

ACTIO

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**Indonesia's Law and Policy to
Create Availability and Stability in
Price of Cooking Oil**

**Food Security Bill: Projection
of Indonesia's Food Security**

**The Impact of the Global Crisis
on Indonesia's Food Security
and How to Overcome It**



**LEGAL INSTRUMENTS TO
ENSURE FOOD AND ENERGY
SECURITY: LESSONS
LEARNT FROM EUROPE**





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“Innovation that are guided by smallholder farmers, adapted to local circumstances, and sustainable for the economy and environment will be necessary to ensure food security in the future”.

Bill Gates.



Dear Reader,

Without realizing it, we are now entering the mid-year of 2022. Greetings to all readers. We hope that all of us are always given safety, health and happiness.

ACTIO is here again for readers with the main topic “Legal Instruments to Ensure Food and Energy Security: Lessons Learnt from Europe”.

The COVID-19 pandemic has made all aspects of life tend to lead to situations of adapting to new habits. This changes the situation in almost all aspects of life, including changes in the pattern of energy and food supply chains. Energy and food security are the main issues in fulfilling people’s welfare because they can determine economic, social and political stability in a country.

In the current condition, it demands a resilience and sustainability in the energy and food sector in Indonesia. The government’s efforts in formulating, implementing programs, policies, regulations and laws in an effort to support the resilience and sustainability of the energy and food sector are highly expected. This includes learning from Europe related to energy and food security efforts on the continent.

ACTIO – 18 discussed Legal Instruments to Ensure Food and Energy Security: Lessons Learnt from Europe, including: Indonesia Remains to Rely on Import in Dealing with Food Crisis, Europe is Planning to “Grow More”, Indonesia’s Law and Policy to Create Availability and Stability in Price of Cooking Oil, Government Response to Diminished Oil Import Due to the Impact Russia and Ukraine War, Food Security Bill: Projection of Indonesia’s Food Security, and Law Enforcement against Food Stockpiling as a Solution to Prevent Food Crisis in Indonesia.

We hope that the articles in this edition can provide useful information for all readers.

Happy reading.

Best Regards,

ANGGRAENI AND PARTNERS

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Managing Partner

INDONESIA REMAINS TO RELY ON IMPORT IN DEALING WITH FOOD CRISIS WHILE EUROPE IS PLANNING TO “GROW MORE”

Indonesian Minister of Agriculture, Syahrul Yasin Limpo announced that imports were necessary to fulfill domestic food needs. This was made known at a work meeting on 22nd March 2022 between the Ministry of Agriculture and Commission IV of the Indonesian House of Representatives, a commission whose scope is in the fields of Agriculture, Environment and Forestry, and Marine Affairs. According to the Ministry of Agriculture, Indonesia's soybean stock is in deficit, and it is estimated that 2.842.226 tons of soybeans must be imported to fulfill the domestic soybean needs.



Soybeans was not the only commodity in question. The Minister of Agriculture also projects that 366.900 tons of garlic, 234.692 tons of sugar, and 134.356 tons of beef will be necessary.¹ In addition, soybean is the commodity that requires the most imports. The Ministry of Agriculture stated that Indonesia's dependence on soybean imports had lasted for 12 years. The unfavorable price structure for soybean farmers is weakening the domestic soybean production, whereas imported soybean price is sold at around IDR5.000/kg while domestic soybean farmers could not cover the cost of production at a price below IDR7.000/kg.²

The Russian invasion against Ukraine (the largest wheat producers) forced the European Union to take a stand and decide to ramp up production of its own wheat to mitigate the food crisis. After two years of trying to persuade EU government to heave their agricultural system onto a greener track, the European Commission has allowed countries

to lift some environmental rules to free up land for food production. This affects the Green Deal that has been agreed upon by EU countries on 12th December 2019, one of which is requiring 4 million hectares of agricultural land to be left fallow for biodiversity. Farmers are now able to plant whatever food and animal feed crops on that land. Aside from wheat, the Russian-Ukrainian conflict has also made EU realize how dependent they are on Ukraine's corn exports for animal feed and fertilizers from Russia and Belarus.

Therefore, EU countries are encouraged to become self-sufficient and begin to reduce the need for imports. The EU is also providing direct aid to EU farmers totaling €500.000.000 to tackle the rising costs of fuel and fertilizers needed for agriculture. In addition, EU also plans to finance Poland who is to provide 50.000 tons of fuel across the border to Ukrainian tractors to meet their weekly fuel needs.³

TWK/DBS

1. <https://nasional.kompas.com/read/2022/03/22/15293421/data-kementan-stok-kedelai-defisit-perlu-impor-hingga-3-juta-ton>
 2. <https://industri.kontan.co.id/news/pemerintah-siapkan-3-juta-ton-impor-kedelai-tahun-ini>
 3. <https://www.politico.eu/article/5-takeaways-from-the-eus-plan-to-stabilize-the-food-system/>



GOVERNMENT RESPONDS ON DIMINISHED OIL IMPORT DUE TO THE IMPACT OF RUSSIA VS UKRAINE

What is the impact of Russia's invasion to the Ukraine or other nations associated with either of the two countries?

The Russian-Ukrainian conflict has taken a toll on the world oil market. Russia announced an export ban on telecoms, medical, vehicle, agricultural, and electrical equipment, as well as some forestry products such as timber. On top of that, western governments imposed sanctions, notably the restriction on buying oil from Russia which affected most nations. Russia most notable export item is petroleum and due to the sanctions imposed by the western governments, petroleum export is cut short around the world. On the other hand, Ukraine is a top exporter of many products including seed oils, corn, wheat, iron ore and semi-finished iron. No sanctions were imposed on Ukraine. Ukraine only lost 1 of their target export which dealt minimal damage to the Ukrainian economy.

The war between Russia and Ukraine, and sanctions on Russian export have had a major negative impact in multiple countries with Indonesia being one of them. Lack of oil imports in Indonesia have caused a major shortage of oil for distribution and has led to the inflation of oil prices globally and disrupted distribution. Indonesia saw a sharp rise of in the price of cooking oil and gasoline, which increased by almost 2 times its previous price. The Indonesian government have made multiple attempts to provide for the lack of oil in various regions across Indonesia. This has included investigations into cartels and monopolistic practices by some cooking oil distributors in Indonesia.

What is the Indonesian Government's response towards the situation in Russia and Ukraine? Is there any new policy, in particular regarding food and energy?

The Indonesian Government and President have tried to mitigate the negative impacts by imposing price ceilings by issuing Ministry of Trade Regulation

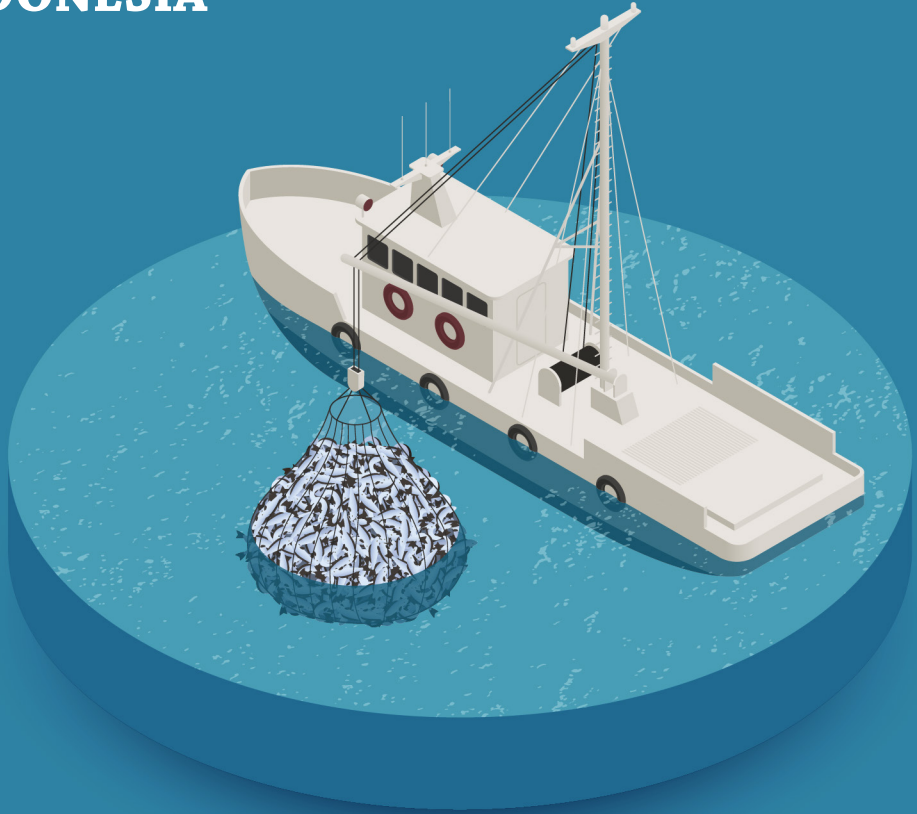
Number 11 of 2022 on stipulation of highest retail price (harga eceran tertinggi) of bulk cooking oil (MoT 11/2022). The Ministry of Trade issued this regulation in hopes that the price of oil is accessible throughout Indonesia at fairly affordable prices. The regulation prevents cooking oil distributors or sellers to sell oil above the maximum price fixed by the ministry. The regulation also allows the Ministry to supervise the distribution of cooking oil. There are sanctions, fines and penalties on offenders violating MoT 11/2022 regulation and these are stipulated under Article 5 of the regulation. Distributors who violate the regulation under Article 3 are subject to administrative sanctions. This applies to middle sized distributors as well as larger firms. The administrative sanctions can be in the form of:

- Temporary suspension of activity; and/or
- Revocation of business license.

The administrative sanctions will be imposed by the ministry and the district heads based on each of their authority on the matter in accordance with the laws and regulation. Upon violation of the law, the head of district is able to give mandate to the Head of Department of the Ministry of Trade. Administrative sanctions in the form of revocation of business license is implemented through the online single submission (OSS) based on the notification of the Ministry or head district in accordance with the laws and regulation on administration of business licenses.

There was also a government initiative in which the government banned the export on crude palm oil (CPO) through Ministry of Trade Regulation Number 22 of 2022 on Temporary Export Ban of Crude Palm Oil, Refined, Bleached, and Deodorized Palm Oil, Refined, Bleached, and Deodorized Palm Olein, and Used Cooking Oil. This regulation was active since 28 April 2022 and applies to all region of Indonesia. It is regulated in Article 4 that whoever violates this regulation will be subject to administrative sanction. The reason behind this new regulation is to oversee the production and distribution of crude palm oil. In response, the decrease in import of oil from Russia have sky-rocketed prices of Palm Oil globally. **MAD/JXR**

FOOD SECURITY BILL AS A FOOD SECURITY PROJECTION IN INDONESIA



Food sovereignty generally regarded as the fulfilment of the human right to determine the access to food and to determine a country's own food system. In its realization, food sovereignty will be achieved if food producers own, control, and control the means of food production such as land, water, seeds and technology. Another requirement is the implementation of agrarian reform. If one looks at the Food Law, there are a number of problems that hinder the fulfilment of these requirements. Among them:

1. There is equal treatment between small food producers such as farmers and fishermen with food business actors which can include agribusiness/food estate as well. This can be seen in the provisions of Article 4 (food administration aims to improve welfare for farmers, fishermen, fish cultivators and food business actors); or Article 17 (the obligation of the Government/Local Government to protect Farmers, Fishermen, Fish Cultivators and Food Business Actors). Meanwhile in

1. Rahmawati, E. (2012). Aspek Distribusi pada Ketahanan Pangan Masyarakat di Kabupaten Tapin. Jurnal Agribisnis Pedesaan Jurusan Sosial Ekonomi Pertanian Lambung Mangkurat. Banjar Baru, Vol. 2 No. 3 Hal 241 - 251.

Article 18, the Government is required to abolish all policies that have an impact on reducing competitiveness. This Food Law certainly reduces the competitiveness of small food producers when faced with large food companies. The fact is that until now, the Government's policies and facilities in terms of strengthening the capacity of traditional fishermen in post-catch activities (processing) are still very minimal.



2. Article 14 paragraph (2) of the Food Law states that food imports are possible in the event that domestic food production and national food reserves are insufficient. However, in the 2013 Government Work Plan, the Government itself shows empirical facts of a declining trend in domestic food production. There is no time period that confirms how long the domestic food needs will be met by imported food. Throughout 2012, import policy will be the main trend of Indonesian fishery food policy. At least until the quarter of 2012, there are seven imported tuna commodities although tuna is a marine wealth that is spread in Indonesian waters. Likewise, octopus, squid and shrimp are still being imported. Import policy is increasingly irrelevant because it has negative implications for the direction of trade policy and strengthening the independence of the national fishery economy. Exports were boosted, import quotas actually rose drastically. Even more ironic, exports are still dominated by raw and fresh fish, which are a necessity for domestic production and consumption. On the other hand, imported fishery products are not only in the form of processed products, but also raw materials that can actually be found native and naturally in Indonesian waters.
3. On the other hand, Article 15 paragraph (2) states that "In the event that the availability of food for consumption needs and food reserves are sufficient, the excess domestic food production can be used for other purposes". The explanation of this Law defines "for other purposes" as the use of excess food production other than for consumption. These include feed, energy raw materials, industry and/or

exports. The Government's efforts to legitimize the development of biofuels (agrofuels) will of course require a lot of land to be converted into monoculture plantations. If this happens, it will certainly lead to massive land grabbing practices and violations of farmers' rights. Again, there will be increasingly open access for large companies.

4. Further regarding food imports which are more specifically regulated in Article 36 paragraph (1), food imports are not only limited to food insecurity/crisis situations, but also to food that cannot be produced domestically. This will lead to competition between local food products and imported food products.
5. Article 39 of the Food Law states that the Government establishes policies and regulations on food imports that do not have a negative impact on the sustainability of farming businesses, increased production, welfare of farmers, fishermen, fish cultivators, and micro and small food business actors. However, farmers, fishermen, fish cultivators, and micro and small food business actors as groups that will be affected are not counted as parties who must be consulted by the Government before importing food so that food imports do not have a negative impact.

6. Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles do not contain on the question of agrarian reform as an important step to realize food sovereignty. Although in the 2013 RKP, the Government has stated that the problem of shrinking productive land is one of the factors causing the decline in food production, the Government does not see that the root of the problem is the lack of true agrarian reform.
7. Article 89 in conjunction with Article 141 contains the threat of criminality because it requires food safety and quality which must be included in food packaging labels. Non-compliance carries the possibility of imprisonment for a maximum of 2 (two) years or a fine of a maximum of 4 billion. This threat of criminalization applies to small-scale food processors, including fisherwomen. The law does not take into account the fact that almost 50 percent of women from fishing families are involved in fishing activities, which are mainly in processing and selling the catch/aquaculture. Regrettably, they are legally subject to these same rules and regulations. So far, there has not been sufficient support/facilities for women fishermen in increasing the capacity of fishermen and women fishermen in post-catch activities which should be the government's obligation. This makes fisherwomen vulnerable to this rule. This rule will only benefit food business actors with large capital ownership.

In this case, there is a need for a Food Security Bill to replace Law no. 18 of 2012 concerning Food, which in the author's view, is still unable to answer existing problems and has not been able to support farmers and fishermen as food producers. The Food Law that we are currently guiding is not in accordance with the real conditions we are currently facing. We hope that this law should be a legal product that covers all food interests. Two things need to be done immediately, namely reforming the bureaucracy that reorganizes the functions and roles of inter-ministerial affairs related to agriculture and food, as well as answering pressing issues facing farmers, such as subsidized fertilizers and fulfilling

farmers' needs for easy and cheap agricultural inputs. To amend Law no. 18 of 2012 alone, is not an easy or quick job. We need to develop small and medium-sized agriculture, not large-scale and not monocultures.

However, on the one hand a review of each article of the Food Bill will quickly show how strongly the draft regulation has an impact on liberalization. This is reflected, among other things, in the draft article which provides for the private sector to store food very widely. Indeed, when we talk about food, it means we are talking about the lives of many people. If these articles are not corrected, it is feared that a very large food liberalization will occur in this country. The food sector of the republic is dominated by a handful of big capitalists. Such conditions will clearly endanger the nation's food security. However, for the Indonesian people, a grain of rice does not only concern the economic dimension, but also involves many dimensions, including the dimensions of justice, human rights, nationalism, spirituality, and even social and political dimensions. Rice will always be the business of this nation from generation to generation. In designing this bill, the DPR must stick to the basic guidelines, namely the 1945 Constitution so that ancestral values related to food do not fade with other values.

YAN/FDH/MGA





INDONESIAN GOVERNMENT LEGAL POLICY TO MAINTAIN THE AVAILABILITY AND STABILITY OF COOKING OIL PRICES COOKING

Cooking oil is one of the most important commodities nationally because of its widespread use for a variety of purposes. Based on the Central Statistics Agency data, most cooking oil used in Indonesia is cooking oil made from palm oil. Since 2015, the demand for cooking oil in Indonesia has consistently increased upwards.¹

In January 2022, there was a massive increase in cooking oil prices in Indonesia due to the scarcity of cooking oil availability. Unmitigated, the cost of cooking oil in the general market rose by 73.2 percent or to IDR26,170 per liter compared to the same month in 2021, IDR15,103 per liter.² In fact, Indonesia is the largest palm oil-producing country globally, with total production in 2021 reaching 46.8 million tons.³

The high price of cooking oil in the first quarter of 2022 resulted in panic buying resulting in a shortage of products. Structurally, cooking oil is a primary commodity as valuable as rice, but it is much different in practice. Instead of regulating cooking oil such as rice which is handed over to the Logistics Affairs Agency (BULOG), the Government hands over the “upstream” affairs of cooking oil to the private sector.⁴

In terms of the juridical aspect, on the one hand, the existing regulations should provide certainty on the availability of cooking oil, and the stability of affordable prices on the other. However, the current regulations are still unable to bridge these two goals. This is shown by the very fast regulatory amendments in the momentum of rising cooking oil prices. These regulations are as follows:

1. Directorate Statistics Distribution, Distribution Trade Commodities Oil Indonesian Fry 2021, (Jakarta: Central Agency Statistics RI, 2021), pp. 21.
2. Nyoman Ari Wahyudi, “Skyrocketing! Price Oil Fry Packaging Up 73 Percent Year Last”, <https://ekonomi.bisnis.com/read/20220413/12/1522723/melejit-harga-minyak-goreng-kemasan-naik-73-persen-setahun-terakhir>, accessed on April 24, 2022.
3. <https://ekbis.sindonews.com/read/728685/34/5-negara-penghasil-minyak-sawit-terbesar-dunia-nomor-satu-penuh-kejanggalan-1648645436>, accessed on May 10, 2022.
4. Willa Wahyuni, “5 Note YLKI related Polemic Oil Fry,” <https://www.hukumonline.com/berita/a/5-catatan-ylki-terkait-polemik-minyak-goreng-lt621e0632bfb39/?page=2>, accessed on April 24, 2022

1. The Minister of Trade Regulation Number 01 of 2022 concerning Provision of Simple Packaged Cooking Oil for Community Needs in a Financing Framework by the Oil Palm Plantation Fund Management Agency (MOTR 01/2022).

The government in this regulation provides compensation funds to business actors to obtain financing for simple packaged cooking oil from BDPKPS; the amount of funding for simple packaged cooking oil is calculated based on the difference between the Economic Reference Price and the HET for Simple Packaged Cooking Oil (Article 7 of the Minister of Trade 01/2022). The HET specified in this regulation is IDR14,000 per liter (Article 12).

2. The Minister of Trade Regulation Number 03 of 2022 concerning Provision of Packaged Cooking Oil for Community Needs in the Financing Framework by the Fund Management Agency for Palm Oil Plantations (MOTR 03/2022).

This regulation revokes and replaces the provisions of MOTR 01/2022. The correction based on MOTR 03/2022 includes determining the amount of funding for simple packaged cooking oil, which is calculated based on the difference between the Economic Reference Price (HAK) and HET for Packaged Cooking Oil (Article 7). The determination of HAK at the provincial level is carried out based on the reference selling price at the Business Actor level and is determined every month by the Director-General, while the HET decided in this regulation is IDR14,000 per liter (Article 12).

3. The Minister of Trade Regulation Number 06 of 2022 concerning the Determination of the Highest Retail Price for Palm Cooking Oil (MOTR 06/2022).



This regulation revokes and replaces the provisions of MOTR 03/2022. Fundamental changes in this regulation include the determination of the HET price, as regulated in Article 3 paragraph (2) MOTR 06/2022, are as follows:

- a. IDR11.500.00 per liter for bulk cooking oil;
- b. IDR13,500.00 per liter for simple packaged cooking oil; and
- c. IDR14.000,00 per liter for premium packaged cooking oil.

4. The Minister of Trade Regulation Number 11 of 2022 concerning the Determination of the Highest Retail Price of Bulk Cooking Oil (MOTR 11/2022).

This regulation revokes and replaces MOTR 06/2022. Fundamental changes in this regulation include the determination of the HET for Bulk Cooking Oil by IDR14,000.00 per liter or IDR15,500.00 per kilogram (Article 2 of Minister of Trade 11/2022).

The following is a comparison table containing amendments to regulations regarding cooking oil based on MOTR 01/2022, MOTR 03/2022, MOTR 06/2022, and MOTR 11/2022:

Development of arrangements regarding the provision of cooking oil (crude palm oil)

<p>MoTR 01/2022</p>	<ul style="list-style-type: none"> Private business actors can participate in providing Simple Packaged Cooking Oil using the MINYAKITA brand (owned by the ministry) by submitting a registration application to the Minister. After that, business actors must carry out financing through the distribution network until it is received at the retail level with a maximum price of IDR14,000 at the retail level. The President Director of BPD PKS appoints surveyors whose activities are to provide input to the Director-General on selling prices at producers and economic reference prices at the provincial level, verification of business actors and distribution, and verification of cooking oil distribution.
<p>MoTR 03/2022</p>	<ul style="list-style-type: none"> Retailers are required to sell packaged cooking oil to consumers with a HET of IDR14,000 (fourteen thousand rupiahs). Private business actors can participate in providing a net content of a maximum of 25 liters. Surveyors are no longer active in providing input to the Director-General.
<p>MoTR 06/2022</p>	<ul style="list-style-type: none"> Palm Cooking Oil is divided into three categories: (HET IDR13,500), and Premium Marketing Cooking Oil (HET IDR14,000). Does not regulate the mechanism for business actors to participate and the private sector can only become retailers.
<p>MoTR 11/2022</p>	<ul style="list-style-type: none"> Cooking oil is no longer classified, but only into one type, namely Bulk Cooking Oil with a HET of IDR14,000 per liter and IDR15,500 per kilogram price which is included with Value Added Tax. Prohibit medium and large industries from using Bulk Cooking Oil with the specified HET.

The four regulations above also contribute to the chaos in the availability of cooking oil from a juridical perspective. Although it is undeniable that the purpose of the existence of the regulation is well intentioned, the repeal, and replacement in the immediate future have shown the government's

inconsistency in formulating policies related to cooking oil. Thus, it can be seen that the cooking oil policy in Indonesia still has inconsistencies and tends to be reactive. This has implications on a national scale including the scarcity of cooking oil availability to be accessible to the general public. **SCN/IAN/RHH**



ALLEVIATING THE ROOT OF THE PROBLEM OF FOOD AND ENERGY SHORTAGE AND UNCONTROLLABLE PRICES: BLAME IT ON PRODUCTION OR DISTRIBUTION?

As one of the few countries that is geographically fortunate to be crossed by the equator, Indonesia is rich in natural resources such as, gold, copper, oil and gas, rainforests, and various marine species. Hence, it is logical to assume that its vast natural resources would have ensured Indonesia's food and energy security. However, Q1 of 2022 has proved this otherwise.

As per April 2022, the Ministry of Trade noted that the price of bulk cooking oil as of April 2022 was at Rp18,759 per litre, an increase of 50.3% from the same period last year at Rp12,475. In February to March 2022, premium cooking oil started at around

Rp18,500, whilst regular cooking oil started at just above Rp17,000. At the end of March, the price increased by almost 50% for the premium cooking oil reaching Rp26,000 whilst regular cooking oil prices increasing to almost Rp24,000 per liter. Even though the bulk cooking oil price does not change as much as the other two categories, it still went up from Rp16,000 to almost Rp18,000.¹ This scarcity of cooking oil persists even though Indonesia is the most significant crude palm oil (CPO) producer globally.²

In addition to the ongoing pandemic, the existing conflicts in Europe have not helped. Other commodities prices that have rocketed, including

1. Faisal Javier, "Tren Harga Minyak Goreng Nasional Maret 2022", Tempo, accessed through <<https://data.tempo.co/data/1380/perkembangan-harga-minyak-goreng-pada-29-maret-2022>> on 29th April 2022. See further, Faisal Javier, "Kebijakan HET Dicabut, Harga Minyak Goreng Kemasan Melambung", Tempo, accessed through <<https://data.tempo.co/data/1370/kebijakan-het-dicabut-harga-minyak-goreng-kemasan-melambung>> on 29th April 2022.
2. In 2019, Indonesia produced 42.5 million tons which covered 58% of global production. See, Niall McCarthy, "Which Countries Produce the Most Palm Oil?", Forbes, accessed through <<https://www.forbes.com/sites/niallmccarthy/2020/10/02/which-countries-produce-the-most-palm-oil-infographic/?sh=55d5bb81e427>> on 28th April 2022.

wheat, rice, crude oil to fertiliser, continued to soar in prices with concerns about supply chain constraints due to the war. This condition is expected to spur world inflation in the midst of a food emergency. This raises the question: Is the problem rooted in the production or distribution chain? How much could external factors affect prices? What should we do, and what should we have done?

Why does price fluctuation happen?

Price fluctuation of commodities typically happens for commodities that are highly consumed.³ From the economic perspective, price volatility relies upon supply and demand rules: high demand and low supply will increase the price of the goods. Unfortunately, this situation is not as simple as it sounds.

For cooking oil, several factors may have triggered its price fluctuation. First, the CPO's international prices was up about 77% compared to January 2021.⁴ Second, declining palm oil harvests in the second half of 2021 dampened supply. It has made the supply of CPO become limited and distribution chain of the cooking oil industry become disrupted.



Third, there was an increase in the demand for CPO for the biodiesel industry as the result of the B30 policy implementation. Fourth, COVID-19 pandemic disrupts logistical chains as the number of containers and ships decreased.⁵ The pandemic also contributed to the decline in world palm oil supply.⁶ Further, the Russia and Ukraine war has raised fear of a global shortage of vegetable oil. Considering Ukraine is one of the countries that produce sunflower-based vegetable oil,⁷ traders started reviewing the alternatives – including palm-oil-base cooking oil.⁸ Finally, misappropriation of bulk cooking oil to the export market by parties who are supposed to distribute it to the public. This illicit action is because of the lower price in the domestic market obligation (DMO) and price ceilings, in comparison to the export price.⁹

3. Based on the survey conducted by Pusat Data dan Sistem Informasi Pertanian Sekretariat Jenderal, Kementerian Pertanian in 2019, ten main commodities Indonesia's population buy are, respectively, rice, chicken meat, soybean, chili, sugar, garlic, beef, and corn. Sabarella, et. al., *Buletin Konsumsi Pangan*, Vol. 10, No. 1, Tahun 2019, (Jakarta: Pusat Data dan Sistem Informasi Pertanian Sekretariat Jenderal Kementerian Pertanian, 2019), pp. 10, accessed through <<http://epublikasi.setjen.pertanian.go.id/epublikasi/buletin/konsumsi/2019/Buletin%20Konsumsi%20Vol%2010%20No%201%202019.htm>> on 27th April 2022.
4. Siti Nur Aeni, "Kenapa Minyak Goreng Mahal? Ini Tiga Alasannya", *KataData*, accessed through <<https://katadata.co.id/agung/berita/6233ff14d5695/kenapa-minyak-goreng-mahal-ini-tiga-alasannya>> on 18th May 2022.
5. There were reduced capacity for container shipping and cancellation of sailing due to COVID-19. Virdita Ratriani, "Kenapa Minyak Goreng Mahal dan Langka? Ini Penyebabnya Menurut Kemendag", *Kontan*, accessed through <<https://industri.kontan.co.id/news/kenapa-minyak-goreng-mahal-dan-langka-ini-penyebabnya-menurut-kemendag>> on 9th May 2022. See further, United States International Trade Commission, "The Impact of the COVID-19 Pandemic on Freight Transportation Services and U.S. Merchandise Imports", accessed through <https://www.usitc.gov/research_and_analysis/tradeshifts/2020/special_topic.html> on 9th May 2022.
6. COVID-19 infections and lockdown policies (especially) in palmoil producing countries have created labour shortage and curb production of palm oil. For instance, one of Malaysia's biggest palm oil producer companies stated that there are approximately 20% to 30% loss of potential production. See, Anuradha Raghu, "Palm Oil Output at Risk as Virus Lockdown Worsens Labor Shortage", *Bloomberg*, accessed through <<https://www.bloomberg.com/news/articles/2021-06-14/palm-oil-output-at-risk-as-virus-lockdown-worsens-labor-shortage>> on 9th May 2022.
7. According to the Observatory of Economic Complexity, Ukraine is the largest exporter of sunflower oil in the world, responsible for up to 46% of sunflower-seed and safflower oil production. The second largest producer is Russia, which exports about 23% of the world's supply. Abby Vesoulis, "How the Ukraine-Russia Conflict Will Raise the Price of Snack Foods", *Time*, accessed through <<https://time.com/6155095/sunflower-oil-russia-ukraine/>> on 9th May 2022. See further, Joseph Glauber, et. al., "The Impact of the Ukraine Crisis on the Global Vegetable Oil Market", *International Food Policy Research Institute*, accessed through <<https://www.ifpri.org/blog/impact-ukraine-crisis-global-vegetable-oil-market>> on 9th May 2022.
8. Kholida Qothhrunnada, "Pasokan Minyak Bunga Matahari Menipis, Eropa Jadi Doyan Minyak Sawit", *Detik Finance*, accessed through <<https://finance.detik.com/berita-ekonomi-bisnis/d-6048536/pasokan-minyak-bunga-matahari-menipis-eropa-jadi-doyan-minyak-sawit>> on 9th May 2022.
9. Domestic Market Obligation (DMO) is a policy made by the government to ensure the availability of oil in Indonesia. This policy places restrictions on business actors from exporting oil and requires businesses to prioritise domestic sales. Some business actors that choose not to comply with this regulation is because export prices are more expensive, hence the profits to be obtained in exports are higher than domestic sales, which means more profits for the company.

Government's Efforts in Controlling the Wild Price Fluctuation of Cooking Oil

One of the first efforts to alleviate this problem is by instituting the highest retail price of cooking oil.¹⁰ It was later retracted because the price ceiling itself precipitated the shortage of cooking oil. Upon reevaluating the root of the problem, the Government realised that the problem was caused by the distribution chain instead of the production.¹¹ As follow-up, the government set out four trade measures, (i) setting a quota for CPO export;¹² and (ii) accelerating distribution of cooking oil by subsidising and paying for the price gaps by the Palm Oil Plantation Fund Management Agency (BPDPKS) for the people, (iii) oversight of the distribution of the cooking oil in the traditional market by the Indonesian Bureau of Logistics (BULOG) especially cooking oil from export-prohibited areas, whose producers do not have a distribution network; and (iv) take legal measures for cooking oil hoarders.¹³ In addition, cutting the distribution chain by directly distributing it to the retailer is now allowed.¹⁴ This way, the distribution is expected to be faster and more efficient so shortage of supply could be mitigated.

There are some valid concerns highlighting that there is no guarantee that banning export would suppress the price climb. The price of fresh fruit



bunches (FFB) is based on the world CPO price, not on the volume of CPO exports. The lack of efficiency in distributing the product might instead worsen the situation because it might lead to the overfilled CPO storage tank, which cannot accommodate the new CPO – doing more harm than good in alleviating the problem. As distribution chain is the primary key to attenuating the cooking oil shortage, the government must ensure it can be performed effectively and efficiently. Another concern is the subsidised cooking oil program would not reach the right and appropriate targets as aimed or, even worse, be abused for profiteering

10. Regulation of the Minister of Trade of the Republic of Indonesia Number 6 of 2022 concerning the Determination of the Highest Retail Price for Palm Cooking Oil.
11. This is evident by the Attorney General's Office that has named 4 suspects related to the distribution of cooking oil and CPO exports by the Attorney General's Office. Ricky Mohammad Nugraha, "AGO to Announce More Suspects in Cooking Oil Mafia Investigation", Tempo, accessed through <<https://en.tempo.co/read/1584339/ago-to-announce-more-suspects-in-cooking-oil-mafia-investigation>> on 28th April 2022.
12. Regulation of the Minister of Trade of the Republic of Indonesia Number 22 of 2022 concerning the Temporary Prohibition of Exports of Crude Palm Oil, Refined, Bleached and Deodorised Palm Oil, Refined, Bleached and Deodorised Palm Oil and Used Cooking Oil.
13. Article 29 of Law Number 7 of 2014 on Trade sets forth that business actors are prohibited from storing goods basic needs and/or essential goods in a certain amount of time and/or essential goods in a certain amount of time and in the event of scarcity of goods, price volatility, and/or traffic barriers for Trade in Goods. Further, Article 107 of said law stated that the people who breach Article 29 shall be punished with imprisonment of 5 (five) years and/or a fine of up to Rp50 billion. The legal measures taken by the government for said matter are, amongst others, enforcing the law and punish the people or business actors that hoard the cooking oil, and giving comprehension to people regarding the situation through state's agencies.
14. Regulation of the Minister of Industry Number 8 of 2022 concerning the Provision of Bulk Cooking Oil for the Needs of the Community, Micro Enterprises, and Small Businesses in the Financing Framework by the Palm Oil Plantation Fund Management Agency, as amended by Regulation of the Minister of Industry Number 10 of 2022. This regulation regulates the supply of bulk cooking oil within a period of 6 (six) months or as may be extended by BPDPKS. Bulk cooking oil business actors can distribute directly to customers by registering online through SIINAs, the national industrial information system. Business actors must include, among other things, production capacity, production plans, plans for the use of CPO raw materials, and distribution plans. The distribution plan must contain information on the amount of bulk cooking oil to be distributed, the profile of the distribution network, the distribution destination locations in the regencies/cities, and the timing of the distribution. The same regulation regulates the distribution of bulk cooking oil through two channels, namely, distribution networks owned by business actors and/or state-owned enterprises assigned by the minister.

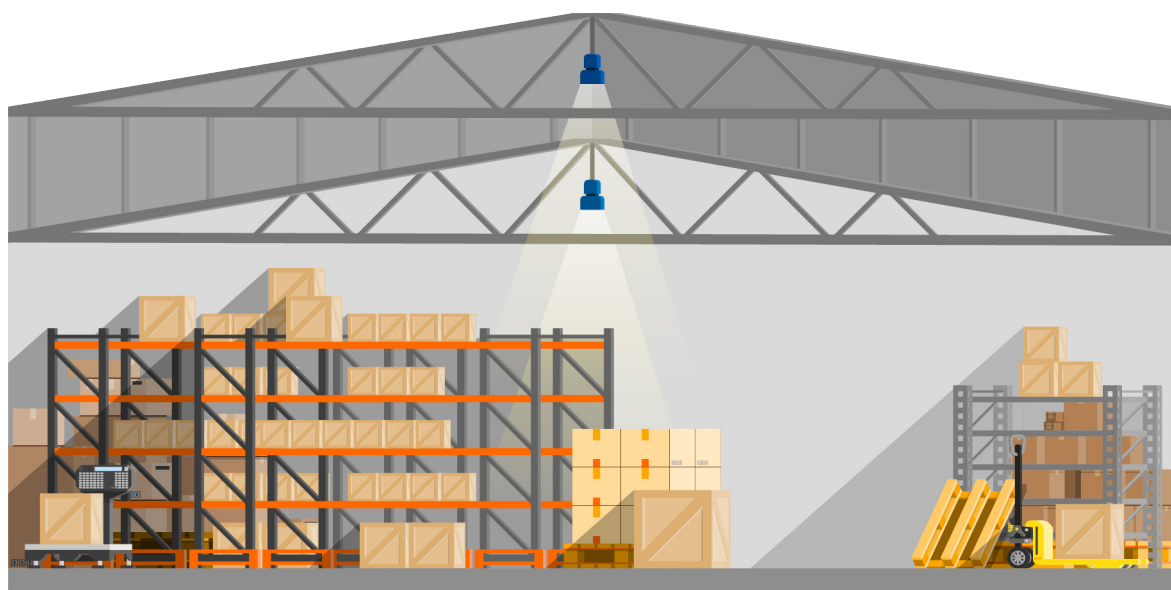
by irresponsible members of the public. Some regulations have been promulgated to tackle this issue.¹⁵ However, the rules still have not yet been able to address certain aspects of the problem. For instance, the most current regulation specifically enacted for this purpose is the Regulation of the Minister of Industry Number 8 of 2022 concerning the Provision of Bulk Cooking Oil for the Needs of the Community, Micro Enterprises, and Small Businesses in the Financing Framework by the Palm Oil Plantation Fund Management Agency as amended in Regulation of the Minister of Industry Number 10 of 2022 (Regulation of the Minister of Industry 8/2022 jo 10/2022). Although the regulation mentioned the acceleration process of distribution for bulk cooking oil, some actors still do not obey the policy, resulting in the distribution breakdown of cooking oil.¹⁶ Furthermore, even though the Russia and Ukraine war significantly contributes to the rising price of cooking oil, the production issue of palm oil that might result in an increased price of cooking oil had actually been predicted since Q3 of 2021. Given the circumstances, even though the news of palm oil price surging has lingered since September 2021, the government did not take any

measure to foresee and prevent the possibility of cooking oil scarcity in Indonesia. Hence, for the issues mentioned, the authors believe that several measures can be undertaken by the government, which are (i) to be firmer and more vigorous in enforcing and supervising the distribution chain of food commodities;¹⁷ (ii) to be trained to foresee and predict the unexpected and worst scenario (i.e. war; pandemic) and take prevention action; and (iii) to maintain a good balance between production, domestic market needs, and export and import of goods in order to stabilise the price and goods availability. **EFF/SPU**



15. The regulations that have been promulgated, amongst others:

1. Regulation of the Minister of Trade Number 22 of 2022 concerning the Temporary Prohibition of Exports of Crude Palm Oil, Refined, Bleached and Deodorized Palm Oil, Refined, Bleached and Deodorized Palm Olein, and Used Cooking Oil.
 2. Decree of the Head of the Food and Drug Supervisory Agency Number 43 of 2002 concerning Temporary Suspension of Issuance of Processed Food Export Certificates for Crude Palm Oil, Refined, Bleached and Deodorized Palm Oil, Refined, Bleached and Deodorized Palm Olein.
 3. Regulation of the Minister of Industry Number 8 of 2022 concerning Provision of Bulk Cooking Oil for the Needs of the Community, Micro Enterprises, and Small Businesses in the Financing Framework by the Palm Oil Plantation Fund Management Agency as amended in Regulation of the Minister of Industry Number 10 of 2022.
 4. Regulation of the Minister of Trade Number 11 of 2022 concerning Determination of the Highest Retail Price of Bulk Cooking Oil.
 5. Decree of the Minister of Trade Number 170 of 2022 concerning Determination of Amounts for Distribution of Domestic Needs (Domestic Market Obligations) and Domestic Price Obligations (Domestic Price Obligations).
 6. Regulation of the Minister of Trade Number 8 of 2022 concerning the Second Amendment to the Regulation of the Minister of Trade Number 19 of 2021 concerning Export Policies and Regulations.
 7. Decree of the Head of the Food and Drug Supervisory Agency Number HK.02.02.1.2.01.22.76 of 2022 concerning Relaxation of the Issuance of Circulation Permits for Simple Packaged Palm Cooking Oil.
16. Reni Lestari, "Distribusi Minyak Goreng Curah Macet, Menperin Sentil 24 Produsen", *Bisnis*, accessed through <<https://ekonomi.bisnis.com/read/20220412/257/1522237/distribusi-minyak-goreng-curah-macet-menperin-sentil-24-produsen>> on 10th May 2022.
17. Distribution and trade are generally regulated in Law Number 7 of 2014 concerning Trade. Articles 7 to 11 the Law regulates distribution. The law states that the distribution of goods can be done indirectly or directly to consumers through distribution business actors. The same law also contains prohibition for implementing a pyramid scheme system in distributing goods. Article 27 of the Trade Law also accommodates scarcity, which states that "in the context of controlling the availability, price stabilisation, and distribution of basic necessities and essential goods, the Government may appoint State-Owned Enterprises. Further, Article 100 of Trade Law stipulates that the Minister appoints a supervisory officer in the trade sector, one of which is the authority of the supervisory officer to supervise the distribution of goods and/or services and the storage of basic necessities and/or essential goods. Suppose there is an alleged violation of activities in the trade sector. In that case, the supervisory officer may recommend the withdrawal of goods from distribution and/or destruction of goods, recommend the cessation of trading business activities, or recommend the revocation of licensing in the trade sector. The trade and distribution of cooking oil are regulated in the Decree of the Minister of Industry and Trade Number 505/MPP/KEP/10/1998 of 1998 concerning Trade and Distribution of Cooking Oil and Granulated Sugar. Even so, this rule is outdated and irrelevant to be applied in this current situation.



LAW ENFORCEMENT AGAINST FOODS STOCKPILING AS A SOLUTION TO PREVENT FOOD CRISIS IN INDONESIA

Food is a basic human need. This fundamental need for food is recognized as a human right protected by the state based on the law. The state is obliged to maintain and find a balance between the current food availability and rapid population growth. Failure to do so may lead to food shortages or food scarcity.

According to data from the Central Statistics Agency (BPS), the prevalence of undernourishment (PoU) in 2021 was 8.49%, an increase of 0.15 points compared to the previous year which was 8.34%.¹ This PoU rate has actually shown an improvement in 2018 and 2019, but increased again in 2020 due to the pandemic. High prevalence of food insufficiency indicates a higher percentage of the population consuming food that is less than their daily body needs.

There are several factors that cause food scarcity, one of which is population growth that is not proportional to the increase in agricultural production. This can happen due to crop failure resulting from bad weather and the shifting of agricultural land to industrial land. Food scarcity is also caused by human activities, particularly traders and businessmen, who stockpile the basic food items.

Stockpiling is interpreted as the activity of buying something in large quantities so that the item availability is reduced in the market, causing the price of such items to rise. The goods are then sold back to the market at higher prices and those who stockpile these goods increase their profits artificially and unfairly. Stockpiling causes food prices in the market to increase artificially to higher levels. In this situation, the law of supply

1. Central Bureau of Statistics. Prevalence of Insufficient Food Consumption (Percent), 2019-2021. <https://www.bps.go.id/indicator/23/1473/1/prevalensi-kedalaman-konsumsi-pangan.html>. Retrieved April 26, 2022.



and demand is distorted by a few business entities. Prices do not accurately reflect the volume of goods produced and ready for sale/distribution.

Stockpiling has been regulated as a criminal act as stipulated in Article 133 of Law Number 18 of 2012 concerning Food as amended by the Job Creation Law, with a maximum penalty of 7 years imprisonment or a maximum fine of IDR100,000,000,000.00 (one hundred billion). This provision applies to food entrepreneurs who intentionally stockpile or store more than the maximum amount that has been determined, with the intention of obtaining profits which causes the food price surge.

In addition, Article 107 of Law Number 7 of 2014 concerning Trade also may be a basis for indictment against individuals who stockpile food. Different from Article 133, the scope of Article 107 is entrepreneurs or businessman, which not only includes food entrepreneurs but also staple needs and essential goods entrepreneurs. In addition, in Article 107, the criminal sanction of imprisonment for a maximum of 5 years and/or a fine of a maximum of IDR50,000,000,000.00 (fifty million) is not subject to actions that cause food price surge, but includes actions that are committed after the price has surged. This difference of elements causes these two articles to be implemented as cumulative charges, which may be subject to food entrepreneurs who stocks/stores staple food exceeding the maximum amount and causes food price surge, and after the price becomes expensive/inflated, he continues to stock/store the food.

Stockpiling carried out by business actors can not only harm consumers but also other business actors. Other business actors find it difficult to get staple needs from producers, especially if they are in the same sector. This has resulted in the practice of unfair business competition in the business sector and in the public interest and can be prosecuted through Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition.

Even though the Government has issued this regulation, high prices for staple needs still occur, many of which are caused by stockpiling activities. Therefore, the Government plays an important role in handling these cases. One way of prevention is to balance the amount of production with the amount of demand. Should there be an increase in public consumption, the Government needs to encourage private companies and state companies to increase the amount of production of goods needed by the community. In addition, the Government also needs to control prices through various policies, one of which is through market operations, especially in areas that are prone to price increases, and particularly during the moments when community consumption is higher. This market operation should be useful to prevent speculators raising prices above what is fair and reasonable. Such market operation is expected to reduce the inflation rate caused by the price increase of basic needs. Certainly, such government policies need to go through a comprehensive planning and monitoring process. In addition, from a regulatory perspective, the Government needs to further identify any kind of violations of stockpiling. This is considering that the regulations governing the stockpiling of food commodities have not been updated for a long time, while the scheme of food stockpiling is getting complex and involves many parties. Until now, the last regulation relating to the stockpiling of goods is the Emergency Law of the Republic of Indonesia Number 17 of 1951 concerning the Stockpiling of Goods which is still general in nature. **KBA/QSM**



THE IMPACT OF THE GLOBAL CRISIS ON INDONESIA'S FOOD SECURITY AND HOW TO HANDLE IT

The Corona Virus Disease-19 (COVID-19) pandemic in Indonesia has lasted for approximately two years, and since it was first recorded in Indonesia in March 2020 until May 12, 2022, there are more than 6,049.541¹ people infected in Indonesia. This has an impact on the economy in Indonesia, coupled with the war between Russia and Ukraine, further disrupting efforts to recover the global economy, which was already in a slump due to COVID-19. One of the countries affected by this global crisis is Sri Lanka, which experienced an economic crisis that caused a shortage of fuel, oil and food. As for the scarcity of these commodities,

the people of Sri Lanka filed a protest against the government, which led to a riot which has not yet been resolved.²

Looking at the conditions currently being faced by Sri Lanka, the Government of Indonesia needs to take responsive steps to anticipate similar civil unrest to avoid this in Indonesia. The Minister of Finance of the Republic of Indonesia, Sri Mulyani, stated that the projection of Indonesia's economic growth, which was previously forecast at 4.4 per cent, fell to 3.2 per cent due to this geopolitical conflict.³ This situation also affects food security in Indonesia.

1. "Peta Sebaran COVID-19" accessed via <https://covid19.go.id/peta-sebaran> accessed on May 12, 2022

2. "Kelangkaan Pangan dan Bahan Bakar Lumpuhkan Sri Lanka" accessed via <https://www.dw.com/id/krisis-ekonomi-klikkan-sri-lanka/a-61209481> accessed on May 12, 2022.

3. "Perang Rusia dan Ukraina Ganggu Upaya Pemulihan Ekonomi" accessed via <https://www.voice.com/bisnis/2022/05/12/142935/perang-rusia-dan-ukraine-anggu-usaha-pemulihan-ekonomi> accessed on May 12, 2022.

Meanwhile, according to data from the Global Food Security Index (GFSI), food security in Indonesia in 2021 weakened compared to the previous year when the GFSI recorded a food security index score of 61.4 in 2020. However, in 2021 the index fell to 59.2. The index makes Indonesia's food security in 2021 rank 69th out of 113 countries.⁴ Anticipating the food crisis in Indonesia, government policies are needed to overcome and avoid food shortages like those experienced by Sri Lanka.

As a rule, policies for handling the food security crisis in Indonesia have been stated in Law No. 18 of 2012 concerning Food (the Food Law) and Government Regulation No. 17 of 2015 concerning Food Security and Nutrition (GR Food Security). Food, based on the Food Law, is defined as anything that comes from biological sources of the agricultural, plantation, forestry, fishery, livestock, aquatic, and water products, both processed and unprocessed, which is intended as food or drink for human consumption, including food additives for raw materials. Food and other materials used in preparing, processing, and/or making food or beverages.⁵ Furthermore, food crisis management is regulated in GR Food Security Articles 52 to 58. Food crisis management includes activities: (a)



(b) procurement, management, and distribution of Government Food Reserves, Provincial Government Food Reserves, and/or Regency/Municipal Government Food Reserves; (c) mobilisation of community food reserves within and between regions; (d) mobilising community participation; and/or (e) apply technology to overcome the food crisis and environmental pollution.⁶

Based on these regulations, it can be concluded that food security can be realised through good management, namely by helping farmers, both in terms of developing agricultural products, providing incentives from the government that can improve farmers' welfare, as well as providing good quality fertilisers so that crop yields grow and are of high quality. Furthermore, this food security can also be achieved with the participation of the community itself, where the government can provide counselling, especially to the community in the area, regarding good agricultural land management by relying on current technology. These actions can produce superior affordable agricultural products with the aim that the nation's food needs can be achieved without having to rely on imported products. **ALH/FMN**



4. "Ketahanan Pangan Indonesia Melemah pada 2021" accessed via <https://databoks.katadata.co.id/datapublish/2022/03/22/ketahanan-pangan-indonesia-melemah-pada-2021#:~:text=GFSI%20mencatat%20skor%20indeks%20ketahanan,ke%2D69%20dari%20113%20negara> accessed on May 12, 2022.

5. Article 1 number 1 of the Law of the Republic of Indonesia Number 18 of 2012 concerning Food.

6. "Penanggulangan Krisis Pangan Mengacu UU No. 18/2012 dan PP No. 17/2015" accessed via <https://pse.litbang.pertanian.go.id/ind/index.php/covid-19/regulasi-kebijakan/376-penanggulangan-krisis-pangan-mengacu-uu-no-18-2012-dan-pp-no-17-2015?start=2> accessed on 12, 2022



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