

Governing Beneficiary Data: Constitutional Responsibility and Populism in Indonesia's Free Nutritious Meal Program

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Abstract

Indonesia's Free Nutritious Meal Program (*Makan Bergizi Gratis*, MBG), one of the world's largest school-meal schemes, depends on beneficiary data held by several ministries and disclosed through online portals. This article argues that the governance of these data determines whether the state's constitutional responsibility under Articles 28H and 34 of the 1945 Constitution is fulfilled or slides into constitutional populism. Using normative legal research with statute, conceptual, and case approaches, complemented by socio-legal document analysis, the study traces the beneficiary data lifecycle of collection, targeting, disclosure, and evaluation and assesses it against Indonesia's data and constitutional framework. It finds that beneficiary data remain fragmented because the program regulation refers to One Data Indonesia only in general terms and specifies neither reference data nor matching with the Single National Socio-Economic Data, weakening priority for the most vulnerable; that public disclosure tools process children's data without the safeguards required by the Personal Data Protection Law; and that evaluation counts meals rather than rights outcomes. These weaknesses are compounded by a legal basis limited to presidential instruments and by financing that Constitutional Court Decision No. 40/PUU-XXIV/2026 found incompatible with mandatory education spending beyond 2026. The article proposes the concept of data-driven constitutional responsibility and recommends a statute for MBG that regulates beneficiary data, integration with national single-data systems, data protection impact assessments, and public outcome dashboards.



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INTRODUCTION

Social policy in the twenty-first century is increasingly delivered through data. Governments identify beneficiaries through integrated registries, distribute benefits through digital platforms, and justify spending through dashboards and performance indicators. The United Nations Special Rapporteur on extreme poverty has described this shift as the emergence of a "digital welfare state", warning that digitalisation can either strengthen social

rights or quietly exclude those who are least visible in official data.¹ Empirical work on automated welfare systems has similarly shown how data-driven targeting may reproduce inequality when data quality, transparency, and avenues for redress are weak.² These concerns are directly relevant to Indonesia's Free Nutritious Meal Program (*Makan Bergizi Gratis*, hereinafter MBG), a flagship social policy that the government frames as an investment in human development for schoolchildren, children under five, pregnant women, and breastfeeding mothers.³

The Indonesian Constitution provides a normative basis for this state intervention. Article 28H(1) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) guarantees the right to live in physical and spiritual prosperity and to obtain health services, while Article 34 obliges the state to care for the poor, develop a social security system, and provide proper public services.⁴ Although the right to nutrition is not formulated explicitly, it is understood as part of the rights to health and welfare and of the principle of social justice,⁵ with the welfare-state model requiring the state to act as an active distributor of welfare for vulnerable groups,⁶ and international law recognises it as a component of the right to adequate food under Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).⁷ The 2024 Indonesian Nutritional Status Survey (SSGI) recorded a national stunting prevalence of 19.8 percent, or around 4,482,340 children under five,⁸ showing that nutritional fulfilment cannot be left entirely to families.

MBG has grown at a speed and scale that make it a test case for data-driven governance. Citing World Food Programme data, BGN reports that Indonesia ranks second globally, after India, in the number of school-meal beneficiaries;⁹ this ranking does not appear in the World Food Programme's own *State of School Feeding Worldwide 2024*, which reports aggregate figures only, and is therefore treated here as an official national claim.¹⁰ By the end of May 2026 the program had reached 63.13 million beneficiaries through 29,670 Nutrition Fulfilment

¹ Philip Alston, *Report of the Special Rapporteur on Extreme Poverty and Human Rights*, UN Doc. A/74/493 (11 October 2019).

² Virginia Eubanks, *Automating Inequality: How High-Tech Tools Profile, Police, and Punish the Poor* (New York: St. Martin's Press, 2018).

³ F. A. Sujud, "Upaya Transformasi Kesejahteraan dan Keadilan Sosial melalui Program Makan Bergizi Gratis (MBG) bagi Peserta Didik," *Jurnal Pengabdian Masyarakat Al-Ghobi* 3, no. 1 (2026): 24–37.

⁴ Indonesia, *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945* [1945 Constitution of the Republic of Indonesia], arts. 28H, 34.

⁵ Arya Bimantara and Arizkyia Yoka Putri, "Program Makan Bergizi Gratis dalam Bingkai Kritik Keadilan Konstitusional Negara Hukum," *Mujadalah: Jurnal Advokasi dan Peradilan* 1, no. 1 (2026): 45–55; P. P. A. Saifulloh, "Gagasan Konstitusi Pangan: Urgensi Pengaturan Hak atas Pangan Warga Negara dalam Amandemen Kelima UUD 1945," *Jurnal HAM* 12, no. 2 (2021): 227–44, <https://doi.org/10.30641/ham.2021.12.227-244>.

⁶ Afgha Okza Eriranda, Fajar Rahmad S., and Eny Kusdarini, "Makna Welfare State Ditinjau dari Implementasi Pasal 34 Ayat (1) Undang-Undang Dasar 1945," *Jurnal Hukum Ius Quia Iustum* 31, no. 3 (2024): 560–84, <https://doi.org/10.20885/iustum.vol31.iss3.art4>.

⁷ Committee on Economic, Social and Cultural Rights, *General Comment No. 12: The Right to Adequate Food (Art. 11)*, UN Doc. E/C.12/1999/5 (12 May 1999), paras. 6–8.

⁸ Kementerian Koordinator Bidang Pembangunan Manusia dan Kebudayaan, "Prevalensi Stunting Tahun 2024 Turun Jadi 19,8 Persen, Pemerintah Terus Dorong Penguatan Gizi Nasional," 2025.

⁹ Badan Gizi Nasional, "61,2 Juta Penerima Manfaat, Indonesia Peringkat Kedua Dunia Program Makan Sekolah," 2026.

¹⁰ World Food Programme, *State of School Feeding Worldwide 2024* (Rome: World Food Programme, 2024).

Service Units (SPPG),¹¹ and its 2026 budget ceiling rose to IDR 268 trillion.¹² Identifying who should receive meals, verifying that they do, and demonstrating that public money improves nutritional outcomes are tasks that depend on beneficiary data held by several ministries, on online portals through which beneficiaries and parents can check program information, and on centralised financial reporting.¹³ Yet implementation has been marked by slow data synchronisation, mass food poisoning incidents, and contested budget choices.¹⁴ Whether MBG represents genuine constitutional responsibility or a politically attractive gesture therefore depends not only on its normative foundations but also on the quality of the data infrastructure through which the state claims to fulfil social rights.

Legal scholarship on MBG has developed rapidly, but its focus has been uneven. To map it, the authors searched Google Scholar, Garuda (Garba Rujukan Digital), and Crossref for publications from 2025 to July 2026 using the keywords “Makan Bergizi Gratis”, “MBG”, and “free nutritious meal” combined with “konstitusi/constitutional”, “hak/rights”, “tata kelola/governance”, and “data”; studies addressing legal or governance questions were retained, and selected international studies on school feeding and the digital welfare state were added for comparison. Table 1 summarises the result. Implementation studies document budget and governance obstacles at school level,¹⁵ social-justice analyses discuss distributive fairness and political dynamics,¹⁶ and several constitutional analyses examine MBG’s compatibility with constitutionalism, constitutional justice, and the right to basic education.¹⁷ Administrative-law studies highlight weak supervision and inconsistent food-safety certification,¹⁸ while a capability-based critique points to the program’s top-down design.¹⁹

¹¹ Tempo, “Anggaran MBG per Mei Tembus Rp 88,15 Triliun,” 2026.

¹² Badan Gizi Nasional, “BGN Kantongi Rp 268 Triliun di 2026, Ini Rincian Penggunaannya,” 2025.

¹³ Ekspos.co.id, “BGN Buka Pintu Data MBG: Cek Penerima Manfaat Langsung, Ini Caranya!,” 2026.

¹⁴ KumparanNEWS, “Kemendukbangga Perkuat Sinkronisasi Data MBG 3B, Baru Jangkau 38,51% Sasaran,” 2026; Tempo, “Daftar Kasus Keracunan MBG di Berbagai Daerah Sejak Januari–September 2025,” 2025; Ombudsman Republik Indonesia, “Ombudsman RI Perkuat Pengawasan Program Makan Bergizi Gratis,” 2025.

¹⁵ Ikka Febryanti et al., “Implementasi Kebijakan Makan Bergizi Gratis (MBG) (Studi Kasus pada SDN 3 Kepanjen Kabupaten Malang),” *Dialogue: Jurnal Ilmu Administrasi Publik* 7, no. 1 (2025): 71, <https://doi.org/10.14710/dialogue.v7i1.26628>.

¹⁶ Anif Kiftiyah et al., “Program Makan Bergizi Gratis (MBG) dalam Perspektif Keadilan Sosial dan Dinamika Sosial–Politik,” *Pancasila: Jurnal Keindonesiaan* 5, no. 1 (2025): 101–12, <https://doi.org/10.52738/pjk.v5i1.726>.

¹⁷ A. Fikri, “Program Makan Bergizi Gratis (MBG) dalam Perspektif Konstitusionalisme,” *Justicia Sains: Jurnal Ilmu Hukum* 10, no. 2 (2025): 437–59, <https://doi.org/10.24967/jcs.v10i2.4576>; Bimantara and Putri, “Program Makan Bergizi Gratis”; Gloria Carvallo et al., “Konstitusionalitas Program Makan Bergizi Gratis terhadap Hak Pendidikan Dasar,” *Jurnal USM Law Review* 9, no. 2 (2026): 1351–70, <https://doi.org/10.26623/julr.v9i2.14106>.

¹⁸ W. P. Meilia et al., “Tata Kelola dan Pengawasan Program Makan Bergizi Gratis (MBG) di Indonesia: Analisis Kritis dari Perspektif Hukum Administrasi Negara,” *Journal of Innovative and Creativity* 6, no. 2 (2026): 31696–709, <https://doi.org/10.31004/joecy.v6i2.6152>; M. Makbul and A. Dharmawan, “Inkonsistensi Kebijakan Sertifikasi Keamanan Pangan pada Satuan Pelayanan Pemenuhan Gizi (SPPG) dalam Program Makan Bergizi Gratis,” *Journal of Law and Administrative Science (JLAS)* 4, no. 1 (2026), <https://doi.org/10.33478/jlas.v4i1.52>.

¹⁹ Y. Keladu et al., “Program Makan Bergizi Gratis (MBG) di Era Kepemimpinan Prabowo-Gibran dalam Perspektif Amartya Sen,” *POLITEIA: Jurnal Ilmu Politik* 18, no. 1 (2026): 1–8, <https://doi.org/10.32734/politeia.v18i1.20855>.

Table 1: State of the Art of Research on MBG and Related International Studies

No	Study	Focus	Gap Addressed by This Article
1	Febryanti et al. (2025)	Implementation case study at a primary school; budget and governance obstacles	No constitutional or data governance analysis
2	Kiftiyah et al. (2025)	Social justice and socio-political dynamics of MBG	No analysis of legal accountability or data
3	Fikri (2025)	MBG from the perspective of constitutionalism	Data governance and personal data protection not examined
4	Bimantara & Putri (2026)	Critique of MBG from constitutional justice	Beneficiaries as rights-holders not linked to data rights
5	Carvallo et al. (2026)	Constitutionality of MBG against the right to basic education	Predates Constitutional Court Decision No. 40/PUU-XXIV/2026
6	Meilia et al. (2026); Makbul & Dharmawan (2026)	Administrative-law governance, supervision, and food-safety certification	Liability for harm and digital traceability not developed
7	Keladu et al. (2026)	Capability-based critique of top-down design	No legal framework for participation or data rights
8	Sidaner, Balaban & Burlandy (2013)	Brazil's school feeding programme as an integrated food and nutrition security policy	Pre-digital; statutory model, not data governance
9	Drèze & Goyal (2003)	Design and future of India's mid-day meals	Pre-digital; entitlement focus without data protection
10	Alston (2019); Taylor (2017)	Digital welfare state and data justice	Not specific to school feeding or to Indonesian constitutional law

Source: Analysed from the literature by the authors, 2026.

Two gaps emerge from this mapping. First, existing constitutional analyses treat MBG as a question of normative legitimacy and budget allocation, but do not examine the data governance through which the state targets, discloses, and evaluates the program, even though these processes determine whether the most vulnerable are reached and whether children's personal data are protected. Second, the literature predates Constitutional Court Decision No. 40/PUU-XXIV/2026, which reshaped the constitutional framework for MBG financing.²⁰ This article addresses both gaps. Its novelty lies in developing the concept of *data-driven constitutional responsibility*: the proposition that, in a digitalised welfare state, the state discharges its obligations to respect, protect, and fulfil social rights only when targeting, transparency, and evaluation rest on lawful, interoperable, and protected data. The concept is

²⁰ Mahkamah Konstitusi Republik Indonesia, Putusan Nomor 40/PUU-XXIV/2026 [Constitutional Court Decision No. 40/PUU-XXIV/2026], 30 July 2026.

used to reassess the familiar dichotomy between social justice and constitutional populism. Theiss, Štěpánková, and Šerek show that welfare users' perceptions of distributive justice depend on procedural clarity and trust,²¹ which in data-driven programs are largely produced, or eroded, by the way data are handled.

The concept requires theoretical anchoring. Its normative source is the tripartite typology of state obligations under international human rights law, according to which the state must respect, protect, and fulfil (by facilitating and providing) the right to adequate food.²² In a data-mediated program, each obligation acquires a data dimension: the duty to *respect* requires that data processing does not itself harm beneficiaries; the duty to *protect* requires safeguards against misuse of their data by third parties; and the duty to *fulfil* requires data accurate enough to reach those entitled. The concept differs from two established frameworks. *Data justice* examines fairness in how people are made visible, represented, and treated through data in general,²³ while *digital constitutionalism* concerns the articulation of constitutional values and limits on power in the digital environment.²⁴ Data-driven constitutional responsibility is narrower: it concerns the state's positive obligations when it delivers a constitutional social right through data. It comprises four elements that can be tested in practice: (1) *legality*, a clear legal basis for collecting, sharing, and disclosing beneficiary data; (2) *interoperability*, the integration of data across custodians so that entitled persons are reached; (3) *protection*, safeguards for personal data, especially that of children; and (4) *outcome accountability*, data that show whether rights are fulfilled rather than merely whether benefits are distributed.

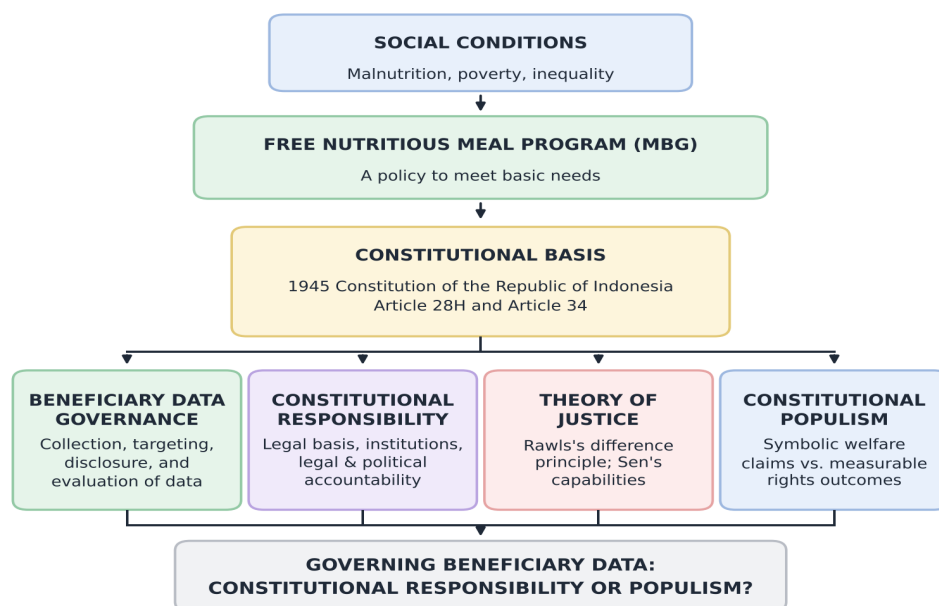


Figure 1: Analytical Framework of the Study

Source: Compiled by the authors, 2026.

²¹ M. Theiss, L. Štěpánková, and J. Šerek, "Welfare Users' Perceptions of Distributive Justice and Trust When Facing Institutional Enigma," *Social Policy and Society* (2025): 1–17, <https://doi.org/10.1017/S1474746425100791>.

²² CESCR, *General Comment No. 12*, para. 15.

²³ Linnet Taylor, "What Is Data Justice? The Case for Connecting Digital Rights and Freedoms Globally," *Big Data & Society* 4, no. 2 (2017), <https://doi.org/10.1177/2053951717736335>.

²⁴ Edoardo Celeste, "Digital Constitutionalism: A New Systematic Theorisation," *International Review of Law, Computers & Technology* 33, no. 1 (2019): 76–99.

As Figure 1 shows, the study places the governance of beneficiary data at the centre of its framework and connects it with three further lenses. Accordingly, it addresses three questions: (1) how are MBG beneficiary data collected, integrated, disclosed, and used for evaluation, and do these practices meet Indonesia's data governance and personal data protection standards; (2) how is the state's constitutional responsibility for MBG constructed in law, and is its legal basis adequate to govern those data and the rights that depend on them; and (3) in light of Rawlsian and capability-based theories of justice, does MBG embody substantive social justice or constitutional populism? Theoretically, the article contributes to the literature on the digital welfare state and on constitutional populism by showing how beneficiary data infrastructures mediate between constitutional promises and rights outcomes, building on studies that stress the state's constitutional responsibility for the right to health²⁵ and on debates about how claims made in the name of the people may strengthen or weaken non-arbitrary government.²⁶ Practically, it offers legal and data governance recommendations for reforming MBG.

RESEARCH METHODS

This study is normative legal research complemented by socio-legal document analysis. The normative component examines legal norms, principles, and doctrines governing MBG through three approaches.²⁷ The statute approach analyses the 1945 Constitution, Law No. 17 of 2003 on State Finance, Law No. 27 of 2022 on Personal Data Protection, Law No. 18 of 2012 on Food, Presidential Regulation No. 83 of 2024, Presidential Regulation No. 115 of 2025, Presidential Decree No. 28 of 2025, Presidential Regulation No. 39 of 2019 on One Data Indonesia, and Presidential Instruction No. 4 of 2025 on the Single National Socio-Economic Data (DTSN). The case approach analyses Constitutional Court Decision No. 40/PUU-XXIV/2026. The conceptual approach elaborates state responsibility, data governance, distributive justice, and constitutional populism.²⁸

Because the legal questions concern the gap between norms and implementation, the study also analyses official documents and reports on implementation. Sources were selected according to a hierarchy: (i) legislation and court decisions; (ii) official data and reports from Statistics Indonesia (BPS), the National Nutrition Agency (BGN), the Ministry of Health, the Ombudsman, and other public bodies; (iii) peer-reviewed literature; and (iv) national news media and policy research institutes, used only where official data were unavailable and, where possible, cross-checked against another source. The cut-off date for empirical program data is 31 July 2026, while legal developments are updated to 30 September 2026.²⁹ Data were analysed qualitatively through inventorying, classification, legal interpretation, and

²⁵ Achmad Hariri et al., "State Responsibility for the Fulfillment of the Right to Indonesian Citizen Health Constitutional Perspective," in *Proceedings of the 2nd International Conference on Law Reform (INCLAR 2021)* (Atlantis Press, 2021), 163–68, <https://doi.org/10.2991/assehr.k.211102.189>.

²⁶ Richard Bellamy, "Political Constitutionalism and Populism," *Journal of Law and Society* 50 (2023): S7–S25, <https://doi.org/10.1111/jols.12401>.

²⁷ Muhammad Zainuddin and Aisyah Dinda Karina, "Penggunaan Metode Yuridis Normatif dalam Membuktikan Kebenaran pada Penelitian Hukum," *Smart Law Journal* 2, no. 2 (2023): 114–23; S. Suhaimi, "Problem Hukum dan Pendekatan dalam Penelitian Hukum Normatif," *Jurnal Yustitia* 19, no. 2 (2018).

²⁸ Bellamy, "Political Constitutionalism and Populism."

²⁹ Mike Nurmalia Sari et al., *Melakukan Penelitian Kepustakaan* (Pradina Pustaka, 2025).

argumentation. Each document was coded in an analysis matrix according to the stage of the beneficiary data lifecycle it concerns and the indicators of each analytical lens, so that every finding in Tables 2 to 4 can be traced to its source.³⁰ Beneficiary data governance is analysed along a lifecycle of four stages, namely collection and integration, verification and targeting, disclosure, and evaluation, each assessed against the applicable legal standard. The other lenses were translated into indicators: legal basis and accountability mechanisms (constitutional responsibility); priority for the least advantaged and regional equity (justice); and the gap between symbolic welfare claims and measurable rights outcomes, including displacement of other constitutional entitlements (constitutional populism).

ANALYSIS AND DISCUSSION

Governing Beneficiary Data in MBG

Beneficiary data are the infrastructure through which MBG's constitutional promises become concrete entitlements. Whether a child in a remote village receives a meal, whether a pregnant woman is recorded as eligible, and whether the public can know that spending improves nutrition all depend on how data are collected, integrated, disclosed, and evaluated. At each stage of this lifecycle Indonesian law already sets standards, yet the MBG instruments incorporate them only partially and in general terms. Table 2 summarises the lifecycle, the applicable standards, and the gaps identified in this study, which the following subsections examine in turn.

Table 2: The MBG Beneficiary Data Lifecycle: Legal Standards and Gaps

No	Lifecycle Stage	Applicable Legal Standard	Gap Identified in MBG
1	Collection and integration	Presidential Regulation No. 115 of 2025, Arts. 11(1)–(2), 55(a) (digital data, periodic verification, One Data policy); Presidential Regulation No. 39 of 2019; Presidential Instruction No. 4 of 2025 (DTSEN, for social assistance)	Data spread among custodians; 3B synchronisation at 38.51% [O]; no specified reference data or matching procedure [L]
2	Verification and targeting	Priority for the least advantaged; lawful basis for processing (Law No. 27 of 2022, Art. 20)	Simulated inclusion error up to 34.2% [S]; SPPG initially concentrated on Java [O]
3	Disclosure	Children's and health data as specific data (Art. 4(2)); special processing and parental consent (Art. 25); impact assessment (Art. 34) (Law No. 27 of 2022); Law No. 14 of 2008	Portal access by student identity [N]; no impact assessment, data protection officer, or disclosure limits [L]; supervisory agency not yet formed [N]

³⁰ A. Prayogi and M. A. Kurniawan, "Pendekatan Kualitatif dan Kuantitatif: Suatu Telaah," *Complex: Jurnal Multidisiplin Ilmu Nasional* 1, no. 2 (2024): 30–37, <https://doi.org/10.66341/complex.v1i2.7>; I. W. Lendra, D. Husni, and Y. Fitriani, "Kebijakan Makan Bergizi Gratis dan Relevansinya terhadap Nilai-Nilai Good Governance: Analisis Kualitatif dalam Administrasi Publik," *Arus Jurnal Sosial dan Humaniora* 5, no. 1 (2025): 937–45, <https://doi.org/10.57250/ajsh.v5i1.1252>.

No	Lifecycle Stage	Applicable Legal Standard	Gap Identified in MBG
4	Evaluation	Law No. 17 of 2003, Art. 3(1)	Monitoring dashboard not documented as public; reporting on outputs rather than outcomes [O]

Source: Analysed by the authors. Evidence markers: [L] legal analysis of regulations; [O] official data or reports; [S] simulation by a policy institute; [N] news reports.

1. Collection and Targeting: Who Counts as a Beneficiary

The first and second stages of the lifecycle, collection and targeting, determine who counts as a beneficiary. The quality of MBG's targeting depends on beneficiary data held by several custodians. Under Article 4(2) of Presidential Regulation No. 115 of 2025, data on learners at most levels are held by the Ministry of Primary and Secondary Education, data on madrasah and pesantren students by the Ministry of Religious Affairs, and data on children under five, pregnant women, and breastfeeding mothers by the Ministry of Population and Family Development and the Ministry of Health.³¹ Fragmentation is visible in practice: synchronisation of data for the "3B" group (pregnant women, breastfeeding mothers, and children under five) had reached only 38.51 percent of the target, reportedly because the data are highly dynamic.³² The 3B group is precisely the group whose nutrition matters most during the first 1,000 days of life.

Indonesia already has legal instruments for data integration. Presidential Regulation No. 39 of 2019 on One Data Indonesia establishes principles of data standards, metadata, interoperability, and reference codes for government data,³³ and Presidential Instruction No. 4 of 2025 designates the Single National Socio-Economic Data (DTSEN) as the reference for social assistance and empowerment programs, maintained by the Ministry of Social Affairs and Statistics Indonesia and matched against population administration records.³⁴ Presidential Regulation No. 115 of 2025 does address data: it requires planning, data collection, reporting, and monitoring to be carried out digitally and in real time, requires beneficiary data to be verified and updated periodically, and provides that monitoring is supported by integrated data management in line with the One Data Indonesia policy.³⁵ Studies of Indonesian e-government likewise argue that consolidating fragmented systems into a single integrated platform improves the efficiency of public policy.³⁶ These provisions are, however, general: they do not specify the reference data against which eligibility is matched, the procedure for matching data

³¹ Indonesia, *Peraturan Presiden Nomor 115 Tahun 2025 tentang Tata Kelola Penyelenggaraan Program Makan Bergizi Gratis* [Presidential Regulation No. 115 of 2025 on the Governance of the Free Nutritious Meal Program], art. 4(2).

³² KumparanNEWS, "Kemendukbangga Perkuat Sinkronisasi Data."

³³ Indonesia, *Peraturan Presiden Nomor 39 Tahun 2019 tentang Satu Data Indonesia* [Presidential Regulation No. 39 of 2019 on One Data Indonesia].

³⁴ Indonesia, *Instruksi Presiden Nomor 4 Tahun 2025 tentang Data Tunggal Sosial dan Ekonomi Nasional* [Presidential Instruction No. 4 of 2025 on the Single National Socio-Economic Data], 5 February 2025; Tirto.id, "Inpres DTSEN Terbit, Kemensos Akan Uji Petik Mutakhirkan Data," 2025, <https://tirto.id/inpres-dtsen-terbit-kemensos-akan-uji-petik-mutakhirkan-data-g8kN>.

³⁵ Indonesia, *Perpres No. 115 Tahun 2025*, arts. 11(1)–(2), 55(a).

³⁶ Sheila Kusuma Wardani Amnesti et al., "Enhancing Sustainable Development Efficiency Through a Single Smart City Platform: A Cost-Benefit Policy Perspective from Indonesia," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 8, no. 1 (2025): 151–69, <https://doi.org/10.24090/volksgeist.v8i1.12584>.

held by different custodians, or standards of accuracy. Nor is it self-evident that DTSEN applies. Presidential Instruction No. 4 of 2025 concerns social assistance and empowerment programs, whereas MBG is largely universal for learners and is not a means-tested benefit; and a presidential instruction is an internal directive binding the officials to whom it is addressed rather than a regulation within the statutory hierarchy.³⁷ DTSEN is nevertheless directly relevant to the components of MBG that require prioritisation, namely the 3B group and the identification of priority regions. The consequences of weak integration are illustrated by a simulation by the Center of Economic and Law Studies (CELIOS), which estimates an inclusion error of up to 34.2 percent for a universal scheme because poverty data are not integrated across sectors.³⁸ Since this figure comes from a policy institute's simulation rather than an official audit, it should be read as an indication of risk; but it is consistent with the slow data synchronisation reported by the government itself. Literature on the digital welfare state warns that poorly integrated data produce not only inclusion errors but also exclusion errors that fall on those least visible to official systems, such as children in remote 3T regions or in informal settlements.³⁹

2. Disclosure and the Protection of Children's Personal Data

The third stage of the lifecycle is disclosure. BGN has opened public access to MBG data⁴⁰ and, by July 2026, was preparing a digital portal through which parents log in using their child's student identity to see the school served, the daily menu, the SPPG that prepares the food and the name of its head, and the scope of services, alongside a separate public dashboard showing the number and distribution of operating SPPG units and the schools served.⁴¹ Reports on these tools do not indicate that health or nutritional-status data are displayed. Indonesia's experience with the PeduliLindungi contact-tracing application has already shown how a government digital program can process sensitive data at national scale before a comprehensive data protection framework is in place.⁴² The data protection risks lie elsewhere: access based on a student identity number links a named child to a school and location and may be obtained by anyone who knows that number, while the underlying beneficiary database combines children's identity data with data on pregnant women and breastfeeding mothers. Law No. 27 of 2022 on Personal Data Protection classifies children's data and health data as specific personal data,⁴³ reflecting a growing recognition in Indonesian scholarship that personal data

³⁷ Indonesia, *Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-undangan*, as amended [Law No. 12 of 2011 on the Making of Laws and Regulations], arts. 7–8.

³⁸ M. W. Askar et al., *Studi Evaluasi 1 Tahun Makan Tak Bergizi Tak Gratis* (Center of Economic and Law Studies [CELIOS], 2025).

³⁹ Alston, *Report of the Special Rapporteur*; Eubanks, *Automating Inequality*.

⁴⁰ Ekspos.co.id, "BGN Buka Pintu Data MBG."

⁴¹ Bisnis.com, "BGN Siapkan Sistem Digital agar Orang Tua Dapat Awasi Menu MBG," 28 July 2026, <https://kabar24.bisnis.com/read/20260728/15/1991509/bgn-siapkan-sistem-digital-agar-orang-tua-dapat-awasi-menu-mbg>.

⁴² Anugrah Muhtarom Pratama and Umi Khaerah Pati, "Analysis Principles of Personal Data Protection on COVID-19 Digital Contact Tracing Application: PeduliLindungi Case Study," *Lex Scientia Law Review* 5, no. 2 (2021): 65–88, <https://doi.org/10.15294/lesrev.v5i2.50601>.

⁴³ Indonesia, *Undang-Undang Nomor 27 Tahun 2022 tentang Pelindungan Data Pribadi* [Law No. 27 of 2022 on Personal Data Protection], art. 4(2)(a), (e).

protection is a constitutional right,⁴⁴ requires that children's data be processed specially and with the consent of parents or guardians,⁴⁵ and requires a data protection impact assessment where processing involves specific personal data or is carried out on a large scale.⁴⁶ Law No. 14 of 2008 on Public Information Disclosure likewise excludes personal information from the information that public bodies must disclose.⁴⁷ The only data provision in the MBG regulation assigns the communications ministry to provide facilities for protecting and securing MBG data,⁴⁸ which concerns information security rather than the rights of data subjects. No MBG instrument refers to the PDP Law, requires an impact assessment, designates a data protection officer, or limits what beneficiary information may be displayed.

Enforcement compounds the problem. Although the Government Regulation implementing the PDP Law, Government Regulation No. 33 of 2026, has been issued, the independent supervisory agency required by the Law had not yet been established by September 2026, and oversight is carried out in the interim by the Ministry of Communication and Digital Affairs.⁴⁹ As a result, compliance by public controllers such as BGN currently depends largely on self-regulation, and the administrative sanctions provided by the Law cannot yet be applied effectively. Comparative research on the Asia-Pacific region underlines that the effectiveness of data protection regimes depends on the existence and capacity of their supervisory institutions.⁵⁰ The tension between transparency and privacy can nevertheless be resolved through design rather than trade-off. The publication of personal data in court decisions illustrates the same tension in other public institutions.⁵¹ Aggregated and anonymised data at school, village, and regional level are sufficient for public oversight of coverage, budget use, and outcomes, while individual-level information should be available only to the data subject or a parent through secure authentication that does not rely on a student number alone. Such an approach would align MBG with the PDP Law's principles of purpose limitation and data minimisation and would protect vulnerable groups from profiling or misuse.

3. Evaluation Data and Accountability for Rights Outcomes

The final stage of the lifecycle, evaluation, connects beneficiary data to constitutional accountability. Monitoring infrastructure is emerging: since 2025 the Ministry of National Development Planning (Bappenas) and BGN, supported by the One Data Indonesia secretariat,

⁴⁴ Siti Mariyam et al., "Safeguarding Personal Data in Indonesian E-Commerce from a Constitutional Rights Perspective," *Jambe Law Journal* 8, no. 2 (2025): 683–711, <https://doi.org/10.22437/x5q9y093>.

⁴⁵ Indonesia, *UU No. 27 Tahun 2022*, art. 25.

⁴⁶ Indonesia, *UU No. 27 Tahun 2022*, art. 34(2).

⁴⁷ Indonesia, *Undang-Undang Nomor 14 Tahun 2008 tentang Keterbukaan Informasi Publik* [Law No. 14 of 2008 on Public Information Disclosure].

⁴⁸ Indonesia, *Perpres No. 115 Tahun 2025*, art. 46(b).

⁴⁹ Bisnis.com, "Pembentukan Badan PDP Dipercepat, Implementasi UU PDP Dinilai Belum Efektif," 13 September 2026, <https://teknologi.bisnis.com/read/20260913/84/2003698/pembentukan-badan-pdp-dipercepat-implementasi-uu-pdp-dinilai-belum-efektif>.

⁵⁰ Heppy Endah Palupy, Ronald Nawing, and Susi Susantijo, "Personal Data Protection Governance in the Asia Pacific Region: A Review of the Scope, Effectiveness, and Legal Challenges," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 9, no. 1 (2026): 197–225, <https://doi.org/10.24090/volksgeist.v9i1.15362>.

⁵¹ Tina Amelia, Nunung Rahmania, and Aftab Haider, "Legal Protection of Personal Data as Listed in Court Decision: A Discourse Renewal," *Jurnal IUS Kajian Hukum dan Keadilan* 12, no. 3 (2024): 502–16, <https://doi.org/10.29303/ius.v12i3.1560>.

have been developing a monitoring and evaluation dashboard intended to integrate cross-sector data on health, education, economic, and small-business effects with real-time operational data from SPPG units,⁵² and BGN has announced a public dashboard on the number and distribution of SPPG units and the schools served.⁵³ Two gaps remain. First, it is not publicly documented whether the monitoring and evaluation dashboard will be open to the public, so it currently serves internal management rather than democratic accountability. Second, the announced public dashboard reports operational outputs, whereas public reporting more generally emphasises the number of beneficiaries, SPPG units, and budget absorption,⁵⁴ which say little about whether children's nutritional status improves. Building on these systems, a public dashboard reporting, for each region, the number of beneficiaries, budget realisation, food-safety inspection results, complaints, and nutritional outcome indicators, derived from aggregated and anonymised beneficiary data, would allow the DPR, regional parliaments, and citizens to evaluate whether spending produces rights outcomes rather than only meals.⁵⁵ Algorithmic or rule-based targeting tools, if used, should be documented and periodically audited for exclusion errors.⁵⁶ These measures translate the outcome-accountability element of data-driven constitutional responsibility into concrete obligations and supply the evidence base for the legal and political accountability examined in Section 2.3.

Constitutional Responsibility and the Legal Architecture of MBG

1. Constitutional and Institutional Foundations

The welfare state is a democratic state that guarantees basic rights and freedoms while also taking legal, financial, and material measures to reduce social inequality.⁵⁷ Its core is the state's responsibility for the welfare of its citizens.⁵⁸ Scholarship on Islamic law similarly links the welfare state to the realisation of substantive social justice.⁵⁹ Within this framework, MBG is a welfare-state instrument grounded in Articles 28H and 34 of the 1945 Constitution, and Article 28I(4) affirms that the protection, advancement, and fulfilment of human rights are the responsibility of the state, especially the government.⁶⁰ Its urgency is underscored by SSGI 2024 data showing a stunting rate of 29.8 percent in the poorest quintile, far above the national

⁵² Sekretariat Satu Data Indonesia, Kementerian PPN/Bappenas, "Percepatan Akses Data untuk Dashboard Monev Program Makan Bergizi Gratis Dorong Integrasi Data Lintas Sektor," 26 August 2025, <https://data.go.id/news/2025/08/percepatan-akses-data-untuk-dashboard-monev-program-makan-bergizi-gratis-dorong-integrasi-data-lintas-sektor/> 882.

⁵³ Bisnis.com, "BGN Siapkan Sistem Digital."

⁵⁴ Z. Madjid, "Anggaran MBG Terserap Rp 52,9 T di Akhir 2025, Setara 74,6% dari Pagu," 2025; Tempo, "Anggaran MBG per Mei."

⁵⁵ R. M. Basuki, N. W. Muharrom, and N. A. Kusuma, "Implementasi Program Makan Bergizi Gratis: Evaluasi Pelaksanaan dan Tantangan Operasional," *AL-Zayn: Jurnal Ilmu Sosial & Hukum* (2026): 1413–23; Paulus Wilfridus Gobang, *Makan Bergizi Gratis (MBG): Evaluasi Kritis atas Ketidaktepatan Sasaran, Risiko Kesehatan dan Potensi Distorsi Tata Kelola Publik* (2026).

⁵⁶ Alston, *Report of the Special Rapporteur*.

⁵⁷ Alexander Petring et al., *Negara Kesejahteraan dan Sosial Demokrasi* (2009).

⁵⁸ Alfitri, "Ideologi Welfare State dalam Dasar Negara Indonesia: Analisis Putusan Mahkamah Konstitusi Terkait Sistem Jaminan Sosial Nasional," *Jurnal Konstitusi* 9, no. 3 (2012): 449–72, <https://doi.org/10.31078/jk932>.

⁵⁹ Agus Riwanto and Sukarni Suryaningsih, "Realizing Welfare State and Social Justice: A Perspective on Islamic Law," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 5, no. 1 (2022): 41–51, <https://doi.org/10.24090/volksgeist.v5i1.6430>.

⁶⁰ H. A. Mau, *Hukum Tata Negara Indonesia: Teori dan Penerapan* (Amerta Media, 2024).

average,⁶¹ and by evidence that stunting has long-term effects on cognitive ability and productivity.⁶²

The program's institutional architecture consists of three presidential instruments, summarised in Table 3. Presidential Regulation No. 83 of 2024 establishes the National Nutrition Agency (BGN) under and directly responsible to the President.⁶³ Of BGN's functions, three are decisive for accountability: formulating technical policy on systems and governance, including beneficiary data; monitoring and supervising national nutritional fulfilment; and supervising the performance of its own units. Presidential Regulation No. 115 of 2025 regulates implementation, targeting, monitoring, reporting, funding, and procurement,⁶⁴ while Presidential Decree No. 28 of 2025 establishes a cross-sectoral Coordination Team chaired by the Coordinating Minister for Food.⁶⁵ The normative gap is that none of these instruments specifies binding outcome indicators, a data-sharing protocol among the ministries that hold beneficiary data, or a complaint and remedy mechanism for beneficiaries harmed by the program.

Table 3: Legal and Institutional Framework Relevant to MBG

No	Legal Instrument	Core Substance	Relevance to the Analysis
1	1945 Constitution, Arts. 28H, 28I(4), 31, 34	Rights to welfare, health, education, and social security	Source of the state's constitutional obligations
2	Law No. 11 of 2005 (ICESCR)	Rights to food, health, and education	Indivisibility and interdependence of social rights
3	Law No. 17 of 2003 on State Finance, Art. 3(1)	Efficient, effective, transparent, accountable public finance	Standard for budget accountability
4	Law No. 18 of 2012 on Food	Food safety along the production and distribution chain	Basis for food-safety obligations and liability
5	Law No. 27 of 2022 on Personal Data Protection	Children's and health data as specific data; consent; impact assessment	Safeguards for beneficiary data
6	Law No. 14 of 2008 on Public Information Disclosure	Public access to information; exclusion of personal information	Limits on disclosure of beneficiary data

⁶¹ Kementerian Koordinator Bidang Pembangunan Manusia dan Kebudayaan, "Prevalensi Stunting Tahun 2024."

⁶² R. Amran et al., "Stunting sebagai Ancaman Kualitas Sumber Daya Manusia: Perspektif Gizi, Lingkungan, dan Sosial," *Scientific Journal* 4, no. 4 (2025): 233–40, <https://doi.org/10.56260/sciena.v4i4.234>; Fakultas Kedokteran UKI, *Prosiding Seminar Nasional Stunting: Education Perspective "Kupas Tuntas Cegah dan Atasi Stunting"* (UKI Press, 2023).

⁶³ Indonesia, *Peraturan Presiden Nomor 83 Tahun 2024 tentang Badan Gizi Nasional* [Presidential Regulation No. 83 of 2024 on the National Nutrition Agency], art. 3.

⁶⁴ Indonesia, *Perpres No. 115 Tahun 2025*.

⁶⁵ Indonesia, *Keputusan Presiden Nomor 28 Tahun 2025 tentang Tim Koordinasi Penyelenggaraan Program Makan Bergizi Gratis* [Presidential Decree No. 28 of 2025 on the Coordination Team for the Free Nutritious Meal Program], arts. 4, 6.

No	Legal Instrument	Core Substance	Relevance to the Analysis
7	Presidential Regulation No. 39 of 2019; Presidential Instruction No. 4 of 2025	One Data Indonesia; Single National Socio-Economic Data (DTSEN)	Standards for data integration and targeting
8	Presidential Regulation No. 83 of 2024; No. 115 of 2025; Presidential Decree No. 28 of 2025	BGN, program governance, targets, coordination team	Institutional basis; general data provisions; no outcome, matching, or remedy rules
9	Constitutional Court Decision No. 40/PUU-XXIV/2026	MBG not part of the 20% education budget; separate budgeting by 2028 at the latest	Constitutional limits on MBG financing

Source: Analysed from primary legal sources.

2. The Adequacy of a Presidential-Regulation-Based Legal Basis

A fundamental question is whether a program of this magnitude can rest on presidential instruments alone. Under Law No. 12 of 2011, a Presidential Regulation may contain material ordered by a statute, material implementing a Government Regulation, or material for the exercise of governmental power, and it ranks below statutes in the hierarchy of legislation.⁶⁶ MBG falls within the third category, yet it creates entitlements and obligations for tens of millions of people, processes their personal data, and absorbs a substantial share of the state budget. Several large school-feeding schemes elsewhere are anchored in statute. Brazil's National School Feeding Programme is governed by Law No. 11,947 of 2009, which frames school feeding as part of the right to adequate food, requires part of the funds to be used for purchases from family farming, and builds social control into the program through school feeding councils;⁶⁷ India's National Food Security Act of 2013 makes school meals a legal entitlement of children and establishes grievance redressal mechanisms, including district grievance officers and state food commissions.⁶⁸ These statutes matter for MBG less as models to copy than as evidence that entitlement, participation, and redress are typically settled by legislation rather than executive instruments.

The absence of a statute matters for four reasons. First, the House of Representatives (DPR) currently influences MBG only through the annual budget law,⁶⁹ which is a weak instrument for setting eligibility rules, quality standards, and remedies. Second, Constitutional Court Decision No. 40/PUU-XXIV/2026 demonstrates the risk of building MBG on implicit

⁶⁶ Indonesia, *UU No. 12 Tahun 2011*, arts. 7, 13.

⁶⁷ Brazil, Lei nº 11.947, de 16 de junho de 2009 [Law No. 11,947 of 16 June 2009 on the National School Feeding Programme], art. 14; Emilie Sidaner, Daniel Balaban, and Luciene Burlandy, "The Brazilian School Feeding Programme: An Example of an Integrated Programme in Support of Food and Nutrition Security," *Public Health Nutrition* 16, no. 6 (2013): 989–94, <https://doi.org/10.1017/S1368980012005101>.

⁶⁸ India, National Food Security Act, 2013 (Act No. 20 of 2013), secs. 5, 14–16; Jean Drèze and Aparajita Goyal, "Future of Mid-Day Meals," MPRA Paper No. 17386 (Munich: University Library of Munich, 2003), <https://mpra.ub.uni-muenchen.de/17386/>.

⁶⁹ Bagus Oktafian Abrianto, Xavier Nugraha, and Risdiana Izzaty, "Hak Konstitusional Lembaga Kepresidenan dalam Penolakan Pengesahan RUU APBN oleh DPR," *Jurnal IUS Kajian Hukum dan Keadilan* 7, no. 3 (2019): 519, <https://doi.org/10.29303/ius.v7i3.633>.

budget interpretations: the Court reviewed the Elucidation of Article 22(3) of Law No. 17 of 2025 on the 2026 State Budget, which counted MBG as part of education operating costs, and held that the 20 percent education budget under Article 31(4) of the Constitution is intended for the main components of education and does not include MBG financing.⁷⁰ The Court declared the Elucidation conditionally constitutional only for the 2026 budget and required MBG to be budgeted separately no later than the 2028 State Budget.⁷¹ Third, without a statute, beneficiaries lack a clear legal basis for claiming quality, safety, and redress. Fourth, a statute is the more appropriate vehicle for governing beneficiary data. Formally, the PDP Law does not require one: it allows personal data to be processed to fulfil a legal obligation or to exercise authority based on laws and regulations, a category that includes Presidential Regulations.⁷² But the large-scale processing of children's data for a nationwide entitlement concerns constitutional rights, which under Law No. 12 of 2011 are the proper subject matter of statutes,⁷³ and a statute could set binding rules on data sharing among the ministries that hold beneficiary data, on accuracy, and on disclosure. A dedicated statute on national nutrition fulfilment would therefore provide democratic legitimacy, stable financing outside mandatory education spending, lawful and interoperable beneficiary data, and enforceable standards.

3. Legal and Political Accountability

According to Ridwan, governmental responsibility has an internal aspect, manifested in reports on the exercise of power, and an external aspect, arising when the exercise of power harms third parties; in a democratic state governed by law, accountability has a legal dimension, tested through courts, and a political dimension, exercised before the people's representatives.⁷⁴ Because the President holds the authority that BGN exercises in a mandate relationship, the President bears ultimate responsibility for the program. Article 3(1) of Law No. 17 of 2003 further requires that state finances be managed efficiently, effectively, transparently, and responsibly, with due regard to fairness,⁷⁵ which implies measurable performance indicators and transparent evaluation.⁷⁶

In the legal dimension, accountability requires correspondence between program realisation and its legal purpose. By 15 December 2025, IDR 52.9 trillion, or 74.6 percent of the 2025 ceiling, had been spent, reaching 50.7 million of a targeted 82.9 million beneficiaries,⁷⁷ yet, as shown in Section 1.3, public reporting focuses on budget absorption and the number of beneficiaries rather than on changes in nutritional status, and fiscal transfers to SPPG still face

⁷⁰ Mahkamah Konstitusi, Putusan Nomor 40/PUU-XXIV/2026; Indonesia, *Undang-Undang Nomor 17 Tahun 2025 tentang Anggaran Pendapatan dan Belanja Negara Tahun Anggaran 2026* [Law No. 17 of 2025 on the 2026 State Budget].

⁷¹ Mahkamah Konstitusi Republik Indonesia, "Anggaran MBG Harus Dipisahkan dari Anggaran Pendidikan," 30 July 2026, <https://www.mkri.id/berita/anggaran-mbg-harus-dipisahkan-dari-anggaran-pendidikan-25496>.

⁷² Indonesia, *UU No. 27 Tahun 2022*, art. 20(2)(c), (e).

⁷³ Indonesia, *UU No. 12 Tahun 2011*, art. 10(1).

⁷⁴ Ridwan HR, "Pertanggungjawaban Publik Pemerintah dalam Perspektif Hukum Administrasi Negara," *Jurnal Hukum Ius Quia Iustum* 10, no. 22 (2003): 27–38, <https://doi.org/10.20885/iustum.vol10.iss22.art3>.

⁷⁵ Indonesia, *Undang-Undang Nomor 17 Tahun 2003 tentang Keuangan Negara* [Law No. 17 of 2003 on State Finance], art. 3(1).

⁷⁶ N. Salsabillah et al., "Manajemen Keuangan Negara dalam Upaya Mewujudkan Pembangunan Berkelanjutan: Studi Kasus Implementasi Anggaran Berbasis Kinerja di Indonesia," *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial* 2, no. 12 (2025). <https://ojs.daarulhuda.or.id/index.php/Socius/article/view/1665>

⁷⁷ Madjid, "Anggaran MBG Terserap."

capacity disparities among regions.⁷⁸ Recent work on regional autonomy argues that decentralised governance should be judged by its contribution to welfare and the quality of public services,⁷⁹ a standard that applies equally to a centrally administered program such as MBG. Local data illustrate the problem. In Sanggau Regency, stunting prevalence was reported at 21.82 percent in the first quarter of 2026, compared with 20.50 percent in 2025, while MBG was operating in the regency.⁸⁰ This observation does not establish that MBG failed: stunting is a chronic indicator measured among children under five, MBG primarily serves learners, and one year is too short to detect effects. It does show, however, that without outcome data linked to beneficiary records the program cannot demonstrate, region by region, that spending fulfils rights. Judicial avenues for testing the legality of MBG are, moreover, constrained by restrictive rules on legal standing for public-interest claims⁸¹ and by the limited capacity of the Constitutional Court to remedy constitutional losses once they have occurred.⁸² In the political dimension, the DPR is entitled to assess whether the 2026 allocation, drawing IDR 223.5 trillion from the education function, IDR 24.7 trillion from the health function, and IDR 19.7 trillion from the economic function,⁸³ is consistent with constitutional priorities, particularly when 23.36 million people still lived in poverty in September 2025⁸⁴ and, according to the FAO's *State of the Food Security and Nutrition in the World* report as cited by Universitas Gadjah Mada, around 43.5 percent of the population cannot afford a healthy diet.⁸⁵

4. Liability for Harm: Food Safety Failures

Food poisoning cases are the most direct form of harm caused by MBG. Data compiled by the Indonesian Education Monitoring Network (JPPI) show the largest numbers of cases in West Java (2,012), the Special Region of Yogyakarta (1,047), Central Java (722), Bengkulu (539), and Central Sulawesi (446),⁸⁶ and the Ombudsman has identified weak supervision of food providers and inconsistent food-safety standards.⁸⁷ Law No. 18 of 2012 on Food obliges the state and food business actors to ensure food safety throughout the production and distribution chain,⁸⁸ while research shows that food-safety certification for SPPG kitchens has been applied inconsistently.⁸⁹

Determining who is liable requires clarity on the legal status of those who deliver meals.

⁷⁸ F. S. Fauziah et al., "Hubungan Keuangan Pemerintah Pusat dan Daerah dalam Pengalokasian Anggaran Program Makan Bergizi Gratis (MBG)," *Edu Research* 7 (2026): 1564–74.

⁷⁹ Hariyanto Hariyanto et al., "Toward Welfare-Driven Regional Autonomy: Strengthening Public Services in Indonesia," *Litigasi* 27, no. 1 (2026), <https://doi.org/10.23969/litigasi.v27i1.39515>.

⁸⁰ Ocsya Ade, "MBG Jalan Setahun Lebih di Sanggau, Wabup Ungkap Angka Stunting Naik 21,82%," 2026.

⁸¹ Firdaus Arifin et al., "Ambiguity and Contestation in Legal Standing Restrictions: Rethinking Public Interest and Constitutional Rights in Indonesia," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 8, no. 2 (2025): 395–413, <https://doi.org/10.24090/volksgeist.v8i2.13192>.

⁸² Novan Mahendra Pratama, "The Recovery of Constitutional Losses by the Constitutional Court," *Trunojoyo Law Review* 2, no. 2 (2020): 126–39, <https://doi.org/10.21107/tlr.v2i2.9501>.

⁸³ Badan Gizi Nasional, "BGN Kantongi Rp 268 Triliun."

⁸⁴ Badan Pusat Statistik, "Jumlah Penduduk Miskin (Ribu Jiwa) Menurut Provinsi dan Daerah, 2025," 2026.

⁸⁵ Universitas Gadjah Mada, "Masyarakat RI Sulit Mengonsumsi Pangan Sehat, Berikut Tanggapan Pakar UGM," 10 November 2025, <https://ugm.ac.id/id/berita/masyarakat-ri-sulit-mengonsumsi-pangan-sehat-berikut-tanggapan-pakar-ugm/>.

⁸⁶ Tempo, "Daftar Kasus Keracunan MBG."

⁸⁷ Ombudsman Republik Indonesia, "Ombudsman RI Perkuat Pengawasan."

⁸⁸ Indonesia, *Undang-Undang Nomor 18 Tahun 2012 tentang Pangan* [Law No. 18 of 2012 on Food].

⁸⁹ Makbul and Dharmawan, "Inkonsistensi Kebijakan Sertifikasi."

SPPG units are formed by BGN, and their staff are appointed as government employees with work agreements (PPPK) authorised to manage state finances,⁹⁰ whereas village-owned enterprises, cooperatives, small businesses, and other legally registered organisations participate as partners and suppliers.⁹¹ Claims against SPPG units or BGN concern governmental action: Law No. 30 of 2014 on Government Administration and Supreme Court Regulation No. 2 of 2019 allow citizens to challenge governmental actions, including factual actions, and to bring claims for unlawful acts by government bodies (*onrechtmatige overheidsdaad*) before the administrative courts.⁹² Claims against private partners fall under the general civil liability provision for unlawful acts before the district courts.⁹³ The Consumer Protection Law may also be relevant, since it defines consumers as users of goods available in society without requiring a purchase, although its application to free government-funded meals has not been tested.⁹⁴ Recent scholarship on food supply chains similarly argues for reallocating responsibility to intermediaries that control the distribution of food.⁹⁵ The MBG regulation itself contains no complaint or redress mechanism; it only obliges SPPG units or beneficiary representatives to report suspected food poisoning to health facilities or village heads.⁹⁶ These avenues are slow and costly for poor families, and the division between administrative and civil forums may confuse victims. Responsibility for harm should therefore be built into the program: a single complaint channel, a compensation scheme that does not require victims to identify the liable party, publication of inspection results, and digital traceability of ingredients and meals from supplier to school, so that the source of contamination can be identified and liability allocated.⁹⁷

MBG between Social Justice and Constitutional Populism

1. Distributive Justice and the Least Advantaged

Rawls's difference principle holds that social and economic inequalities are just only if they work to the greatest benefit of the least advantaged.⁹⁸ Applied to MBG, this principle requires that the program's design give priority to children from poor households, regions with high stunting rates, and areas with limited access to nutritious food.⁹⁹ The need for such priority

⁹⁰ Indonesia, *Perpres No. 115 Tahun 2025*, arts. 14, 17.

⁹¹ Indonesia, *Perpres No. 115 Tahun 2025*, arts. 45, 48, 50, 53.

⁹² Indonesia, *Undang-Undang Nomor 30 Tahun 2014 tentang Administrasi Pemerintahan* [Law No. 30 of 2014 on Government Administration]; Mahkamah Agung Republik Indonesia, *Peraturan Mahkamah Agung Nomor 2 Tahun 2019 tentang Pedoman Penyelesaian Sengketa Tindakan Pemerintahan dan Kewenangan Mengadili Perbuatan Melanggar Hukum oleh Badan dan/atau Pejabat Pemerintahan (Onrechtmatige Overheidsdaad)*.

⁹³ Indonesia, *Kitab Undang-Undang Hukum Perdata* [Civil Code], art. 1365.

⁹⁴ Indonesia, *Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen* [Law No. 8 of 1999 on Consumer Protection], art. 1(2).

⁹⁵ Abdul Halim Barkatullah et al., "Platform Responsibility and Good Faith Reformulation: Reconstructing Consumer Protection in Food E-Commerce," *Litigasi* 27, no. 1 (2026): 244–80, <https://doi.org/10.23969/litigasi.v27i1.37632>.

⁹⁶ Indonesia, *Perpres No. 115 Tahun 2025*, art. 25.

⁹⁷ W. D. Yulianti, "Tanggung Jawab Hukum Pemerintah dalam Implementasi Program Makan Bergizi Gratis (MBG) melalui Satuan Pelayanan Pemenuhan Gizi (SPPG)," *Journal on Education* 8, no. 3 (2026): 613–21; Meilia et al., "Tata Kelola dan Pengawasan.," <https://doi.org/10.31293/lg.v11i1.9474>

⁹⁸ John Rawls, *A Theory of Justice*, rev. ed. (Cambridge, MA: Belknap Press of Harvard University Press, 1999), 65–73.

⁹⁹ Carvallo et al., "Konstitusionalitas Program Makan Bergizi Gratis."

is evident: SSGI 2024 shows stunting prevalence of 37 percent in East Nusa Tenggara, 35.4 percent in West Sulawesi, and 30.5 percent in Southwest Papua, far above the national average,¹⁰⁰ yet SPPG units were initially concentrated on Java.¹⁰¹ Priority does not, however, require abandoning universalism. Section 1.1 showed that individual, data-driven targeting carries its own risk of exclusion errors, and universal provision for learners avoids stigma and reduces the dependence of entitlement on imperfect data. The approach most consistent with both the difference principle and the risks of data-driven targeting is *proportionate universalism*, in which a universal program is delivered with a scale and intensity proportionate to the level of disadvantage.¹⁰² Because the fulfilment of children's rights in Indonesia depends heavily on the capacity of local governments,¹⁰³ geographic prioritisation should also be coordinated with regional governments. For MBG, this means keeping universal provision for learners while prioritising the rollout of SPPG units, logistics, and the 3B component in 3T regions and areas with high stunting prevalence, a form of geographic prioritisation that relies on regional statistics rather than on individual data. A universal scheme fails the difference principle not because it is universal, but when the infrastructure needed to reach remote areas, including reliable data and logistics, is weakest where needs are greatest.¹⁰⁴

Sen's capability approach adds that development should be judged by the expansion of the substantive freedoms people have reason to value, not merely by the distribution of goods.¹⁰⁵ From this perspective, MBG's centralised and *top-down* design, in which students, parents, and schools are passive recipients with little say over menus or delivery, limits the agency of local communities.¹⁰⁶ Data governance is relevant here as well: beneficiaries who can see, correct, and contest their data, and who can report problems through accessible channels, are treated as rights-holders rather than as objects of administration.¹⁰⁷

2. Fiscal Crowding-Out after Constitutional Court Decision No. 40/PUU-XXIV/2026

Distributive justice also concerns how the state allocates resources among competing rights.¹⁰⁸ The budget allocated to BGN surged from IDR 71 trillion in 2025¹⁰⁹ to IDR 268 trillion in the 2026 State Budget,¹¹⁰ as shown in Figure 2.

¹⁰⁰ Kementerian Kesehatan, Badan Kebijakan Pembangunan Kesehatan, "SSGI 2024 Ungkap Tantangan dan Solusi Stunting," 2025.

¹⁰¹ Kementerian Kesehatan, Labkesmas Batam, "Prevalensi Stunting Turun Jadi 19,8% di 2024, Melebihi Target Nasional," 2025.

¹⁰² Michael Marmot et al., *Fair Society, Healthy Lives: The Marmot Review* (London: The Marmot Review, 2010).

¹⁰³ Hariyanto Hariyanto, Ahmad Rezy Meidina, and Mabarroh Azizah, "Decentralization and the Fulfillments of Children's Rights: Challenges and Opportunities for Local Government in Indonesia," *Lex Scientia Law Review* 8, no. 2 (2024): 677–706, <https://doi.org/10.15294/lslr.v8i2.14373>.

¹⁰⁴ K. Ariyanto and S. Saharuddin, "Free Nutritious Meals Program or Makan Bergizi Gratis (MBG) and the Rural Political Economy: A Theory-Driven Literature Review of Urban Bias, Spatial Justice, and Fiscal Dynamics in Rural-Urban Relations," *Priviet Social Sciences Journal* 6, no. 5 (2026): 215–25, <https://doi.org/10.55942/pssj.v6i5.1803>.

¹⁰⁵ Amartya Sen, *Development as Freedom* (Oxford: Oxford University Press, 1999), 3–11.

¹⁰⁶ Keladu et al., "Program Makan Bergizi Gratis."

¹⁰⁷ Bimantara and Putri, "Program Makan Bergizi Gratis."

¹⁰⁸ S. A. R. Kamal, M. Ahmad, and H. Rochimah, "Indeks Keadilan Pembiayaan Pendidikan Antarprovinsi di Indonesia: Analisis Disparitas dan Implikasi Kebijakan Pendidikan Nasional," *Jurnal Ilmiah Pendidikan Citra Bakti* 12 (2025): 1041–52, <https://doi.org/10.38048/jipcb.v12i4.5912>.

¹⁰⁹ C. Purwowidhu, "Menilik Eksistensi Program MBG atau Makan Bergizi Gratis," 2025.

¹¹⁰ Badan Gizi Nasional, "BGN Kantongi Rp 268 Triliun."

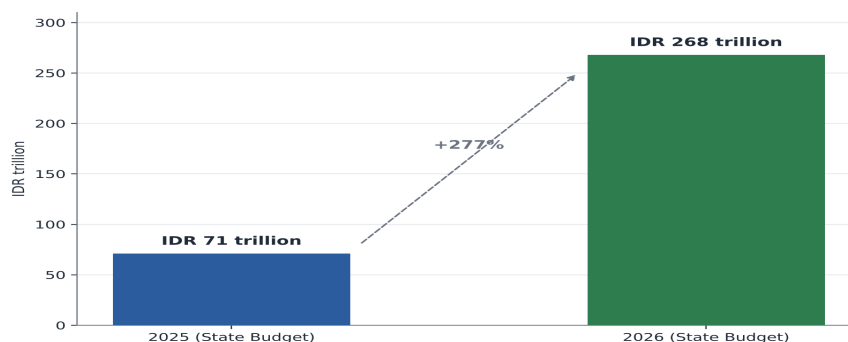


Figure 2: The Surge in the MBG Budget, 2025–2026

Source: Compiled by the authors from BGN and Ministry of Finance data, 2026.

Of this allocation, around IDR 255.5 trillion (95.4 percent) is devoted directly to the nutrition program, and, under the functional classification of the budget, it draws IDR 223.5 trillion from the education function, IDR 24.7 trillion from the health function, and IDR 19.7 trillion from the economic function (Figure 3).¹¹¹ MBG financing is therefore not fiscally neutral; it affects the fiscal space available for other social rights.

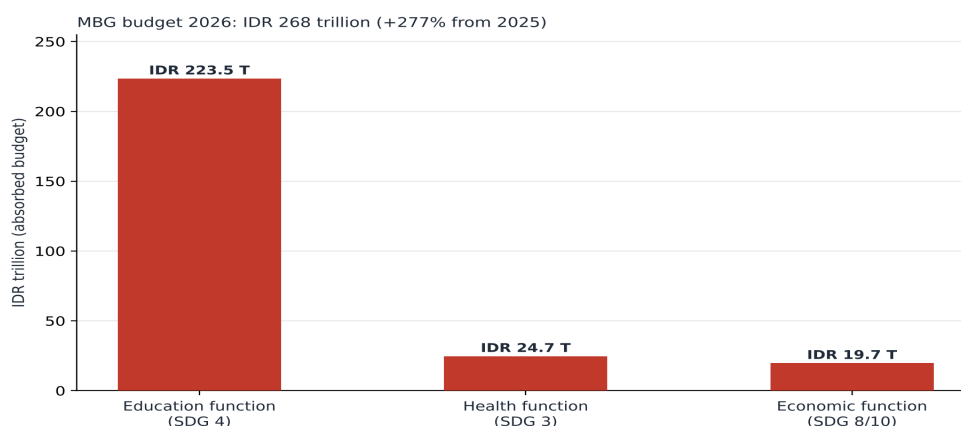


Figure 3: Distribution of the 2026 MBG Budget across Budget Functions

Source: Compiled by the authors from BGN (2025), 2026.

Constitutional Court Decision No. 40/PUU-XXIV/2026 confirms that this concern is constitutional rather than merely political. The Court held that financing for the main components of education, namely learners, educators, facilities, curricula, and evaluation, does not include MBG, and that counting MBG as education operating costs expanded the meaning of the constitutional norm and undermined the *mandatory spending* principle in Article 31(2) and (4).¹¹² It nevertheless upheld MBG as a legitimate government priority, provided that it is financed separately.¹¹³ The decision therefore supports the argument of earlier studies that the 2026 allocation risked sacrificing the National Education Standards,¹¹⁴ while also showing that

¹¹¹ Badan Gizi Nasional, “BGN Kantongi Rp 268 Triliun”; A. Rachman, “Segini Besar Anggaran Pendidikan & MBG di APBN 2026,” 2026; A. Shahibah, “APBN 2026: 83% Dana MBG dari Fungsi Pendidikan,” 2026.

¹¹² Mahkamah Konstitusi, Putusan Nomor 40/PUU-XXIV/2026.

¹¹³ Mahkamah Konstitusi Republik Indonesia, “Anggaran MBG Harus Dipisahkan.”

¹¹⁴ Carvallo et al., “Konstitusionalitas Program Makan Bergizi Gratis”; H. K. Hoetomo, *APBN untuk Siapa? Kritik atas Prioritas Anggaran dalam Program Makan Bergizi Gratis* (2026).

the problem lies in the method of financing rather than in the existence of the program. For the 2027 budget, the Court accepted that MBG may still be placed within the education function provided that this does not reduce the allocation for the main components of education, and it encouraged separation from 2027 if the government is able to adjust.¹¹⁵ If financing is separated by 2028 at the latest, the crowding-out of the education budget will diminish as a constitutional problem; the question will then shift to whether a separately financed MBG still displaces other social spending within the overall fiscal envelope.

Table 4 compares the most pressing social needs linked to the Sustainable Development Goals (SDGs) with the type of contribution MBG can make. The assessment is qualitative and is based on the program's target groups and design as set out in Presidential Regulation No. 115 of 2025; indicator values are taken from official sources.¹¹⁶ Each indicator uses the most recent official figure available at the data cut-off date of 31 July 2026; differences in reference years reflect the publication cycles of the respective sources, namely BPS's biannual poverty statistics, the SSGI survey, the PISA assessment, and the 2020 Long Form Population Census for maternal mortality. The PISA 2025 results were released only on 8 September 2026, after the cut-off date, and are therefore not used.¹¹⁷

Table 4: Pressing Social Needs and the Type of MBG Contribution

No	Need (SDG)	Indicator	MBG Contribution
1	Poverty and inequality (SDGs 1, 10)	23.36 million people poor, September 2025 (BPS)	Indirect: may reduce household food spending (not yet measured); does not address income or assets
2	Stunting and early nutrition (SDGs 2, 3)	Stunting 19.8% of children under five (SSGI 2024)	Partial: 3B group covered, but data synchronisation only 38.51%
3	School-age nutrition (SDG 2)	Learners in ECE to senior secondary education	Direct: core target group of the program
4	Quality of education (SDG 4)	PISA 2022: mathematics 366, reading 359 (OECD 2023)	Indirect: may support readiness to learn; does not improve teaching quality
5	Maternal health (SDG 3)	Maternal mortality 189 per 100,000 live births (LFSP 2020)	Indirect: nutrition for pregnant women; no effect on health services

Source: BPS (2026); Ministry of Health (2025); OECD (2023); Ministry of Health Decree (2025), citing the 2020 Long Form Population Census (LFSP); Kumparan (2026). Each indicator uses the most recent official figure available as of 31 July 2026. MBG contribution: qualitative assessment by the authors.

¹¹⁵ Mahkamah Konstitusi Republik Indonesia, "Anggaran MBG Harus Dipisahkan."

¹¹⁶ Badan Pusat Statistik, "Jumlah Penduduk Miskin"; Kementerian Kesehatan, "SSGI 2024: Prevalensi Stunting Nasional Turun Menjadi 19,8%," 2025; OECD, *PISA 2022 Results (Volume I and II) – Country Notes: Indonesia* (2023); Waode Nurmahaemin, "Membaca Hasil Tes PISA 2022," 2023; Indonesia, *Keputusan Menteri Kesehatan Nomor HK.01.07/MENKES/560/2025 tentang Pedoman Penyelenggaraan Pelayanan Obstetri Neonatal Emergensi Komprehensif di Rumah Sakit* (2025), 1–41.

¹¹⁷ OECD, "OECD to Launch PISA 2025 on 8 September 2026," media advisory, September 2026, <https://www.oecd.org/es/about/news/media-advisories/2026/09/oecd-to-launch-pisa-2025-on-8-september-2026.html>.

The comparison shows that MBG contributes directly only to school-age nutrition, partially to early-childhood nutrition through the 3B group, and indirectly to education, health, and poverty reduction. This does not make the program unjustified, but it means that MBG cannot substitute for investments in teaching quality, primary health care, and structural poverty alleviation. A rights-based allocation must therefore assess MBG alongside, not instead of, these other obligations.

3. Constitutional Populism and the Indivisibility of Social Rights

Populism is commonly understood as a thin-centred ideology that divides society into “the pure people” and “the corrupt elite” and claims that politics should express the general will of the people.¹¹⁸ In constitutional scholarship, related concepts describe different phenomena: *abusive constitutionalism* refers to the use of constitutional change to undermine democratic order,¹¹⁹ *autocratic legalism* to the use of legal forms to entrench power,¹²⁰ and *populism in a constitutional key* to appeals to constituent power and popular sovereignty to reshape constitutional identity.¹²¹ Indonesian scholarship has likewise identified elitist forms of populism in lawmaking¹²² and has questioned whether constitutional rights delivered through digital programs are substantive or merely rhetorical.¹²³ This article uses *constitutional populism* in a narrower, operational sense: the invocation of constitutional rights and popular welfare to legitimise a highly visible policy while bypassing the deliberation, measurable standards, and accountability mechanisms that substantive rights fulfilment requires. Five indicators follow from this definition, each grounded in the literature: (1) the use of beneficiary numbers as a political performance metric while the underlying data remain fragmented and unverifiable, reflecting populism’s preference for direct, visible appeals to the people over mediated institutions;¹²⁴ (2) reliance on executive instruments instead of legislation for a rights-affecting program, the bypassing of deliberation that Landau and Scheppele identify as a mark of the instrumental use of law;¹²⁵ (3) success measured by outputs rather than rights outcomes, in contrast to the obligation to fulfil rights progressively and measurably;¹²⁶ (4) displacement of other constitutional entitlements, contrary to the indivisibility of social rights;¹²⁷ and (5) weak mechanisms for complaint and redress, which deprive rights-holders of the means to contest state action.¹²⁸

¹¹⁸ Cas Mudde and Cristóbal Rovira Kaltwasser, *Populism: A Very Short Introduction* (Oxford: Oxford University Press, 2017), 5–8.

¹¹⁹ David Landau, “Abusive Constitutionalism,” *UC Davis Law Review* 47, no. 1 (2013): 189–260.

¹²⁰ Kim Lane Scheppele, “Autocratic Legalism,” *University of Chicago Law Review* 85, no. 2 (2018): 545–83.

¹²¹ Luigi Corrias, “Populism in a Constitutional Key: Constituent Power, Popular Sovereignty and Constitutional Identity,” *European Constitutional Law Review* 12, no. 1 (2016): 6–26, <https://doi.org/10.1017/S1574019616000031>.

¹²² Zulkarnain Ridlwan et al., “Curbing Elitist Populism in Lawmaking: A Constitutional Law Perspective,” *Lex Scientia Law Review* 9, no. 2 (2025): 1260–94, <https://doi.org/10.15294/lsr.v9i2.27909>.

¹²³ Arrie Budhiartie et al., “Digitized Education Delivery in Indonesia: Constitutional Right or Vacuous Sophistry?,” *Jambe Law Journal* 8, no. 1 (2025): 197–228, <https://doi.org/10.22437/home.v8i1.401>.

¹²⁴ Mudde and Rovira Kaltwasser, *Populism*.

¹²⁵ Landau, “Abusive Constitutionalism”; Scheppele, “Autocratic Legalism.”

¹²⁶ CESCR, *General Comment No. 12*.

¹²⁷ W. Fitri, W. Tan, and D. Delia, “Pertanggungjawaban Konstitusional Negara dalam Pemenuhan Hak Masyarakat Miskin dalam Konteks Pembangunan Berkelanjutan,” *Nomos: Jurnal Penelitian Ilmu Hukum* 5, no. 3 (2025): 669–76, <https://doi.org/10.56393/nomos.v5i3.3390>.

¹²⁸ Bellamy, “Political Constitutionalism and Populism.”

MBG currently displays all five indicators to some degree. Beneficiary counts are publicised as the principal measure of success while beneficiary data remain fragmented and only partly synchronised (Sections 1.1 and 1.3); the program rests on presidential instruments (Section 2.2); public reporting emphasises budget absorption rather than outcomes (Section 2.3); its financing displaced part of the constitutionally mandated education budget, as the Constitutional Court has now confirmed (Section 3.2); and victims of food poisoning have no dedicated remedy mechanism (Section 2.4). To test whether the indicators discriminate rather than merely describe MBG, they can be applied to the National Health Insurance program (JKN). JKN is established by statute, administered by a public body created by statute, and subject to legally required complaint-handling mechanisms,¹²⁹ so it does not display indicators (2) and (5), even though it also relies on large beneficiary databases. The indicators therefore distinguish programs by their legal and institutional design rather than by their popularity or scale. At the same time, MBG is not inherently populist, and the displacement indicator may weaken once financing is separated in line with Decision No. 40/PUU-XXIV/2026. The Constitution and the ICESCR treat economic, social, and cultural rights as indivisible and interdependent, so the state cannot claim to have fulfilled its obligations by realising one right while neglecting others, but it may legitimately prioritise nutrition as part of an integrated strategy.¹³⁰ Policies that displace the minimum core of other constitutional entitlements are constitutionally problematic, as Decision No. 40/PUU-XXIV/2026 illustrates with respect to education.¹³¹

Whether MBG moves towards social justice or constitutional populism thus depends on reforms that are largely legal and digital in nature: integrated and protected beneficiary data, a statutory basis, separate financing, transparent outcome reporting, and effective remedies.¹³² The theory of justice supplies the yardstick: a just policy is not one that appears morally good or is politically popular, but one that demonstrably improves the position of the most vulnerable.¹³³

CONCLUSION

The governance of beneficiary data is where MBG's constitutional responsibility is either realised or reduced to constitutional populism. MBG has constitutional legitimacy under

¹²⁹ Indonesia, *Undang-Undang Nomor 40 Tahun 2004 tentang Sistem Jaminan Sosial Nasional* [Law No. 40 of 2004 on the National Social Security System]; Indonesia, *Undang-Undang Nomor 24 Tahun 2011 tentang Badan Penyelenggara Jaminan Sosial* [Law No. 24 of 2011 on Social Security Administering Bodies].

¹³⁰ Fitri, Tan, and Delia, "Pertanggungjawaban Konstitusional Negara"; Indonesia, *Undang-Undang Nomor 11 Tahun 2005 tentang Pengesahan International Covenant on Economic, Social and Cultural Rights* [Law No. 11 of 2005 on the Ratification of the ICESCR]; CESCR, *General Comment No. 12*.

¹³¹ Mahkamah Konstitusi, Putusan Nomor 40/PUU-XXIV/2026; Bimantara and Putri, "Program Makan Bergizi Gratis."

¹³² A. Rahman, M. Fikri, and H. M. Maysha, "Reformasi Program Makan Bergizi Gratis untuk Pemenuhan Hak Sosial Ekonomi," *Legislatif* 9, no. 1 (2025): 82–104, <https://doi.org/10.20956/jl.v9i1.47999>; G. Masruri and H. Nugraha, "Program Makan Bergizi Gratis sebagai Instrumen Politik Janji Pemilu: Analisis Kebijakan Anggaran dan Dampaknya terhadap Kualitas Pendidikan Indonesia dalam Menyongsong Indonesia Emas 2045," *RIGGS: Journal of Artificial Intelligence and Digital Business* 4, no. 4 (2026): 12100–108, <https://doi.org/10.31004/riggs.v4i4.5441>; M. D. Febrian, T. R. Munjazi, and M. I. Al-Mubarak, "Partisipasi Aktor Politik dalam Wacana Makan Bergizi Gratis: Tinjauan Literatur," *Jurnal Media Akademik (JMA)* 3, no. 6 (2025).

¹³³ Kiftiyah et al., "Program Makan Bergizi Gratis."

Articles 28H and 34 of the 1945 Constitution, but across the beneficiary data lifecycle that responsibility is only partly fulfilled: the MBG regulation refers to digital systems and One Data Indonesia only in general terms, so data remain fragmented among custodians and targeting of the least advantaged is weak; disclosure tools and the underlying database process children's data without an impact assessment or other safeguards required by the PDP Law, whose supervisory agency is not yet operational; and evaluation records outputs rather than rights outcomes. These gaps are compounded by a legal basis limited to presidential instruments, by the absence of any complaint or redress mechanism, and by financing that Constitutional Court Decision No. 40/PUU-XXIV/2026 held may not draw on the education budget beyond the transition period. Measured against the difference principle, the capability approach, and the indivisibility of social rights, MBG displays indicators of constitutional populism, although it is not inherently populist. The concept of data-driven constitutional responsibility, with its elements of legality, interoperability, protection, and outcome accountability, offers a yardstick for correcting this. In the short term, and without new legislation, BGN should conduct a data protection impact assessment, designate a data protection officer, limit public disclosure to aggregated data, establish a single complaint channel, and open its monitoring dashboard with outcome indicators. In the medium term, the government and the DPR should enact a statute on national nutrition fulfilment that settles eligibility, data sharing and matching with DTSEN for the 3B group and priority regions, quality and safety standards, separate financing, and remedies, while applying proportionate universalism to prioritise 3T regions and areas with high stunting prevalence. This study is limited to normative and documentary analysis; future research should test the accuracy of beneficiary data and the effects of MBG on nutritional outcomes empirically, particularly in 3T regions.

DECLARATION OF GENERATIVE AI USE

Declaration on the use of generative AI: the authors used generative AI tools to assist with language editing and the preparation of Figures 1 through 3, based on data collected by the authors. These tools were not used to generate research findings. All content, legal analysis, and interpretations have been reviewed, verified, and approved by the authors, who bear full responsibility for the manuscript.

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