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Ensuring the Health and Safety of Indonesian School Children: Legal Protections in Snack Consumption

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Abstract— The health and safety of school children in Indonesia in the consumption of snacks in the school environment is an important aspect that needs to be carefully guarded. Ensuring that children receive healthy, safe, and nutritious snacks requires rigorous legal tools. This article reviews the existing legal framework and enforcement measures needed to ensure the health and safety of schoolchildren during snack consumption. While there are already regulations governing snacks, law enforcement, and public awareness in this regard remain a challenge. The government needs to improve law enforcement efforts by conducting strong coordination, strict supervision of food manufacturers, and providing counseling to parents and students on the importance of choosing healthy snacks. With strong regulations and effective law enforcement, we can ensure that schoolchildren in Indonesia consume healthy and safe snacks and support their proper growth and development for a healthier and more competitive young generation for the betterment of the nation.

Keywords—Health, safety, Snack, School Children, Legal Protection.

1. Introduction

Snacks as part of food are significant complementary foods to meet the most basic human needs, and ensuring their fulfillment is an integral part of human rights. Snacks refer to food and beverages prepared and sold by street vendors on the roadside or in public places that can be directly enjoyed or consumed without additional processing or preparation [1]. Meanwhile, Hees and Slavin state that snacks usually imply foods rich in calories but low in essential nutrients, containing high levels of restricted nutrients such as sugar, sodium, and saturated fat [2]. The presence of food in the form of school snacks that are safe for consumption is a community need because safe food will protect and prevent the existence of disease or other health problems. Therefore, food safety is one aspect that needs to be considered in the fulfillment of healthy food for consumption. Law No. 18/2012 on Food stipulates that food is the most important basic human need, and ensuring access to food is the primary right of every Indonesian citizen in realizing quality human resources for national development. Safe, quality, nutritious, diverse, and sufficiently available food is the main prerequisite for the fulfillment of a food system that protects children's health and promotes the prosperity and welfare of the people.

To provide food safety assurance for school snacks, the government, through the Food and Drug Supervisory Agency (BPOM), has fostered 43,931 schools in 34 provinces, 1676 schools in synergy with ministries and institutions, certified 508 schools with Level 1 Safe School Snack Food, produced 26,325



food safety cadres, and assisted 1,145 schools to get the Star Charter for School Canteen Food Safety, which aims to present school snacks that are safe for consumption [3]. The government has also issued Minister of Health Regulation No. 2 of 2023 on the Implementation Regulation of Government Regulation No. 66 of 2014 on Environmental Health, which is a replacement for Minister of Health Decree No. 942/MENKES/SK/VII/2003 on Guidelines for Hygiene Sanitation Requirements for Snack Food. The regulation stipulates the procedures for serving food in the form of snacks to schoolchildren, starting from how to procure and receive food ingredients, washing, compounding, making, changing the form, packaging, storing, transporting, and serving food and drinks.

Nevertheless, the effectiveness of these regulations in safeguarding the well-being of schoolchildren when it comes to consuming safe and healthy snacks remains questionable. This is substantiated by reported incidents of food poisoning linked to school snacks in various locations. On November 15, 2022, an incident occurred where seven students of State Elementary School 2 Ciawang Leuwisari Tasikmalaya experienced nausea and vomiting allegedly caused by food poisoning after consuming Ciki Ngebul (cikbul) snacks around the school [4]. On January 9, 2023, the Sleman Regency Government found two children aged five and seven years experiencing fever, dizziness, and vomiting in the Tegaltirto subdistrict, Kapanewon Berbah. This happened after they bought cikbul snacks at an art event in Berbah the night before [5]. Then, on Tuesday, February 14, 2023, it was reported that as many as sixty six students of Kersamenak State Elementary School in Tarogong Kidul District, Garut Regency, were poisoned after consuming ice cream [6]. Symptoms included abdominal pain, nausea, and vomiting.

Partly, these incidents are caused by inadequate canteen facilities in several schools in Indonesia. Wahyuningsih concluded in her research that not all schools have a canteen; even if they do, it does not meet health standards in terms of infrastructure, availability of food and drinks, and a school canteen management system [7]. The same research by Murdiati concluded that of the 640 elementary schools in 20 provinces studied, as many as 40% did not have a canteen. Of those who already have a canteen (60%), as much as 84.3% of the canteens do not meet health requirements. In addition, many school snacks do not meet the quality requirements of hygiene, health, and safety, so they can have an unfavorable impact on children's nutrition and health [8].

These facts show that schoolchildren have not received maximum protection when consuming snacks at school, even though school snacks are a form of food whose fulfillment is the human right of every Indonesian. The realization of healthy food sources for children is significant to realizing quality human resources to carry out national development [9,10]. Safe, quality, nutritious, diverse, and sufficiently available is the main prerequisite for the implementation of a food system that protects children's health, prosperity, and people's welfare as mandated by Law No. 18 of 2012, which is based on the 1945 Constitution of the Republic of Indonesia and Pancasila as the philosophical basis of the Indonesian state management system. Therefore, the protection of schoolchildren when consuming snacks available at school is very significant to ensure that they obtain their rights as citizens who must be protected by law.

2. BACKGROUND THEORY

Indonesia is a country that declares itself a welfare state [11], as reflected in the fourth paragraph of the Preamble and Article 23, paragraph 1 of the 1945 Constitution. According to R. Kranenburg as quoted by Rismanto et al [12], in a welfare state, the state must be active to realize the welfare of the people who adhere to the principles of justice and do not favor certain groups. The definition of a welfare state has several essential meanings, including [13]:

- 1) Welfare is a condition that includes the fulfillment of both material and non-material needs. It is realized when basic needs such as nutrition, health, education, housing, and income are met while protecting people from life-threatening risks.
- 2) Social services, which involve social security, health care, education, housing, and personal social services.
- 3) Social assistance provided to those in need is often associated with the poor, unemployed, and disabled, although it often has negative connotations.

4) A planned process and effort undertaken by individuals, social institutions, communities, and governments to improve the quality of life through the provision of social services and social benefits

Based on this concept of the welfare state, the state must be active in protecting the health of children in schools by providing safe, healthy, and nutritious snacks. To ensure the protection of school children in consuming healthy, safe, and nutritious snacks, regulations that have strong authority are needed. Lawrence M. Friedman [14], argues that there are three key elements in the legal system can ensure the effectiveness of applicable laws and regulations. First, legal substance involves rules and norms that serve as the basis for behavior and decisions in society. These are legal regulations that are binding and serve as a guide for law enforcement officials. Second, legal structure refers to law enforcement institutions such as the police, prosecutors, and courts. This structure is essential for running and enforcing the law in society. Third, legal culture is the attitude and views of the community, including law enforcement officials, towards the law and the legal system. This legal culture plays an urgent role in the implementation of the law and its appreciation in society [15].

These three components have a reciprocal relationship and support each other. Although the legal structure and quality of a legal substance can be excellent, without a supportive legal culture, law enforcement will not be effective. Therefore, it is very important to ensure that the law does not only exist in the form of written rules but is also well implemented in practice and supervised by law enforcement officials. In the context of protecting schoolchildren from consuming snacks, the government needs to establish regulations that include norms that require all parties involved in the provision of snacks in schools, from snack producers to school managers, to comply with the laws and regulations set by the government. Violations of these regulations must be subject to strict sanctions by law enforcement officials to realize public welfare [16]. The provision of healthy, safe, and nutritious snacks for schoolchildren must be part of a legal culture that is deeply understood to protect schoolchildren.

Legal protection of schoolchildren in terms of snack consumption is an effort to defend the position of children, who are still unable to fully understand the consequences of their food choices. As explained by Satjipto Rahardjo as quoted by Yuliartini [17], legal protection is a state action to safeguard human rights that may be vulnerable or threatened by the actions of others, and this is given to the entire community, including children so that they can enjoy the rights guaranteed by law. Therefore, children, as members of society, have the right to be protected in accessing healthy, safe, and nutritious food, as well as to be protected from violence and discrimination, by the provisions contained in Article 28B paragraph 1 and Article 28H paragraph 1 of the 1945 Constitution of the Republic of Indonesia. This aims to create a generation of Indonesian children who are qualified, noble, and prosperous.

3. LITERATURE REVIEW

The health and safety of schoolchildren in Indonesia is a pressing issue that requires serious attention. One crucial aspect of maintaining children's health and safety is understanding the impact of snack consumption in schools. Snacks, often a necessary part of children's daily lives, can have significant implications for their health. Therefore, legal protection for the consumption of snacks by children in schools is a crucial concern to ensure their health and safety.

According to Istiani and Agustiani [18], the study on the importance of school children's health and safety in consuming snacks at school is urgent because snacks play an important role in providing energy and nutritional intake for school-age children. However, many school snacks are contaminated with E. coli bacteria, which can increase the risk of diarrheal disease in schoolchildren. There is a relationship between handler hygiene, food processing sanitation, food presentation, and E. coli bacteria in schoolchildren's snacks.

According to Puspitasari [19], hawker food is food and beverages with a variety of flavors and colors served through equipment or sales locations on the roadside, in public areas, or in other places that have been prepared or cooked beforehand at the production, at home, or the sales location. These hawker foods are often placed in open areas and sometimes include potentially hazardous ingredients. This situation can

result in unhealthy and risky snacks. Around 35% of school snacks in Indonesia were found to be unhealthy for consumption.

Other studies in several other regions, as stated by Bastami et al. [20] show that schoolchildren enjoy unhealthy snacks. This matter can lead to a range of health problems in children and adolescents, including conditions such as obesity, dental cavities, and chronic diseases. In addition, consumption of such snacks during childhood and adolescence may increase the risk of developing health problems in adulthood, such as cardiovascular disease, hypertension, and diabetes mellitus. Regularly consuming unhealthy foods, especially those containing carcinogens, is associated with an increased risk of developing cancer [21]. Thus, confirming that the consumption of unhealthy and unsafe food by school children can have a serious impact on their health and development.

Naimah and Soesilo [22] argue that government involvement, in this case, is significant to protect schoolchildren from consuming snacks potentially harmful to their health so that their health rights are not neglected. The government plays a central role in efforts to provide legal protection of children as consumers through three main aspects: regulation, legal arrangements (including sanctions), and social engineering. In terms of regulation, the government can play a role by creating regulations that recognize and affirm consumer rights that must be respected by other parties. For example, the government can issue various regulations that school snack producers must comply with in producing and distributing their products to schools. Frieden [23] states that the government is responsible for enforcing public health interventions, raising public awareness, protecting individuals from harm, promoting well-being, and cultivating an environment conducive to healthy lifestyles. The gains in terms of health, economic well-being, and overall productivity that result from these public health initiatives benefit both the individual and society at large.

4. DISCUSSION

Health is an inherent human right of every individual. Article 28h of the 1945 Constitution guarantees every individual's right to health services [24]. In its role as a protector of the welfare of its citizens, the government must ensure the availability of food and health facilities to ensure their survival and welfare. The government's obligation to provide food and health facilities for the population is stated in Articles 4–8 of Law No. 36 of 2009 on Health, which tasks the government to ensure the well-being of all members of society, given that improving public health is considered a significant component of national development.

Law No. 36 of 2009 on Health affirms that every individual has a fundamental right to health. Health, as defined by the World Health Organization, is an individual's ability to lead a productive life in a socioeconomic environment, involving physical, spiritual, mental, and social well-being. A person's health goes beyond the mere absence of disease or disorder and also includes physical, mental, and emotional well-being [25]. To achieve optimal physical and mental health, every aspect of the food consumed must meet the basic requirements of being healthy, safe, and nutritious.

4.1. The Health and Safety Aspects of Snack Consumption in the School Environment

Providing healthy and safe food in the school environment is one of the efforts to realize children's welfare. Healthy snacks are snacks that contain necessary nutrients that are needed by the human body, such as carbohydrates, minerals, vitamins, proteins, fats, and water [26]. Safe snacks are understood as efforts made to avoid food from potential contamination by microorganisms, chemical compounds, and other materials [27]. Based on these concepts, there are several benchmarks for assessing the health and safety of snacks in schools [28]:

- 1. Nutritional Quality: The health aspect involves the type of food and beverages served. The food should be rich in nutrients necessary for student growth and development, including protein, vitamins, minerals, and fiber. Avoid foods high in sugar, saturated fat, and excessive salt.
- 2. Food Allergies: In the context of health, it is also important to consider food allergies. Providing information on the ingredients used in snacks can help students with food allergies avoid foods that may trigger allergic reactions.

Meanwhile, to measure the safety level of school snacks, we can use the benchmark that snacks should be free from contaminants such as bacteria, viruses, or harmful chemicals and not contaminated by flies, ants, cockroaches, or other animals that can carry diseases. Food safety challenges cover four main areas [29]:

- 1) Microbiological Safety: Food is inherently biological and can support the growth of microorganisms that have the potential to cause foodborne illness. Although viruses are responsible for most foodborne illnesses, bacterial agents are the cause of hospitalizations and deaths associated with foodborne infections. These illnesses can range from mild gastroenteritis to more severe conditions such as neurological, hepatic, and renal syndromes caused by toxins produced by disease-causing microorganisms. Bacterial agents are the main cause of severe and fatal foodborne illnesses. Species include Staphylococcus, Salmonella, Clostridium, Campylobacter, Listeria, Vibrio, Bacillus, and E. coli.
- 2) Chemical Safety: Chemical additives that are not fit for consumption, such as colorants and preservatives, as well as contaminants such as pesticide residues, have been detected in food products. Some food samples have shown higher levels of heavy metals such as lead, cadmium, arsenic, mercury, and copper compared to average samples, indicating potential leaching from inadequate food handling equipment and practices.
- 3) Personal Hygiene: Inadequate personal hygiene practices by food handlers and preparers pose significant risks to individual and public health. Simple practices such as thorough hand washing and the provision of adequate hand washing facilities can prevent many cases of foodborne illness.
- 4) Environmental Hygiene: Inadequate recycling and waste disposal infrastructure can lead to the accumulation of spoiled and contaminated food. This matter, in turn, increases pest and insect populations, which can result in the risk of food contamination and spoilage. Poor sanitary conditions in areas where food is processed and prepared contribute to suboptimal food storage, transportation, and the sale of unhygienic food products.

Hygiene when preparing and serving food, as well as environmental sanitation, is of paramount importance. In the context of school snack safety, this also includes the prevention of physical injury. Therefore, the snacks served should be free from foreign materials such as broken glass or other hard materials that could harm students. The importance of paying attention to health and safety aspects when students consume school snacks is to ensure that the food they consume supports their growth and development while also safeguarding them from potential health and safety risks.

The availability and safety of food, including snacks, is a basic human right, and governments have a responsibility to ensure that this is guaranteed. School snacks that do not meet health standards can potentially cause poisoning, digestive problems, and, in the long run, nutritional issues. In addition, unhealthy food can interfere with students' performance at school. Based on guidelines from the World Health Organization (WHO), five factors need to be considered to ensure the provision of safe food [30]:

- a. Maintain hygiene: One important step is to wash hands with soap and clean water before cooking or preparing food. It is crucial to avoid direct contact with food, as through hand contact, microorganisms can easily contaminate food. Therefore, the use of gloves or aids such as spoons is recommended when interacting with food.
- b. Prevention of Contamination: Food and food ingredients should be stored in a closed and well-wrapped container to prevent contamination by dust. In addition, it is important to separate raw food from cooked food and categorize them by type. The same applies to cooking utensils.
- c. Safe Storage: Ensure that food or ingredients are stored at safe temperatures, such as in the refrigerator, if appropriate. Do not leave food in storage for too long, and cooked food should not be left at room temperature for more than 4 hours, as this can invite bacterial growth.
- d. Adequate Heating: Before consuming, ensure that the food is heated to an adequate temperature. This aims to prevent the growth and development of microorganisms that can trigger health problems.

e. Use of Safe Water and Raw Materials: Ensure that the water used and the raw materials of the food are safe, with no discoloration or suspicious smell.

Food safety assurance must cover all stages from before the product enters the market to afterward, involving three pillars of responsible stakeholders; the government, consumers, and business people. Supervision before products enter the market is carried out through the assessment of supporting data, laboratory testing, and product certification by applicable standards. Meanwhile, supervision after the product enters the market includes inspections at the production, distribution, and service stages, as well as sampling and laboratory testing to ensure product quality.

4.2. The Legal Aspects of Snack Consumption in the School Environment

The need for students to consume snacks at school must be guaranteed by law so that the snacks are healthy, safe, and nutritious. The government has the primary responsibility to ensure that snacks sold in the school environment comply with established requirements and procedures. The urgency of the law in protecting children's health when consuming snacks is crucial because children are a vulnerable group. Unhealthy or dangerous snacks can have serious long-term impacts on children's health, including the risk of obesity, digestive disorders, and other health problems [31]. The law allows the government to regulate the quality of food sold or served in school settings, including oversight of nutritional composition, levels of sugar, saturated fat, and other food additives that may affect children's health [32]. Regulations also emphasize the importance of hygiene in the provision of food in schools, including requirements for hygienic practices.

To ensure that snacks offered by vendors in schools are healthy, safe, and nutritious, in addition to the Health Law and the Food Law, the government issued Minister of Health Regulation No. 2 of 2023 on the Implementation of Government Regulation No. 66 of 2014 on Environmental Health. In addition to the Minister of Health regulation, the Food and Drug Administration also issued Food and Drug Administration Regulation No. 11 of 2019 on Food Additives. These regulations should serve as guidelines for schools, hawkers, and parents in choosing healthy, safe, and nutritious snacks.

In addition, to ensure that snacks served or sold in a school environment are healthy, they must meet strict hygiene standards by the provisions set out in Minister of Health Regulation No. 2 of 2023. This includes requirements for food handler hygiene, the use of protective equipment, and periodic health checks. With effective laws in place to protect children's health when eating snacks, children have better protection against risky foods and can grow up healthier. The law creates the necessary framework to regulate, supervise, and control food in the school environment with the primary aim of protecting children's health.

Healthy snacks do not only meet hygiene standards, in the production process, snacks served or sold in the school environment must pay attention to the provisions on the use of food additives regulated in Food and Drug Supervisory Agency Regulation No. 11 of 2019 on Food Additives. This regulation stipulates that the use of food additives, which are ingredients added to food to affect its properties or form, must not be used as the main ingredient in making snacks. The use of food additives may only be carried out by business actors with due regard to the health, safety, and nutritional elements of the food served [33].

Although the importance of regulations designed to protect children's health when consuming school snacks is widely recognized, the enforcement of such regulations through guidance and supervision plays an equally important role. This guidance and supervision aim to ensure the safety and appropriateness of all food products available in the community [34]. The government works closely with relevant agencies to oversee the implementation of these measures. Effective division of roles and responsibilities as well as smooth coordination among the agencies involved are important factors in ensuring success in protecting consumers, especially children, from potentially hazardous food products. To secure the safety of schoolchildren while consuming snacks, it is imperative to fortify the legal framework, legal provisions, and legal awareness. Law enforcement authorities and relevant agencies must intensify their efforts to curtail the distribution of unhealthy snacks. Regarding legal provisions, the existing food regulations should be complemented by regional regulations that emphasize guidance, oversight, and

safeguards for both producers and consumers. These regional regulations should be tailored to accommodate local values and unique conditions in each area.

In addition to the legal elements, culture needs to be improved. Parents, teachers, school management, hawkers, and the community must have a high awareness of the importance of providing and consuming healthy snacks for schoolchildren. This awareness can be increased through literacy and socialization of healthy food for schoolchildren. To raise awareness about healthy food, the involvement of various parties, including the government, educators, local communities, and the private sector, is crucial. With good collaboration, people can more easily access and understand the benefits of healthy, safe, and nutritious food.

5. CONCLUSIONS

The health and safety of schoolchildren when consuming snacks require serious protection because not all schools in Indonesia have healthy canteens or have canteens that do not meet health requirements. The benchmark of a healthy snack is the quality of nutrition in the snack, which does not contain ingredients that endanger health. The government has issued several regulations related to the provision of snacks in schools, but they have not been able to function optimally. Providing maximum legal protection for schoolchildren when consuming snacks requires strengthening the rules in structure, substance, and legal culture of the community.

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