

Micropolitics of small farming : a socio-legal analysis of farmer's rights and food piracy in Indonesia

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Abstract

The small farming still plays crucial role within country economic, where most of the inhabitants are depend their daily life to agriculture. National political configuration has brought some significant to the agriculture development. In domestic level policy of local autonomy has change the landscape of agricultural policy which different from one region to another region. The local advantage and local culture placed as the foundation to develop the small farming in region. Whilst in the international level, the free trade agreement has change the market landscape for local agriculture product. Coping with these two circumstances dimensions two issues were raised related to farmer rights and food piracy whereas micropolitic of small farming able to manage such issues. Socio-legal approach will be used to strip up the micropolitic of small farming due to its focus of traditional farmers and traditional agricultural system.

Keywords : Micropolitics, farmers rights, food piracy, Indonesia.

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1. Context of Study

For centuries until today Indonesia, economic activities mostly depend on agriculture sector, whereas it has significant contribution to national GDP. In 2013, as noted by national central statistic bureau, Indonesia has 26, 14 millions farming households. Its consist of 17,73 million food crops households, 10, 60 million horticultures households, 12,77 million plantation households, 12,97 million animal husbandry households, 1,19 million fish farming households, 0,86 million fisheries households, 6,78 forestry households, and 1,08 millions agricultural service households. The number of small farming households are 14,25 million households or 55,33 percent from the total number of farmers. The total number of farmers is 31,70 million people, whereas mostly concentrated on food crops subsector as many as 20,40 million people.

Politics has a significant influence to the development of agriculture sector. In this point, the agriculture policy is determined by the configuration of the political views. However, in recent times the external factors, such as the regime of multilateral trading system, gives strong influence to the internal policy of agriculture. Agriculture developments agenda directed to increase the agriculture production in order to accomplish the domestic interest of food security and industries, to enhance agricultural export performance and product competitiveness, to improve the farmers income, and to open up more job opportunities.

Besides, it dominated small farming, most of farmers in Indonesian are traditional farmers. In this regards, most of Indonesian farmers use the traditional way that inherited from theirs ancestor. The traditional ways is starting from cultivate their agriculture land, processed their agriculture product until selling agriculture product to the market. Traditional farmers usually sell their product to the traditional market of intermediary trader.

Limited access to the market either domestic or foreign due to the market illiteracy, where traditional farmers only focusing in cultivate their land and producing agriculture product without anticipating the market destination.

Some farmers traditional in certain areas they have their own way marketing their product, for instance establishing their own trade system based on their local wisdom and traditions. Local farmers unions usually consist of some farmers group, which planting certain agriculture products, thus they established an agreement amongst themselves to create their own trade system. This trade system aimed to be price buffer for the agriculture product. The system used closed procurement, where the farmer would sells their agriculture product to the trader who offers the highest price. This method is used to avoid the falling price in the domestic market, maintaining farmer bargain position in the market, and keeping the product quality.

The implementation of market economy after 1997 crises and impact of multilateral free trade agreement has brought significant impact to the Indonesia agriculture. Back in the 1980s to 1990s Indonesia has succeed with agriculture surplus production, where it based on traditional farmers. Along with the recent development on global economy, the situation is changing rapidly, thus its caused the traditional farmers hardly to cope with the tense competition either with local farmers of foreign farmers.

With regard to local autonomy, a new challenge was created in poverty reduction and economic development in which there was fragmentation and different policies in certain sectors from region to region. Decentralisation policy was defined as conferring some of the central government competences to the local government in order to deliver welfare effectively and to give greater authority to the regions managing their specific development based on local needs and characteristics. Therefore, local governments expected be able to initiate policies and bring their people into a better life.

As one of the economic backbone, farmer rights (in this regard traditional farmers) still marginalized within agriculture industry. Most of

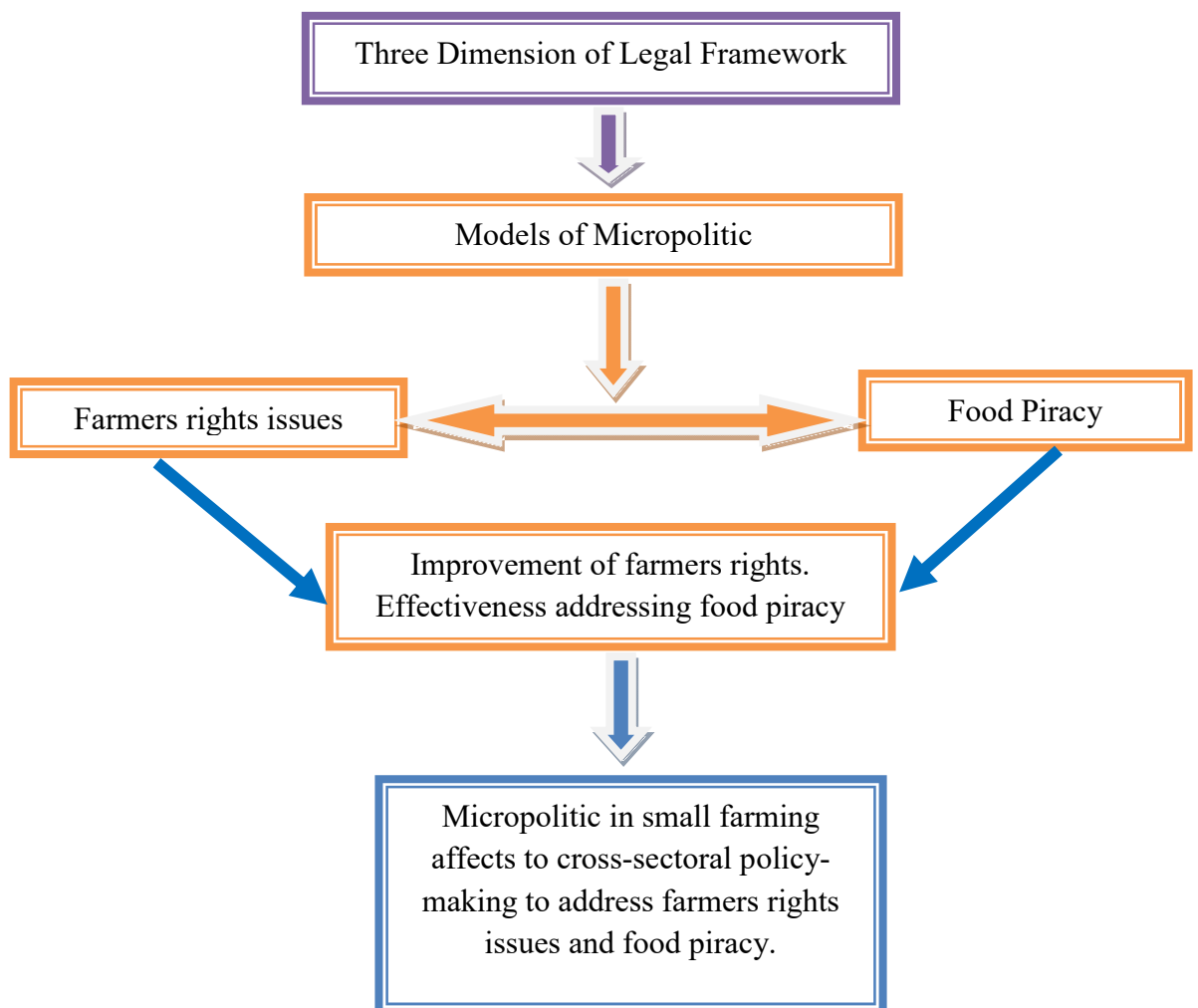
farmers are living in the poverty without any certainty of income because they do not have bargain position power in the market. In addition, their access to the market is very limited, which mostly only limited to the traditional market or traditional intermediary traders. Farmer rights also related to the intellectual and property rights, in this regards patent, trademark, and geographical indications. Some of traditional farmers based on their knowledge and experience has created some excellent agriculture product, especially organic agriculture product. Therefore, issue of IPRs and product traceability becomes important to be raised, even though until today it does not get a serious concern from the related stakeholders. Economic injury could be emerged due to fraud related to IPRs and product traceability, the term would be used in this study is food piracy.

The term of food piracy is created from the demonstration of Italian farmers against the fraud conducted to their products. What it so called as food piracy? Food piracy is using the brand of certain product for others imitation products or mixed up original product with the unoriginal. Food piracy also can be conducted by deprived the product traceability by relabeling product with the other brand of origin. This conduct intended to raise the profit by certain actors, on the other hand it can undermining the profit of small farming. Indonesia is vulnerable to food piracy conduct due to its position in the free trade area where traceability is really matter to be a compulsory requirement for a product to enter the market.

Micropolitic in agriculture plays very interesting part especially related to small farming in which farmers, stakeholders, NGOs, and business actors are struggling to dealing with the issue of farmers rights and food piracy in order to come up with the solutions. Due to its minor voices in spite of it majority number, small farming still manage traditionally and located in the remote area where most of its farmers are have no higher education background (many of them are illiterate) and do not have sufficient knowledge about what call as farmer rights and food piracy. However, their

local wisdom and their traditional system could give a protection against food piracy and protecting their rights as farmers.

The research will be conducted with focus to the traditional farmers in certain remote area where it has high number of poverty and illiteracy but having an excellent agriculture product and already establish its traditional trade system. In sum up this research is aimed to portray the micropolitic of small farming toward farmer rights and food piracy, a socio-legal approach will be used to analyst various factors that potentially influencing involved actors and stakeholders.



2. Theoretical Framework

a. Micropolitics

Micropolitics defined as the politics internal of organisations.¹ Michel Foucault's in his works 'governmentality', explains how power is being manipulated and negotiated by different actors and organization.² The aims why the study of micropolitics comes into existence, it has the same logic why the microeconomic exist. The economist arguing that studying micro-level to portray the "economic reality", vice versa using the micropolitic to obtain the political reality at the micro level, where it can produce the solution that are more practical.³ Micropolitic is very useful to mapping out how the decision, policy, and action are made from closer distance.⁴

From the micropolitics perspective, policies formulation based on the public choices, where the behavior of the individuals and groups involved taking into account.⁵ At this point, micropolitic sets up policies to create resistance against some circumstances that could endanger its micro existence. The models of the micropolitic practiced is different from one area to another area. Such circumstances were caused that every area has a problems that represented it characters or situation.⁶ According to Pirie, that "the world might be improved if there were less government involvement in the economic processes, less regulation, and less pre-emption of the funds which people can allocate to their preferences".⁷ Action in limited areas or on limited groups deals with minorities, and it is fundamental to micro politics that minorities

¹ Smeed, Judy L. and Kimber, Megan and Millwater, Jan and Ehrich, Lisa C. (2009) Power over, with and through : another look at micropolitics. *Leading & Managing*, 15(1)., pp. 26-41

² Robinson, D.F. (2006) Governance and Micropolitics of Traditional Knowledge, Biodiversity and Intellectual Property in Thailand: Research Report. National Human Rights Commission of Thailand, Bangkok, UNSW and University of Sydney.

³ Madsen Pirie. (1988). *Micropolitics*, Adam Smith Institute London, ISBN 0-7045 31-03-8, p. 74.

⁴ Madsen Pirie. (1988). *Op. Cit.*, p. 75.

⁵ *Ibid.*, p. 75.

⁶ Madsen Pirie. (1988). *Loc. Cit.*, p. 77.

⁷ *Ibid.*, p. 77.

have more power than majorities. They are able to identify their benefit more immediately, and to isolate its value.⁸

b. Farmers' Rights

Farmers' Rights always associated with definition conceive in some international agreement on the International Treaty on Plant Genetic Resources for Food and Agriculture or convention of bio diversity. The issue of farmers' Rights in international arena can be traced down back to 1980s. In 1989, farmers' rights were for the first time formally recognized by the FAO Conference. Both of these international instruments contain issues of intellectual property rights. With regard to such issues, it is believe that traditional farmers have their own concepts of intellectual property rights. The communality character of farmers considered contributing to such concept. Farmers' rights viewed as collective rights in a broad sense rather than rights of individual farmers or communities. On the other hand, farmers' rights protection has facing some obstacles such as political weakness of the traditional farming sector, urban and consumer demand for low cost commodities, and the need to promote agricultural development.⁹

The International Treaty on Plant Genetic Resources for Food and Agriculture govern provisions on farmers' rights, and require states contracting parties to implement the principle of the treaties. The measures to protect and promote farmers' rights are suggested but the implementation given to the states. The preamble of the International Treaty highlights the necessity of promoting farmers' rights at the national as well as international levels.¹⁰

⁸ Madsen Pirie. (1988). *Op. Cit.*, p. 124.

⁹ Stephen B. Brush., (2005), Farmers' Rights And Protection Of Traditional Agricultural Knowledge, CAPRI Working Paper No. 36, International Food Policy Research Institute, pp. 25-29.

¹⁰Regine Andersen., (2005), The History of Farmers' Rights, The Fridtjof Nansen Institute.

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