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Food Safety In The Free Nutritious Meal Program As A Manifestation Of Non-Military State Defense: Reconstructing The State's Legal Obligations And The Liability Of SPPG Operators

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Abstract

The Free Nutritious Meal Program (Makan Bergizi Gratis/MBG) is a nutrition policy connected to public health protection, food safety, public service governance, and human resource development. Its implementation through Nutrition Fulfillment Service Units (Satuan Pelayanan Pemenuhan Gizi/SPPG) makes food safety a legal obligation involving the state, SPPG operators, suppliers, partners, and supervisory institutions, from raw material procurement to food distribution to beneficiaries. This article analyzes food safety in MBG as a manifestation of non-military state defense, reconstructs the legal obligations and liabilities of actors, and examines the integration of legal pluralism and local wisdom into SPPG governance. The study employs normative legal research through statutory, conceptual, and analytical approaches. It examines legal materials alongside literature and empirical studies published between 2016 and 2026. The findings indicate that the state must establish standards, conduct risk-based supervision, coordinate sectors, provide education, and ensure remedial mechanisms. The liability of SPPG operators and suppliers should be assessed according to their authority, duties, control over processes, breach, causation, and evidence. Previous studies identify challenges in hygiene compliance, food safety documentation, supervisory capacity, and coordination. Accordingly, this article proposes the Integrative Food Safety Governance Model for SPPG Based on Non-Military State Defense (TKPI-BN). The model integrates national legal standards, risk control, public participation, validated local wisdom, and accountability mechanisms. Non-military state defense is understood as an orientation of public service, not as a basis for limiting beneficiaries' rights or replacing the legal requirements of liability.

Keywords: Food Safety, SPPG, State Responsibility, Non-Military State Defense, Legal Pluralism.

Abstrak

Program Makan Bergizi Gratis (MBG) merupakan kebijakan pemenuhan gizi yang berkaitan dengan perlindungan kesehatan masyarakat, keamanan pangan, tata kelola pelayanan publik, dan pembangunan sumber daya manusia. Pelaksanaannya melalui Satuan Pelayanan Pemenuhan Gizi (SPPG) menjadikan keamanan pangan sebagai kewajiban hukum yang melibatkan negara, penyelenggara SPPG, pemasok, mitra, dan lembaga pengawas, mulai dari pengadaan bahan baku hingga distribusi makanan kepada penerima manfaat. Artikel ini menganalisis keamanan pangan dalam Program MBG sebagai manifestasi bela negara nonmiliter, merekonstruksi kewajiban dan pertanggungjawaban hukum para pihak, serta mengkaji integrasi pluralisme hukum dan kearifan lokal dalam tata kelola SPPG. Penelitian ini menggunakan metode hukum normatif dengan pendekatan perundang-undangan, konseptual, dan analitis. Bahan hukum dikaji bersama literatur dan penelitian empiris yang dipublikasikan pada 2016–2026. Hasil analisis menunjukkan bahwa negara berkewajiban menetapkan standar, melaksanakan pengawasan berbasis risiko, mengoordinasikan sektor

terkait, menyelenggarakan edukasi, dan memastikan mekanisme pemulihan. Pertanggungjawaban penyelenggara SPPG dan pemasok perlu dinilai berdasarkan kewenangan, kewajiban, kendali atas proses, pelanggaran, hubungan kausal, dan alat bukti. Penelitian terdahulu mengidentifikasi berbagai tantangan dalam kepatuhan higiene, dokumentasi keamanan pangan, kapasitas pengawasan, dan koordinasi. Oleh karena itu, artikel ini mengusulkan Model Tata Kelola Keamanan Pangan Integratif SPPG Berbasis Bela Negara Nonmiliter (TKPI-BN). Model tersebut mengintegrasikan standar hukum nasional, pengendalian risiko, partisipasi masyarakat, kearifan lokal yang tervalidasi, dan mekanisme pertanggungjawaban. Bela negara nonmiliter dipahami sebagai orientasi pelayanan publik konstitusional, bukan dasar untuk membatasi hak penerima manfaat atau menggantikan unsur-unsur hukum pertanggungjawaban.

Kata Kunci: Keamanan Pangan, Satuan Pelayanan Pemenuhan Gizi (SPPG), Tanggung Jawab Negara, Bela Negara Nonmiliter, Pluralisme Hukum.

INTRODUCTION

Food is a basic human need directly related to the rights to life, health, and human resource quality. From a constitutional perspective, the state's obligation to guarantee such protection is grounded in Articles 28A, 28H(1), and 34(3) of the 1945 Constitution of the Republic of Indonesia. In line with the United Nations Committee on Economic, Social and Cultural Rights' General Comment No. 12, the fulfillment of the right to food encompasses the state's obligations to respect, protect, and fulfill the public's right to adequate, nutritious, and safe food.

The Free Nutritious Meal Program (Makan Bergizi Gratis/MBG) is a strategic government policy aimed at improving nutritional quality, particularly among its target beneficiaries. However, its success cannot be measured solely by the number of meals distributed; it must also be assessed in terms of food safety throughout the entire implementation chain. Presidential Regulation No. 115 of 2025 on the Governance of the Implementation of the MBG Program, together with legislation concerning food, health, and consumer protection, provides the regulatory foundation for the program. In its implementation, Nutrition Fulfillment Service Units (Satuan Pelayanan Pemenuhan Gizi/SPPG), suppliers, and partners are responsible for ensuring the safety of raw materials, sanitation, food processing, storage, distribution, and delivery to beneficiaries. Failure at any stage may create risks of contamination and foodborne illness.

The urgency of this issue is reinforced by several previous studies. Wahongan and Soputan (2016) and Pradhani (2021) emphasize the relevance of local wisdom and legal pluralism in food governance. Suprapto et al. (2025), Reza (2025), and Pramesthi et al. (2025) identify implementation challenges in food and nutrition programs, particularly concerning sanitation, distribution, food-handler competence, and food safety education. Meanwhile, Surendra et al. (2026) highlight problems in surveillance, supervision, and coordination in responding to food poisoning incidents. Khairunnissa et al. (2026) identify persistent gaps in food safety knowledge and practices, while Jumantoro and Fahamsyah (2026) examine the legal liability of MBG program operators. These findings indicate that food safety requires not only stronger technical standards but also improved governance and clear legal accountability.

In addition to constituting a legal obligation, food safety assurance can be understood as a contribution to non-military state defense. From the perspective of national resilience, protecting public health and improving human resource quality are integral to strengthening national capacity. Furthermore, legal pluralism and local wisdom have the potential to support the utilization of local food resources, strengthen regional supply chains, and encourage community participation. Nevertheless, local practices must continue to comply with food safety standards and public health protection requirements under positive law.

Based on the existing literature, a research gap remains because previous studies have tended to examine food safety, program implementation, local wisdom, and legal liability

separately. Empirical findings concerning supervision, implementation capacity, and incident response have also not been fully integrated with the construction of the legal obligations of the state, SPPG operators, suppliers, and partners. In addition, changes to the regulatory framework through Presidential Regulation No. 115 of 2025 and Government Regulation No. 1 of 2026 require an analysis of the relationship between general food safety standards and the specific governance framework of the MBG program. Accordingly, this study introduces a novel contribution by developing the Integrative Food Safety Governance Model for SPPG Based on Non-Military State Defense (TKPI-BN), which connects the state's constitutional obligations, the legal liability of relevant actors, risk-based supervision, legal pluralism, and local wisdom. This model is expected to strengthen beneficiary protection while supporting national resilience.

Food safety is also related to non-military state defense. Article 27(3) of the 1945 Constitution affirms the rights and obligations of citizens in efforts to defend the state, while Article 30(1) regulates citizens' rights and obligations in national defense and security. Law No. 3 of 2002 on State Defense recognizes citizen participation in the implementation of national defense in accordance with applicable legal provisions. In this article, non-military state defense is narrowly understood as an orientation of public service through the fulfillment of constitutional obligations and contributions to national resilience. Ensuring safe food for children and vulnerable groups can support human resource quality; however, this concept must not be used as a slogan to obscure governance failures or transfer the state's responsibilities to the public.

Another relevant social dimension is legal pluralism and local wisdom. Community food practices are shaped by state law, customary norms, religious values, social customs, and local knowledge concerning food ingredients and preparation methods. Pradhani (2021) positions customary law as a dynamic normative order that interacts with national law and other normative systems.

Wahongan and Soputan (2016) emphasize the importance of culture and local wisdom in supporting food safety and consumer protection, while Pradhani (2021) explains the interaction between customary law and national law from the perspective of legal pluralism. Furthermore, Suprapto et al. (2025) identify challenges in MBG implementation, particularly concerning food safety, logistical distribution, and regulatory consistency. Reza (2025) highlights the importance of sanitation and hygiene certification, food temperature control, food safety testing, and improving the competence of food handlers. Through an evaluation of the School Children's Nutrition Program (Program Gizi Anak Sekolah/ProGAS), Pramesthi et al. (2025) identify improvements in dietary diversity, handwashing habits, and nutritional knowledge, although supervision and education require further strengthening. Meanwhile, Surendra et al. (2026) identify food poisoning risks, surveillance limitations, and supervisory and coordination challenges. Khairunnissa et al. (2026) demonstrate that public knowledge and food safety practices have not fully reached the 80% benchmark. Jumantoro and Fahamsyah (2026), meanwhile, examine the legal liability of MBG program operators toward beneficiaries in cases of mass food poisoning. Overall, these studies provide an important foundation concerning food safety, nutritious meal program implementation, supervision, public behavior, and operator accountability.

Based on previous studies, a research gap exists in the absence of an integrated analytical framework combining the state's constitutional obligations, the legal liability of SPPG operators, non-military state defense, legal pluralism, and local wisdom in the context of MBG food safety. The empirical gap is reflected in the lack of integration between findings concerning supervision, institutional capacity, food safety practices, and inter-actor coordination and the construction of legal accountability in program implementation. Accordingly, this study introduces a novel contribution through the development of the Integrative Food Safety Governance Model for SPPG Based on Non-Military State Defense (TKPI-BN). This model integrates state obligations, the legal liability of program operators, risk-based supervision, legal pluralism, and local wisdom to protect beneficiaries while strengthening national resilience.

For example, Khairunnissa et al.'s (2026) KAP study indicates that knowledge and practice scores have not reached the 80% benchmark. A study of school food service providers involving 138 units (2024) identified non-compliance with several Good Manufacturing Practices (GMP), Good Hygiene Practices (GHP), and Hazard Analysis and Critical Control Point (HACCP) documentation standards. Meanwhile, Surendra et al. (2026) identify challenges in surveillance and response within the MBG program. However, these findings do not, by themselves, explain how legal obligations should be allocated among the National Nutrition Agency (Badan Gizi Nasional/BGN), health agencies, local governments, SPPG operators, suppliers, and partners according to their respective authority and control over risks. This article does not claim to independently examine field conditions; rather, the empirical gap is used to identify implementation problems documented in previous studies that require normative legal analysis.

Third, a legal gap exists. Following the enactment of Presidential Regulation No. 115 of 2025 and Government Regulation No. 1 of 2026, an integrated interpretation of the general food safety framework and the specific MBG regulatory framework is required. The legal question is not merely whether standards are available, but how these standards are translated into operational obligations, supervision, accountability, and remedial mechanisms. The novelty of this article lies in its integrative model, which positions food safety as both a legal obligation and a practice of constitutional service, with legal pluralism and local wisdom serving as social reinforcement while remaining subject to food safety standards.

Accordingly, this study focuses on analyzing the position of food safety in the Free Nutritious Meal Program (MBG) as a manifestation of non-military state defense from the perspectives of law and national resilience; constructing the legal obligations and liabilities of the state, SPPG operators, suppliers, and partners in ensuring food safety; and integrating legal pluralism and local wisdom into food safety governance without undermining legal certainty or public health protection standards. Through this analysis, the study is expected to make a theoretical contribution by connecting the right to food, legal pluralism theory, and risk governance. It also offers a practical contribution in the form of a framework to clarify standards, coordination, supervision, and remedial mechanisms in SPPG operations to ensure food safety and strengthen national resilience.

RESEARCH METHODS

This study constitutes normative legal research (doctrinal legal research), which examines positive legal norms, principles, concepts, and doctrines to address legal issues and formulate legal prescriptions. This study does not employ interviews, observations, surveys, or field data collection. Empirical data cited in the discussion are derived from previous studies and are used as evaluative context rather than as primary data for this research.

The approaches employed consist of: (1) the statutory approach, which examines the 1945 Constitution, the Food Law, the Health Law, the Consumer Protection Law, the State Defense Law, Government Regulation No. 86 of 2019 as amended by Government Regulation No. 1 of 2026, Presidential Regulation No. 83 of 2024, Presidential Regulation No. 115 of 2025, and relevant BGN technical policies; (2) the conceptual approach, which analyzes the right to food, state obligations, non-military state defense, legal pluralism, local wisdom, and risk governance; and (3) the analytical approach, which examines the relationships among authority, standards, obligations, risks, violations, causation, and forms of remedy.

Primary legal materials comprise relevant legislation and official decisions or guidelines. Secondary legal materials include books, scholarly journal articles, research reports, and academic publications from 2016 to 2026, while classical doctrines are retained where necessary to explain theoretical foundations. Tertiary legal materials are used to identify relevant terms and sources. The literature search focuses on the keywords food safety, school feeding, MBG, SPPG, food safety governance, state responsibility, legal pluralism, and local wisdom.

RESULTS AND DISCUSSION

1. Food Safety as a Constitutional Obligation of the State

Food safety in the MBG program must be understood as part of the fulfillment of the right to food and the right to health. Through General Comment No. 12, the United Nations Committee on Economic, Social and Cultural Rights develops three state obligations: to respect, protect, and fulfill the right to food. This framework positions the state not merely as a policymaker but also as a guarantor that third-party activities do not endanger public access to safe food.

In the context of MBG, the obligation to respect is reflected in procurement and distribution policies that do not create health risks. The obligation to protect is implemented through supervision of SPPG operators, suppliers, and partners. Meanwhile, the obligation to fulfill is realized through the provision of standards, facilities, resources, education, and incident management systems. Therefore, the involvement of private entities or partners does not eliminate the state's constitutional obligations.

The findings of Pramesthi et al. (2025), through their evaluation of ProGAS involving 454 students from 24 schools across four provinces, demonstrate improvements in dietary diversity, handwashing habits, and nutritional knowledge. However, the study also finds that nutritional education and implementation monitoring require further strengthening. These findings indicate that school meal programs can generate behavioral benefits, but their success depends on governance quality and supervision. Therefore, the success of MBG should be assessed not only in terms of distribution coverage but also in terms of safety, quality, nutritional adequacy, and beneficiary protection.

2. Non-Military State Defense and National Resilience

Food safety can be analyzed from the perspective of national resilience because public health and human resource quality are essential elements of the sustainability of national life. In this context, non-military state defense is not interpreted as a substitute for national defense obligations, but rather as a contribution through the fulfillment of constitutional responsibilities and the delivery of public services that protect citizens.

The safe implementation of MBG reflects the state's commitment to protecting children and vulnerable groups. Meanwhile, compliance by SPPG operators, suppliers, and partners with food safety standards constitutes a form of social and legal responsibility. Conversely, supervisory failures may result in health consequences, educational disruption, financial burdens, and declining public trust in program implementation. Thus, non-military state defense serves as an ethical orientation for MBG implementation, while the legal basis for sanctions remains grounded in applicable legislation.

3. Empirical Gaps and Food Safety Governance

Surendra, Sujagat, and Wangge (2026), in *The Lancet Regional Health – Southeast Asia*, documented 177 foodborne disease outbreak incidents affecting more than 20,000 schoolchildren as of December 31, 2025. Their study identified limitations in case detection, surveillance, local supervisory coordination, and incident response. The authors also emphasized the need for food safety control throughout the supply chain through HACCP implementation and time and temperature control.

These findings are consistent with the principles of Codex Alimentarius CXC 1-1969, which positions Good Hygiene Practices (GHP) and Hazard Analysis and Critical Control Point (HACCP) as evidence-based instruments for preventing food hazards. These findings demonstrate that the existence of regulations does not automatically ensure operational compliance. The principal challenge concerns how standards are implemented, supervised, documented, and followed up. Therefore, the empirical gap in this study does not indicate an absence of field research on MBG. Rather, it reflects the lack of integration between implementation findings and the construction of legal accountability for each actor. The analysis must examine the source of risks, the parties controlling the relevant processes, the obligations breached, the causal relationships, and the resulting forms of harm.

4. Construction of Legal Obligations and Liability

Legal liability in MBG implementation must be constructed based on the principles of legality, the allocation of authority, legal or contractual obligations, control over processes, violations, causal relationships, and evidence.

The state is responsible for regulation, guidance, coordination, and supervision within its respective authority. SPPG operators are responsible for operational processes under their control, while suppliers and partners are responsible for activities and obligations within the scope of their respective roles. Accordingly, the occurrence of food poisoning does not automatically establish the fault of all parties, but neither can it be used as a justification for eliminating the liability of parties whose negligence has been proven.

Operationally, HACCP principles provide a scientific basis for identifying hazards, determining critical control points, establishing control limits, conducting monitoring, and implementing corrective actions. These principles are relevant for assessing SPPG liability from raw material reception, storage, processing, packaging, and distribution.

Supplier documentation, storage temperatures, processing times, inspection results, and corrective actions serve as instruments of prevention as well as evidence of compliance. Meanwhile, suppliers must ensure that materials meet safety and quality specifications and provide traceability information in the event of an incident.

In cases involving harm, administrative, civil, and criminal liability must be distinguished according to their respective legal bases and elements. Administrative liability concerns violations of licensing obligations or standards. Civil liability requires a legal basis for responsibility, damage, and a causal relationship. Criminal liability may only be imposed when the required elements of a criminal offense and the applicable fault requirements have been proven. Victim recovery, medical examination, sample preservation, investigation, and prevention of recurrence must form part of the accountability system.

5. Legal Pluralism and Local Wisdom

Legal pluralism explains that community life is influenced not only by state law but also by customary norms, social practices, values, and rules developed within communities. Through the concept of the *semi-autonomous social field*, Sally Falk Moore explains that social groups possess the capacity to establish rules and compliance mechanisms while continuing to interact with broader legal systems.

Sally Engle Merry also positions legal pluralism as a condition in which multiple normative orders coexist and interact within a single social space. This perspective is relevant to MBG because food selection, consumption patterns, preparation techniques, and supplier networks are often influenced by local knowledge and customs.

The studies of Wahongan and Soputan (2016) and Pradhani (2021) provide a foundation for understanding the relationship between local wisdom, customary law, and national law. In SPPG governance, local knowledge can be utilized to develop menus based on regional food resources, strengthen local suppliers, and improve community acceptance.

However, recognition of local wisdom does not imply an exemption from food safety standards. Every ingredient and food preparation technique must be scientifically validated in accordance with food science, nutritional requirements, hygiene standards, and applicable legal provisions. Thus, legal pluralism functions as a means of strengthening social participation, while state law remains the minimum standard for public health protection.

6. Reconstruction of the TKPI-BN Model

Based on normative analysis and previous studies, the Integrative Food Safety Governance Model for SPPG Based on Non-Military State Defense (TKPI-BN) is formulated through five pillars. First, regulatory harmonization and the allocation of authority to prevent overlapping responsibilities and supervisory gaps. Second, risk-based supervision through HACCP implementation, inspections, time and temperature control, and supplier audits. Third, the integration of scientifically validated local wisdom into menu development and supply chains. Fourth, participation and transparency through the involvement of schools, parents, beneficiaries, and communities in risk reporting. Fifth, accountability and remediation through

incident response procedures, investigations, victim protection, determination of liability, and corrective actions.

The TKPI-BN model constitutes a conceptual contribution of normative legal research rather than the result of empirical testing across all SPPG units. Its contribution lies in integrating the state's constitutional obligations, operational responsibilities, risk-based supervision, legal pluralism, and victim remediation into a single governance framework. Accordingly, this model may serve as a basis for developing operational guidelines and as an object for further empirical testing through comparative studies of SPPG units with different regional characteristics and institutional capacities.

CONCLUSION AND RECOMMENDATIONS

Food safety in the Free Nutritious Meal Program (MBG) constitutes a constitutional obligation of the state and a manifestation of non-military state defense through public health protection, human resource development, and the strengthening of national resilience. The legal liability of the state, SPPG operators, suppliers, and partners must be determined proportionately based on authority, obligations, control over risks, violations, causation, and damages, through administrative, civil, or criminal mechanisms in accordance with applicable legal provisions. The integration of legal pluralism and local wisdom can support food diversification and community participation, provided that such practices are scientifically validated and comply with food safety standards. On this basis, this study proposes the Integrative Food Safety Governance Model for SPPG Based on Non-Military State Defense (TKPI-BN), which encompasses regulatory harmonization, risk-based supervision, the integration of local wisdom, participation and transparency, and accountability and remediation. Its implementation requires stronger coordination among BGN, ministries and government agencies, and local governments; improved operational compliance among SPPG units through food chain control, food-handler competence, documentation, and supplier traceability; and community involvement in supervision without transferring the responsibilities of the state and program operators. Furthermore, the TKPI-BN model requires empirical testing through comparative research involving several SPPG units, using indicators such as compliance with standards, facility readiness, supervisory coordination, complaint handling, and the effectiveness of remedial mechanisms.

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