

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

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

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### 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.<sup>1</sup> 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.<sup>2</sup>

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<sup>1</sup>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, 2<sup>nd</sup> Edition, P. 52.

<sup>2</sup> 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.<sup>3</sup>

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".<sup>4</sup> Even the UN also reports that the world is threatened by a large-scale famine due to the corona virus pandemic<sup>5</sup> In addition, the issue of environmental<sup>6</sup> damage and global warming is a problem with access to food.<sup>7</sup>

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

<sup>3</sup> 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.

<sup>4</sup> Ibid

<sup>5</sup> 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.

<sup>6</sup> 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.

<sup>7</sup> 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 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 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.<sup>8</sup>

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

<sup>8</sup> 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.<sup>9</sup>

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 hunger<sup>10</sup>.

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".

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.<sup>11</sup> Although according to

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

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

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

5 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 securing<sup>12</sup> 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.<sup>13</sup>

In Indonesia, the mandate for the management of natural resources<sup>14</sup> 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

<sup>12</sup> 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.

<sup>13</sup> 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.

<sup>14</sup> 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



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<sup>7</sup>, 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<sup>8</sup> 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, <sup>4</sup>elfare, 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:<sup>15</sup>

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

<sup>15</sup>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.



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.<sup>16</sup>

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.”<sup>17</sup>

In the application of the purpose of land use that can be useful for the community is carried out in a way:<sup>18</sup>

#### 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.<sup>19</sup>

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

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<sup>16</sup>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.

<sup>17</sup>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.

<sup>18</sup> 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

<sup>19</sup> 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.<sup>20</sup>

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.<sup>21</sup>

Forms of support for sustainable<sup>22</sup> 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.<sup>23</sup>

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.

It 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.<sup>24</sup>

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.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup>Sustainability 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.

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

<sup>24</sup>Ibid.



Practices for regulation setting are also mentioned in:<sup>25</sup>

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

<sup>25</sup>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.

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.

#### REFERENCE:

##### Law:

*the 1945 Constitution of the Republic of Indonesia*  
*Human right regulation: nantidiisikakdaribagian ta*  
*Law No. 4 of 1982 Basic Provisions for Environmental Management*  
*Law No. 23 of 1997 Law on Environmental Management*  
*Law No. 32 of 2009 Protection and management of the environment*  
*Food Safety Law of the People's Republic of China (2015), compiled by HFG Law & Intellectual Property, 2016, Shanghai*

##### Books and journals:

*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*  
*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.*  
*General Comment No 12 on the Right to Decent Food - United Nations Committee on Economic, Social and Cultural Rights, number 6.*  
*lin Karita Sakharina, Kawajiban Negara Terhadap Pemenuhan Hak Atas Pangan yang Layak (Suatu Tinjauan Terhadap Kovenan Internasional Hak Ekonomi, Sosial, dan Budaya), Pustaka Pena Press, 2nd Edition, 2019.*  
*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*  
*George Kent, The Human Right to Adequate Food, University of Hawai'i-Mānoa, 2005.*

*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.*  
*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*

##### Website:

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

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