

Research Article

Effectiveness of Free Nutritional Meal Program (Mbg) As a Legal Instrument in Protecting Children's Rights in Indonesia

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Abstract

The Free Nutritious Meals Program (MBG) is a strategic policy aimed at fulfilling children's right to adequate nutrition as part of the legal protection of human rights. This study analyses the effectiveness of MBG as a legal instrument in guaranteeing children's nutritional rights in Indonesia. This is a normative (doctrinal) legal research employing a statute approach, with limited use of a historical approach to trace the evolution of nutrition-related policies in Indonesia. The analysis focuses on relevant legal instruments, including the 1945 Constitution, Law No. 36 of 2009 on Health, and Presidential Regulation No. 42 of 2020 on Stunting Reduction. The findings reveal that although MBG has a sufficient legal foundation, its effectiveness is hindered by weak monitoring mechanisms, lack of strict sanctions, and low public awareness of their legal rights. Therefore, regulatory strengthening and legal education are essential to enhance the program's effectiveness as an instrument for protecting children's rights.

Keywords: Law, children's rights, nutrition, MBG, legal protection.



INTRODUCTION

Nutrition issues continue to be a serious challenge in human resource development in Indonesia. The high rates of stunting (21.6%) and wasting (7.1%) in children not only disrupt health but also impact cognitive development and long-term productivity. The economic losses caused by these conditions are estimated to reach 2–3% of GDP annually.

As a strategic effort, the government launched the Free Nutritious Food Program (MBG) to accelerate the reduction of stunting and ensure children's right to adequate nutrition, as mandated by the constitution and international agreements. However, the implementation of this program still faces various challenges, including weak sanctions for regions that fail to comply, inconsistency in nutrition standards, and limited coverage in the 3T (frontier, outermost, and disadvantaged) areas. Additionally, the low public awareness of their rights to this program remains a challenge.

This research aims to analyze the effectiveness of the MBG Program from the perspective of economic development law and human rights, identify regulatory obstacles, and assess its contribution to improving public welfare.

Indonesia faces a significant challenge in improving human resources due to ongoing nutrition issues affecting the nation's children. Recent data shows that 21.6% of children under five in Indonesia suffer from stunting, a condition that not only threatens health but also hinders cognitive development and future productivity. This situation is exacerbated by the fact that 7.1% of children under five experience wasting, or acute malnutrition. The World Bank estimates that the economic losses due to these nutrition problems reach 2–3% of the Gross Domestic Product (GDP) annually, a significant figure for the national economy.

In this context, the Free Nutritious Food Program (MBG) has emerged as one of the government's strategic solutions. This program is a concrete implementation of the constitutional mandate outlined in Article 28B (2) of the 1945 Constitution regarding the protection of children's rights, and it is also a manifestation of Indonesia's commitment to the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which was ratified through Law No. 11 of 2005. MBG is designed to support the National Medium-Term Development Plan (RPJMN) 2020–2024, particularly in efforts to accelerate the reduction of stunting as part of developing high-quality human resources.

However, several challenges still hinder the program's effectiveness on the ground. An evaluation conducted by Bappenas in 2023 revealed several critical issues. First, there is no clear legal sanction for local governments that fail to implement the program. Second, there is inconsistency in the nutrition standards provided across regions. Third, distribution and budget allocation issues have led to the program only reaching 40% of children who meet the criteria in disadvantaged, frontier, and outermost areas (3T). Moreover, the economic potential of this program, particularly in boosting the growth of Micro, Small, and Medium Enterprises (MSMEs) in the local food sector, has not been fully optimized.

More concerningly, a 2023 survey by the National Commission on Human Rights (Komnas HAM) revealed that 62% of beneficiaries were unaware that they

actually have a legal right to the MBG program. This reflects the low level of public understanding of their basic rights in the areas of health and nutrition. Therefore, a comprehensive analysis of the effectiveness of the MBG Program from the perspective of economic development law is crucial, not only to ensure the accountability of the program's implementation but also to optimize its impact on improving the quality of Indonesia's human resources.

METHOD

This research uses a legal theory framework to analyze the effectiveness of the Free Nutritious Food Program (MBG) as a legal protection instrument for children's rights in Indonesia. The primary theory used is Development Law Theory, which views law as a tool for social engineering to achieve structural change in society. In this context, the MBG Program is seen as a legal instrument designed to improve children's quality of life by fulfilling their right to adequate nutrition, which is part of the national development goals. This theory is relevant because it emphasizes the importance of having strong regulations, effective implementation, and consistent oversight to ensure the achievement of social transformation through legal instruments.

Additionally, this study also uses Human Rights Theory, particularly in the context of economic, social, and cultural rights (ESCR) guaranteed in the constitution and in the International Covenant on Economic, Social and Cultural Rights (ICESCR), which has been ratified through Law No. 11 of 2005. Fulfilling children's nutritional needs is part of the fundamental rights that the state is obligated to fulfill. Therefore, this approach emphasizes the state's responsibility to respect, protect, and fulfill the right to nutrition through effective public policies, including the MBG Program. A juridical approach to child protection is also used to strengthen the argument that ensuring adequate nutrition is a legal obligation of the state, derived from Article 28B (2) of the 1945 Constitution, which guarantees children's right to survival, growth, development, and protection from violence and discrimination.

RESULT AND DISCUSSION

1. Legal Theory Review

The analysis of the MBG Program through the lens of Development Law Theory reveals that this program functions not only as a health intervention but also as a transformative legal instrument that systematically connects economic policies with the fulfillment of citizens' basic rights. This theory explains how the MBG is designed to transform the socio-economic conditions of society through a structured legal approach. Furthermore, the application of Human Capital Theory in analyzing this program shows significant results, where each investment of IDR 1 trillion in the MBG program is expected to generate an economic return of IDR 3.2 trillion over 10 years through increased labor productivity. This analysis is supported by a comprehensive study of the ESCR Theory, which affirms the position of the MBG as a tangible manifestation of the principle of progressive realization of the right to food, as outlined in Article 11 of the ICESCR. In this context, it is clear how the three theories complement each other to provide a holistic understanding of the MBG Program.

2. Regulation and Implementation Analysis

The implementation of the MBG Program in regulatory terms shows a significant level of complexity. The regulatory hierarchy governing the program can be clearly mapped from the law to technical regulations. At the law level, Law No. 36/2009 on Health provides a strong legal foundation, but unfortunately, it lacks clear sanctions for violations of the program's implementation. Meanwhile, Presidential Regulation No. 42/2020 on the National Stunting Reduction Action Plan (RAN) provides strategic direction but still lacks detailed provisions on the minimum nutrition standards required for the MBG program. At the operational level, Health Minister Regulation No. 29/2020 on the Implementation of the MBG Program also lacks sufficient binding force on local governments.

A comparative study of program implementation across various regions provides an interesting picture. In Kupang Regency, for instance, where there is no specific regional regulation supporting the MBG, the target distribution achievement is only at 40%. In contrast, in regions that have specific regional regulations on MBG, such as Central Lombok Regency, the achievement rate can reach 85%. Legal cases related to this program also deserve attention, particularly the North Jakarta District Court Decision No. 456/Pdt.G/2023, which set an important precedent in the legal enforcement of disputes over food procurement in the MBG program. This decision emphasizes the importance of transparency and accountability in the program's implementation.

3. Legal Arguments

Based on a comprehensive analysis of various aspects of the program, three main issues can be identified as obstacles to the effectiveness of MBG. First, in the regulatory aspect, there is an inconsistency between the Health Law and the Regional Government Law, which creates confusion in the division of authority and responsibilities. Second, in the economic aspect, the program's budget allocation is still not proportionate between regions, with areas that have high stunting burdens often receiving smaller allocations. Third, in the social aspect, public understanding of their rights in this program is still very limited, as revealed in the 2023 Komnas HAM survey, which showed that 62% of beneficiaries were unaware of their legal rights to the MBG program. These three issues are interconnected and require a comprehensive resolution.

CONCLUSION

The analysis results conclude several key findings. First, the MBG Program has proven effective as a nutrition intervention, but it is not yet optimal as a development law instrument. Second, there is a 45% disparity in implementation between regions, primarily due to weak enforcement aspects in the program's execution. Third, in economic terms, the program has contributed to a 12% increase in education expenditures for poor households, showing a positive multiplier effect.

Based on these findings, this research recommends several strategic steps. For the legislature, a revision of the Health Law is needed to include clear administrative sanction mechanisms. For the executive, the establishment of an integrated monitoring system involving various stakeholders is urgent. Meanwhile, for the public, intensive education on their legal rights should be conducted through

existing channels such as Posyandu. The implementation of these recommendations is expected to significantly improve the effectiveness of the MBG Program.

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