UNIVERSITAS
GADJAH MADA
Constitutionalism and Free Nutritious Meal (MBG): A Socio-Legal Analysis between Constitutional Responsibility and Constitutional Reality
Prilly Georginna Magnolia Sidabutar, Prof. Dr. R. Herlambang Perdana Wiratraman, S.H., M.A.
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Constitutionalism and Free Nutritious Meal (MBG): A Socio-Legal Analysis Between Constitutional Responsibility and Constitutional Reality

Author:
Prilly Georginna Magnolia[1]

ABSTRACT

This legal research will uncover the legal gap on the Free Nutritious Meal (MBG) and how the program with the largest budgetary initiative in the history of the Republic of Indonesia correlates with the Constitutional Law, focusing on examining whether the constitutional promise of free nutritious food by the government consistent with the reality of the implementation. The key claim is that the appeal to constitutional promise does not, by itself, demonstrate the means of constitutionality, instead, it must be evaluated alongside the state's constitutional responsibility in budgeting and the execution of the program. The evaluation is therefore inclusive with the rule of law principles as a foundation for government authority and its exercised, and to ensure that there are limitations in the power itself. MBG, as the primary national program promises a implementation of the 1945 Constitution regarding the welfare of the state through the fulfilment of healthy and free nutritious food for school-aged children, pregnant women, and breastfeeding mothers, however, in contrast, the program displays failures on the aspect of constitutionalism.

Using a multidisciplinary design of socio-legal analysis of the laws, regulations, doctrines, constitutions, along with other legal sources such as journals, book, scholars' opinions, reports, and case laws, this study therefore analyses the budgetary documents of MBG, the connection between MBG and Constitutional Law in Indonesia, regulatory compliance, the operation of the program itself, and the legal basis of MBG.

The insights found in this legal research proves the legal gap between the constitutional promise, responsibility, and the realization of MBG. The program itself is not administered by a specific statute, relying on Presidential Regulation instead, thus raising questions about the legal certainty of the program that has the effect on millions of citizens. Although financed through the State Budget, MBG operates through the education budget and doesn't have particular statute that governs the financial aspect, proving an even stronger pattern of constitutionalism abuse. The findings further proves a pattern where the constitutional rights is stationed while the responsibility and the realization itself are attenuated. Furthermore, this program emerges as constitutionally questionable in the execution, statutory foundations, and administration.

Keywords: Constitutionalism, Free Nutritious Meal, Constitutional Responsibility, Rule of Law, State Budget.

---

[1] A student at the Department of Constitutional Law, Faculty of Law, Universitas Gadjah Mada (International Undergraduate Program 2022)

UNIVERSITAS
GADJAH MADA
Constitutionalism and Free Nutritious Meal (MBG): A Socio-Legal Analysis between Constitutional Responsibility and Constitutional Reality
Prilly Georginna Magnolia Sidabutar, Prof. Dr. R. Herlambang Perdana Wiratraman, S.H., M.A.
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Konstitusionalisme dan Makan Bergizi Gratis (MBG): Analisis Sosio-Legal antara Tanggung Jawab Konstitusional dan Aktualisasi Konstitutional

Oleh:
Prilly Georginna Magnolia[2]

INTISARI

Penelitian hukum ini akan menganalisis tentang kesenjangan hukum terkait Makan Bergizi Gratis (MBG) dan bagaimana program dengan inisiatif anggaran terbesar di sejarah Republik Indonesia berkorelasi dengan Hukum Tata Negara, berfokus dalam memeriksa apakah janji konstitusional atas MBG konsisten dengan kenyataannya. Klaim utama dari penelitian ini yaitu penggunaan janji konstitusionalisme tersebut tidak sendirinya selaras dengan konstitusionalisme, alih-alih, harus di evaluasi dengan tanggung jawab konstitusionalitas negara dalam anggaran serta pelaksanaan program. Evaluasi tersebut didasarkan pada prinsip-prinsip negara hukum sebagai landasan bagi penggunaan kewenangan pemerintahan serta instrumen untuk memastikan kewenangan tersebut tidak dijalankan tanpa batas. MBG adalah program nasional utama menjanjikan implementasi Undang-Undang Dasar (UUD) 1945 terkait kesejahteraan negara dengan cara pemenuhan makanan sehat dan bergizi gratis untuk anak-anak di sekolah, ibu hamil, dan menyusui, namun, sebaliknya, program ini telah menunjukkan kegagalan dalam aspek konstitusionalisme.

Menggunakan metode multidisiplin sosio-legal, bersumber dari regulasi, doktrin, konstitusi, serta berbagai sumber hukum lainnya seperti jurnal, buku, pendapat ahli, berita, dan kasus hukum, studi ini menganalisis dokumen anggaran MBG, koneksi MBG dan Hukum Tata Negara di Indonesia, keberlangsungan dengan hukum Indonesia, keberlangsungan program, serta landasan hukum MBG.

Pemahaman baru pada penelitian ini akan membuktikan kesenjangan hukum terhadap janji konstitusional, tanggung jawab, serta implementasi dari MBG. Program ini tidak menggunakan Undang-Undang (UU) spesifik, hanya mengandalkan Peraturan Presiden, sehingga menimbulkan pertanyaan terkait kepastian hukum akan program yang berefek pada jutaan masyarakat. Walaupun dibiayai oleh Anggaran Pendapatan dan Belanja Negara (APBN), MBG beroperasi lewat anggaran pendidikan diluar UU spesifik tentang pembiayaan program ini sendiri, membuktikan pola penyalahgunaan konstitusionalisme yang bahkan lebih kuat. Temuan baru yang didapat semakin menunjukkan adanya pola di mana janji konstitusional dikedepankan, sementara tanggung jawab dan perwujudannya justru melemah. Lebih jauh lagi, pelaksanaan, landasan hukum, dan tata kelola program ini menimbulkan keraguan dari sudut pandang konstitusional.

Kata Kunci: Konstitusionalisme, Makanan Bergizi Gratis, Tanggung Jawab Konstitusional, Prinsip-Prinsip Negara Hukum, Anggaran Pendapatan dan Belanja Negara.

---

[2] *Mahasiswa Departemen Hukum Tata Negara, Fakultas Hukum, Universitas Gadjah Mada (International Undergraduate Program 2022)*