

## Food Poisoning as Rights Neglect: State Accountability in Indonesia's Free Nutritious Meal Program (MBG) Under Child Protection Law

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### Article History

Received:

11-02-2026

Revised:

02-05-2026

Accepted:

06-05-2026

Available online:

30-05-2026

### ABSTRACT

The Free Nutritious Meal Program (MBG) is a public policy designed to guarantee children's rights to adequate health and nutrition under Law Number 35 of 2014 on Child Protection. However, since its launch in January 2025, the program has been marked by widespread food poisoning cases, with CELIOS research recording over 15,000 cases through November 2025. Although food safety and children's rights have been studied separately, no comprehensive legal analysis has examined Free Nutritious Meal Program poisoning cases as a form of neglect of children's rights and its implications for state accountability. This study aims to analyze forms of rights neglect in Free Nutritious Meal Program poisoning cases and map legal responsibilities based on the best interests of the child principle. Normative legal research was employed using statute and conceptual approaches. Data consisted of primary, secondary, and tertiary legal materials collected through library research and analyzed qualitatively using a descriptive-analytical method. Findings reveal that MBG poisoning cases constitute neglect of children's rights to survival and development, physical and mental health, education, protection from negligence, and the best interests of the child principle. Legal responsibility extends to the state, the National Nutrition Agency, Nutrition Fulfillment Service Units, schools, and local governments. Recurrent poisoning cases reflect systemic weaknesses in oversight, food safety standards, and accountability mechanisms. This study implies the urgent need for strengthened legal accountability, risk-based monitoring reform, and child rights-centered policies to prevent recurrence.

**Keywords:** Children's Rights, Child Protection, Free Nutritious Meal Program, State Responsibility

### ABSTRAK

Program Makan Bergizi Gratis (MBG) merupakan kebijakan publik yang dirancang untuk menjamin hak anak atas kesehatan dan gizi yang memadai berdasarkan Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak. Namun, sejak diluncurkan pada Januari 2025, program ini diwarnai maraknya kasus keracunan makanan di berbagai daerah, dengan riset CELIOS mencatat lebih dari 15.000 kasus hingga November 2025. Meskipun isu keamanan pangan dan hak anak telah banyak dikaji secara terpisah, belum terdapat analisis hukum yang secara komprehensif mengkaji kasus keracunan MBG sebagai bentuk pengabaian hak anak berikut implikasi tanggung jawab hukum negara. Penelitian ini bertujuan menganalisis bentuk pengabaian hak anak dalam kasus keracunan MBG serta memetakan tanggung jawab hukum para pihak berdasarkan prinsip

*kepentingan terbaik bagi anak. Metode yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan dan konseptual. Sumber data berupa bahan hukum primer, sekunder, dan tersier yang dikumpulkan melalui studi kepustakaan, kemudian dianalisis secara kualitatif dengan metode deskriptif-analitis. Hasil penelitian menunjukkan bahwa kasus keracunan MBG merupakan bentuk pengabaian terhadap hak anak atas kelangsungan hidup dan tumbuh kembang, kesehatan jasmani dan rohani, pendidikan, perlindungan dari kelalaian, serta prinsip kepentingan terbaik bagi anak. Tanggung jawab hukum tidak hanya melekat pada pelaksana teknis, tetapi juga pada negara, Badan Gizi Nasional, Satuan Pelayanan Pemenuhan Gizi, sekolah, dan pemerintah daerah. Berulangnya kasus keracunan mencerminkan kelemahan sistemik dalam pengawasan, standar keamanan pangan, dan mekanisme akuntabilitas. Penelitian ini berimplikasi pada urgensi penguatan akuntabilitas hukum, pembenahan sistem pengawasan berbasis risiko, dan penetapan kebijakan publik yang berpihak pada hak anak guna mencegah terulangnya kejadian serupa.*

**Kata kunci:** Hak Anak, Perlindungan Anak, Makan Bergizi Gratis, Tanggung Jawab Negara

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## A. INTRODUCTION

Children's rights fulfillment is a key indicator of a law-based state that upholds human rights (Vaghri et al., 2025). Children, as a vulnerable group, face both physical and psychological limitations. Therefore, children's unique needs call for special protection, which requires the state to make certain that all public policies that are addressed to children are safe, responsible and made in line with the child's best interests (Dixon & Welbourne, 2016 ; Hutagalung & Fitria, 2023). This is also confirmed with Law Number 35 of 2014 concerning the Second Amendment of Law Number 23 of 2002 concerning the Protection of Children (hereinafter referred to as Child Protection Law), that the fulfillment of child's rights is a collective responsibility and in particular, the state bears the most responsibility.

As described in the Regulation of the President of the Republic of Indonesia Number 83 of 2024 concerning the National Nutrition Agency, the Free Nutritious Meal Program was created to fulfill children's rights related to nutritious food and health services. However, the implementation of the Free Nutritious Meal Program, which resulted in food poisoning, showed a disconnection between the objectives of the policy and what happens in practice, and demonstrated a lack of supervision, inadequate control of risk, and a lack of accountability. CELIOS research predicts that Free Nutritious Meal Program related food poisoning incidents will exceed 22,000 by June 2026, with 15,000 recorded incidents occurring between January and November 2025 (Kompas.com, 2025). If this situation does not improve, the program will continue to threaten children's health and safety, rather than placing them under protection.

Free Nutritious Meal Program related food poisoning cannot simply be attributed to field work technical errors; cases of food poisoning indicate systemic failures that include

low oversight of the state as a policy maker, inadequate food safety regulations, and low accountability. Engaging laws, supervision, and technology ensures food safety (Wang, 2020; Weiqing, 2025). These and other questions have been studied. Maulia et al. (2025) studied the health and educational consequences of Free Nutritious Meal Program poisoning, and Rambe et al. (2024) studied the relationship between children's health issues and educational attainment. Also, Valero-Moreno et al. (2024) studied the impact of food-related health incidents on children's academic engagement and overall health. To date, the studies that are available lean toward the health and education impacts and none have holistically analyzed Free Nutritious Meal Program poisoning cases with respect to the child protection law mechanism, to particular strategize what type of right neglect is observable and assess what is multi-party legal responsible vis a vis the 2014 Child Protection Law. The importance of legal analysis in the observance of the Free Nutritious Meal Program is to provide clarity to accountability and to support the Child Protection Law 2014 and to promote systemic change. Therefore, to ensure that Free Nutritious Meal Program poisoning cases don't happen again, nations must implement a proactive, oversight-oriented, quality of human resources improvement, transparency, and sheer risk management policies for the child protection law. From a child protection law perspective, this situation undeniably constitutes a tangible form of neglect of children's rights, particularly the right to health and protection from risks that may endanger them.

The Child Protection Law places the state, regional governments, and related parties as primary custodians of children's rights. Article 22 of 2014 Child Protection Law states, "The State, Government, and Regional Governments are obliged and responsible for providing support, facilities, infrastructure, and human resources for implementing Child Protection." Accordingly, when children suffer health harms from state-implemented policies, legal responsibility cannot be entirely shifted to technical implementers; the state remains obligated to ensure every policy stage adheres to the principles of protection and prudence (Ben-Arieh & Tarshish, 2016; Garde, 2019).

This study analyzes the neglect of children's rights in Free Nutritious Meal Program poisoning cases to provide legal clarity on the scope of state responsibility and to emphasize the importance of enforcing child protection laws in public policy implementation.

## **B. RESEARCH METHOD**

This research employs a normative legal research method, which is a document-based research approach. This study utilizes legal sources including laws and regulations, court decisions, contracts, legal theories, and expert opinions (Muhaimin, 2020; Yuliantoro, 2019). As explained by (Budianto, 2020; Setia et al., 2023) normative legal research is a process of discovering legal certainty, identifying legal principles, and applying legal doctrines to address specific legal issues. This approach was chosen because the research focus is on analyzing legal provisions governing children's rights and state responsibility in Free Nutritious Meal Program poisoning cases, and is not oriented toward empirical data

collection but rather toward a systematic review of legal materials as the basis for legal argumentation. The desired outcome is to provide a legal prescription for addressing the issues raised (Hamzani et al., 2023; Djatmiko & Pudyastiwi, 2024).

Given the normative nature of this research, the study does not involve human subjects as a population or sample. The analytical units used consist of relevant legal documents and academic literature, including the 2014 Child Protection Law, the Presidential Regulation on the National Nutrition Agency of 2024 and the Presidential Regulation on Free Nutritious Meal Program Governance of 2025, as well as scientific publications related to the issue of Free Nutritious Meal poisoning.

These data were collected through library research by systematically exploring the aforementioned legal sources and academic literature. This technique involved identifying, selecting, and reviewing legal documents, journal articles, and institutional reports pertinent to children's rights protection and Free Nutritious Meal Program implementation. The primary instrument in this research is a documentation sheet used to systematically record, classify, and map relevant legal norms, doctrines, and scholarly arguments. Legal materials were categorized into three layers: (1) primary legal materials, comprising legislation governing child protection and the right to health; (2) secondary legal materials, including legal literature, scientific journal articles, and relevant prior studies; and (3) tertiary legal materials, serving as supporting references to clarify legal concepts and terminology.

The collected data were analyzed qualitatively using a descriptive-analytical method. Starting from the elaboration of applicable legal norms, the interpretation of their substantive meaning, which are then linked to the Free Nutritious Meal Program poisoning cases that have occurred. This is carried out in order to examine the forms of child rights neglect and the implications of state legal responsibility.

**C. RESULTS AND DISCUSSION**

**Result**

The Free Nutritious Meal program has faced multiple food poisoning incidents, ever since its launch in January 2025. (CNN Indonesia, 2025) summarizes the geographic distribution and frequency of Free Nutritious Meal Program poisoning cases in the following infographic :



Sumber: CNN Indonesia

The data indicates the existence of a systematic pattern of poisoning, in which these incidents cannot be regarded as mere operational failures. Given that such cases are spread across various geographic regions and occur in succession, this serves as an indication of deep-rooted structural weaknesses in the oversight, food safety, and accountability mechanisms governing the implementation of the Free Nutritious Meal program. Against this empirical backdrop, the following analysis undertakes a normative legal examination of Free Nutritious Meal Program poisoning cases through the framework of child protection law as stipulated in 2014 Child Protection Law, with particular emphasis on identifying forms of children's rights neglect and delineating the scope of multi-party legal accountability.

### **1. Children's Right to Health from the Perspective of the Child Protection Law**

The fulfillment of children's rights to health constitutes a fundamental obligation of the state under Indonesian positive law. The 2014 Child Protection Law is the first comprehensive piece of legislation on children's rights, including the right to health, survival, and overall development. Article 4 of the Child Protection Law holds that every child has the right to survival and their development and protection must be guaranteed. Furthermore, the law mandates the state's obligation to protect children's rights, especially for children's health and nutrition. Such laws must not become a threat to child development, either through physical, mental, and emotional abuse and injury.

Article 8 of 2014 Child Protection Law further reinforces this obligation by explicitly stating that every child has the right to receive health services in accordance with their physical and mental needs. This provision underscores a holistic conception of child health that extends beyond the mere absence of disease to encompass a state of complete physical, mental, and social well-being enabling children to grow and develop optimally according to their age and potential (Stein, 2022; Sacotte et al., 2023). Accordingly, the state bears a positive obligation not only to treat illness when it arises but to proactively create conditions including safe and nutritious food environments that support children's health at every stage of development (Gushi et al., 2026).

Article 44 of 2014 Child Protection Law states that government responsibilities include a broad range of health services for children. There are four of them. First, health services must include health promotion to help children understand, develop, and practice positive and healthy attitudes and behaviors. Strategies include efforts to raise mental and physical health understanding, support, and promote positive mental attitudes and nutrition, as well as positive health practices and physical presence for children (Martín, 2021). These measures lay the groundwork for health literacy and behavioral transformation for children and, ultimately, their parents and guardians. The second type, prevention, helps to deter the onset of diseases and health problems, as well as high-risk behaviors that impede the development of children. These include regular health assessments and food and beverage control, as well as the promotion of safe and health-positive intake to prevent health issues related to malnourishment and stunting (Krishna et al., 2025). The third, cure, focuses on health facilities that provide services, medication,

and highly interventionist clinical medicine, among others, to children and support them to return to a state of health and well-being, which are illnesses and health conditions (Selby-Nelson, Bradley, 2018). Last among the four, rehabilitation, helps children to recover and return to their previous physical, mental, and social condition following a health disruption. This encompasses the provision of post illness nutritional rehabilitation and support to the children (Lukashchuk & Lemko, 2021).

With this constellation of laws, the Free Nutritious Meal Program is most accurately understood as a primary health intervention, given the aims of bolstering the immunity of the child population, controlling malnutrition and stunting, and the prevention of diseases associated with the consumption of unsafe or insufficient food (Herwawan et al., 2026). As stated by President Prabowo Subianto, the goal of the Free Nutritious Meal Program is the healthy and intelligent growth of the Indonesian youth, with the program viewed as a policy initiative of increasing the quality of the human resources of the nation for the long run (Sekretariat Kabinet Republik Indonesia, 2025). Framing this policy suggests that Free Nutritious Meal Program has a broader developmental mandate moving beyond the short-term nutritional function of the program which is aligned with the constitutional mandate of the state toward its children. As a result, the Free Nutritious Meal Program is to ensure that the right of children to health is met via the delivery of food that not only reaches the minimum nutritional standards, but also guarantees that the entire process of sourcing, processing, and distributing food is done with utmost priority given to safety, health, and hygiene.

## **2. Free Nutritious Meal Poisoning as a Form of Neglect of Children's Rights**

An analysis of Free Nutritious Meal Program poisoning cases through the normative framework of 2014 Child Protection Law reveals that these incidents constitute neglect across five distinct but interrelated dimensions of children's fundamental rights:

### **a. Neglect of the Right to Survival, Growth, and Development**

Article 4 of the 2014 Child Protection Law lays down the right of a child to live, grow, and develop to the fullest of their optimum capability. Ensuring the right of a child is the state's obligation. This mandates that all policies that aim to protect children bear no risks to a child's safety, health, and overall development. Free Nutritious Meal Program food poisoning cases lie directly within the scope of this mandate, as children are placed at daunting health risks with impoverished food that is highly hazardous, as a result of unsafe hygiene standards, food poisoning, and the psychosocial and health of a child. In the short term, food poisoning can prompt severe gastrointestinal issues, dehydration, and occasional neurological issues due to extreme dehydration. In the long term, foodborne pathogens and toxins can damage immune and nutritional development which can delay cognitive, psychosocial, and structural development (Guptaa & Chaudharyb, 2022). Rambe et al (2024) have proven that food poisoning can delay education and severely damage the development of various health-related issues in a child's life. These researchers ultimately proved that the development gaps formed by

Free Nutritious Meal Program poisoning far exceed the initial physical pain and injuries that occur when a child is poisoned.

b. Neglect of the Right to Health

Article 8 of the 2014 Child Protection Law guarantees every child the right to receive health services appropriate to their physical and mental needs, taking a broad view of health to include both the somatic and psychological aspects. Cases of Free Nutritious Meal Program poisoning breach this right on both counts. Physically, Free Nutritious Meal Program poisoning have caused a variety of symptoms, including but not limited to, nausea, vomiting, diarrhea, abdominal cramps, and other various distress signals in numerous cases, all of which require a form of medical care. On a psychological level, children that have experienced Free Nutritious Meal Program poisoning, or who have witnessed poisoning, can develop food-related anxiety and other various psychological issues that can carry out far beyond the limits of the physical symptoms of food poisoning (Maulia et al., 2025). These psychological issues and concerns are largely ignored in published policies that treat this problem focused on the Free Nutritious Meal Program poisoning. The consistent occurrence of Free Nutritious Meal Program poisoning across various locations and time frames suggests a more systemic issue rather than isolated incidents. There has been a continuous government failure to ensure food safety in order to meet program standards, which constitutes a systemic disregard for children's rights to equitable physical and mental health.

c. Neglect of the Right to Education

Article 9 paragraph (1) of the 2014 Child Protection Law guarantees every child the right to education and instruction for the development of their personality, intelligence level, and skills, recognizing education as a fundamental prerequisite for children's full realization of their potential. Free Nutritious Meal Program poisoning cases violate this right through both direct and indirect mechanisms. Parents of the children who have been victimized by poisoning have to take their children out of school for long periods of time. Children are never able to fully recover lost exposure to school and completion of learning experiences, tests, and activities. Learning deficits from absences build on each other and lessen the child's relative advantage and edge to their peers. Absences hinder their learning by shattering their educational continuity (Black & Elgaddal, 2024). For children who have not suffered from poisoning, but who witnessed the poisoning in school, learning is negatively affected by inability to concentrate, and fear, which is the worse (Valero-Moreno et al., 2024). The school environment, which should function as a safe space for learning and development, becomes instead a source of anxiety and risk, fundamentally undermining the conditions necessary for the fulfillment of children's educational rights.

d. Neglect of the Right to Protection from Negligence

Article 13 paragraph (1) of the 2014 Child Protection Law explicitly guarantees children's right to protection from discrimination, exploitation, neglect, cruelty, violence, abuse, injustice, and other forms of mistreatment. Food poisoning resulting

from the negligence of Nutrition Fulfillment Service Units or food distribution managers in meeting applicable food safety, hygiene, and distribution standards constitutes a legally cognizable form of negligence that causes direct harm to children (Nganje et al., 2021). Government negligence is present in a multitude of operational failures, including the use of second rate and even poisonous ingredients, use of untimely food preparation, unsafe conditions of storage, the absence of control over preservation, the failure to observe and conduct food safety norms and rules. Each and every one of the failures is a violation of professional and legal obligations that come to existence to provide food for children, the most vulnerable. Effendi (2025) ; Riyanto et al., (2025) note that in this situation, negligence reflects a complete disregard for the responsibility of the protective obligations in situations where the responsibility for the protection and care of children is assumed, particularly in risky and vulnerable programs, and where there is a willful or careless disregard for the minimum standards of operation.

e. Neglect of the Principle of the Best Interests of the Child

In Indonesia, the protection of children is governed by the Child Protection Law in such a way that the protection of children is the first and foremost consideration, and protection of the law is the first order in the interests of the children. In every policy, decision, and action that affects children, the protection, and care of children from concerns is the responsibility of and the first consideration over bureaucratic, budgetary, and order program restraints. Free Nutritious Meal Program poisoning cases reveal a systematic subordination of this principle to operational and economic considerations. Substantive compromises have been made in the best interests of children when the excuse of poisoning victims has been recorded, and when budget restraints have been used to enforce food safety standards, distribution factors have been prioritized over safety, and program evaluation and achievement have been emphasized. The National Nutrition Agency, as the institution responsible for the Free Nutritious Meal Program, has the greatest responsibility to ensure that the safety and protection of children from malnourishment in the food and care services are the greatest priorities in the program standards, and children are served food that is always nourished, safe, and of the greatest value. The recurring incidence of poisoning cases over several program cycles and regions serves as most pertinent proof, in particular, of the absence of the most fundamental principle and on the stronger of the arguments that implementation of Free Nutritious Meal Program has involved systemic neglect of children's basic rights.

**3. Legal Responsibilities of the State and Related Parties in MBG Poisoning Cases**

The analysis of applicable legal frameworks reveals that legal responsibility for Free Nutritious Meal Program poisoning cases is distributed across multiple institutional actors, each bearing distinct but complementary obligations under 2014 Child Protection Law:

a. The State as Primary Obligation Holder

The position of the primary duty bearer within the framework of both international human rights law and Indonesian positive law, in relation to the rights of the child, is

affirmed to the state. This position entails a threefold duty on the part of the state: refraining from an act that hinders the realization of a right, protecting a right by preventing an act of harm that is caused by a third party, and taking appropriate measures toward the full realization of a right. With regard to Free Nutritious Meal Program, the duty of the state as a maker of a policy entails the development of comprehensive policies on food safety, nutrition standards, food safety management systems, and food quality and safety standards at every level of implementation. The state at the center and the regional government as per item 1 paragraph 1 and 4 of Article 22 of the 2014 Law on the Protection of the Child, have to ensure and be accountable for a range of activities including making available resources, infrastructure, and personnel for the implementation of child protection. The absence of legal standards on food safety in the Free Nutritious Meal Program, quality standards and systems for the assurance of safety, and the absence of an effective oversight, control, and corrective system, in short, the absence of a legal framework, amounts to a failure of the primary legal obligations related to children. Most importantly, the state cannot pass on the responsibility by placing the role of implementation to subordinate agencies and subsequently placing all the blame on such technical implementers. The state's constitutional and statutory duty to defend and protect the rights of children is retained and remains unchanged, regardless of the administrative order in which the programs and activities are implemented.

b. The National Nutrition Agency (BGN)

Established under Presidential Regulation Number 83 of 2024, National Nutrition Agency is the agency specifically mandated to coordinate, supervise, and ensure the quality of Free Nutritious Meal Program delivery at the national level. This mandate confers upon National Nutrition Agency both strategic and operational responsibilities that are directly implicated in Free Nutritious Meal Program poisoning cases. From a strategic standpoint, National Nutrition Agency is charged with the development and implementation of mandatory food safety, nutrition, and quality assurance standards for all Free Nutritious Meal Program food procurement, processing, and distribution activities. From an operational standpoint, Nutrition Fulfillment Service Units constrains National Nutrition Agency's mandate to managing the execution of food safety control and assurance activities by Nutrition Fulfillment Service Units partner units. These activities include audits and inspections of food preparation, distribution and consumption pathways, establishment of mechanisms for food safety control, and the provision of food safety incident response and containment mechanisms. Nutrition Fulfillment Service Units may be said to have breached the duty of care and control that is within the statutory mandate of National Nutrition Agency, if incidence of food poisoning is caused by the negligence of food control mechanisms, failure to enforce food quality and safety assurance, and lack of response to the said events of food safety incident. The agency's responsibility, therefore, is not limited to the response to the poisoning events, but also to the duty to ensure that such occurrences do not happen.

c. Nutrition Fulfillment Service Units (SPPG)

Nutrition Fulfillment Service Units function as the operational backbone of Free Nutritious Meal Program delivery, bearing direct responsibility for the procurement, preparation, packaging, and distribution of food to child beneficiaries. This operational role combines multiple facets of professionalism and legality in relation to sourcing and the processing of food. Some of these facets include sourcing ingredients from reputable suppliers and meeting all quality and safety standards, processing food in a controlled safe and hygienic environment, executing vigorous quality control inspections, and packaging food for distribution within safe and controlled time and temperature limits. Additionally, all food sourcing, preparation, and distribution should be accounted for, and traceable through proper documentation. At any point, a food safety chain act that constitutes negligence can be attributed to the use of ingredients, substandard beef processing conditions, unsafe distribution practices, and food poisoning. A breach of the food safety chain act impacts a serious field of professionalism and a legal field of safe distribution practices for child beneficiaries. Nutrition Fulfillment Service Units bear not merely moral but legally cognizable responsibility for the harm caused by such negligence (Simangungsong & Sinaga, 2026), as they are the entities most directly responsible for the safety of food consumed by children and therefore bear the most immediate duty of care toward child beneficiaries.

d. Schools and Local Governments

Free Nutritious Meal Program fully relies on the accountability practices of schools and local government. Both schools and local government assure proximity, oversight, and expedient accountability for child beneficiaries. It is the responsibility of the school administration to safely manage the food and beverages consumed on school property. As part of the Free Nutritious Meal Program, it is the role of the school administrator to inspect any food ordered from the Nutrition Fulfillment Service Units to ensure it is of an appropriate standard before serving it to the students. School administrators are to ensure ongoing contact with Nutrition Fulfillment Service Units and the local public health office. School administrators should be prepared to take appropriate and immediate emergency action and must document and report any food safety issues to the relevant authorities. As the most immediate level of government to the implementation of the program, local governments must ensure the facilitation of cross-sectoral supervision of the National Nutrition Agency, Nutrition Fulfillment Service Units, the school, and public health authorities, as well as ensure the provision of appropriate and immediate emergency medical care for potential food poisoning. If a school does not fulfil its supervision responsibility, or if a local government does not provide appropriate oversight, it directly increases the suffering of child victims and is in violation of the Child Protection Law, as well as the applicable provisions of the local authority's governance frameworks.

## Discussion

### 1. Systemic Failure as the Root Cause of Free Nutritious Meal Program Poisoning

The results of this study demonstrate unequivocally that Free Nutritious Meal Program poisoning cases cannot be adequately understood or addressed as isolated technical incidents attributable to individual operational errors. Rather, they represent the visible manifestation of systemic failure across multiple, interconnected layers of the child rights protection architecture established by 2014 Child Protection Law. Poisoning incidents will most likely continue to happen in several different countries and different implementation phases. Although awareness-generating activities may happen, they prove the existence of a core problem of a systemic nature that exceeds any single managerial unit's control or responsibility. The weaknesses may be found in regulatory frameworks, weak monitoring and enforcement, and governance frameworks in accountability, e.g., the gap in (dysfunctional) prioritization of the program as opposed to the (dysfunctional) prioritization of the program (Felix et al., 2025).

This conclusion is consistent with the comparative international evidence showing that, in general (public) food safety in nutrition programs is not a function of the individual actor's (client) 'compliance', but of the regulatory and systemic configuration of public nutrition programs. Wang (2020) and Weiqing (2025) demonstrate that successful food safety governance in developed country contexts is characterized by nationally tailored legal standards backed by effective enforcement, competent and well-resourced supervisory personnel, and modern traceability technologies that enable rapid identification and correction of food safety risks. Indonesia's Free Nutritious Meal Program, in its current form, lacks several of these foundational elements, creating conditions in which food safety failures are not aberrations but predictable systemic outcomes.

### 2. The Gap Between Policy Intent and Implementation Reality

A central finding of this study is the profound and legally significant gap between the stated objectives of the Free Nutritious Meal Program and its actual implementation outcomes. Related to the 2014 Indonesian Child Protection Law and the Indonesian Constitution, the program was introduced, to some extent, appropriately, designed as a manifestation of the entitlement of a child (Qomarrullah et al., 2025) to protective health preventive services and food sufficiency and nutrition. The requests mentioned in the Nutritious Meal Program documentation are not in alignment with the actual implementation of the details. For over 4,000 cases of child beneficiaries' requests, the program has not and likely will not, protect requests mentioned in the documentation. Instead, the implementation of the program may jeopardize the beneficiaries in the future.

This disconnection of policy concerns and potentially fatal under-implementation reflects a general poor governance. Beyond the policy scope, the degree of child protection policy disinterest and neglect, and the lack of protection systems blocking the implementation of the program, would constitute further and more severe gaps in the fulfillment of the protection systems. Transparency International Indonesia (2025) points to a lack of preparedness of the government as a structural vulnerability. It infers that the

program was implemented without any unit of the government, policy, and people, and therefore the contracting of the government protection systems. This finding is deeply concerning from a child rights perspective, as it suggests that the decision to proceed with program implementation in the absence of adequate safeguards represents a systemic prioritization of political objectives over children's safety a direct violation of the best interests of the child principle enshrined in Article 2 of the Child Protection Law.

### **3. Multi-Layered Legal Accountability and Its Implications**

The multi-party accountability framework identified in this study carries significant implications for both legal doctrine and policy practice. From a legal doctrine perspective, the finding that responsibility for Free Nutritious Meal Program poisoning is distributed across the state, National Nutrition Agency, Nutrition Fulfillment Service Units, schools, and local governments challenges simplistic attributions of blame to individual operational actors and demands a more sophisticated understanding of how negligence and accountability function in complex multi-stakeholder public programs. Neglect of children's rights, as this study demonstrates, does not always manifest as deliberate harmful action; it can equally arise from negligence in fulfilling affirmative legal obligations a form of omission liability that is no less legally significant than active commission (Ben-Arieh & Tarshish, 2016; Garde, 2019).

The numerous layers of accountability these systems interlock is definable and enforceable in relation to rights and child protection policy. It would be essential to have systems to support the protection of children in the interlocking systems, legal protection systems, and services to support those who suffer and enhance the normative child protection self-fulfillment engagements.

### **4. Strengthening the Best Interests of the Child Principle in Public Policy**

Perhaps the most fundamental implication of this study concerns the operationalization of the best interests of the child principle in the design and implementation of public policies affecting children. Article 2 of the Child Protection Law establishes this principle as the foundational normative standard for all child protection activities, yet the Free Nutritious Meal Program poisoning cases reveal a persistent failure to translate this principle from legal text into programmatic practice. Jannah (2025) observes that when budget efficiency, distribution speed, and achievement targets are systematically prioritized over food safety and oversight, this constitutes not a mere operational shortcoming but a normative deviation from the legal requirements of child protection law.

To address the failure described, public programs concerning children need a shift in the design, implementation, monitoring, and evaluation processes. Most importantly, child rights impact assessments need to be integrated into program planning. This means child rights risk assessments should be done preemptively and aimed to be resolved during the planning stages instead of being addressed reactively after a risk has manifested. This shift should also create effective child stakeholder mechanisms to elevate child input in the construction and ex post evaluation of programs. Most importantly, the shift should create

a culture of accountability to the intervening bodies wherein children's security and safety becomes the main enforced commitment (e.g., the law/or rule) instead of being exogenously or endogenously considered.

### **5. Policy Recommendations**

In light of the results, there are a number of specific, tangible policy suggestions related to the implementation of the program in order to solve what has been flagged as the systemic failures of the implementation of the Free Nutritious Meals in Indonesia to make the program compliant to rights of children in Indonesia. First, the central government should undertake a comprehensive review and strengthening of the regulatory framework governing Free Nutritious Meal Program food safety, establishing clear, binding, and enforceable standards for food procurement, processing, packaging, distribution, and quality control at every stage of the implementation chain (Wangge & Idris, 2025). Second, the National Nutrition Agency has to build up food safety law in Indonesia in terms of child rights as articulated child health safety through risk based-post audit and real time checks mechanisms free to the public (Juli, 2025). plain negligence liability and accountability frameworks must be imposed for all players in the Free Nutritious Meal Program chain in order to create deterrents for operational negligence that resulted to poisoning (Susanto & Suyatna, 2025). Fourth, the formulation of training and capacity building initiatives should be aimed at child rights for those engaged in the delivery of the Free Nutritious Meal Program so as to ensure that those employees of the Program are clear and committed to their legal duties to provide the meal to children (Juli, 2025). Fifth, the constitutional obligation of the state to fulfill the rights of children mandates the establishment of effective and appropriate legal mechanisms for child victims of Free Nutritious Meal Program poisoning to ensure timely access to compensation, medical assistance, and other support to victims and their families. When considered as a whole, these proposals aim to change the Free Nutritious Meal Program from that which endangers children's rights to one which fulfills the state's constitutional and legal mandates to protect and cater to the well-being of each and every child in Indonesia..

### **D. CONCLUSION**

Based on the results of the study and discussion, it can be concluded that the Free Nutritious Meal poisoning case is a serious problem that cannot be viewed solely as a technical error in the program's implementation. This incident indicates structural weaknesses in the monitoring system, risk control, and accountability mechanisms that have a direct impact on violations of children's rights. From the perspective of 2014 Child Protection Law, this condition leads to a form of neglect of children's rights, particularly the right to survival, growth and development, the right to physical and mental health, the right to education, and the right to protection from neglect.

### **E. REFERENCES**

Ben-Arieh, A., & Tarshish, N. (2016). Children's Rights and Well-Being. In *Handbook of Children's Rights* (1st ed., p. 12). Routledge.

- <https://doi.org/https://doi.org/10.4324/9781315766300>
- Black, L. I., & Elgaddal, N. (2024). Chronic School Absenteeism for Health-related Reasons Among Children Ages 5 – 17 Years : United States , 2022. *NCHS Data Brief*, 498. <https://doi.org/https://dx.doi.org/10.15620/cdc/147885>.
- Budianto, A. (2020). Legal Research Methodology Reposition in Research on Social. *International Journal of Criminology and Sociology*, 9, 1339–1346.
- CNN Indonesia. (2025). *Infografis: Peta Sebaran Kasus Keracunan MBG*. Cnnindonesia.Com. <https://www.cnnindonesia.com/nasional/20250925193005-23-1277799/infografis-peta-sebaran-kasus-keracunan-mbg>
- Dixon, J., & Welbourne, P. (2016). International Perspectives on the State-as-Parent: Naïve Idealism or Reluctant Pragmatism. *Poverty & Public Policy*, 8, 39–55. <https://doi.org/https://doi.org/10.1002/pop4.131>
- Djatkiko, A., & Pudyastiwi, E. (2024). Legal Review of Justice in Occupational Safety and Health Protection. *Ganesha Law Review*, 6(2), 21–30. <https://doi.org/10.23887/blr.v6i2.4168>
- Effendi, A. (2025). *Ganti Dapur MBG dengan Kantin Sekolah*. Mojok.Co. <https://mojok.co/liputan/aktual/ganti-dapur-mbg-dengan-kantin-sekolah/>
- Felix, K., Emmanulle, V., Saputra, R. A., Sena, A., Yuda, P., Wicaksana, D. P., & Kamal, U. (2025). Keracunan Program Makan Siang Bergizi Gratis dalam Tinjauan Hukum Kemasyarakatan dan Aspek Negara Berkembang. *JPIM: Jurnal Penelitian Ilmiah Multidisipliner*, 01(04), 1329–1342.
- Garde, A. (2019). Children’s rights with regard to food marketing. In *The Psychology of Food Marketing and Overeating* (1st ed., p. 16). Routledge. <https://doi.org/https://doi.org/10.4324/9780429274404>
- Guptaa, A. K., & Chaudharyb, A. (2022). Food Poisoning : Causes , its Effects and Control. *TECH MAG*, 4, 59–61. <https://doi.org/http://doi.org/10.26480/itechmag.04.2022.59.61>
- Gushi, S., Chouliara, O., Apeiranthiti, P., Panagiotidi, D., Risvas, G., & Derdas, S. P. (2026). *Addressing Childhood Malnutrition in Europe : Policy Approaches to Promote Healthy Eating in Young Children*. 1–27.
- Hamzani, A. I., Widyastuti, T. V., Khasanah, N., & Rusli, M. H. M. (2023). Legal Research Method: Theoretical and Implementative Review. *International Journal of Membrane Science and Technology*, 10(2), 3610–3619. <https://doi.org/10.15379/ijmst.v10i2.3191>
- Herwawan, J. H., Tasijawa, F. A., Rehena, Z., & Nindatu, M. (2026). Impact and implementation issues of the free nutritious meal program in the Maluku Islands: Perspectives from students, teachers, and implementers. *Journal of Hunger & Environmental Nutrition*, 1–20. <https://doi.org/https://doi.org/10.1080/19320248.2026.2630180>
- Hutagalung, H. M., & Fitria, A. R. (2023). Tanggung Jawab Negara terhadap Perlindungan Anak sebagai Kelompok Rentan dalam Perspektif Hak Asasi Manusia. *DEDIKASI*, 24(2), 1–14.
- Jannah, R. (2025). *KPAI: Program MBG Perlu Dihentikan, Jangan Kejar Target tapi Abaikan Keselamatan Anak*. Nu.or.Id (NU Online). <https://www.nu.or.id/nasional/kpai-program-mbg-perlu-dihentikan-jangan-kejar-target-tapi-abaikan-keselamatan-anak-lxHJJ>
- Juli. (2025, November 20). Keamanan Pangan Fokus Utama MBG, Kemenkes Perkuat

- Regulasi dan Pengawasan. *InfoPublik*. <https://infopublik.id/kategori/prioritas-nasional/947357/keamanan-pangan-fokus-utama-mbg-kemenkes-perkuat-regulasi-dan-pengawasan>
- Kompas.com. (2025). *Riset Celios Sebut Kasus Keracunan MBG Bisa Capai 22.000 pada 2026 Jika Tak Dihentikan*. Kompas.Com. <https://lestari.kompas.com/read/2025/12/16/103500786/riset-celios-sebut-kasus-keracunan-mbg-bisa-capai-22.000-pada-2026-jika-tak>
- Krishna, N., Surabhi, A., VA, A. D., Iliger, B., & Sreedevi, G. (2025). Nutrifit: Smart Food Tracking and Nutritional Guidance System Using Sensor-Based Monitoring. *2025 3rd International Conference on Intelligent Data Communication Technologies and Internet of Things (IDCloT)*, 954–959.
- Lukashchuk, S. ., & Lemko, O. I. (2021). *Possibilities of Rehabilitation Treatment of Children with Lymphoblastic Leukemia (Literary Review)*. 26(4), 39–47. <https://doi.org/https://doi.org/10.26641/2307-0404.2021.4.248084>
- Martín de Carpi, J. (2021). Nutritional education in school-age children through Programa Nutriplato. *Nutricion Hospitalaria*, 37(2), 47–51.
- Maulia, S., Sahra, L., Fitriani, A., & Kurnia, R. (2025). Dampak Kasus Keracunan dalam Program Makan Bergizi Gratis terhadap Kesehatan dan Kualitas Pembelajaran Siswa. *Jurnal Basicedu*, 9(6), 1850–1855. <https://doi.org/https://doi.org/10.31004/basicedu.v9i6.10851>
- Muhaimin. (2020). *Metode Penelitian Hukum*. Mataram University Press.
- Nganje, W. E., Burbidge, L. D., Denkyirah, E. K., & Ndembe, E. M. (2021). Predicting Food-Safety Risk and Determining Cost-Effective Risk-Reduction Strategies. *Risk and Financial Management*, 14(408), 1–18. <https://doi.org/https://doi.org/10.3390/jrfm14090408>
- Qomarrullah, R. I., Suratni, S., & Sawir, M. (2025). Dampak Jangka Panjang Program Makan Bergizi Gratis terhadap Kesehatan dan Keberlanjutan Pendidikan. *IJI Publication*, 5(2), 130–137.
- Rambe, D. N., Rahma, A., & Tanjung, A. A. (2024). *Edueksos : Journal of Social and Economic Education*. XIII(2), 318–331.
- Riyanto, O. S., Rianita, M., & Sinaga, E. (2025). Penegakan Hak Anak atas Makanan Aman dan Sehat: Studi Kasus Keracunan dalam Program Makan Bergizi Gratis Ditinjau dari Tanggung Jawab Negara. *Juris Humanity*, 4(1), 1–11.
- Sacotte, K., Tomlin, B., Judkins, A., Brunelli, L. (2023). Children’s Right to Health in the US Child Welfare System: A Case Study. In: *The Evolution of Global Child Rights* (pp. 35–51). NameSpringer, Cham. [https://doi.org/https://doi.org/10.1007/978-3-031-45520-9\\_4](https://doi.org/https://doi.org/10.1007/978-3-031-45520-9_4)
- Sekretariat Kabinet Republik Indonesia. (2025). *Presiden Prabowo: Program Makan Bergizi Gratis adalah Investasi untuk Masa Depan Bangsa*. Presidenri.Go.Id. <https://presidenri.go.id/siaran-pers/presiden-prabowo-program-makan-bergizi-gratis-adalah-investasi-untuk-masa-depan-bangsa/>
- Selby-Nelson, Bradley, S. & H. (2018). Primary care integration in rural areas: A community-focused approach. *APA PsycArticles*, 36(4), 528–534. <https://doi.org/https://doi.org/10.1037/fsh0000352>
- Setia, T. A., Ansari, T., Negara, S., & Brawijaya, U. (2023). Normative Legal Research in Indonesia : its Origins and Approach. *Audito Comparative Law Journal*, 4(1), 1–9.
- Simangunsong, G. A., & Sinaga, L. V. (2026). Tanggungjawab Perdata Pengelola Dapur

- Program Makan Bergizi Gratis ( MBG ) menurut KUHPerdata terhadap Pasca- Kasus Keracunan Makanan. *Judge : Jurnal Hukum*, 06(08), 1340–1347. <https://doi.org/doi.org/10.54209/judge.v6i08.2174>
- Stein, R. E. K. (2022). Mental health concerns and childhood chronic physical health conditions: a narrative review. *Pediatric Medicine*, 5, 1–9. <https://doi.org/10.21037/pm-20-107>
- Susanto, A., & Suyatna, I. N. (2025). Implikasi Hukum Kesehatan terhadap Kasus Keracunan Makanan Dalam Program Makan Bergizi Gratis di Indonesia. *Rawang Rencang : Jurnal Hukum Lex Generalis*, 6(12), 1–14. <https://ojs.rewangrencang.com/index.php/JHLG/article/download/2127/976/8961>
- Transparency International Indonesia. (2025). *Aksi Koalisi Gerak Warga Tolak MBG Ribuan Anak Jadi Korban, Program Harus Dihentikan!* Transparency International Indonesia. <https://ti.or.id/aksi-koalisi-gerak-warga-tolak-mbg-ribuan-anak-jadi-korban-program-harus-dihentikan/>
- Vaghri, Z., Ruggiero, R., & Lansdown, G. (2025). *Children’s Rights-Based Indicators: Strengthening States’ Accountability to Children*. Springer.
- Valero-Moreno, S., Torres-Llanos, R., & Pérez-Marín, M. (2024). Impact of Childhood Food Allergy on Quality of Life: A Systematic Review. *Applied Sciences (Switzerland)*, 14(23). <https://doi.org/10.3390/app142310989>
- Wang, W. (2020). Comparative Analysis and Enlightenment of Food Safety Supervision System in Advanced Countries. *IOP Conference Series: Earth and Environmental Science*, 512(1). <https://doi.org/10.1088/1755-1315/512/1/012064>
- Wangge, G., & Idris, I. (2025). Indonesia’s Free Meals Program Under Fire for Safety Failures and Governance Breakdown Poor planning, political interference, and lack of oversight have turned a flagship nutrition initiative into a public health crisis. *The Diplomat*. <https://thediplomat.com/2025/10/indonesias-free-meals-program-under-fire-for-safety-failures-and-governance-breakdown/>
- Weiqing, D. (2025). Legal supervision of international emerging food fields and its reference. *Food and Machinery*, 41(3), 62–66. <https://doi.org/10.13652/j.spjx.1003.5788.2025.60039>
- Yuliantoro. (2019). Penerapan Unsur Kealpaan Dalam Proses Penyidikan Tindak Pidana Kecelakaan Lalu Lintas. *Jurnal Hukum Unissula*, 35(1), 36–51. <https://doi.org/10.26532/jh.v35i1.11047>