



Building a Food Sovereign Society Through Indigenous Forest Establishment Policy

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Abstract

Multi-complex food development requires a multi-sectoral approach so that the Government as a policy maker in the food sector requires cross-sectoral coordination which is an essential requirement to build effective food security at the national level in Indonesia. The institutional crisis within the government's food sovereignty agency, lack of political commitment and political will has resulted in the failure of the food security program in Indonesia, therefore the Indonesian government needs to change food policy politics based on its utilization strategy towards local-based decentralization that focuses on local farmers and indigenous peoples. Constitutional Decision No. 25/PUU-X/2012 is the main basis for strengthening the rights of communities, especially indigenous peoples to customary forest ownership to achieve food sovereignty in Indonesia.

Method

This research is a doctrinal legal research using a statute approach. Data analysis was conducted in a non-positivistic qualitative way using the interpretation method. The interpretation used is a hermeneutic interpretation of law.

Result

The food insecurity and crisis that has been faced in recent years shows the failure of Indonesia as a welfare state, so it is necessary to review the food security policies that have been implemented so far. Some of the reasons for this failure are (1) food security legislation is centralized; (2) neglect of local knowledge and local wisdom systems in natural resource management and agriculture; (3) low community participation in policy formulation and implementation; (4) degradation of natural and agricultural resources due to weak management. To overcome these failures, the government is currently focusing the food security program on strengthening government bureaucratic institutions in managing national food security. One of the things to do is to let indigenous peoples manage and develop their food sovereignty with limited or even no government intervention.

In forest management in Indonesia after the decision of the Constitutional Court No. 35/PUU-X/2012 can be done with the co-existence model, namely the customary forest management policy is handed over to various customary law community units with all the local wisdom of the community, living side by side with state policies in the forestry sector. The co-existence policy is seen as in accordance with Article 18 B Paragraph (2) of the 1945 Constitution of the Republic of Indonesia, namely that "The State provides recognition and respect for customary law community units and their traditional rights as long as they are still alive and in accordance with community development and the principles of the Unitary State of the Republic of Indonesia. Indonesia, which is regulated by law". This means that in line with the development of politics and law in Indonesia in international relations, the existence of these subnational communities is re-recognized as autonomous units whose rights to self-determination in economic, social and cultural life are recognized.

Conclusion

Law No. 18 of 2012 concerning Food which regulates food sovereignty, food self-sufficiency, and food security are the main principles in guiding the country's food policy. Indonesia's food policies, which present a broad and inclusive and state-centered vision of food security, have in fact failed to achieve food self-sufficiency. Building a local food system means fighting for the rights of citizens to have food sovereignty, which is done by allowing indigenous peoples to manage and develop their food sovereignty with limited intervention or even without government intervention. This is the right approach to realizing national food sovereignty. Determination of customary forest based on Constitutional Court Decision No. 35/PUU-X/2012 can support the acceleration of food sovereignty at the level of indigenous peoples.