

Health Law Protection for Students in the Implementation of Free Nutritious Eating Programs based on Presidential Regulation Number 115 of 2025

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Abstract

This study aims to see the health legal protection of the Free Nutritious Eating program, namely preventive legal protection and repressive legal protection. This research uses normative legal research methods with a regulatory approach and a conceptual approach. Preventive legal protection can be seen from the 1945 Constitution providing constitutional legitimacy; The UUPK provides a mechanism for responsibility and compensation; The Food Law guarantees safety and quality standards; The Health Law affirms the right to nutrition and health; and Presidential Regulation 115 of 2025 ensures systematic governance and supervision. Meanwhile, the protection of repressive laws is an important instrument to ensure the restoration of rights and justice for participants who are harmed by non-conformity with nutritional standards. Through a combination of civil, administrative, and criminal accountability mechanisms regulated in the Civil Code, UUPK, Food Law, Health Law, and Presidential Regulation Number 115 of 2025, the state seeks to ensure that the MBG Program is not only administratively operational, but also legally accountable.

Keywords: *Free Nutritious Eating (MBG), Legal Protection, Preventive Legal Protection, Repressive Legal Protection, Food Safety, Health Law.*

A. Introduction

Indonesia provides a constitutional guarantee for social justice contained in the provisions of Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that everyone has the right to live a prosperous life, obtain a good and healthy environment, and get health services. The above provision places welfare and health as the rights of all citizens that must be fulfilled by the state through fair and equitable public policies.

The provisions of Article 28H paragraph (1) above are manifested in the Free Nutritious Meal Program (MBG) as the flagship program of the government of the era of President Prabowo Subianto. This program aims to provide/meet the nutritional needs of school children and vulnerable groups as a fulfillment of improving the quality of human resources in Indonesia.

The Free Nutritious Meal (MBG) Program has a strong legal basis in the legal system in Indonesia. The provisions of Article 3 of Law Number 18 of 2012 concerning Food affirm that the implementation of food is carried out to meet basic human needs in a fair, equitable, and sustainable manner based on the principles of Food Sovereignty, Food Independence, and Food Security. This norm shows the existence of a state legal obligation to ensure the availability of proper and nutritious food for the community. The principles of justice and sustainability in the article not only emphasize the aspect of availability, but also equitable distribution and oriented towards long-term welfare. The MBG program can be seen as a concrete form of implementing the mandate.¹

Further arrangements regarding Free Nutritious Meals (MBG) are contained in Presidential Regulation Number 83 of 2024 concerning the National Nutrition Agency and Presidential Regulation of the Republic of Indonesia Number 115 of 2025 concerning the Governance of the Implementation of the Free Nutritious Meal Program. In the provisions of Article 5 of Presidential Regulation Number 83 of 2024 concerning the National Nutrition Agency, it is stipulated that

- (1) The goal of fulfilling nutrition which is the duty and function of the National Nutrition Agency as referred to in Article 3 and Article 4, is given to:
 - a. students at the level of early childhood education, primary education, and secondary education in the general education environment, vocational education, religious education, special education, special service education, and pesantren education;
 - b. children under five years of age;
 - c. pregnant women; and
 - d. Mother Teresa.
- (2) The change in the target of nutritional fulfillment as referred to in paragraph (1) is determined by the President.

Based on the provisions of Article 5 paragraph (1) above, it can be known that the goal of fulfilling nutrition includes students at the levels of early childhood education, primary education, and secondary education, including general, vocational, religious, special, special services, and Islamic boarding schools. The target also includes children under five years old, pregnant women, and breastfeeding mothers. In addition, the provisions of Article 5 paragraph (2) of Presidential Regulation Number 83 of 2024 concerning the National Nutrition Agency give the President the authority to determine changes in the target group if necessary. This provision shows that Free Nutritious Eating

¹ Amy Shientiarizkir, Fajar Rachmad Dwi Miarsa, Ahmad Heru Romadhon, *Legal Protection of Free Nutritious Meal Program Participants for Non-Conformance to Accepted Food Nutrition Standards*, Al Zayn : Journal of Social and Legal Sciences, p-ISSN 3026-2925, Volume 4 Number 2, 2026, p. 5214

(MBG) has a clear institutional foundation and is under the coordination of the National Nutrition Agency.

The problem is getting more serious due to weak quality control in a number of areas which leads to cases of mass poisoning. Data from the Ministry of Health of the Republic of Indonesia recorded hundreds of cases of MBG food poisoning in various districts until the end of September 2025, some of which were even categorized as Extraordinary Events. This condition shows a decline in the quality of program implementation and violations of the principle of fulfilling children's rights to safe and nutritious food.²

Continuous provision of high-sugar snacks is not in line with the goals of the Free Nutritious Meal Program (MBG) which is designed to improve the nutritional status of school children through the consumption of balanced nutritious foods. These practices have the potential to have long-term health impacts, such as an increased risk of obesity, type 2 diabetes mellitus, metabolic disorders, and decreased concentration and immunity. The World Health Organization recommends that the consumption of added sugars should not exceed 10% of total daily energy. In fact, a number of processed food products, including packaged milk and biscuits, often contain sugar beyond that limit.³

The results of the analysis by the Regional Research and Information Center (PATTIRO) show that the implementation of MBG was carried out without adequate preparation. Although there is a legal basis through Presidential Regulation Number 83 of 2024 concerning the National Nutrition Agency, technical provisions such as the Minimum Service Standards specifically for MBG have not been comprehensively determined. These regulatory loopholes have the potential to be exploited by irresponsible parties.⁴

In the previous study entitled "Legal Protection of Free Nutritious Meal Program Participants for Non-Conformance to Accepted Food Nutrition Standards" compiled by Amy Shientiarizki, Fajar Rachmad Dwi Miarsa, Ahmad Heru Romadhon, Law Study Program, Faculty of Law, Maarif Hasyim University, Indonesia, only focused on legal protection for MBG participants normatively available through administrative legal instruments, civil, and criminal, but have not been formulated in one integrated liability construction.

Academic studies on the Free Nutritious Meal Program (MBG), which is a flagship program from the government, focuses on aspects of the budget that is too large, distribution governance, and the socio-economic implications of the program. Studies related to legal protection for students who receive the Free Meal Program (MBG) are still very lacking. In addition to legal protection, it is necessary to analyze the regulations on Free Nutritious Meals which fundamentally formulate an integrated form of legal accountability if there is a discrepancy in nutritional standards or food safety violations that cause poisoning to students who receive Free Nutritious Meals. Legal protection is

² Amy Shientiarizki, Fajar Rachmad Dwi Miarsa, Ahmad Heru Romadhon, *Op., Cit.* P. 2515

³ Health Organization (WHO), W. (2025, November 4). "WHO Calls on Countries to Reduce Sugars Intake among Adults and Children." <https://www.who.int/news/item/04-03-2015-who-calls-on-countries-to-reduce-sugars-intake-among-adults-and-children>.

⁴ KBR. (2025, November 4). "MBG Poisoning Case: 3 Legal Remedies That Victims Can Take." <https://kbr.id/articles/ragam/kasus-keracunan-mbg-3-upaya-hukum-yang-bisa-ditempuh-korban>.

needed in building a construction of health legal protection based on an integrated preventive and repressive approach.

B. Research Methods

This study employed a normative legal research method using a statutory approach, conceptual approach, and case approach. The statutory approach examined the 1945 Constitution of the Republic of Indonesia, Law Number 8 of 1999 concerning Consumer Protection, Law Number 18 of 2012 concerning Food, Law Number 17 of 2023 concerning Health, Presidential Regulation Number 83 of 2024, and Presidential Regulation Number 115 of 2025 concerning the Governance of the Implementation of the Free Nutritious Meal Program.

The conceptual approach analyzed legal doctrines relating to legal protection, consumer protection, and the right to health, while the case approach examined several food poisoning incidents in the implementation of the MBG Program. The legal materials consisted of primary, secondary, and tertiary legal materials collected through library research and analyzed using a qualitative juridical method to formulate legal arguments regarding preventive and repressive legal protection for students in the implementation of the Free Nutritious Meal Program.

C. Research and Discussion Results

1. Implementation of Free Nutritious Meals Based on Presidential Decree No. 115 of 2025

The implementation of the Free Nutritious Meal program is carried out by the National Nutrition Agency. The Free Nutritious Meal Program is a flagship program from the Government in order to provide nutritional fulfillment for school children and vulnerable groups for the achievement of the golden generation. In the provisions of Article 1 Number (1) of Presidential Regulation Number 115 of 2025 concerning the Governance of the Implementation of the Free Nutritious Meal Program in the known that: Nutritious Eating Program. Free is a national priority program organized by the government in the form of providing free nutritious food that is right on target and aims to improve the quality of human resources through improving nutritional status to target groups.

Based on the above provisions, it can be seen that the Free Nutritious Meal Program is a priority program to provide nutritious food that aims to improve the quality of human resources to the right group. Meanwhile, in the provisions of Article 2 of Presidential Regulation Number 115 of 2025 concerning the Governance of the Implementation of the Free Nutritious Meal Program, it is stated that this Presidential Regulation aims to:

- a. Becoming a reference for Government Agencies and Regional Governments in the implementation of the Free Nutritious Meal Program;
- b. To be a reference and guideline for individuals, business entities, legal entities, and related parties in order to support the implementation of the Free Nutritious Meal Program;
- c. Preparing the needs of facilities and infrastructure in the context of organizing the Free Nutritious Meal Program; and

- d. Develop a cooperation mechanism between Government Agencies and non-government in supporting the implementation of the Free Nutritious Meal Program.

The MBG program is expected to run as intended, not only at the center but also optimally in the regions. In governance, the MBG Program is able to provide opportunities for every person and legal entity to fulfill the facilities and infrastructure needed for each MBG Program activity. This can be seen in the fulfillment of food supply and raw materials with the use of business actors around SPPG.

In the provisions of Article 4 of Presidential Regulation Number 115 of 2025 concerning the Governance of the Implementation of the Free Nutritious Meal Program, it stipulates the target groups in the Free Nutritious Meal Program organized by the government related to improving community nutrition, namely:

- (1) The Free Nutritious Meal Program is held in order to improve the nutritional status of the target group as beneficiaries.
- (2) The target group as intended in paragraph (1) is aimed at:
 - a. students at the level of early childhood education, primary education, and secondary education in the general education environment, vocational education, religious education, special education, special service education, and pesantren education;
 - b. children under 5 (five) years old starting from the age of 6 (six) months;
 - c. pregnant women;
 - d. breastfeeding mothers; and
 - e. other groups that include educators and education personnel.
- (3) The change in the target group as intended in paragraph (2) is determined by the President.
- (4) The implementation of the Free Nutritious Meal Program as intended in paragraph (1) is accompanied by food safety and nutrition education carried out by Government Agencies in accordance with their authority based on the provisions of laws and regulations.
- (5) Further provisions regarding beneficiaries for target groups as referred to in paragraph 21 are regulated by the National Nutrition Agency Regulation.

The main goal of the MBG Program is to fulfill nutrition for program recipients. Of course, it is necessary to pay attention to the safety and quality of the menu that will be given to each program recipient. Students are the highest recipients of the program, but many cases of poisoning occur as a result of the fulfillment of nutritional improvements. For this reason, it is necessary to increase protection related to the fulfillment of nutrition, so that the MBG Program does not become a concern for program recipients.

Meanwhile, in the provisions of Article 6 of Presidential Regulation Number 115 of 2025 concerning the Governance of the Implementation of the Free Nutritious Meal Program, it is stipulated that the Implementation of the Free Nutritious Meal Program as referred to in Article 5 letter a, consists of:

- a. planning;
- b. implementation scheme;
- c. ensuring and supervising food safety and quality;

- d. assurance and supervision of nutritional standards;
- e. halal product assurance for those who are required;
- f. SPPG capacity development; and
- g. the involvement of the coordination team for the implementation of the Free Nutritious Meal Program in the implementation of the Free Nutritious Meal Program.

In its implementation, the Free Nutritious Meal Program is carried out by BGN by forming KPPG and SPPG, this can be seen in the provisions of Article 14 of Presidential Regulation Number 115 of 2025 concerning the Governance of the Implementation of the Free Nutritious Meal Program, stipulating that:

- (1) The Free Nutritious Eating Program is implemented by the National Nutrition Agency by forming KPPG and SPPG.
- (2) The formation of KPPG and SPPG as referred to in paragraph (1), is carried out by paying attention to organizational analysis and workload.

Where in the provisions of Article 15 of Presidential Regulation Number 115 of 2025 concerning the Governance of the Implementation of the Free Nutritious Meal Program, it is stipulated that:

- (1) KPPG supervises and coordinates SPPGs in its work area in the implementation of operational technical activities for the provision and distribution of free nutritious food services.
- (2) The needs of KPPG employees consist of ASN who are appointed in accordance with the provisions of laws and regulations.

Meanwhile, in the provisions of Article 16 of Presidential Regulation Number 115 of 2025 concerning the Governance of the Implementation of the Free Nutritious Meal Program, it is stipulated that:

- (1) SPPG has the task of carrying out part or all of the tasks of providing and distributing nutritious food for free as well as providing education or information about nutrition and food safety to the target group.
 - (2) The SPPG as intended in paragraph (1) includes:
 - a. SPPG agglomeration that serves beneficiaries of at least 1000 (thousand) people; and
 - b. Remote SPPGs that serve beneficiaries under 1000 (thousand) people.
- Provisions regarding SPPG as intended in paragraph (21) are regulated by the Regulation of the National Nutrition Agency.

SPPG is the front line in the MBG Program which is the beacon of the current government program. Of course, SPPG must pay attention to every nutritional fulfillment of students. SPPG is responsible for every nutritional fulfillment given to students. However, in practice, there are many SPPGs that prioritize profits rather than fulfilling the nutrition that must be given to students. In fact, it is not uncommon for SPPG to be negligent in maintaining the quality of food that should be received by students. So that there have been many cases of poisoning due to the MBG Program, including the poisoning case of 118 students of SMA Negeri 2 Kudus, Central Java on January 30, 2026.

In the provisions of Article 22 of Presidential Regulation Number 115 of 2025 concerning the Governance of the Implementation of the Free Nutritious Meal Program, it is stipulated that:

- (1) In the event that the implementation of the Free Nutritious Meal Program is carried out in disadvantaged, outermost, frontier, border, remote, archipelagic, and/or conflict-prone areas, the National Nutrition Agency may involve the National Police of the Republic of Indonesia and/or request assistance from the Indonesian National Army.
- (2) The assistance mechanism as intended in paragraph (1) is carried out in accordance with the provisions of laws and regulations.

Of course, the MBG Program can be implemented in all regions of Indonesia. In terms of fulfilling the implementation of the MBG Program for disadvantaged, outermost, frontier, border, remote, archipelago and/or conflict-prone comrades, parties from the Indonesian National Police and Army must be involved. However, in practice, the Police and the TNI carry out the MBG Program not only in disadvantaged areas, but also in urban and densely populated areas. This should be a correction material for the BGN to evaluate and correct every policy that has been implemented. So that in the future, it is hoped that the MBG Program will be able to provide equality and equal opportunities to all residents who are able to form SPPG.

2. Preventive Legal Protection of Students in the Free Nutritious Meal Program (MBG)

Food is a basic need that is inseparable from human survival, because it is from food that humans obtain energy, nutrients, and immunity that determine the quality of health and the ability to carry out social, educational, and economic functions optimally.⁵

It can be understood that the primary need of humans is the fulfillment of food or food properly in terms of the needs of the human body or said to be nutritious. Therefore, related to nutritious food for the community in general, it must be guaranteed by the Constitution in Indonesia. This can be seen in the provisions of Article 27 of the 1945 Constitution of the Republic of Indonesia which affirms that every citizen has the right to a life worthy of humanity, where one of the important elements of a good and decent life is the fulfillment of needs and access to safe, quality, and nutritious food.

According to Philipus M. Hadjon, legal protection is a protection provided to legal subjects in the form of legal tools, both preventive and repressive, both written and unwritten. In other words, legal protection is an illustration of the function of law, which is a concept in which law can provide justice, order, certainty, utility, peace, and peace for all human interests in society.⁶

Legal protection for the implementation of the MBG Program is very necessary in providing certainty, usefulness and justice in the implementation of the MBG Program. The

⁵ Rumawas, V. V. Herman Nayoan, and Neni Kumayas." The Role of the Government in Realizing Food Security in South Minahasa Regency (Study of the South Minahasa Food Security Office. *Journal of Governance*, 1(1), 2021, 1–12.

⁶ Philipus M. Hadjon in Rebekah Djula, *Franchise Agreement as a Means of Technology Transfer*, Master of Law Thesis, University of Mataram, 2010, p. 11.

implementation of the MBG Program must be able to provide protection for the beneficiaries, for that preventive and countermeasures are needed in its implementation. So that the implementation of the MBG Program can provide benefits in accordance with what is expected in its implementation.

Regarding legal protection in the implementation of the MBG Program, it is divided into 2 (two), namely Preventive Protection and Repressive Protection, where preventive protection in the MBG program is seen from the quality of the food provided as raw materials. As we know that one of the targets of the MBG program is school students starting from elementary, junior high and high school. Of course, students who obtain this MBG Program have the right to get food that is suitable for consumption such as good food taste, appropriate nutritional fulfillment and clean food when served. Preventive legal protection of MBG for school students is important to achieve the vision and mission of an effective and sustainable program, namely the fulfillment of appropriate and proper nutrition, especially for school students.

Preventive legal protection is also closely related to the principle of legality and the principle of legal certainty. Nutrition standards, distribution mechanisms, and supervision procedures must be formulated normatively so that all program implementers are legally bound and do not act based on excessive discretion. Without certainty of norms, program participants are in a vulnerable position because they do not have an objective benchmark to assess whether their rights have been adequately met. Thus, clear regulations become preventive instruments to prevent maladministration or irregularities.⁷

Preventive legal protection for participants of the Free Nutritious Meal Program (MBG) is an essential juridical instrument to ensure the effective and sustainable achievement of the program's goals, namely the fulfillment of the right to health and proper nutrition, especially for children and vulnerable groups. The MBG program cannot be reduced to a mere social assistance policy, but must be understood as a form of implementing the state's constitutional obligation to ensure citizens' basic rights to safe, quality, and nutritious food. From the perspective of legal protection theory, the state is obliged to provide guarantees for citizens' rights through preventive and repressive mechanisms. As stated by Philipus M. Hadjon, preventive legal protection provides citizens with the opportunity to obtain guarantees before a violation occurs, while repressive legal protection functions to resolve disputes after a violation occurs. In the context of MBG, preventive orientation is very important because the protected object is a fundamental right to health and cannot be fully restored if a loss has occurred.⁸

In addition, preventive legal protection in MBG reflects the application of the *precautionary principle* in the implementation of public services in the field of health and nutrition. This principle requires that every policy that has the potential to have an impact on public health be drafted and implemented with high security standards. In legal protection theory, the principle of prudence is a manifestation of the state's responsibility

⁷ Marzuki, P. M. (2021). *Introduction to Law*. Dating Prenada Media.

⁸ Rachmat, U. M., Riyanto, S., & Arifudi. (2024). Optimizing Consumer Protection in Complaining about Defective Goods Products through Self Regulation in PT Bukalapak's Online Purchase Transactions. *Jurisdiction*, 6(1), 68–83.

to anticipate risks before they cause irreversible losses. Its implementation in MBG can be realized through the establishment of national nutrition standards based on scientific recommendations, verification and certification mechanisms for food providers, cross-sectoral supervision between health, education, and food agencies, and a continuous monitoring and evaluation system.⁹

Preventive legal protection for students against the MBG Program is seen from the applicable laws and regulations that have a strong normative basis. The regulation of MBG in the applicable laws and regulations in Indonesia according to the compiler can be seen, among others, namely:

a. Preventive protection based on the 1945 Constitution

In the constitution of the MBG Program, it is contained in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia which emphasizes that everyone has the right to live a prosperous life both physically and mentally and to receive health services. The above provision places health as a constitutional right that must be protected, respected, and fulfilled by the state. The MBG program is a social protection effort that aims to ensure the nutritional needs of food for students. For this reason, the state is considered to be in denial of its constitutional obligation if it has neglected to prepare safe and nutritious food in accordance with the standards that have been set.

b. Preventive protection based on the Consumer Protection Act

In addition to the Constitution of the Republic of Indonesia, preventive protection related to the MBG program for students is also contained in Law Number 8 of 1999 concerning Consumer Protection (UUPK). Legal protection in the UUPK is related to the position of MBG participants or students in receiving products given in the form of food every day. In the provisions of Article 1 Number (2) of the UUPK defines that consumers are every user of goods and/or services that are available in society and not for trade. Students who receive MBG meet the conditions as consumers even if they do not make payments directly. In addition, in the provisions of Article 1 number 3 of the UUPK defines a business actor as any person or business entity that carries out activities within the jurisdiction of Indonesia. Government agencies and food vendors can be categorized as business actors in the context of food supply.

The UUPK also regulates consumer rights contained in the provisions of Article 4 of the UUPK, one of which is related to the right to comfort, security, and safety in food consumption and having the right to true, clear and honest information about the food that will be received by students. Of course, in practice, students get food that meets nutritional standards and does not contain harmful ingredients to consume.

Currently, the state provides opportunities for business actors such as SPPG to distribute food to students in every school. For this reason, it is necessary to know the obligations of business actors (SPPG) contained in the provisions in Article 7 of the UUPK, namely good faith and ensuring the quality of goods. In the provisions of Article

⁹ Qamar, N., & Rezah, F. S. (2023). Authority as an Instrument for the Implementation of Government in the System of the State of Law. *Asas Wa Tandhim: Journal of Law, Education and Social Religion* 2, (2), 201–222. <https://doi.org/10.47200/awtjhpasa.v2i2.1781>.

8 Paragraph (1) letter a of the UUPK regulates the prohibition of business actors from producing or trading goods that do not meet the standards that have been required by the applicable laws and regulations. In the provisions of Article 19 of the relevant UUPK, if a business actor commits a violation in accordance with the provisions of Article 8 Paragraph (1) letter a, the business actor (SPPG) is required to provide compensation for losses experienced by students whose criminal threats are regulated in the provisions of Article 62 Paragraph (1) of the UUPK, namely the threat of imprisonment for a maximum of five years or a maximum fine of two billion rupiah. The UUPK is a protection if MBG participants suffer losses due to inappropriate food.

c. Preventive Protection under the Food Law

In the MBG Program, Food Safety, Quality and Nutrition are also required in the raw materials for making the food which has been regulated in the provisions of Law Number 18 of 2012 concerning Food (Food Law). The definition of food itself is contained in the provisions of Article 1 Number (1) of the Food Law, namely food as everything that comes from biological sources and water that is intended as food or drink for human consumption. In addition, the provisions of Article 1 Number (5) of the Food Law are explained that the conditions and efforts required to prevent food from possible biological, chemical, and physical contamination. In the provisions of Article 67 Paragraph (1) of the Food Law, it is explained that every person who organizes activities or processes of production, storage, transportation, and/or circulation of food is obliged to meet sanitation requirements and ensure food safety.

With the many cases of food poisoning due to the current MBG Program, of course, the provisions of Article 86 paragraph (1) of the Food Law which affirms that everyone is prohibited from producing and trading food that does not meet safety and quality standards are very appropriately enforced. Where there are criminal provisions if they violate the provisions of Article 86 Paragraph (1) of the Food Law which has been regulated in Article 140 of the Food Law with the threat of imprisonment and/or fines for parties who deliberately produce or trade food that does not meet safety standards. Thus, the Food Law functions as a legal guarantee so that the food provided does not endanger the health of students.

d. Preventive Protection under the Health Act

The MBG program must certainly have a health impact on the students who receive the program. Of course, it has to do with Law Number 17 of 2023 concerning Health (Health Law) which has an impact on healthy protection for students. In the provisions of Article 43 of the Health Law, the central and regional governments are required to ensure the availability and affordability of sufficient nutritious food for the community, especially school students. In the provisions of Article 144 of the Health Law, it is determined that processed foods consumed by the public must meet safety, quality, and nutrition standards. Related to the violation of Article 144 of the Health Law above, sanctions can be imposed contained in the provisions of Article 445 of the Health Law, which is the basis for law enforcement against any act that poses a public health risk. In the MBG program, if there is mass poisoning or health problems due to

the negligence of the food provider, legal liability can be imposed both administratively, civilly, or criminally.

e. Preventive protection based on Presidential Regulation No. 115 of 2025

In its implementation, the MBG Program has been established by Presidential Regulation Number 115 of 2025 concerning the Governance of the Implementation of the Free Nutritious Meal Program (Presidential Regulation No. 115). Of course, Presidential Regulation No. 115 is expected to regulate legal protection, both preventive and repressive in the implementation of the MBG program. In the provisions of Article 23 of Presidential Regulation No. 115, it requires the National Nutrition Agency and related parties to ensure food safety and quality through a food safety assurance system and conformity assessment. Article 24 of Presidential Regulation No. 115 stipulates that food safety and quality supervision is carried out in an integrated, sustainable, and risk-based manner. This supervision includes raw materials, production processes, distribution, and food received by participants.

Article 25 of Presidential Regulation Number 115 of 2025 concerning the Governance of the Implementation of the Free Nutritious Meal Program

- (1) In the event of a suspected incident of food poisoning, SPPG and/or representatives of beneficiaries must immediately report to the nearest public health center, hospital, other health service facilities, or to the head of the village/sub-district.
- (2) In the event that the alleged occurrence of food poisoning as referred to in paragraph (1) is determined as an occurrence of food poisoning, efforts to overcome the occurrence of food poisoning are carried out in accordance with the provisions of laws and regulations.
- (3) The National Nutrition Agency follows up on recommendations on efforts to overcome food poisoning as referred to in paragraph (2).

In the provisions of Article 26 and Article 27 of Presidential Regulation No. 115, it regulates the obligation to guarantee nutritional standards by paying attention to the principles of diverse, nutritional, balanced, and safe and considering local potential. In addition, Articles 54 to 57 regulate monitoring, evaluation, and control mechanisms based on an integrated data management system. This provision shows that legal protection in MBG is not only repressive, but also preventive through systemic control from the planning stage to evaluation.

Legal protection for MBG participants, especially school students, is a comprehensive and layered construction. The 1945 Constitution provides constitutional legitimacy; The UUPK provides a mechanism for responsibility and compensation; The Food Law guarantees safety and quality standards; The Health Law affirms the right to nutrition and health; and Presidential Regulation 115 of 2025 ensures systematic governance and supervision. The relationship between the above laws and regulations can be concluded that the MBG Program is a rights-based public service and not social assistance. Therefore, this MBG Program must certainly ensure that the food provided must be decent and not dangerous for students.

3. Repressive Legal Protection of Students for Free Nutritious Meal (MBG) Program

The framework for repressive legal protection for MBG participants is sourced from various legal instruments, including the Civil Code, Law Number 18 of 2012 concerning Food, Law Number 8 of 1999 concerning Consumer Protection, Law Number 17 of 2023 concerning Health, and Presidential Regulation Number 115 of 2025 concerning the Governance of the Implementation of the Free Nutritious Meal Program. The existence of these various instruments reflects a systemic approach to legal protection, because civil, administrative, and criminal norms complement each other in ensuring the effectiveness of protecting citizens' rights. The theory of the state of law places repressive protection as an indicator that the law has coercive force and does not stop at the normative level.¹⁰

Repressive legal protection for participants of the Free Nutritious Meal Program (MBG) functions as a mechanism for enforcing rights when preventive protection efforts are not effective and there has been a discrepancy in nutritional standards that cause losses. The orientation of legal protection at this stage no longer lies in prevention, but in the restoration of rights, the provision of compensation, and the imposition of sanctions on the responsible parties. In the perspective of the theory of legal protection put forward by Philipus M. Hadjon, repressive legal protection is directed at resolving disputes through judicial mechanisms and administrative efforts after the violation of rights. When the rights to nutritious food and health of MBG participants have been violated, the state is obliged to provide effective legal instruments to restore the situation and uphold justice.¹¹

The non-conformity of nutritional standards with the food received by MBG participants can be qualified as an unlawful act if it meets the elements of acts, mistakes, losses, and causal relationships between acts and losses. The perspective of legal protection theory emphasizes that the recognition of the right to claim compensation is a concrete form of state recognition of the participant as a subject of law. MBG participants are not placed as policy objects alone, but as rights holders who have the legitimacy to demand legal liability for the losses they experience.¹²

Legal protection theory must of course emphasize the aspect of justice to support repressive protection. MBG participating students and their guardians should have access to making a complaint and legal aid both in litigation and non-litigation. As for its implementation, the MBG Program has many shortcomings and drains the state budget, causing nutritional inconsistencies and predetermined standards that cause health problems and even food poisoning. Of course, this must have the right consequences so that this MBG program can continue to gain the trust of the public. The consequences are in the form of service improvements, the provision of compensation, administrative sanctions, and criminal sanctions, according to the level of error and consequences caused. Administrative sanctions maintain the discipline of program implementation, while civil

¹⁰ Nurhardianto, F. (2015). The Legal System and Legal Position of Indonesia. *Journal of Carpeting*, 11(1), 34–45.

¹¹ Amalia, A., Sindi, Z. Y., Ramadhani, M., Putri, S. A., Annisa, N. S., & Syahputra, D. (2026). Consumer Protection of Food Products Containing Harmful Ingredients. *PROSECUTOR: Scientific Journal of Law and Politics*, 4(1), 15–29.

¹² Cevitra, M., & Djajaputra, G. (2023). Unlawful Acts (Onrechtmatige Daad) According to Article 1365 of the Civil Code and its Development. *UNES Law Review*, 6(1), 2722–2731. <https://doi.org/10.31933/unesrev.v6i1.1074>.

and criminal sanctions provide a deterrent effect while ensuring the restoration of victims' rights.

a. Repressive Protection Based on the Civil Code

From a civil law perspective, non-conformity with nutritional standards that cause losses can be sued based on the concept of unlawful acts as stipulated in Article 1365 of the Civil Code. This article requires the existence of four elements, namely the existence of unlawful acts, the existence of errors, the existence of losses, and the existence of a causal relationship between these acts and losses. If the MBG food provider is proven to be negligent in meeting the established nutritional standards, resulting in health problems or other losses for the participants, then the elements of the unlawful act can be considered fulfilled.

In a civil lawsuit, MBG participants or their guardians have the right to claim material damages, such as medical expenses, health restoration costs, or other economic losses, as well as immaterial compensation for the physical and psychological suffering experienced. This lawsuit serves not only as a means of restoring individual rights, but also as an instrument of social control to encourage program organizers and food providers to be more careful and responsible in carrying out their obligations.

b. Repressive Legal Protection in the Consumer Protection Law

Law Number 8 of 1999 concerning Consumer Protection (UUPK) provides a strong foundation for MBG Program participants to demand legal accountability for losses experienced due to non-conformity with nutritional standards. In the context of MBG, program participants can be positioned as consumers, while food providers and third parties involved in the provision of food can be seen as business actors. This legal relationship puts MBG participants in a position protected by the consumer protection legal regime.

Article 19 of the UUPK expressly states that business actors are responsible for providing compensation for damage, pollution, and/or losses to consumers due to consuming goods and/or services traded.

This provision is relevant if the MBG food provided does not meet nutritional standards, contains harmful substances, or does not comply with the specifications set by laws and regulations. The compensation in question can be in the form of refunds, replacement of goods, health care, and/or the provision of compensation in accordance with applicable regulations.

In consumer protection law, the principle of liability of business actors basically adheres to the concept of *liability based on fault* which is strengthened by a reverse proof mechanism. To a certain extent, the UUPK also recognizes the principle of strict *liability*, especially in terms of losses arising from dangerous products. As stated by Ahmad Purwantono, this principle is intended to strengthen the position of consumers who are generally in a weak position compared to business actors, both in terms of knowledge, access to information, and economic strength. In the context of MBG, the

application of this principle is important considering that program participants, especially children, are a vulnerable group that needs stronger legal protection.¹³

The UUPK provides several dispute resolution mechanisms that can be taken by MBG participants or their guardians. First, the mechanism of direct compensation, which is the provision of compensation by business actors to consumers within a maximum period of seven days after the date of the transaction or after the proof of consumer complaints. This mechanism reflects the principle of quick and simple dispute resolution, and encourages business actors to be responsible voluntarily without going through a lengthy legal process.

Second, MBG participants can file disputes through the Consumer Dispute Resolution Agency (BPSK) as a non-litigation institution. BPSK has the authority to resolve disputes through mediation, conciliation, or arbitration mechanisms, and is authorized to impose administrative sanctions in the form of compensation up to a maximum of Rp200,000,000.00. The existence of BPSK provides easier access to justice for MBG participants or their guardians, especially for those who have limited resources to file lawsuits in court.

Third, dispute resolution can be pursued through litigation by filing a civil lawsuit to the District Court. This lawsuit can be based on violations of the Law or unlawful acts as stipulated in Article 1365 of the Civil Code. The litigation route provides space for judges to comprehensively assess the level of wrongdoing of business actors, the amount of losses, and the form of fair compensation for the victim.

c. Accountability Based on Presidential Regulation Number 115 of 2025

Presidential Regulation Number 115 of 2025 provides a special framework regarding the governance of the MBG Program, including a handling mechanism in the event of violations of nutrition standards and food safety. Provisions on reporting of food poisoning incidents, follow-up by the National Nutrition Agency, and cross-sectoral coordination show that the state provides not only preventive mechanisms, but also repressive mechanisms to crack down on violations that have occurred.

In the context of the protection of repressive laws, this Presidential Regulation strengthens the principle of accountability in the implementation of the program. The non-conformity of nutritional standards is not seen solely as a technical error, but as a violation of the participants' fundamental right to health and proper nutrition. Therefore, any violations must be followed up through effective and transparent legal mechanisms.

Repressive legal protection for participants of the Free Nutritious Meal Program is an important instrument to ensure the restoration of rights and justice for participants who are harmed by non-conformity with nutritional standards. Through a combination of civil, administrative, and criminal accountability mechanisms regulated in the Civil Code, UUPK, Food Law, Health Law, and Presidential Regulation Number 115 of 2025, the state seeks to ensure that the MBG Program is not only administratively operational, but also legally accountable. Thus, the protection of

¹³ Ahmad Purwantono, R. (2023). *Legal Accountability: Regulation and Justice*. Raja Grafindo Persada.

repressive laws plays a role as the last pillar to ensure that the goal of the Free Nutritious Meal Program as an instrument for fulfilling the right to health and proper nutrition can be achieved in a fair manner

D. Conclusion

Based on the discussion and research results conducted by the author regarding the legal protection of student health for the MBG Program, it can be concluded that there is preventive legal protection and repressive legal protection. Where preventive legal protection can be seen from the 1945 Constitution providing constitutional legitimacy; The UUPK provides a mechanism for responsibility and compensation; The Food Law guarantees safety and quality standards; The Health Law affirms the right to nutrition and health; and Presidential Regulation 115 of 2025 ensures systematic governance and supervision. So that preventive protection is able to provide prevention of poisoning experienced by students as a result of the MBG Program. Meanwhile, the protection of repressive laws is an important instrument to ensure the restoration of rights and justice for participants who are harmed by non-conformity with nutritional standards. Through a combination of civil, administrative, and criminal accountability mechanisms regulated in the Civil Code, UUPK, Food Law, Health Law, and Presidential Regulation Number 115 of 2025, the state seeks to ensure that the MBG Program is not only administratively operational, but also legally accountable.

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