah Mursalah*

Food sovereignty in Article 1 paragraph 2 of Law Number 18 of 2012 concerning Food is the right of the state and nation to independently determine the Food policy that guarantees the right to Food for the people and which gives the right for the community to determine the Food system in accordance with potential natural resources.[20] With a focus on the article in Law Number 18 of 2012 concerning Food there are things that need to be considered so that the purpose of food sovereignty can be realized properly. This is a good start that the government begins to pay attention to Indonesia's agricultural potential. With the revision of Food law, Indonesia has the courage to say that Indonesia is a sovereign country.

In this Article there are two important points, there are: 1) the right of the state and nation to independently determine the food policy that guarantees the right to food for the people and

[15] Johany Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif*, (Malang: Bayumedia Publishing, 2010), 65.
[16] Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2008), 29.
[17] Koentjaraningrat, *Metode-Metode Penelitian Masyarakat*, (Jakarta: Gramedia, 1994), 270.
[18] Koentjaraningrat, *Metode-Metode Penelitian Masyarakat*, 269.
[19] *Pedoman Penulisan Karya Ilmiah Fakultas Syariah Universitas Islam NegeriMaulana Malik Ibrahim Malang*, 2015, 29.
[20] Article 1 paragraph 2 Law Number 18 of 2012 concerning Food.

2) provides the right for the community to determine the food system in accordance with the potential of natural resources. The editor of the words in these two sentences, the partiy that should be at the forefront is the government. Because the government has the authority to make food policies and the government must provide the right for the community to determine the food system in accordance with the potential of natural resources. The sustainability of food sovereignty in Indonesia is inseparable from the cooperation of the government and the farmers community. As an independent democracy, Indonesia already has the right and freedom to determine food policies for its people. Just only about these policies whether they are in accordance with the condition, facts and procedures in force.

According to the Head of the Agricultural Human Resource Extension and Development Agency of the Ministry of Agriculture, Winny Dian Wibawa in improving agricultural productivity and farmers' welfare is the main requirement for realizing food sovereignty, namely:[21] (1) Import control policies. (2) Development of irrigation, dams, road facilities, transportation, markets, and market institutions equally. (3) Rehabilitation of damaged irrigation networks of three million hectares of agriculture and 25 dams until 2019. (4) Declaration of 1,000 sovereign seed villages until 2019. (5) Food subsidies and farmer subsidies. These five efforts were put forward at the HKTI Farmers and Rakernas Congress at Balai Kartini in Jakarta on April 8, 2015.

Focusing on the first point is controlling import policies. In this case, what has become a polemic is rice imports carried out on a large scale until its peak in 2018 which reached 2.25 tons. The polemic that occurred between the Minister of Trade and the Minister of Agriculture regarding rice import policy needs to be examined to see whether the import policy is carried out in accordance with applicable procedures. Following are the data from the Central Statistics Agency on rice imports during 2015-2018:[22]

Table 1. Rice Imports Data

Year	Volume	Expenditure
2015	861,60 thousand tons	US$ 351,60 million
2016	1,2 million tons	US$ 531,84 million
2017	311, 52 thousand tons	US$ 143,21 million
2018	2,25 million tons	US$ 1,03 billion

Judging from the rice import data above, 2018 will be the year in which Indonesia imports large quantities of 2.25 million tons. This needs to be taken into consideration in the application of rice imports by looking at the surplus and estimated harvest amount of the community before importing rice.

[21] Ilham,"Lima Langkah Untuk Kedaulatan Pangan,"*Republika*, April, 8 2015, accessed May, 3 2020, https://www.google.com/amp/s/m.republika.co.id/amp/nmhizr.

[22] Badan Pusat Statistik, accessed May, 8 2020, https://www.bps.go.id/staticable/2014/09/08/1043/impor-beras-menurut-negara-asal-utama-2000-2019.html.

The following rice surplus data available for 2015-2018:[23]

Table 2. Rice Surplus Data

Year	Volume
2015	18,7 million tons
2016	20,1 million tons
2017	17,3 million tons
2018	2,9 million tons

After close observation, every year Indonesia has a rice surplus. That means, rice imports do not need to be carried out while they are in surplus. Because the most important thing is to guarantee the needs of the people. The Ministry of Agriculture is considered capable of carrying out the vision of the mission of food sovereignty in which Indonesia is able to produce rice to meet the needs of the people. But at that time, with a surplus of 2.9 million tons, Indonesia continued to import 2.25 million tons of rice on the grounds that there were not enough stocks to meet people's needs. Regarding rice imports, the Ministry of Agriculture and the Ministry of Trade have a big role in implementing food sovereignty. Both must work together so that the recorded data does not occur in error and there is no misunderstanding so as to make both of them disagree about rice import policies.

Vice president of 2014-2019. Jusuf Kalla stressed that national rice production data for the past 20 years had been erroneous.[24] Errors are not only from the data of Minister of Agriculture, but also from BPS, the Ministry of Agriculture and the head district. Errors do not occur due to miscalculations but data inequality from all parties resulting in misunderstanding. However according to Agricultural Political Economy Observers, Prima Gandhi considers sourced from the Central Statistics Agency (BPS) because since the New Order era until now the one-door data is in the Central Statistics Agency and all Ministry of Agriculture data release are from Central Statistics Agency (BPS).[25] Data errors and misunderstanding beetwen related parties are very vulnerable so that it can make a polemic. Differences of opinion will continue to occur and all parties will defend their opinions. Especially if there is an error in taking a decision will be fatal where there will be many parties who are disadvantaged, namely the farming community. In this case the government must make good cooperation in processing rice data. Cooperation is carried out with the aim of benefit for the people. Because with

[23] Taufan Adharsyah,"Sederet Alasan Kenapa Indonesia Masih Doyan Impor Beras,"*CNBC Indonesia*, January, 10 2019, accessed April, 25 2020, https://www.cnbcindonesia.com/news/20190110130733-4-50025/sederet-alasan-kenapa-indonesia-masih-doyan-impor-beras.

[24] Mikhael Gewati,"Data Produksi Beras BPS dan Kementan Berbeda, Ini Penjelasannya,"*Kompas*, 24 October 2018, accessed May, 18 2020, https://ekonomi.kompas.com/read/2018/10/24/153000826/data-produksi-beras-bps-dan-kementan-berbeda-ini-penjelasannya-?page=all#page2.

[25] Mikhael Gewati,"Data Produksi Beras BPS dan Kementan Berbeda, Ini Penjelasannya,"*Kompas*, 24 October 2018, accessed May, 18 2020, https://ekonomi.kompas.com/read/2018/10/24/153000826/data-produksi-beras-bps-dan-kementan-berbeda-ini-penjelasannya-?page=all#page2.

valid data policy making will also be appropriate in accordance with the data is already available.

The provisions on rice imports are regulated in the Regulation of the Minister of Trade of the Republic of Indonesia Number 01 of 2018 concerning Provisions on the Export and Import of Rice. The export and import policies regulated in the Regulation of the Minister of Trade of the Republic of Indonesia Number 01 of 2018 concerning Provisions on the Export and Import of Rice are amendments to the Regulation of the Minister of Trade Number 103 / M-DAG / PER / 12/2015 concerning Provisions on the Export and Import of Rice as amended by Regulation of the Minister of Trade Number 74 / M / DAG / PER / 9/2017 concerning Amendments to Regulation of the Minister of Trade Number 103 / M-DAG / PER / 12/2015 concerning Provisions on Rice Export and Import. Regulations regarding export and import provisions have been changed because they are considered to be no longer relevant. This regulation was made keeping in mind the existence of Law Number 18 of 2012 concerning Food. In Article 1 Number 4 of the Regulation of the Minister of Trade of the Republic of Indonesia Number 01 of 2018 concerning Provisions on the Export and Import of Rice Imported Rice for public purposes is the import of rice as a reserve which can be used at any time by the Government for purposes such as price stabilization, emergency response, the public poor, food insecurity, and certain conditions determined by the government.[26] The substance of the article is a confusion in which the state of the sentence specified by the government is not specifically explained so as to cause thoughts that exist outside the line. Which will be used as a weapon for governments who want to make policies where the policy is made to benefit individuals or certain parties.

To be able to import rice, a permit must be obtained from the Minister engaged in the field of trade services. This is stated in Article 16 paragraph 1 of the Regulation of the Minister of Trade of the Republic Indonesia Number 01 of 2018 concerning Provisions on the Export and Import of Rice which reads “Importing of rice for public purposes as referred to in Article 15 letter a can only be done by the Public Corporation BULOG”.[27] Looking back at the food law which is a reference in the implementation of food sovereignty in Indonesia, rice import is a legal act by fulfilling licensing procedures that are in accordance with Minister of Trade Regulation No. 01 of 2018 concerning Rice Export and Import. This can be seen from the legality of licensing procedures in fulfilling rice import requirements without looking at the political aspects. It's just that rice import has a bad effect because it is not in accordance with the principle of food administration in Article 2 of Law Number 18 of 2012 concerning Food letter h, namely the principle of justice. In addition, the import of rice which is considered part of the procurement of food so that adequate food availability turns out to be contrary to the conditions of the disadvantaged farming community. And this is prohibited because in Article 39 of Law Number 18 Year 2012 concerning Food, it is explained that "The government sets a Food import policy that does not have a negative impact on the sustainability of farming, increasing production, welfare of farmers, fishermen, fish growers, and Micro and small food businesses."[28] With the import of rice, farmers become the most disadvantaged parties, directly impacting the

[26] Article 1 Number 4 Regulation of the Minister of Trade of the Republic of Indonesia Number 01 of 2018 concerning Rice Export and Import Provisions.
[27] Article 16 Paragraph 1 Regulation of the Minister of Trade of the Republic of Indonesia Number 01 of 2018 concerning Rice Export and Import Provisions.
[28] Article 39 Law Number 18 of 2012 concerning Food.

sustainability of farmers 'efforts in increasing production, farmers will not be prosperous and afraid to farm again because with imported rice can kill farmers' production.

Returning to some references and concepts of food sovereignty listed in Nawacita and the 2012-2019 Medium-term Development Work Plan, the government is very concerned about food import activities. The government is indirectly aware that food sovereignty will be carried out properly if food import activities are limited or even stopped. One effort to realize food sovereignty is to stop food import activities and increase agricultural production. If the program can be implemented well and truly realized in its implementation, the ideals of food sovereignty are not just ideas. In the Quran there are several verses that explain about *maslahah*. One of them is surah an-Naml verse 48 which tells the story of nine people who always do damage in the city of al-Hijr, the city of Thamud.

كَانَ فِي الْمَدِينَةِ تِسْعَةُ رَهْطٍ يُفْسِدُوْنَ فِي الْأَرْضِ وَلَا يُصْلِحُوْنَ

> Meaning: "And it is in that city nine men who make mischief on earth, and they do not do good". (Surat an-Naml: 48)

The nine men who always do damage in the city of al-Hijr are leaders of the people who always invites his people to disobey the teachings of the Prophet Salih as by way of rejecting and denying the treatises that he brought to his people by making fun of the camel of the Prophet Salih as and even want to kill him.[29] These acts can cause damage to the conditions of the al-Hijr community and are contrary to the benefit.
In another verse Allah says:

وَ لَا تُفْسِدُوا فِي الْأَرْضِ بَعْدَ إِصْلَاحِهَا

> Meaning: "And do not do mischief on earth, after (Allah) has repaired it." (Surat al-A'raf: 56)

The word *ishlahiha* found in the above verse also indicates the meaning of benefit. This can be seen from the prohibition of Allah which asserts that no damage should be done on earth. God gives human reason to the best form so that humans can live life in the world well. Human thoughts and deeds which are not used in accordance with what Allah commands with their limitations will lead to damage. As one example of the *maslahah* problem, the rice import policy carried out by the government. Rice import policy issued by the government is a method. In addition, there was a morning depravity of Indonesian farmers. Because farmers were the losers of this import policy.

In determining the law and issuing policies need to pay attention to the aspects of benefit. Even though according to the provisions of the law, it is not written clearly regarding the conditions of benefit and there is no necessity regarding the benefit, but the aspect of the benefit must still be considered to avoid harm to the certain parties. If seen from the rice import policies issued by the government with the reason to increase stock and avoid rising prices, this policy is not wrong. The government's decision is considered appropriate because it aims to stabilize the food needs of the Indonesia people. However, it creates misfortune for farmers because at the time of harvest their

[29] Al Imam al-Jalil al-Hafidz 'Imaduddin Abu al-Fida' Isma'il bin Katsir al-Dimasyqy, *Tafsir Ibnu al-Katir*, (Giza:Muassasah al-Qurthubah, tt), Jilid 10, hlm. 415.

crops will be valued cheaply by the government on the grounds that the government still has an abundant supply of rice from the import policy.

Based on the explanation and hadith and opinion of the ulama regarding the problem of mursalah on the policy of importing rice in Indonesia, it can be said that the import of rice at that time was not right. Because according to the rules it is the same as fathu dzariah, which when taking benefits instead opens the way to damage. The solution to overcome this is referring to the opinion of the cleric Imam 'Izzudin bin Abd al-Salam, that:[30]

دَرْءُ ٱلْمَفَاسِدِ أَوْلَى مِنْ جَلْبِ الْمَصَالِحِ

Meaning: "Rejecting bad things is more important than achieving benefits".

Namely one of them by refusing imports that can cause bad things. It would be better for the government to pay attention to the potential of Indonesia's natural resources to increase local food production. This will have a major impact on the people of Indonesia in meeting the food needs of the community. The government must sovereign food by means of sufficient food production independently, providing regulations on the control and supervision of food availability. In the future, the government must pay more attention to existing data before issuing a rice import policy and pay attention to the concept of maslahah. This aims to ensure that no party is harmed. And the government should not need to issue a policy of importing rice because Indonesia is experiencing a rice surplus. The rice import policy is considered inappropriate because in the short time there will be a big harvest in Indonesia. Rice import policies can only be done if it is accordance with needs. The government can still maintain mutually beneficial relations between countries, but rice import must remain controlled so that the goal of food sovereignty as stipulated in Law Number 18 of 2012 concerning Food can be achieved.

The Impacts of Rice Imports Policies to the Implementation of Food Sovereignty in Indonesia

Based on the mandate of the constitution in Indonesia which is contained in the fourth century of the Preamble of the 1945 Constitution and the fifth precepts of the Pancasila, all laws and regulations in Indonesia must support the realization of a welfare state for all Indonesian people. But in reality, the legal alignments to the welfare of the people and citizens of the poor who are still in the political rhetoric of the political elite.[31] It is very confusing with the Law Number 18 of 2012 concerning Food which makes it as a reference in implementing the ideals of food sovereignty which actually makes the existing rice production neglected and causes a decline in the welfare of farmers.

The existence of Law Number 18 of 2012 concerning Food which is the goal of food sovereignty is the country's benchmark for food development and is a spirit for the nation in implementing the ideals of food sovereignty. The basis of food sovereignty has been very well designed with articles of regulation in it. However, the implementation is often not in accordance with existing regulations. There have been many rice import

[30] Djazuli, *Kaidah-Kaidah Fikih*, (Jakarta: Kencana, 2006), 27.

[31] Yohanes Suhardin, *Peranan Negara dan Hukum dalam Memberantas Kemiskinan dengan Mewujudkan Kesejahteraan Umum,"Jurnal Hukum dan Pembangunan,* No. 3 (July 2010), 394-397.

policies that have harmed the farming community and even greatly affected the country's economy.

After the issuance of the rice import policy many adverse effects occurred in Indonesia. This became public discussion after the rice import policy was issued by the Ministry of Trade. According to economic observers from the Indonesian Political Economy Association, Salamuddin Daeng there are several impacts from rice imports as follows:[32] (1) Rice imports carried out by the government cause trade deficits and current account deficits. According to Budi Waseso, the President Director of the state owned company BULOG is expected to put the brakes on rice imports when Indonesia's trade balance is still deficit due to higher import values than exports.[33] Even though rice import is only one of the imported foodstuffs, it affects the trade deficit. This happens because the rice imports carried out by the government are greater than the number of imports. Logically, when the government decided to import rice, Indonesia was not able to export rice, and especially at that time Indonesia was in a surplus. This shows that the rice import policy carried out by the government is not well considered, causing mistakes by causing fatal losses. (2) Imported rice is one of the main causes of the decline in the exchange rate of the rupiah against the USD. This is because the rupiah is weakening and high import commodities. This will only worsen the value of the rupiah against the USD. According to one of the Indef researchers (Institute for Development of Economics and Finance), Esa Suryaningrum said that the high dependence on imports could worsen depreciation and overshadow inflation.[34]

Depreciation itself is a term in accounting that means depreciation. The greater imports, especially consumer goods in the midst of depreciation, will further weaken the rupiah. The weakening of the rupiah occurs because at the time of importing the country automatically purchases the goods with a US dollar value. (3) Rice imports are the cause of inflation due to the increasingly expensive price of imported food. This relates to the impact of the second rice import policy in which depreciation and inflation are closely related. According to the head of the Central Statistics Agency (BPS), Suhariyanto spending on foodstuff such as rice is very important to maintain because if there is a slight increase, it will have a big effect on the inflation rate.[35] Dependence on imported commodities makes the phenomenon of inflation more real. The impact will be felt on rising prices of consumer goods not durable, food and household fiber fiber prices of fuel oil (BBM). This means that when the potential for imports is higher the price will increase and there will be a decline in people's purchasing power. (3) Import of rice results in a fall in the price of farmers' harvests. Imports are usually carried out at harvest time which is actually done in order to suppress the prices of agricultural products of farmers. When the harvest comes and there is an import of rice, the farmers 'rice production will be neglected because no one can accommodate the farmers' harvest. This has a bad impact because farmers' rice production does not sell well with imported rice. According to the Professor of Sociology at Airlangga University, Bagong Suyanto, the decision to

[32] Gendon Wibisono,"8 Kerugian Akibat Kebijakan Impor Pangan,"*Nusantaranews.co*, January, 11 2019, accessed on May, 15 2020, https://nusantaranews.co/8-kerugian-akibat-kebijakan-impor-pangan/.

[33] Elba Damhuri,"Cadangan dan Produksi Aman, Mengapa Masih Impor Beras?,*"Republika,* September, 20 2018, accessed on May, 26 2020, https://www.google.com/amp/s/m.republika.co.id/amp/pfbyag449.

[34] Yayu Agustini Rahayu,"Tingginya Impor Makin Bikin Kurs Rupiah Terpuruk,"*Merdeka*, July, 3 2018, accessed April, 15 2020, https://m.merdeka.com/uang/tingginya-impor-makin-bikin-kurs-rupiah-terpuruk.html.

[35] Andri Donnal Putera,"BPS: Waspada Harga Pangan,"*Kompas*, September, 3 2018, accessed on May, 26 2020, https://www.google.com/amp/s/amp.kompas.com/ekonomi/read/2018/09/03/123900126/bps-waspada-harga-pangan.

import rice only benefits traders but not farmers.[36] This is very contrary to food sovereignty in which the government should give the right for farmers to manage their own agriculture, but instead these rights are ignored by bringing in rice from abroad. (4) Rice imports are increasingly making Indonesia's agriculture sector deteriorate, less attention to the maximum because the government is spoiled by imports. According to HS. Dillon in his article entitled Agricultural Politics quoted by Dwi Harsono in his journal entitled Agricultural Development in Favor of Farmers said that Indonesia needs paradigmatic reform in agriculture by opening opportunities that can make farmers grow and be independent.[37] With Indonesia's natural resource potential that is no doubt, Indonesia should be able to manage rice production and even export rice abroad. This is what will happen if the government is unable to regulate, manage and oversee the agricultural sector properly, all becomes in vain. The bad impact of Indonesia being unable to implement food sovereignty which is predicted will improve the country's economy. In addition, the farming community does not want to improve their performance as a farmer, who is assigned as a food producer because they feel that the profession of being a farmer is not profitable and is not given space by the government. (5) Imports of rice make Indonesian food very vulnerable to external factors or in other words Indonesia is increasingly sovereign.

The high commodity imports of rice that occur in Indonesia will result in Indonesia becoming increasingly dependent on foreign production even though Indonesia itself is capable of producing it. Food sovereignty which is the ideals of the nation and the state will not be realized if Indonesia is still dependent on imports, especially imports of basic foodstuffs. Sovereignty must always be a guideline so that the rights that need to be fought for can still be achieved without any obstacle. (6) Rice import raises the moral hazard of state administrators by playing import permit cards, import quotas and so forth. Moral hazard is English which means moral deviation. One of the deviations of authority according to the President Director of the state owned company BULOG, Budi Waseso said that the mafia seeks opportunities in government programs, one of which is through the Non-Cash Food Aid program.[38]

The state administrator is none other than the government which has the authority to regulate and carry out state activities. In the process of importing rice everything needed in the import administration is held by the government or the authorities. This can cause something to happen that is wrong in regulating import policies. Starting from incorrect data, import permits, and import quotas which must be considered so that in making policies and decisions there are no mistakes, these things will be ignored with the aim of satisfying oneself or certain parties. Import activities can be a gap for the authorities to do something that deviates from their authority. Member of the House of Representatives Commission Mindo Sianipar highlighted the implementation of Law Number 18 of 2012 concerning Food which has not been implemented optimally related to imports. The Ministry of Trade, which should only be tasked with administrative matters and granting licenses in export and import matters, feels that it has the right to

[36] Bagong Suyanto,"Impor Beras dan Nasib Petani," *Tempo*, January, 16 2020, accessed on May, 26 2020, https://kolom.tempo.co/read/1050840/impor-beras-dan-nasib-petani/full?view=ok.
[37] Dwi Harsono,"Pembangunan Pertanian Yang Berpihak Pada Petani,"*Pembangunan Pertanian*, No. 2 (2009): 88.
[38] Savira Wardoyo,"Buwas Ungkap Mafia Beras Bersembunyi di Program Pemerintah,"*CNBC Indonesia*, February, 19 2020, accessed on May, 26 2020, https://www.cnbcindonesia.com/news/20200219135345-4-139001/buwas-ungkap-mafia-beras-bersembunyi-di-program-pemerintah.

issue import recommendations. With this, rice imports are often carried out uncontrollably. Mindo Sianipar revealed that there is already a Food Law governing national food supply and that is the responsibility of the ministry of agriculture, if imports occur, there will be import recommendations from the ministry of trade.[39] Regarding the import policy must be guarded seriously and with full responsibility. (7) Importing rice opens up opportunities for crimes of entrepreneurs, food hoarders and plays food prices in order to maximize their profits and harm the people. Food distribution in order to reach the community requires the hands of the government and entrepreneurs. If imports continue, it will open up opportunities for crime for those who have a share in the distribution of rice. If hoarding and price games occur, the community will be greatly disadvantaged by the actions of the rice mafias.

Conclusion

Research on the legal aspects of importing rice to food sovereignty in Indonesia which refers to Law Number 18 of 2012 concerning Food and related to regulations can be a reference of how importing rice policies should be carried out with the aim of benefit. The government should better understand the goals of food sovereignty that have been declared for the progress of the Indonesian state. The Indonesian government should pay attention to the Indonesian agricultural sector and increase rice production so that it can meet the food needs of the Indonesian people without having to import large amiunts of rice. The government must make a policy in importing rice with careful consideration by looking at the result of rice production and the potential of the existing agricultural sector. The rice import policy that carried out by government must contain elements of benefits so as not to harm certain parties in accordance with the concept of maslahah. The impacts of rice import policies that violate the purpose of food sovereignty must be made a lesson so that the losses and mistakes that have occurred do not occur again.

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[39] Heru Guntoro, “Penerapan UU No. 18 Tahun 2012 Tentang Pangan Belum Maksimal,” *gesuri.id,* May, 13 2019, accessed on July, 18 2020, https://www.gesuri.id/kerakyatan/penerapan-uu-no-18-tahun-2012-tentang-pangan-belum-maksimal-b1WfQZj7X.

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