

THE CONCEPT OF LEGAL AUTHORITY AND LEGAL POLICY OF REGIONAL FOOD SECURITY IN REALIZING FOOD SELF-RELIANCE BASED ON REGIONAL AUTONOMY

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Abstract. *The fulfillment of the right to food in Indonesia currently faces serious challenges due to global disruption and the rapid conversion of agricultural land in the regions. This condition is further aggravated by conflicts among sectoral regulations and the limited discretionary space available to regional governments in managing food affairs independently. This study aims to analyze the essence of the legal authority of regional governments and to examine the orientation of national legal policy in the administration of food security in order to realize sustainable food self-reliance based on regional autonomy. The research method employed is normative legal research using statutory, conceptual, and theoretical approaches. The findings indicate that the essence of regional autonomy requires food affairs to be managed as strategic-regulative authority, rather than merely as rigid administrative-implementative affairs. However, the shift in national legal policy toward economic liberalization and investment facilitation has reduced regional authority and weakened the protection of Sustainable Food Agricultural Land (LP2B). This has resulted in the marginalization of local farming communities due to the lack of synchronization between upstream and downstream legal frameworks. Therefore, this study recommends an ideal construction in the form of responsive and integrative legal reformulation. Regional governments, together with Regional People's Representative Councils (DPRD), must be granted absolute authority to establish ecological zoning for permanent agricultural land, protect the legal culture of local farmers, and institutionalize the right to food concretely through Regional Regulations in order to realize strong national food self-reliance from the local level.*

Keywords: Legal Authority, Legal Policy, Food Security, Food Self-Reliance, Regional Autonomy

I. INTRODUCTION

Food constitutes the most fundamental basic human need and serves as a primary prerequisite for the continuity of life, the development of human resource quality, and the national stability of a state. From the perspective of constitutional law and modern administrative law, the fulfillment of food needs is no longer viewed merely as a technical agrarian, macroeconomic, or agricultural logistics management issue. The issue of food has radically transformed into an integral part of human rights, namely the right to food,

which must be guaranteed, protected, and fulfilled by the state through authoritative legal instruments and just public policies. The ability of the state to ensure the availability, affordability, and sustainability of food for every citizen without exception constitutes a primary indicator of the successful implementation of good governance (Sutrisno, 2022).

Within the conception of the welfare state, the state releases itself from its passive role as a “night-watchman state” (*nachtwakerstaat*), which focuses solely on legal order and formal security. The welfare state requires active intervention (*bestuurszorg*) by public authorities to design a legal order capable of correcting market inequalities, distributing social justice, and providing a social safety net for the fulfillment of the economic, social, and cultural rights of society. The most concrete manifestation of this *bestuurszorg* function is the structuring of regulations in the agrarian and food sectors, considering that food vulnerability directly implies the loss of human dignity and the collapse of the social integration of a nation. The obligation to fulfill the right to food is in line with the international view adopted by the Food and Agriculture Organization (FAO), which defines food security as a condition in which all people, at all times, have physical, social, and economic access to sufficient, safe, and nutritious food, in accordance with cultural preferences, for an active and healthy life (Hardjon, 2015).

Constitutionally, the responsibility of the state in the administration of food security in Indonesia has a strong juridical anchor in the 1945 Constitution of the Republic of Indonesia. Article 33 paragraph (3) of the 1945 Constitution establishes the doctrinal principle that the land, waters, and natural resources contained therein shall be controlled by the state and utilized to the greatest extent for the prosperity of the people. This norm of the state’s right of control (*staatbeschikkingsrecht*) contains an imperative obligation for the state to manage and distribute agrarian, water, and biological resources for the survival and welfare of the people. This economic-constitutional doctrine is reinforced by Article 28C paragraph (1) and Article 28H paragraph (1) of the 1945 Constitution, which explicitly guarantee the right of every person to maintain life, grow, develop, and obtain a good and healthy environment, in which the availability of safe and nutritious food becomes an absolute prerequisite (Kusumaatmadja, 2006).

However, recent global geopolitical dynamics—marked by the escalation of extreme climate change, disruptions in global supply chains, and international economic crises—have exposed the fragility of the national food system, which remains overly dependent on the global market architecture and import policies. This systemic vulnerability creates an urgent need for Indonesia to undertake a legal paradigm reorientation: from merely pursuing food security, which often neglects the origin of food production, toward strengthening food self-reliance and food sovereignty. Indonesia, as an agrarian and megabiodiversity country, theoretically possesses abundant ecological and sociological modalities to realize such food self-reliance through its fertile landscapes, the biodiversity of the archipelago, and the local wisdom embedded in the Nusantara agricultural system. Nevertheless, sociological-juridical realities reveal a development paradox, namely the uncontrolled conversion of productive agricultural land into non-agricultural sectors, high dependence on imports of staple food commodities, and the systemic degradation of the social welfare of domestic farmers as the main food producers due to asymmetric food trade policies (Sutrisno, 2019).

This series of problems proves that the sociological crisis of food security in Indonesia is rooted in upstream juridical-structural problems, namely the arrangement of legal competence and the direction of legal policy in regional governance. Since the implementation of the fiscal decentralization era through amendments to the 1945

Constitution, the administration of governmental affairs has no longer been centralized and monolithic. Based on Law Number 23 of 2014 concerning Regional Government, food affairs have been categorized as Concurrent Mandatory Government Affairs not related to Basic Services, the implementation of which is divided concurrently among the Central Government, Provincial Governments, and Regency/Municipal Governments. The granting of regional autonomy is essentially a legal recognition of Indonesia's ecological and cultural plurality. Food policies designed uniformly at the national level through a one-size-fits-all model often fail to explore and protect local food potential in the regions. In this regard, decentralization in the agrarian and food sectors must be placed within the objective of realizing sustainable food regulation capable of accommodating regional characteristics. Regional autonomy provides discretionary space for regional governments to formulate local laws that are responsive, adaptive, and contextual to the needs of local communities, while simultaneously strengthening the long-term carrying capacity of the agrarian agricultural environment (Sutrisno, 2022).

A fundamental issue in the realm of administrative law arises when the division of concurrent affairs in the food sector is not accompanied by a clear, firm, and harmonious construction of legal authority. Governmental authority constitutes the boundaries of legality granted by laws and regulations to state organs to carry out public legal actions (Hardjon, 2015). Without clear limits of competence, the exercise of power will be trapped in two extremes: overlapping authority, which triggers budgetary waste and bureaucratic confusion, or regulatory vacuum (*leemten in het recht*), which results in the neglect of food crises at the local level. On the other hand, the direction of national legal policy in the food sector, as reflected in Law Number 18 of 2012 concerning Food, often experiences normative conflict when it intersects with other sectoral laws, such as regulations on investment facilitation clusters and spatial planning.

Legal policy itself, according to Padmo Wahyono, is the basic policy that determines the direction, form, and substance of the law to be established, as well as the criteria for legalizing certain matters (Wahyono, 1986). When the basic policy of the state becomes disoriented from the ideals of collective self-reliance toward the current of the free market, the legal structure produced will tend to disregard protection for the upstream agricultural sector. Such a legal character, borrowing Satjipto Rahardjo's concept, reflects how law cannot be separated from the political interests that ride upon it, where law is often used as an instrument of legitimacy for power or particular economic modalities rather than as a means that liberates and serves the real needs of society (Rahardjo, 2010).

This regulatory misalignment affirms the relevance of the theory of legal harmonization in examining Indonesia's food law system. Harmonization of laws and regulations is the process of aligning various regulations arranged within a hierarchical system in order to form a complete, consistent, and effectively implementable legal structure (Indrati, 2020). Disharmony between national laws and regional regulations not only creates legal uncertainty but also hampers the effectiveness of legal performance in society. Using Thomas Kuhn's perspective on paradigm shifts, the operation of law in Indonesia often experiences stagnation or "anomaly" when statutory texts are forced to operate linearly without considering the social structures that support them (Sutrisno, 2015). This juridical anomaly has direct implications for the marginalization of vulnerable groups in rural areas. Centralistic food policies that neglect the protection of agricultural land sociologically sever the close relationship between local legal culture and the economic empowerment of marginalized farming communities (Sutrisno, 2019). Without recognition of this relationship with local legal culture, farmers as the main subjects of food production

will lose their sovereign rights over land due to the expansion of land conversion legalized by the inconsistency of central legal policy. To unravel this complexity, legal thought must not remain stagnant within a rigid positivistic-formalistic approach. A lens of development law theory is needed, one that places law as a tool of social engineering for the welfare of the people (Kusumaatmadja, 2006). This thought must be combined with responsive law theory, which requires law to remain open to absorbing real aspirations, concrete needs, and facilitating public participation in an emancipatory manner (Nonet, 2010).

II. RESEARCH METHOD

This study constitutes normative legal research (doctrinal legal research) that examines law from an internal legal perspective by positioning law as a comprehensive normative system comprising legal principles, legal norms, statutory regulations, legal doctrines, and legal theories relevant to the object of study (Hadjon, 2015). The paradigm underpinning this research is the constructivist legal paradigm, integrated with a sociological approach to law, which views law not as a static and mechanical entity but rather as a dynamic socio-juridical construction that continuously interacts with the welfare needs of society (Rahardjo, 2010). Accordingly, this research examines legal materials to identify normative coherence among various regulations governing food security and regional autonomy in order to formulate a comprehensive legal reconceptualization based on the accumulated body of scholarship concerning sustainable autonomous food law (Sutrisno, 2022).

The legal issues examined in this study are analyzed through three complementary approaches, namely the statutory approach (statute approach), the conceptual approach (conceptual approach), and the theoretical approach (theoretical approach) (Indrati, 2020). The statutory approach is conducted by examining the hierarchy of legislation governing food security and regional government, beginning with the 1945 Constitution of the Republic of Indonesia, followed by Law Number 18 of 2012 concerning Food, Law Number 23 of 2014 concerning Regional Government, as well as relevant regional regulations. Meanwhile, the conceptual approach is employed to examine fundamental legal concepts, including the state's right to control, the right to food, and the limits of governmental competence in exercising public authority (Hadjon, 2015). Furthermore, the theoretical approach utilizes the theory of the welfare state, Philipus M. Hadjon's theory of governmental authority, Padmo Wahyono's theory of legal policy, Satjipto Rahardjo's sociology of law, and Endang Sutrisno's concept of the performance of law as substantive analytical frameworks for examining the legal materials under study (Sutrisno, 2015).

The legal materials employed in this research are classified into three categories, namely primary legal materials, secondary legal materials, and tertiary legal materials (Kusumaatmadja, 2006). Primary legal materials consist of positive legal instruments possessing binding legal force, including constitutional provisions, statutory regulations governing food affairs, and legislation concerning regional autonomy. Secondary legal materials comprise academic manuscripts, legislative documents, textbooks on administrative law, and scholarly articles published in reputable national and international journals, particularly those authored by the research supervisor, focusing on legal dynamics, the sociology of farming communities, and regional food autonomy (Sutrisno, 2019). Meanwhile, tertiary legal materials include legal dictionaries, encyclopedias, and the Indonesian language dictionary, which serve to provide clarification and explanatory guidance concerning both primary and secondary legal materials (Indrati, 2020).

The collection of legal materials is conducted through documentary study and library research, utilizing both conventional and digital sources to obtain valid and reliable legal literature (Hadjon, 2015). All legal materials collected are subsequently selected, systematically classified, and verified to ensure their juridical validity. Thereafter, the legal materials are analyzed using qualitative legal analysis through legal reasoning employing both deductive and inductive methods (Nonet, 2010). The legal materials are interpreted by applying recognized methods of legal interpretation, including grammatical interpretation, systematic interpretation, and teleological interpretation, in order to formulate scientific conclusions that are logical, coherent, and objective concerning the ideal formulation of regional food security law (Kusumaatmadja, 2006).

III. RESULTS AND DISCUSSION

1. The Nature and Concept of the Legal Authority of Regional Governments in the Administration of Food Security Based on Regional Autonomy

Understanding the nature of the legal authority of regional governments in the administration of food security requires a theoretical examination of the sources and characteristics of governmental power vested in regional administrative organs. Within the doctrine of administrative law, authority (authority or competence) constitutes the principal foundation of the legality of governmental action (*legaliteit van bestuur*) in achieving public welfare. According to Philipus M. Hadjon, governmental authority possesses clearly defined legal boundaries derived from statutory regulations, whereby such authority is acquired through three principal legal mechanisms, namely attribution, delegation, and mandate (Hadjon, 2015).

In the context of regional food security, the authority exercised by regional governments following the enactment of Law Number 23 of 2014 concerning Regional Government constitutes a form of concurrent mandatory governmental authority. The autonomous character inherent in food affairs requires that the transfer of governmental functions from the central government to regional governments provide genuine autonomy, enabling regions to independently manage and safeguard their own food sovereignty (Sutrisno, 2022).

The essence of regional autonomy requires that the delegation of concurrent governmental affairs in the food sector should not merely constitute the transfer of rigid administrative and implementative responsibilities. Rather, it represents the delegation of substantive political and regulatory authority. Regional governments are therefore endowed with legal authority to regulate (*regelen*) and administer (*besturen*) their own governmental affairs in accordance with the interests and characteristics of their respective regions.

Nevertheless, the existing juridical reality demonstrates that the distribution of concurrent governmental affairs under the Regional Government Law frequently limits regional discretion in exploring and developing local ecological potential. As argued by Endang Sutrisno, the performance of law at the regional level often encounters significant obstacles whenever rigid statutory provisions conflict with the sociological realities of agrarian communities (Sutrisno, 2019). Consequently, the concept of regional legal authority in food governance should be positioned within the framework of the welfare function (*bestuurszorg*), whereby regional governments possess the legal competence to undertake public legal actions aimed at ensuring the availability, accessibility, and safety of food for their communities without excessive central governmental intervention (Hadjon, 2015).

2. Legal Policy on Food Security within the Indonesian Legal System

Indonesia's legal policy on food security reflects the official policy direction established by the national legislature concerning the legal framework governing food security. According to Padmo Wahyono, legal policy constitutes the fundamental policy determining the direction, structure, substance, and criteria of the law to be enacted (Wahyono, 1986).

When examined through the provisions of Law Number 18 of 2012 concerning Food, Indonesia's national legal policy textually embraces the paradigms of food self-reliance and food sovereignty. However, subsequent legal developments have revealed a significant shift in national legal policy, particularly following the enactment of various regulatory reforms designed to facilitate investment and liberalize macroeconomic markets. Borrowing Satjipto Rahardjo's conception, such legal developments illustrate that law can never be detached from the political interests underlying its formation. Law frequently functions as an instrument for legitimizing political power or particular economic interests rather than serving as a mechanism for protecting society and fulfilling its substantive needs (Rahardjo, 2010).

This liberal orientation of national legal policy has directly weakened legal protection for regional food security instruments, particularly Sustainable Food Agricultural Land (LP2B). Central governmental policies emphasizing large-scale infrastructure development frequently override regional regulations that have designated permanent agricultural zoning, thereby creating anomalies in the operation of law. According to Endang Sutrisno, the inconsistency between national legal policy and the sociological needs of marginalized farming communities inevitably generates structured economic marginalization (Sutrisno, 2019). This reality reflects a fundamental conflict between pragmatic national legal policy and the legal needs of regional governments, which require comprehensive legal protection for local food producers. Such inconsistency further demonstrates that Indonesia's legal policy on food security has not yet fully implemented the constitutional mandate embodied in Article 33 paragraph (3) of the 1945 Constitution, which establishes public prosperity as the supreme objective governing the management of natural resources (Kusumaatmadja, 2006).

3. The Relationship between the Legal Authority of Regional Governments and Legal Policy on Food Security in Achieving Food Self-Reliance

The relationship between the legal authority of regional governments and national legal policy on food security is functional, dialectical, and mutually reinforcing within the legal system. Regional governmental authority functions as the formal legal instrument through which governmental actions are exercised, whereas national legal policy serves as the substantive foundation and guiding principle that determines the direction of such authority (Wahyono, 1986).

The synchronization of these two elements constitutes an indispensable prerequisite for realizing sustainable national food self-reliance beginning at the local level. According to Maria Farida Indrati's theory of legal harmonization, every regional regulation must remain vertically consistent with higher-level legislation and horizontally harmonious with other sectoral regulations to ensure legal certainty (Indrati, 2020). Whenever national legal policy promotes the liberalization of food trade, the legal authority of regional governments to regulate and maintain local food security is inevitably weakened and rendered ineffective in practice.

This interrelationship directly determines the capacity of regional governments to achieve sustainable food self-reliance. Where regional governments are equipped with autonomous legal authority and supported by responsive national legal policy, they are able to utilize Regional Regulations (Peraturan Daerah) as instruments of law as a tool of social engineering for promoting public welfare (Kusumaatmadja, 2006).

Food regulations at the regional level should therefore be designed to accommodate regional ecological characteristics while strengthening local food sovereignty (Sutrisno, 2022). Conversely, failure to establish a harmonious relationship between regional authority and national policy will sever the close relationship between local legal culture and the economic empowerment of farming communities, ultimately producing a repressive food law regime that alienates farmers from their own land (Sutrisno, 2019).

4. The Ideal Construction of Legal Authority and Legal Policy on Regional Food Security toward Food Self-Reliance

Developing an ideal legal framework (*ius constituendum*) for regional food security requires a comprehensive legal reformulation that is integrative, responsive, and grounded in regional characteristics. According to Philippe Nonet and Philip Selznick's theory of Responsive Law, a sound legal system is one that transcends rigid formalism in order to realize substantive justice while providing broad opportunities for public participation in fulfilling societal needs (Nonet, 2010).

Within this framework, the legal authority of regional governments should no longer be narrowly interpreted as merely encompassing market price monitoring or emergency food distribution during times of crisis. Instead, regional authority should be expanded into strategic regulatory authority, including the protection of ecological food zones, governance over local food distribution systems, and the formulation of integrated sustainable food regulations (Sutrisno, 2022).

Future regional legal policy on food security should be embodied in local legislation that prioritizes the legal sovereignty of farmers and the long-term protection of agrarian ecosystems. Since law must function as an instrument of emancipation and public service, the formulation of regional regulations should be grounded in sociological awareness and the protection of the legal culture of local farming communities (Rahardjo, 2010).

Regional governments, together with the Regional People's Representative Councils (DPRD), should enact responsive Regional Regulations imposing stringent legal sanctions against the conversion of productive agricultural land while simultaneously guaranteeing effective protection of the right to food for local communities (Hadjon, 2015). Through strengthening legal certainty, establishing a coherent framework of administrative authority, and reorienting legal policy toward an emancipatory paradigm, regional food self-reliance can become a robust juridical reality within the constitutional framework of the Unitary State of the Republic of Indonesia (Sutrisno, 2015).

IV. CONCLUSION

The essence of the legal authority of regional governments in administering food security constitutes a **strategic and regulatory concurrent mandatory** governmental function, rather than merely the delegation of rigid administrative and implementative responsibilities. The character of regional autonomy provides a juridical mandate for regional governments to manage, regulate, and administer local food resources in accordance with the ecological and sociological diversity of their respective communities,

thereby fulfilling the functions of the welfare state. Nevertheless, the current dynamics of Indonesia's national legal policy tend to be influenced by pragmatic economic interests that have weakened legal protection for regional food security instruments, particularly through the increasing conversion of Sustainable Food Agricultural Land (LP2B) into non-agricultural uses. This lack of harmony between regional legal authority and national legal policy has resulted in legal uncertainty and the marginalization of both the legal culture and the economic rights of vulnerable farming communities.

The ideal legal framework (*ius constituendum*) for regional food security requires a responsive and integrative reformulation within the national legislative system. The legal authority of regional administrative governments should be expanded to encompass the governance of local food distribution networks, the establishment of permanent ecological zoning, and the effective institutionalization of the right to food. Future regional legal policy should be directed toward the formulation of emancipatory Regional Regulations (Peraturan Daerah) that prioritize the preservation of local wisdom, the protection of permanent agricultural land, and the empowerment of farmers as the principal objectives of development law. Through the synchronization of legal performance and the consistent integration of legal authority between the central and regional governments, sustainable food self-reliance can be firmly realized based upon the principles of regional autonomy within the constitutional framework of the Unitary State of the Republic of Indonesia.

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