

THE ENVIRONMENTAL LAW ENFORCEMENT OF ACCESS TO FOOD AS A FUNDAMENTAL RIGHTS

MUH. HASRUL*, BIRKAH LATIF, IINKARITA SAKHARINA, FARIDA PATITTINGI, PADMA D LIMAN, LAODE SYARIF

Law Faculty, Universitas Hasanuddin

* E-mail: luluhukum@gmail.com

Abstract:

The right to be free from hunger is a human thing for everyone and becomes very important, because only with a full stomach can one carry out other activities to continue his life and fulfill his obligations as a human being. The right to food is a basic right and an inseparable part of human rights, while the right of access to adequate food is also strongly influenced by the clean and healthy environmental conditions in an area, because the availability of foodstuffs will depend on the environmental conditions in an area. Therefore, it requires a policy that forces the enforcement of a healthy and clean environment to fulfill the right of access to food as part of everyone's basic rights.

Keywords: Rights to Food, Environment, Law Enforcement.

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INTRODUCTION

The right to food here is the right to get regularly stocks, permanent and free access, either directly or by buying adequate and sufficient food, both qualitatively and quantitatively which relates directly to the community where the consumption originates.¹ The right to food is very important for everyone because it is the basis for fulfilling everyone's need for food. Everyone needs to eat to meet their basic human needs.

...Insufficient and unstable access to adequate household food supplies constitutes the major underlying cause of malnutrition.²

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George Kent

Department of Political Science

University of Hawai'i

¹Iin Karita Sakharina, 2019. Kawajiban Negara Terhadap Pemenuhan Hak Atas Pangan yang Layak (Suatu Tinjauan Terhadap Kovenan Internasional Hak Ekonomi, Sosial, dan Budaya) , Pustaka Pena Press, 2nd Edition, P. 52.

² George Kent, The Human Right to Adequate Food, University of Hawai'i-Mānoa, 2005, p. 5.

Because if a person does not eat, he will not be able to carry out his daily activities as a human being, especially if he cannot eat or does not get food for days, then people can get sick and even die from not eating or starving. Therefore, the right to food becomes an inseparable part of human rights, even one of the most basic rights that must be fulfilled for the continuation of human life.

The fact is that millions of people in the world today still go to bed at night on an empty stomach or are hungry because they cannot meet their basic needs for food. Most of them are people who live in poverty or even below the poverty line so that they cannot afford to get food by buying them.

Especially when the pandemic has been going on for several months, the death rate due to hunger has become even higher, as reported by a non-profit organization that focuses on world poverty, namely Oxfam, which states that the potential death rate due to hunger during the Covid-19 pandemic is estimated to reach 12 thousand. per day at the end of 2020. In a report it released, Oxfam said the potential death from hunger could claim more lives from infection with the corona virus itself.³

Furthermore, it was stated that data on the world food program quoted by Oxfam estimated that in 2019 around 821 million people did not have adequate food reserves and 149 million of them experienced "crisis level hunger or worse".⁴ Even the UN also reports that the world is threatened by a large-scale famine due to the corona virus pandemic⁵ In addition, the issue of environmental⁶ damage and global warming is a problem with access to food.⁷

This of course will be very worrying and a common problem in the world that must be found a solution, because countries have an obligation to protect their communities and also the survival of all creatures on earth, this is in line with the food chain which states the loss of a link. the cycle will result in an overall loss of production as well as the cycle of life.

This hypothesis departs from the fact that generally the state of food or availability of foodstuffs in a region is greatly influenced by environmental conditions in an area. If the environment in the area is good, then the acquisition or availability of food will automatically be fulfilled. A clean and healthy environment automatically plays a role in the availability of sufficient foodstuffs to be accessed. The availability of sufficient foodstuffs to be accessed for everyone will make it easy for people to obtain food ingredients and process them into food that is suitable for consumption.

For example, planted vegetables, planted rice or other staple foodstuffs that are planted will only grow and develop properly if the surrounding environment is clean and not polluted, as well as food resources that exist in the sea, such as fish or other animals that can be obtained. at sea in a healthy manner only if the condition of the sea is healthy and not contaminated by chemicals, either industrial waste disposal or oil spills from ships sailing on it. A healthy and clean environment will of course support the fulfillment of this right to food, because poor environmental cleanliness, directly or indirectly, will be a major danger to food safety. The Covid 19 pandemic that is currently occurring is one result of the influence of a bad and unclean lifestyle and the inability to protect the environment so that the virus can easily spread from one person to another. It is proven that one of the efforts to cut the chain of spreading this virus is that we are asked to return to a healthy lifestyle, namely

³ Kematian akibat Kelaparan lebih Tinggi dari infeksi Corona <https://www.cnnindonesia.com/gaya-hidup/20200712183329-255-523784/kematian-akibat-kelaparan-lebih-tinggi-dari-infeksi-corona>, accessed on June 1, 2020 at 8 AM.

⁴ Ibid

⁵ PBB : Dunia Terancam Bencana Kelaparan Akibat Pandemi Covid 19 <https://www.kompas.com/sains/read/2020/06/28/180300423/pbb--dunia-terancam-bencana-kelaparan-akibat-pandemi-covid-19?page=all>, accessed on June 1, 2020 at 8 AM.

⁶ Birkah Latif, SM Noor, Juajir Sumardi, Irwansyah, Environmental Damage Caused by Corruption Cases Involving Trade and Investment: Rock to Bottom View, Thomson Reuters: Pages: 197-205 Thomson Reuters: Volume LXX, Pages 1-299.

⁷ Gurusmatika, Sellen, and Wan Amira. "The effect of food additive on physicochemical characteristics of seaweed stick snack and consumer acceptance." *Canrea Journal: Food Technology, Nutritions, and Culinary Journal* (2021): 102-113.

always maintaining cleanliness starting from ourselves by always washing hands and cleaning ourselves, which of course is also followed by maintaining the cleanliness of the surrounding environment. This paper will discuss the relationship between environmental enforcement of access to food as a fundamental rights.

1. RESEARCH METHODS

1.1. Research Type

The type of research used is normative research using a conceptual approach and a statute approach.

1.2. Data collection technique

The data collection technique used by the authors in this research is the document study technique, which is a technique that studies various documents regarding issue of legal theory and legal documents.

1.3 Data Analysis Techniques

All data collected has been analyzed using a theoretical basis, then analyzed with normative approaches with the prime issue of legal problems.

2. RESULTS AND DISCUSSION

2.1. Right to Food as a Fundamental Rights

The right to food is a basic right or commonly known as fundamental rights because this right is one of the most important in the life of every human being. The right to be free from hunger is very important, in order to realize a good quality of life. If a person is in a full stomach, he tends to do good things for himself and his environment, and vice versa if the stomach is hungry, then people tend to do bad things for themselves and their environment. Many people can do anything to provide for themselves and their families to eat. For this reason, the State must be present and ensure that everyone can get adequate and decent food, and can also easily access foodstuffs.

Therefore, Article 25 of the Universal Declaration of Human Rights (UDHR) 1948, namely:

Everyone has the right to a standard of living that guarantees health and well-being for himself and his family, including food, clothing, housing and health care as well as necessary social services, and is entitled to security when unemployed, sick, disabled, widowed, attained age continue or experience a shortage of other livelihoods due to circumstances beyond his control. Everyone has the right to a standard of living that guarantees health and well-being for himself and his family, including food, clothing, housing and health care as well as necessary social services, and is entitled to security when unemployed, sick, disabled, widowed, attained age continue or experience a shortage of other livelihoods due to circumstances beyond his control.

Whereas the General Declaration of Human Rights clearly guarantees the right to food in it. The UDHR 1948 is one of the international treaties that is accepted as an international custom, because this Declaration is the goal and minimum standard of human rights that mankind aspires to and its implementation is fostered by UN member states.⁸

This declaration is binding and is adhered to by UN member states without having to ratify this International Agreement, because this Declaration is soft law and does not require ratification. Countries can be directly bound by this UDHR because UDHR is preemptory norm, which is general International law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.

Adequate food when every man, woman and child, alone or in a community, has physical and economic access at all times to adequate food or how to obtain it. Therefore, the Right to Adequate Food Ingredients cannot be interpreted in a narrow and limited sense which equates to a minimum package of calories, protein and other specific nutrients. The right to adequate food ingredients must be realized progressively. However, States have a core obligation to take the necessary measures to

⁸ Rukmana Aman winata, Kekuatan Mengikat UDHR 1948 Terhadap Anggota PBB, <https://media.neliti.com/media/publications/97010-ID-kekuatan-mengikat-udhr-1948-terhadap-neg.pdf>

reduce and alleviate hunger as provided for in Paragraph 2 of Article 11, even in times of natural or other disasters.⁹

For this reason, it is clear that the right to food is one of the fundamental rights because the declaration of Human Rights itself clearly states and guarantees its protection so that it must be fulfilled and guaranteed to be fulfilled by all countries as a form of respect for human rights.

2.2. National Instrument of The Right To Food in Indonesia

There is a classic advice from the Bugis-Makassarese people "It is better to die of blood than to die of hunger". This is proof that in fact the culture of the people in Indonesia is not familiar with hunger¹⁰.

The state as the holder of the highest authority must guarantee, protect and fulfill the rights of every citizen, including Indonesia. As stated in the formulation of Article 1 paragraph 1 of Law Number 39 of 1999 concerning Human Rights, that:

Human rights are a set of inherent rights and the existence of every human being as a creature of God Almighty and it is a gift that must be respected, upheld and protected by the rule of law, government, and everyone for the sake of respect and protection of dignity and human dignity.

In addition to the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution of the Republic of Indonesia), the amendments have regulated human rights, especially the right to welfare which includes the right to food, which is regulated in:

□Article 28A, "Every person has the right to live and has the right to defend his life and life".^[1]

Article 28C paragraph (1), "Everyone has the right to develop themselves through the fulfillment of their basic needs, the right to education and to benefit from science and technology, arts and culture, Meanwhile, the right to food itself as mentioned on the previous page is also included in the Instrument of the Covenant on Economic, Social and Cultural Rights, which has been ratified in Law No. 11 of 2005 concerning Ratification of the International Convention on Economic, Social and Cultural Rights.

In Indonesia, the right to food is regulated in Law No. 18 of 2012. Food itself according to the Food Law is anything that comes from biological sources of agricultural products, plantations, forestry, fisheries, livestock, water and water, whether processed or not processed which are intended as food or beverage for human consumption, including Food additives, Food raw materials, and other materials used in the process of preparing, processing and / or making food or beverages.

Law 18 of 2012 on Food states that Food Administration is carried out to meet basic human needs that provide fair, equitable and sustainable benefits based on Food Sovereignty, Food Independence and Food Security.

The objectives of Food Administration according to Law 18 of 2012 concerning Food are:

- a. increase the ability to produce Food independently;
- b. provide Food that is diverse and meets the requirements of safety, quality and nutrition for public consumption;
- c. realizing a sufficient level of Food, especially Staple Food at a reasonable and affordable price according to the needs of the community.

2.3. The right to Food in Pandemic Era

During the pandemic that has taken place throughout 2020 due to the Covid 19 virus, of course one of the most worrying things is the shortage of food or the difficulty of access to this food, because all sectors have an impact. Of course, during a difficult pandemic like now, food security is something that must be pursued to avoid the food crisis that seems to haunt Indonesia.¹¹ Although according to

⁹ General Comment No 12 on the Right to Decent Food - United Nations Committee on Economic, Social and Cultural Rights, number 6.

¹⁰Kelaparan dan HAM <https://www.kompasiana.com/videlyae/550079b4a33311bb74511183/kelaparan-dan-ham> accessed on June 5, 2020 at 10 PM.

¹¹ <https://www.umy.ac.id/ketahanan-pangan-indonesia-di-masa-pandemi.html>

data reported by the Central Bureau of Statistics, the Ministry of Agriculture, the national food stock is predicted to experience a surplus until June 2020, this does not mean that Indonesia is immediately free from the threat of a food crisis that could occur in the future. In addition, the uncertain period of the COVID-19 pandemic will end when it will have a very pronounced impact on agriculture. For this reason, the Government has an obligation to ensure and make every effort so that food stocks can remain available on the market.

Apart from that, in terms of access to it, the Government must ensure that everyone will have the ability to meet the needs of this food for himself and his family. The impact of this pandemic is a reduction in people's purchasing power for food, because since the pandemic took place, several sectors of employment have also been affected, many companies have been forced to close and that has also resulted in people being forced to lose their jobs because the companies where they work are closed, this of course alone has an impact on the ability to buy food, so that it may cause someone who loses his job to no longer be able to meet his own and family's food needs. So that the Government must seek various ways so that everyone during this pandemic can still get enough food and do not suffer from hunger.

Table 1.
The food protection and enforcement of human rights

No.	Scope	Scope
1	Constitution Law Republic Indonesia 1945	Constitution
2	Law Number 39 year 1999 Of Human Right	Human Right Regulation
3	Law Number 11 year 2005 Of Ratification the International Covenant on Economic, Social, and Culture Rights	International Convention on Economic, Social and Cultural Rights
4	Law Number 18 year 2012 of Food	Food Regulation

2.4. Environmental approach: access to food

In the fulfillment of food stocks, various efforts at the international level also lead to the relationship between securing¹² environment and food. The international approach can be seen in:

Over the last decade, there have been significant changes in the national and international regulatory frameworks governing food control, food safety and food trade. The adoption of the Codex Alimentarius as the source of international food standards by the World Trade Organization Agreement on Sanitary and Phytosanitary Measures (SPS Agreement) in 1995 has been one of the most significant recent influences on food regulation worldwide, and can be seen as an acknowledgment of the increasing globalization of food production and food trade. Worldwide outbreaks of food-borne disease, with concomitant media attention and outspoken consumer concerns, have also triggered unprecedented interest in food control and food regulation and in the country level infrastructures which govern food safety.¹³

In Indonesia, the mandate for the management of natural resources¹⁴ as a forum for growing food for all society is regulated in the 1945 Constitution of the Republic of Indonesia which states that: a good and healthy environment is a human right and constitutional right for every citizen of

¹² The balance of availability and use of environmental usage, see Birkah Latif, SM Noor, JuajirSumardi, Irwansyah, Sustainability and Human Security: The Impact of Sustainability In Preventing Conflict and Post Conflict of Development, Vol 2 No 3-November (2019): International Journal of Global Community.

¹³ Jessica Vapnek and Melvin Spreij, Perspectives And Guidelines On Food Legislation, With A New Model Food Law, Food and Agriculture Organization Of The United Nations, 2005, p.3.

¹⁴ The enjoyment of natural usage are become as countries interest. See Birkah Latif, SM Noor, JuajirSumardi, Irwansyah, Sustainable development and sea protection: Trade on fish and fishery product, 2019 IOP Conf. Ser.: Earth Environ. Sci. 343 012069, doi:10.1088/1755-1315/343/1/012069

Indonesia. Therefore, the state, government, and all stakeholders in the relationship between the environment and food interests are obliged to protect and manage the environment in the implementation of sustainable development so that the Indonesian environment can remain a source and support for the life of the Indonesian people and other living creatures.

The availability of the environment is limited while development activities require an increasing number of natural resources.

Development activities also carry the risk of pollution and environmental damage. This condition can result in the carrying capacity, carrying capacity and productivity of the environment. Therefore environmental protection and management is needed as an integrated approach in the form of a national policy for environmental protection and management which must be implemented from the center to the regions with full commitment.

he 1945 Constitution of the Republic of Indonesia (UUD NRI 1945). Article 28H Paragraph (1) and Article 33 Paragraph (4) of the 1945 Constitution provide a constitutional basis for environmental enforcement. In addition, there have been three laws that have been in effect in Indonesia which regulate the environment in Indonesia:

Table 2.
The Environmental Law

No.	Scope	Scope
1	Law No. 4 of 1982	Basic Provisions for Environmental Management
2	Law No. 23 of 1997	Law on Environmental Management
3	Law No. 32 of 2009	Protection and management of the environment

In the general provisions of Law Number 32 Year 2009 concerning Environmental Protection and Management, several important points are mentioned, namely:

- a. Point 1 Environmental protection and management is a systematic and integrated effort carried out to preserve the functions of the environment and prevent environmental pollution and / or damage, which includes planning, utilization, control, maintenance, supervision and law enforcement.
- b. Point 2 Sustainable development is a conscious and planned effort that integrates environmental, social and economic aspects into a development strategy to ensure environmental integrity and safety, capability, welfare, and quality of life for present and future generations.
- c. Point 5 Ecosystem is an order of environmental elements which is a comprehensive and mutually influencing unity in forming environmental balance, stability and productivity.
- d. Point 6 The preservation of environmental functions is a series of efforts to maintain the sustainability of the carrying capacity and carrying capacity of the environment.
- e. Point 7 The carrying capacity of the environment is the ability of the environment to support the lives of humans and other living things and the balance between the two.

Of the five points, the general provisions of Law Number 32 Year 2009 illustrate the importance of the position of environmental protection and preservation for the community as well as in the achievement of present and future food needs.

2.5. Environmental Law Enforcement for the access to food: Legal and policy settings

In its regulation from the Ministry of Environment, it is an extension of the government in carrying out and regulating existing environmental issues.

LaksmiWijayanti, mention that:¹⁵

Indonesia is prone to natural disasters (volcanoes and earthquakes), and the hassle of overcoming environmental disasters (fires, floods and landslides)

¹⁵Ministry of Environment and Forestry, General Policy Implementation of Planning and Impact Prevention Instruments at the Policy Level for Mainstreaming Climate Change, Directorate General of Forestry Planning and Environmental Management, Presentation at the Climate Festival, 17 Januari 2018.

Furthermore, She also mentioned the tendencies in Indonesia:

The way to capture environmental issues and the urge to take action is still not structured and harmonious from the national to the local level

Therefore, more concrete efforts are needed in regulating the environment in the form of the necessary regulations and policies.

Practice in Indonesia:

There is Law of the Republic of Indonesia Number 41 of 2009 concerning Protection of Sustainable Food Agricultural Land with the following considerations:

Point b: that Indonesia as an agricultural country needs to ensure the provision of food and agricultural land in a sustainable manner as a source of work and a decent living for humanity by prioritizing the principles of togetherness, equitable efficiency, sustainability, environmental insight, and independence, and by maintaining balance, progress and unity national economy.

Point c: that the state guarantees the right to food as the basic right of every citizen so that the state is obliged to guarantee food independence, resilience and sovereignty.

Point d: that the increasing population growth as well as economic and industrial development resulting in degradation, conversion of function and fragmentation of food agriculture land has threatened the carrying capacity of the region nationally in maintaining food independence, resilience and sovereignty.

In other countries, the United States of America, for example, is also regulated on environmental management, especially for food management.

Land Use Planning Before land use regulations are enacted and enforced, a municipality must make a plan for how the land will be used and laid out.¹⁶

Then applied:

Through land use planning, a government guides development in pursuit of common goals and values. The requirements for land use planning vary from state to state. Some states require local governments to engage in a formal planning process and create a “comprehensive plan,” also known as a “master plan” or “general plan.”¹⁷

In the application of the purpose of land use that can be useful for the community is carried out in a way.¹⁸

1. Comprehensive Plans

Even though a comprehensive plan may not be required, a local government may still have one and it may be considered legally binding. In order to determine if a municipality has a comprehensive plan, advocates should check their municipality’s code of ordinances or the local planning.¹⁹

Local governments or municipalities can have comprehensive plans that are adapted to existing laws.

2. The Local Planning Commission

States generally require that local land use planning be completed by an independent public commission, made up primarily of private citizens. These commissions are often called local planning

¹⁶Salsich&Tryniecki, See on The Harvard Law School Food Law and Policy Clinic and the Johns Hopkins Center for a Livable Future, Good Laws, Good Food: Putting Local Food Policy To Work For Our Communities, Town Creek Foundation, 2017, p. 39.

¹⁷Salsich&Tryniecki, See on The Harvard Law School Food Law and Policy Clinic and the Johns Hopkins Center for a Livable Future, Good Laws, Good Food: Putting Local Food Policy To Work For Our Communities, Town Creek Foundation, 2017, p. 39.

¹⁸ The Harvard Law School Food Law and Policy Clinic and the Johns Hopkins Center for a Livable Future, Good Laws, Good Food: Putting Local Food Policy To Work For Our Communities, Town Creek Foundation, 2017, p. 40

¹⁹ Ibid

commissions. Planning commissions advise the local governing body (e.g., the city council) concerning land use development in the community. This advice usually takes two forms: (1) “the adoption of formal plans that serve as recommendations for the physical development and uses of land,” and (2) “reviewing requests for modifications to existing land use regulations through the enactment of amendments to the zoning ordinance.” Local planning commissions generally do not have the authority to directly enact or modify land use regulations, as this power is reserved for the local city council or local legislative body. Instead, planning commissions provide detailed guidance and advice for local governments.²⁰

Based on the explanation above being sum up that adoption plans as recommendations for physical development and land use, and reviewing requests for modifications to existing land use regulations through enforcement of zoning regulations is an important part of enforcing structures for access to food.

3. Sustainability Plans

Another avenue to formalize support for local food systems is a sustainability plan, which guides municipalities in setting and implementing target goals for greater environmental sustainability. Even though they do not necessarily carry the force of law, sustainability plans do signal a municipality’s support for and prioritization of such goals, making it easier for advocates to gather support for policy change. Food-related goals are often included in these plans as promoting local food and food systems can bolster sustainability. Advocates can encourage their municipality to create a sustainability plan if it does not already exist, or amend it to engage more food system stakeholders and goals.²¹

Forms of support for sustainable²² local food systems are applied to assist local governments or municipalities in targeting and support in preserving the environment.

In other countries such as China also mention about food regulation and also breakthroughs on the environment in their national regulations, which are contained as follows:

Article 2 (verse 6) The quality and safety management of edible primary products sourced from agriculture (hereinafter referred to as “edible farm produce”) shall be governed by the Farm Produce Quality and Safety Law of the People’s Republic of China. However, the marketing of edible farm produce, the development of relevant quality and safety standards, the release of relevant safety information, and, as provided for by this Law, agricultural inputs, shall be governed by the relevant provisions of this Law.²³

The main source of food from agricultural businesses must meet the quality and safety which is specifically regulated by the Farm Produce Quality and Safety Law of the People’s Republic of China.

Also explained that:

Article 6 The local people’s governments at and above the county level shall be responsible for the food safety regulatory work within their respective administrative regions, lead, organize, and coordinate in a unified manner the food safety regulatory work and the work on responding to food safety emergencies, and establish and improve the full-process regulatory mechanism and the information sharing mechanism for food safety.²⁴

Local and municipal governments are responsible for food safety arrangements in their administrative areas to design food safety and deal with food safety emergencies that may occur.

²⁰ Ibid.

²¹ Ibid.

²²Sustainability play prime role to countries strategies, See Birkah Latif, SM Noor, JuajirSumardi, Irwansyah, The Impact of the Development of Trade Practices on Enforcement of International Environmental Law, Sriwijaya Law Review, Volume 3 Issue 2, July 2019.

²³ Food Safety Law of the People’s Republic of China (2015), compiled by HFG Law & Intellectual Property, 2016, Shanghai.

²⁴Ibid.

Practices for regulation setting are also mentioned in:²⁵

Such formal planning requirements, however, are the exception and not the rule. Most courts have held that the planning requirement can also be met through zoning, as long as the zoning is comprehensive and demonstrates adherence to a well-thought-out plan.

To find out that zoning arrangements in Indonesia are also applied, this can be seen in practice in the Province of NTB which seeks to include general principles of environmental protection and management, especially in favor of the principles of sustainability, sustainability and the principle of benefit in managing the land. We can see this in the planning of the 2010-2030 Regional Spatial Plan (RSP) as follows:

- a. Production Forest Area (consist of Limited Production Forest Area, Permanent Production Forest Area)
- b. Agricultural Area (consist of Wet Food Land Agriculture and Dry Food Land Agriculture)
- c. Plantation Area
- d. Livestock Area
- e. Tourism Area
- f. Industrial Estates.
- g. Trade and Service Area
- h. Mining and Energy Area
- i. Residential Area

With an approach to a regional spatial plan, the state through the lowest government apparatus (local or municipal) will be able to provide catalysts for areas that are considered a productive part and can be prioritized in supporting access to growth for food, regions that can be geographically dangerous. (seen from the contours of the area and the existing climate) and areas that can be developed to become areas that are useful for balancing development and contributing to food for the benefit of the community.

TABLE III-1: EXAMPLE ZONING DISTRICTS & USES	
Zoning District	Allowed Uses
Residential	Predominately housing
Industrial	Industry, factories
Commercial	Retail, wholesale, financial businesses
Agricultural	Usually outside cities; allows large-scale crops & animals/livestock
Open Space	Areas protected from development
Special	E.g., power plants, stadiums
Mixed use	Allows uses that would usually be confined to separate zones; often includes mixed residential/commercial uses.

The Harvard Law School Food Law and Policy Clinic and the Johns Hopkins Center for a Livable Future, Good Laws, Good Food: Putting Local Food Policy To Work For Our Communities, Town Creek Foundation, 2017, p. 44

The table above can also provide a reference for the use of planning in the use of existing environmental spaces by prioritizing the certainty of food availability so that it is easily accessible to all people in each country.

CONCLUSION

Enforcement of environmental law tries to answer the challenges of phenomena and facts in the field that the growing population, environmental damage, from natural disasters to global warming and the

²⁵Salsich&Tryniecki, See on The Harvard Law School Food Law and Policy Clinic and the Johns Hopkins Center for a Livable Future, Good Laws, Good Food: Putting Local Food Policy To Work For Our Communities, Town Creek Foundation, 2017, p. 39.

emergence of serious diseases, are part of the environment that is not preserved. The consequence of this situation causes the quantity and quality of food to be threatened. In the study of environmental law protection, it has been announced through the concept of sustainability on the importance of using and also preserving existing natural resources, including food, for current and future generations. It is necessary to regulate and regulate policies related to the environment that lead to enforcement of access to food. Enforcing access to food is an absolute human right, where food is the primary need of the community.

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4 **Muh. Hasrul*, Birkah Latif, Iin Karita Sakharina, Farida Patittingi, Padma D**
5 **Limam, Laode Syarif**

6 Law Faculty, Universitas Hasanuddin

7 * E-mail: luluhukum@gmail.com

Commented [A1]: The word "constitutional" in the title is redundant. Basic need or fundamental rights? Further more it will leave the title with 2 issues: shifting from what to what; and shifting form who to who. Thus, the word should be removed from the title.

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8
9 **Abstract:** The right to be free from hunger is a human thing for everyone and becomes
10 very important, because only with a full stomach can one carry out other activities to
11 continue his life and fulfill his obligations as a human being. The right to food is a basic
12 right and an inseparable part of human rights, while the right of access to adequate food
13 is also strongly influenced by the clean and healthy environmental conditions in an area,
14 because the availability of foodstuffs will depend on the environmental conditions in an
15 area. Therefore, it requires a policy that forces the enforcement of a healthy and clean
16 environment to fulfill the right of access to food as part of everyone's basic rights.

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17 **Keywords:** Rights to Food, Environment, Law Enforcement

18
19 **1. INTRODUCTION**

20 The right to food here is the right to get regularly stocks, permanent and free access,
21 either directly or by buying adequate and sufficient food, both qualitatively and
22 quantitatively which relates directly to the community where the consumption
23 originates.¹ The right to food is very important for everyone because it is the basis for
24 fulfilling everyone's need for food. Everyone needs to eat to meet their basic human
25 needs. "...Insufficient and unstable access to adequate household food supplies
26 constitutes the major underlying cause of malnutrition".²

34 If a person does not eat, he will not be able to carry out his daily activities as a human
35 being, especially if he cannot eat or does not get food for days, then people can get sick

¹ Iin Karita Sakharina, 2019. *Kawajiban Negara Terhadap Pemenuhan Hak Atas Pangan yang Layak (Suatu Tinjauan Terhadap Kovenan Internasional Hak Ekonomi, Sosial, dan Budaya)*, Pustaka Pena Press, 2nd Edition, P. 52.

² George Kent, *The Human Right to Adequate Food*, University of Hawai'i-Mānoa, 2005, p. 5.

37 and even die from not eating or starving. Therefore, the right to food becomes an
38 inseparable part of human rights, even one of the most basic rights that must be fulfilled
39 for the continuation of human life.

40 The fact is that millions of people in the world today still go to bed at night on an empty
41 stomach or are hungry because they cannot meet their basic needs for food. Most of
42 them are people who live in poverty or even below the poverty line so that they cannot
43 afford to get food by buying them.

44 Especially when the pandemic has been going on for several months, the death rate due
45 to hunger has become even higher, as reported by a non-profit organization that focuses
46 on world poverty, namely Oxfam, which states that the potential death rate due to
47 hunger during the Covid-19 pandemic is estimated to reach 12 thousand. per day at the
48 end of 2020. In a report it released, Oxfam said the potential death from hunger could
49 claim more lives from infection with the corona virus itself.³

50

51 Furthermore, it was stated that data on the world food program quoted by Oxfam
52 estimated that in 2019 around 821 million people did not have adequate food reserves
53 and 149 million of them experienced "crisis level hunger or worse".⁴ Even the UN also
54 reports that the world is threatened by a large-scale famine due to the corona virus
55 pandemic.⁵ In addition, the issue of environmental⁶ damage and global warming is a
56 problem with access to food

57

58 This of course will be very worrying and a common problem in the world that must be
59 found a solution, because countries have an obligation to protect their communities and
60 also the survival of all creatures on earth, this is in line with the food chain which states

³ Kematian akibat Kelaparan lebih Tinggi dari infeksi Corona <https://www.cnnindonesia.com/gaya-hidup/20200712183329-255-523784/kematian-akibat-kelaparan-lebih-tinggi-dari-infeksi-corona>, accessed on June 1, 2020 at 8 AM.

⁴ Ibid

⁵ PBB : Dunia Terancam Bencana Kelaparan Akibat Pandemi- Covid 19 <https://www.kompas.com/sains/read/2020/06/28/180300423/pbb--dunia-terancam-bencana-kelaparan-akibat-pandemi-covid-19?page=all>, accessed on June 1, 2020 at 8 AM.

⁶ Birkah Latif, SM Noor, Juajir Sumardi, Irwansyah, Environmental Damage Caused by Corruption Cases Involving Trade and Investment: Rock to Bottom View, Thomson Reuters: Pages: 197-205 Thomson Reuters: Volume LXX, Pages 1-299.

61 the loss of a link. the cycle will result in an overall loss of production as well as the cycle
62 of life.

63 This hypothesis departs from the fact that generally the state of food or availability of
64 foodstuffs in a region is greatly influenced by environmental conditions in an area. If the
65 environment in the area is good, then the acquisition or availability of food will
66 automatically be fulfilled. A clean and healthy environment automatically plays a role in
67 the availability of sufficient foodstuffs to be accessed. The availability of sufficient
68 foodstuffs to be accessed for everyone will make it easy for people to obtain food
69 ingredients and process them into food that is suitable for consumption.

70 For example, planted vegetables, planted rice or other staple foodstuffs that are planted
71 will only grow and develop properly if the surrounding environment is clean and not
72 polluted, as well as food resources that exist in the sea, such as fish or other animals
73 that can be obtained. at sea in a healthy manner only if the condition of the sea is
74 healthy and not contaminated by chemicals, either industrial waste disposal or oil spills
75 from ships sailing on it. A healthy and clean environment will of course support the
76 fulfillment of this right to food, because poor environmental cleanliness, directly or
77 indirectly, will be a major danger to food safety. The Covid 19 pandemic that is
78 currently occurring is one result of the influence of a bad and unclean lifestyle and the
79 inability to protect the environment so that the virus can easily spread from one person
80 to another. It is proven that one of the efforts to cut the chain of spreading this virus is
81 that we are asked to return to a healthy lifestyle, namely always maintaining cleanliness
82 starting from ourselves by always washing hands and cleaning ourselves, which of
83 course is also followed by maintaining the cleanliness of the surrounding environment.
84 This paper will discuss the relationship between environmental enforcement of access
85 to food as a fundamental rights.

86 **2. RESEARCH METHODS**

87 **2.1. Research Type**

88 The type of research used is normative research using a conceptual approach and
89 a statute approach.

90

91 **2.2. Data collection technique**

92 The data collection technique used by the authors in this research is the document
93 study technique, which is a technique that studies various documents regarding issue of
94 legal theory and legal documents.

95 **2.3 Data Analysis Techniques**

96 All data collected has been analyzed using a theoretical basis, then analyzed with
97 normative approaches with the prime issue of legal problems.

98

99 **3. RESULTS AND DISCUSSION**

100 **3.1. Right to Food as a Fundamental Rights**

101 The right to food is a basic right or commonly known as fundamental rights because this
102 right is one of the most important in the life of every human being. The right to be free
103 from hunger is very important, in order to realize a good quality of life. If a person is in a
104 full stomach, he tends to do good things for himself and his environment, and vice versa
105 if the stomach is hungry, then people tend to do bad things for themselves and their
106 environment. Many people can do anything to provide for themselves and their families
107 to eat. For this reason, the State must be present and ensure that everyone can get
108 adequate and decent food, and can also easily access foodstuffs.

109

110 Therefore, Article 25 of the Universal Declaration of Human Rights (UDHR) 1948,
111 namely:

112

113 Everyone has the right to a standard of living that guarantees health and well-
114 being for himself and his family, including food, clothing, housing and health care
115 as well as necessary social services, and is entitled to security when unemployed,
116 sick, disabled, widowed, attained age continue or experience a shortage of other
117 livelihoods due to circumstances beyond his control. Everyone has the right to a
118 standard of living that guarantees health and well-being for himself and his
119 family, including food, clothing, housing and health care as well as necessary
120 social services, and is entitled to security when unemployed, sick, disabled,
121 widowed, attained age continue or experience a shortage of other livelihoods
122 due to circumstances beyond his control.

123 Whereas the General Declaration of Human Rights clearly guarantees the right to food
124 in it. The UDHR 1948 is one of the international treaties that is accepted as an
125 international custom, because this Declaration is the goal and minimum standard of

126 human rights that mankind aspires to and its implementation is fostered by UN member
127 states.⁷

128 This declaration is binding and is adhered to by UN member states without having to
129 ratify this International Agreement, because this Declaration is soft law and does not
130 require ratification. Countries can be directly bound by this UDHR because UDHR is
131 preemptory norm, which is general International law is a norm accepted and recognized
132 by the international community of States as a whole as a norm from which no
133 derogation is permitted and which can be modified only by a subsequent norm of
134 general international law having the same character.

135 Adequate food when every man, woman and child, alone or in a community, has
136 physical and economic access at all times to adequate food or how to obtain it.
137 Therefore, the Right to Adequate Food Ingredients cannot be interpreted in a narrow
138 and limited sense which equates to a minimum package of calories, protein and other
139 specific nutrients. The right to adequate food ingredients must be realized
140 progressively. However, States have a core obligation to take the necessary measures to
141 reduce and alleviate hunger as provided for in Paragraph 2 of Article 11, even in times
142 of natural or other disasters.⁸

143 For this reason, it is clear that the right to food is one of the fundamental rights because
144 the declaration of Human Rights itself clearly states and guarantees its protection so
145 that it must be fulfilled and guaranteed to be fulfilled by all countries as a form of
146 respect for human rights.

147 **3.1. b. National Instrument of The Right To Food in Indonesia**

148
149 There is a classic advice from the Bugis-Makassarese people "It is better to die of
150 blood than to die of hunger". This is proof that in fact the culture of the people in
151 Indonesia is not familiar with hunger⁹.

⁷ Rukmana Aman winata, Kekuatan Mengikat UDHR 1948 Terhadap Anggota PBB, <https://media.neliti.com/media/publications/97010-ID-kekuatan-mengikat-udhr-1948-terhadap-neg.pdf>

⁸ General Comment No 12 on the Right to Decent Food - United Nations Committee on Economic, Social and Cultural Rights, number 6.

⁹ Kelaparan dan HAM <https://www.kompasiana.com/videlyae/550079b4a33311bb74511183/kelaparan-dan-ham>

152
153

154 The state as the holder of the highest authority must guarantee, protect and fulfill the
155 rights of every citizen, including Indonesia. As stated in the formulation of Article 1
156 paragraph 1 of Law Number 39 of 1999 concerning Human Rights, that:

157 Human rights are a set of inherent rights and the existence of every human being as a
158 creature of God Almighty and it is a gift that must be respected, upheld and protected by
159 the rule of law, government, and everyone for the sake of respect and protection of
160 dignity and human dignity.

161 In addition to the 1945 Constitution of the Republic of Indonesia (hereinafter referred
162 to as the 1945 Constitution of the Republic of Indonesia), the amendments have
163 regulated human rights, especially the right to welfare which includes the right to food,
164 which is regulated in:

165 Article 28A, "Every person has the right to live and has the right to
166 defend his life and life".

167 Article 28C paragraph (1), "Everyone has the right to develop themselves
168 through the fulfillment of their basic needs, the right to education and to benefit
169 from science and technology, arts and culture,

170 Meanwhile, the right to food itself is ~~an eviction~~ as mentioned on the previous page is
171 also included in the Instrument of the Covenant on Economic, Social and Cultural Rights,
172 which has been ratified in Law No. 11 of 2005 concerning Ratification of the
173 International Convention on Economic, Social and Cultural Rights.

174 In Indonesia, the right to food is regulated in Law No. 18 of 2012. Food itself according
175 to the Food Law is anything that comes from biological sources of agricultural products,
176 plantations, forestry, fisheries, livestock, water and water, whether processed or not
177 processed which are intended as food or beverage for human consumption, including
178 Food additives, Food raw materials, and other materials used in the process of
179 preparing, processing and / or making food or beverages.

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180 Law 18 of 2012 on Food states that Food Administration is carried out to meet basic
181 human needs that provide fair, equitable and sustainable benefits based on Food
182 Sovereignty, Food Independence and Food Security.

183 The objectives of Food Administration according to Law 18 of 2012 concerning Food
184 are:

- 185 a. increase the ability to produce Food independently;
- 186 b. provide Food that is diverse and meets the requirements of safety, quality and
187 nutrition for public consumption;
- 188 c. realizing a sufficient level of Food, especially Staple Food at a reasonable and
189 affordable price according to the needs of the community.

190

191 **3.1. c. The right to Food in Pandemic Era**

192

193 During the pandemic that has taken place throughout 2020 due to the Covid 19 virus, of
194 course one of the most worrying things is the shortage of food or the difficulty of access
195 to this food, because all sectors have an impact. Of course, during a difficult pandemic
196 like now, food security is something that must be pursued to avoid the food crisis that
197 seems to haunt Indonesia.¹⁰ Although according to data reported by the Central Bureau
198 of Statistics, the Ministry of Agriculture, the national food stock is predicted to
199 experience a surplus until June 2020, this does not mean that Indonesia is immediately
200 free from the threat of a food crisis that could occur in the future. In addition, the
201 uncertain period of the COVID-19 pandemic will end when it will have a very
202 pronounced impact on agriculture. For this reason, the Government has an obligation to
203 ensure and make every effort so that food stocks can remain available on the market.

204 Apart from that, in terms of access to it, the Government must ensure that
205 everyone will have the ability to meet the needs of this food for himself and his
206 family. The impact of this pandemic is a reduction in people's purchasing power
207 for food, because since the pandemic took place, several sectors of employment
208 have also been affected, many companies have been forced to close and that has
209 also resulted in people being forced to lose their jobs because the companies
210 where they work are closed, this of course alone has an impact on the ability to
211 buy food, so that it may cause someone who loses his job to no longer be able to
212 meet his own and family's food needs. So that the Government must seek various
213 ways so that everyone during this pandemic can still get enough food and do not
214 suffer from hunger.

¹⁰ <https://www.umy.ac.id/ketahanan-pangan-indonesia-di-masa-pandemi.html>

215

Table 1.

216

The food protection and enforcement of human rights

No.	Scope	Scope
1	Constitution Law Republic Indonesia 1945	Constitution
2	Law Number 39 year 1999 Of Human Right	Human Right Regulation
3	Law Number 11 year 2005 Of Ratification the International Covenant on Economic, Social, and Culture Rights	International Convention on Economic, Social and Cultural Rights
4	Law Number 18 year 2012 of Food	Food Regulation

217

218

3.2. a. Environmental approach: access to food

219 In the fulfillment of food stocks, various efforts at the international level also lead to the
220 relationship between securing¹¹ environment and food. The international approach can
221 be seen in: "Over the last decade, there have been significant changes in the national and
222 international regulatory frameworks governing food control, food safety and food trade.
223 The adoption of the Codex Alimentarius as the source of international food standards by
224 the World Trade Organization Agreement on Sanitary and Phytosanitary Measures (SPS
225 Agreement) in 1995 has been one of the most significant recent influences on food
226 regulation worldwide, and can be seen as an acknowledgment of the increasing
227 globalization of food production and food trade. Worldwide outbreaks of food-borne
228 disease, with concomitant media attention and outspoken consumer concerns, have also
229 triggered unprecedented interest in food control and food regulation and in the country

¹¹ The balance of availability and use of environmental usage, see Birkah Latif, SM Noor, Juajir Sumardi, Irwansyah, Sustainability and Human Security: The Impact of Sustainability In Preventing Conflict and Post Conflict of Development, Vol 2 No 3-November (2019): International Journal of Global Community.

230 level infrastructures which govern food safety.¹²"

Commented [A3]: It should be direct quotation with a proper source

231 In Indonesia, the mandate for the management of natural resources¹³ as a forum for
232 growing food for all society is regulated in the 1945 Constitution of the Republic of
233 Indonesia which states that:

234 a good and healthy environment is a human right and constitutional right for
235 every citizen of Indonesia. Therefore, the state, government, and all stakeholders
236 in the relationship between the environment and food interests are obliged to
237 protect and manage the environment in the implementation of sustainable
238 development so that the Indonesian environment can remain a source and
239 support for the life of the Indonesian people and other living creatures.

240 The availability of the environment is limited while development activities require an
241 increasing number of natural resources.

242 Development activities also carry the risk of pollution and environmental damage. This
243 condition can result in the carrying capacity, carrying capacity and productivity of the
244 environment. Therefore environmental protection and management is needed as an
245 integrated approach in the form of a national policy for environmental protection and
246 management which must be implemented from the center to the regions with full
247 commitment.

248 he 1945 Constitution of the Republic of Indonesia (UUD NRI 1945). Article 28H
249 Paragraph (1) and Article 33 Paragraph (4) of the 1945 Constitution provide a
250 constitutional basis for environmental enforcement. In addition, there have been three
251 laws that have been in effect in Indonesia which regulate the environment in Indonesia:

252 Table 2.

¹² Jessica Vapnek and Melvin Spreij, Perspectives And Guidelines On Food Legislation, With A New Model Food Law, Food and Agriculture Organization Of The United Nations, 2005, p.3.

¹³ The enjoyment of natural usage are become as countries interest. See Birkah Latif, SM Noor, Juajir Sumardi, Irwansyah, Sustainable development and sea protection: Trade on fish and fishery product, 2019 IOP Conf. Ser.: Earth Environ. Sci. 343 012069, doi:10.1088/1755-1315/343/1/012069

253

The Environmental Law

No.	Scope	Scope
1	Law No. 4 of 1982	Basic Provisions for Environmental Management
2	Law No. 23 of 1997	Law on Environmental Management
3	Law No. 32 of 2009	Protection and management of the environment

254

255 In the general provisions of Law Number 32 Year 2009 concerning Environmental
256 Protection and Management, several important points are mentioned, namely:

- 257 a. Point 1 Environmental protection and management is a systematic and
258 integrated effort carried out to preserve the functions of the environment and
259 prevent environmental pollution and / or damage, which includes planning,
260 utilization, control, maintenance, supervision and law enforcement.
- 261 b. Point 2 Sustainable development is a conscious and planned effort that
262 integrates environmental, social and economic aspects into a development
263 strategy to ensure environmental integrity and safety, capability, welfare, and
264 quality of life for present and future generations.
- 265 c. Point 5 Ecosystem is an order of environmental elements which is a
266 comprehensive and mutually influencing unity in forming environmental
267 balance, stability and productivity.
- 268 d. Point 6 The preservation of environmental functions is a series of efforts to
269 maintain the sustainability of the carrying capacity and carrying capacity of the
270 environment.
- 271 e. Point 7 The carrying capacity of the environment is the ability of the
272 environment to support the lives of humans and other living things and the
273 balance between the two.

274 Of the five points, the general provisions of Law Number 32 Year 2009 illustrate the
275 importance of the position of environmental protection and preservation for the
276 community as well as in the achievement of present and future food needs.

277 **3.2. b. Environmental Law Enforcement for the access to food: Legal and policy**
278 **settings**

279 In its regulation from the Ministry of Environment, it is an extension of the government
280 in carrying out and regulating existing environmental issues.

281 Laksmi Wijayanti, mention that:¹⁴

282 Indonesia is prone to natural disasters (volcanoes and earthquakes), and the
283 hassle of overcoming environmental disasters (fires, floods and landslides)

284 Furthermore, She also mentioned the tendencies in Indonesia:

285 The way to capture environmental issues and the urge to take action is still not
286 structured and harmonious from the national to the local level

287 Therefore, more concrete efforts are needed in regulating the environment in the form
288 of the necessary regulations and policies.

289

290 Practice in Indonesia:

291 There is Law of the Republic of Indonesia Number 41 of 2009 concerning Protection of
292 Sustainable Food Agricultural Land with the following considerations:

293 Point b: that Indonesia as an agricultural country needs to ensure the provision of food
294 and agricultural land in a sustainable manner as a source of work and a decent living for
295 humanity by prioritizing the principles of togetherness, equitable efficiency,
296 sustainability, environmental insight, and independence, and by maintaining balance,
297 progress and unity national economy.

298 Point c: that the state guarantees the right to food as the basic right of every citizen so
299 that the state is obliged to guarantee food independence, resilience and sovereignty.

300 Point d: that the increasing population growth as well as economic and industrial
301 development resulting in degradation, conversion of function and fragmentation of food
302 agriculture land has threatened the carrying capacity of the region nationally in
303 maintaining food independence, resilience and sovereignty.

¹⁴ Ministry of Environment and Forestry, General Policy Implementation of Planning and Impact Prevention Instruments at the Policy Level for Mainstreaming Climate Change, Directorate General of Forestry Planning and Environmental Management, Presentation at the Climate Festival, 17 Januari 2018.

304 In other countries, the United States of America, for example, is also regulated on
305 environmental management, especially for food management.

306 Land Use Planning Before land use regulations are enacted and enforced, a
307 municipality must make a plan for how the land will be used and laid out.¹⁵

308
309 Then applied:

310
311 Through land use planning, a government guides development in pursuit of
312 common goals and values. The requirements for land use planning vary from
313 state to state. Some states require local governments to engage in a formal
314 planning process and create a “comprehensive plan,” also known as a “master
315 plan” or “general plan.”¹⁶

316

317

318 In the application of the purpose of land use that can be useful for the community is
319 carried out in a way:¹⁷

320 1. Comprehensive Plans

321 Even though a comprehensive plan may not be required, a local government may
322 still have one and it may be considered legally binding. In order to determine if a
323 municipality has a comprehensive plan, advocates should check their
324 municipality’s code of ordinances or the local planning.¹⁸

325

326 Local governments or municipalities can have comprehensive plans that are
327 adapted to existing laws.

328

329 2. The Local Planning Commission

330 States generally require that local land use planning be completed by an
331 independent public commission, made up primarily of private citizens. These
332 commissions are often called local planning commissions. Planning commissions

¹⁵ Salsich & Tryniecki, See on The Harvard Law School Food Law and Policy Clinic and the Johns Hopkins Center for a Livable Future, Good Laws, Good Food: Putting Local Food Policy To Work For Our Communities, Town Creek Foundation, 2017, p. 39.

¹⁶ Salsich & Tryniecki, See on The Harvard Law School Food Law and Policy Clinic and the Johns Hopkins Center for a Livable Future, Good Laws, Good Food: Putting Local Food Policy To Work For Our Communities, Town Creek Foundation, 2017, p. 39.

¹⁷ The Harvard Law School Food Law and Policy Clinic and the Johns Hopkins Center for a Livable Future, Good Laws, Good Food: Putting Local Food Policy To Work For Our Communities, Town Creek Foundation, 2017, p. 40

¹⁸ Ibid

333 advise the local governing body (e.g., the city council) concerning land use
334 development in the community. This advice usually takes two forms: (1) “the
335 adoption of formal plans that serve as recommendations for the physical
336 development and uses of land,” and (2) “reviewing requests for modifications to
337 existing land use regulations through the enactment of amendments to the
338 zoning ordinance.” Local planning commissions generally do not have the
339 authority to directly enact or modify land use regulations, as this power is
340 reserved for the local city council or local legislative body. Instead, planning
341 commissions provide detailed guidance and advice for local governments.¹⁹

342
343 Based on the explanation above being sum up that adoption plans as
344 recommendations for physical development and land use, and reviewing
345 requests for modifications to existing land use regulations through enforcement
346 of zoning regulations is an important part of enforcing structures for access to
347 food.

348 349 3. Sustainability Plans

350 Another avenue to formalize support for local food systems is a sustainability
351 plan, which guides municipalities in setting and implementing target goals for
352 greater environmental sustainability. Even though they do not necessarily carry
353 the force of law, sustainability plans do signal a municipality’s support for and
354 prioritization of such goals, making it easier for advocates to gather support for
355 policy change. Food-related goals are often included in these plans as promoting
356 local food and food systems can bolster sustainability. Advocates can encourage
357 their municipality to create a sustainability plan if it does not already exist, or
358 amend it to engage more food system stakeholders and goals.²⁰

359
360 Forms of support for sustainable²¹ local food systems are applied to assist local
361 governments or municipalities in targeting and support in preserving the
362 environment.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Sustainability play prime role to countries strategies, See Birkah Latif, SM Noor, Juajir Sumardi, Irwansyah, The Impact of the Development of Trade Practices on Enforcement of International Environmental Law, Sriwijaya Law Review, Volume 3 Issue 2, July 2019.

363 In other countries such as China also mention about food regulation and also
364 breakthroughs on the environment in their national regulations, which are contained as
365 follows:

366 Article 2 (verse 6) The quality and safety management of edible primary
367 products sourced from agriculture (hereinafter referred to as “edible farm
368 produce”) shall be governed by the Farm Produce Quality and Safety Law of the
369 People’s Republic of China. However, the marketing of edible farm produce, the
370 development of relevant quality and safety standards, the release of relevant
371 safety information, and, as provided for by this Law, agricultural inputs, shall be
372 governed by the relevant provisions of this Law.²²

373 The main source of food from agricultural businesses must meet the quality and safety
374 which is specifically regulated by the Farm Produce Quality and Safety Law of the
375 People's Republic of China.

376 Also explained that:

377 Article 6 The local people’s governments at and above the county level shall be
378 responsible for the food safety regulatory work within their respective
379 administrative regions, lead, organize, and coordinate in a unified manner the
380 food safety regulatory work and the work on responding to food safety
381 emergencies, and establish and improve the full-process regulatory mechanism
382 and the information sharing mechanism for food safety.²³

383 Local and municipal governments are responsible for food safety arrangements in their
384 administrative areas to design food safety and deal with food safety emergencies that
385 may occur.

386 Practices for regulation setting are also mentioned in:²⁴

387 Such formal planning requirements, however, are the exception and not the rule.
388 Most courts have held that the planning requirement can also be met through
389 zoning, as long as the zoning is comprehensive and demonstrates adherence to a
390 well-thought-out plan.

²² Food Safety Law of the People's Republic of China (2015), compiled by HFG Law & Intellectual Property, 2016, Shanghai.

²³ Ibid.

²⁴ Salsich & Tryniecki, See on The Harvard Law School Food Law and Policy Clinic and the Johns Hopkins Center for a Livable Future, Good Laws, Good Food: Putting Local Food Policy To Work For Our Communities, Town Creek Foundation, 2017, p. 39.

391

392 To find out that zoning arrangements in Indonesia are also applied, this can be seen in
393 practice in the Province of NTB which seeks to include general principles of
394 environmental protection and management, especially in favor of the principles of
395 sustainability, sustainability and the principle of benefit in managing the land. We can
396 see this in the planning of the 2010-2030 Regional Spatial Plan (RSP) as follows:

- 397 a. Production Forest Area (consist of Limited Production Forest Area, Permanent
- 398 Production Forest Area)
- 399 b. Agricultural Area (consist of Wet Food Land Agriculture and Dry Food Land
- 400 Agriculture)
- 401 c. Plantation Area
- 402 d. Livestock Area
- 403 e. Tourism Area
- 404 f. Industrial Estates.
- 405 g. Trade and Service Area
- 406 h. Mining and Energy Area
- 407 i. Residential Area

408 With an approach to a regional spatial plan, the state through the lowest government
409 apparatus (local or municipal) will be able to provide catalysts for areas that are
410 considered a productive part and can be prioritized in supporting access to growth for
411 food, regions that can be geographically dangerous. (seen from the contours of the area
412 and the existing climate) and areas that can be developed to become areas that are
413 useful for balancing development and contributing to food for the benefit of the
414 community.

TABLE III-1: EXAMPLE ZONING DISTRICTS & USES	
Zoning District	Allowed Uses
Residential	Predominately housing
Industrial	Industry, factories
Commercial	Retail, wholesale, financial businesses
Agricultural	Usually outside cities; allows large-scale crops & animals/livestock
Open Space	Areas protected from development
Special	E.g., power plants, stadiums
Mixed use	Allows uses that would usually be confined to separate zones; often includes mixed residential/commercial uses.

415
416 The Harvard Law School Food Law and Policy Clinic and the Johns Hopkins Center for a Livable Future,
417 Good Laws, Good Food: Putting Local Food Policy To Work For Our Communities, Town Creek
418 Foundation, 2017, p. 44
419

420 The table above can also provide a reference for the use of planning in the use of

Commented [A4]: Make a better and readable Table.

421 existing environmental spaces by prioritizing the certainty of food availability so that it
422 is easily accessible to all people in each country..

423 4. CONCLUSION

424 Enforcement of environmental law tries to answer the challenges of phenomena and
425 facts in the field that the growing population, environmental damage, from natural
426 disasters to global warming and the emergence of serious diseases, are part of the
427 environment that is not preserved. The consequence of this situation causes the
428 quantity and quality of food to be threatened.

429

430 In the study of environmental law protection, it has been announced through the
431 concept of sustainability on the importance of using and also preserving existing natural
432 resources, including food, for current and future generations. It is necessary to regulate
433 and regulate policies related to the environment that lead to enforcement of access to
434 food. Enforcing access to food is an absolute human right, where food is the primary
435 need of the community.

436

437 REFERENCE:

438 Law:

439 the 1945 Constitution of the Republic of Indonesia

440 Human right regulation: nanti diisi kak dari bagian ta

441 Law No. 4 of 1982 Basic Provisions for Environmental Management

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Review and Acceptance Letter

Dear Author,

Date: May 24, 2022

Manuscript Submission ID: Russian Law journal_2022_04_1201

Manuscript Title: The Environmental Law Enforcement of Access to Food as a Fundamental Rights

On behalf of Editorial Team of the “Russian Law journal (RLJ)”, we are pleased to inform you that your manuscript has been accepted publication in Current Issue of 2022 as per the recommendations given by the peer review group of experts.

The blind peer review process results are given below

REVIEW RESULT: Article is accepted

REVIEW SHEET: JUDGMENTS

S.N.	JUDGMENT CRITERIA	RESULT
1.	Originality	71%
2.	Scope of the Article	84%
3.	Content writing of the article	Satisfactory
4.	Clearly and concisely written of the article	Acceptable
5.	Are the presentation, organization and length satisfactory?	Yes
6.	Are the illustrations and tables necessary and acceptable?	None
7.	Are the interpretations and conclusions sound and justified by the data?	Yes
8.	Are the references Cited Properly	Acceptable

For any further query feel free to contact us.

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THE ENVIRONMENTAL LAW ENFORCEMENT OF ACCESS TO FOOD AS A FUNDAMENTAL RIGHTS

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MUH. HASRUL
Law Faculty, Universitas Hasanuddin

DOI:

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Keywords:

Rights to Food, Environment, Law Enforcement

BIRKAH LATIF

Law Faculty, Universitas Hasanuddin

IINKARITA SAKHARINA

Law Faculty, Universitas Hasanuddin

FARIDA PATITTINGI

Law Faculty, Universitas Hasanuddin

PADMA D LIMAN

Law Faculty, Universitas Hasanuddin

LAODE SYARIF

Law Faculty, Universitas Hasanuddin

Abstract

The right to be free from hunger is a human thing for everyone and becomes very important, because only with a full stomach can one carry out other activities to continue his life and fulfill his obligations as a human being. The right to food is a basic right and an inseparable part of human rights, while the right of access to adequate food is also strongly influenced by the clean and healthy environmental conditions in an area, because the availability of foodstuffs will depend on the environmental conditions in an area. Therefore, it requires a policy that forces the enforcement of a healthy and clean environment to fulfill the right of access to food as part of everyone's basic rights.

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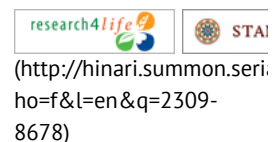
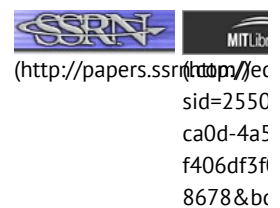
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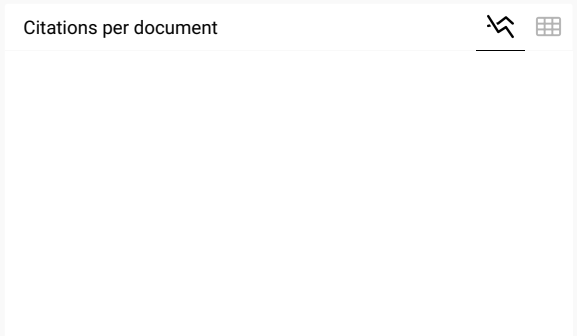
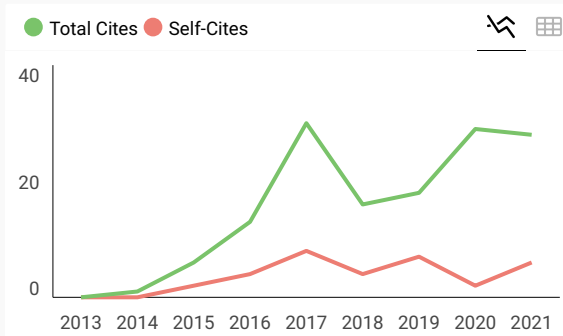
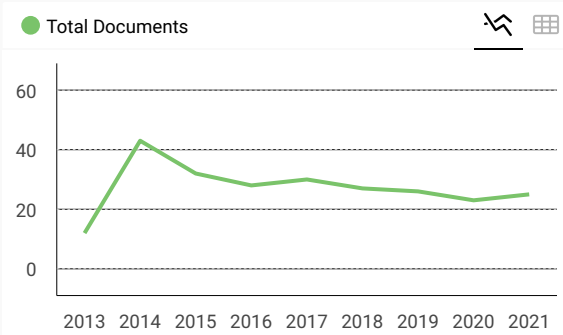
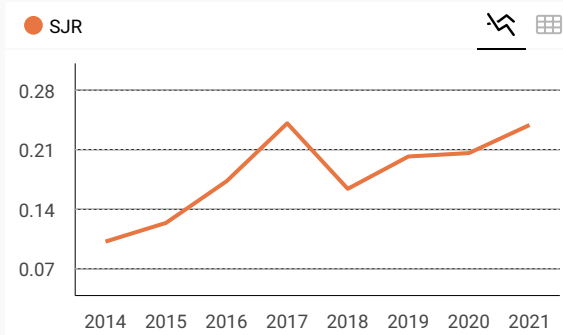
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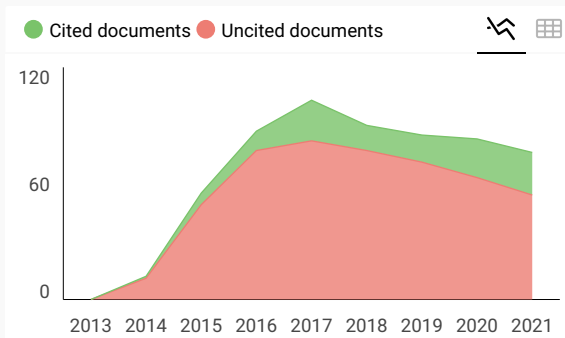
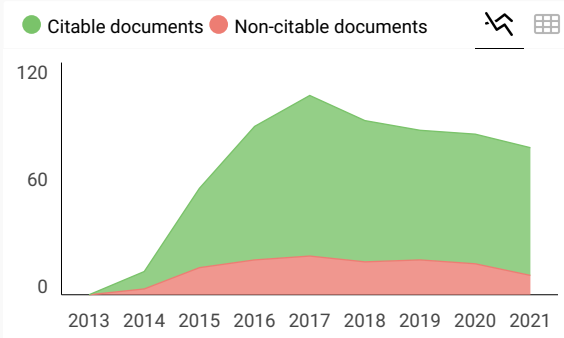
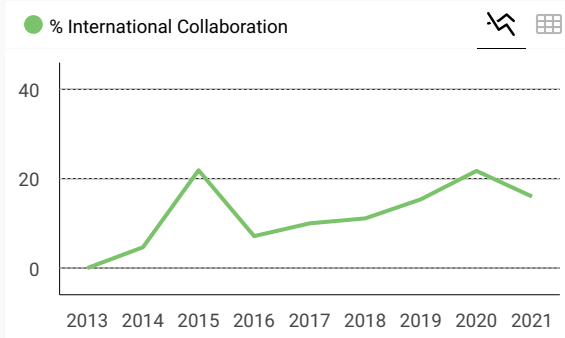
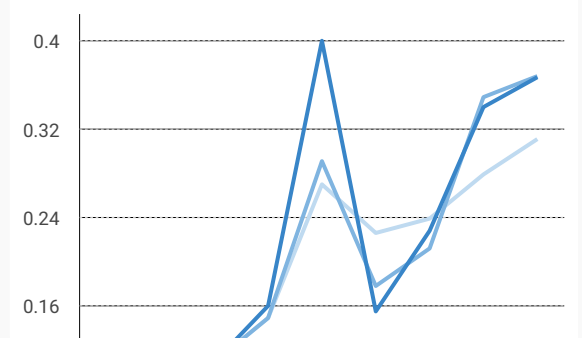
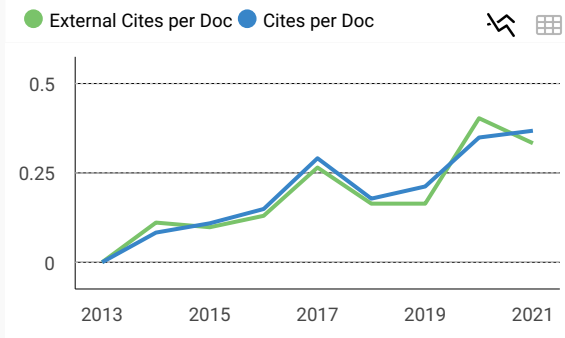
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