

FROM THE DINNER TABLE TO THE GREEN TABLE: LEGAL LIABILITY OF BUSINESS ACTORS FOR FOOD POISONING CASES IN INDONESIA: A CONSUMER PROTECTION PERSPECTIVE

¹I Nyoman Arya Wira Temaja*

¹Faculty Of Law, Universitas Udayana

Corresponding Author:

Wiratemaja26@gmail.com

To Cite This Article :

FROM THE DINNER TABLE TO THE GREEN TABLE: LEGAL LIABILITY OF BUSINESS ACTORS FOR FOOD POISONING CASES IN INDONESIA: A CONSUMER PROTECTION PERSPECTIVE (I. N. A. W. Temaja, Trans.). (2026). Journal of Advance Research in Social Science and Humanities (ISSN 2208-2387), 12(4), 13-20. <https://doi.org/10.61841/nn-ssh-12-4-53>

ABSTRACT

Food poisoning cases in Indonesia remain a recurring issue that adversely affects consumers' health, safety, and legal interests. This condition highlights the importance of the legal responsibility of business actors in ensuring food safety as an essential component of consumer protection. This study aims to examine and analyze the forms of legal liability of business actors in food poisoning cases and the legal sanctions imposed under Indonesian positive law. This research employs a normative juridical legal approach using the statute approach, conceptual approach, and case approach. The legal materials consist of primary, secondary, and tertiary legal sources collected through library research and analyzed qualitatively using descriptive, systematic, and prescriptive methods. The findings indicate that business actors bear legal responsibility when the food products they produce or distribute cause food poisoning to consumers. Such liability includes civil liability through compensation, administrative responsibility, and criminal liability as regulated under Law Number 8 of 1999 concerning Consumer Protection, Law Number 18 of 2012 concerning Food, Law Number 17 of 2023 concerning Health, and the Indonesian Criminal Code. The regulation of legal sanctions is intended to provide legal certainty, protect consumers' rights to safe food, and uphold justice through law enforcement that reflects human rights principles. Therefore, compliance with food safety standards by business actors constitutes a fundamental requirement for ensuring consumer protection and preventing the recurrence of food poisoning cases in Indonesia.

KEYWORDS: Legal Liability, Business Actors, Food Poisoning, Consumer Protection, Food Safety.

INTRODUCTION BACKGROUND

Food is a basic human need that plays a vital role in ensuring the survival, health, and well-being of the community. Everyone has the right to access food that is safe, high-quality, nutritious, and safe from harm to health, as guaranteed by the 1945 Constitution of the Republic of Indonesia. Throughout its development, increasing economic activity and the growth of the culinary business sector have made a positive contribution to the national economy. Various forms of food businesses, from restaurants¹, catering, micro, small, and medium enterprises (MSMEs), to large-scale food industries, continue to grow in line with the increasing public demand for ready-to-eat food products. However, behind this development, serious problems still frequently occur, namely cases of food poisoning that result in both material and immaterial losses for consumers.

Food poisoning cases in Indonesia remain a recurring problem and have not been fully minimized. Almost every year, the public is faced with various food poisoning incidents occurring at schools, celebrations, restaurants, catering services, and even packaged food products on the market. The impacts are not limited to minor health problems such as nausea, vomiting, and diarrhea, but in some cases can lead to intensive care and even death. This phenomenon demonstrates that food safety remains a major challenge in Indonesia's consumer protection system.

Various factors contribute to food poisoning, including poor hygiene standards in the production process, the use of expired raw materials, contamination by bacteria, viruses, and hazardous chemicals, and a lack of oversight of food distribution and storage. Furthermore, some businesses ignore the precautionary principle in order to gain greater economic profits. The use of inappropriate food additives, unhygienic food storage, and weak enforcement of food safety standards are all forms of negligence that have the potential to harm consumers. In this context, businesses have a legal responsibility to ensure that the food they produce and market is safe for consumption.

As a nation governed by the rule of law, Indonesia has various legal regulations governing food safety and consumer protection. Law Number 8 of 1999 concerning Consumer Protection guarantees consumers' rights to obtain comfort, security, and safety when consuming goods and/or services. Furthermore, business actors are required to act in good faith in carrying out their business activities and are responsible for any losses experienced by consumers resulting from the goods they produce or trade. Furthermore, Law Number 18 of 2012 concerning Food also stipulates that distributed food must meet safety, quality, and nutritional standards to ensure it is suitable for public consumption. These provisions are reinforced through various technical regulations issued by the Food and Drug Monitoring Agency (BPOM) and the Ministry of Health concerning food hygiene and sanitation standards.

Despite the existence of a regulatory framework, law enforcement against businesses responsible for food poisoning continues to face various obstacles. In practice, not all food poisoning cases result in legal proceedings that provide a deterrent effect for businesses. Most resolutions are limited to compensation, amicable compensation, or administrative sanctions in the form of warnings and revocation of business licenses. However, if food poisoning occurs due to negligence or even intentional misconduct resulting in serious injury or death, businesses can be held criminally liable under the provisions of the Criminal Code (KUHP) and other laws and regulations. This situation demonstrates the continuing gap between applicable legal norms and their implementation in the field.²

The legal liability of business actors in food poisoning cases is not only limited to civil aspects in the form of compensation to victims, but also encompasses administrative and criminal aspects. From a criminal law perspective, a person can be held accountable if proven to have committed an unlawful act that fulfills the elements of a crime and contains an element of fault in the form of intent (*dolus*) or negligence (*culpa*). In cases of food poisoning, the element of negligence is often the basis for determining whether a business actor can be punished. For example, a business actor who knows that food is spoiled but continues to process and sell it to consumers, or fails to implement established sanitation standards, resulting in food contamination. These actions demonstrate a disregard for the legal obligation to protect consumer safety.

On the other hand, the development of the digital-based culinary industry through online food ordering services also presents new challenges in determining legal liability. Legal relationships involving businesses, digital platforms, delivery services, and consumers often raise questions about who should be held responsible in the event of food poisoning. The complexity of these legal relationships requires legal certainty regarding the limits of each party's responsibilities to ensure consumer rights are protected. Therefore, a more comprehensive study is needed regarding the concept of legal liability for businesses in the face of evolving food business models in the digital era.

Furthermore, growing public awareness of their rights as consumers also emphasizes the importance of effective law enforcement. Consumers no longer simply demand reimbursement for medical expenses, but also expect legal certainty through sanctions against negligent businesses. Strict law enforcement is expected to have a deterrent effect and encourage

¹Prasetya, NE and Hakim, AR, 2025. Consumer Protection against Health Losses Due to Food Poisoning from Grilled Meatballs Reviewed from Law Number 8 of 1999 concerning Consumer Protection. *Lex Generalis Law Journal* , 6 (4).

²Dewi, S. and Febrina, RFR, 2025. Legal protection for consumers who use styrofoam food based on Law Number 8 of 1999 concerning Consumer Protection. *Proceedings of Islam and Science* , 1 (1), pp.16-34.

businesses to improve food safety standards. Furthermore, the government, as the regulator, has a responsibility to strengthen the oversight system for food production, distribution, and circulation to prevent potential food poisoning early.³

The issue of legal liability of business actors in food poisoning cases is becoming increasingly important to study because it concerns the protection of human rights, particularly the right to health and the right to a sense of safety in consuming food. Research on the aspect of legal liability is also expected to contribute to the development of national legal policy, particularly in strengthening coordination between law enforcement officials, the BPOM (National Agency of Drug and Food Control), local governments, and consumer protection agencies. With clear legal certainty, it is hoped that a balance will be created between the interests of business actors in carrying out economic activities and the interests of consumers in obtaining legal protection.

Based on the above description, it can be understood that food poisoning cases are not only a public health issue, but also a legal issue that requires serious attention. The existence of various regulations does not fully guarantee consumer protection if not accompanied by consistent and effective law enforcement. Therefore, this study is important to examine in depth the form of legal liability of business actors for food poisoning cases in Indonesia, both viewed from the aspects of criminal law, civil law, and administrative law. Through this study, entitled "From the Dining Table to the Green Table: Legal Liability of Business Actors for Food Poisoning Cases in Indonesia," it is hoped that a comprehensive understanding of the basis for legal liability of business actors, the mechanism of law enforcement, as well as recommendations that can strengthen legal protection for consumers and encourage the creation of a more effective food safety system in Indonesia can be obtained.

FORMULATION OF THE PROBLEM

1. What is the form of legal responsibility of business actors for food poisoning cases according to the consumer protection law in Indonesia?
2. How is the right to a healthy life regulated according to Indonesian legal regulations?

RESEARCH PURPOSES

1. To study and analyze the forms of legal responsibility of business actors for food poisoning cases according to the Consumer Protection Law in Indonesia.
2. To study and analyze the regulation of the right to a healthy life according to Indonesian legal regulations.

RESEARCH METHODS

This research is a normative juridical legal research that focuses on the study of legal norms, principles, and doctrines to analyze the form of legal liability of business actors in cases of food poisoning as well as the regulation of legal sanctions against business actors who cause food poisoning according to positive law in Indonesia. Normative legal research was chosen because this research aims to examine the provisions of laws and regulations that regulate the responsibilities of business actors and legal protection for consumers without conducting field research.

The approaches used in this research include the statute approach, the conceptual approach, and the case approach. The statute approach is used to examine various laws and regulations related to food safety, consumer protection, and the legal liability of business actors. The conceptual approach is used to examine legal concepts regarding legal liability, criminal liability, civil liability, consumer protection, food safety, and legal sanctions against business actors. The case approach is used to analyze several court decisions and relevant food poisoning cases as material in understanding the application of legal norms regarding the liability of business actors.⁴

The legal sources in this study consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, the Criminal Code, the Civil Code, Law Number 8 of 1999 concerning Consumer Protection, Law Number 18 of 2012 concerning Food, Law Number 17 of 2023 concerning Health, and implementing regulations relating to food safety, hygiene, sanitation, and food supervision issued by the government and the Food and Drug Supervisory Agency (BPOM). Secondary legal materials consist of books, scientific journals, articles, research results, expert opinions, and literature discussing criminal law, consumer protection law, health law, and food law. Tertiary legal materials include legal dictionaries, encyclopedias, and various other reference sources that support the research.

The collection of legal materials was conducted through library research by reviewing various literature, legal documents, court decisions, and laws and regulations relevant to the research object. All collected legal materials were then analyzed qualitatively using descriptive, systematic, and prescriptive methods. Descriptive analysis was conducted to outline the legal provisions governing the liability of business actors in cases of food poisoning. Systematic analysis was conducted by connecting various related laws and regulations to obtain a complete understanding of the regulation of legal responsibility and sanctions for business actors. Furthermore, prescriptive analysis was used to provide legal arguments

³Razin, MA, 2020. *Legal Protection of Consumers Against Elementary School Children's Snacks That Use Dangerous Additives Sold on the Roadside Based on Law Number 8 of 1999 Concerning Consumer Protection* (Doctoral dissertation, Riau Islamic University).

⁴ *Ibid*.

and recommendations regarding the form of legal liability and the regulation of sanctions for business actors who cause food poisoning in order to realize legal protection for consumers and legal certainty in the Indonesian legal system.⁵

DISCUSSION

FORMS OF LEGAL RESPONSIBILITY OF BUSINESS ACTORS FOR FOOD POISONING CASES ACCORDING TO THE CONSUMER PROTECTION LAW IN INDONESIA

Consumer protection is one form of state guarantee in realizing legal certainty and providing a sense of security for the public in obtaining goods and/or services that are fit for consumption. In the context of food circulation, every business actor has an obligation to ensure that the food produced, processed, marketed, and distributed meets the safety, quality, and health standards as stipulated in laws and regulations. However, in practice, cases of food poisoning are still frequently found caused by negligence or deliberate actions of business actors, whether due to the use of unsuitable raw materials, unhygienic processing, or food storage that does not comply with food safety standards. These conditions not only cause economic losses for consumers, but can also threaten health and even life safety. Therefore, Law Number 8 of 1999 concerning Consumer Protection (hereinafter referred to as UUPK) provides a clear legal basis regarding the form of responsibility of business actors for losses experienced by consumers.

Essentially, the legal relationship between businesses and consumers is based on the principle of a balance of rights and obligations. Consumers have the right to obtain goods that are safe and suitable for use, while businesses are obligated to guarantee the quality and safety of the goods they sell. This principle is reflected in Article 4 letter a of the Consumer Protection Law, which states that consumers have the right to comfort, security, and safety when consuming goods and/or services. This provision demonstrates that food safety is a fundamental consumer right that must be fulfilled by every business actor. Therefore, if a consumer experiences food poisoning as a result of consuming a product marketed by a business actor, it constitutes a violation of consumer rights guaranteed by law.

These consumer rights are balanced with the obligations of business actors as stipulated in Article 7 of the Consumer Protection Law, which requires business actors to act in good faith in carrying out their business activities, provide correct, clear, and honest information regarding the condition of the goods, guarantee the quality of the goods produced and traded based on applicable standards, and provide compensation or redress if the goods traded cause harm to consumers. These provisions indicate that the responsibility of business actors does not only stop when the goods are successfully marketed, but also includes all legal consequences arising from the use of these goods. Therefore, if marketed food causes poisoning, business actors in principle cannot escape legal responsibility simply by reason of not knowing about the contamination or damage to the product.

In addition to regulating the obligations of business actors, the UUPK also provides limitations regarding actions that are prohibited from being carried out by business actors. Article 8 paragraph (1) letter a of the UUPK prohibits business actors from producing or trading goods that do not meet or are not in accordance with the standards required by statutory regulations. Furthermore, Article 8 paragraph (1) letter g prohibits business actors from trading goods that do not include correct information regarding the condition of the goods, while letter i prohibits trading damaged, defective, contaminated, or used goods without providing complete information to consumers. In the context of food poisoning, these provisions serve as the legal basis that food that has been contaminated with bacteria, dangerous chemicals, or expired food ingredients may not be distributed to the public. Violation of these provisions is a form of unlawful act that can give rise to legal responsibility for business actors.

The main form of responsibility regulated in the Consumer Protection Law is responsibility in the form of providing compensation to consumers. This is expressly regulated in Article 19 paragraph (1) of the Consumer Protection Law, which states that business actors are responsible for providing compensation for damage, pollution, and/or consumer losses resulting from consuming traded goods and/or services. This compensation can be in the form of a refund, replacement of goods of the same type or equivalent value, health care costs, or the provision of compensation in accordance with the provisions of laws and regulations as regulated in Article 19 paragraph (2). In cases of food poisoning, the most relevant form of compensation is reimbursement of medical costs, medical care, compensation to victims, and compensation for material and immaterial losses suffered by consumers.⁶

Furthermore, Article 19 paragraph (3) of the Consumer Protection Law stipulates that compensation must be provided within a maximum period of seven days after the transaction date. This provision indicates that consumer dispute resolution is in principle prioritized through the rapid restoration of the victim's rights without having to wait for a court decision. However, Article 19 paragraph (4) emphasizes that the provision of compensation does not eliminate the possibility of criminal charges if there is evidence of fault on the part of the business actor. Thus, civil liability and criminal liability can run concurrently if the business actor's actions fulfill the elements of a criminal act.

⁵ Ibid .

⁶Razin, MA, 2020. *Legal Protection of Consumers Against Elementary School Children's Snacks That Use Dangerous Additives Sold on the Roadside Based on Law Number 8 of 1999 Concerning Consumer Protection* (Doctoral dissertation, Riau Islamic University).

In addition to resolving the dispute through compensation, the Consumer Protection Act also provides consumers with the right to take legal action if a business actor refuses or fails to fulfill its obligations. Article 23 of the Consumer Protection Act provides consumers with the right to file a lawsuit through the Consumer Dispute Resolution Agency (BPSK) or the district court if the business actor refuses to provide compensation as referred to in Article 19. This provision guarantees that consumers have access to a simple, fast, and low-cost dispute resolution mechanism. In cases of food poisoning, lawsuits can be filed individually or through a class action *if* the number of victims is large enough and they have similar legal facts.

In addition to civil liability, the Consumer Protection Act also regulates criminal sanctions for business actors who violate provisions regarding product safety. Article 62 paragraph (1) of the Consumer Protection Act states that business actors who violate the provisions as referred to in Article 8 shall be subject to a maximum prison sentence of five years or a maximum fine of IDR 2,000,000,000.00 (two billion rupiah). This provision shows that the state provides strong protection for consumer rights by criminalizing the actions of business actors who trade goods that do not meet safety standards. If food poisoning occurs because the food traded is proven to be contaminated or does not meet health standards, then the business actor can be held criminally responsible in addition to remaining obliged to provide compensation to the victim.

Upon further examination, the form of accountability in the Consumer Protection Law essentially adheres to the principle of presumption of liability. This means that business actors are essentially considered responsible for losses experienced by consumers until they can prove that the loss was not caused by their fault. This principle is a form of legal protection that favors consumers because in practice, consumers are often in a weaker position than business actors, especially when it comes to proving errors in the food production process. Therefore, the burden of proof in consumer protection disputes does not fall entirely on consumers; rather, it is also the responsibility of business actors to prove that the products they sell meet safety standards.

This view is in line with the legal liability theory *put* forward by Hans Kelsen, who states that legal liability is a normative consequence arising from violations of legal obligations established by statutory regulations. According to Kelsen, a person is legally responsible if he or she can be subject to sanctions for actions that violate legal norms. In the context of food poisoning, business actors who trade unsafe food have violated legal obligations as stipulated in the Consumer Protection Law and are therefore obliged to bear the consequences in the form of compensation or criminal sanctions. This opinion is supported by Shidarta, who states that the responsibility of business actors in consumer protection law is a legal instrument to create a balance between the interests of business actors and consumer rights, so that any losses arising from traded products must be recovered through a fair accountability mechanism. Thus, the form of legal liability of business actors in cases of food poisoning according to the Consumer Protection Law is not only oriented towards imposing sanctions on business actors, but also aims to provide maximum protection to consumers, ensure legal certainty, and encourage the creation of a responsible business culture that prioritizes food safety as part of the basic rights of every citizen.⁷

THE RIGHT TO A HEALTHY LIFE AGAINST FOOD POISONING SEEN FROM A HUMAN RIGHTS PERSPECTIVE

The right to a healthy life is an inseparable part of human rights guaranteed and protected by the state. This right is not only interpreted as the right of every individual to be free from disease, but also includes the right to a healthy environment, adequate health services, and safe food for consumption. In the context of a state governed by the rule of law, fulfilling the right to health is a constitutional obligation that must be realized through policies, regulations, and law enforcement that can protect the public from various threats to health, including threats originating from unsafe food. The frequent cases of food poisoning in Indonesia indicate that the fulfillment of the right to a healthy life has not been fully implemented optimally. These incidents not only result in physical and economic losses for victims, but also constitute a violation of human rights because people are deprived of the right to access food that is safe and does not endanger health.

The right to health in the Indonesian legal system is constitutionally guaranteed through Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that *everyone has the right to live in physical and spiritual prosperity, to have a place to live, to have a good and healthy living environment and to receive health services*. This provision shows that the state recognizes health as a fundamental right of every citizen. The scope of the right to health is not limited to access to health care facilities, but also includes preventive efforts to prevent the emergence of diseases due to the consumption of food that does not meet safety standards. Thus, safe food is one of the main prerequisites in realizing the right to a healthy life as guaranteed in the constitution.

Food poisoning is a medical condition that occurs due to the entry of pathogenic microorganisms, biological toxins, hazardous chemicals, or other substances that harm the body through food or drink. The effects can include nausea, vomiting, diarrhea, dehydration, organ damage, and even death if not promptly treated. From a human rights perspective, food poisoning is not merely seen as a public health issue, but also as a failure to fulfill everyone's basic right to safe food. When someone experiences health problems due to food produced or sold by a business actor, their constitutional right to

⁷Anita, Y., 2022. *Responsibilities of Business Actors to Consumers Regarding the Use of Clothing Dyes in Food in Pekanbaru City Based on Law Number 8 of 1999 Concerning Consumer Protection* (Doctoral dissertation, Riau Islamic University).

health has been violated. This situation becomes even more serious when poisoning occurs on a mass scale, such as at school catering events, restaurants, celebrations, or food products marketed widely to the public.⁸

The right to safe food is also recognized in various international human rights instruments. Article 25 paragraph (1) of the 1948 Universal Declaration of Human Rights (UDHR) affirms that everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food. This provision is further reinforced in Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which recognizes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Indonesia has ratified the ICESCR through Law Number 11 of 2005, thus obligating the state to take the necessary steps to prevent disease, improve public health, and ensure food safety. Therefore, efforts to prevent food poisoning are not only a public health policy, but also a form of implementing the state's obligations in fulfilling its commitment to protecting human rights.

The guarantee of the right to health is also regulated in Law Number 39 of 1999 concerning Human Rights. Article 9 paragraph (3) states that everyone has the right to a good and healthy living environment. The meaning of a healthy living environment is not only limited to the quality of air and water, but also includes the safety of food consumed by the community. Food that is produced without regard to hygiene standards, uses hazardous materials, or has been contaminated with bacteria is part of the environment that can threaten human health. Therefore, every case of food poisoning is essentially a form of disruption to the community's right to enjoy a healthy living environment as guaranteed in the Human Rights Law.

Food safety is also guaranteed in Law Number 18 of 2012 concerning Food. Article 67 stipulates that food safety is implemented to prevent food from possible biological, chemical, or other contamination that could disrupt, harm, or endanger human health. This norm indicates that food circulating in the community must meet safety standards before consumption. Food poisoning caused by food contaminated with *Salmonella bacteria*, *Escherichia coli*, or chemicals such as formalin and borax is evidence that the obligation to maintain food safety is not being carried out optimally. As a result, the public loses the right to obtain safe food as guaranteed by laws and regulations.

The right to health is also protected through Law Number 17 of 2023 concerning Health, which affirms that everyone has the right to obtain the highest level of health through promotive, preventive, curative, rehabilitative, and palliative efforts. In the context of food poisoning, protection of the right to health is not sufficient through medical services after the victim is poisoned, but must begin at the prevention stage through monitoring the production, distribution, and distribution of food. This preventive approach implements the principle of respecting, protecting, and fulfilling human rights, which is the state's obligation.

Food poisoning is also closely related to consumer rights as stipulated in Article 4 letter a of Law Number 8 of 1999 concerning Consumer Protection, which grants consumers the right to comfort, security, and safety in consuming goods and/or services. This right is a manifestation of the right to health in the field of consumer protection. When the food consumed actually causes illness, the business actor has violated consumer rights and interfered with the fulfillment of the human right to health. Therefore, consumer protection regarding safe food cannot be separated from the protection of human rights.

From a human rights perspective, state obligations encompass three main dimensions: the obligation to respect, protect, and fulfill the right to health. The obligation to respect means that the state must not implement policies that reduce public access to safe food. The obligation to protect requires the state to monitor businesses to prevent them from producing or trading food that endangers public health. The obligation to fulfill requires the state to establish regulations, provide a food monitoring system, educate the public, and ensure the availability of legal mechanisms in the event of violations of the right to health due to food poisoning. These three obligations are interrelated in creating an effective human rights protection system.

A human rights perspective holds that responsibility for food poisoning lies not only with businesses but also with the state, as the primary duty bearer in ensuring the fulfillment of public rights. The state must ensure that all food safety regulations are consistently implemented through supervision, guidance, and law enforcement against businesses that violate the provisions. Optimal oversight can minimize the risk of food poisoning, effectively protecting the public's right to health.⁹

The human rights theory put forward by John Locke states that the right *to life* is a natural right inherent in every human being from birth and cannot be revoked by anyone. This right to life will not be realized without guarantees of health and food safety. Therefore, any action that causes someone to lose their health due to unsafe food is a form of violation of natural human rights. This opinion is in line with the theory of legal protection from Philipus M. Hadjon, who explains

⁸Siska, F., Sahindra, R. and Caniago, H., 2026. ANALYSIS OF THE INCREASE IN FOOD POISONING CASES IN INDONESIA AND THE URGENCY OF TIGHTENING LEGAL SANCTIONS AGAINST FOOD BUSINESS ACTORS. *I'tiqadiah: Journal of Law and Sharia Sciences*, 3 (2), pp.131-144.

⁹Riyanto, OS and Sinaga, MRE, 2025. Enforcing children's rights to safe and healthy food: A case study of poisoning in a free nutritious meal program reviewed from the perspective of state responsibility. *Juris Humanity: Journal of Research and Study of Human Rights Law*, 4 (1), pp.1-10.

that legal protection is an effort to provide protection for the rights of citizens to avoid harmful actions. In the context of food poisoning, legal protection is realized through the establishment of regulations regarding food safety, supervision of business actors, the imposition of sanctions for violations, and the restoration of victims' rights through legal accountability mechanisms. Thus, the right to a healthy life from a human rights perspective is not only a right that must be recognized normatively, but must also be realized through a legal system that is able to guarantee that everyone receives safe, healthy, and consumable food as part of protecting human dignity.¹⁰

CLOSING CONCLUSION

The legal liability of business actors for food poisoning cases under positive law in Indonesia is essentially a legal consequence of violations of the legal obligation to guarantee consumer safety and security. Law Number 8 of 1999 concerning Consumer Protection comprehensively regulates consumers' rights to obtain comfort, security, and safety in consuming goods and the obligation of business actors to produce and trade food that meets safety standards. If the food traded causes poisoning, the business actor is obliged to be accountable for its actions by providing compensation in the form of a refund, replacement of goods, health care costs, or compensation to the victim. This liability does not eliminate the possibility of criminal sanctions if there is evidence of an element of error in producing or trading food that does not meet safety standards. Thus, the accountability system in consumer protection law is not only oriented towards recovering victims' losses, but also ensures legal certainty and protection of consumer rights.

The legal sanctions against business actors who cause food poisoning are regulated in various positive legal provisions, particularly Law Number 8 of 1999 concerning Consumer Protection, which provides administrative, civil, and criminal sanctions for violations of business actors' obligations. These regulations are reinforced by Law Number 18 of 2012 concerning Food, Law Number 17 of 2023 concerning Health, and provisions in the Criminal Code that can be applied if food poisoning results in serious injury or death. From a human rights perspective, food poisoning constitutes a violation of the right to health and the right to obtain safe food as guaranteed by the 1945 Constitution of the Republic of Indonesia and various human rights instruments. Therefore, the enforcement of legal sanctions against business actors is not only intended as a form of punishment, but also as an instrument for protecting human rights, preventing the recurrence of similar incidents, and realizing legal certainty and justice for the public as consumers.

SUGGESTION

1. The government needs to strengthen regulations and oversight of food safety through more optimal coordination between the Food and Drug Monitoring Agency (BPOM), the Ministry of Health, local governments, and related agencies in providing guidance, inspections, and supervision of food businesses. Furthermore, law enforcement mechanisms need to be strengthened against businesses selling food that does not meet safety standards so that administrative, civil, and criminal sanctions can be applied consistently in accordance with statutory provisions. Strengthening supervision and law enforcement is expected to provide legal certainty, increase business compliance, and prevent the recurrence of food poisoning cases that harm the public.
2. Businesses need to improve compliance with laws and regulations regarding food safety and consumer protection by implementing hygiene and sanitation standards at every stage of food production, processing, storage, and distribution. Furthermore, businesses must prioritize due diligence and legal responsibility in carrying out their business activities by ensuring that every food product marketed meets safety, quality, and consumer suitability standards. This compliance not only aims to avoid legal sanctions but also demonstrates respect for consumers' rights to health, safety, and security as part of human rights protection.

BIBLIOGRAPHY

1. Siska, F., Sahindra, R. and Caniago, H., 2026. ANALYSIS OF THE INCREASE IN FOOD POISONING CASES IN INDONESIA AND THE URGENCY OF TIGHTENING LEGAL SANCTIONS AGAINST FOOD BUSINESS ACTORS. *I'tiqadiyah: Journal of Law and Sharia Sciences* , 3 (2), pp.131-144.
2. Anita, Y., 2022. *Responsibilities of Business Actors to Consumers Regarding the Use of Clothing Dyes in Food in Pekanbaru City Based on Law Number 8 of 1999 Concerning Consumer Protection* (Doctoral dissertation, Riau Islamic University).
3. Dewi, S. and Febrina, RFR, 2025. Legal protection for consumers who use styrofoam food based on Law Number 8 of 1999 concerning Consumer Protection. *Proceedings of Islam and Science* , 1 (1), pp.16-34.
4. IFTISAM, N. and Medik, TL, 2024. Identification of Formalin in Grilled Meatballs Sold Around the Youth Field, Bulukumba City in 2024. *TLM Blood Smear Journal* .
5. Prasetya, NE and Hakim, AR, 2025. Consumer Protection against Health Losses Due to Food Poisoning from Grilled Meatballs Reviewed from Law Number 8 of 1999 concerning Consumer Protection. *Lex Generalis Law Journal* , 6 (4).
6. Razin, MA, 2020. *Legal Protection of Consumers Against Elementary School Children's Snacks That Use Dangerous Additives Sold on the Roadside Based on Law Number 8 of 1999 Concerning Consumer Protection* (Doctoral dissertation, Riau Islamic University).

¹⁰IFTISAM, N. and Medik, TL, 2024. Identification of Formalin in Grilled Meatballs Sold Around the Youth Field, Bulukumba City in 2024. *TLM Blood Smear Journal* .

7. Riyanto, OS and Sinaga, MRE, 2025. Enforcing children's rights to safe and healthy food: A case study of poisoning in a free nutritious meal program reviewed from the perspective of state responsibility. *Juris Humanity: Journal of Research and Study of Human Rights Law* , 4 (1), pp.1-10.
8. Razin, MA, 2020. *Legal Protection of Consumers Against Elementary School Children's Snacks That Use Dangerous Additives Sold on the Roadside Based on Law Number 8 of 1999 Concerning Consumer Protection* (Doctoral dissertation, Riau Islamic University).
9. I Made Rai Buda Tantra Yoga Suarsawan, I Nyoman Prabu Buana Rumiarta, & Ni Putu Adhya Pradnyaswari. (2024). Analysis of Legal Protection for Consumers in Trading Through Electronic Systems Based on Minister of Trade Regulation Number 31 of 2023. *Focus Journal Law Review*, 4(2). . <https://doi.org/10.62795/fjl.v4i2.278>
10. I Gusti Ayu Putri Kartika. (2026). Environmental Law: A Perspective on Harmonizing Waste Management Regulations. *Focus Journal Law Review*, 6(1). <https://doi.org/10.62795/fjl.v6i1.445>
11. Rumiarta, I. N. P. B., & Jayantiari, I. G. A. M. R. (2023). The Fulfilling Right to Education for Rohingya Refugee Children in Indonesia. *The Age of Human Rights Journal*, 21, e7659. <https://doi.org/10.17561/tahrj.v21.7659>