

## **Food Poisoning in the Free Nutritious Meals Program as a Reflection of SPPG Negligence**

Muhammad Ya'rif Arifin<sup>1</sup>, Muhammad Mudzil Alfian<sup>2</sup>, Zainuddin<sup>3</sup>

<sup>1,2,3,4,5</sup> Fakultas Hukum, Universitas Almarisah Madani, Indonesia

Surel Koresponden: [muh.yarifarifin@umi.ac.id](mailto:muh.yarifarifin@umi.ac.id)

**Abstrak:** Penelitian ini bertujuan untuk mengetahui dan menganalisis pengaturan hukum dan pertanggungjawaban hukum mengenai kelalaian yang dilakukan oleh Satuan Pelayanan Pemenuhan Gizi dalam Program Makan Bergizi Gratis yang menyebabkan keracunan. Penelitian ini menggunakan Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan peraturan perundang-undangan dan pendekatan konseptual dengan melihat pada pasal-pasal KUHP Undang-Undang Nomor 1 tahun 2023 dan Undang-Undang Nomor 18 Tahun 2012. Sumber bahan hukum terdiri atas bahan hukum primer berupa peraturan perundang-undangan yakni KUH Pidana dan Undang-undang terkait, bahan hukum sekunder berupa literatur hukum dan jurnal ilmiah, serta bahan hukum tersier berupa kamus hukum dan ensiklopedia. Data dianalisis secara kualitatif agar memperoleh gambaran terkait Program Makan Bergizi Gratis yang menyebabkan keracunan. Hasil penelitian ini menunjukkan bahwa Kelalaian Satuan Pelayanan Pemenuhan Gizi (SPPG) diatur dalam Pasal 434 UU No. 1 Tahun 2023 tentang KUHP dan Kelalaian ini terjadi akibat pelanggaran kewajiban hukum (*duty of care*) dan standar keselamatan pangan (Peraturan BPOM No. 13/2019 & Permenkes No. 2/2023). Adapun pertanggungjawaban hukumnya yaitu SPPG berkedudukan sebagai subjek hukum korporasi (Pasal 45–50 UU No. 1/2023 tentang KUHP). Pertanggungjawaban pidana membebani entitas SPPG dan jajaran manajerial melalui gabungan Identification Theory, Vicarious Liability, dan Strict Liability. Melalui doktrin Parent Liability, pertanggungjawaban dapat diperluas hingga ke Badan Gizi Nasional jika timbul dari kegagalan sistemik/kebijakan. Rekomendasi penelitian ini adalah badan gizi nasional Memperketat pengawasan, mewajibkan audit higienitas secara berkala, dan memberikan sanksi tegas atas setiap pengabaian standar keselamatan dan untuk Aparat Penegak Hukum harus Menerapkan pidana korporasi secara tegas hingga tingkat manajerial SPPG dan instansi induk, tidak terbatas pada pekerja lapangan saja.

**Kata Kunci:** Keracunan; Makan Bergizi Gratis; SPPG

**Abstract:** This study aims to examine and analyze the legal regulations and liability regarding negligence committed by the Nutrition Fulfillment Service Unit (SPPG) within the Free Nutritious Meal Program that results in food poisoning. The study employs a normative legal research method utilizing statutory and conceptual approaches, referencing the Indonesian Criminal Code (KUHP) specifically Law No. 1 of 2023 and Law No. 18 of 2012. Legal sources consist of primary materials (legislation, including the Criminal Code and relevant laws), secondary materials (legal literature and scientific journals), and tertiary materials (legal dictionaries and encyclopedias). Data were analyzed qualitatively to provide a comprehensive overview of the issue. The research findings indicate that negligence by the SPPG is regulated under Article 434 of Law No. 1 of 2023 (the Criminal Code); such negligence arises from a breach of legal obligations (*duty of care*) and food safety standards (BPOM Regulation No. 13/2019 and Minister of Health Regulation No.

2/2023). Regarding legal liability, the SPPG holds the status of a corporate legal subject (Articles 45–50 of Law No. 1/2023). Criminal liability is imposed on the SPPG entity and its management through a combination of Identification Theory, Vicarious Liability, and Strict Liability doctrines. Furthermore, under the doctrine of Parent Liability, liability may extend to the National Nutrition Agency (Badan Gizi Nasional) if the incident stems from systemic or policy failures. The study recommends that the National Nutrition Agency tighten supervision, mandate periodic hygiene audits, and impose strict sanctions for any disregard of safety standards. Additionally, law enforcement officials should strictly enforce corporate criminal liability extending to the managerial levels of the SPPG and the parent agency, rather than limiting enforcement solely to field workers.

**Keywords:** Food poisoning; Free Nutritious Meals; SPPG



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## A. INTRODUCTION

The implementation of the Free Nutritious Meals Program constitutes a tangible manifestation of the constitutional mandate under Article 28H paragraph (1) of the 1945 Constitution, which guarantees every citizen's right to physical and spiritual well-being and to receive adequate health services. Philosophically, the state bears full responsibility for ensuring that every food provision distributed through this national strategic program not only meets nutritional requirements in terms of quantity but also complies with the highest standards of food safety. Ideally, this program should serve as a fundamental foundation for realizing the vision of a Golden Indonesia 2045 by strengthening the quality of human resources from an early age. This ethical principle of prudence is further reinforced by the concept of *amanah* (trustworthiness) embedded in the nation's fundamental values. As an entity entrusted with carrying out the state's mandate, the Nutrition Fulfillment Service Unit should possess uncompromising operational integrity, whereby every stage of the supply chain and food-processing process is subject to continuous and rigorous supervision. The ideal condition to be achieved is the establishment of an accountable nutritional service ecosystem in which the safety of schoolchildren, as the nation's future human capital, is placed above all administrative and economic considerations.

However, conditions in the field reveal a significant disparity between legal ideals and operational realities. Entering the second year of the program's implementation in February 2026, a series of mass food-poisoning incidents continued to threaten the sustainability of the Free Nutritious Meals Program. Cumulative data indicate that from January 2025 to February 2026, more than 21,254 victims of food poisoning were recorded across various regions of Indonesia. The high number of incidents indicates serious vulnerabilities in the internal supervision system of the Nutrition Fulfillment Service Units. Based on investigative reports from the National Nutrition Agency and the Ministry of Health, most cases of food poisoning

were triggered by bacterial contamination resulting from failures to maintain proper storage temperatures and adequate hygiene during the cooking process. For example, major incidents occurring in early 2026 involving thousands of students at several locations in Central Java and East Java confirmed that Standard Operating Procedures (SOPs) were frequently disregarded in the pursuit of daily distribution targets. This phenomenon demonstrates that food safety considerations continue to be marginalized in the implementation of the program at the operational level.

Based on the research findings, tax avoidance practices are influenced by several interrelated factors, including the low level of transparency in the use of tax revenues, inadequate dissemination and tax education that has resulted in some taxpayers lacking a comprehensive understanding of their rights, obligations, and the purposes of taxation, perceptions of unfairness within the tax system, and low levels of trust in the government, all of which influence taxpayers' decisions to engage in tax avoidance. Meanwhile, efforts by tax authorities to reduce tax avoidance practices should not rely solely on law enforcement but must be undertaken comprehensively through both preventive and repressive approaches. The Directorate General of Taxes needs to adopt a balanced approach between preventive and repressive measures to improve taxpayer compliance. Preventive measures should include enhancing tax education, public outreach, tax services, and transparency in tax administration. Meanwhile, repressive measures should involve effective supervision, the utilization of information technology, consistent law enforcement, and the improvement of tax regulations. Through the integrated implementation of these two approaches, income tax avoidance practices are expected to be minimized and taxpayer compliance sustainably improved.

The impact of these poisoning incidents is not limited to physical harm but also creates psychological burdens for students and their parents. This operational failure directly undermines the noble objectives of a national program funded by substantial state resources. With continued cases of death and injury, the Free Nutritious Meals Program has reached a critical point of accountability, where public safety appears to be sacrificed amid the ambition to accelerate improvements in national nutritional standards. The first legal gap emerges in the transition to the implementation of Law No. 1 of 2023 on the Criminal Code (*Kitab Undang-Undang Hukum Pidana*), which fully enters into force in 2026. There remains ambiguity concerning how the construction of the negligence offense under Article 434 of Law No. 1 of 2023 on the Criminal Code should be applied to entities such as the Nutrition Fulfillment Service Unit. Although Law No. 1 of 2023 on the Criminal Code recognizes the criminal liability of corporations and organizations, the mechanism for imposing criminal sanctions on work units operating under government institutions remains the subject of considerable debate among legal practitioners.

The second legal gap concerns the overlap between administrative and criminal sanctions. Thus far, food-poisoning incidents have frequently been addressed through administrative legal instruments, as regulated under Minister of Health Regulation No. 2 of 2013 concerning Extraordinary Events of Food Poisoning. This situation creates a potential loophole through which parties responsible for negligence may evade criminal liability, even though the resulting

consequences may constitute a threat to public health. The absence of established jurisprudence concerning institutional negligence within national strategic programs has resulted in law enforcement tending to be reactive rather than addressing the underlying causes of the problem.

A further legal gap lies in proving the element of “lack of due care” within the complex organizational structure of the Nutrition Fulfillment Service Unit. In a distribution chain involving multiple parties, including farmers, food processors, and couriers, determining the legal subject primarily responsible for the occurrence of food poisoning becomes highly complex. The provisions concerning corporate criminal liability under Supreme Court Regulation No. 13 of 2016 on Procedures for Handling Criminal Cases Involving Corporations have not yet been fully integrated with the operational characteristics of the Nutrition Fulfillment Service Units. Consequently, responsibility is frequently shifted between individual personnel and managers of the service units.

Furthermore, there is a regulatory vacuum concerning technical rules that specifically link violations of food-safety SOPs to criminal sanctions for negligence within the Free Nutritious Meals Program. Although technical standards have been established, their enforceability in the criminal law context remains relatively weak. This creates a situation in which procedural violations are merely regarded as ordinary technical errors rather than as negligent criminal conduct capable of endangering human lives. It is this normative gap that has prevented the establishment of a deterrent effect within the Nutrition Fulfillment Service Units. The urgency of this research is based on the pressing need to formulate an appropriate model of criminal liability to prevent the recurrence of food-poisoning tragedies. Without a rigorous legal analysis of negligence offenses, the Service Units will remain trapped in a work pattern that is permissive toward risk. This research is important for establishing a clear distinction between individual errors and systemic organizational failures, ensuring that law enforcement does not merely target the “front-line” personnel responsible for service delivery but also reaches the managerial level.

Furthermore, this research is highly relevant to the enactment of Law No. 1 of 2023 on the Criminal Code in 2026. As one of the initial studies concerning the implementation of the national codification of criminal law, this research will make a theoretical contribution to the interpretation of Article 434 and Articles 45–50 concerning corporations in the context of public services in the food sector. The findings are expected to serve as a reference for law enforcement authorities in determining more accurate investigative and prosecutorial measures in response to national food-poisoning incidents. Practically, this analysis serves as an instrument for protecting the human rights of millions of student beneficiaries. By clarifying the criminal law framework governing negligence by the Nutrition Fulfillment Service Units, the government is expected to be encouraged to strengthen supervision and conduct more comprehensive food-safety audits. Legal certainty regarding criminal liability will compel every service unit to place compliance with SOPs as its highest priority in order to prevent exposure to serious legal consequences.

## **B. METHOD**

This study employs an empirical legal research method. Data were obtained through field research using interviews with three taxpayers and three tax officers at the Makassar Medium Tax Office, supported by a literature review of laws and regulations, books, academic journals, and other relevant literature related to taxation. The data obtained were then analyzed qualitatively to draw conclusions in accordance with the research questions.

## **C. DISCUSSION**

### **1. Legal Regulation of Negligence by Nutrition Fulfillment Service Units in the Implementation of the Free Nutritious Meals Program Resulting in Food Poisoning from the Perspective of Criminal Law.**

Law No. 18 of 2012 on Food explicitly stipulates that food safety constitutes the conditions and measures necessary to prevent food from potential biological, chemical, and other forms of contamination that may disrupt, harm, or endanger human health. Based on this provision, every food service provider, including the Nutrition Fulfillment Service Unit (SPPG), bears a legal duty to ensure that every stage of the food production chain is free from toxic agents. The failure of the Nutrition Fulfillment Service Unit to comply with operational quality standards, resulting in bacterial contamination, constitutes a tangible violation of a criminal legal duty. The high incidence of food poisoning nationwide reflects fundamental weaknesses in collective compliance with the mandate of Law No. 18 of 2012 on Food, while simultaneously emphasizing that the risk of contamination is not merely a theoretical issue but a real threat requiring firm criminal law enforcement intervention. In 2022, a total of 685 cases of food poisoning were recorded, which then increased dramatically to almost twice that number in 2023, reaching 1,110 cases, before declining slightly to 806 cases in 2024. To operationalize such a large-scale food policy, the government issued Presidential Regulation No. 83 of 2024 on the National Nutrition Agency as the principal legal framework for the Free Nutritious Meals Program. This regulation mandates the National Nutrition Agency, with its technical implementation delegated to SPPGs at the regional level, to manage production quality policies in a strict and centralized manner. The legal obligations arising from Presidential Regulation No. 83 of 2024 on the National Nutrition Agency require service-unit managers to mitigate all potential risks from the selection of raw materials through to the consumption of food by students. Field conditions demonstrate that fulfilling the quality-control obligations associated with mass food production has faced critical management challenges since the program was first launched. Investigation data from the Food and Drug Supervisory Agency (BPOM) recorded that from the official nationwide launch of the Free Nutritious Meals Program (MBG) on January 6, 2025, through mid-May 2025 alone, there had been at least 17 Extraordinary Events (KLB) involving food poisoning caused by MBG meals across 10 provinces, affecting a total of 1,205 people, consisting of students and teachers.

The duty of care in criminal law is manifested through compliance with Standard Operating Procedures (SOPs) governing food hygiene and sanitation. Violations of SOPs, such as unhygienic washing of raw materials, the use of contaminated cooking utensils, or negligence

by kitchen personnel in maintaining cleanliness, constitute material evidence of a failure to exercise due care. The researcher argues that SOPs are not merely supplementary bureaucratic documents but rather legal boundaries separating acceptable risk from criminal negligence. Violations of hygiene SOPs are further corroborated by forensic laboratory testing of food remnants from a series of mass food-poisoning incidents associated with the Free Nutritious Meals Program in various regions. As a concrete example, in a mass food-poisoning incident involving Free Nutritious Meals (MBG) in Cianjur, West Java, laboratory testing confirmed the presence of three dangerous pathogenic bacteria simultaneously in the food containers and food samples, namely *Staphylococcus* sp., *Escherichia coli*, and *Salmonella* sp. From the perspective of food sanitation science, the presence of *E. coli* and *Staphylococcus* sp. constitutes a strong indicator of cross-contamination resulting from poor personal hygiene among kitchen personnel and inadequate sterilization of kitchen equipment. These clinical findings substantially constitute compelling material evidence of a breach of the duty of care by the managers of the Nutrition Fulfillment Service Unit's kitchen.

The diligence of SPPG managers in supervising operations can be assessed through their monitoring of food preparation, storage, and distribution processes. Managers should be aware that cooked food left at unsafe temperatures for prolonged periods may facilitate the growth of pathogenic bacteria such as *Salmonella* and *Staphylococcus aureus*. If such risks are not prevented, the managers may be deemed negligent and cannot entirely characterize the resulting food poisoning as an accident beyond their control. In a mass-scale Free Nutritious Meals Program, supervision must also encompass the transportation process because distance, time, temperature, and vehicle conditions may affect food safety. Failure to account for these factors indicates systemic negligence and disregard for the safety of program beneficiaries. Analytically, negligence in the provision of public food services should not be treated as an abstract and ambiguous legal concept but must instead be crystallized into specific normative rules. The specific rule developed in this research establishes that any transfer, deviation from, or disregard of technical standards concerning safe limits for microbial contamination, as regulated under BPOM Regulation No. 13 of 2019, and hygiene and sanitation standards under Minister of Health Regulation No. 2 of 2023 by a Nutrition Fulfillment Service Unit shall, *ipso facto*, be qualified as a negligent criminal offense (*delik omisi*) constituting a breach of the legal duty to exercise due care as regulated under Article 434 of Law No. 1 of 2023 on the Criminal Code. Through this normative formulation, the boundary between an administrative violation and a criminal offense no longer depends entirely on the discretion of law enforcement authorities but is determined by the fulfillment of objective scientific indicators. When an SPPG distributes food exceeding permissible microbial thresholds or violating the holding time requirement, namely a maximum of four hours at room temperature, criminal law operates to bring such omission within the scope of criminal liability.

Bringing cases of mass food poisoning within the Free Nutritious Meals Program into the realm of criminal law requires precision in the application of the relevant criminal provisions. The latest national codification of criminal law, namely Law No. 1 of 2023 on the Criminal Code, has reconceptualized negligence offenses in a more progressive and comprehensive manner. The *actus reus* in this context consists of serving and distributing food contaminated with harmful bacteria to students. Such conduct may be considered unlawful because

hazardous food continues to be distributed for consumption, particularly by children who are vulnerable to its effects. The relationship between negligent food processing and food poisoning can be analyzed using von Kries' Theory of Adequate Causation, according to which an act is regarded as a cause when it is ordinarily capable of producing the resulting consequence. In this case, spoiled or contaminated food can logically and medically cause vomiting, diarrhea, and dehydration among students. If numerous students from different schools experience similar symptoms within a short period after consuming food supplied by the same SPPG, there is a strong causal relationship between the food contamination and the poisoning. Accordingly, the *actus reus* may be attributed to negligence in food management by the SPPG. Negligence on the part of SPPG managers may constitute *culpa lata*, or gross negligence, where the manager knew or ought to have known of the danger but ignored it, or failed to consider the consequences due to a lack of due care. In public service provision, negligence may occur even where administrative procedures have formally been fulfilled, if there has been a failure to address or prevent known food-safety risks. Article 434 of Law No. 1 of 2023 on the Criminal Code provides criminal sanctions for a person who, through negligence, provides or delivers goods that are known or reasonably suspected to be dangerous to human health without providing the necessary warning. This provision may serve as a legal basis for assessing the criminal liability of SPPG managers for negligence resulting in food poisoning, particularly because managers have an obligation to ensure food safety before meals are provided to schoolchildren.

In examining Extraordinary Events (KLB) involving food poisoning within the Free Nutritious Meals Program (MBG), determining the classification of fault attributable to the legal subject, whether an individual or the Nutrition Fulfillment Service Unit (SPPG), constitutes a central issue in criminal law. Through an analytical approach, *schuld* (fault) cannot be identified arbitrarily but must be scientifically distinguished within the spectrum of intent (*dolus*) and negligence (*culpa*). An overlap of legal instruments frequently arises due to the application of Minister of Health Regulation No. 2 of 2013 concerning Extraordinary Events (KLB) of Food Poisoning, which emphasizes epidemiological investigation and the imposition of administrative sanctions in the form of written warnings or revocation of operational recommendations. The researcher considers that the administrative instruments under the Minister of Health Regulation operate within a preventive and institutional corrective framework, whereas criminal offenses operate within a repressive framework in response to harm suffered by human victims. Therefore, administrative sanctions must not be used as a shield to eliminate the unlawfulness of criminal conduct or extinguish criminal liability, particularly when the consequences of negligence have become widespread and resulted in serious injury or fatal health consequences for schoolchildren. Progressive criminal law enforcement in cases of food poisoning within the Free Nutritious Meals Program positions the state as the ultimate protector of schoolchildren's human rights to safe nutritional intake, as a fundamental component of the right to life, as well as their right to consumer protection. Firm criminal law enforcement against negligent nutrition-service institutions will create a substantial deterrent effect, compelling all food service units throughout the country to enhance their level of diligence and care in order to safeguard the lives and well-being of Indonesian children.

## **2. The Construction of Legal Liability of Nutrition Fulfillment Service Units for Food Poisoning Incidents in the Free Nutritious Meals Program.**

The concept of a criminal-law subject under the national legal system has undergone significant expansion. Article 45 of Law No. 1 of 2023 on the Criminal Code expressly defines a corporation as an organized group of persons and/or assets, whether established as a legal entity or not, including government institutions and state-owned or regionally owned enterprises. Based on this expanded normative meaning, the institutional status of the Nutrition Fulfillment Service Unit (SPPG), although functioning as an extension of the National Nutrition Agency in carrying out a non-profit social service mission, may be categorized as an independent non-legal-entity corporate subject of law. Consequently, the institution may independently become the subject of a criminal investigation, be prosecuted before a court, and be subject to corporate sanctions if proven to have committed systemic managerial negligence.

The application of the Identification Doctrine is based on the premise that the acts and state of mind of senior officials or principal controllers of an organization are identified as the acts and state of mind of the organization itself. Under this doctrine, the Head or Manager of the Nutrition Fulfillment Service Unit is positioned as the directing mind and will of the institution. If the Head of the Nutrition Fulfillment Service Unit is aware of a malfunction in sterilization equipment or raw-material refrigeration systems but consciously allows such equipment to continue operating in order to meet meal-serving deadlines, the Head's disregard for the associated risks may be attributed to the *mens rea* of the Nutrition Fulfillment Service Unit itself. Institutional fault arises when the disregard of quality protocols is no longer merely an isolated individual incident but has crystallized into an informal management policy. If the management of a Nutrition Fulfillment Service Unit reduces the budget for purchasing kitchen disinfectants or shortens the duration of employee hygiene training in the name of cost efficiency, such policies may constitute a structured form of corporate fault that contributes to the occurrence of mass food poisoning.

The application of the Vicarious Liability Doctrine differs from the Identification Doctrine, which focuses on senior management, in that it permits responsibility for the acts of lower-level employees to be attributed to the employer. This doctrine operates on the principle of *respondeat superior*. When a kitchen employee at a Nutrition Fulfillment Service Unit commits serious technical negligence, such as failing to wash their hands after using the toilet or mixing raw ingredients with cooked food, thereby facilitating the growth of pathogenic bacteria, the Nutrition Fulfillment Service Unit may, under certain legal conditions, be held vicariously criminally liable for the harmful consequences of the employee's conduct. The application of *vicarious liability* is subject to the requirement that the employee's negligence must have occurred within the scope of a valid employment relationship and in the performance of functional duties associated with the Free Nutritious Meals Program. If a kitchen employee commits negligence outside working hours for personal purposes, vicarious liability does not apply, and responsibility remains with the individual concerned.

The application of the Strict Liability Doctrine for the Protection of Vital Public Health is relevant, within carefully defined limits, to the sectors of public health and essential food safety. Under this doctrine, the prosecution would only need to establish the *actus reus*,

namely that the Nutrition Fulfillment Service Unit served contaminated or toxic food resulting in harm to victims, without having to undertake the complex task of proving the manager's *mens rea*. The application of this doctrine would require Nutrition Fulfillment Service Units to maintain the highest level of oversight and food-safety performance, leaving no room for preventable negligence.

The formulation of sanctions against public-service institutions such as Nutrition Fulfillment Service Units must comply with the formal and substantive principles recognized within Indonesia's criminal justice system. The synergy between the substantive provisions of Law No. 1 of 2023 on the Criminal Code and the procedural framework established under Supreme Court Regulation No. 13 of 2016 concerning Procedures for Handling Criminal Cases Involving Corporations provides an operational foundation for imposing such sanctions. Pursuant to Article 48 of Law No. 1 of 2023 on the Criminal Code, a corporation may be held criminally liable where the conduct falls within the scope of the corporation's business or activities and the corporation allowed the criminal offense to occur or failed to take adequate preventive measures to prevent its harmful consequences. In the operational context of a Nutrition Fulfillment Service Unit, the criteria for corporate criminal liability may be satisfied where the management board is proven to have received periodic reports concerning inadequate water sanitation in the kitchen environment but chose to allow the condition to persist and failed to undertake adequate preventive and corrective measures until a food-poisoning incident actually occurred in the field. This research identifies an expansion of the scope of criminal liability under Articles 49 and 50 of Law No. 1 of 2023 on the Criminal Code, which introduce the concept of parent liability. This means that where systemic negligence occurring at the smallest SPPG unit in a region is caused by defective instructions, extreme reductions in operational budgets, or the absence of quality supervision by the central institution, criminal liability may be traced upward through the organizational hierarchy. Accordingly, officials or decision-makers at the central National Nutrition Agency may potentially become legal subjects who bear criminal responsibility for failures within the national supervisory system.

Considering the status of the Nutrition Fulfillment Service Unit as a public-service institution, imposing an excessively large principal criminal fine may be considered ineffective because it would merely transfer funds from one state account to another while potentially undermining the continuity of the child nutrition program. Therefore, with reference to comparative studies of Japan and Brazil, the most appropriate and equitable sanctioning framework is to optimize additional penalties and judicial measures (*Pidana Tambahan dan Tindakan*) as provided under the National Criminal Code and Supreme Court Regulation No. 13 of 2016.

#### **D. CONCLUSION**

Based on the research findings, negligence by the Nutrition Fulfillment Service Unit (SPPG) is regulated under Article 434 of Law No. 1 of 2023 on the Criminal Code. Such negligence arises from violations of the legal duty of care and food-safety standards, as stipulated in BPOM Regulation No. 13 of 2019 and Minister of Health Regulation No. 2 of 2023. Regarding the construction of criminal legal liability for SPPGs, the SPPG is positioned as a corporate legal subject under Articles 45–50 of Law No. 1 of 2023 on the Criminal Code. Criminal liability

may be imposed upon the SPPG entity and its managerial personnel through the combined application of the Identification Theory, Vicarious Liability, and Strict Liability doctrines. Through the Parent Liability doctrine, liability may be extended to the National Nutrition Agency where the incident results from systemic failures or institutional policies. Sanctions should prioritize victim restitution, improvements in sanitation standards, and the suspension of the relevant service unit's operating license. The Government and the National Nutrition Agency are therefore advised to strengthen supervision, require regular hygiene and food-safety audits, and impose firm sanctions for any violation or disregard of established safety standards.

## E. REFERENCE

- [1] L. Yumna and A. Taufik, *Sosiologi, Hukum, Sosiologi Hukum*. 2023.
- [2] R. M. Kafrawi, Bambang Ariyanto, and Kamarudin, "Implikasi Pencegahan ke Luar Negeri bagi WNI yang Terlibat Persoalan Hukum berdasarkan Perspektif Hak Asasi Manusia," *Perspekt. Huk.*, pp. 165–183, 2021, doi: 10.30649/ph.v21i1.24.
- [3] A. Munasaroh, "Problematisasi Kekerasan Berbasis Gender Dan Pencapaian Gender Equality Dalam Sustainable Development Goals Di Indonesia," *IJouGS Indones. J. Gend. Stud.*, vol. 3, no. 1, pp. 1–20, 2022, doi: 10.21154/ijougs.v3i1.3524.
- [4] Yuyut Prayuti, "Dinamika Perlindungan Hukum Konsumen di Era Digital: Analisis Hukum Terhadap Praktik E-Commerce dan Perlindungan Data Konsumen di Indonesia," *J. Interpret. Huk.*, vol. 5, no. 1, pp. 903–913, 2024, doi: 10.22225/juinhum.5.1.8482.903-913.
- [5] M. F. Ramadhan, *Menyelami Lautan Tindak Pidana Perikanan (Illegal Fishing)*. 2016. [Online]. Available: <https://medium.com/@arifwicaksanaa/pengertian-use-case-a7e576e1b6bf>
- [6] Army Handayani, Nurlaelah, Sufyan Hidayat, and David Nugraha Saputra, "Penegakan Hukum Terhadap Praktik Judi Online di Era Digital: Studi Kasus Cyber crime di Indonesia," *Al-Zayn J. Ilmu Sos. Huk.*, vol. 3, no. 2, pp. 207–215, 2025, doi: 10.61104/alz.v3i2.984.
- [7] D. Badruzaman, "Perlindungan Hukum Tertanggung Dalam Pembayaran Klaim Asuransi Jiwa," *Amwaluna J. Ekon. dan Keuang. Syariah*, vol. 3, no. 1, pp. 96–118, 2019, doi: 10.29313/amwaluna.v3i1.4217.
- [8] M. F. Rohman, "Implikasi Putusan Mahkamah Konstitusi Nomor 69/PUU/XIII/2015 Tentang Perjanjian Perkawinan Terhadap Tujuan Perkawinan," *Al-Daulah J. Huk. dan Perundangan Islam*, vol. 7, no. 1, pp. 1–27, 2017, doi: 10.15642/ad.2017.7.1.1-27.
- [9] R. Mubaroq, Agis Malik Hikam Sya'bani, Dhamar Pandu Jananta, and Syafrizal Hidayatulloh, "Implementasi Prinsip Rule of Law Dalam Pemerintahan Dan Perlindungan Hak Asasi Manusia Di Indonesia," *Adv. Soc. Humanit. Res.*, vol. X, no. 4, p. 10, 2023.
- [10] S. Supandi, A. M. Fahmal, and S. Sampara, "the Influence of Islamic Sharia on the Constitution of the Republic Indonesia," *Meraja J.*, vol. 3, no. 3, pp. 319–333, 2020, doi:

10.33080/mrj.v3i3.139.

- [11] S. Yuniarti, “Perlindungan Hukum Data Pribadi Di Indonesia,” *Bus. Econ. Commun. Soc. Sci. J.*, vol. 1, no. 1, pp. 147–154, 2019, doi: 10.21512/becossjournal.v1i1.6030.
- [12] F. Afandi, “Researching the Legal Culture of the Bureaucracy: An Introduction to Ethnographic Study of Procedural Criminal Law,” *Indones. J. Socio-Legal Stud.*, vol. 1, no. 2, 2022, doi: 10.54828/ijsls.2021v1n2.1.
- [13] S. B. Santoso and A. Suliantoro, “Perlindungan Konsumen Pengguna Ojek Online Grab di Kabupaten Kendal,” *Transparansi Huk.*, vol. 6, no. 2, p. hlm. 106., 2023.
- [14] E. Rusdiana, P. Astuti, N. Hikmah, and G. Ali Ahmad, “Hambatan Implementasi Pencegahan Tindak Pidana Korupsi pada Pelaksanaan Program Dana Desa di Kabupaten Gresik,” *Law, Dev. Justice Rev.*, vol. 3, no. 1, pp. 29–41, 2020, doi: 10.14710/ldjr.v3i1.7635.
- [15] S. Rongiyati, “Pelindungan Hukum Hak Kekayaan Intelektual Pada Produk Ekonomi Kreatif,” *Intellect. Prop. Rights Sci. Technol. Econ. Perform. Int. Comp.*, pp. 31–46, 2019.