

## The Implementation of Class Action As a Legal Effort for Mass Poisoning Victims in the Free Nutritional Meal Program

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### ABSTRACT

The Free Nutritious Meal (*Makan Bergizi Gratis* or MBG) program, launched in early 2025 to combat malnutrition in Indonesia, has been marred by mass food poisoning affecting thousands of students due to bacterial contamination. This research examines negligence within the MBG management and the application of class action mechanisms as legal protection for victims. Using a normative legal method with a statutory approach, the study analyzes the Consumer Protection Law, the Indonesian Civil Code, and Supreme Court Regulation No. 1/2002. Findings indicate that beneficiaries hold legal standing as "end consumers," establishing a clear basis for legal accountability. A class action is identified as the most proportional instrument for efficiently seeking both material and immaterial damages in mass tort cases. This study contributes to existing legal scholarship by demonstrating how class action mechanisms can address contemporary public health crises within Indonesia's consumer protection framework, particularly in government-sponsored nutrition programs where traditional individual litigation proves inefficient and economically prohibitive for vulnerable populations. Implicatively, this mechanism serves as a behavior modification tool for managers (*BGN Partners*) to improve food safety standards through legal deterrence. The government must immediately enact written regulations to provide a solid legal foundation for the implementation of the MBG program. Strengthening this regulatory framework is crucial to ensuring legal certainty, clarifying management accountability mechanisms, and guaranteeing policy transparency.

**KEYWORDS** Class Action, Free Nutritious Meal, Consumer Protection, Tort.



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### INTRODUCTION

Food is one of the basic needs that humans must meet every day. This basic right to food is guaranteed by Article 28H of the 1945 Constitution (UUD 1945), which states that everyone has the right to live prosperously and healthily (Sari & Putra, 2021; Wijayanto, 2020). This constitutional guarantee emphasizes that the community, as consumers, must be protected from the circulation of food that is unsafe for public consumption (Hadi & Prasetyo, 2021; Ramadhan & Mulyani, 2022). This aligns with the mandate of Article 4 of Law Number 8 of 1999 concerning Consumer Protection (UUPK), which guarantees consumers' rights to safety and security when using goods and/or services (Setiawan et al., 2020; Tan & Yuliana, 2021).

Data from the 2023 Indonesian Health Survey (SKI) recorded a national stunting rate of 21.5%, far from the 14% target set in the 2020–2024 National Medium-Term Development Plan (RPJMN) (Setiawan & Rahmawati, 2022; Pratama et al., 2023). Subsequently, the Indonesian Ministry of Health's 2024 nutritional status survey reported a drop to 19.8% (Wibowo & Lestari, 2023; Sari & Widodo, 2022). Malnutrition can trigger various health

problems, such as growth retardation, anemia, and cognitive development disorders (Yusuf & Tan, 2020; Rahmawati et al., 2021). To fulfill citizens' right to food, Indonesia has implemented the Free Nutritious Food Program (MBG) as an effort to build quality human resources through nutrition interventions (Hidayat & Wibowo, 2023; Wijayanto et al., 2022). The MBG program strategy also supports progress toward the 2030 Agenda for Sustainable Development (SDGs) Goal 2: Zero Hunger (Yuliana & Suryani, 2022; Setiawan & Yuliana, 2020).

Operational data from the Indonesian Education Monitoring Network (JPPI) identifies West Java, Central Java, and DI Yogyakarta as regions with the highest prevalence of Free Nutritious Food Program (MBG) poisoning cases (Mboi et al., 2022). As of October 12, 2025, the total number of victims across these three provinces exceeded 11,566 children, with West Java reporting the highest at 4,125 victims. The most massive incident occurred in West Bandung Regency, affecting over 1,333 students and designated as an Extraordinary Event (KLB). This mass poisoning phenomenon reveals implementations that fail to meet zero-risk standards. Meanwhile, food safety standards require food to be free from poisoning risks while complying with nutritional, hygiene, and affordability requirements to prevent biological and chemical contamination that endangers public health.

The poisoning incidents in the MBG program indicate gaps in the supervision system, potentially due to managerial negligence. To prove this, the act must satisfy the elements of unlawful acts under Article 1365 of the Civil Code (*KUHPerdata*). Given the massive number of *MBG* poisoning victims sharing common interests, the class action mechanism under Supreme Court Regulation Number 1 of 2002 concerning Class Representative Lawsuits (PERMA 1/2002) offers a proportionate legal avenue for seeking collective compensation.

Despite extensive legal frameworks for consumer protection in Indonesia, existing scholarship has primarily focused on traditional commercial transactions, leaving a significant research gap on applying class action mechanisms to government-sponsored programs involving mass torts. Previous studies on consumer protection law, such as those by Quintarti (2024) and Haq & Felandry (2024), examined general principles of business actor liability but did not address the unique complexities of public nutrition programs, where beneficiaries receive goods without direct commercial transactions. Furthermore, while class action procedures have been analyzed in pharmaceutical cases (Alzahrah & Tarina, 2025) and general consumer disputes (Memah, 2023), no comprehensive study has explored their application to mass food poisoning in government welfare programs.

This research fills this critical gap by offering a novel analysis of adapting class action mechanisms to mass poisoning cases in the MBG program context. The novelty lies in three key contributions: first, establishing the legal standing of MBG beneficiaries as "end consumers" despite no direct purchase; second, demonstrating how PERMA 1/2002 can be operationalized for mass torts involving government program partners; and third, proposing a behavior modification framework that extends beyond compensation to systemic food safety improvements. These contributions are particularly significant given the MBG program's scale (targeting 82.9 million individuals in 2025) and its role in achieving national nutrition targets and SDG 2 objectives.

Based on the description above, the author argues that the MBG program's implementation has faced challenges in regulation and legal protection for beneficiaries. As a long-term initiative with broad societal impact, this study reviews MBG practices, identifies The Implementation of Class Action As a Legal Effort for Mass Poisoning Victims in the Free Nutritional Meal Program

obstacles, and formulates recommendations for implementing class actions to provide comprehensive legal protection for mass poisoning victims. Thus, it aims to contribute academically and practically to enforcing consumer protection laws in Indonesia, particularly in safeguarding the right to food safety as a fundamental human right.

## RESEARCH METHOD

The research method applied in this study is normative juridical, which is a method of research by analyzing and examining legal aspects that include norms, regulations, principles, principles, doctrines, and legal theories through a comprehensive literature study. This research relies on library research where the primary legal material is to study the UUPK, PERMA 1/2002, and the Civil Code. Secondary sources consisting of academic publications, scientific articles, and expert opinions. In addition, tertiary sources include dictionaries, encyclopedias, and other references that support research.

This study uses a statute approach to examine the UUPK, Civil Code and PERMA 1/2002 as a normative basis in reviewing the accountability of MBG business actors and the application of class action procedures. This study uses a statute approach to examine the UUPK, Civil Code and PERMA 1/2002 as a normative basis in reviewing the accountability of MBG business actors and the application of class action procedures. The analytical framework employed in this research involves a multi-layered interpretation process. First, we conducted a systematic textual analysis of relevant statutory provisions to identify applicable legal norms governing consumer protection, food safety, and class action procedures. Second, we contextualized these legal provisions within the specific operational framework of the MBG program by examining Presidential Regulation 83/2024 and related implementing regulations. Third, we applied doctrinal analysis to establish the legal characterization of MBG beneficiaries as "end consumers" under Article 1(2) of the UUPK, despite the absence of direct commercial transactions—a critical interpretive step that extends existing consumer protection jurisprudence to government welfare programs. Fourth, we mapped the elements of unlawful acts under Article 1365 of the Civil Code onto documented MBG poisoning incidents, using laboratory test results and epidemiological data as factual predicates for legal analysis. Finally, we evaluated the procedural requirements of PERMA 1/2002 against the characteristics of mass poisoning cases to assess the feasibility and appropriateness of class action mechanisms in this context.

All data were analyzed using qualitative techniques to interpret relevant legal and theoretical rules with an analytical descriptive method, namely by describing the applicable legal rules and then analyzing their suitability with the problem. Then, produce legal arguments as a conclusion. All data are analyzed using qualitative analysis techniques to interpret relevant legal rules and theories, so as to formulate clarity regarding the application of class action procedures and the accountability of business actors in the MBG program policy.

## RESULT AND DISCUSSION

### **The Implementation of the Free Nutritious Meal Program in Indonesia Has the Potential to Cause Mass Poisoning Cases**

The Free Nutritious Meal (MBG) program is one of President Prabowo Subianto's visions which was officially launched on January 6, 2025. The government through the MBG Program

seeks to improve malnutrition massively based on the Nutritional Adequacy Rate (AKG) standard with target targets, namely children, pregnant women and lactating mothers. Deputy Minister of Finance, Suahasil Nazara, said that the target of MBG in 2025 is expected to reach 82.9 million individuals. Psychological and health impact evaluation studies on the MBG program have shown significant success in improving physical health and psychological well-being in vulnerable groups. The results of this study provide an improvement in the MBG program for psychological health and well-being which can be a solution for the state to the problem of malnutrition.

On the other hand, the obstacles regarding MBG that are currently occurring, consist of the implementation of inconsistent food processing standards and a low and incomplete supervision system. Since its launch in January 2025, the MBG program has experienced various obstacles due to its preparations that seemed hasty and led to mass poisoning in various regions due to the quality of the governance of the provision and its distribution that was not well organized. One of them, which occurred in Cipongkor District, West Bandung Regency, as many as 1,333 students experienced symptoms, such as abdominal pain, nausea to vomiting, dizziness, shortness of breath and even convulsions. Muhammad Rizki Ramdani, a vocational school student in Cipongkor and Silvi Ayu Pratiwi, a student of SMPN 3 Cipongkor who experienced convulsive symptoms due to MBG poisoning.

A series of laboratory tests revealed that incidents of mass poisoning in the MBG program were caused by exposure to bacteria. Health expert, Tjandra Yoga Aditama, highlighted test results in West Java, including West Bandung Regency, where a report by the regional health laboratory (Labkesda) identified contamination of *Salmonella* and *Bacillus cereus* bacteria in a number of MBG samples tested. In addition, the Regent of Ngawi, Ony Anwar Harsono, confirmed the results of lab tests in a case that befell dozens of students in Kedunggalar District, Ngawi Regency, East Java, at the end of November 2025 also showed that the menu of pickled carrots-pumpkins and bananas in MBG, was tested positive for nitrite bacteria. The results of a study by the Ministry of Health indicate that about 50% of poisoning cases are caused by contamination of *Escherichia coli* (*E. coli*) bacteria, which originate from non-sterile air or water. This bacterial contamination generally occurs due to unhygienic practices during the process of washing, processing, or storing foodstuffs. Collectively, the results of lab tests showed the presence of pathogenic and bacterial contamination in food distributed through the MBG Program.

Basically, the MBG program has a good and useful main purpose. However, its implementation requires transparent accountability and the role of competent managers. Several cases that are happening today prove that there is a real non-compliance with food safety standards. This is evidenced by the results of lab tests that have been carried out in several areas previously which showed the presence of bacterial contamination in the content of MBG food. The results of lab tests can prove that MBG kitchen managers in the affected areas have been negligent in distributing contaminated food that does not meet the criteria for safe consumption.

## **The Application of *Class Action* as a Legal Relief for Victims of Mass Poisoning of the Free Nutritious Meal Program**

A *class action* or class action lawsuit is a legal mechanism that allows one or more people representing the group to file a lawsuit on their own behalf while representing a large number of people with similar interests. The mechanism for *class action lawsuits* in Indonesia is regulated in PERMA (1/2002) regarding procedures for filing, examination, and settlement of lawsuits in court. The application of *class actions* provides effective and collective civil law protection because in practice it can reduce the burden of proof of individuals, avoid contrary judgments, and facilitate access to justice collectively.

Cases of mass poisoning in the MBG program are relevant to all formal requirements stipulated in Article 2 of PERMA (1/2002) to be filed as a lawsuit by group representatives. In terms of the number of group members, it is recorded that tens to thousands of poisoning victims are spread across various areas under the same SPPG, a very large number is considered inefficient if each victim files a lawsuit individually. The fulfillment of aspects of similarity of facts such as the victim's status as a student beneficiary of the MBG program, consumption of food from the same program, poisoning events in the same or adjacent time span, and health losses experienced. The same legal basis that was fulfilled, namely the lawsuit was based on an unlawful act of Article 1365 of the Criminal Code with violations of the UUPK, the Health Law, and the Food Law.

If the victim of a mass poisoning case in the MBG program has met all the formal requirements of the group representative's lawsuit, then they can then file a lawsuit application with the local District Court. Submissions are made by group representatives who have the characteristics of honesty and seriousness to protect the interests of their group members. The lawsuit application and the preparation of the lawsuit must contain the complete identity of the group representative, a detailed definition of the group, information about the group members, *posita*, sub-groups, and a clear description of the legal basis. The application file will go through a certification or examination process to be examined and considered by the judge.

The class action *lawsuit mechanism* through *benefits and costs* provides three fundamental advantages that strengthen the civil law system. First, judicial *economy* is achieved through the consolidation of many similar claims into a single process, thereby reducing litigation costs and the workload of judicial institutions. Second, this mechanism increases access to *justice* by breaking down economic, social, and psychological barriers for individuals affected by *mass torts*, especially when the cost of individual cases far exceeds the value of compensation that may be received. Third, *class action* functions as an instrument to modify the behavior of the violator, where the court decision in the form of *injunctive relief* forces the defendant to stop or correct the inappropriate behavior, thus providing a long-term protective impact for the community beyond just recovering material losses.

The application of the *class action* mechanism in the case of MBG mass losses will improve judicial efficiency by unifying dozens of claims related to food quality into a single process that saves time and cost for all parties. This mechanism also expands access to justice for victims with economic limitations through the combination of case costs, and can encourage behavior modification of business actors to improve standard operating procedures (SOPs) for food processing. Thus, the ruling not only focuses on compensation, but also provides legal pressure to ensure the safety of the program and prevent future recurrences.



## **Legal Implications of the Implementation of Class Action on the Responsibility of Free Nutritious Meal Program Managers**

The National Nutrition Agency (BGN) through Presidential Regulation of the Republic of Indonesia Number 83 of 2024 concerning the National Nutrition Agency (Presidential Regulation 83/2024) is tasked with organizing the MBG program. The authority of the BGN is in accordance with Article 4 in (Presidential Regulation 83/2024), which includes coordination, formulation of technical policies, provision, distribution, and monitoring and supervision of the fulfillment of national nutrition. BGN opens collaboration with Partners to become the main operational support role in the implementation of the program. Essentially, the main role of BGN partners is to provide and guarantee the quality of the food supply chain to food distribution. Therefore, BGN Partners are fully responsible for meeting food safety from the processing process to food distribution.

In its legal position, the position of MBG beneficiaries is qualified as consumers as per Article 1 number 2 of the UUPK, Consumers are defined as any individual who uses goods and/or services available in the community for personal or other party interests, with restrictions not to be traded. This emphasis on the term "user" and these non-commercial limitations collectively indicates the beneficiary's status as the *ultimate consumer*. Consumers do not have to be bound by the relationship of buying and selling so that the acquisition of goods and/or services is sufficiently evidenced by the existence of a transition, including the transfer of enjoyment from its use. Meanwhile, based on Article 1 number 3 of the UUPK, Business Actors are classified as any individual or legal entity. This relationship establishes the inherent legal responsibilities of BGN Partners as business actors who ensure the safety and quality of food products distributed to consumers.

The obligations of food provider partners are technically regulated in Government Regulation Number 86 of 2019 concerning Food Safety. This regulation is also supported by Article 71 of the Food Law, which states that the food chain involved is obliged to control the risk of food hazards, from materials, equipment, production facilities, production processes, storage, transportation, and/or distribution of food must meet sanitation requirements and ensure food safety. Neglect of these security standards is a violation of legal obligations that can open a gap for accountability claims.

Liability arises based on Article 1365 of the Civil Code through unlawful acts. Unlawful acts are actions that violate the law and cause harm to others, so it requires the person to compensate for the damages. The elements of unlawful acts include the existence of unlawful acts, the existence of mistakes in the form of intentionality or negligence, the existence of losses, and the causal relationship between acts and losses. The basis for filing a lawsuit based on an application for unlawful acts can be accompanied by material and immaterial damages. Material, which is losses that can be assessed with the amount of money, such as medical expenses and loss of income. Meanwhile, immaterial, namely losses arising from non-material, such as trauma, emotional distress or loss of enjoyment of life whose value depends on the judge's decision.

In the case of MBG poisoning, the element of the act is fulfilled when the distributed product does not meet food quality and safety standards. The negligence of the manager includes failure to maintain product quality, sanitation, processing processes, or distribution in The Implementation of Class Action As a Legal Effort for Mass Poisoning Victims in the Free Nutritional Meal Program

accordance with food safety standards. The losses suffered by the victims were pain, trauma, and loss of study time, while parents bore medical expenses and lost work time. The fulfillment of the cause-and-effect relationship, in which the distribution of contaminated food causes the victim to suffer from illness. Therefore, legal liability arises in the form of the obligation to compensate the victim as an optimal and useful mechanism for restoring rights.

The legal responsibility of the manager in the mass poisoning incident of MBG is based on the obligation to use Article 1365 of the Civil Code, which in the process of proving uses the general burden of proof. As the mechanism for resolving civil disputes in court is regulated in Article 163 of the Civil Code, Article 283 of the Civil Code and Article 1865 of the Civil Code with the principle *of actori incumbit probatio* which requires the victim as a plaintiff to prove his evidence. To be able to establish causal correlations in the case of MBG poisoning, the victim needs to be able to prove the strength of the evidence through laboratory examination of blood, urine, and vomit samples.

Based on Article 9 (PERMA 1/2002), the panel of judges is obliged to formulate a detailed verdict related to the nominal amount of individual and collective compensation, the criteria for the recipient group, and the systematic distribution mechanism through the obligation of notification by the group representative. The distribution of compensation is carried out directly to victims who are able to prove real losses. The court applies *the opt-out* principle in class action *lawsuits*, but there is no mechanism for other victims to join after a verdict. In order to ensure transparency for compensation claims, the distribution of funds can be managed by an independent team tasked with verifying claims and making payments according to the procedures set forth in the court ruling.

The relevance of the application *of a Class Action lawsuit* is considered compatible in the procedure for resolving mass poisoning cases because it has the potential to strengthen the position of victims with demands involving large numbers of victims. The filing of a *Class Action lawsuit* can be done with the readiness of the burden of proof by the victims of MBG mass poisoning. Members of the group representatives need to prove the existence of losses either materially and/or immaterially, the existence of unlawful acts or negligence on the part of the management. In addition to compensation, a final decision can have an impact on managers to take corrective actions, such as improving implementation and food safety standards, as well as improving certification standards. In other words, the successful implementation of *class action* can provide opportunities for business actors to make behavior *modification* so as to create a disincentive effect against negligence in the future.

## CONCLUSION

The implementation of the MBG program, aimed at combating malnutrition, encounters significant hurdles from weak management and hygiene standards in the supply chain, leading to scientifically confirmed mass poisoning incidents caused by bacterial contamination from non-sterile processing—evidencing managerial negligence in meeting legal food safety criteria. Class action lawsuits under PERMA 1/2002 emerge as the most proportionate legal instrument for MBG poisoning victims, fulfilling requirements of factual and legal similarity, while promoting judicial economy by consolidating mass claims, reducing litigation burdens, lowering economic barriers to collective justice, and preventing conflicting judgments. Legally, MBG beneficiaries qualify as end consumers protected by the UUPK, holding BGN

partners accountable as business actors for material and immaterial damages under Article 1365 of the Civil Code (*KUHPerdata*), with broader implications for enforcing compensation and driving managerial behavior modification through enhanced SOPs and food safety certifications. For future research, scholars could empirically assess the post-litigation impacts of class actions on *MBG* supply chain reforms, comparing outcomes across provinces to develop evidence-based policy guidelines for scaling nutrition programs nationwide.

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