

Fulfillment of the Right to Food During the Covid-19 Pandemic in Indonesia

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ABSTRACT

The condition of the COVID-19 pandemic that occurred in Indonesia caused various problems in the life of the nation and state. Various kinds of problems such as social, economic, and educational are accompanying conditions. Economic problems, especially the fulfillment of basic rights, have become a serious problem during the COVID-19 pandemic, where many people are experiencing an economic crisis making it difficult to meet basic needs such as food needs. This study is intended to examine how every citizen has the right to food and how it is the state's responsibility to fulfill the right to food during the COVID-19 pandemic. This research uses normative legal research with a statutory and conceptual approach. The results of the study show that the right to food is a constitutional right of citizens that must be fulfilled under any conditions, especially in the conditions of the covid 19 pandemics. This is guaranteed in the constitution and laws and regulations regarding food. The state has an obligation to fulfill the right to food for every citizen under any conditions, including the COVID-19 pandemic. Current conditions still show that the state has not fully realized the right to food during the COVID-19 pandemic.

Keywords: *Right to food, Covid-19 virus pandemic, Economic problems.*

1. INTRODUCTION

The right to food is the most fundamental right to human life that intersects with the right to live. The fulfillment of the right to food is a necessary right to the basis of human survival and is a necessary prerequisite for the realization of other rights. So that discourse related to the concept and implementation of the right to food is crucial for the survival of civilization. The right to adequate food is firmly attached to the universal human rights system. The right to food is defined in this type of economic, social, and cultural rights, and is specifically also regulated in some international treaties aimed at protecting a particular group of individuals. The implementation of the right to food is not only concerned with factors that determine food security directly in a country such as food availability and accessibility, and planning for food shortages, food emergencies, and food distribution issues, but also requires the fulfillment of other human rights. The legal dimension of the right to food is complex because of its status as part of economic, social, and cultural rights. This category of rights has been the subject of the debate centered on the vagueness of the limits of state rights and responsibilities in the implementation of this right.

The protection of human rights through the constitution is the strongest form of legal protection because consensus is considered the basic law or the highest law in a country. In order to provide constitutional protection of the right to adequate food for its citizens, a statement of a country's commitment in terms of realizing the right to adequate food for its citizens is a very important thing to do. The full realization of the right to adequate food is not fulfilled immediately with the enactment of the Covenant on Social and Cultural Economic Rights because it will depend heavily on the steps of the government.

In the Constitution of the Republic of Indonesia, the conception of state responsibility in human rights, as seen in Articles 28I (4) and (5), states "The protection, promotion, enforcement, and fulfillment of human rights is the responsibility of the state, especially the government and to uphold and protect human rights in accordance with the principles of a democratic state of law, the exercise of human rights is guaranteed, it is regulated, and enshrined in the laws and regulations." These two things are key in seeing the constitutional responsibilities that must be carried out by the state, to carry out efforts to develop human rights[1].

Food needs are basic needs for every level of society in addition to clothing and housing. Food needs are basic human needs to be able to carry out their lives. The Law of the Republic of Indonesia Number 18 of 2012 concerning Food states that "Food is the most important basic human need and its fulfillment is part of human rights guaranteed in the 1945 Constitution as a basic component to realize quality human resources." This shows us how important it is that food issues are addressed and are a shared responsibility. The need for food in Indonesia is indeed very large considering the large population [2].

Early in 2020, China has warned the world of the dangers of SARSCov-2 or Corona Virus Disease 2019 (COVID-19). Almost all countries in the world experience the same thing, namely facing a virus called coronavirus or Covid-19. This virus began to spread to several countries, where initially only located in China precisely in the city of Wuhan [3]. Which first felt the presence of this virus then finally one by one country in the world, both in Europe, America, Asia also became the place of the spread of this virus. Currently, it can almost be said that there is not a single country that is not affected by this contagious and deadly virus, where the spread of this virus is very fast can attack several people at once even the entire population or community in it. Indonesia is among the countries that are also experiencing the most severe pandemic at this time, since it was announced by the Government about the first patients to contract COVID-19, until now the number of people affected is also still growing.

The condition of the COVID-19 pandemics that occurred in the world including in Indonesia has caused various problems in various sectors of life. Economic and social welfare issues are the biggest issues discussed. The COVID-19 pandemic has presented new challenges for those in charge of the national food safety surveillance system to continue to perform routine functions and activities in accordance with national regulations and international recommendations.

Policies carried out by the Government of Indonesia, as well as policies carried out by other countries certainly have a big impact on the lives of their people, the closure of a number of shops, factories, companies indirectly has an impact on the economic life of their people which causes many people to lose their jobs.[3] Job losses have certainly had an impact on daily survival, especially on the fulfillment of citizens' right to food. Previously the number of poor people recorded in the Central Agency

for National Statistics was 25.14 million. the soul or about 9.82% of the total population [4].

The U.N. Food and Agriculture Organization (FAO) says the Covid-19 pandemic originating in Hubei Province in China could affect the global economy and food security. The impact, among others, has led to job cuts in Indonesia and in a number of countries, disrupting the availability of labor, distribution of goods including food, and supply chains (foreign trade). There is a risk of a global food crisis unless swift action is taken to protect the most vulnerable and poor, keep the global food supply chain running and mitigate the impact of pandemics on the food sector across the food system.

To see the potential risks, this paper will examine the fulfillment of food words, especially in Indonesia. To that end, this study will first look at how the concept and position of food as a constitutional right in Indonesia. Then the second is to analyze how the implementation of the fulfillment of the right to food in the conditions of the Covid-19 pandemic in Indonesia.

2. METHOD

The method used in this study is a normative research method. normative legal research is research conducted by examining positive legislation/laws using library materials or secondary data. The approach method used in this research is a statutory approach and a conceptual approach[5]. The main/primary legal materials used are statutory regulations. To assist the research, secondary legal materials are also used consisting of bibliographical literature such as books, research reports, journals, and the like that are supportive in nature.

3. RESULT AND DISCUSSION

I. THE RIGHT TO FOOD IS A CONSTITUTIONAL RIGHT OF CITIZENS

Human rights are very important in the lives of mankind. Every human being who is born has his or her human rights. Others cannot interfere with the human rights of each individual. Therefore, human rights must be understood by everyone. Because of its importance, human rights are used as one of the materials in Pancasila education and citizenship. That's why to be a good citizen must understand and be aware of human rights. Because of the urgency of these ecosob rights, the international community also made a convention that regulates these rights, namely the ICESCR (International Covenant on Economic, Social and Cultural Rights) which is also at the same time as the convention that regulates civil and political rights, namely the ICCPR (International

Covenant on Economic, Social and Cultural Rights). on Civil and Political Rights) in 1966. The position of economic and social rights is very important in the hierarchy as international human rights, because these economic and social rights become a reference for joint achievements in economic, social, and cultural development.

To promote the general welfare, educate the life of the nation, and social justice for all Indonesian people, the State is obliged to prosper all its citizens from the conditions of poverty as mandated in the Opening of the Indonesia Constitution. The problem of poverty is complex because it concerns various aspects such as the right to food, health, education, employment, and so on. The human rights instrument that guarantees the fulfillment of economic, social, and cultural rights (Ekosob) is Law of the Republic of Indonesia Number 11 of 2005 concerning Ratification of the International Covenant on Economic, Social and Cultural Rights [6]. In international instrument of human rights, right to health is stipulated in Article 25 paragraph (1) of the Universal Declaration of Human Rights which states that "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control" [7]. The main basis that the protection of human rights is an obligation government and the state as democratic principles whose mandate is to protect citizen rights [8].

This ratification reinforces the responsibility of the state as a duty bearer to be able to meet the minimum needs of eco-rights, namely the ability of the state to provide minimal infrastructure and expertise in facilities to provide food, education, health, housing, and employment that allows for each individual community member in one country both at the central level and in areas to live a minimum of decent (right to live hood). This ratification forced the state to actually carry out constitutional orders in the welfare of its people. This obligation is contained in Article 2 of the Convention of The Ekosob and the General Comment of the United Nations Eco-Governmental Rights Monitoring Committee, which affirms that after ratification the state shall formulate concrete measures to improve the conditions of fulfillment and protection of minimum eco-rights to its people.

The government is responsible for human rights in all fields. As in Article 72 of the Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights, namely "The obligations and responsibilities of the Government as referred to in Article 71, include effective implementation steps in the fields of law, politics, economy, social, culture, national defense, and other fields". In other words, the government must fulfill and guarantee political civil rights and economic, social, cultural rights. The consequence of ratification of this international covenant is that Indonesia has become a State Party or a signatory state of this international covenant so that the state through the government has an obligation in international law in implementing the contents of the covenant including the right to food for each of its citizens.

The right to decent food, stipulated in the Universal Declaration of Human Rights, Article 25 paragraph (1), states that: "Everyone has the right to a standard of living adequate for the health and well being of himself and of his family, including food, clothing, housing, and medical care and necessary social services, and the right to security in the event of unemployment, sickness disability, widowhood, old age or other lack of livelihood in circumstances beyond his control." [9] In addition, Article 11 of the ICESCR Covenant states: "The State Parties to the present Covenant recognize the right of everyone to an adequate standard living for himself and his family, including adequate food, clothing and housing to continuous improvement living conditions." The State Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect, the essential importance of international cooperations based on free consent [8].

The commitment of the Republic of Indonesia to respect and uphold human rights has been affirmed in the Indonesia Constitution. In addition, it is regulated regarding human rights as a constitutional right for every person, resident, and Citizen of Indonesia, the 1945 Constitution, specified in Article 28I paragraph (4) also affirms the constitutional obligations/responsibilities mandated to state organizers, especially the government [9]. The COVID-19 pandemic period certainly gives the government responsible for the order, security, comfort, and welfare of the community. The responsibility of the state can be seen in paragraph IV of the Preamble of the Indonesia Constitution which is to protect the entire Indonesian nation and all Indonesian blood, promote the general welfare, educate the life of the nation, and

participate in implementing world order based on independence, lasting peace and social justice.

The four responsibilities above are the mandate by the founders of the nation for the organization of the state. Then, we have known together, that Indonesia is a country that stands based on the law not based on power alone. The Indonesia Constitution has a principled position as a guideline for the governance and conduct of state life, government, and society, not least affirming the existence of the concept of the state [10].

The Right to Food Guide has explained three levels of state obligations. The obligation to respect the right to food requires states, thus including all their organs and bodies, to the extent possible not interfere in the efforts of peoples to fulfill their right to food, if any form of state intervention would violate individual integrity or violate the freedom of individuals to choose and use available or possessed resources in their efforts to meet their basic needs. Since a person's efforts to fulfill his or her rights must not violate the rights of others, it is the duty of the state to guarantee this, as a form of responsibility in the second level, namely the obligation to protect, which requires the state through its bodies to take necessary measures to prevent a particular person or group from violating the integrity and freedom of action of another person or group, or a violation of other forms of human rights, including to prevent violations committed by individuals or other groups in utilizing existing resources, especially natural resources.

The obligation to protect means that states must issue legal regulations or instruments relating to the fulfillment of the right to food of their citizens who are in the interests of society in general, not just benefiting certain individuals or groups, and carry them out consistently. The obligation to fulfill, in short, means the state must play an active role in assisting its citizens in efforts to fulfill the right to food, by not reducing the right to food of its other citizens. States must ensure that every individual in his or her jurisdiction has the same opportunity to make ends meet, if that cannot be done on their own. In the context of the right to food, the state is burdened with the obligation to fulfill it as well as other human rights. The state is burdened with obligations to meet people's needs for affordable and adequate food and nutrition. Therefore, this neglect of food and nutrition itself can be considered a violation of human rights by the state. In fact, when the right to food is ignored continuously, then the violation can be equated with the latent destruction of generations.

The right to proper food has the principle of indivisibility, which is the linkage of one human right with another form of human rights. That is, the right to food does not stand alone, but also depends on respect for other basic freedoms, such as the guarantee of constitutional rights in the Indonesia Constitution, namely: (1) the right to life and the right to maintain life and life (Article 28A); (2) the right to develop oneself through the fulfillment of its basic needs (Article .28C); The right to a prosperous life is born and inward (Article 28H). The implementation of the fulfillment of food catalyzes is specifically regulated in Law of the Republic of Indonesia Number 18 of 2012 concerning Food.

In such a framework, the right to food has an important position as a fundamental right that must be respected, protected, and fulfilled. The Constitution has guaranteed the right to food, only that it is not explicitly mentioned but is contained in the guarantee of other basic rights. Because the right to food has been guaranteed in the constitution, this right in addition to being a human right in general is also a constituent right of citizens in Indonesia.

II. FULFILLMENT OF THE RIGHT TO FOOD IN THE COVID-19 PANDEMIC IN INDONESIA

Food security is a topic of discussion that is currently being discussed by many parties as a consequence of the impact of the increasingly widespread COVID-19. After struggling with health problems and people's purchasing power, food security is another central issue that needs to be addressed as soon as possible. Food must be a special concern because this problem is the most basic need, apart from clothing and shelter. Carrying out work from home (working for home) and maintaining physical distance (social/physical distancing) as well as several local government policies that implement partial regional quarantine and limit activities, have created new changes in the situation in almost all walks of life, including changes in food supply chain pattern.

The system or pattern of performance in the food sector has indeed seen a very significant change in the midst of the COVID-19 pandemic, starting from the production process to consumption. From a production perspective, farmers and food producers are starting to feel changes in supply and also have to adjust production protocols to ensure food quality and safety in the midst of the COVID-19 pandemic, especially in areas that have been contaminated [11]. Food and Agriculture Organization of the United Nations (FAO) recognizes

four pillars of food security, including physical availability of food; economic and physical access to food at the international, nation, and household level; food utilization or the sufficient energy and nutrient intake for good nutritional status; and stability of the previous three dimensions over time [14]. There are consequences to a global food crisis unless urgent action is taken to protect the most vulnerable and poor, keep global food supply chains running and reduce the impact of the pandemic on the food sector throughout the food system [13].

The government as the personification of the State in carrying out its obligations in the implementation of food is inseparable from the principles of human rights, namely respecting (to protect), and fulfilling (to fulfill), in the implementation of human rights on food, the obligation of the State in implementing the three steps is an interrelated series, by borrowing the concept of thought from Hernando Affandi who said the three steps are a process from upstream to downstream. That is, that the first step will have an impact on the second step, then the second step will affect the third step. Thus, before the third step should be preceded by the second step, and before the second step must be preceded by the first step. Therefore, the last step will be the culmination of the first and second forms [14].

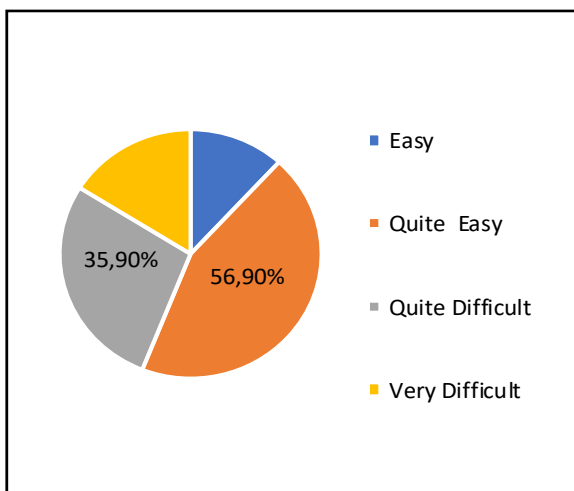
The United Nations Food and Agriculture Organization (FAO) stated that the COVID-19 pandemic that started in Hubei Province in China could affect the global economy and food security. The impact has among others caused layoffs (PHK) in Indonesia and in a number of countries, disrupting the availability of labor, distribution of goods including food, and supply chains (foreign trade) [15]. In Indonesia, if you look at monthly inflation data volatile food inflation, which is dominated by foodstuffs, also shows a similar trend. Volatile food inflation, which is dominated by foodstuffs, also shows a similar trend. Even so, the government needs to remain aware of the possibility of rising food prices. And find a solution to the possibility that will happen.[16]

Access to food before the COVID-19 pandemic showed that 78% said it was still quite easy, and even at 15.2% said it was very easy. When compared to the situation before the Covid-19 pandemic, the level of ease of finding food has decreased by 20.7%. Thus, since the Covid-19 pandemic, the level of ease of accessing food has decreased by 20.7%, which was originally expressed by 77.6%, at this time the ease of accessing food can only be enjoyed by 56.9% of the population. This number of difficulties in accessing food actually explains how the most recent conditions regarding food access capacity are.

However, with the movement of movement restrictions aimed at reducing the spread of the coronavirus, it has an impact on transportation and food processing, and other important matters, increasing delivery times and reducing the availability of food, especially certain food staples. The consequences of food security that occur during a pandemic occur when large-scale governments close borders, disrupting food migration routes [17]. The Food problem is a state of deficiency, excess, and/or the inability of individuals or households to meet the needs of Food and Food Safety, in a situation like this, it is certain that many households or communities are experiencing food problems as stated in Law of the Republic of Indonesia Number 18 of 2012, because it has become an obligation for the State to continue to ensure the fulfillment of the need for food for every citizen, in this case, must be done by the Government.

In the situation of the COVID-19 pandemic, the fulfillment of the right to food in Indonesia is not a priority of attention, causing the fulfillment of these rights not to run optimally and even tends to be violated. Various examples of problems that underlie this are such as increasing layoffs and corruption in social assistance. This phenomenon further exacerbates access to fulfillment. Fulfillment of the right to food should be increased during pandemic conditions because during this pandemic a special situation occurs which requires that the act of fulfilling human rights be a serious concern, not as good as it should be.

Diagram. 1
Access to Food during the Covid-19 Pandemic



4. CONCLUSION

The right to food is a constitutional right of Indonesian citizens, this is because this right is a right that is required to be fulfilled by the state. The Right to Food has explained three levels of state obligations, namely the obligation to respect, protect and fulfill. The right to food does not stand alone but also depends on respect for other

basic freedoms, such as the guarantee of constitutional rights in the 1945 Constitution, namely: (1) the right to live and the right to maintain life and livelihood (Article 28A); (2) the right to develop oneself through the fulfillment of basic needs (Article 28C); the right to live in physical and spiritual prosperity (Article 28H). The implementation of the fulfillment of the right to food is specifically regulated in Law of the Republic of Indonesia Number 18 of 2012 concerning Food. The fulfillment of the right to food in the Covid-19 pandemic situation in Indonesia does not run optimally. This is caused by several factors, limited access to mobilization, termination of employment, corruption of social assistance funds. The Covid-19 pandemic condition is a special situation that needs special handling by forming policies and compliance in terms of food being carried out in a special and important way.

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