



## Accountability for Food Poisoning Cases in the Free Nutrition Program in Islamic Law (Analysis of *Diyat* and *Ta'zir*)

Muh Tabran\*

Alauddin State Islamic University Makassar

\*email: [makassau001@gmail.com](mailto:makassau001@gmail.com)

**Abstract:** The concept of accountability in Islamic criminal law, *Diyat* and *Ta'zir*, in cases of food poisoning that can results in death and physical and sensory damage, provides a clear picture of the concept of punishment in Islam with the aim of protecting life and achieving the objectives of the free nutritious meal program (MBG). This study uses a qualitative approach with library research, which is descriptive in nature and normative in terms of Sharia law. Data collection used the Publish or Perish database on Google Scholar. Primary data consisted of articles indexed by Scopus and Sinta, as well as laws. Secondary data consisted of news reports. The data analysis method used was Miles Huberman and Saldana, reduction, display, and presentation. The results of the study show that the responsibility for accidental poisoning cases includes *Diyat Mukhaffah*, which is paid with 100 camels, and intentional poisoning is punished with *Diyat Mughallazah*, which is paid with 100 camels with aggravation if forgiven. *Ta'zir* for unintentional poisoning is punished with a fine and imprisonment under Law No. 18 of 2012 and Article 359 of the Criminal Procedure Code. *Ta'zir* for intentional poisoning is punished with the penalty for premeditated murder under Article 340 of the Criminal Procedure Code, or life imprisonment or 20 years' imprisonment. The conclusion of this study is that liability for cases of poisoning from free nutritious food, *Diyat* and *Ta'zir* offer solutions and lessons or deterrent effects on perpetrators, so that this program can run optimally by paying attention to food safety and ensuring the lives of the Indonesian people in order to achieve nutritional fulfillment.

**Keywords:** *Diyat, Ta'zir, Islamic Criminal Law, Poisoning, Criminal Jurisprudence, Free Meals.*

### Abstrak

Konsep pertanggungjawaban dalam pidana islam *Diyat* dan *Ta'zir* kasus keracunan makanan yang dapat mengakibatkan kematian dan kerusakan fisik dan panca indra, memberikan gambaran yang jelas konsep

\*Corresponding Author

*Siyasah Wa Qanuniah : Jurnal Ma'had Aly Raudhatul Ma'arif*

pemidanaan dalam Islam dengan tujuan untuk menjaga jiwa dan tercapainya tujuan makan bergizi gratis (MBG). Penelitian ini menggunakan pendekatan kualitatif dengan jenis library research, bersifat deskriptif pada normatif syar'i. Pengumpulan data menggunakan Publish or Perish data base google scholar. Data primer berupa artikel yang terindeks scopus dan sinta, Undang-Undang. Data sekunder berupa laporan berita. Metode analisis data yang digunakan Miles Huberman dan Saldana, reduksi, display dan penyajian. Hasil penelitian menunjukkan pertanggungjawaban kasus keracunan tidak disengaja termasuk *Diyat Mukhaffah* dengan membayar dengan unta 100 ekor, dan keracunan karena disengaja diberi sanksi *Diyat Mughallazah* membayar dengan unta 100 ekor dengan pemberatan jika dimaafkan, *Ta'zir* kercaunan karena tidak disengaja diberikan hukuman denda dan penjara Undang-Undang No. 18 Tahun 2012 dan KUHAP pasal 359. *Ta'zir* kercaunan yang disengaja diberikan sanksi pembunuhan berencana KUHAP 340, atau penjara seumur hidup atau 20 tahun penjara. Kesimpulan penelitian ini pertanggungjawaban kasusu keracunan makanan bergizi gratis, *Diyat* dan *Ta'zir* menawarkan solusi dan pelajaran atau efek jerah pada pelaku, agar supaya program ini dapat berjalan maksimal dengan memperhatikan keamanan makanan dan menjamin jiwa demi tercapainya pemenuhan Gizi masyarakat Indonesia.

**Kata Kunci:** *Diyat, Ta'zir, Pidana Islam, Keracunan, Fikih Jinayah, Makan Gratis.*

## INTRODUCTION

The development of quality human resources is one of the main keys to realizing the vision of Indonesia Emas 2045 in the Indonesia Maju (KIM) coalition. Among the large-scale social programs run by the Indonesia Maju coalition is the free nutritious food program (MBG), which is the responsibility of the National Nutrition Agency, an institution formed by the Indonesian government. large-scale social programs run by the Indonesia Maju coalition is the free nutritious food program (MBG), which is the responsibility of the National Nutrition Agency, an institution formed by the government in Presidential Regulation Number 83 of 2024. This program aims to reduce stunting rates and improve the quality of public health, as well as encourage nutritional equality, improve children's achievements, and empower the local economy. Fundamentally, it is the state's fulfillment of the basic right to access health facilities and education.

The implementation of the free nutritious meals program (MBG)<sup>1</sup> often faces serious challenges and issues, particularly in terms of food safety, food quality or staple foods, and food distribution to schools. Recently, incidents of poisoning caused by consuming food from the program have been in the public and media spotlight. Since the Free Nutritious Meals program was launched in January 2025, data from the National Nutrition Agency shows that as of September 30, 2025, 6,793 people have been poisoned. These incidents have prompted the government to investigate several nutrition fulfillment service units (SPPG) to ensure food and staple ingredient safety and proper processing.

The poisoning case, which affected children and teenagers at school, caused physical and psychological harm<sup>2</sup> and could even lead to death. This incident not only damages the program's image, but more crucially, raises serious questions about the accountability and responsibility of the parties involved, from raw material suppliers, food vendors, to supervisors, for the negligence that caused the danger. Therefore, enforcing accountability in food poisoning cases is a matter that involves the law, testing the capacity of the legal system and policies in law enforcement. Enforcement in the form of liability from a positive law or national criminal law perspective, in cases of poisoning, can be charged through the offense of negligence causing injury or death<sup>3</sup>, or through the Consumer/Food Protection Law, and can result in imprisonment or fines.

Several previous studies have discussed accountability for food poisoning cases in free nutritious food programs (MBG), such as research conducted by Rheyndha Wisnu Puteri<sup>4</sup>, Fitri Ayu Raamdhani, Ilmar Andi

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<sup>1</sup> Suviana Suwoto Mulyosudarmo Et Al., 'Free Nutritious School Meal Programs In Indonesia And The Netherlands: A Comparative Analysis Of Legal Foundations And Constitutional Rights', *Constitutional Law Society* 4, No. 2 (30 September 2025): 233-54, <https://doi.org/10.36448/Cls.V4i2.123>.

<sup>2</sup> Camilla Kin-Ming Lo And Yuet Wing Cho, 'Community-Based Interventions To Reduce Child Maltreatment', *Research On Social Work Practice* 31, No. 6 (19 September 2021): 621-33, <https://doi.org/10.1177/1049731520986968>.

<sup>3</sup> Stephanie Anne Deutsch and Erin O'Brien, "Child Torture Victimization: Review of Criminal Statutes and Medico-Legal Issues," *Child Abuse & Neglect* 151 (May 2024): 106750, <https://doi.org/10.1016/j.chiabu.2024.106750>.

<sup>4</sup> Rheyndha Wisnu Puteri and Kaharuddin Kaharuddin, "The Implementation of Class Action As a Legal Effort for Mass Poisoning Victims in the Free Nutritional Meal Program," *Eduvest - Journal of Universal Studies* 6, no. 1 (January 5, 2026): 83-91, <https://doi.org/10.59188/eduvest.v6i1.52659>.

Aprilliany Zahra<sup>5</sup>, Andi Fitrah Latemmamala<sup>6</sup>, and Muhammad Basit<sup>7</sup>. Previous studies have highlighted the implementation and impact of free nutritious food poisoning, as well as how to optimize free nutritious food programs, which directly impact community welfare and can build the local economy. Although there have been previous studies discussing free nutritious food program poisoning, there are still *research gaps* that need to be addressed. Most previous studies have only focused on the role of the state and the impact of optimizing the free nutritious food program (MBG) in developing human resources and the community's economy. There has been no research that builds on Islamic concepts focusing on Islamic law regarding free nutritious food poisoning.

The novelty offered by this study is that it analyzes from the perspective of Islamic criminal law, focusing on the sanctions of *Diyat* and *Ta'zir* for cases of poisoning from free nutritious meals and food safety guarantees and firm action against the parties involved. The majority Muslim population of Indonesia needs knowledge about Islamic criminal law or *Fikih Jināyāt*<sup>8</sup>. This research will provide clearer empirical knowledge regarding the concept of accountability in Islam.

Based on the background described above, it is important to conduct a more in-depth study, because examining Islamic criminal law, specifically the sanctions of *Diyat* and *Ta'zir* in food poisoning cases, is a new topic in the contemporary era. This study will answer questions about how the concepts of *Diyat* and *Ta'zir* are used as sanctions of accountability in Islamic criminal law, how to identify forms of accountability, particularly legal subjects, and how to apply *Diyat* and *Ta'zir* sanctions in free nutritious meal programs for the common good.

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<sup>5</sup> Aprilliany Zahra Nur Azzalia Jacob et al., "Comprehensive Study of Mass Poisoning MBG Program (Legal, Health, Human Rights, Social Perspectives)," *Jurnal Teknologi Dan Manajemen Industri Terapan* 4, no. 3 (September 29, 2025): 2221–25, <https://doi.org/10.55826/jtmit.v4i3.1583>.

<sup>6</sup> Andi Fitrah Latemmamala and Faiz Ahmad Fachri, "Reconstructing Legal Liability and Division of Authority: Mitigating Mass Poisoning in the Free Nutritious Meal Program," *SIGN Jurnal Hukum* 7, no. 2 (February 16, 2026): 1275–92, <https://doi.org/10.37276/sjh.v7i2.637>.

<sup>7</sup> Muhammad Basit And Hikmah Ramadani, 'Analisis Implementasi Program Makan Bergizi Gratis Terhadap Perkembangan Ekonomi', *Journal Of Economics Development Research* 1, No. 2 (25 May 2025): 49–54, <https://doi.org/10.71094/Joeder.V1i2.105>.

<sup>8</sup> Shahidra Abdul Khalil, Nor Fahimah Mohd Razif, And Muhammad Ikhlas Rosele, "Developing Ijtihad Skills For Undergraduate Students Through Problem-Based Learning In Fiqh Subjects: Present Practices And The Way Forward," *Asia Pacific Journal Of Educators And Education* 39, No. 2 (December 31, 2024): 197–217, <https://doi.org/10.21315/apjee2024.39.2.11>.

## RESEARCH METHODS

The type of research used is library research<sup>9</sup>, which uses a qualitative approach<sup>10</sup> and is descriptive and analytical in nature towards normative sharia. This approach was used because it is more relevant to the issues aimed at examining, analyzing, and interpreting concepts, theories, and findings from literature related to *Diyat* and *Ta'zir* in depth in relation to the case being studied.

The data collection method used the Publish or Perish application<sup>11</sup> on the Google Scholar database with the keywords *Diyat*, *Ta'zir*, fiqh science<sup>12</sup>, and MBG. Publish or Perish was used to be more thorough in selecting and screening literature and collecting numerous sources related to the research focus.

The type and source of data for this research are library data in the form of text. The data sources include primary and secondary data sources. Primary data sources are articles indexed by Sinta and Scopus, books related to the research, while secondary data sources are documents from reports, news, and social media.

The data analysis method used is the Miles Huberman and Saldana method<sup>13</sup>, namely Data is processed in three stages, the first being Data Reduction, where literature related to *Diyat* and *Ta'zir* is collected and processed in the form of coding, (selecting, simplifying, and converting raw data into relevant information) according to the topic of discussion. The second stage is Data Display, which is the presentation of data in the form of narratives, schemes, and charts. The third stage is Data Verification or conclusion drawing and presentation.

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<sup>9</sup> Muqoffi Muqoffi Et Al., 'Wacana Anti Madzhab Muatan Materi Fikih Dalam Buku Ajar Pendidikan Agama Islam', *Jurnal Lektur Keagamaan* 22, No. 1 (30 June 2024): 123–58, <https://doi.org/10.31291/Jlka.V22i1.1193>.

<sup>10</sup> M. Badruz Zaman, Imam Mawardi, And Muhammad Yusril Muna, 'Local Wisdom For Peacebuilding In Java: An Analysis Of Religious Moderation In Shodiq Hamzah's Tafsir Al-Bayān', *Jurnal Lektur Keagamaan* 22, No. 2 (31 December 2024): 455–82, <https://doi.org/10.31291/Jlka.V22i2.1295>.

<sup>11</sup> Jeffrey K. Aronson, 'When I Use A Word . . . "Publish Or Perish": Problems And Solutions', *Bmj (Clinical Research Ed.)* 390 (2025): R1629, <https://doi.org/10.1136/Bmj.R1629>.

<sup>12</sup> Khoirul Umam Addzaky Et Al., 'Contextualizing Liberation Theology In Indonesian Religious Literature Through The Contributions Of K.H. Abdurrahman Wahid', *Jurnal Lektur Keagamaan* 23, No. 1 (30 June 2025): 142–78, <https://doi.org/10.31291/Jlka.V23i1.1285>.

<sup>13</sup> Natalia Minatria Daeli And Others, 'Analysis Of The Role Of Industrial Relations In Improving Employee Performance At The Population And Civil Registration Service Of West Nias Regency', *Jurnal Ilmiah Metadata*, 7.3 (2025), 88–91 <<https://doi.org/10.47652/Metadata.V7i3.905>>.

## RESULTS AND DISCUSSION

### Results

MBG Poisoning Data Summary of the number of people poisoned from the MBG program as of September 30, 2025. Poisoning incidents have occurred in 18 provinces.

**Table 1. Free Nutritious Meal Poisoning Data**

| No           | Province                     | Number of people |
|--------------|------------------------------|------------------|
| 1            | Central Java                 | 708              |
| 2            | East Java                    | 53               |
| 3            | Special Region of Yogyakarta | 707              |
| 4            | Banten                       | 18               |
| 5            | Jakarta                      | 79               |
| 6            | West Java                    | 2.800            |
| 7            | South Sulawesi               | 11               |
| 8            | West Sulawesi                | 27               |
| 9            | Southeast Sulawesi           | 30               |
| 10           | Central Sulawesi             | 378              |
| 11           | West Nusa Tenggara           | 501              |
| 12           | East Nusa Tenggara           | 76               |
| 13           | North Kalimantan             | 92               |
| 14           | Riau                         | 42               |
| 15           | South Sumatra                | 268              |
| 16           | Lampung                      | 530              |
| 17           | Bengkulu                     | 467              |
| 18           | West Papua                   | 6                |
| <b>TOTAL</b> |                              | <b>6.793</b>     |

Source: BGN Data on MBG Poisoning Cases as of September 30, 2025.<sup>14</sup>

These poisoning cases were caused by contamination from several types of bacteria found in food, including *E. coli* in water, rice, tofu, and chicken; *Staphylococcus aureus* in tempeh and meatballs; *Salmonella* in

<sup>14</sup> Retno Widyastuti, "Complete Data from BGN on MBG Poisoning Cases as of September 30, 2025."

chicken, eggs, and vegetables; *Bacillus cereus* in noodle dishes; and coliforms, *Klebsiella*, and *Proteus* from contaminated water<sup>15</sup>. The causes of food poisoning can be due to negligence in processing and selecting basic ingredients and distribution processes that are contaminated with bacteria, or because food managers are aware of processing standards but still ignore the existing rules in processing, resulting in food contamination with bacteria. Therefore, there are two forms of Islamic criminal offenses that can be held accountable: poisoning due to negligence and poisoning due to intentional acts.

### Discussion

Islamic criminal law (*Fikih Jināyāt*) is a set of laws that regulate sanctions for criminals or criminal acts committed by Muslims who have been burdened with obligations (*Mukallaf*) and harm others<sup>16</sup>. Islamic criminal acts not only violate the provisions of Allah SWT, but also violate the rights of others<sup>17</sup>. Terms often used in Islamic criminal law are *Jināyāt* and Jarimah, which are frequently used by fuqaha, who define them as prohibitions or punishments established by Allah SWT. *Jināyāt* in Arabic comes from the word janâ-yajñîhi-jinâyatan, which means sinful acts.

In terms of the elements of *Jināyāt* or criminal acts, the main objects in the study of punishment can be categorized into three parts, namely: 1) *Al-rukun al-syar'i* or formal elements 2) *Al-rukun al-madi* or material elements, and 3) *Al-rukun al-adabi* or moral elements. *Al-rukun al-syar'i* or formal elements are elements that state that a person can be found guilty if there are rules that explicitly prohibit and impose sanctions on perpetrators of criminal acts<sup>18</sup>. *Al-rukun al-madi* or material elements are elements that state that a person can be found guilty if they are proven to have committed a criminal act<sup>19</sup> directly or participated in committing a criminal act. *Al-rukun al-adabi* or the moral element is that a person can be declared guilty if they

<sup>15</sup> Rahmawati Dwi, "Health Minister Reveals Findings on the Causes of MBG Poisoning, Including 8 Bacteria and 2 Viruses," Detik News, 2025, <https://news.detik.com>.

<sup>16</sup> Muhammad Afzal and Muhammad Khubaib, "Flexibility in the Implementation of Islamic Criminal Law in Modern Islamic Society in the Light of Qur'an and Sunnah," *Journal of Islamic Thought and Civilization* 11, no. 1 (May 20, 2021): 396–410, <https://doi.org/10.32350/jitc.111.21>.

<sup>17</sup> Hajed A. Alotaibi, "The Challenges of Execution of Islamic Criminal Law in Developing Muslim Countries: An Analysis Based on Islamic Principles and Existing Legal System," ed. Francis D. Boateng, *Cogent Social Sciences* 7, no. 1 (January 1, 2021), <https://doi.org/10.1080/23311886.2021.1925413>.

<sup>18</sup> Michał Peno and Olgierd Bogucki, "Principles of Criminal Liability from the Semiotic Point of View," *International Journal for the Semiotics of Law - Revue Internationale de Sémiotique Juridique* 34, no. 2 (April 10, 2021): 561–78, <https://doi.org/10.1007/s11196-020-09691-z>.

<sup>19</sup> Bahman Khodadadi, "Nowhere but Everywhere': The Principle of Legality and the Complexities of Judicial Discretion in Iran," *Iranian Studies* 57, no. 4 (October 27, 2024): 651–70, <https://doi.org/10.1017/irn.2024.23>.

are not insane or a minor, or under threat. That is the object of study in fiqh *Jināyāt*.

The types of acts that are included in acts that violate Islamic criminal law, as agreed upon by the scholars of<sup>20</sup>, are: 1) murder; 2) theft; 3) adultery; 4) accusing someone of adultery; 5) robbery; 6) intoxicating drinks; 7) rebellion; 8) apostasy. These unlawful acts are subject to three main penalties: first, Qisas; second, *Diyat*; and third, *Ta'zir*. The imposition of punishment depends on the criminal act committed, in accordance with the guidance of the Qur'an and Hadith.

### *Diyat*

*Diyat* in the Indonesian dictionary means a material penalty (money or goods) given to the victim. The penalty is borne by the perpetrator due to the occurrence of a criminal act (murder or assault), and is given to the victim's guardian or guardian<sup>21</sup>. From this definition, it can be concluded that *Diyat* is a punishment in the form of property that is given to the victim if they are still alive and given to the victim's guardian if they have died. The legal basis for the obligation of *Diyat* punishment is found in Qs. An-nisa'/4:92

وَمَا كَانَ لِمُؤْمِنٍ أَنْ يَقتُلَ مُؤْمِنًا إِلَّا خَطَأً وَمَنْ قَتَلَ مُؤْمِنًا خَطَأً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ  
وَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ إِلَّا أَنْ يَصَدَّقُوا ۗ فَإِنْ كَانَ مِنْ قَوْمٍ عَدُوٍّ لَكُمْ وَهُوَ مُؤْمِنٌ فَتَحْرِيرُ  
رَقَبَةٍ مُؤْمِنَةٍ وَإِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ مِيثَاقٌ فَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ وَتَحْرِيرُ رَقَبَةٍ  
مُؤْمِنَةٍ ۗ فَمَنْ لَمْ يَجِدْ فَصِيَامٌ شَهْرَيْنِ مُتَتَابِعَيْنِ تَوْبَةً مِّنَ اللَّهِ وَكَانَ اللَّهُ عَلِيمًا حَكِيمًا

92. It is not right for a believer to kill a believer, except by mistake. Whoever kills a believer by mistake must free a believing slave and pay compensation to the family of the deceased, unless they (the family of the deceased) waive the payment. If he (the victim) is from a people who are your enemies, even though he is a believer, (the killer) must free a believing slave. If he (the victim) is from a people (of disbelief) with whom you have a treaty, (the killer) must pay compensation to his family and free a believing slave. Whoever cannot find (a slave) must fast for two consecutive months as a way of repenting to Allah. Allah is All-Knowing and All-Wise.<sup>22</sup>

<sup>20</sup> Afzal and Khubaib, "Flexibility in the Implementation of Islamic Criminal Law in Modern Islamic Society in the Light of Qur'an and Sunnah."

<sup>21</sup> Miftahul Ulum, Nasiri Nasiri, and Nora Repo, "Comparative Study on Criminal Penalties According to The Perspective of Islamic Criminal Law and The Indonesian Criminal Law Code," *Al-Insyiroh: Jurnal Studi Keislaman* 9, no. 1 (March 30, 2023): 210–33, <https://doi.org/10.35309/alinsyiroh.v9i1.231>.

<sup>22</sup> Kementerian Agama, *Al-Qur'an Dan Terjemahannya* (Jakarta: Lajnah Pentashihan Mushaf al-Qur'an, 2019).

*Diyat* is related to criminal acts of murder and assault committed by individuals or groups, therefore the limits of *Diyat* or compensation in cases other than murder and assault are not included in the scope of *Diyat*.

Murder referred to in the *Diyat* sanction is intentional murder, murder that is like intentional murder, and murder due to error or negligence as well as assault that can result in a *Diyat* sanction if it causes the loss or damage of a person's limbs, organs, or senses, then *Diyat* is imposed in accordance with the limbs and organs that are damaged. The form of compensation that the perpetrator must pay to the victim can be paid in one of three forms: camels, gold, or silver.

### *Ta'zir*

*Ta'zir*, etymologically derived from the word *azzara-yu'azziru'-ta'ziran*, means to educate. In addition, *Ta'zir* also has the meaning of *man'u wa radda*, which means (to prevent and reject). Terminologically, it is defined as a punishment or sanction that is not clearly explained in *the text* (the Qur'an and Hadith), but the punishment is determined by the authorities (Ulil amri) with the aim of providing a deterrent effect and protecting the rights of every soul. Based on this definition, *Ta'zir* is a punishment determined by the authorities as a result of consensus on criminal acts, whether they violate the rights of Allah SWT or the rights of humans, which are detrimental or disruptive to the public interest.

The Qur'an and Hadith do not explain in detail the legal basis of *Ta'zir* in terms of the form of punishment, but the basis for the *Ta'zir* sanction is based on *yadurru ma'a mashlalah*, meaning that *Ta'zir* law is based on considerations of the public interest while still adhering to justice in society. Therefore, one of the arguments in the Qur'an that can be used as the basis for *Ta'zir* is Qs. Al-Fatah 48:8-9.

إِنَّا أَرْسَلْنَاكَ شَاهِدًا وَمُبَشِّرًا وَنَذِيرًا لِتُؤْمِنُوا بِاللَّهِ وَرَسُولِهِ وَتُعَزِّرُوهُ وَتُوَقِّرُوهُ وَتُسَبِّحُوهُ  
بُكْرَةً وَأَصِيلًا

8. Indeed, We have sent you (Prophet Muhammad) as a witness, a bearer of glad tidings, and a warner. 9. so that you may believe in Allah and His Messenger, strengthen His religion, magnify Him, and glorify Him, morning and evening.

The determination of *Ta'zir* punishment depends on changes in the conditions of the times and places depending on the needs of the government in disciplining the public sphere. In determining *Ta'zir* punishment, the government refers to and adheres to the principles of

public interest and protects every member of society from harm<sup>23</sup>. The division of *Ta'zir* law that is entrusted to *ulil amri* according to Ahmad Wardi Muslich in the book *Hukum Pidana Islam (Islamic Criminal Law)*<sup>24</sup>

### Food Poisoning Due to Negligence (*Al-Khata'*)

Food poisoning caused by negligence is not due to malicious intent or intent to harm/kill, but rather due to negligence beyond the control of the perpetrator or group without any intention to commit an unlawful act. For example, the use of expired raw materials, unclean food processing methods, careless selection of raw materials, and unhygienic food packaging. If the judge finds a case of negligence in implementing a free nutritious meal program that causes poisoning, then the responsibility and punishment under Islamic criminal law that can be imposed are *Diyat* and *Ta'zir* with the following provisions:

1. For poisoning that results in death or physical injury, the applicable sanction is *Diyat Mukhaffafah*/reduced *Diyat*, which can be paid in installments over three years by the perpetrator or institution<sup>25</sup>. The value of *Diyat mukhaffafah* is as follows:
  - a. If it causes death, the *Diyat Mukhaffafah* penalty imposed is the payment of 100 camels, with the following conditions: 20 female camels aged 1 to 2 years, 20 male camels aged 1 to 2 years, 20 female camels aged 2 to 3 years, 20 camels aged 3 to 4 years, and 20 camels aged 4 to 5 years old.
  - b. If it causes disability (paralysis) or loss of sensory function (sight, hearing, smell, taste, and touch<sup>26</sup>, then the *Diyat* given is one hand each  $1/2$ , each foot  $1/2$ , each eye  $1/2$ , nose full 100 camels, tongue full 100 camels, each ear  $1/2$ .
  - c. Modern conversion, the *diyah* penalty can also be paid with money, gold, and silver according to the current conversion value.
    1. *Ta'zir*, a form of accountability that can be given to perpetrators or institutions that cause death and physical harm, is given by *ulil*

<sup>23</sup> Wilda Lestari, 'Ta'zir Crimes In Islamic Criminal Law: Definition Legal Basis Types And Punishments', *Al-Qanun: Jurnal Kajian Sosial Dan Hukum Islam* 5, No. 1 (30 March 2024): 22, <https://doi.org/10.58836/Al-Qanun.V5i1.21486>.

<sup>24</sup> Wahyu Kuncoro et al., "LEGISLATION CONCEPT OF SEXUAL VIOLENCE TOWARDS A CHILD IN THE ACTS AND THE QANUN JINAYAT," *Journal of Law and Sustainable Development* 12, no. 2 (February 8, 2024): e3004, <https://doi.org/10.55908/sdgs.v12i2.3004>.

<sup>25</sup> Paizah Ismail, 'Pelaksanaan *Diyat* Dalam Kerangka Perundangan Di Malaysia: Cabaran Fiqh Semasa', *Jurnal Fiqh* 9, No. 1 (30 December 2012): 1-20, <https://doi.org/10.22452/Fiqh.Vol9no1.1>.

<sup>26</sup> Ulil Albab Al Aulia Alpaten And Rustam Dahar Karnadi Apollo Harahap, 'Integrasi Teori *Diyat* Perspektif Hukum Pidana Islam Dengan Pendekatan Restorative Justice Dalam Sistem Hukum Pidana Indonesia', *Khatulistiwa Law Review* 6, No. 2 (14 October 2025): 121-37, <https://doi.org/10.24260/Klr.V6i2.5079>.

amri (the government)<sup>27</sup> in the Indonesian context, namely judges who are guided by the law. The laws that regulate cases of poisoning are:

- a. Law Number 18 of 2012 concerning Food<sup>28</sup> , Article 135 “Every person who carries out activities or processes of production, storage, transportation, and/or distribution of food that does not meet the food sanitation requirements as referred to in Article 71 paragraph (2) shall be punished with imprisonment for a maximum of 2 years or a fine of up to Rp4,000,000,000.00 (four billion rupiah)” and Article 136 which states “food additives exceed the maximum threshold set; or b. prohibited substances used as food additives as referred to in Article 75 paragraph (1) shall be punished with imprisonment of up to 5 (five) years or a maximum fine of Rp10,000,000,000.00 (ten billion rupiah).”
- b. Law Number 8 of 1999 concerning Consumer Protection<sup>29</sup> , Article 62 Paragraph 1 “Business actors who trade in contaminated food shall be punished with imprisonment of 5 years or a fine of Rp 2,000,000,000.00 (two billion rupiah).”
- c. Article 359 <sup>30</sup> “Negligence causing the death of another person. Punishable by imprisonment for 5 years.”

Imprisonment in this context is a form of *Ta'zir* that is educational (*ta'dib*) and repressive, imposed on individuals responsible for negligence that is categorized as severe.

## 2. Intentional food poisoning (Al-'Amdu)

Intentional food poisoning by mixing dangerous ingredients or knowing that the food ingredients used are unfit for use or consumption but still using them or intentionally violating free food production operational standards, even if through food intermediaries that cause death or physical disability, is categorized as *Al-'amdu* (intentional), so the penalty imposed in holding the perpetrator accountable is Qisas.

As an exception, the Qisas penalty can be waived if the victim's family forgives the perpetrator or institution and chooses to impose the

<sup>27</sup> Mukhtor Akramov, “Ta’dhir in Islamic Law : Types of Crimes and Punishments,” *Jurnal ISO: Jurnal Ilmu Sosial, Politik Dan Humaniora* 4, no. 2 (October 3, 2024): 7, <https://doi.org/10.53697/iso.v4i2.1861>.

<sup>28</sup> Republic of Indonesia, “Law of the Republic of Indonesia Number 18 of 2012 Concerning Food,” 1 (2012), <https://Peraturan.Bpk.Go.Id/Home>.

<sup>29</sup> Republic of Indonesia, “Law No. 8 of 1999 on Consumer Protection” (1999).

<sup>30</sup> Republic of Indonesia, “Law of the Republic of Indonesia Number 8 of 1981 Concerning Criminal Procedure Law” (1981), <https://Peraturan.Bpk.Go.Id/Details/47041/Uu-No-8-Tahun-1981>.

*Diyat* penalty. In this case, the *Diyat* penalty imposed is increased (*Diyat Mughallazah*)<sup>31</sup> with the following conditions:

- a. Intentional acts resulting in death shall be punished with 100 camels, consisting of 30 camels aged 3 to 4 years, 30 camels aged 4 to 5 years, and 40 camels aged 4 to 5 years.
- b. Intentional acts that cause physical or sensory disability. Loss of sight in each eye  $\frac{1}{2}$ *Diyat*, full loss of smell, hearing in each ear  $\frac{1}{2}$ *Diyat*, full loss of speech *Diyat*, and full loss of organs *Diyat*<sup>32</sup>.
- c. The aggravation of the punishment, payment borne solely by the murderer, requires payment in cash to the victim's family, and finally, compensation based on the age of the camel.

*Ta'zir* liability refers to the provisions of the Criminal Code-Invitation that causes the loss of someone's life with an element of intent or planning may be subject to Article 340 of the Criminal Code<sup>33</sup> which states, "Whoever intentionally and in advance takes the life of another person shall be punished for premeditated murder with the death penalty or life imprisonment or for a certain period of time, with a maximum of 20 years."

Islamic criminal law (*Fikih Jināyāt*) provides a comprehensive foundation for regulating liability in cases of harm to others, including mass poisoning in the Free Nutritious Meal (MBG) program. In this framework, law enforcement is not merely a mechanism for punishment, but a *Maqashid Syariah* instrument to protect life (*hifz an-nafs*) and maintain the public interest (*al-maslahah al-ammah*). According to *Fuqaha* (Islamic legal experts), a criminal act is considered valid if it meets three main elements: *Al-rukun al-syar'i* (formal element/legal basis), *Al-rukun al-madi* (material act element), and *Al-rukun al-adabi* (moral/capacity element). The application of these three theories is crucial for the government in evaluating the supply chain and operational aspects of the MBG program so that the vision of Golden Indonesia 2045 can be achieved without compromising citizen safety.

The concept of *Al-Khata'* (unintentional/negligence) is the primary legal instrument used to analyze poisoning cases caused by procedural negligence, such as poor hygiene in food processing or the use of unfit raw materials. According to *Fikih Jināyāt* doctrine, poisoning occurring due to negligence without malicious intent (*mens rea*) is classified as *Al-Khata'*,

<sup>31</sup> Muhamad Darwisy Mohd Razali Et Al., "Historical Analysis, Concept Of Diat And Its Rate, And Its Suitability For Implementation In Malaysia," *Al-Qanatir: International Journal of Islamic Studies* 32, No. 1 (2023): 12-22, [Http://Al-Qanatir.Com](http://Al-Qanatir.Com).

<sup>32</sup> Samihah Khalil Halim and Rusniah Ahmad, "School of Law, College of Law, Government and International Studies, Universiti Utara Malaysia" 10, No. July (2019): 45-77.

<sup>33</sup> Republic of Indonesia, Law of the Republic of Indonesia Number 8 of 1981 Concerning Criminal Procedure Law.

meaning the perpetrator is not subject to *Qisas*, but rather *Diyat Mukhaffah* (light compensation). *Diyat Mukhaffah* can involve paying compensation – traditionally 100 camels, which in a modern context can be converted to an equivalent financial value – as a form of material accountability to the victims or their families. This approach demonstrates that Islamic law strongly emphasizes restoring victims' rights through measurable material compensation, thereby minimizing the burden of physical and psychological losses.

Conversely, the concept of *Al-'Amdu* (intentional act) provides the basis for judges to impose heavier sanctions if there is evidence of willful disregard for standard operating procedures. An individual or institution that knowingly mixes dangerous ingredients or uses materials known to be unfit for consumption is categorized as committing *Al-'Amdu*, which implies the sanction of *Diyat Mughallazah* (aggravated compensation). Unlike *Diyat Mukhaffah*, *Diyat Mughallazah* requires compensation with an increased value as a form of aggravation due to intent or gross negligence that harms many people. This strictness serves as a deterrent effect for every nutritional service provider, ensuring they do not ignore food safety protocols for the sake of economic gain.

Regarding legal enforcement authority, the theory of *Ta'zir* provides discretionary space for the government in determining sanctions that are most appropriate according to current societal needs and the public interest. Ahmad Wardi Muslich, in his views on Islamic criminal law, asserts that *Ta'zir* is the authority of the *Ulil Amri* (government) to determine penalties for crimes where the sanction is not explicitly detailed in the sharia texts. In the context of the MBG program in Indonesia, judges can integrate *Ta'zir* with positive law, such as Law Number 18 of 2012 on Food or the Criminal Procedure Code (KUHAP), to impose sanctions ranging from administrative penalties to imprisonment. The flexibility of *Ta'zir* proves that Islamic law is dynamic and capable of adapting to the national legal system to protect citizens from health hazards related to food.

The integration of personal responsibility through *Diyat* and public responsibility through *Ta'zir* creates a robust system of checks and balances in government program management. While *Diyat* functions to provide individual restorative justice to victims, *Ta'zir* acts to maintain social order and ensure the effectiveness of state policy. This theory implies that every party involved in the MBG supply chain, from raw material suppliers to school-level managers, holds legal accountability that can be enforced hierarchically. This is in line with the principle of *al-ruk'n al-madi*, where every individual or institution proven to have directly or indirectly

committed negligence (*Al-Khata'*) or intentional acts (*Al-'Amdu*) must bear the legal consequences without exception.

The application of *Diyat* and *Ta'zir* theories provides a sharper dimension to the Indonesian judicial system in handling food poisoning cases. Through the clear distinction between negligence (*Al-Khata'*) and intentionality (*Al-'Amdu*), as well as the exercise of government discretionary authority within *Ta'zir*, the legal system can provide a more substantive sense of justice. The practical implication of this study is the importance of food safety standardization that not only relies on technical regulations but also adopts the moral values of accountability inherent in *Fikih Jināyāt*. By balancing the fulfillment of victims' rights through compensation and enforcing law through *Ta'zir*, the Free Nutritious Meal program is expected to operate optimally, remain accountable, and guarantee the fundamental right to health for the people of Indonesia.

## CONCLUSION

Islamic criminal law provides the concepts of *Diyat* and *Ta'zir* in addressing cases of food poisoning, offering clearer and more detailed solutions with greater flexibility. This study shows that the concept of *Diyat* can impose fines in cases of unintentional and intentional poisoning, while the concept of *Ta'zir* refers to agreed-upon rules of *ulil amri* and can also resolve cases of intentional and unintentional poisoning. The theoretical benefit of this research is that it provides an overview of Islamic criminal law that can address cases of food poisoning and demonstrates that Islamic law is constantly evolving. This research also provides an overview of the concepts of *Diyat* and *Ta'zir*, which can be used as a practical reference in resolving cases related to food poisoning and as a consideration in evaluating free nutritious meal programs.

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