

Research Paper

Juridical Review of the Free Nutritious Eating Policy as an Effort to Fulfill Children's Right to Social Welfare

Maria Br Napitupulu

Universitas Bina Prestasi, Indonesia

*Corresponding author : mariabrnapiitupulu@gmail.com

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ABSTRAK

Children's right to social welfare requires more than declaratory legal guarantees because unequal access to adequate nutrition persists and the legal position of the Free Nutritious Meal policy has not been fully examined within Indonesia's child-protection framework. This study analyzes the juridical basis and legal implications of the policy as an instrument for fulfilling children's social welfare rights. It uses normative legal research with statutory and conceptual approaches. Primary materials include the 1945 Constitution, the Child Protection Law, the Social Welfare Law, the Food Law, and regulations on the National Nutrition Agency; secondary materials comprise legal scholarship and recent studies. The materials are analyzed qualitatively through systematic interpretation and legal reasoning. The study finds that the policy has a strong constitutional and statutory foundation, reflects the welfare-state obligation to provide basic social protection, and accords with the principles of the best interests of the child and non-discrimination. Its effectiveness, however, depends on clear recipient criteria, nutritional standards, institutional coordination, accountable budgeting, complaint mechanisms, and continuous oversight. The study contributes an integrated legal construction connecting constitutional child rights, social welfare law, food law, and administrative governance. It concludes that the program should be treated as a rights-based public obligation rather than a temporary charitable measure.

Introduction

In essence, national development is directed to realize general welfare and improve the quality of life of the nation, as enshrined in the 1945 Constitution of the Republic of Indonesia (FIRDAUS, 2025). This agenda cannot be separated from efforts to improve the quality of human resources that began from an early age. Given the strategic position of children as the shoots and successors of the nation, the fulfillment of their rights is not just a moral obligation, but a constitutional responsibility inherent in the state (Suryani & Nirwani, 2025). From a human rights perspective, children's rights occupy a crucial position and must be guaranteed by the state. The Constitution provides firm recognition through Article 28B paragraph (2) of the 1945 Constitution, which mandates that every child has the right to survival, growth, and development. This constitutional norm places the state not only as a protector of children from discrimination and violence, but also as the primary duty bearer in meeting basic needs, including access to adequate nutrition (Indonesia et al., 1945).

The significance of nutritional intake lies not only in physical growth, but also fundamental to children's cognitive development and learning abilities. Failure to address the problem of nutrition (malnutrition) has long-term implications, both for individual health and for the decline in the quality of education, which in turn degrades the quality of human resources in the aggregate. Therefore, state intervention in fulfilling child nutrition is an inevitable strategic step in the national development architecture (Mulyana, 2025). Within the framework of a welfare state, the state bears full responsibility for the implementation of social welfare. This is affirmed in Article 34 of the 1945 Constitution, which states that the poor and abandoned children are cared for by the state, and mandates the development of the social security system. This provision is the juridical basis for the birth of various social protection policies aimed at protecting vulnerable groups, especially children (Constitution of the Republic of Indonesia 1945, 1945).

As a manifestation of this constitutional obligation, the government formulated a Free Nutritious Meal (MBG) policy focused on children in the educational environment (Salsabila & Wahyudi, 2025). This policy is designed to distribute access to nutritious food more equitably, while supporting the improvement of health status and absorption of education. Furthermore, the MBG program is positioned as a state instrument in reducing nutritional disparities and social disparities that still occur in various regions (da Conceição Savio et al., 2025). Juridically, the Free Nutritious Meal policy goes beyond just a charitable social assistance program; It is a form of implementing positive legal norms. Law Number 35 of 2014 concerning Child Protection, Law Number 11 of 2009 concerning Social Welfare, and Law Number 18 of 2012 concerning Food provide legal legitimacy for the state to guarantee children's rights to health and food. The country's commitment is further strengthened through the institutionalization of

national nutrition affairs, one of which is the establishment of the National Nutrition Agency through a Presidential Regulation. This step shows the government's intention to manage nutrition policies in a directed, systematic, and sustainable manner. Thus, the MBG policy has a strong legitimacy basis as a public policy that is carried out based on legitimate authority.

Nevertheless, the implementation of the Free Nutritious Meal policy still requires an in-depth legal review. A critical study is needed to assess the extent to which this policy is in line with the principles of protection of children's rights and the rules of social welfare implementation in laws and regulations. This juridical analysis is important to ensure that its implementation has met the principles of justice, legal certainty, and benefit to society. The normative juridical approach is appropriate to be used in this study because the main focus is to dissect the legal norms that govern state obligations. Through this approach, the MBG policy can be understood as an integral part of the national legal system aimed at realizing social welfare and the protection of children's human rights. Departing from the above thought, this study focuses on the review of the Free Nutritious Eating policy from a legal perspective, especially related to the fulfillment of children's rights to social welfare. It is hoped that this study can make a theoretical contribution to the development of legal science and become a normative evaluation material for the role of the state in guaranteeing children's basic rights through public policy. The novelty of this research lies in the unification of the analysis of children's rights to social welfare, the concept of the welfare state, the right to food, and administrative governance in one legal construction to assess the position of the Free Nutritious Meal policy. Based on this construction, the research is directed to assess the legal basis of the policy, the form of state responsibility, as well as the prerequisites for legal certainty and supervision that must be met so that children's rights are realized.

Methodology

This research uses a type of normative juridical legal research, which is research that focuses on the study of applicable legal norms and legal principles related to the Free Nutritious Meal policy as an effort to fulfill children's rights to social welfare. This approach was chosen because the focus of the research is not directed at the collection of empirical data in the field, but on the analysis of laws and regulations and legal documents that are the basis of the policy. The approaches used in this study include a statutory approach and a conceptual approach. The legislative approach is carried out by examining various legal provisions that regulate children's rights, social welfare, and the right to food, both derived from the 1945 Constitution of the Republic of Indonesia and the implementing laws and regulations under it. Meanwhile, a conceptual approach is

used to examine legal concepts related to child protection, social welfare, and the state's responsibility in fulfilling human rights.

The data source in this study is in the form of legal materials, which consist of primary, secondary, and tertiary legal materials. Primary legal materials include related laws and regulations, such as the Constitution of the Republic of Indonesia in 1945, Law Number 35 of 2014 concerning Child Protection, Law Number 11 of 2009 concerning Social Welfare, Law Number 18 of 2012 concerning Food, and Presidential Regulation which is the basis for the implementation of the Free Nutritious Meal policy. Secondary legal materials are in the form of legal literature, scientific journals, research results, and expert opinions related to the research theme. Tertiary legal materials are used as support, such as legal dictionaries and legal encyclopedias. The technique of collecting legal materials is carried out through literature studies, namely by tracing, inventorying, and studying various laws and regulations and legal literature related to the object of research. This literature study aims to gain a comprehensive understanding of the normative framework of the Free Nutritious Eating policy and its position in the national legal system. The analysis of legal materials in this study is carried out qualitatively, by interpreting legal provisions and legal doctrines related to the fulfillment of children's rights to social welfare. The analysis was carried out through systematic and logical legal reasoning to assess the suitability of the Free Nutritious Meal policy with the principles of child protection and social welfare. The results of the analysis are then presented in the form of descriptive-analytical descriptions to answer the research problems that have been formulated.

Results and Discussion

The Construction of the Child's Right to Social Welfare in the Perspective of National Law

The child's right to social welfare is a fundamental right that occupies a strategic position in Indonesia's national legal system. The recognition of this right does not only come from moral considerations or social policies, but has a strong constitutional foundation. Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia expressly states that every child has the right to survival, growth, and development. This provision places the child as a subject of law who has inherent human rights from birth and cannot be reduced under any circumstances. The right to grow and develop implicitly contains the state's obligation to ensure the fulfillment of children's basic needs, including nutritional, health, and social environmental needs.

The constitutional norms in Article 28B paragraph (2) of the 1945 Constitution cannot be understood only as a normative statement that is declarative, but must be interpreted as a norm that contains a positive obligation for the state. This positive obligation requires the state to take active steps through

policies, programs, and regulations to create conditions for the real fulfillment of children's rights. In this context, social welfare is the main instrument to ensure that children's rights do not stop at the normative level, but are manifested in daily social life. Children's right to social welfare is also closely related to the provisions of Article 34 of the 1945 Constitution which affirms the state's responsibility in caring for the poor and abandoned children. This article reflects the philosophy of the welfare state embraced by Indonesia, where the state is positioned as the main person in charge of the implementation of social welfare. Children, especially those from underprivileged families or in vulnerable conditions, are included in the category of subjects who must obtain special protection and attention from the state through affirmative social policies.

From the perspective of constitutional law, the provisions of Article 34 of the 1945 Constitution show that social welfare is not a private affair that is completely left to the family or society, but is a public affair that is the authority of the state. Therefore, the state cannot abdicate its responsibility on the grounds of limited resources, but must strive for a social security system that is able to reach all children gradually and sustainably. This construction makes it clear that the child's right to social welfare has a dimension of state responsibility that is direct and cannot be transferred. The constitutional regulation was then further elaborated in Law Number 35 of 2014 concerning Child Protection. This law emphasizes that the fulfillment of children's rights is a shared responsibility of the state, government, and local governments. This arrangement shows the vertical division of responsibilities in the government system, while emphasizing that the fulfillment of children's rights must be carried out in an integrated and sustainable manner. The right of children to health services and social security as stipulated in this law shows that the welfare of children cannot be separated from the fulfillment of basic physical needs, including the fulfillment of adequate nutrition.

In the context of child protection law, the fulfillment of nutrition is an integral part of the right to health. Malnutrition in children can have an impact on the inhibition of physical growth, cognitive development, and social skills of children. Therefore, the state is obliged to ensure that every child has access to nutritious food as a prerequisite for enjoying other rights. Thus, the social welfare of children must be understood comprehensively, not only as an economic condition, but also as a condition of overall health and quality of life. Furthermore, Law Number 11 of 2009 concerning Social Welfare provides a more operational normative framework regarding the concept of social welfare. This law defines social welfare as a condition for fulfilling the material, spiritual, and social needs of citizens in order to live a decent life and be able to develop themselves. In this perspective, children who do not have access to nutritious food can be categorized as individuals who experience social problems, because these conditions hinder the child's ability to grow and develop optimally.

Social welfare laws also place the state as the main provider of social protection through various forms of intervention, such as social security and social protection. Children as a juridically vulnerable group have a priority position in the implementation of social welfare. Therefore, state intervention in the form of a policy to fulfill child nutrition is a logical consequence of the mandate of the law, not just a discretionary policy of the government. From the point of view of the national legal system, it can be seen that there is a close relationship between constitutional norms, child protection laws, and social welfare laws in shaping the construction of children's rights to social welfare. All of these norms form a unified legal system that places the state as the main actor in fulfilling children's rights. This system emphasizes that the social welfare of children is not a policy choice, but a legal obligation that must be carried out consistently. Thus, it can be systematically concluded that the child's right to social welfare has gained a strong and comprehensive legitimacy in Indonesian national law. These rights are not only guaranteed by the constitution, but are also strengthened by sectoral laws and regulations that provide a legal basis for the state to act actively. This normative framework is the main juridical basis for the birth and implementation of the Free Nutritious Eating policy as a concrete form of fulfilling children's rights to social welfare.

Free Nutritious Eating Policy in the Framework of a Welfare State

The Free Nutritious Eating (MBG) policy is a concrete manifestation of the state's role in realizing children's social welfare within the framework of a welfare state. In the welfare state paradigm, the state is not only positioned as a guardian of law and order, but also as the main actor responsible for meeting the basic needs of citizens. This paradigm requires the state to be actively present in overcoming social problems that cannot be solved by market mechanisms or individual initiatives. In the context of fulfilling child nutrition, MBG is a form of state intervention that directly touches the basic needs of children as a group that has structural vulnerability. The concept of a welfare state places social welfare as the main goal of government administration. The state is required to develop public policies that are oriented towards protecting and improving the quality of life of citizens. The MBG policy is designed in response to child nutrition problems that have long-term implications for the quality of human resources. By ensuring free access to nutritious food, the state seeks to prevent social inequality that impacts children's opportunities to grow and develop optimally.

Normatively, the MBG policy has obtained strong legitimacy from Law Number 18 of 2012 concerning Food. This law emphasizes that food is a basic human need whose fulfillment is the responsibility of the state. The government is required to ensure the availability, affordability, and safety of food for all people. This provision shows that the fulfillment of the right to food cannot be completely left to market mechanisms, as such mechanisms have the potential to create

inequality of access for vulnerable groups, including children. From a public law perspective, state involvement through direct feeding policies, such as MBG, is a form of exercise of government authority that is attribution. The state uses its authority to intervene in the distribution of resources to achieve social welfare goals. Thus, the MBG policy cannot be seen as a charitable policy or social assistance alone, but as a form of implementing the government's legal obligation to ensure the right to decent food.

The MBG policy is also closely related to the purpose of implementing social welfare as stipulated in Law Number 11 of 2009 concerning Social Welfare. This law recognizes that social welfare is realized through various instruments, including social security and social protection. Providing free nutritious food to children can be qualified as a form of social protection that aims to reduce social risks due to economic limitations and access to food. In the context of social protection, MBG functions as a prevention mechanism against the negative impact of poverty and social inequality on children's nutritional conditions. Children from underprivileged families often face limitations in obtaining nutritious food, which ultimately impacts their health and learning abilities. Through MBG, the state seeks to ensure that every child attains minimum nutritional standards as a prerequisite for enjoying other rights, including the right to education and health.

The institutional aspect of the MBG policy is strengthened through the establishment of the National Nutrition Agency which is regulated by Presidential Regulation. From the perspective of state administrative law, the establishment of this institution reflects the legitimate attribution of authority from the President to certain government organs to conduct government affairs in the field of nutrition. The presence of this special institution is important to ensure centralized coordination, planning, and supervision in the implementation of MBG policies. The existence of the National Nutrition Agency also shows that the state views nutrition issues as a strategic issue that requires cross-sectoral and sustainable handling. Within the framework of the welfare state, the establishment of special institutions is a form of institutionalization of social policies so that they are not ad hoc. Thus, MBG policies do not only depend on short-term political will, but have an institutional basis that supports policy sustainability. From the point of view of public policy theory, MBG can be categorized as a distributive policy that aims to distribute benefits directly to the target group. However, within the framework of social welfare law, this policy has a broader normative dimension, namely as an instrument for fulfilling children's basic rights. The state, through the MBG policy, acts as a guarantor of rights, not just a grantor. Thus, the Free Nutritious Meal policy can be understood as an integral part of the public policy system that is integrated within the framework of the welfare state. This policy reflects a shift in the role of the state towards a more active and responsive role in ensuring the social welfare of children. MBG is not just a temporary social policy, but a state

obligation that stems from binding legal norms and is part of a systematic effort to realize social justice for all Indonesian people.

Juridical Analysis of the Fulfillment of Children's Rights through the Free Nutritious Eating Policy

From a juridical perspective, the Free Nutritious Meal (MBG) policy must be analyzed as a legal instrument that functions to realize the fulfillment of children's rights as guaranteed in the national legal system. The juridical analysis of this policy focuses not only on the existence of regulations, but also on their conformity with the basic principles of the protection of children's rights and human rights. Thus, the MBG policy needs to be placed in a legal framework that places children as legal subjects who have fundamental rights that must be fulfilled by the state. One of the main principles in child protection law is the principle of the best interests of the child. This principle requires that every policy and action related to children must prioritize the interests of children as the main consideration. The MBG policy is substantially in line with this principle because it is oriented towards meeting the basic needs of children, especially nutritional needs, which have a direct influence on children's physical health, cognitive development, and learning abilities. By ensuring access to nutritious food, the state seeks to create conditions for children to grow and develop optimally.

In addition to the principle of the best interests of children, the MBG policy also needs to be analyzed through the principle of non-discrimination. This principle requires that every child receives equal treatment in the fulfillment of his or her rights without discrimination based on social, economic, or other conditions. Providing free nutritious food to children aims to remove structural barriers that lead to inequality in access to food. In this context, MBG serves as an affirmative policy designed to ensure substantive equality, not just formal equality, in the fulfillment of children's rights. From the point of view of human rights law, the fulfillment of children's rights to food and nutrition is part of economic, social, and cultural rights. These rights are progressive realization, which means that the state is given space to realize them gradually according to the capabilities of the resources it has. Nevertheless, the concept of progressive realization does not relieve the state of the obligation to take concrete and measurable measures. The MBG policy can be considered as a form of real steps by the state in fulfilling these obligations, especially for children as a group that needs special protection.

However, from a juridical perspective, the fulfillment of children's rights through MBG policies cannot be measured solely from good intentions or policy objectives. The principle of legal certainty requires normative clarity regarding the subject of the beneficiary, the scope of the policy, and the mechanism for its implementation and supervision. Without clear and consistent regulation, the MBG policy has the potential to create legal uncertainty that can hinder the effectiveness of fulfilling children's rights. Therefore, the existence of detailed

derivative regulations is an important aspect in ensuring the legal certainty of this policy. In addition to legal certainty, the principle of accountability is also an important element in the juridical analysis of MBG policies. This policy involves the use of large amounts of state resources, so it must be managed transparently and responsibly. In the context of state administrative law, the government as a policy organizer is obliged to account for the implementation of MBG to the public. Effective supervision is needed to ensure that the policy is implemented in accordance with the legal objectives that have been set and truly provides benefits to the child as a beneficiary.

The aspect of policy effectiveness is also an important part of the juridical analysis of the fulfillment of children's rights. A policy can be said to fulfill children's rights if the policy is able to have a real impact on the child's condition. In the context of MBG, the effectiveness of policies is not only measured by the number of children who receive benefits, but also by the quality of the nutritional fulfillment provided and the sustainability of the program. Without adequate effectiveness, the MBG policy risks becoming a symbolic policy that does not fully meet the country's legal obligations. Furthermore, MBG policies also need to be analyzed in the framework of the relationship between the central government and local governments. In a decentralized system of government, the implementation of national policies requires clear coordination between various levels of government. Unclear division of authority has the potential to cause legal problems in policy implementation. Therefore, a clear arrangement regarding the roles and responsibilities of each party is an important prerequisite for the fulfillment of children's rights through the MBG policy. Thus, juridically, it can be concluded that the Free Nutritious Eating policy has great potential as an instrument for fulfilling children's rights to social welfare and the right to food. However, the fulfillment of these rights is highly dependent on the quality of legal arrangements, regulatory certainty, and the effectiveness of policy implementation. The MBG policy must be ensured that it is not only normatively in accordance with the principles of protection of children's rights, but also able to be realized in a real and sustainable manner as a form of state legal responsibility towards children as subjects of rights.

Conclusion

The Free Nutritious Meal Policy has a strong constitutional and sectoral basis as the implementation of the state's obligation to fulfill children's rights to social welfare, health, and food. Article 28B paragraph (2) and Article 34 of the 1945 Constitution, the Child Protection Law, the Social Welfare Law, and the Food Law form a unity of norms that place children as the subject of rights and the state as the main responsible person. Within the framework of a welfare state, MBG should be treated as a rights-based policy that is subject to the principles of the best

interests of the child and non-discrimination. The practical implications are the need for recipient standards, nutritional quality, institutional coordination, budget accountability, and clear oversight so that policies do not stop as distributive programs, but actually result in social protection. This research is limited to normative juridical analysis so that it has not measured food quality, equitable distribution of beneficiaries, implementation performance, and the impact of programs in the regions empirically. The next research needs to test the implementation of MBG through field data, compare practices between regions, and assess the effectiveness of supervision, complaint mechanisms, and protection for groups of children with special needs. The government also needs to develop detailed and open implementation rules so that the division of central and regional responsibilities, service standards, procurement, food safety, and periodic evaluations have legal certainty.

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