

**FREE NUTRITIOUS SCHOOL MEAL PROGRAMS IN
INDONESIA AND THE NETHERLANDS: A COMPARATIVE
ANALYSIS OF LEGAL FOUNDATIONS AND CONSTITUTIONAL
RIGHTS**

***PROGRAM MAKANAN BERGIZI GRATIS DI SEKOLAH
INDONESIA DAN BELANDA: ANALISIS PERBANDINGAN
LANDASAN HUKUM DAN HAK KONSTITUSIONAL***

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ABSTRACT

This research aims to analyze the weaknesses, strengths, opportunities and risks of the Free Nutritious Food policy implementation in Indonesia and the Netherlands. In addition, the researcher also compares the findings with the experiences of a number of developed countries that have previously implemented similar policies, in order to assess the extent to which this policy can be adapted in Indonesia. The approach used in this research is normative legal research, which examines legislation, policy documents, and relevant academic literature as the basis for preparing legal arguments related to the feasibility and impact of the program. The focus of the analysis lies on the compatibility of the free lunch policy with the national legal framework, including the identification of the need for regulatory reform if necessary. Through this comparative study, the research also highlights institutional readiness and public support as crucial factors in ensuring the sustainability of the program. The results are expected to provide policy recommendations that are not only socially and economically contextualized, but also aligned with Indonesia's legal system and support the national development agenda.

Keywords : Free Nutritious Food, Policy, Indonesia, Netherlands, Legal System.

ABSTRAK

Penelitian ini bertujuan untuk menganalisis kelemahan, keunggulan, peluang, dan risiko dari implementasi kebijakan Makanan Bergizi Gratis di Indonesia dan Belanda. Selain itu, peneliti juga membandingkan temuan tersebut dengan pengalaman sejumlah negara maju yang telah lebih dahulu menerapkan kebijakan serupa, guna menilai sejauh mana kebijakan ini dapat diadaptasi di Indonesia. Pendekatan yang digunakan dalam penelitian ini adalah penelitian hukum normatif, yaitu dengan menelaah peraturan perundang-undangan, dokumen kebijakan, serta literatur akademik yang relevan sebagai dasar penyusunan argumentasi hukum terkait kelayakan dan dampak dari program tersebut. Fokus analisis terletak pada kesesuaian kebijakan makan siang gratis dengan kerangka hukum nasional, termasuk identifikasi kebutuhan akan reformasi regulasi jika diperlukan. Melalui studi perbandingan ini, penelitian juga menyoroti kesiapan institusi dan dukungan publik sebagai faktor krusial dalam menjamin keberlanjutan program. Hasil penelitian diharapkan dapat memberikan rekomendasi kebijakan yang tidak hanya kontekstual secara sosial dan ekonomi, tetapi juga selaras dengan sistem hukum yang berlaku di Indonesia serta mendukung agenda pembangunan nasional.

Kata Kunci : Makanan Bergizi Gratis, Kebijakan, Indonesia, Belanda, Sistem Hukum.

I. INTRODUCTION

Indonesia's free nutritious meals (MBG) initiative is designed as a universal programme that aims to reach up to 82.9 million children across the country, with an initial phase targeting 17.9 million children by the end of 2025. This broad approach is intended to cover all school-age children, regardless of their socio-economic background, reflecting the government's commitment to addressing widespread nutrition challenges and educational disparities. The policy builds on Indonesia's previous experience with school feeding programmes dating back to the early 1990s, but now with a much larger and more inclusive scope.

The government's policy for free meals, is getting lively starting with a programme proposed by one of the President-Vice Presidential candidate pairs. The 2024 presidential election features a competition between three pairs of presidential and vice presidential candidates: Prabowo Subianto - Gibran Rakabuming Raka, Anies Baswedan - Muhaimin Iskandar, and Ganjar Pranowo-Mahfud MD. All three pairs bring vision and mission strategies designed to appeal to a diverse range of Indonesian voters, including millennials, young families, and people from middle to lower economic backgrounds. Candidate competition not only takes place through public debates, but also through concrete policy campaigns that directly touch people's needs, such as programmes to tackle stunting, provide employment opportunities, and food security and safety. In this context, the

free food programme, especially the one initiated by Prabowo Subianto, is of particular interest to the public due to its wide reach and its potential to address nutrition and social inequality.¹

Prabowo Subianto, after two unsuccessful attempts in the previous presidential elections, has now come up with a more co-operative and contextual approach. He teamed up with Gibran Rakabuming Raka, the son of President Joko Widodo, as his vice presidential candidate, signalling continuity with the policies of the previous administration. In their campaign, Prabowo and Gibran brought the flagship programme of Free Nutritious Meals (MBG), which they promised would reach tens of millions of school children, pregnant women and toddlers. Prabowo has been thinking about this programme since 2006, as a form of his concern about the issue of stunting and malnutrition, which is still a serious problem in Indonesia.

During the campaign period, the Prabowo-Gibran pair actively held symbolic activities to distribute free food and milk in a number of schools as concrete evidence that this programme could be realised. After being elected, they launched the programme in phases from January 2025. The initial phase covers around 570 thousand beneficiaries in 20 provinces, with a budget allocation of around IDR 71 trillion. The long-term target is to reach 83 million people, including pre-school to high school students, nursing mothers, and pregnant women. The menu served in the MBG programme includes rice, side dishes such as chicken and tofu, vegetables, and fresh milk. To support the implementation of this programme, the government established thousands of public kitchens, around 5,000 in the initial stage, and plans to reach 30,000 kitchens in the next few years. The MBG programme is also part of the government's strategy to drive the local economy. Food ingredients are sourced from domestic farmers and producers, thus providing a double impact on village economic growth and employment. In addition, the involvement of various institutions such as the TNI / Polri, the National Nutrition Agency, and the Attorney General's Office is carried out to ensure logistical security, supervisory effectiveness, and funding transparency.²

Evaluation of the initial phase of programme implementation showed high community enthusiasm. Parents welcomed the programme as it could reduce the economic burden on households. The government confirmed that the financing of the programme will be managed in stages, with a target of reaching 40% of the target population in the first year, and increasing to 100% by 2029. The long-term impact of MBG is projected to include a reduction in

¹ "Indonesia dishes out first free meals in programme targeting 83 million people," Reuters, 6 Januari 2025.

² "Indonesia to run thousands of kitchens as free meals initiative starts in January," Reuters, 8 Oktober 2024.

stunting, increased productivity of the younger generation, and strengthening of human resources towards a Golden Indonesia 2045.³

This programme was the subject of debate during the presidential candidate discussion. Ganjar Pranowo criticised the potential for overfeeding in children if food is provided uniformly, and emphasised the importance of nutrition education. Prabowo responded to this criticism with the assertion that the main target of the MBG is children who are malnourished, not the other way round. On the other hand, the Anies Baswedan-Muhaimin Iskandar pair emphasised a structural approach to food reform through strengthening community-based agriculture, shifting from food estate to contract farming models, as well as increasing village fund incentives and green energy reform.

Unlike Anies and Ganjar, who focus more on system reform and macro development, Prabowo offers a direct intervention approach to the community through concrete social programmes. Gibran himself reinforces this narrative with additional programmes in education and technology, such as the integration of artificial intelligence (AI)-based curriculum and improving teacher quality.

The MBG programme is seen as part of a populist strategy that has broad appeal at the grassroots level. Given the fact that household expenditure on food still accounts for more than 45% of total public expenditure, the programme addresses the most basic need: eating. However, criticism persists, especially from economists who question the fiscal sustainability of the programme in the long run. The programme's large budget, the potential inefficiency of local bureaucracy, and the risk of corruption are important notes that must be taken seriously by the government.

The Free Nutritious Meal Programme (MBG) is part of the Prabowo-Gibran government's "8 Best Quick Results Programmes" as it has the potential for direct, broad and rapid impact on three important dimensions of development: public health, education and the local economy. The Free Nutritious Meal Programme (MBG) is a strategic measure that urgently needs to be implemented as it directly addresses the main challenge in improving the quality of Indonesia's human resources, namely the high rates of malnutrition and stunting in children. These issues not only impact physical growth, but also cognitive development and long-term productivity. Many underprivileged families are unable to provide nutritious food due to economic and access constraints, making state intervention in the form of healthy and balanced food provision crucial. Primary school age is a golden period of growth that determines their future, and malnutrition during this period can have irreversible effects later in life. With proper and regular nutrition, the programme not only improves children's overall health, but also impacts

³ "Presiden Prabowo Dorong Percepatan Program Makan Bergizi Gratis di Indonesia," siaran pers, presidenri.go.id.

school attendance and performance. Moreover, its impact can be directly seen and measured through various health indicators, making MBG an effective, targeted programme that delivers tangible results in a short period of time as an important foundation for long-term development.⁴

The National Legislation Programme (Prolegnas) has a strategic role in shaping the legal framework that supports the success of the Free Nutritious Meal Programme, as part of the effort to produce superior human resources (HR) towards the Golden Indonesia 2045. Through the strengthening of regulations in the fields of food, health, education and social protection, Prolegnas becomes the legal basis that allows the MBG programme to be implemented systemically, sustainably and equitably throughout Indonesia. In the context of Indonesia Emas 2045, which is the vision of making Indonesia a developed country with productive and innovative human resources, Prolegnas must be able to answer the long-term challenges of human development. By legally supporting the MBG, the country has invested in future generations that are not only physically healthy, but also smart and ready to compete globally. Thus, the National Legislation is not only a legal instrument, but also a civilisation-building instrument through strengthening the nutrition and education of Indonesian children.

The Asta Cita mission, which is the eight strategic missions of the administration of President Prabowo Subianto and Vice President Gibran Rakabuming Raka, also has a direct link to the implementation of the Free Nutritious Meal Programme (MBG). This programme is not only part of the "8 Best Quick Results Programmes", but also a concrete manifestation of several points in the Asta Cita. One of them is in realising healthy, smart, and competitive human resources through the fulfilment of nutrition from an early age. Regular intake of nutritious food for children contributes to increased endurance, optimal brain development, and better readiness to learn. This nutritional intervention is an important foundation in shaping a superior generation that is able to compete in the future.⁵

On the other hand, the impact of this programme cannot be ignored. Apart from health and nutrition, MBG also has the potential to increase school enrolment, reduce social inequality, and accelerate village-based economic development. This creates an opportunity for the Prabowo administration to prove that social intervention does not necessarily have to collide with the principles of prudent fiscal management, as long as it is supported by a strong monitoring system and an efficient implementation mechanism. The dynamics of the 2024 presidential candidacy reflect not only ideological competition, but also differences in public policy approaches

⁴ Fritz Edward Siregar, "Proyeksi Penyelenggaraan Pemilu Pasca Putusan MK Perspektif HTN-HAN," Presentasi disampaikan Konferensi APHTN-HAN III, Balikpapan, 6-9 Desember 2024.

⁵ Fritz Edward Siregar, *Ibid.*

between the candidates. While Anies and Ganjar put more emphasis on structural reforms, Prabowo and Gibran highlight concrete programmes that directly touch people's needs. The Free Nutritious Meal Programme is an icon of this strategy, as well as an early test of the new government's commitment and capacity to bring real change to society.

Within the Indonesian constitutional framework, the right to food is an integral part of human rights guaranteed in the 1945 Constitution of the Republic of Indonesia (UUD 1945). Although not explicitly mentioned in a separate article, the right to food is implied in several important provisions. Article 27 paragraph (2) states that "every citizen shall have the right to work and a livelihood worthy of humanity," while Article 28A guarantees the right of every person to live and to defend his or her life and livelihood. The right to food as part of the fulfilment of basic human needs is also reinforced in Article 28C paragraph (1), which states that everyone has the right to develop themselves through the fulfilment of their basic needs.⁶ Article 34 paragraph (1) even emphasises the state's responsibility in caring for the poor and abandoned children. All of these articles form a strong constitutional foundation that access to adequate food is a citizen's right.

In practice, the state has the obligation to respect, protect and fulfil the right to food, as also stipulated in various derivative laws such as Law No. 18/2012 on Food.⁷ From a welfare state perspective, the government is obliged to ensure that every citizen can access food both physically and economically. A number of constitutional law academics have also stressed the importance of constitutionalising the right to food as part of strengthening people's sovereignty and social protection. Thus, although not explicitly formulated, the right to food in the 1945 Constitution is a constitutional right that must be guaranteed through policies that are fair, sustainable and in favour of people's welfare.⁸

In contrast, the Netherlands generally has a more targeted school meals programme that is integrated into an established social welfare and education system. Policy in the Netherlands focuses on supporting vulnerable groups or children from low-income families, rather than universal coverage.⁹ In 2023, the Dutch government launched a *pilot programme* of free healthy meals in primary and secondary schools known as the free *schoolmaaltijden* pilot

⁶ Isharyanto, "Penetapan Harga Eceran Tertinggi Komoditas Pangan sebagai Hak Konstitusional dalam Perspektif Negara Kesejahteraan," *Jurnal Konstitusi* 15, no. 3 (2018): 525–42.

⁷ Keri Pranata, Mohammad Dahlan, dan Ibnu Sam Widodo, "Analisis Konstitusionalitas Hak atas Pangan dalam Perspektif Pasal 12 Ayat (2) Huruf c UU 23/2014," *Brawijaya Law Student Journal*, April 2022.

⁸ Endang Hadrian, "Urgensi Konstitusionalisasi Pangan dalam UUD 1945," *Syntax Literate: Jurnal Ilmiah Indonesia* 7, no. 11 (2022): 1423–34.

⁹ F.Rees, "What's for lunch? The content and quality of lunches consumed by Dutch primary schoolchildren," *BMC Public Health* 19, no. 1365 (2019): 1–12, <https://pmc.ncbi.nlm.nih.gov/articles/PMC6814114/>.

programme. The programme is aimed specifically at schools located in areas with a low socioeconomic index, where many students come from low-income families or are vulnerable to malnutrition. The main objective of this policy is to improve children's health and concentration on learning, as well as to reduce inequalities in access to nutritious food. In implementation, schools receive a subsidy from the central government that can be used to provide a healthy breakfast or lunch.

Schools are given the flexibility to determine the form of food provision, either by cooking in-house at school, working with local caterers, or distributing food items for home consumption. The programme is a direct response to growing concerns over malnutrition and social inequalities that affect children's overall development.¹⁰ The Dutch system benefits from a well-developed infrastructure and social safety net that allows for the implementation and monitoring of targeted nutrition interventions.¹¹

However, several studies show that the quality of lunch in Dutch schools can still be improved, especially in terms of increasing fruit and vegetable consumption and reducing sugary drinks among schoolchildren. So seeing the problematic above, the author formulates the problem as follows. Looking at the differences in policy approaches between Indonesia and the Netherlands in the provision of free school meals, the question arises as to how effective and sustainable the programme is in different social and infrastructural contexts. In Indonesia, the free school meal programme is designed to be universal and massive, covering all levels of primary education and Islamic boarding schools, as part of the national strategy to accelerate stunting reduction and nutrition improvement. In contrast, the Netherlands implemented a more targeted policy, focusing on vulnerable groups through a pilot free healthy meal programme in schools with low socioeconomic backgrounds. Considering the different social backgrounds, welfare systems, and infrastructure readiness, the problem formulation in this study is: How do the different approaches to free school meals between Indonesia and the Netherlands affect the effectiveness, equity and long-term impact on nutritional quality and equitable access to education? In addition, to what extent the support system and social context in each country are key factors in the implementation and monitoring of the programme.

¹⁰ Ministerie van Onderwijs, Cultuur en Wetenschap, "Pilot Gratis Schoolmaaltijden," 2023, <https://www.rijksoverheid.nl/documenten/publicaties/2023/04/01/pilot-gratis-schoolmaaltijden>.

¹¹ Global Child Nutrition Foundation, "School Meal Programs Around the World: Results from the 2021 Global Survey of School Meal Programs," 2022, https://gcnf.org/wp-content/uploads/2022/09/School-Meal-Programs-Around-the-World_-Results-from-the-2021-Global-Survey-of-School-Meal-Programs%C2%A9.pdf.

II. METHOD

Peter Mahmud Marzuki explained that normative legal research is a scientific process that aims to identify legal norms, principles and doctrines in order to answer legal questions. This research is conducted by examining library materials or secondary data, so it is often referred to as doctrinal research. In doctrinal research, the law is studied as written in legislation or as the law regulates human behaviour. Marzuki also emphasised that normative legal research is prescriptive. This means that normative legal research not only analyses the applicable law, but also provides arguments regarding how the law should be applied to resolve legal issues.¹²

The comparative approach in normative legal research is particularly relevant because:

1. The focus is on analysing the legal norms (such as regulations, doctrine and jurisprudence) that apply in each country.
2. It helps researchers understand how legal issues are regulated and applied in other countries, enabling them to provide recommendations or solutions for legal development in Indonesia.

The normative legal research method with a comparative approach is the most appropriate method for researching comparative studies between two countries. This method is used to compare legislation, doctrine, or legal practice from two countries related to the same legal issue. So that in principle research methods put forward a technical about the methods used in their research. The use of a method is important in every legal science research and even an inevitable demand for a scientist/researcher. Legal science must express with the help and method of work which he wants to use to form his theory. Research is a thinking activity that uses scientific methods in a designed and systematic way to answer legal problems. Arief Sidharta suggested that the distinctive feature of legal science lies in its research method, namely the normative legal research method.¹³

The process of conducting a comparative study using normative legal research methods begins with the preparatory stage, where the researcher clearly formulates the research question, determines the scope of the comparison, and selects the legal systems or countries to be compared. At this stage, it is important to justify the choice of jurisdiction, based on its relevance to the research problem, to ensure that the comparison is meaningful and methodologically sound. The researcher then collects primary and secondary legal materials, such as laws, regulations, court judgements and scholarly literature from each jurisdiction. This stage also includes establishing the criteria or framework for comparison, which can be a

¹² Peter Mahfud Marzuki, *Penelitian Hukum* (Jakarta: Prenada Media, 2005).

¹³ Arief Sidharta, *Tentang Struktur Hukum* (Bandung: CV Mandar Maju, 1999), Hal.218.

functional, structural or contextual approach, depending on the purpose of the study.¹⁴

III. ANALYSIS AND DISCUSSION

a. Legal Framework and Policy Basis

The free school meal programme implemented in Dutch schools is a policy response based on constitutional principles and an established social welfare system. The Dutch state has a strong commitment to guaranteeing the right to welfare and education for all its citizens, as enshrined in Articles 20 and 22 of the Dutch Constitution, which state that the state is obliged to guarantee decent socio-economic conditions and support public health.¹⁵ Based on this foundation, the government has the legitimacy to provide needs-based interventions, including the provision of free nutritious meals in schools. The launch of the *Free Schoolmaaltijden Pilot Programme* in 2023 is an implementation of the state's responsibility to reduce the inequality in access to healthy food faced by children from low-income families.¹⁶ Through a partnership with the *Youth Education Fund* and the *Dutch Red Cross*, the programme has reached more than 350,000 students every day, demonstrating a significant scale of impact within the primary and secondary education system.¹⁷

The main premise of the programme is that hunger in the classroom directly impedes learning. Children who come to school without adequate food intake have low concentration, fatigue, and impaired learning performance. By providing free and healthy meals, the state not only helps fulfil students' basic needs, but also creates more equitable and inclusive learning conditions.¹⁸ Unlike the universal approach as planned in Indonesia, the Dutch policy is targeted with a focus on schools that have a high percentage of students from low economic backgrounds.¹⁹ This approach is considered more efficient as it reaches those who need it most, with structural funding

¹⁴ Mark Van Hoecke, "Comparative Legal Research: A Brief Overview," *Afronomicslaw*, 24 Januari 2020, <https://www.afronomicslaw.org/2020/01/24/comparative-legal-research-a-brief-overview>.

¹⁵ "Constitution of the Kingdom of the Netherlands," 2008, Hal.20-22.

¹⁶ Ministerie van Onderwijs, Cultuur en Wetenschap, *Pilot Gratis Schoolmaaltijden: Subsidieregeling Gezonde Schoolmaaltijden 2023–2026* (Den Haag: Rijksoverheid, 2023).

¹⁷ Youth Education Fund, "Programma Schoolmaaltijden," t.t., <https://schoolmaaltijden.nl>.<Diakses pada 17 Juni 2025>

¹⁸ Van Ansem, W. J,et.al., "School Food Policy at Dutch Primary Schools: Room for Improvement?," *BMC Public Health* 13, no. 339 (2013), <https://doi.org/10.1186/1471-2458-13-339>.

¹⁹ Djojosoeparto.et.al., "How Can National Government Policies Improve Food Environments in the Netherlands?," *International Journal of Public Health* 67 (2022): 465–95, <https://doi.org/10.3389/ijph.2022.1604550>.

support allocated on an ongoing basis of €135 million per year from 2024 to 2026.²⁰

Legally, these interventions are reinforced by various derivative regulations in the form of *General Administrative Orders* (AMvB) and national policies such as the *Covenant on Overweight and Obesity* that emphasise the importance of healthy nutrition in the school environment.²¹ *In addition, the Netherlands also participates in the Nourishing Policy Index* framework that suggests the implementation of healthy food procurement policies in public institutions, including schools.²² From a social perspective, the programme is part of the country's efforts to close the social gap between students, break the cycle of poverty between generations, and instil healthy eating habits from an early age. Evaluations from the first year of implementation showed positive results: children were more active, more focused when learning, and began to recognise a variety of healthy foods that they had not previously consumed regularly at home.²³ With a combination of legal, public health and educational equity approaches, the Netherlands is strengthening its position as a country that places child welfare as a priority in its public policy.

Indonesia reflects the state's commitment to the rights to education and food through a number of national regulations. The 1945 Constitution affirms that every citizen has the right to education (Article 31) and the state is obliged to provide adequate food (Articles 28C and 28B) as part of the guarantee of the right to life and development.²⁴ Law No.36/2009 on Health affirms the government's responsibility to improve children's nutrition in the school environment (Article 141).²⁵ Law No. 18/2012 on Food also mandates the provision of food for vulnerable groups, including children (Articles 59-60) and supports the implementation of food programmes in educational institutions. In addition, the Presidential Regulation and the stunting programme (Presidential Regulation No.72/2021) strengthen nutrition interventions through intersectoral means - involving education, health and food security. This policy is elaborated in the RPJMN 2020-2024 as a national strategy to reduce stunting and improve child nutrition.

The free nutritious meal programme in Indonesia is part of the Prabowo Subianto administration's big agenda that has begun to be implemented in

²⁰ Rijksoverheid, "Structurele middelen voor schoolmaaltijden," t.t., <https://www.rijksoverheid.nl>.<Diakses pada 12 May 2025>

²¹ Ministry of Health, Welfare and Sport, *Covenant on Overweight and Obesity* (The Hague: VWS, 2005).

²² "World Cancer Research Fund International. Netherlands: Nutrition Policy Snapshot," 2023, <https://www.wcrf.org/policy>.

²³ Wageningen University & Research, *Evaluation School Meals Pilot 2023* (Wageningen: WUR, 2024).

²⁴ "Undang-Undang Republik Indonesia No. 18 Tahun 2012 tentang Pangan," Lembaran Negara Republik Indonesia Tahun 2012 Nomor 227, 2012.

²⁵ "Undang-Undang Nomor 36 Tahun 2009 tentang Kesehatan," Lembaran Negara Republik Indonesia Tahun 2009 Nomor 144, 2009.

the 2024-2029 period. The programme targets the provision of free nutritious lunches and milk to around 82.9 million children, ranging from PAUD, SD, SMP, SMA, to pesantren. Although the full implementation of the programme is still in its early stages, the legal basis for its implementation is already available in a number of national legal instruments, although they do not explicitly contain the term "free meals". The legal framework rests on the 1945 Constitution which recognises the right of every citizen to live in prosperity, obtain an education, and grow and develop, as stated in Article 28B paragraph (2), Article 28C paragraph (1), and Article 31 paragraphs (1) and (2). Through this constitution, the state is obliged to ensure the fulfilment of basic needs, including food, education and child protection. This is the main legal foundation that gives constitutional legitimacy to the free nutritious meal programme.

b. Constitutional Rights and State Obligations

Food is a basic human right that must be guaranteed by the state. In the context of modern welfare states, such as Indonesia and the Netherlands, the provision of adequate food is an integral part of the state's responsibility towards its citizens, especially vulnerable groups such as children. The right to food not only reflects the fulfilment of physiological needs, but also plays an important role in human resource development, reducing social inequality and improving the overall quality of life. Therefore, an assessment of the constitutional framework and state obligations in guaranteeing the right to food is important, especially when compared between countries with different legal backgrounds and institutional capacities such as Indonesia and the Netherlands.

To implement this constitutional mandate, Indonesia has several sectoral laws. Law No. 18/2012 on Food, particularly in Articles 59 and 60, explicitly states that the state has the responsibility to provide access to food to vulnerable groups, including children, through government programmes. The law states that "The government and regional governments are obliged to provide food for people in food insecurity, including in educational institutions, in the form of food aid." In other words, the state is legally obliged to distribute food to students, especially in areas with high levels of nutritional vulnerability.²⁶ Furthermore, Law No. 36 Year 2009 on Health, Article 128 states that efforts to fulfil the nutrition of the community, especially children and adolescents, must be a priority in health development. The state must provide direct intervention to address chronic malnutrition such as stunting, which is still a major problem in Indonesia. Therefore, programmes such as

²⁶ "Undang-Undang Republik Indonesia No. 18 Tahun 2012 tentang Pangan," Lembaran Negara Republik Indonesia Tahun 2012 Nomor 227.

Makan Bergizi Gratis (MBG) designed by the Prabowo administration are part of the implementation of this constitutional mandate and sectoral law.²⁷

However, to date there is no specific technical regulation such as a Presidential Regulation (Perpres) or a separate law that explicitly regulates the "free school meals programme". This has led to a legal vacuum in the operational and accountability aspects, although the constitutional and sectoral foundations are quite strong. Therefore, it is important for the government to immediately establish implementing regulations to avoid inconsistencies and inefficiencies in the implementation of the tens of trillions of rupiah MBG programme.

Meanwhile, in the Netherlands, the right to food is understood in a broader framework as part of the right to well-being and public health as stipulated in Articles 20 and 22 of the Dutch Constitution. The state is obliged to ensure decent social and health conditions for the entire population. Although the Dutch constitution does not mention food explicitly, the country's public policy has positioned access to healthy food as part of the state's social responsibility. This is evident in the implementation of the *Free Schoolmaaltijden Pilot Programme* since 2023, which provides healthy food free of charge to children from low-income families in primary and secondary schools.

With administrative law mechanisms such as the *Algemene Maatregel van Bestuur* (AMvB), the Netherlands not only legally guarantees programme implementation, but also strengthens aspects of accountability and data-based evaluation. This analysis shows that both countries, despite their different approaches and legal forms, recognise the right to food as an important component of citizens' constitutional rights and an absolute responsibility of the government to fulfil them, especially in the context of education and child protection. In the Dutch public law system, the *Algemene Maatregel van Bestuur* (AMvB) is a form of administrative implementing regulation drafted by the central government based on delegations from formal laws that have been passed by parliament (*Staten-Generaal*).²⁸ The AMvB has an important place in state governance as it allows the government to detail the technical, operational and administrative implementation of policies without having to return to the lengthy legislative process. Normatively, the AMvB is signed by the King of the Netherlands and one or more responsible ministers, then published in the *Staatsblad*, or state gazette, making it legally valid. Its function is similar to that of a Government Regulation (PP) in Indonesia, but in the Dutch constitutional structure, the AMvB is more flexible and is widely used in dynamic social and educational

²⁷ "Undang-Undang Nomor 36 Tahun 2009 tentang Kesehatan," Lembaran Negara Republik Indonesia Tahun 2009 Nomor 144.

²⁸ Ministerie van Onderwijs, Cultuur en Wetenschap, *Pilot Gratis Schoolmaaltijden: Subsidieregeling Gezonde Schoolmaaltijden 2023–2026*.

policies. In the context of the *Pilotprogramma Gratis Schoolmaaltijden*, the AMvB is used to regulate the technical distribution of subsidies to schools in areas with low socio-economic indices, regulate the quality standards of healthy food, the procedures for applying for assistance, as well as monitoring and evaluative reporting from schools and implementing partners such as the Youth Education Fund and the Dutch Red Cross.

The Dutch legal approach of giving a large share to the AMvB reflects a rule-based governance orientation that combines administrative efficiency with public accountability. According to van der Tang (2015), the AMvB not only acts as an extension of primary legislation, but is also a key instrument in ensuring that social policy is not hampered by complex political processes, especially in issues that require rapid response such as education, nutrition and social welfare. In addition, the AMvB provides room for policy innovation while maintaining the principles of legality and oversight through instruments of control from parliament and the national audit body. In the implementation of the free school meals programme, the AMvB regulation stipulates that schools can choose the implementation mechanism—from self-cooking, using local catering services, to distributing food ingredients for home consumption. With such flexibility, the government can tailor the programme model to the demographic characteristics and logistical capacity of each region.

In terms of transparency, AMvB supports a data-driven evaluation system developed with independent monitoring institutions. For example, preliminary evaluation results in 2023 showed that the programme had a positive impact on student participation, quality of learning concentration, and increased consumption of healthy food in beneficiary schools (Youth Education Fund 2023). This shows that the role of AMvB does not stop at the normative level, but becomes a living framework that supports technical success on the ground. Unlike Indonesia, which is still at the stage of designing a universal free nutritious meal programme, the Netherlands has laid out a detailed legal framework for implementation through the AMvB with a selective and targeted, yet inclusive and welfare-based approach.²⁹

The strength of the AMvB lies in its ability to regulate quickly and specifically based on sectoral needs. It can bridge the gap between general legal principles in legislation and concrete administrative needs on the ground. This is especially important in dynamic public policies such as school child nutrition, where health, social, economic and cultural factors must be addressed in a comprehensive yet flexible manner. The AMvB is therefore not just another administrative instrument, but an important part of the institutional structure of the Dutch welfare state that ensures the

²⁹ M. J. van der Tang, *Wetgeving en Bestuur: De Praktijk van de Algemene Maatregel van Bestuur in het Nederlands Bestuursrecht* (Amsterdam: Boom Juridische uitgevers, 2015).

effectiveness of social interventions without compromising legal legitimacy.³⁰ Learning from the practice of the AMvB, Indonesia can consider the need to establish an intermediate legal instrument that allows the execution of large-scale social policies such as the Free Nutritious Meal Programme to be carried out efficiently and accountably without having to get bogged down in the complexity of making new laws.

c. Implementation Mechanisms and Institutional Roles

Both Indonesia and the Netherlands apply the principle of a welfare state. However, the implementation is different. In Indonesia, the MBG is universal, targeting all students from pre-school to high school as well as Islamic boarding schools.³¹ This is in line with the state's obligation to guarantee basic rights for all citizens without discrimination. On the other hand, the Netherlands runs a *targeted* programme for nutritionally vulnerable groups to optimise resources.

When children come to school hungry, their ability to concentrate and absorb lessons is severely limited. Recognising this, the Dutch government and a number of organisations launched the School Meals Programme in 2023 as a concrete effort to support students' health and quality of learning. The programme is run in collaboration between the Youth Education Fund (*Jeugdeducatiefonds*) and the Dutch Red Cross (*Het Rode Kruis*). The initiative has reached more than 350,000 students every day, with participation from more than 20% of schools across the Netherlands.

The results of the implementation of this programme showed a significant positive impact. The children became more active and enthusiastic in the classroom, and started to eat a more nutritious and varied diet. This shows that simple interventions in the form of healthy feeding can contribute greatly to students' well-being and academic development. Given this success, the Dutch government has permanently allocated €135 million to support the continuation of the programme. These funds will be used to expand and sustain the implementation of the school meals programme during the 2024-2025 and 2025-2026 school years, with the hope of strengthening the foundations of a more equal and inclusive education for all children in the Netherlands, especially those from economically disadvantaged backgrounds.³²

The funding mechanism is a crucial aspect in ensuring the sustainability and effectiveness of the free school meals programme, both in Indonesia and the Netherlands. In Indonesia, the programme was designed as part of the

³⁰ Wettenbank Overheid, "Algemene Maatregel van Bestuur," <https://wetten.overheid.nl>.<Diakses Pada 08 Juli 2025>

³¹ Anindya Hatam, "Pemerintah Siapkan Dasar Hukum Program Makan Bergizi Gratis," *Financial Review*, 9 Mei 2025.

³² Ministerie van Onderwijs, Cultuur en Wetenschap, "Pilot Gratis Schoolmaaltijden."

national flagship programme during the Prabowo Subianto administration with a projected budget allocation of IDR 71 trillion per year starting 2025. The size of this allocation shows the country's commitment to improving the quality of human resources through the fulfilment of nutrition for school-age children. The funds are planned to be used for various needs such as food procurement, logistics distribution, development and operationalisation of school kitchens, as well as training of local cooks and food providers. This financing model is centralised but requires close cooperation with local governments and third parties in its implementation.³³

The National Nutrition Agency (BGN) continues to strengthen cross-sector collaboration to accelerate the implementation of the Nutritious Meal Programme (MBG), especially in East Nusa Tenggara (NTT). This was affirmed by the BGN Deputy for Provision and Distribution during the High Level Meeting of the Regional Inflation Control Team (TPID) of NTT Province which took place in Kupang on 15 July 2025.³⁴ The meeting was chaired by the Acting Governor of NTT, Emanuel Melkiades Laka Lena, discussed strategic steps in controlling inflation, especially ahead of crucial periods such as the new school year, religious and national holidays, and the dynamics of food distribution between regions.³⁵

During the forum, the Deputy for Provision and Distribution of the National Nutrition Agency, Suardi, emphasised the importance of synergy between ministries/agencies and local governments in improving the quality of the younger generation through equitable and sustainable nutrition. He said that BGN has collaborated with various stakeholders, including local governments, in supporting logistics distribution and food procurement for the kitchens of the Nutrition Fulfilment Service Unit (SPPG).

"The MBG programme is not only about fulfilling nutrition, but also driving the local economy. The food needed will be supplied by village cooperatives, BUMDes, and local MSMEs, thus creating jobs, improving the welfare of farmers, fishermen, and breeders, and strengthening local food security," said Suardi.

However, within the framework of descriptive analysis, it should be noted that the MBG programme funding mechanism in Indonesia still faces a number of significant challenges. One of the main problems lies in the absence of comprehensive technical regulations as a specific legal umbrella

³³ Bappenas, *Rencana Pembangunan Jangka Panjang Nasional (RPJPN) 2025–2045* (Jakarta: Kementerian Perencanaan Pembangunan Nasional, 2024).

³⁴ "Media Keuangan.Pemerintah Salurkan Makan Bergizi Gratis (MBG), Ini Sasaran Utama Penerimaannya," 2025, <https://mediakeuangan.kemenkeu.go.id/article/show/pemerintah-salurkan-makan-bergizi-gratis-mbg-ini-sasaran-utama-penerimaannya>.

³⁵ Pers Pangan news, "BGN Minta Kolaborasi Lintas Sektor untuk Keberhasilan MBG," *Pangannews.id*, 07017 2025, <https://pangannews.id/berita/1750166760/bgn-minta-kolaborasi-lintas-sektor-untuk-keberhasilan-mbg>.

governing the implementation and budget management of this programme. In the absence of a detailed Presidential Regulation (Perpres) or Presidential Instruction (Inpres), the financial governance of the MBG programme is at risk of overlapping authority between agencies and delays in budget realisation. In addition, the potential for budget misuse and distribution inefficiencies is a concern, especially in remote areas with limited infrastructure and weak budget oversight. This points to the importance of integrating transparent and real-time monitoring systems, as well as the involvement of audit institutions such as BPK and KPK in ensuring accountability.

In contrast to Indonesia, the Netherlands has developed a more structured funding system based on the principles of *transparency and accountability*. Since 2023, the Netherlands has structurally allocated €135 million per year to fund the *Pilotprogramma Gratis Schoolmaaltijden*, which is aimed at schools with a low socioeconomic index. The mechanism for allocating funds in the Netherlands is done through an administrative policy called *Algemene Maatregel van Bestuur* (AMvB), which functions as an executive derivative regulation equivalent to an implementing regulation. With the AMvB, the Dutch government ensures that the allocated budget is not only geographically and demographically targeted, but also in accordance with established nutrition standards. Funding is done through a direct subsidy system to schools that meet the criteria, which are then given the discretion to determine the form of food distribution, such as cooking directly at the school, working with local caterers, or distributing food ingredients to student households.³⁶

The Dutch mechanism has the advantage of being measurable and regularly evaluated. The government conducts monitoring in collaboration with implementing partners such as the Youth Education Fund and the Dutch Red Cross. Each school that receives assistance is required to submit reports on the use of funds, nutrition indicators, and the impact on student learning achievement and participation. This data-driven approach allows the Dutch government to evaluate the effectiveness of the policy and make adjustments to the budget or scope of the programme in subsequent years.³⁷ The involvement of civil society and non-governmental organisations is also an integral part of the monitoring model, strengthening the public legitimacy of the programme.

Comparatively, Indonesia can learn from the Dutch approach, especially in terms of controlled decentralisation, evaluation mechanisms based on nutrition and education indicators, and strategic partnerships with

³⁶ *Grondwet voor het Koninkrijk der Nederlanden. Constitution of the Kingdom of the Netherlands, Artikel 20 dan 22* (Den Haag: Dutch Government, 2022).

³⁷ Red Cross Netherlands and Youth Education Fund, *Program Update: Schoolmaaltijden en Evaluatieverslag 2023* (Den Haag: Rode Kruis, 2023).

independent institutions to ensure effective use of funds. Although Indonesia adopts a universal and large-scale approach, the success of the programme is not only determined by the size of the budget, but also by the institutional structure, accountability system, and transparency that accompany it. For this reason, the establishment of the National Nutrition Agency (BGN) and the issuance of technical regulations are absolute prerequisites for the effective implementation of the MBG. Without institutional reforms and oversight, there are concerns that the large funds that have been allocated may be unproductive or even counterproductive to the programme's objectives.

Structurally, the MBG programme involves many cross-sectoral government agencies such as the National Nutrition Agency (BGN) as the technical coordinator, the Ministry of Education, the Ministry of Health, the Ministry of Home Affairs, and local governments who are the direct implementers in the field. At the operational level, there is an active role of the Nutrition Fulfilment Service Unit (SPPG) as a food preparation kitchen, as well as BUMDes, village cooperatives, and MSMEs that support the local food supply chain.

Coordination between institutions is a crucial aspect in maintaining programme sustainability. When the institutional system runs harmoniously with a clear division of roles, a standardised supervision mechanism, and an efficient logistics system, the distribution of nutritious food can be carried out well and evenly. However, institutional challenges can still arise, especially in terms of infrastructure readiness, beneficiary data integration, and budget constraints at the regional level. In addition, the role of institutions also involves strengthening legal regulations and institutions that govern the implementation of MBG, including in the National Legislation Programme (Prolegnas) to ensure the sustainability of the programme across government periods. In other words, institutions are not only tasked with carrying out the technicalities of the programme, but also ensuring legal protection, political legitimacy, and administrative sustainability for MBG.

Thus, the success of the funding mechanism for the free nutritious meals programme is not solely determined by the amount of the budget, but also by policy integration, regulatory clarity, good public financial governance, and the involvement of cross-sector actors. Both Indonesia and the Netherlands are committed to children's right to food and education, but the way the countries design and manage funding reflects the level of maturity of their administrative systems and good governance values. Indonesia is still at the policy consolidation stage, while the Netherlands has shown how fiscal prudence can be balanced with effective social interventions.

d. Challenges, Opportunities, and Impact on Social Justice

The Free Nutritious Food Programme (MBG) initiated under the Prabowo Subianto administration is one of the national strategic policies that aims to

strengthen human resource development and uphold social justice through nutritional interventions for school children. However, structural challenges such as unavailability of technical regulations, lack of school kitchen infrastructure, and complicated logistics in remote areas hindered the initial implementation. In addition, the universal approach has been criticised for being less budget-efficient than selective approaches such as in the Netherlands, which target children from low-income families. On the other hand, the MBG offers a great opportunity to strengthen social protection systems, reduce educational inequality and improve the nutritional status of children nationwide.³⁸ Its impact on social equity is potential as it gives children from all social strata equal access to healthy food, further strengthening social mobility and reducing long-term poverty. Equipped with a strong legal framework, a data-driven evaluation system, and cross-sector coordination, the MBG can be a transformative policy that not only nourishes future generations, but also narrows social disparities and builds the foundation of an inclusion-based welfare state.³⁹

The economic challenges of funding Indonesia's Free Nutritious Meals Programme (FFS) reflect the fiscal complexities of a developing country seeking to expand social security coverage on a national scale. With an estimated budget of IDR 71 trillion per year from 2025, the programme demands significant spending allocations from the State Budget (APBN), which is already burdened by obligations such as energy subsidies, sovereign debt, and basic infrastructure spending. The main challenges in funding are limited fiscal space, dependence on sub-optimal tax revenues (Indonesia's tax ratio is around 10-12% of GDP), as well as other pressing mandatory spending needs, such as education and health. In the context of Indonesia's fiscal decentralisation, where most programme implementation will be in the hands of local governments, coordination between the central and local governments also poses potential inefficiencies in budget allocation and the risk of overlapping programmes.⁴⁰ Moreover, the absence of derivative regulations (perpres, permendikbud, or other implementing regulations) makes budget implementation prone to waste and corruption if the monitoring system is not strengthened.⁴¹

In comparison, the Netherlands, which implemented a similar programme through the Pilotprogramma Gratis Schoolmaaltijden, shows a more fiscally and administratively scalable approach. The Dutch government allocates €135 million per year for the period 2024-2026 with a more specific

³⁸ The SMERU Research Institute, *Ketimpangan Gizi dan Akses Pangan di Indonesia: Studi Dampak Program Sosial* (Jakarta: SMERU, 2023).

³⁹ Bappenas, *Rencana Pembangunan Jangka Panjang Nasional (RPJPN) 2025-2045*.

⁴⁰ World Bank, *Indonesia Public Expenditure Review: Spending for Better Results* (Washington, DC: World Bank Group, 2022).

⁴¹ OECD, *Revenue Statistics in Asian and Pacific Economies 2023* (Paris: OECD Publishing, 2023).

target of schools in areas with low socioeconomic indices. Funding is selective and focused, rather than universal as in Indonesia, resulting in a lighter fiscal burden and higher efficiency of budget utilisation. In addition, the Netherlands has a strong tax structure with a tax ratio above 35% of GDP, enabling the state to provide social services without compromising macroeconomic stability. The social safety net system in the Netherlands is also well-established, supported by administrative regulations such as the *Algemene Maatregel van Bestuur* (AMvB) that regulate programme implementation in detail and accountability. This contrasts with Indonesia, which is still designing the technical and supervisory regulatory framework for MBG implementation.⁴²

In the comparative analysis, the main differences lie in the availability of fiscal resources, institutional capacity, and targeting model. Indonesia opts for a universal model with broad coverage but the consequence is heavy pressure on the state budget. In contrast, the Netherlands uses a selective, needs-based approach, which is more cost-effective and impact-focused. The lesson for Indonesia is the need for a phased and adaptive approach, prioritising areas with the highest malnutrition rates first, while strengthening fiscal and supervisory systems at the local level. While the MBG programme in Indonesia has great potential in the long term, its success depends on wise management of the state budget, efficiency of implementation, and the ability to balance political ambition with available fiscal capacity. Without that, the risk of inefficiency or even programme failure could erode public trust in the state as the protector of people's basic rights.

IV. CONCLUSION

Based on the results of the comparative analysis, it can be concluded that although Indonesia and the Netherlands both place the fulfillment of the right to food and education as part of the state's constitutional responsibilities, the approaches taken show fundamental differences. Indonesia, through the Free Nutritious Food Program (MBG), chooses a universal model with a wide coverage directed at all students from PAUD to SMA/MA and pesantren. This model has strengths in terms of distribution equity and equal access, but has implications for fiscal challenges, infrastructure readiness, and the need for clear and integrated technical regulations.

In contrast, the Netherlands applies a more selective approach through the “Pilotprogramma Gratis Schoolmaaltijden” which targets children from low-income families in areas with low socioeconomic indices. This targeted approach shows advantages in terms of budget efficiency, regulatory clarity

⁴² Ministerie van Onderwijs, Cultuur en Wetenschap, *Pilot Gratis Schoolmaaltijden: Subsidieregeling Gezonde Schoolmaaltijden 2023–2026*.

through the “Algemene Maatregel van Bestuur” (AMvB), and transparent data-based evaluation mechanisms. With a mature welfare state structure, the Netherlands is able to integrate the free meal program as part of public health, education and social protection policies in a sustainable manner.

Normatively, both countries have constitutional foundations that recognize the right to food and education, but the legal instruments that support implementation differ in character. Indonesia still faces a lack of specific technical regulations, while the Netherlands has developed administrative tools that are adaptive, accountable and quick to implement. These differences reflect variations in institutional capacity and the level of maturity of public governance.

Thus, important lessons that Indonesia can learn from the Netherlands are the need to strengthen derivative regulations, clarify funding and supervision mechanisms, and consider implementation stages that are adaptive to national fiscal and infrastructure conditions. The MBG program will be more sustainable if it is positioned not only as a short-term populist policy, but as a long-term strategy for human resource development in line with the principles of the welfare state. Through a combination of broad coverage and efficient and accountable management, Indonesia can ensure that the constitutional rights to food and education are truly guaranteed for all the nation's children.

This research has several limitations that can serve as valuable input for further studies. First, the use of normative legal research with a comparative approach provides a strong understanding of the constitutional and regulatory frameworks in Indonesia and the Netherlands, yet it does not capture empirical evidence from beneficiaries at the ground level. The absence of primary data, such as school-level implementation outcomes, community perceptions, and nutritional impacts, restricts the ability to fully assess the effectiveness of the program. Second, the study places greater emphasis on legal and policy analysis without integrating economic models or fiscal simulations that could measure the long-term sustainability of Indonesia's Free Nutritious Meal Programme. Considering the significant budget allocation and potential fiscal risks, future research should adopt an interdisciplinary perspective by combining legal studies with economic and public policy analysis. Third, the scope of this research is limited to two countries, which may not sufficiently represent the broader variations in welfare state practices. A wider comparative study involving additional Asian and European countries would enrich the analysis of how institutional capacity, socio-cultural contexts, and governance structures influence the success of similar programs. Finally, while this study highlights the urgency of derivative regulations in Indonesia, it does not yet elaborate in detail on institutional design or monitoring mechanisms. Future studies should

therefore explore practical governance instruments, including digital accountability systems, cross-sector coordination models, and strategies to prevent corruption and budget misuse.

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