

## State Failure to Guarantee the Human Right to Health: A Case Study of Food Poisoning in the Free Nutritious Meal (MBG) Program

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### Abstract

Based on data on the prevalence of stunting in Indonesia, the stunting rate was recorded at 21.60% in 2022, followed by a slight decline to 21.50% in 2023 and a further decrease to 19.80% in 2024. The government has set a target to further reduce the prevalence of stunting to 18%. One of the measures undertaken by the government to reduce stunting while simultaneously supporting the development of the quality and intellectual capacity of the younger generation is the implementation of the Free Nutritious Meals (MBG) Program. However, the implementation of the program has not proceeded entirely as expected. Several problems in the implementation of the MBG Program have affected its beneficiaries, including incidents of food poisoning involving students and teachers. In response to these issues, this study employs a normative juridical legal research method using secondary data obtained from legislation, official government websites, books, journals, articles, and other relevant scholarly works. The collected data were analyzed through several stages, namely data reduction, which involved collecting and selecting relevant data; data display; and drawing conclusions. The findings indicate that the MBG Program constitutes one of the government policies aimed, among other objectives, at supporting efforts to address stunting. Nevertheless, several shortcomings in its implementation have resulted in incidents of food poisoning affecting students and teachers. The fulfillment of the rights of victims of food poisoning associated with the implementation of the MBG Program has not been fully ensured by the government. The rights that have been fulfilled have primarily been limited to physical health recovery, while the psychological recovery of victims has not received adequate attention. Furthermore, victims have not received compensation from the government. In fact, the fulfillment



of victims' rights following food poisoning incidents constitutes an integral part of the respect for and protection of human rights. As a follow-up to these incidents, the government, together with the National Nutrition Agency (BGN), has conducted an evaluation of the implementation of the MBG Program with the aim of preventing similar incidents from recurring. In addition to conducting the evaluation, the government has also imposed sanctions in the form of the closure of Nutrition Fulfillment Service Units (SPPG) associated with the occurrence of these incidents.

**Keywords:** Human Rights, Health Rights, Free Nutritious Food, the State

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## INTRODUCTION

The Free Nutritious Meal (MBG) program in Indonesia exists as a response to nutritional challenges and efforts to improve the quality of human resources from an early age, underlining the urgency of fulfilling children's rights to decent food, can prevent *stunting* and support a quality generation. According to Article 46 paragraph (1) and paragraph (2) of Law Number 18 of 2012 concerning Food, it is stated that the Government and Regional Governments are responsible for realizing food affordability for the community, households, and individuals. The Government and Local Governments implement the Government's policies in the areas of: distribution, marketing, trade, stabilization of supply and prices of Staple Foods, and Food assistance. This food assistance intends to help the community to get proper and nutritious food.

Law Number 17 of 2021 concerning Health states that the Central Government and Regional Governments are responsible for planning, regulating, organizing, fostering, and supervising the implementation of quality, safe, efficient, equitable, and affordable Health Efforts by the community. However, the potential risk of food poisoning in the implementation of such large-scale programs is a crucial issue that highlights gaps in the food safety assurance system and confirms the potential for serious violations of children's fundamental rights to live healthy and safe lives. Although specific data on the incidence of poisoning in MBG may still be limited, the experience of other school food programs or school meals in Indonesia shows that cases of food poisoning in children can occur and have a serious impact. It can have an impact on public trust in government initiatives and threaten the sustainability of programs that actually have noble intentions. This problem makes the state pay more attention to the wisdom in the implementation of the Free Meal Program and the capacity of the legal system so that children can be protected from food poisoning.

The Indonesian Education Monitoring Network (JPPI) urged the House of Representatives (DPR) to encourage President Prabowo Subianto to stop the MBG program. Because the cases of mass poisoning due to free nutritious meals in various regions are not only technical failures, but systemic and this problem also concerns governance at the National Nutrition Agency (BGN) as the program implementer. This is not a technical error, but a system error at the National Nutrition Agency that has led to cases of poisoning that spread in several areas.

According to Professor of Food Technology and Agricultural Products, Faculty of Agricultural Technology UGM, Prof. Dr. Ir. Sri Raharjo, M. Sc., MBG poisoning cases, starting since the implementation of the program in January 2025, have caused thousands of students to experience poisoning in various regions. Instead of improving the nutritional status of students, this incident actually attracted attention that questioned the readiness of its management. The government should focus on the quality and safety of food that ensures the safety of each portion. The existence of repeated cases of poisoning occurred because the supervisory function did not run well from the beginning. BGN as a new institution is considered to not have enough human resources, while the SPPG is getting more and more every day, but its supervision remains weak, this is relevant to the increasing cases of poisoning. Moreover, cooking thousands of servings in a short time has the potential to make uncooked food evenly distributed to the risk of toxic substances and pathogenic bacteria that are still alive (Agustine, 2025).

The programs made by the Government should be carried out for the good of the community. However, in the free nutritious meal program, there are negligences that can cause casualties, both victims experiencing mild poisoning and serious poisoning. The government's handling of victims of MBG poisoning is limited to the psychological recovery of the victim, but in terms of compensation, it is not given to the victim even though the guarantee is to get protection, the right to recovery, and the right to compensation and rehabilitation based on the 1945 Constitution of the Republic of Indonesia (UUD 1945). Many cases of the program have been researched, as follows:

First, the article entitled *Enforcement of Children's Right to Safe and Healthy Food: A Case Study of Poisoning in Free Nutritious Meal Programs Reviewed From Responsibility* which discusses the Indonesian legal framework has a normative basis for this right. However, its implementation still faces significant challenges in oversight, resource allocation, and technical capacity, which increases the risk of poisoning. State accountability can be described administratively, civilly, and criminally, but its realization is hampered by bureaucratic complexity, lack of legal literacy, and limited access to justice. The disparity between legal guarantees and the reality of implementation creates an accountability gap, which has a serious impact on child victims and public trust. Systemic reforms, including specific implementing regulations, increased oversight capacity, and more responsive compensation mechanisms, are needed to achieve comprehensive protections and real state accountability in the Free Nutritious Meal Program (Riyanto & Sinaga, 2025). The difference is that previous research focused on legal witnesses that must be given to child victims in the case of free nutritious food, while this research focuses more on human rights through the fulfillment of victims' rights of both children and teachers. The novelty of this research is the failure of the state to be responsible in fulfilling the rights of victims of free nutritious food poisoning cases.

The second article, entitled *Poisoning of Free Nutritious Lunch Programs in a Review of Community Law and Aspects of Developing Countries*, discusses that free lunch programs must be an instrument of social justice supported by a solid legal framework and active community participation so that the goal of child protection and the fulfillment of basic needs can be achieved (Felix et al., 2025). The difference is that previous research

focused on poisoning which was analyzed using social law and aspects of developing countries, while this study focused on MBG cases which were analyzed through victims' rights as the fulfillment of human rights and state responsibilities that have failed. The novelty and failure of the state in ensuring the fulfillment of the rights of victims of MBG poisoning.

The third article, entitled Food Poisoning Cases of the Free Nutritious Eating Program (MBG) on Students: A Review of the Human Values of the Second Precept of Pancasila in the Perspective of Food Security and State Responsibility, discusses cases of poisoning causing health problems and disrupting the learning process. The main factors causing it are lack of supervision, not meeting sanitation standards, and limited supervisory capacity. As emphasized by Member of Commission IX of the House of Representatives of the Republic of Indonesia Edy Wuryanto on January 15, 2026, cases of poisoning that have occurred again (such as 803 victims in Grobogan, 433 in Mojokerto, and cases in Pekalongan) show suboptimal supervision. Philosophically, this incident contradicts the essence of the Second Precept of Pancasila (Fair and Civilized Humanity), which emphasizes the protection of the dignity and rights of every individual, especially children. Food poisoning in the MBG program violates children's rights to health and welfare, and is not in accordance with human values that prioritize kindness, justice, and respect for life. For prevention, comprehensive supervision is needed through SLHS and HACCP certification, periodic training, and cross-agency collaboration as a tangible manifestation of the implementation of Pancasila values, especially the Second Precept. The difference is that the previous research of the case was analyzed using the human value of the second precept of Pancasila in food safety, this study analyzed the case with human rights. The novelty of the state's responsibility for the case is seen from human rights through the fulfillment of the rights of victims.

Fourth, the article entitled Free Nutritious Meal Program in the Framework of Criticism of Constitutional Justice of the State of Law, discusses that although MBG has a constitutional purpose within the framework of a welfare state, its design and implementation still leave serious problems related to the balance between policy objectives and state capacity, inequality in distribution between social rights sectors, and weak fulfillment of the state's positive obligations in protecting the right to health and security. Thus, MBG shows the tension between welfare goals and constitutional standards of justice that should limit state policies in a democratic state of law (Bimantara & Putri, Yoka, 2026). The difference is that the previous research focused on the constitutional justice of the state of law on the fulfillment of the right to health for victims of MBG poisoning, while this study focused on all the fulfillment of the rights of victims of MBG poisoning. Novelty, the fulfillment of victims' rights is a form of realization of human rights that will be reviewed from the state's responsibility in resolving the MBG poisoning case.

Fifth, the article entitled MBG Program: Between Children's Rights to Nutrition and the State's Obligations to the State, discusses the MBG Program as a progressive step of the state in fulfilling its obligations. However, its implementation is still faced with administrative complexities and technical constraints that can reduce its impact. The conclusion of this paper emphasizes that the fulfillment of children's rights to nutrition

through the MBG Program is a long-term investment in the development of Indonesia's human resources, which requires sustainable synergy between the government, schools, and parents (Annisa Rizky P.D, Farraastaabitah N, 2025). The difference is that previous research focused on children having the right to get nutrition because children are the growth period and successors of the nation so that they do not experience *stunting* while this study discusses the number of cases of MBG poisoning that have quite a lot of victims but do not get the full rights of victims. Novelty, the failure of the state to guarantee human rights: a case study of the poisoning of the free nutritious meal program (MBG).

The program created by the Government should be carried out for the good of the community. However, in the free nutritious food program, there are negligence that can cause casualties, both victims of mild poisoning and serious poisoning. In Article 360 of the Criminal Code, negligence that causes others to get sick or injured can be threatened with criminal penalties. Therefore, the purpose of this study is to find out the obstacles in the process of implementing the free nutritious program as a fulfillment of human rights (HAM), especially the right to health so that the state can fulfill its responsibilities.

## METHOD

This research is normative juridical legal research, which is legal research that can be interpreted as legal research at the level of norms, rules, principles, theories, philosophies, and rules in the form of legal emptiness, norm conflict, or norm ambiguity. This research was conducted with the aim of analyzing the conflict in the application of the rule of law in society, especially the application of the guarantee of human rights regulated in the 194th Constitution to victims of MBG poisoning (Sholikin, 2021). Normative legal research is not known as data, but the term legal material is used. The method of studying law is based on the nature and character of law itself. Legal science has a distinctive character, namely its normative, practical, and prescriptive nature. Such a character causes those who do not understand the characteristics of law to begin to doubt the nature of legal science.

The data sources in this study are divided into two, namely primary legal materials and secondary legal materials (Rizkia, Dwi & Fardiansyah, 2023). Primary legal materials include laws and regulations such as Law Number 18 of 2012 concerning food, Law Number 17 of 2023 concerning Health, and Law Number 8 of 1999 concerning Consumer Protection. Meanwhile, secondary legal materials include journals, Stanting Data in 2022-2024, All Areas of Victims of Free Nutritious Food Poisoning in Indonesia, the National Nutrition Agency (BGN) January 2025 - September 2025, and Human Rights According to John Locke. Data collection techniques in normative juridical research are carried out through literature studies (libery research) and document studies to examine secondary and primary legal materials. Normative juridical data analysis techniques into qualitative form in the following ways:

- Data reduction is the collection and selection of basic things, focusing on important things according to the theme so that it is obtained more clearly. After data collection is carried out through literature studies.
- Data display is presenting data obtained from written data in data research obtained from literature data to focus on important things and then presented systematically. In this

study, it focuses on how the failure of the state to guarantee human rights (HAM), especially in the right to health: a case study of the poisoning of the free nutritious food program (MBG).

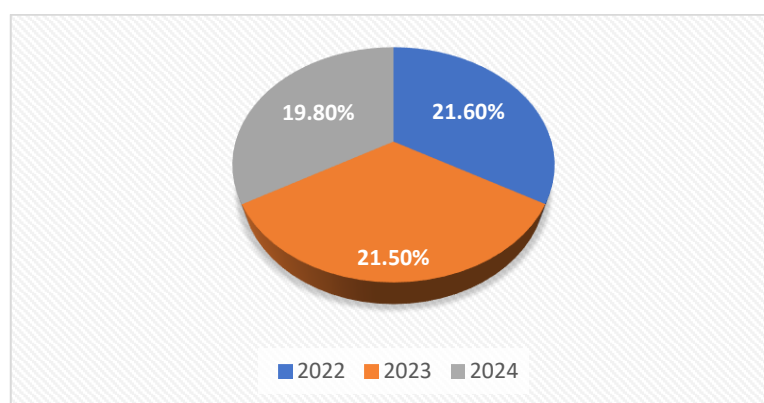
- The conclusion in qualitative research is the answer to the formulation of the problem in this study, based on the data that has been reduced and presented, the research can draw a conclusion.

## RESULTS AND DISCUSSION

### Free Nutritious Eating Program (MBG)

It can be known that free nutritious feeding will be given to students at schools from elementary, junior high, high school/vocational school, and Islamic boarding schools. This program is expected to be able to solve fundamental health problems of school children in Indonesia, especially the problem of *stunting* and low intelligence among residents entering school age. Based on data on children who experience *stunting* in Indonesia from 2022 is 21.60%, in 2023 it is 21.50%, and in 2024 it is 19.80%.

**Table 1:** Stunting Data in 2022-2024



Although this *stunting* figure continues to decline from 2022-2024, the Government targets that by 2025 the *stunting rate* will drop to 18.01% which will be realized in the Government's program, namely the Free Nutritious Eating Program. This program will target school children through the provision of nutritious lunches (MBG) in accordance with the Nutritional Adequacy Rate Standards (AKG) (Nawaai, Chalwani, 2025). According to law Number 28 of 2019 concerning the recommended nutritional adequacy rate for the Indonesian Society, the Standard Nutritional Adequacy Rate (AKG) is the average value of daily nutritional needs that must be met by almost all healthy people based on certain characteristics such as breast, gender, and physical condition. AKG includes various nutrients such as energy, protein, fat, carbohydrates, vitamins, and minerals. In addition, the objectives of the implementation of the free nutritious feeding program are overcoming the problem of *stunting*, improving nutrition and nutrition, improving academic achievement (Durrani et al., 2014) and alleviating extreme poverty (Baiquni et al., 2024).

### Preparation of the Free Nutritious Meal Program (MBG)

The preparation of the free nutritious meal (MBG) program is carried out in stages by the National Nutrition Agency through the coordination of public kitchens and strict supervision of nutritional standards. The preparation of the free nutritious meal (MBG) program focuses on receiving, selecting, washing, and cutting raw materials before cooking. The preparation for the implementation of the MBG program is as follows: (Sidauruk, Parsaulian et al., 2026).

1. Data collection of the target number of MBG beneficiaries.
2. Data collection on students' special conditions aims to find out the condition of students, especially energy, phobias, and food intolerances.
3. Provision of academic calendar information and holiday schedules.

The preparation of Human Resources (HR) is as follows:

1. Socialization of the MBG Program for all stakeholders in the Education unit/school community and socialization of the implementation of the MBG Program for the ecosystem of educator units. The material includes the food receipt process, food distribution process, hand washing with soap (CTPS) for students, eating activities, food safety supervision for the implementation of MBG, and food waste management in the Education unit environment.
2. Balanced nutrition education and PHBS carried out by educators/education staff, the target of education for students and parents.

### **Case of Poisoning of Free Nutritious Meal Program (MBG)**

The Free Nutritious Eating Program (MBG), the flagship of the President of the Republic of Indonesia, aims to improve nutrition and reduce *stunting* through the National Nutrition Agency (BGN). However, until September 2025, more than 6,452 cases of poisoning were recorded in 18 provinces due to late distribution, non-sterile kitchens, and food processing that did not comply with SOPs (Standard Operating Procedures)). One of the findings of the processing is not in accordance with the SOP that the food serving technique exceeds the safe time limit where the process of cooking food is too early at 24.00 WIB (night), while based on the Indonesian Pediatrician Association (IDAI) the safe time limit for food consumption at room temperature is recommended to a maximum of 4 (four hours), if it exceeds this limit, there is a potential for high bacterial growth that can cause food poisoning. Meanwhile, the distribution and food schedule was received by school children at 09.00 WIB (morning).

If the Free Nutritious Eating Program (MBG) is planned, the Head of the National Nutrition Agency (BGN) will present complete data on food poisoning cases throughout Indonesia. The presentation of this data was presented at a meeting with Commission IX of the House of Representatives in Senayan, Jakarta on Wednesday, September 1, 2025. The National Nutrition Agency divided the Nutritious Eating Free poisoning case cluster into three regions, namely region I for the island of Sumatra, region II for the island of Java, and region III of the island for Eastern Indonesia. As of September 30, 2025, the total number of victims of Free Nutritious Eating (MBG) poisoning has reached 6,457 people. With details of 1307 people in Region I Free Nutritious Eating poisoning, 4147 people in Region II, and

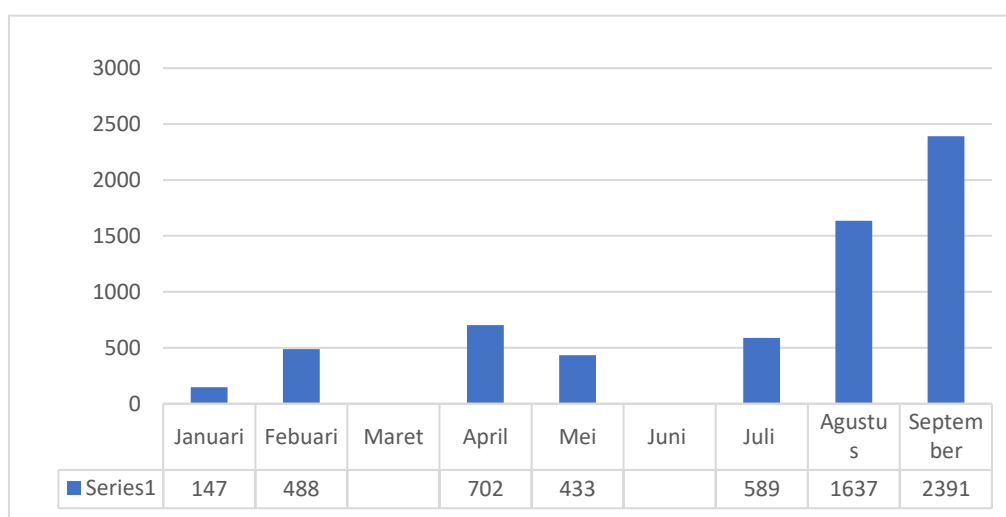
1003 people in Region III. According to the latest data from the National Nutrition Section, as follows: (Widyastuti, Retno, 2025)

**Table 2:** All Areas of Victims of Free Nutritious Food Poisoning in Indonesia National Nutrition Agency (BGN) January 2025 - September 2025



With details, the number of cases is based on the month of occurrence and the Nutrition Fulfillment Service Unit (SPPG) in January-September. There were 147 victims during January, in February as many as 488 victims, in March there were no victims, in April as many as 702 victims, in May as many as 433 victims, in June there were no victims, in July as many as 589 victims, in August as many as 1637 victims, and in September 2391 victims. As follows:

**Table 3:** All Areas of Victims of Free Nutritious Food Poisoning in Indonesia Agency National Nutrition (BGN) by month



There are five things that cause the poisoning of Free Nutritious Food (MBG) and distributed by the Nutrition Fulfillment Service Unit (SPPG), as follows: *First*, regarding the available buildings or facilities, they do not meet the standards imposed by the National Nutrition Agency (BGN) and are not in accordance with the guidelines contained in the

Good Money Processed Food Production (CPPOB) method. In addition, there are problems in pest control, inadequate food refrigeration facilities, and inadequate washing and drying areas. *Second*, related to hygiene and sanitation. The findings of BPOM show that the cleaning of buildings and equipment is not optimal. *Third*, the issue of controlling critical factors, namely the selection and deviation of food raw materials that are not in accordance with standards. Then, the temperature and cooking time are not achieved, the arrangement and monitoring of critical stages such as refrigerator temperature and product internal temperature.

*Fourth*, regarding the parties who cook food and distribute, the officers do not have enough knowledge about food safety. Officers are also inconsistent in wearing personal safety while cooking such as wearing masks, gloves, or hair nets. *Fifth*, there is a delay in the distribution of Free Nutritious Meals (MBG), food delivery delivered more than 4 (four) hours after cooking. In addition, Free Nutritious Meals (MBG), distributed not based on cooking time so that it is interspersed with food from other schools.

The factors described above show that food managers are not in accordance with the Food Law. Management that is not in accordance with the rules so that it results in poisoning for students, staff, and teachers. The right to health to get nutritious meanings in every meal consumed begins to be neglected. The government must be firm in regulating the MBG program so that the food managed is not dangerous and wasted. In Law Number 18 of 2012 concerning Food, the government provides food or nutrition for the Indonesian people so that the food needs for the community, especially children, are not lacking or dangerous.

### **Law Number 18 of 2012 concerning food**

Article 46 reads (1) The Government and Regional Governments are responsible for realizing food affordability for the community, households, and individuals. (2) in realizing food affordability as referred to in paragraph (1) the Government and Regional Governments implement Government policies in the fields of: distribution, marketing, trade, stabilization of supply and prices of staple foods, and food assistance.

In Article 59 which reads, the Government and Regional Governments are obliged to increase the fulfillment of the quantity and quality of food consumption of the community through: a. setting targets to achieve food consumption per capita per year in accordance with the Nutritional Adequacy Rate; b. the provision of food that is diverse, nutritious, balanced, safe, and does not contradict the religion, beliefs, and culture of the community; and c. the development of knowledge and community skills in diverse, nutritional, balanced, quality, and safe food consumption patterns.

Article 60 reads that (1) The Government and Regional Governments are obliged to realize the diversification of food consumption to meet the nutritional needs of the community and support a healthy, active, and productive life. (2) The diversification of food consumption as intended in paragraph (1) is directed to increase public awareness and cultivate food consumption patterns that are diverse, nutritious, balanced, and safe and in accordance with local potential and wisdom. Article 62 stipulates that the achievement of food consumption diversification as referred to in Article 60 shall be measured based on the composition of a balanced food and nutrition pattern.

Article 64 which reads that (1) Every person who produces certain processed foods for trade is obliged to apply food processing procedures that can hinder the process of reducing or losing the nutritional content of the food raw materials used. (2) The application of Food processing procedures as intended in paragraph (1) shall be carried out in stages based on the type of Food and the type and scale of Food Production business.

In Article 65 which reads that (1) Every person who violates the provisions as referred to in Article 64 paragraph (1) is subject to administrative sanctions. (2) Administrative sanctions as intended in paragraph (1) are in the form of: a. fines; b. temporary suspension of activities, production, and/or circulation; c. withdrawal of food from circulation by producers; (d) compensation; and/or e. revocation of permits. (3) Further provisions regarding the type, amount of fine, procedures, and mechanism for the imposition of administrative sanctions as intended in paragraphs (1) and (2) are regulated in Government Regulations.

Article 66 reads that the provisions regarding special requirements regarding composition, improvement requirements, or nutritional enrichment and food processing procedures are regulated by or based on Government Regulations. In Article 67 which reads that (1) Food Safety is organized to keep food safe, hygienic, quality, nutritious, and not contrary to the religion, beliefs, and culture of the community. (2) Food Safety is intended to prevent possible biological, chemical, and other contaminants that may interfere, harm, and endanger human health.

### **Presidential Regulation (Perpres) Number 115 of 2025 concerning the Governance of the Implementation of the Free Nutritious Meal Program**

According to this law, the implementation of the Free Nutritious Meal program, is as follows:

1. Planning
2. Implementation scheme
3. Food safety and security and food quality.
4. Assurance and supervision of nutritional standards,
5. Halal product guarantee for those who are required,
6. SPPG capacity development, and
7. The involvement of the coordination team for the implementation of the Free Nutritious Meal program in the implementation of the National Nutritious Meal program.

Assurance and Supervision of Food Safety and Food Quality in Article 23, as follows:

1. The National Nutrition Agency and every party involved in the implementation of the Free Nutritious Meal Program must ensure Food Safety and food quality.
2. Food Safety and Food Quality Assurance as referred to in paragraph (1) is carried out in each food supply chain of the Free Nutritious Meal Program.
3. Food Safety and Food Quality Assurance as intended in paragraph (1) is evidenced by the implementation of the Food Safety and Food Quality assurance system and/or compliance with conformity assessments.

4. Assessment of the implementation of the Food Safety and Food Quality assurance system and/or compliance with conformity assessment as intended in paragraph (3) is carried out by ministries/institutions and/or conformity assessment institutions in accordance with the provisions of laws and regulations.
5. The Head of the National Nutrition Agency establishes a food safety and food quality assurance system within the National Nutrition Agency.

Assurance and Supervision of Nutrition Standards in Article 26, as follows:

1. The National Nutrition Agency guarantees nutritional standards in the provision of nutritious food for free.
2. Nutrition standards as referred to in paragraph (1) pay attention to diverse, nutritious, balanced, and safe food consumption patterns and in accordance with local potential and wisdom.
3. Further provisions regarding nutritional standards as referred to in paragraphs (1) and (2) are regulated by the Regulation of the National Nutrition Agency after coordinating with the minister in charge of government affairs in the health sector and the head of government agencies who carry out government duties in the food sector.

Article 32 which reads as follows:

1. The National Nutrition Agency organizes ASN management in the implementation of the Free Nutritious Meal Program as referred to in Article 31 letter a.
2. ASN management as referred to in paragraph (1) aims to ensure the management of human resources of the apparatus in realizing the Acceleration of the Implementation of the Free Nutritious Meal Program.
3. ASN management is carried out at least through a series of processes of planning needs, procurement, strengthening work culture and institutional image, performance management, talent and career development, competency development, awarding and recognition, and dismissal in the implementation of the Free Nutritious Meal Program.
4. In the implementation of ASN management as referred to in paragraph (1), the National Nutrition Agency coordinates with ministries that carry out government affairs in the field of state apparatus and non-ministerial government institutions that are given the authority to formulate and determine technical policies, coaching, service implementation, control over the implementation of ASN management technical policies, and the implementation of supervision of the implementation of the merit system.

Risk management has been described in Article 36, as follows:

1. The National Nutrition Agency carries out risk management in the implementation of the Free Nutritious Meal Program as referred to in Article 31 letter b.
2. Risk management as intended in paragraph (1) aims to oversee the achievement of the goals of the Free Nutritious Meal Program by reducing potential risks and mitigating the impact of risk in the implementation of the Free Nutritious Meal Program.
3. Risk management in the implementation of the Free Nutritious Meal program as intended in paragraph (1) is carried out through communication and consultation, context determination, risk assessment, risk treatment, review and monitoring, as well as documentation and reporting of risks in the implementation of the Free Nutritious Meal Program.

4. Risk management as referred to in paragraph (3) is outlined in the technical guidelines for risk management of the Free Berggrzr Meal Program which refers to the national development risk management policy across sectors and organizations.
5. The implementation of risk management of the Free Nutritious Meal Program is coordinated by the National Nutrition Agency technically by involving relevant ministries/institutions and local governments.
6. Further provisions regarding the risk management of the Free Nutritious Meal Program as intended in paragraph (4) are regulated by the Regulation of the National Nutrition Agency.

Food is carried out based on the principles of sovereignty, independence, resilience, security, benefits, equity, sustainability, and justice. The Free Nutritious Food Program makes consumers experience mass poisoning. If it is associated with Human Rights, the case of Free Nutritious Food (MBG) poisoning can be applied to the government materially and materially. For the poisoning of free nutritious food, the victims are mostly children, as a restoration of human rights, they get recovery from the government in the form of health assistance. The government seeks the right to recover through the Social Security Administration Agency (BPJS) program. Has the compensation been fulfilled?

### **Human Rights (HAM)**

According to John Locke, the Right to Man is a natural right inherent in every individual. There are types of Human Rights (HAM), as follows:

1. Personal Rights are rights related to personal life and individual freedom, such as the right to live, move, change, express opinions, choose and practice religion, and the right not to be tortured or coerced.
2. Political Rights are rights that allow individuals to participate in political life, including the right to vote and be elected, participate in government, establish political parties, and petition or criticism.
3. Property Rights are rights related to property and economic activities, such as the right to own, buy, sell, make contracts, and choose employment.
4. Social and Cultural Rights are rights that support social welfare and cultural development, including education, health services, and cultural development.
5. Legal Equality Rights are the right to equal treatment before the law and government, including the right to legal protection, legal defense, and equality in court.
6. Procedural Rights are rights that ensure legal protection and fair judicial process, such as searches, arrests, trials, and reasonable legal defense.

One of the human rights is legal rights, where a person can be treated the same in front of the law and the government either as a society or as a perpetrator or victim. The rights as victims according to article 144 of the new Criminal Procedure Code are as follows:

1. The right to protection, victims have the right to obtain protection for the safety of themselves, their families, and their property from threats or pressure from certain parties during the legal process.

2. The right to case information, the right to information on the case The victim has the right to receive information about the development of case handling, including the investigation stage, prosecution, and court decision.
3. The Right to Be Heard The victim has the right to express his information, opinions, and views in the judicial process, especially related to the impact of the criminal act he experienced.
4. Right to Legal Assistance, Victims have the right to be accompanied by legal counsel or other companions in accordance with the provisions of laws and regulations.
5. The Right to Compensation and Restitution, the victim has the right to apply for compensation, restitution, or compensation for material and immaterial losses due to criminal acts.
6. Right to Recovery, Victims have the right to receive recovery services, both physically, psychologically, and socially, according to the needs concerned.

That is free nutritious food poisoning (MBG), where a person can be treated the same in front of the law and the government, either as a community or as a perpetrator or a victim. In the case of poisoning, which is noticed by the head of SPPG MBG and the government, the victim is the victim. The state provides the responsibility to obtain the right to physical recovery in the form of health rights accessed through BPJS, in addition to that the state does not provide other compensation, such as money. If the victim wants compensation in the form of money, the victim must file a lawsuit in the District Court. The right to health is in accordance with Law Number 17 of 2023 concerning health.

### **Law Number 17 of 2023 concerning Health**

In article 1 paragraph 32 which reads Extraordinary events, hereinafter abbreviated as KLB, are increasing the occurrence, pain, death, and/or disability due to diseases and health problems that are epidemiologically significant in an area in a certain period of time.

In Article 4 which reads paragraph (1) that every person has the right: a. to live a healthy physically, mentally, and socially healthy life; b. get information and education about balanced and responsible health; c. get safe, quality, and affordable health services in order to realize the highest degree of health; d. get health care in accordance with health service standards; e. obtain access to Health Resources; f. determine the Health Services required for him independently and responsibly; g. get a healthy environment for the achievement of health degrees; h. accept or reject part or all of the relief measures to be given to him after receiving and fully understanding the information regarding such actions; i. obtain the confidentiality of his/her personal health data and information; j. obtain information about his/her health data, including actions and treatments that he has or will receive from Medical Personnel and/or Health Personnel; and k. get protection from health risks. And paragraph (2) The right to self-reliance as intended in paragraph (1) f is excluded for Health Services required in an Emergency and/or KLB or Outbreak response.

In article 5 which reads paragraph (1) that Everyone is obligated: a. to realize, maintain, and improve the highest degree of public health; b. maintain and improve the degree of health for other people for whom it is responsible; c. respect the rights of others in

an effort to achieve a healthy environment; d. implementing healthy living behaviors and respecting the health rights of others; e. comply with KLB or Outbreak control activities; and f. participating in the health insurance program in the national social security system.

In Article 8 which reads, the Central Government and Regional Governments are responsible for organizing KLB or Outbreak vigilance activities, KLB or Outbreak management, and post-KLB or Outbreak activities.

Nutritious food is the same as the government buying and selling with the community because the government manages foodstuffs so that they are ready to be consumed by the community, especially children or teachers. This means that the government or SPPG as business actors and the community as consumers. Therefore, this research is related to Law Number 8 of 1999 concerning consumer protection.

### **Law Number 8 of 1999 concerning Consumer Protection**

In article 1 number 1 that consumer protection is all efforts that ensure legal certainty to provide protection to consumers. At number 2, consumers are every person who uses goods and/or services available in society, both for the benefit of themselves, their families, other people, and other living beings and not for the sake of money. In number 3 that a business actor is any individual or business entity, both in the form of a legal entity or non-legal entity that is established and domiciled or carries out activities within the jurisdiction of the Republic of Indonesia, either alone or jointly through an agreement to carry out business activities in various economic fields.

In article 4, consumer rights are (a) the right to comfort, security, and safety in consuming goods and/or services; (b) the right to choose goods and/or services and obtain such and/or services in accordance with the promised exchange rate and guarantee conditions; (c) True, clear, and honest information regarding the condition of the guarantee of goods and/or services; (d) the right to be heard and its complaints about the goods and/or services used; (e) the right to adequate advocacy, protection, and consumer protection dispute resolution; (f) the right to consumer guidance and education; (g) the right to be treated or served properly and honestly and non-discriminatory; (h) the right to compensation, compensation and/or reimbursement, if the goods and/or services received are not in accordance with the agreement or are not as appropriate; (i) as stipulated in the provisions of other laws and regulations.

In article 7 which reads the obligations of business actors are: a. good faith in carrying out their business activities; b. provide true, clear and honest information about the condition and warranty of goods and/or services and provide an explanation of use, repair and maintenance; c. treat or serve consumers correctly and honestly and not discriminatory; d. to ensure the quality of goods and/or services produced and/or traded in accordance with the provisions of the applicable quality standards of goods and/or services; e. provide an opportunity for consumers to test, and/or try certain goods and/or services and provide guarantees and/or guarantees for goods made and/or traded; f. provide compensation, compensation and/or compensation for losses resulting from the use, use and utilization of traded goods and/or services; g. provide compensation, compensation and/or reimbursement if the goods and/or services received or utilized are not in accordance with the agreement.

In article 8 that (1) Business actors are prohibited from producing and/or trading goods and/or services that: (a) do not meet or are not in accordance with the required standards and provisions of laws and regulations; b. not conforming to the net weight, net or net content, and amount in count as stated on the label or label of the goods; c. not in accordance with the size, measurement, scale and amount in the calculation according to the actual size; d. not in accordance with the conditions, guarantees, privileges or efficacy as stated in the label, etiquette or description of the goods and/or services; e. not in accordance with the quality, level, composition, processing process, style, mode, or use as stated in the label or description of the goods and/or services;

### **Analysis of State Responsibility for Cases of Poisoning of Free Nutritious Food Against Victims' Rights to Health**

Presidential Regulation (Perpres) Number 115 of 2025 concerning the Governance of the Implementation of the Free Nutritious Meal Program aims to help the community, especially young children, so that they do not experience malnutrition or *stunting*. The *stunting rate* in 2022 reached 21.60%, in 2023 the condition of *mualai* decreased to 21.50%, and in 2024 it reached 19.80%. The annual *stunting rate* continues to decline, but the government feels that the reduction in the number is not enough. Supporting the Free Nutritious Eating System (MBG), the government is preparing for the implementation and preparation of human resources (HR). It is hoped that the Free Nutritious Meal (MBG) program can reduce the *stunting rate*, but in the implementation of the program it does not run so perfectly. The implementation of the Free Nutritious Tomb currently has several problems that have not been fully mastered by the Free Nutritious Eating team, causing casualties such as food management, the selection of the implementation team or employees who have not mastered their responsibilities, and the selection of food menus.

If there is a victim of Free Nutritious Eating (MBG) poisoning, the food law stipulates that a person can be subject to criminal witnesses for implementing food processing procedures that can hinder the process of reducing or losing the nutritional content of the food raw materials used. Then it will be subject to administrative witnesses in the form of fines or temporary suspension of food production activities or withdrawal from circulation by producers or compensation or revocation of permits.

In Law Number 18 of 2012 concerning food, it is explained that in Article 59 which reads that the Government and Regional Governments are obliged to increase the fulfillment of the quantity and quality of food consumption of the community through: a. setting the target of achieving the number of food consumption per capita per year in accordance with the Nutritional Adequacy figure; b. the provision of food that is diverse, nutritious, balanced, safe, and does not contradict the religion, beliefs, and culture of the community; and c. the development of knowledge and community skills in diverse, nutritional, balanced, quality, and safe food consumption patterns.

Article 60 reads that (1) The Government and Regional Governments are obliged to realize the diversification of food consumption to meet the nutritional needs of the community and support a healthy, active, and productive life. (2) The diversification of food consumption as intended in paragraph (1) is directed to increase public awareness and

cultivate food consumption patterns that are diverse, nutritious, balanced, and safe and in accordance with local potential and wisdom. In Article 62, which reads that the achievement of food consumption diversification as referred to in Article 60 is measured through the achievement of the value of the composition of balanced food and nutrition patterns.

Article 64 which reads that (1) Every person who produces certain processed foods for trade is obliged to apply food processing procedures that can hinder the process of reducing or losing the nutritional content of the food raw materials used. (2) The application of Food processing procedures as intended in paragraph (1) shall be carried out in stages based on the type of Food and the type and scale of Food Production business.

In Article 65 which reads that (1) Every person who violates the provisions as referred to in Article 64 paragraph (1) is subject to administrative sanctions. (2) Administrative sanctions as intended in paragraph (1) are in the form of: a. fines; b. temporary suspension of activities, production, and/or circulation; c. withdrawal of food from circulation by producers; (d) compensation; and/or e. revocation of permits. (3) Further provisions regarding the type, amount of fine, procedures, and mechanism for the imposition of administrative sanctions as intended in paragraphs (1) and (2) are regulated in Government Regulations.

It can be known that law enforcement officials did not follow up on cases of free nutritious food poisoning that had taken victims of both students and teachers. In addition, the government's attitude in dealing with the victims of poisoning makes several questions about human rights, namely the right to be a victim and the right in law enforcement, whether they have been fulfilled. These rights have been regulated in the new article 144 of the Criminal Procedure Code, as follows:

1. Right to protection

Victims have the right to be protected for the safety of themselves, their families, and their property from threats or pressure from certain parties during the legal process. It can be known that the victim of free nutritious food poisoning has no threat from either himself or the victim.

2. Right to information about the case

The right to Case Information The victim has the right to receive information about the development of case handling, including the investigation stage, prosecution, and court decision. It can be known that nothing has been processed by law enforcement.

3. The Right to Be Heard

Victims have the right to express their information, opinions, and views in the judicial process, especially regarding the impact of the criminal act they experienced. It can be known that nothing has been processed by law enforcement.

4. Right to Legal Assistance

The victim has the right to be accompanied by a legal advisor or other companion in accordance with the provisions of laws and regulations. Until now, the parents or families of students who were victims of poisoning in the Free Nutritious Meal program have not brought this incident to the legal track, the Legal Aid Institute (LBH) will be ready to assist the victims who were poisoned to hold the relevant parties accountable and recover the victims.

## 5. Right to Compensation and Restitution

The victim has the right to apply for compensation, restitution, or compensation for material losses (real losses directly suffered by the victim and can be calculated with a certain nominal amount) or immaterial (intangible physical losses related to psychological suffering, loss of opportunity, dignity, or good name) due to criminal acts. Given the existence of compensation for an act that results in or causes harm to the victim, this poisoning case is not included in the criminal law, but in law number 18 of 2012 concerning food, there are administrative witnesses, one of which can be compensated from the perpetrator for the victim.

The poisoning of the free nutritious food program that has the right to provide compensation is the Government or the state. In the case, there were no victims who filed for compensation against the state or the Government. When seen in these cases, many have suffered losses in the form of persistent illness so that they have to be hospitalized. The losses experienced are included in material and immaterial losses. It is proven that the loss is so that it can be submitted for material and immaterial losses through the Witness and Victim Protection Institute (LPSK) by submitting a restitution application through LPSK. The victim, family, or legal representative after submitting an application, LPSK will facilitate and submit the claim to the Public Prosecutor (JPU) to be included in the trial process.

## 6. Right to Restoration,

Victims have the right to receive recovery services, both physically, psychologically, and socially, according to the needs concerned. That here the victim only gets physical recovery in the form of health services from hospitals that have collaborated with the Social Security Administration Agency (BPJS) intended for victims who experience effects on the physical part not the psychic, while many students experience psychological disorders, the students become traumatized to eat food from the Free Nutritious Meal Program. Law number 17 of 2023 concerning health, that a person can choose health for himself or herself while participating in the health insurance program in the national social security system.

Free nutritious food which is all funded by the government and consumed by the community, namely children and teachers, means that all buying and selling activities exist like the seller is the government while the buyer is children or teachers. If there is an error in their activities such as food poisoning, the victim can be protected by consumer rights which has been regulated in Law Number 8 of 1999 concerning consumer protection. The law contains a discussion on the provision of compensation, compensation and/or compensation for losses due to the use, use and utilization of traded goods and/or services, compensation, compensation and/or reimbursement if the goods and/or services received or utilized are not in accordance with the agreement.

In article 8 of the Consumer Protection Law, (1) Business actors are prohibited from producing and/or trading goods and/or services that: (a) do not meet or are not in accordance with the required standards and provisions of laws and regulations; b. not conforming to the net weight, net or net content, and amount in count as stated on the label or label of the

goods; c. not in accordance with the size, measurement, scale and amount in the calculation according to the actual size; d. not in accordance with the conditions, guarantees, privileges or efficacy as stated in the label, etiquette or description of the goods and/or services; e. not in accordance with the quality, level, composition, processing process, style, mode, or use as stated in the label or description of the goods and/or services;

The government's statement about nutritious food that is ready to be consumed for school children and teachers, in fact there is toxic food in several regions of Indonesia. This includes the prohibition of producing that is not in accordance with the quality, action, composition, management process, style, fashion, or use as stated in the label or description of the goods. The nutritional information is not in accordance with the quality that has been conveyed by the government to the community.

Article 29 of the Consumer Protection Law regarding the Government is responsible for fostering the implementation of consumer protection which ensures the obtaining of the rights of consumers and business actors as well as the implementation of the obligations of consumers and business actors. The government has conducted a thorough coaching and evaluation of the program. Some of the steps taken include closing a number of nutrition fulfillment service units (SPPG), requiring each SPPG to have a Hygiene and Sanitation Fitness certificate as an absolute requirement, forming a special team to investigate poisoning cases and provide a second opinion while waiting for the results of an official investigation from the Food and Drug Supervisory Agency (BOPM), holding a coordination meeting at the Ministry of Health to evaluate the MBG program and determine improvement steps, invited President Prabowo Subianto to summon the head of the National Nutrition Agency (BGN) and other officials to resolve the problem.

## CONCLUSION

The Free Nutritious Meals (Makan Bergizi Gratis/MBG) Program is one of the government's policies aimed at supporting efforts to address stunting. However, its implementation has encountered various problems, including incidents of food poisoning affecting students and teachers. From a human rights perspective, victims of food poisoning resulting from the implementation of the MBG Program are entitled to a number of rights that should be fulfilled, including the right to protection, the right to obtain information concerning the case, the right to have their statements heard, the right to legal assistance, the right to compensation and restitution, and the right to recovery. Nevertheless, the fulfillment of these rights for victims of food poisoning associated with the MBG Program has not been fully ensured by the government. The recovery provided to victims has generally been limited to physical health, while psychological recovery has not been adequately addressed. Furthermore, victims have not received compensation from the government as a form of accountability for the losses they have suffered.

As a follow-up to these incidents, the government, together with the National Nutrition Agency (Badan Gizi Nasional/BGN), has conducted an evaluation of the implementation of the MBG Program with the aim of preventing similar incidents from occurring in the future. The government has also imposed sanctions in the form of closing Nutrition Fulfillment Service Units (Satuan Pelayanan Pemenuhan Gizi/SPPG) associated

with the occurrence of food poisoning incidents. Going forward, the government needs to undertake comprehensive improvements to the management and implementation of the Free Nutritious Meals Program, particularly with regard to food provision, preparation, supervision, and distribution to students, so that the program can be implemented safely and effectively in accordance with its intended objectives.

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## **AUTHOR CONTRIBUTIONS STATEMENT**

**ATW** contributed to the conceptualization of the research, analysis of relevant laws and regulations, and examination of the relationship between legal theory and empirical data. **ADP** contributed to the collection, identification, and verification of relevant data from accurate and credible sources, as well as manuscript preparation. **IRW** contributed to the identification, collection, and examination of laws and regulations relevant to the research topic. **VRW** contributed to translating the manuscript from Indonesian into English and conducting substantive and editorial revisions to improve the clarity, consistency, and academic quality of the manuscript. **VRW** also ensured that the manuscript was prepared and edited in accordance with the article template and journal submission requirements.

## **AI USAGE STATEMENT**

The authors acknowledge the use of artificial intelligence (AI)-assisted tools solely for language-related purposes, including translation, grammar checking, and improving the clarity and readability of the manuscript. The use of AI tools did not replace the authors' intellectual contribution, analysis, interpretation, or decision-making throughout the research process. All content, arguments, data, interpretations, and conclusions presented in this manuscript remain the responsibility of the authors. The authors have reviewed and verified the content generated or assisted by AI tools to ensure its accuracy, relevance, and compliance with academic standards.

## **CONFLICT OF INTEREST**

The authors declare that there are no conflicts of interest that could have influenced the research, analysis, interpretation, or publication of this manuscript. All authors have participated in the research process independently and objectively and have no financial, personal, or institutional interests that could affect the integrity or impartiality of the research.

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