



# SIGn Jurnal Hukum

E-ISSN: 2685 – 8606 || P-ISSN: 2685 – 8614

<https://jurnal.penerbitsign.com/index.php/sjh/article/view/v7n2-39>

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Vol. 7 No. 2: October 2025 - March 2026

Published Online: February 16, 2026

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## Article Title

### **Reconstructing Legal Liability and Division of Authority: Mitigating Mass Poisoning in the Free Nutritious Meal Program**

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## How to cite:

Latemmamala, A. F., & Fachri, F. A. (2026). Reconstructing Legal Liability and Division of Authority: Mitigating Mass Poisoning in the Free Nutritious Meal Program. *SIGn Jurnal Hukum*, 7(2), 1275-1292. <https://doi.org/10.37276/sjh.v7i2.637>

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## **ABSTRACT**

*The FNM Program is a manifestation of fulfilling citizens' constitutional rights, currently facing a serious crisis of legitimacy due to the escalation of mass poisoning incidents that have claimed up to 21,254 student victims. This phenomenon demonstrates the failure of administrative control mechanisms that rely solely on Presidential Regulations. The present study aims to critique the ambiguity of legal liability arising from the absence of sanction norms and to reconstruct an integrated law enforcement system. Through doctrinal legal research using statutory and conceptual approaches, this study reveals that Presidential Regulation Number 115 of 2025 suffers from "repressive paralysis" because it is hierarchically prohibited from containing criminal provisions, thereby creating a loophole of impunity for corporate crimes and official maladministration. The absence of legal coercive power leads to technical food safety standards being frequently ignored in pursuit of economic profit. Based on these findings, the present study recommends reconstructing the legal liability system through a dual-layer legislative scheme. At the national level, it urges the initiation of drafting an Academic Paper and a Bill within the National Legislation Program carrying the nomenclature "National Nutrition Fulfillment" as a *lex specialis* harmonizing severe criminal sanctions, individual/corporate criminal liability, and restitution for victims. At the regional level, it encourages the Regional Government and the Regional House of Representatives to draft an academic study for the formation of a Draft Regional Regulation, to provide preventive-repressive executive authority in the form of administrative sanctions and criminal fines. This synergy between severe punishment at the center and daily supervision in the regions is necessary to restore public trust and guarantee the protection of human rights to safe food.*

**Keywords:** *Constitutional Rights; Criminal Liability; Free Nutritious Meal; Mass Poisoning; National Nutrition Fulfillment.*

## **INTRODUCTION**

The Free Nutritious Meal (FNM) Program, initiated as a strategic political pledge to cultivate high-quality human resources, is now facing a serious legitimacy crisis amid the uncontrolled escalation of food safety incidents. Recent cumulative data records a surge in poisoning victims, reaching 21,254 students from the program's inception to January 2026 (Pasaribu, 2026). This figure shows an increase in the total number of victims, which had previously surpassed 16,109 by the end of October 2025, with the most severe cases occurring in West Java and Central Java Provinces (Mardianti, 2025; Ridwan, 2025). The significant upward trend in cases during the August to September 2025 period confirms that the technical evaluation measures undertaken by the Government, such as the temporary closure of kitchen service units, have failed to halt the rate of incidents (CNN Indonesia, 2025). This empirical evidence provides irrefutable proof that a mere administrative approach is insufficient to mitigate fatal risks in a massive-scale food supply chain. This failure is not merely a matter of operational technicalities, but rather a symptom of structural fragility within the legal framework underpinning the program's implementation.

The root cause of this risk mitigation failure lies in the weak juridical foundation utilized by the Government in managing a national strategic program involving

substantial budgets and public health risks. Currently, the governance of the FNM Program relies solely on Presidential Regulation Number 83 of 2024 and Presidential Regulation Number 115 of 2025. These two Presidential Regulations were formed by referring only to Article 4 section (1) of the 1945 Constitution as the juridical basis, without reference to relevant sectoral laws (Hakim & Yuliana, 2025). Consequently, both Regulations suffer from repressive paralysis because regulations at the level of Presidential Regulation are prohibited from containing criminal provisions, as limited by Law Number 12 of 2011<sup>1</sup>. The absence of coercive instruments in the form of criminal sanctions within these implementing regulations creates a loophole of impunity for negligent service providers or officials, considering that findings by the Ombudsman of the Republic of Indonesia have confirmed the existence of systemic maladministration involving incompetence and disregard for standard procedures in the program's implementation (Fatika, 2025).

Various previous studies have attempted to dissect this phenomenon, yet the majority remain trapped in partial and normative analyses. For instance, Candra et al. (2025) and Santoso et al. (2025) comprehensively highlighted governance failure and inter-institutional coordination as the primary causes of program inefficiency. Meanwhile, research conducted by Andin et al. (2024) proposed internalizing Pancasila values as a moral solution to prevent deviations in program implementation. On the other hand, Emmanulle et al. (2025) reviewed poisoning incidents from a sociological perspective of community law, emphasizing public participation in supervision. Although providing valuable insights into field dynamics, these studies tend to diagnose the problem at the level of administrative symptoms and bureaucratic ethics, without touching upon the root juridical issue regarding the absence of law enforcement instruments possessing coercive force.

The present study explicitly refutes the assumption that governance improvement or a moral approach alone can resolve the food safety crisis in the FNM Program. Unlike the findings of Jacob et al. (2025), which recommended the strengthening of health supervision normatively, the present study argues that such recommendations will not be effective without the threat of concrete criminal sanctions. The fundamental weakness of previous studies is the failure to identify that mass poisoning incidents are not merely a breach of contract, but a criminal offense requiring criminal liability. Khairiah et al. (2025) indeed addressed the criminal aspects of public services; however, the analysis has not yet reached the urgency of initiating a legislative process to draft a *lex specialis* regulation. Therefore, the present study fills this literature gap by offering a regulatory reconstruction that not only improves governance but also encourages the legal-political process to provide certainty in enforcement.

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<sup>1</sup>Law Number 12 of 2011, as amended several times, lastly by Law Number 1 of 2026.

The urgency of this legal reconstruction becomes even more apparent when viewed through the lens of constitutionalism. Nutrition fulfillment is not merely a state charitable program, but a manifestation of the constitutional rights of citizens to health and welfare as guaranteed in Article 28H section (1) and Article 34 section (3) of the 1945 Constitution (Lestari, 2024; Fikri, 2025). Riyanto and Sinaga (2025) emphasized that the state bears absolute responsibility (state responsibility) for negligence that injures a child's right to safe food. However, this state responsibility becomes abstract when the Regional Government is not substantially involved in the supervision mechanism. Arini (2025) found that the Regional Government often lacks access to distribution data within its territory due to excessive centralization of budgetary and policy decisions. This condition negates the Regional Government's role as the primary supervisor, even though it possesses attributive authority in health and food affairs that can be optimized through the issuance of regional legal instruments.

The novelty of the present study lies in the idea of reconstructing the legal liability system through a dual-layer scheme that has not been formulated by previous researchers. This scheme integrates the roles of the Central and Regional Governments into a unified law enforcement system. At the national level, the present study encourages the formulation of an Academic Paper and a Bill on National Nutrition Fulfillment as a legal umbrella that imposes severe criminal sanctions for corporate crimes, and the adoption of the Nutrition Standard Guidelines Book as material evidence in law. At the local level, the present study proposes optimizing the Regional Government's role by initiating the Regional Regulation Formation Program to produce a Regional Regulation that includes administrative sanctions and criminal fines. This approach transcends conventional policy recommendations by offering a concrete legislative roadmap to end the vacuum of sanction norms.

Specifically, this study aims to critique the ambiguity of legal liability and the vacuum of sanction norms in the FNM Program governance regulations, which have proven essential in failing to protect victims of mass poisoning. Departing from this regulatory failure, the present study aims to reconstruct an integrated criminal liability system, covering corporate liability and victim compensation, through the urgency of initiating the formation of a Law on National Nutrition Fulfillment *as lex specialis*, as well as formulating a proportional division of authority for the Regional Government to conduct preventive-repressive enforcement through Regional Regulation instruments.

## **METHOD**

The present study employs doctrinal legal research to analyze the normative vacuum and conflict within the regulatory framework for the FNM Program's implementation (Qamar & Rezah, 2020). The selection of this research type is based

on the urgency to dissect the anatomy of currently prevailing laws and regulations, which are assessed as failing to provide legal certainty in the aspect of criminal liability. To sharpen the analysis, the present study integrates a statistical approach with a conceptual approach. The statute approach is used to inventory and examine the hierarchy of regulations, from the 1945 Constitution to technical implementing regulations, to identify the boundaries of sanctioning authority between the central and regional governments. Meanwhile, the conceptual approach is applied to develop a new construction of the system of individual/corporate criminal liability and state responsibility that is not accommodated in the existing regulations.

The data used in the present study originate from primary and secondary legal materials collected through library research techniques (Sampara & Husen, 2016). The primary legal materials include the 1945 Constitution, Law Number 8 of 1999, Law Number 12 of 2011, Law Number 18 of 2012<sup>2</sup>, Law Number 23 of 2014<sup>3</sup>, Law Number 1 of 2023<sup>4</sup>, Law Number 17 of 2023<sup>5</sup>, Law Number 1 of 2026, Presidential Regulation Number 115 of 2025, as well as other relevant technical regulations. The utilization of these primary legal materials aims to map the architecture of positive law governing criminal and administrative sanctions. Furthermore, secondary legal materials, including legal textbooks, reputable scientific journals, and reports from independent institutions, are used as analytical tools to strengthen arguments regarding the failure of administrative governance. Statistical data on poisoning victims and field investigation reports are also used as legal triggers to demonstrate the gap between *das Sollen* (ideal norm) and *das Sein* (field fact).

The legal material analysis technique is conducted prescriptively using the logic of legal syllogism to generate new arguments (Irwansyah, 2020). The analysis process begins by classifying the legal facts as a mass poisoning incident as the minor premise, which is then confronted with the legal principles of consumer protection and food safety as the major premise. From this conflict, the present study concludes that the most appropriate form of legal liability is. The analysis does not stop at problem description but proceeds to legal reconstruction through systematic and teleological interpretations. Systematic interpretation is used to harmonize criminal sanctions across sectoral laws so they can be incorporated into the concept of the Bill on National Nutrition Fulfillment. Meanwhile, a teleological interpretation is used to explore the purpose of establishing a Regional Regulation as a supporting instrument with administrative coercive power. The final result of this analysis is the formulation of a juridical concept offering a proportional division of sanctioning authority between the Central and Regional Governments.

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<sup>2</sup>Law Number 18 of 2012, as amended several times, lastly by Law Number 1 of 2026.

<sup>3</sup>Law Number 23 of 2014, as amended several times, lastly by Law Number 1 of 2026.

<sup>4</sup>Law Number 1 of 2023, as amended by Law Number 1 of 2026.

<sup>5</sup>Law Number 17 of 2023, as amended by Law Number 1 of 2026.

## RESULTS AND DISCUSSION

### A. Ambiguity of Legal Liability and Weaknesses of Administrative Regulation in the Governance of the Free Nutritious Meal Program

The escalation of food safety incidents in the implementation of the FNM Program has reached a critical point, demonstrating the fundamental failure of the current administrative control mechanisms. Recent cumulative data records a highly alarming record, where the total number of poisoning victims from the program's inception to January 2026 has surpassed 21,254 students (Pasaribu, 2026). This significant figure reflects not only health statistics but also serves as *prima facie evidence* of the paralysis of the state supervision system. The continuous surge in cases, including significant additions in early 2026, undermines the Government's claim of evaluation effectiveness, which has thus far relied merely on a persuasive approach (Mardianti, 2025; Ridwan, 2025). Empirical facts, confirmed by national media reports on the recurrence of these cases, indicate that administrative sanctions, such as warnings or temporary closures, are no longer adequate to contain fatal risks in a massive-scale food supply chain, thereby necessitating stricter legal intervention (CNN Indonesia, 2025).

The failure of risk mitigation is exacerbated by structural weaknesses in internal supervision, which is trapped in maladministration practices. Reports from the Ombudsman of the Republic of Indonesia confirm findings of maladministration, including protracted delays in kitchen standard verification and unpreparedness of supporting infrastructure (Fatika, 2025). This situation is worsened by the National Nutrition Agency's policy, which sets a maximum service capacity of 3,000 portions per service unit without accounting for the ratio of competent cook availability (Legal and Public Relations Bureau, 2025). This excessive workload technically forces service providers to cut corners during food processing, leading to a disregard for quality standards. Rini (2025) adds that the centralized, closed approach to incident data also impedes rapid response at the local level, thereby increasing the fatality impact of each poisoning occurrence.

From a political economy perspective, the decline in food quality, which endangers students' lives, is closely correlated with corruption in the supply chain. Research by CELIOS maps the high risk of budget leakage through non-transparent procurement mechanisms and raw material price mark-ups (Askar et al., 2025). To maintain profit margins amid fluctuating raw material costs, vendors often substitute high-quality food ingredients with substandard materials unfit for consumption. This practice is not merely economic inefficiency but a form of premeditated crime that sacrifices public safety for profit. Therefore, these mass

poisoning incidents can no longer be viewed as an accident, but rather as a logical consequence of the state's failure to apply coercive legal standards.

Juridically, this violation of quality standards constitutes a criminal offense under existing legal instruments. The Nutrition Standard Guidelines Book published by the Ministry of Health has established highly detailed technical parameters regarding storage temperature and sanitary hygiene (Triwinarto et al., 2024). The present study argues that violations of temperature and hygiene standards in the guidelines automatically fulfill the element of "intentionally failing to meet food safety standards" as referred to in Article 86 section (2) *juncto* Article 140 of Law Number 18 of 2012. This means that non-compliance with these technical guidelines is no longer merely an administrative matter but has become an unlawful act punishable by law. Unfortunately, this legal construction is often ignored by law enforcers because it is not affirmed in the program's implementing regulations.

The absence of such sanction affirmation stems from an inherent defect in Presidential Regulation Number 115 of 2025. Article 25 of this Presidential Regulation only regulates the handling of poisoning incidents normatively by referring to "provisions of laws and regulations" without a clear specification. Hakim and Yuliana (2025) criticize this regulatory pattern as a form of shifting responsibility that creates a normative vacuum in enforcement. Without a clear delegation of authority to apply criminal sanctions, this regulation lacks efficacy. This ambiguity causes law enforcement officials to hesitate in directly applying food or health criminal articles, tending instead to await administrative directives that are often too late to save victims.

Various previous studies have attempted to offer solutions, yet the majority remain focused on managerial aspects. Various studies conclude that the key to program success lies in good governance, inter-institutional coordination, and the effectiveness of educational interventions (Agustini, 2025; Candra et al., 2025; Santoso et al., 2025). The present study refutes this view by arguing that governance improvement is a blunt instrument without legal coercive force. In the face of corporate crimes that have cost the lives of thousands of students, the voluntary compliance approach has proven ineffective. A radical paradigm shift is required from an administrative-managerial approach towards a criminal liability approach capable of providing a tangible deterrent effect for both corporations and negligent officials.

The main obstacle in applying this criminal approach is the binding hierarchy of laws and regulations. Based on Article 15 of Law Number 12 of

2011, subject matters regarding criminal provisions may only be contained in a Law and a Regional Regulation. This confirms that Presidential Regulation Number 115 of 2025 is legally subject to “repressive paralysis” because it lacks the authority to impose criminal sanctions. This juridical limitation creates a pressing urgency to reconstruct the program’s legal foundation by initiating the formation of a regulation at the level of a Law capable of accommodating severe criminal sanctions, while simultaneously delegating limited enforcement authority to the Regional Government.

## **B. Reconstruction of Criminal Liability through the Urgency of Forming the Law on National Nutrition Fulfillment**

The failure of administrative regulation to stem the escalation of poisoning victims demands a legal paradigm shift from a technical-managerial approach towards a constitutionally protected human rights approach, transcending a mere normative ideological approach (Andin et al., 2024; Fikri, 2025). Fikri (2025) emphasizes that the right to nutrition is a fundamental right guaranteed by Article 28H section (1) and Article 34 section (3) of the 1945 Constitution; thus, the state’s negligence in ensuring the food safety of this program must be considered a constitutional violation. In this context, Riyanto and Sinaga (2025) argue that the state bears absolute responsibility (state responsibility) for the safety of its citizens. However, the concept of state responsibility remains abstract unless it is translated into legal instruments with the coercive force of criminalization. Therefore, the urgency of drafting an Academic Paper and a Bill carrying the nomenclature “National Nutrition Fulfillment” becomes necessary. This step is not merely to legitimize the institutionalization of the National Nutrition Agency, but as a systematic effort to form a *lex specialis* integrating severe criminal sanctions to protect students’ right to life.

The proposed Bill on National Nutrition Fulfillment must be drafted as an instrument to harmonize criminal sanctions that are currently scattered across sectors and partially implemented. The substance of this Bill must comply with the maximum criminal threats set out in related Laws. Specifically, Article 146 section (2) of Law Number 18 of 2012, which threatens 10 years of imprisonment for perpetrators causing death, as well as Article 445 of Law Number 17 of 2023, which threatens 12 years of imprisonment for the spread of diseases causing an Extraordinary Occurrence, must be drawn as the primary sanction norms in this Bill. The integration of these severe sanctions aims to eliminate law enforcement disparities and send a firm message that mass poisoning in a state program is an extraordinary crime equivalent to the spread of an epidemic, not merely a violation of standard operating procedures.

Beyond increasing physical sanctions, this legal reconstruction must also extend the subject of criminal liability so as not to target only field perpetrators. [Khairiah et al. \(2025\)](#) outlined criminal liability in public services; however, their analysis remains limited to officials' or individuals' liability. The present study goes beyond those findings by urging the application of corporate criminal liability against food provider vendors. Based on Articles 45 to 49 of Law Number 1 of 2023, a corporation may be established as the subject of a criminal offense if the offense is committed for the corporation's benefit ([Samad et al., 2025](#)). This provision is crucial to include in the Bill to entrap business entities that systematically reduce raw material quality for economic gain, so that the sanctions imposed are not only imprisonment for cooks but also high-category fines and the revocation of the corporation's legal entity status.

The application of such corporate criminal sanctions must also be accompanied by the certainty of proving fault elements. [Jacob et al. \(2025\)](#) offered a comprehensive perspective on this issue, yet the proposed solution is normative rather than grounded in concrete evidence. In the Academic Paper on the formation of the Law on National Nutrition Fulfillment, violations of technical parameters in the Nutrition Standard Guidelines Book must be presented as valid material evidence to prove the elements of corporate intent or negligence. This means that if laboratory test results show storage-temperature deviations or bacterial contamination that violates the guideline standards, the element of corporate *mens rea* is satisfied without the need for convoluted proof. This limited reverse burden of proof mechanism is required to cut procedural obstacles that corporations have thus far used to evade legal entrapment.

Another aspect often overlooked in criminal law enforcement is the recovery of victims' rights ([Fathan et al., 2025](#)). The imposition of imprisonment sanctions on perpetrators often does not have a direct impact on the physical and financial recovery of poisoning victims. Therefore, the proposed Bill on National Nutrition Fulfillment must integrate the restitution mechanism as regulated in Law Number 8 of 1999. Article 19 of this Law obliges business actors to provide compensation for damage or loss experienced by consumers. In the construction of this new Law, restitution payments must be made a mandatory additional criminal penalty and executed prior to state criminal fines. This is to ensure that law enforcement not only satisfies the state's desire for retribution (retributive justice) but also restores the real losses suffered by thousands of students and their families (restorative justice) ([Rivanie & Ashar, 2025](#)).

In addition to its repressive and curative aspects, the formation of this Law is crucial to strengthening independent investigative authority. Currently, enforcement authority still relies on the police using general offenses, so case

handling is often slow and nonspecific. The Bill must mandate Civil Servant Investigators within the National Nutrition Agency to conduct investigations into criminal offenses in the field of nutrition and food, in coordination with the police. This institutional strengthening aligns with the recommendation of Indahri et al. (2024), highlighting the importance of a strong single authority to ensure the safety of school food programs, as practiced in developed countries, yet adjusted to the corridors of the integrated Indonesian criminal justice system.

Although the initiation of drafting the Law on National Nutrition Fulfillment offers a comprehensive solution for handling serious and corporate crimes at the central level, this instrument has limited reach for daily supervision, which is micro in nature and scattered across thousands of school points. The Center cannot possibly monitor the hygiene compliance of every public kitchen across hundreds of regencies/cities in real time. This supervision vacuum at the grassroots level becomes a fatal loophole that cannot be closed solely by the threat of imprisonment, but requires an early prevention mechanism involving regional authorities. Therefore, the reconstruction of this national liability system must be supported by a second pillar: the division of authority, which grants the Regional Government an executive mandate through local legal instruments.

### **C. Division of Authority and Optimization of the Regional Government's Role through Regional Regulation Instruments**

The reconstruction of the liability system at the national level, as previously outlined, through the enactment of the Law on National Nutrition Fulfillment, will not be effective without regional-level oversight. In fact, the Regional Government has often been positioned as a passive actor in the governance of the FNM Program due to excessive centralization of budgetary and policy decisions from the center. Various reports highlight that the exclusion of the regional role and the ambiguity regarding the fulfillment of campaign promises at the local level have created serious implementation gaps (Maharani et al., 2024; Arini, 2025). Arini (2025) specifically reported that many Regional Heads lack access to program distribution data in their territories, rendering them unable to intervene when food quality issues arise. This disregard for the Regional Government's role is an anomaly in the regional autonomy system, considering that food and health affairs are essentially obligatory governmental affairs falling under the authority of autonomous regions. This exclusion creates a blind spot in the daily supervision of thousands of public kitchens scattered across remote areas, which cannot be effectively monitored by the National Nutrition Agency from the center.

To overcome this supervision vacuum, a revitalization of the Regional Government's role is required, one that is not merely coordinative but

possesses legal executive power. The legal basis for this active role is Article 43 of Presidential Regulation Number 115 of 2025, which explicitly mandates the Regional Government to provide implementation support, including food safety guarantees and the issuance of hygiene feasibility certificates. This mandate must be translated into the initiation of the drafting of a Draft Regional Regulation on Support for the Implementation of the Free Nutritious Meal Program. This process must commence with the drafting of an Academic Paper within the Regional Regulation Formation Program at the Regional House of Representatives. The formation of this Regional Regulation is also based on Article 18 section (6) of the 1945 Constitution, which grants regions the right to establish Regional Regulations to implement autonomy and assistance tasks. With the existence of a Regional Regulation, the regional supervision function shifts from a mere moral appeal to a legally binding obligation.

In formulating the substance of the Draft Regional Regulation, the Regional Government must observe the limitations imposed by the sanctioning authority, as set out in the hierarchy of laws and regulations. Based on Article 15 of Law Number 12 of 2011, as well as Article 238 of Law Number 23 of 2014, a Regional Regulation may impose only a threat of a criminal fine of no more than Category III, which amounts to fifty million rupiah. This limitation confirms that a Regional Regulation cannot impose imprisonment as a sanction for serious crimes. However, this limitation actually places the Regional Regulation in a strategic position as an instrument of preventive control and light repression, with rapid response.

The strategic function of the Regional Regulation lies in its ability to apply administrative sanctions directly without going through a lengthy judicial process. Article 238 section (4) of Law Number 23 of 2014 grants authority to regions to apply administrative sanctions in the form of oral warnings, written warnings, temporary suspension of activities, to license revocation. In the context of the FNM Program, these administrative sanctions function as an “ultimate local instrument” to crack down on hygiene standard violations before they cause casualties. For instance, if regional supervisors find a dirty public kitchen or unfit raw materials, they can immediately conduct sealing or a temporary closure under the Regional Regulation, without waiting for a mass poisoning incident. This mechanism is far more effective for early prevention compared to relying solely on the threat of imprisonment, which only operates after victims exist.

The effectiveness of this local intervention has been indicated in various case studies of policy implementation at the micro-level. Studies show that program success and social accountability depend heavily on the intensity of local supervision and the support of an adaptive education ecosystem ([Kamila](#)

& Wijayanti, 2023; Albaburrahim et al., 2025; Febryanti et al., 2025). Febryanti et al. (2025), in their study in Malang, found that schools require operational support from local authorities to guarantee service quality. A Regional Regulation can regulate technical details beyond the reach of central regulations, such as mechanisms for involving verified local MSMEs, procedures for daily sampling tests conducted by community health centers, and school committee participation in quality supervision. These detailed regulations close technical loopholes that rogue vendors often exploit to reduce service quality.

This division of authority creates a mutually complementary legal synergy between the center and the regions. The Central Government, through the Law on National Nutrition Fulfillment, focuses on cracking down on corporate crimes and incidents causing death or serious injury with imprisonment sanctions and heavy fines. Meanwhile, the Regional Government, through the Regional Regulation, focuses on daily supervision, hygiene standard guidance, and cracking down on light administrative violations with license revocation sanctions and a maximum fine of fifty million rupiah. This model of dualism of law enforcement guarantees that there is no supervision vacuum, either upstream (macro regulation) or downstream (micro implementation).

Thus, the optimization of the Regional Government's role through the Regional Regulation instrument is not insubordination against program centralization, but rather strengthens the program's resilience. The integration between heavy repressive power at the central level and preventive-administrative power at the regional level forms a layered defense system against food safety risks. This synergy will ultimately restore public trust and ensure the fulfillment of the constitutional mandate to protect the entire Indonesian nation from health threats, while simultaneously educating the nation's life through safe and dignified nutrition.

## **CONCLUSIONS AND SUGGESTIONS**

Based on a comprehensive analysis of the legal construction and governance of the FNM Program, the present study concludes that the escalation of mass poisoning incidents claiming tens of thousands of student victims is a direct consequence of the vacuum of penal sanction norms in the current implementing regulations. Presidential Regulation Number 115 of 2025 is found to suffer from repressive paralysis because it is hierarchically prohibited from containing criminal provisions, thereby failing to deter corporate crimes in the food supply chain. This absence of coercive instruments means that food safety standards established in ministerial technical guidelines are regarded merely as administrative appeals, easily ignored by service providers for

economic gain. Thus, the ambiguity of legal liability today is caused not by the absence of standards, but by the absence of legal coercive power to enforce them.

To overcome this fundamental failure, the present study recommends reconstructing the legal liability system through a dual legislative scheme integrated between the center and the regions. At the national level, it is recommended that the House of Representatives and the Government immediately prioritize drafting an Academic Paper and a Bill within the National Legislation Program, with the nomenclature "National Nutrition Fulfillment". This Law is projected as a *lex specialis* legal umbrella harmonizing severe criminal sanctions from food and health laws, as well as imposing corporate criminal liability on rogue business entities. At the regional level, it encourages the Regional Government and the Regional House of Representatives to draft an academic study for the formation of a Draft Regional Regulation on Support for the Implementation of the Free Nutritious Meal Program. This instrument serves as the front line of daily supervision by imposing administrative sanctions, including operational closure and maximum criminal fines, to prevent fatal incidents. The synergy between heavy punishment at the center and rapid enforcement in the regions is the only path to guaranteeing citizens' constitutional right to safe food.

As a policy implication, the Government is advised to immediately impose a temporary moratorium on expanding beneficiary coverage until the legal framework for the Law is established, to prevent further loss of life. Furthermore, the Ministry of Home Affairs needs to issue a circular letter obliging Regional Heads to immediately draft a Regional Regulation on school food safety supervision as an emergency discretionary measure before the national Law is passed. Academically, future research is expected to expand on the institutional effectiveness of the National Nutrition Agency after the application of criminal sanctions, to test whether such punishment threats correlate positively with increased vendor compliance in the field.

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