# Legal Review on Funding of the Free Nutritious Meal (MBG) Program and its Solution for Indonesia

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**Abstract**

Eating nutritious food is a necessity for every human being to maintain health and achieve quality human resources. The fact is that not all Indonesian people are able to consume nutritious food due to differences in purchasing power. This article aims to review the legal aspects related to the controversy of MBG program funding. Based on the data obtained, the author concludes that funding for the MBG program comes from the education and health budgets. The use of the education budget for the MBG program is unconstitutional because it conflicts with education regulations in Indonesia. This is different from the health budget which still regulates nutritional fulfillment. The MBG program can be budgeted and implemented by the relevant ministry without having to form a new institution at the ministerial level. For the effectiveness of the APBN, recipients of the MBG program are specifically for poor families with a distribution model that maintains dignity.

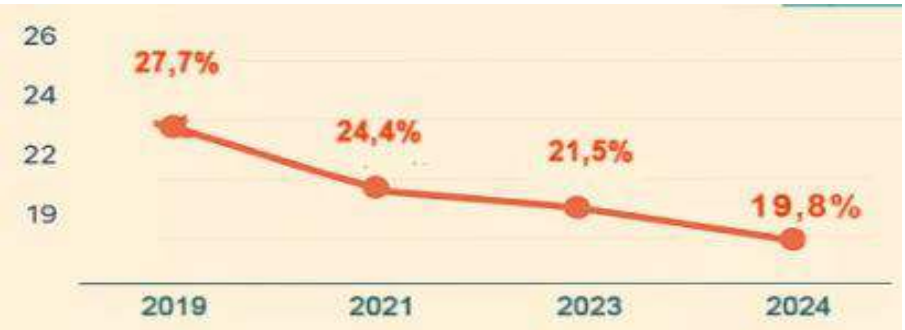
**Keywords**: legal review; funding, program MBG, Indonesia.

## Introduction

The Free Nutritious Meal (MBG) Program is a national priority program implemented by the government to provide free, targeted nutritious meals and aims to improve the quality of human resources by improving the nutritional status of target groups. Efforts to meet nutritional needs are aimed at building a healthy, intelligent, and productive generation that plays a role in supporting economic growth, poverty alleviation, and the development of quality human resources. Historically, the idea of MBG program emerged in July 2006 [1] which was then officially launched as a national program in January 2025 by the government to address the problem of stunting and improve the quality of human resources. Research results have shown there is an impact of stunting on the quality of human resources [2], so that there is a negative correlation between stunting and human resource development efforts [3].

[1] Anifatul Kiftiyah et al., 'Makan Bergizi Gratis (MBG) Program in the Perspective of Social Justice and Socio – Political Dynamics Program', *Pancasila: Jurnal Keindonesiaan* 05, no. 1 (2025).
[2] Aceng Ali Awaludin et al., *The Long-Term Impact of Childhood Stunting on Cognitive Development and Educational Outcomes*, 11, no. 8 (2025): 70–77, https://doi.org/10.29303/jppipa.v11i8.12198.
[3] Zulkifli Siregar, Nur M. Ridha Tarigan, and M. Sahnan, 'Strengthening Human Resources Through Introduction and Stunting Prevention', *East Asian Journal of Multidisciplinary Research (EAJMR)* 1, no. 7 (2022): 1221–28.

In health literature, stunting is a major public health problem that reflects chronic malnutrition and adversely affects children's physical growth, cognitive development, and future productivity [4]. The Health Development Policy Agency (2025) released the following data on the decline in stunting rates:




Despite its good intentions, the MBG program has caused controversy in society [5]. The most prominent controversy concerns the funding, governance, and effectiveness of the MBG program [6], including several cases of food poisoning. There are several problems related to MBG, which has caused the program to receive a lot of criticism. Related to funding, in the 2025 State Budget Financial Note, mentioned that 82% of the MBG budget is allocated to the education sub-function and 18% to the health sub-function. In the initial implementation phase, the government allocated approximately IDR 71 trillion in the state budget (APBN), targeting 15 to 17.5 million beneficiaries (Kompas, 2025). Subsequent developments increased the target beneficiaries to 82.9 million, with a projected budget requirement of approximately IDR 116 trillion (Databoks, 2025). In fact, the full cost of implementing the program is estimated to reach approximately IDR 450 trillion per year (Reuters, 2025).

The governance of the MBG Program still shows significant weaknesses in oversight and accountability. The root of the problem is systemic: unaligned regulations, overlapping institutional structures, and unintegrated oversight mechanisms. The lack of transparency and public participation further increases the potential for maladministration, inefficiency, and even corruption, as evidenced by cases of mass poisoning and budget wastage [7]. The suspect of the head of the National

[4] Atalia Pili Mangngi, *Childhood Stunting as a Public Health Problem and Its Prevention Interventions : A Literature Review*, 2022.
[5] Melati Dama, Ayu Dewi Mayasari, and Lisbet Situmorang, *The Controversy of the Free Meal Programme in the General Election 2024 in Indonesia Kontroversi Program Makan Bergizi Gratis Dalam Pemilu 2024 Di Indonesia*, 2 (2025): 179–91.
[6] Muh Syahrul and Irfan Azizi, *Kontroversi Pendanaan Dan Efektivitas Program Makan Gratis Di Sekolah Dasar*, 1, no. 1 (2025): 77–88, https://doi.org/10.59966/arunikawidya.v1i1.56.
[7] Wike Putri Meilia et al., *Tata Kelola Dan Pengawasan Program Makan Bergizi Gratis ( MBG ) Di Indonesia : Analisis Kritis Dari Perspektif Hukum Administrasi Negara*, 6, no. 2 (2026): 31696–709.

Nutrition Agency (BGN) and several parties involved in corruption is evidence of the weak governance of the MBG program.

Evidence of weak governance can also be seen from several cases of food poisoning among school children who consumed MBG. Reuters reported indicate incidents affecting more than 11,000 children, while government data puts the figure lower at around 6,000 (Reuters, 2025). These discrepancies not only present information problems but also deepen public distrust. In risk communication, data inconsistencies are often perceived as a sign that an institution is not fully transparent. As a result, the public questions not only the number of cases but also the country's credibility in managing risks [8].

To resolve these issues, this article aims to review the legal aspects related to the funding of the MBG program. The scope of the legal review in this study is both from the aspect of statutory regulations and Islamic law. There are several reasons why MBG needs to be reviewed from a legal aspect, namely (1) As a country based on law, government policies must be based on regulations; (2) The applicable regulations must be in harmony with the spirit of Islamic law as a law that lives in society; (3) The law invites us to think and act ideally based on the moral values contained in the law; (4) The standard of truth of legal products is always open to re-testing through the truth contained in legal sources. From these three reasons, it is hoped that the legal review can provide wise considerations regarding the MBG program.

**Legal Review On MBG Program**

The MBG is a national priority program implemented by the government to provide free, targeted nutritious meals and aims to improve the quality of human resources by improving the nutritional status of target groups. To implement the MBG program, the president has formed the national nutrition agency (BGN), namely a government institution established by the president to carry out the task of fulfilling national nutritional needs. The targets for nutritional fulfillment, which falls under the duties and functions of the National Nutrition Agency (BGN), are school-age children, children under five, pregnant women, and breastfeeding mothers.

The legal basis for the formation of BGN is **Presidential Regulation Number 83 of 2024**. This regulation was issued based on the consideration that, in order to develop quality human resources, it is necessary to optimize the implementation of national nutritional fulfillment, which is a manifestation of human rights as guaranteed in Indonesian constitution. This regulation regulates more institutional aspects, work procedures, financial rights and facilities equivalent to ministries, and funding sources. BGN regulations also touch on the status Presidential Regulation Number 66 of 2021 concerning the National Food Agency (BPN). which also regulates the fulfillment of nutritional needs. The difference is that in the BPN regulation, nutritional fulfillment falls under the deputy, whereas in the BGN

[8] Suryani Musi and Dea Audia Elsaid, *Nutrisi , Narasi , Dan Negosiasi Risiko : Membaca Kontroversi MBG Dalam Perspektif Risk Communication Nutrition , Narrative , and Risk Negotiation : Reading the MBG Controversy through Risk Communication*, 4, no. 2 (2026): 81–90.

regulations, nutritional fulfillment falls directly under the head of the agency who is directly responsible to the president. The BGN regulations do not repeal the BPN regulation, except those regulating duties and functions in the field of nutritional vulnerability whose authority was transferred to BGN.

Specifically, the governance of the implementation of the MBG program is regulated through Presiden Regulation Number 115 Year 2025 concerning The Governance of The Free Nutritional Meal Program. As a national strategic program, the implementation of the MBG program needs to be accelerated, namely every effort encompassing the governance of providing free nutritious food and strengthening the supporting ecosystem through multi-sectoral collaboration at the central, regional, and village levels. One of the problems faced by the MBG program is related to funding sources. Even the MBG program has had a serious negative impact on state finance [9]. On the regulation of MBG governance, funding for the implementation of the MBG program comes from the state revenue and expenditure budget. Related to funding, in the 2025 State Budget Financial Note, mentioned that 82% of the MBG budget is allocated to the education sub-function and 18% to the health sub-function (INDEF, 2026). The fact that the use of the education budget for the MBG program has caused controversy. While this program is seen as an investment in human resources through nutritional support, it also raises concerns about a shift in education budget priorities. This controversy becomes even more relevant when linked to the concept of crowding out, which is the situation when a budget policy has the potential to reduce allocations to other normatively established priority sectors [10].

The use of the education budget for the MBG program is unconstitutional. The mandatory spending provisions in the education budget in Indonesia are based on Article 31 paragraph (4) of the 1945 Constitution, which requires the state to allocate at least 20% of the APBN and APBD for the education sector. This provision is closely related to Article 31 paragraph (3) of the 1945 Constitution, which emphasizes the state's obligation to organize a national education system. In state practice, the Constitutional Court emphasized that this provision is a binding constitutional obligation (MK Decision Number 13/PUUVI/2008; MK Decision Number 24/PUU-V/2007). The Court also interpreted that the 20% figure is a minimum requirement, not a maximum limit [11].

Representatives of students, honorary teachers and foundation schools have challenged the law of APBN 2026 which has allocated funds for the MBG program to the Constitutional Court (MK). The principle is that Article 31 paragraph 4 of the 1945 Constitution mandates the government to allocate 20% of the APBN and APBD for the provision of education. However, citizens' constitutional rights to education have the potential to be harmed by the enactment of Article 22 paragraph 3 of the APBN 2026 Law (https://www.bbc.com/). The Law of National Education

[9] Wilyus Martin et al., *EVALUATION OF THE FREE NUTRITIONAL MEAL PROGRAM ( MBG ) POLICY IN INDONESIA BASED ON WILLIAM N . DUNN ' S PERSPECTIVE*, 24, no. 1 (2026): 1–9.
[10] Hilda Aulia et al., *Polemik Alokasi Dana MBG Dalam APBN 2026 : Tinjauan Konstitusionalitas Anggaran Pendidikan 20 %*, no. 4 (2026).
[11] Aulia et al.

System Number 20 of 2003 and Government Regulation Number 48 of 2008 concerning Education Funding also not set about MBG program.

Through Decision Number 40/PUU-XXIV/2026, the MK has decided that the essence is explanation of Article 22 paragraph (3) of Law Number 17 of 2025 concerning the APBN 2026 does not conflict with the 1945 Constitution and has conditional binding legal force as long as it is interpreted as 'only applicable to the APBN 2026, so that for the following years the budget for the MBG program which is not a main component of the education budget. This decision applies to the APBN 2028 or a maximum of 2 (two) years since the a quo decision was pronounced. This decision shows that the use of the education budget for the MBG program is illegal.

For budget effectiveness, the MBG program should be specifically targeted to those in need, namely the poor and needy. Furthermore, if the data is clear and they fall into the *mustahiq* category, the government can empower BAZNAS and zakat collection institutions throughout Indonesia. If the MBG program applies to all targets as stated in the regulation, state budget expenditures will certainly be ineffective, especially if a separate ministry-level agency is established with all operational costs borne by the state budget. Malnutrition issues can be addressed through sub-sectors within the Ministry of Health collaborating with the Ministry of Social Affairs.

Creating institutions with programs that are not effective in the long term will only become a burden on the state budget. Providing large monthly salaries for MBG service employees that exceed those of teachers who have served for decades is an unfair policy. In fact, in several cases, it has been proven that the MBG program budget has been misused through corruption or has become an arena for gratification by irresponsible parties. Providing food and healthcare for those who cannot afford it is important, but it shouldn't be given to those whose food and nutritional needs are already met. It's like giving "medicine" only to the sick, not to everyone who doesn't need it.

According to the author, the problem with the MBG program is not only related to budget use, but also concerns the dignity and self-respect of the nation. Therefore, this program cannot be exposed as a national strategic program that is widely spread amidst the progress of other nations. Moreover, the MBG program is only a political commodity that appears to be a populist government but in reality sells the nation's dignity. Nutritional problems are the impact of poverty or inequality in the distribution of wealth. Poverty in a country inevitably impacts its people's ability to consume nutritious food. Rich countries, with high levels of economic inequality, also impact the unequal access to nutritious food for their people. So the problem of malnutrition or poverty in general is a systemic economic justice problem that cannot be solved with the MBG model.

Providing public services through subsidies or handouts is a good policy when the state budget is in surplus. For example, subsidies on food, healthcare, education, and other goods are made to ensure affordability. However, in the midst of a state budget deficit, implementing the MBG program as it is now is inappropriate. The true concept of a welfare state is not enough to just provide free food, but how the

state is sovereign so that all the people's needs are affordable with dignity. A welfare state is when there is a surplus of *baitul maal* because its people are able and aware of fulfilling their zakat obligations. Paying zakat obligations has two dimensions: economic capacity and the people's religious awareness. Indonesia, a developed nation with all the advantages and sovereignty, cannot be considered a welfare state if its people lack religious awareness.

In the qur'an there are verses that command giving food to the poor (QS. Al-Insan [76]: 8) (QS. Al-Balad[90]: 11-16). Therefore Allah condemns a person who does not care about the poor (QS. Al-Fajr[89]: 17-18) (QS. Al-Muddatstsir[74]: 44). In hadits qudsi Allah SWT said:اللَّهُمَّ إِنِّى أَسْأَلُكَ فِعْلَ الْخَيْرَاتِ وَتَرْكَ الْمُنْكَرَاتِ وَحُبَّ الْمَسَاكِينِ (*O Allah, I ask You to make it easy to do good and leave evil and I ask You to love the poor*). Special attention given to the poor and orphans is a form of solidarity. Then the concept of mustahiq in distributing zakat to people who are entitled to receive it is also a form of solidarity. The government can learn from this verse to provide MBG only to those who are entitled to receive it through the relevant ministry without having to form a new institution.

The story of the caliph Umar bin Khatab carrying his own wheat to give to poor families who did not have food. This was done after a survey at night and found that the people could not eat. The distribution was not carried out in a targeted manner and without publication [12]. The goal is of course to avoid popularity and also to maintain the self-esteem of the recipient. In order to be on target and maintain the nation's dignity in the eyes of other countries, in implementing the MBG program the government can follow the example of the Caliph Umar bin Khatab r.a.

## Conclusion

The MBG program has caused controversy, especially regarding the source of the budget. Funding for the MBG program comes from the education and health budgets with different percentage ratios. The use of the education budget to implement the MBG program is unconstitutional. The MBG program is not regulated by education funding regulations, so the 2026 State Budget Law allocating funds from the education budget is invalid. This differs from health regulations, which address food and nutrition needs. The government needs to explore APBN funding sources and empower relevant ministries without having to form new institutions. Specifically for the Muslim people, the government through the relevant ministries can empower BAZNAS to raise funds from *zakat, infaq, shadaqah* and waqf. In order to be effective, the MBG program needs to be specifically targeted at those who are entitled to receive it, namely low-income families. The misuse of MBG program funds can be allocated to subsidies for education, health, fuel, and others so that they are more affordable for the people.

[12] Azwar Iskandar, *Zakat Distribution Polici of OF Umar Bin Khatab And Covid-19 Crisis*, 5, no. 2 (2020): 160–78.

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