



Research Paper

The Controversy of the Free Nutritious Meal (MBG) Program: Food Poisoning Cases and Legal Remedies

Teguh Purnomo¹✉, Wahyu Heru Pamungkas²

¹ Politeknik Piksi Ganesha Indonesia, Kebumen 54311, Indonesia

² Sekolah Tinggi Ilmu Syari'ah Kebumen 54311, Indonesia

✉ teguh14purnomo@gmail.com

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Abstract

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The Indonesian government's Free Nutritious Meal (MBG) Program aims to improve nutrition and reduce stunting, yet widespread food poisoning incidents have exposed governance weaknesses and legal accountability gaps. This study examines legal responsibilities of government bodies and food providers, identifies regulatory violations, and proposes legal remedies and policy improvements. Using normative-juridical methods, the research analyzes statutory provisions, investigation reports, and incident documentation. Findings reveal that poor hygiene, inadequate supervision, procurement irregularities, and weak coordination caused contamination risks. Accountability can be pursued through administrative sanctions, civil compensation, and criminal liability for proven negligence. The study concludes that strengthening regulatory frameworks, enforcing hygiene standards, improving oversight, and establishing complaint mechanisms are essential to fulfill the program's constitutional mandate for safe food and public welfare.

Keywords: MBG program; food poisoning; legal accountability; food safety; public policy.

1. Introduction

The Free Nutritious Meal Program (MBG) was launched as a large-scale public policy intervention aimed at addressing nutritional problems, reducing stunting rates, and improving educational outcomes by providing nutritious meals for school children and other vulnerable groups. The government allocated a substantial budget and designed MBG as a national program reaching millions of beneficiaries, positioning it as a priority for public health and food security. However, the scale and complexity of food procurement and distribution make the MBG program vulnerable to issues of governance, food quality, and operational oversight [1].



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Since the initial implementation, there have been reports of food poisoning incidents affecting participants of the Free Nutritious Meal (MBG) program in several regions — ranging from cases involving dozens of children experiencing nausea and vomiting to thousands of cases eventually accumulating at the national level [2]. These incidents have raised public concern about food safety standards in provider kitchens, storage and distribution practices, as well as the oversight capacity of the relevant institutions [3]. Public health agencies and NGOs subsequently called for an evaluation and even a temporary suspension of the program until significant improvements are made. Both international and national investigative reports have also highlighted the link between the rapid scaling of the program and the weak hygienic certification and experience of food providers [4].

Regulatorily, the implementation of the Free Nutritious Meal (MBG) program interacts with several legal provisions on food and health — including the Food Law, BPOM (Food and Drug Authority) regulations on processed food supervision, and technical guidelines issued by the Ministry of Health and related agencies governing nutritional standards and menu safety. Although this legal framework exists, challenges arise in its field-level implementation: uneven certification and hygiene audits among providers, limited regional monitoring capacity, and potential irregularities in procurement. Consequently, the food poisoning incidents raise questions about the forms of legal accountability—administrative, civil, and criminal—that may be pursued against providers, implementing officials, or third parties within the supply chain. [5].

From the perspective of public policy and public health, these cases also open up a substantial debate: how to balance long-term nutritional goals (such as reducing stunting and ensuring balanced nutrition) with the obligation to guarantee food safety and the right to health for program participants; and how governance design (e.g., centralization vs. decentralization of food management, the role of school canteens vs. partner mass kitchens) influences food safety risks. Policy analysis and practical recommendations are needed to identify oversight gaps, strengthen operational standards, and formulate recovery mechanisms for the victims [6].

Against this background, this paper focuses on: (1) describing the chronology and contributing factors of the food poisoning incidents in the implementation of the Free Nutritious Meal (MBG) program; (2) analyzing the relevant legal framework and possible forms of liability (administrative, civil, and criminal); and (3) proposing alternative legal remedies and policy measures to strengthen food safety supervision in order to prevent similar incidents in the future. The findings are expected to provide insights for policymakers, food safety authorities, and civil society in improving the governance of the MBG program so that its public welfare objectives can be achieved without compromising participants' safety.

Legal accountability within the realm of public policy means that the actions of the government and public administrators must be answerable under the legal framework when such policies cause harm or pose risks to citizens. This principle is rooted in the concept of the welfare state and the state's duty to protect fundamental rights of citizens—including the right to health and food safety—so that policy implementation failures that result in public harm may subject officials or administrators to legal liability. Academic documents and governance analyses emphasize that public accountability requires transparency, oversight (audit), and the existence of administrative sanctions as well as legal remedies for victims [7].

The administrative aspect encompasses the obligations of bureaucratic bodies (both central and regional) to ensure that the processes of planning, procurement, distribution, and quality control of food within public programs comply with legal and technical standards. Administrative accountability is manifested through operational regulations, internal and external inspections (e.g., inspectorate, state audit agency), the imposition of disciplinary

sanctions on negligent officials, and the improvement of implementation procedures. Studies on administrative enforcement in the field of food safety have identified gaps in supervision and inter-agency coordination, which often lead to weak handling of food safety cases at the local level — a crucial issue when assessing the failures of the Free Nutritious Meal (MBG) program. [8].

In the civil domain, victims of food poisoning or other injured parties may claim compensation on the grounds of breach of contract, unlawful act, or consumer protection principles. Consumer protection regulations and food law provisions provide the legal basis for claims against business actors or suppliers who distribute unsafe food. This situation also opens the possibility of civil action against program organizers if negligence is proven in the management of food procurement or distribution. The Consumer Protection Law (Law No. 8/1999) and the Food Law (Law No. 18/2012) serve as the primary references for compensation rights and the obligations of business actors or organizers [9].

On the criminal side, parties that meet the elements of a criminal offense (e.g., marketing or serving hazardous food, committing fraud, or negligence resulting in injury or death) may face criminal charges under the provisions of the Food Law and related regulations. Criminal enforcement serves as a deterrent, but its effectiveness depends on investigative capacity, evidence of negligence, and coordination among law enforcement agencies. Studies and implementation reviews indicate challenges in consistently enforcing criminal sanctions in local-scale food safety cases [10].

If food poisoning cases related to the Free Nutritious Meal (MBG) program occur, a comprehensive legal approach should consider a combination of mechanisms: (1) administrative sanctions for negligent officials or program managers, (2) civil lawsuits or compensation for victims, and, where applicable, (3) criminal liability for providers or parties responsible for causing harm. In addition to prosecution, practical studies recommend strengthening supply chain supervision, ensuring transparency in procurement procedures, adopting food risk-based standard operating procedures, providing hygiene training for suppliers, and establishing rapid complaint mechanisms to reduce health impacts and facilitate legal evidence. Findings concerning enforcement gaps and recommendations for restructuring supervisory authorities are relevant for improving the MBG program [8].

2. Method

This study employs a descriptive qualitative approach combined with a normative juridical method (library-based legal research). The descriptive qualitative approach is chosen to enable the researcher to systematically and comprehensively describe the phenomenon surrounding the MBG controversy—particularly the implementation practices, reported food poisoning cases, and possible forms of legal accountability—without imposing quantitative measurements. Meanwhile, the normative juridical method is used to examine relevant legal norms, principles, and statutory provisions (including laws, government regulations, ministerial regulations, and regulations issued by the Nutrition Agency or related institutions), as well as legal doctrines and literature explaining their application. This choice aligns with the common practice of legal research in Indonesia, where normative research is positioned as a library study focusing on primary, secondary, and tertiary legal materials [11].

The research data sources are secondary and consist of three categories: (1) Primary legal materials—statutory laws and relevant implementing regulations (e.g., the Food Law, the Health Law, Government/Presidential/Ministerial Regulations, BPOM regulations, as well as MBG implementation regulations issued by relevant ministries); (2) Secondary legal materials—academic literature, textbooks, journal articles, legal opinions, and

policy analyses discussing the legal and governance aspects of the program; and (3) Non-legal secondary materials, including media investigation reports, official reports (such as those from local health departments, BPOM reports, and MBG guidelines/manuals issued by ministries such as the Ministry of Education and Culture, Ministry of Primary and Secondary Education, Ministry of Health, and Ministry of Religious Affairs), as well as policy studies from independent institutions or think tanks focusing on the MBG program. In the context of food poisoning cases, media investigation reports and official documents are treated as empirical evidence to map the events (*das Sein*), which are then compared with the applicable legal norms (*das Sollen*). For MBG guidelines and national or ministerial policy documents, the most recent versions (2024–2025) will be used as analytical references [12].

Data collection was conducted through documentary research (library research). The steps included: (1) identifying relevant lists of national regulations and guidelines (by downloading the texts of MBG implementation regulations and guidelines); (2) compiling legal decisions or provisions related to administrative, civil, and criminal liabilities in food safety cases; (3) collecting archives of national and local media reports containing investigations of food poisoning incidents; (4) downloading and reviewing official reports from government agencies (provincial/regency Health Offices, BPOM, relevant Ministries) as well as studies from independent organizations or think tanks; and (5) inventorying academic literature on the normative juridical method to frame the analysis. All documents were collected in digital form (PDF/HTML) and assigned metadata (source, date, document type) to facilitate retrieval and triangulation. Methodological references on the collection and classification of legal materials, as well as the use of secondary data, are found in the literature on normative legal research methodology [14].

The analysis is conducted using qualitative-descriptive and juridical-analytical approaches: (a) Content analysis of guidelines, regulations, and reports to extract normative provisions, organizers' obligations, food safety standards, monitoring mechanisms, and applicable sanctions; (b) Gap analysis comparing the factual conditions of food poisoning incidents (as reported by media investigations and official agency reports) with the legal provisions and technical guidelines of the MBG program—aimed at identifying potential administrative violations, civil lawsuit grounds, or criminal elements (negligence, intent, or violation of food production/distribution standards); (c) Deductive legal reasoning techniques to interpret norms and draw appropriate legal conclusions; and (d) Source triangulation (regulations vs. official reports vs. news coverage) to enhance the validity of findings. To ensure a structured analysis, the researcher will employ an analytical matrix that maps each incident against the relevant legal norms, factual evidence, and potential legal remedies. Literature outlining procedures for normative legal document analysis will serve as the main reference for this stage [14].

The validity of the findings is enhanced through document triangulation (cross-checking information across documents of different types and from independent sources) and source tracing—for example, tracking initial news reports through to official clarifications or investigation results from relevant institutions. The researcher adopts a principle of caution in assessing the veracity of media claims: reports containing allegations of food poisoning are verified against official releases from health authorities or laboratory test results (when available). All sensitive documents are handled in accordance with research ethics (accurately citing sources and maintaining anonymity when individual data are not appropriate for publication). Research limitations—such as the absence of published laboratory investigation data or restricted access to internal documents from food providers—are also disclosed transparently in the discussion. General guidelines on research ethics and validity in normative legal research are discussed in the cited legal methodology literature [15].

Based on normative analysis and document findings, the study will formulate alternative legal remedies available to victims or the state: (1) administrative remedies (supervision measures, disciplinary sanctions against implementing officials), (2) civil remedies (lawsuits for compensation against providers or the state in cases of negligence or breach of contract), and (3) criminal remedies (assessment of whether the elements of criminal negligence or acts endangering public health are fulfilled). For each legal option, the study will include the normative basis (relevant legal provisions), requirements of proof, and prospects of success based on Indonesian jurisdiction and judicial practice—all supported by an examination of applicable regulations and court decisions, where available. Additionally, policy analyses related to the governance of the Free Nutritious Meal (MBG) Program (including ministerial guidelines and think-tank studies) will be utilized to recommend regulatory improvements and enhanced oversight mechanisms [12].

3. Result and Discussion

The analysis of food poisoning cases that occurred during the implementation of the Free Nutritious Meal (MBG) program reveals a common pattern: many provider kitchens (kitchen hubs / Nutrition Fulfillment Service Units) were newly established, lacked hygiene, halal, and health certification, and centralized oversight was not yet able to conduct routine inspections across all distribution spillover locations. Media investigations and statements from supervisory officials indicated that weaknesses in monitoring and auditing led to the use of ingredients nearing or exceeding their expiration date, improper cooking times, and delays in food distribution — all factors that increase the risk of microbiological contamination. Public statements and preliminary government investigation reports also confirmed a direct correlation between the lack of supervisory control and the surge in poisoning cases [16].

Field findings and reports from BPOM/the nutrition agency indicate that several cases originated from substandard storage practices (e.g., food kept at room temperature for too long after cooking, delayed distribution causing the food to be consumed after it was no longer safe). The practice of “preparing meals far in advance — then storing and redistributing them” without proper temperature control has increased the proliferation of pathogenic bacteria (such as *Salmonella*, *Staphylococcus aureus*, and *Bacillus cereus*), leading to mass symptoms among recipients. For large-scale programs like MBG, basic cold-chain standards and post-cooking handling SOPs must be implemented and monitored. The BPOM’s PJAS guidelines and food safety standards recommend procedures for storage, kitchen certification, and food handling training in schools to prevent such incidents [17].

In addition to process supervision, there were also findings of less stringent procurement practices: local suppliers who had not undergone quality testing or suppliers delivering ingredients in suboptimal condition. Reported cases mentioned the use of ingredients suspected to be spoiled or contaminated, as well as the use of processed materials that should have been prohibited under the interim guidelines. The latest BPOM regulations and national operational guidelines emphasize the importance of quality testing and a transparent supply chain — including quality certification, expiration date verification, and microbiological sampling when indicated. Recommended mitigation measures include: (a) supplier audits, (b) kitchen certification, and (c) random laboratory sampling prior to mass distribution [18].

From a legal perspective, cases of food poisoning resulting from public programs such as the Free Nutritious Meal (MBG) initiative open several channels of accountability: (a) administrative sanctions against responsible officials or implementing agencies (e.g., reassignment, temporary suspension, or disciplinary action for civil servants in accordance with relevant government regulations); (b) civil lawsuits filed by victims or parents on the basis of damages (claims for

compensation under the *Indonesian Civil Code* and the *Consumer Protection Law* — through *strict liability* or *breach of duty*); and (c) criminal liability imposed on suppliers (producers, catering providers, or kitchen operators) if negligence resulting in injury or death can be proven (e.g., under provisions of the *Food Law* or the *Criminal Code* related to acts causing harm or death). Legal studies and local juridical articles emphasize that civil mechanisms (Article 1365 of the Civil Code / Law No. 8 of 1999) and BPOM (Food and Drug Supervisory Agency) regulations enable both compensation claims and potential criminal prosecution when the use of hazardous substances or criminal negligence is established. In addition, the regulator (BPOM) has the authority to suspend or shut down kitchens or suppliers that violate food safety standards [19].

Based on the findings above, several concrete recommendations emerge strengthening cross-agency supervisory capacity (BPOM — Health Office — Education Office — Nutrition Agency), mandating hygiene certification for MBG kitchens before full operation, establishing a transparent incident reporting mechanism, and implementing regular sampling and microbiological testing procedures. In addition, procurement regulations should require supplier audits and include liability clauses in contractual agreements (indemnification or compensation for victims' medical expenses). Strengthening the legal framework must go hand in hand with technical improvements in the field, including kitchen staff training, standardized operating procedures for distribution (time–temperature control), and community education in schools on recognizing signs of food poisoning and reporting mechanisms. International studies also indicate that training and food safety management programs in schools effectively reduce incidents when combined with routine audit systems [20].

4. Conclusion

The food poisoning cases in the Free Nutritious Meal (MBG) Program reflect the persistent weaknesses in the governance of social policies in Indonesia, particularly in the areas of quality control and food safety supervision. These incidents highlight that the implementation of social programs requires not only political commitment but also a transparent, accountable management system oriented toward public safety. The government has a constitutional obligation to ensure food safety at every stage of implementation — from the procurement of ingredients, distribution, to serving the meals to beneficiaries. Therefore, it is necessary to strengthen regulatory frameworks, enhance the supervisory capacity of cross-sectoral institutions such as the Food and Drug Supervisory Agency (BPOM) and the Ministry of Health, and optimize public complaint mechanisms so that communities can actively participate in monitoring the program. Implementing these measures will reinforce legal protection and ensure that the main objective of the MBG program — improving nutrition and public welfare — is achieved without compromising the safety of its recipients (Kemenkes RI, 2024; BPOM, 2024; World Bank, 2023).

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Authors' contributions and responsibilities

Teguh Purnomo: conceptualization, methodology, writing – original draft, supervision. Wahyu Heru Pamungkas: supervision, writing – review & editing. Teuku Fadhlā: investigation, formal analysis, visualization.

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Competing interests

The authors declare no competing interest.

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