Power Engineering under the Guise of Nutrition: A Critical Analysis of *Badan Gizi Nasional* Formation

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Abstract

Presidential Regulation No. 83 of 2024 was enacted under the pretext of addressing the critical issue of national nutrition. However, beneath the technocratic narrative and the sterile legal language, there are strong indications that this regulation conceals a deeper political-economic agenda. This study aims to examine whether the establishment of the National Nutrition Agency is a purely administrative response or a covert instrument of power hegemony. The contribution of this study lies in uncovering how a seemingly neutral policy on nutrition governance operates as a mechanism of executive aggrandisement. By applying a Critical Legal Studies framework, this research advances the understanding of how legal instruments can embed and normalise political centralisation under the guise of public health policy. This area remains underexplored in Indonesian legal scholarship. The methodology employed is a juridical-critical approach based on Critical Legal Studies, which involves a normative analysis of the regulation's content and its relationship to relevant laws and regulations. The study's findings reveal that the BGN has an expansive authority structure directly under the President, creating a potential for vertical control over the distribution of national nutrition resources. Furthermore, there is a potential overlap with other agencies (such as Bapanas, the Ministry of Health, and the Ministry of Social Affairs), weak oversight mechanisms, and the potential normalisation of power expansion through administrative law. In this context, the law is no longer an instrument of justice, but rather a tool of political legitimisation within a technocratic framework. This study recommends an institutional evaluation of the BGN and strengthening of legislative control over the expansion of executive bodies.

Keywords: *Badan Gizi Nasional; Power Engineering; law as hegemony; Critical Legal Studies*

Introduction

Under the concept of the welfare state, the fulfilment of the right to adequate nutrition constitutes an integral part of the constitutional guarantee to a decent

standard of living and the highest attainable standard of health[1], as enshrined in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945)[2]. Providing adequate nutrition to the population is not merely a matter of public health;[3] it is also a structural issue intimately linked to the distribution of resources, social policy, and the institutional design of the state.[4] Within this context, the enactment of Presidential Regulation No. 83 of 2024 on the National Nutrition Agency (Badan Gizi Nasional or BGN) has triggered critical discourse on how the law is utilised by the state both as a normative-formal instrument to address nutritional issues and as a mechanism that operates within the logic of power.

Presidential Regulation No. 83 of 2024 explicitly states that the establishment of the BGN is intended to accelerate efforts to improve national nutrition in a coordinated, integrated, and sustainable manner[5], with an institutional position that reports directly to the President (see Articles 2 and 4 of Presidential Regulation No. 83 of 2024). Nevertheless, critical approaches in legal studies raise questions as to whether such an institutional structure was created solely to address administrative needs within the public service system or whether it constitutes a form of legal engineering laden with political motives, particularly in the context of consolidating executive power.

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[1] Lawrence O. Gostin, "At Law: The Human Right to Health: A Right to the 'Highest Attainable Standard of Health,'" *The Hastings Center Report* 31, no. 2 (March 2001): 29, https://doi.org/10.2307/3528498.

[2] Mikho Ardinata, "Tanggung Jawab Negara Terhadap Jaminan Kesehatan Dalam Perspektif Hak Asasi Manusia (HAM)," *Jurnal HAM* 11, no. 2 (August 2020): 319, https://doi.org/10.30641/ham.2020.11.319-332.

[3] Saskia de Pee et al., "Balancing a Sustained Pursuit of Nutrition, Health, Affordability and Climate Goals: Exploring the Case of Indonesia," *The American Journal of Clinical Nutrition* 114, no. 5 (November 2021): 1686–97, https://doi.org/10.1093/ajcn/nqab258.

[4] Mulyadi Sumarto, "Welfare Regime Change in Developing Countries: Evidence from Indonesia," *Social Policy & Administration* 51, no. 6 (November 2, 2017): 940–59, https://doi.org/10.1111/spol.12340.

[5] Avrina Dwijayanti, "Policy Spillover: Analisis Jaringan Dampak Kebijakan Makan Siang Bergizi Gratis Terhadap Sektor Pertanian," *Jurnal Administrasi Publik* 20, no. 2 (December 2024): 281–308, https://doi.org/10.52316/jap.v20i2.435.

Amid the complexity of an existing bureaucratic system that already includes institutions with overlapping mandates, such as the National Food Agency, the Ministry of Health, and the Ministry of Social Affairs, the establishment of the BGN raises significant concerns regarding its structural effectiveness, efficiency, and necessity. Furthermore, the creation of a new agency through a Presidential Regulation opens the possibility for expanded authority over the management of state finances without rigorous legislative oversight, particularly given BGN's direct accountability to the President and its executive nature. This situation raises both normative and political questions: to what extent does the establishment of BGN genuinely reflect the public interest, or is it merely an expansion of the political power infrastructure disguised under a technocratic narrative?

This question forms the basis of the problem formulation in this study: Does the establishment of the BGN through Presidential Regulation No. 83 of 2024 constitute an objective administrative response to the national nutrition crisis, or is it rather an instrument of hegemonic power disguised within the framework of administrative law? This inquiry demands an analysis that goes beyond formal juridical examination, entering the realm of legal philosophy and ideological critique of the law itself.

The novelty of this research lies in its focus on an object of study that has remained largely unexplored within the fields of legal and public policy scholarship. To date, existing studies have predominantly concentrated on critiques of the government's Makan *Bergizi Gratis* program, addressing issues such as budgetary efficiency, implementation challenges, and the potential politicisation of the initiative[6]. However, there has been no comprehensive and critical academic inquiry into the institutional formation of the BGN itself. Accordingly, this research constitutes an entirely new and original endeavour that explicitly examines the BGN

[6] Fivia Eliza et al., "Analisis SWOT Kebijakan Makan Siang Gratis Di Sekolah Menengah Kejuruan," *Juwara Jurnal Wawasan Dan Aksara* 4, no. 1 (May 2024): 121–29, https://doi.org/10.58740/juwara.v4i1.91.

as a legal-political construction imbued with the dynamics of power. It aims to contribute to the broader discourse on the intersection of law, public policy, and power within the framework of Critical Legal Studies (CLS).

Methods

This research employs a combination of the statutory approach and the conceptual approach, which are then critically analysed through the lens of CLS. The primary legal materials used in this study were obtained through a direct examination of official documents, namely Presidential Regulation No. 83 of 2024 and other relevant regulations. Secondary legal materials, such as legal literature, journal articles, books, and selected media reports, were collected through library research to support a deeper understanding of the establishment of the BGN.

The gathered data and legal materials were subsequently analysed with a focus on normative aspects and legal doctrines embedded within the legal instruments under review. Meanwhile, the conceptual approach was employed to explore the theoretical foundations and underlying ideas behind the creation of this agency, as well as to assess the extent to which its formation aligns with principles of law and sound public administration.

These two approaches are not applied merely in parallel but are utilized in a complementary manner. The juridical-normative approach provides a foundation for understanding the formal legality and substantive regulatory framework underlying the establishment of the National Nutrition Agency. The conceptual approach contributes to uncovering how the normative narratives and legal justifications embedded in the regulatory texts function as tools to legitimise executive power consolidation.

CLS is used to interrogate further the ideological dimensions and power relations concealed behind the ostensibly neutral and technocratic language of the law. CLS rejects the notion that law is merely a neutral instrument; instead, it

emphasises that law often serves as a site for the reproduction of dominant interests and the reinforcement of hegemonic structures.

Discussion

Presidential Regulation No. 83/2024: Normative Narrative and Epistemic Issues

Presidential Regulation No. 83 of 2024 formally sets forth provisions concerning the establishment, position, duties, functions, organisational structure, and working mechanisms of the BGN. This regulation comprises 29 articles stipulating that BGN is a non-ministerial government agency positioned under and directly accountable to the President of the Republic of Indonesia (see Article 1(1) of Presidential Regulation No. 83 of 2024). Structurally, the agency is headed by a Chairperson, appointed and dismissed by the President, and vested with the authority to coordinate cross-sectoral national policies related to improving public nutrition.

The primary mandate of the BGN, as stipulated in Article 3 of Presidential Regulation No. 83 of 2024, is to formulate and implement national and integrative policies concerning the improvement of public nutrition.[7] This authority encompasses coordinating functions, oversight responsibilities, program harmonisation across ministries and agencies, and the execution of technical functions that were previously dispersed among various institutions, such as the Ministry of Health, the National Food Agency, and the Ministry of Social Affairs. Articles 5 through 10 of the Regulation explicitly govern the organisational structure of BGN, which includes the Office of the Chief Secretariat and several Deputy positions responsible for strategic areas such as maternal and child nutrition, food fortification, community-based interventions, and the management of national nutrition data and information systems. Furthermore, Articles 11 through 17 affirm

[7] Afifah Andin et al., "Penerapan Nilai Pancasila Melalui Program Makan Bergizi Gratis," *Indonesian Journal of Education and Development Research* 3, no. 1 (December 2024): 370–83, https://doi.org/10.57235/ijedr.v3i1.4684.

BGN's authority to coordinate programs and financing, including the provision of input and policy recommendations concerning budgetary allocations in the nutrition sector to the relevant ministries and agencies.

A striking feature of the substance of Presidential Regulation No. 83 of 2024 is the authority granted to the BGN to formulate and implement national strategic policies without undergoing rigid legislative approval mechanisms, given its position as an institution directly accountable to the President. This aligns with the provisions of Article 4, paragraph (1) of the UUD NRI 1945[8], which affirms that executive power resides in the President. However, within the framework of a democratic presidential system, any expansion of executive power should be balanced by stringent systems of control and public accountability, as guaranteed by the principles of checks and balances outlined in Articles 20A, paragraph (1), and 23 of the UUD NRI 1945, which pertain to the oversight of government budgets and policies by the People's Representative Council (DPR). Nevertheless, Presidential Regulation No. 83 of 2024 does not explicitly provide for a mechanism of legislative oversight over the implementation of BGN's tasks, including the management of budgets or strategic policy interventions that could have broad societal impacts. The absence of such provisions raises serious concerns regarding the democratic accountability of this institution. Additionally, the potential for overlapping authority with other agencies presents another issue, as the regulation does not explicitly repeal or revise prior regulations that have granted similar mandates to existing institutions.

The structural position of the BGN as a non-ministerial government institution directly accountable to the President, as stipulated in Article 1, paragraph (1) and Article 2, paragraph (1) of Presidential Regulation No. 83 of 2024, indicates the presence of a specific political and legal intention within the institutional

[8] Sukri Badaruddin, Supriadi Supriadi, and Syaila Indah Ramadhani, "Dinamika Kelembagaan Negara Berdasarkan Pasaca Amandemen UUD NRI TAHUN 1945," *QISTHOSIA : Jurnal Syariah Dan Hukum* 3, no. 1 (June 2022): 37–47, https://doi.org/10.46870/jhki.v3i1.167.

construction of the state that is not neutral. This position grants BGN direct access to the heart of executive power, bypassing the bureaucratic hierarchy of ministries, which are typically subject to sectoral coordination mechanisms and administrative oversight by the Ministry of Administrative and Bureaucratic Reform (KemenPAN-RB).

The placement of the BGN under the President indicates an intention to institutionalize nutritional issues within a strategic macro-political framework. Normatively, the argument for establishing such an institution can be based on Article 4, paragraph (1) of the UUD NRI 1945, which grants full authority to the President to administer the state.[9]However, within the framework of state administrative law, the existence of an institution such as BGN should not only adhere to the principle of bureaucratic effectiveness but also to the principles of legality, accountability, and proportionality of power, as further outlined in Law No. 30 of 2014 on Government Administration. In this context, Article 17 of Law No. 30/2014 stipulates that the establishment of new institutions must consider the rationality of governmental needs and should not contradict the principle of institutional efficiency. However, in practice, the creation of BGN opens the door for duplication of powers previously assigned to the National Food Agency (Law No. 18 of 2012 on Food), the Ministry of Health (Law No. 36 of 2009 on Health), and the Ministry of Social Affairs (Law No. 11 of 2009 on Social Welfare). This implies that, unless structured with a clear principle of governance convergence, the formation of BGN risks creating policy redundancies that are counterproductive to the goal of developing an integrated national nutrition system.

The objectives of the BGN, as articulated in Article 3 of Presidential Regulation No. 83 of 2024, explicitly mention the implementation of coordinated, integrated, and sustainable national nutrition policies. However, when critically examined from a juridical-sociological perspective, these normative phrases appear to function as

[9] Badaruddin, Supriadi, and Ramadhani.

discursive legitimations that obscure the political power intentions behind the establishment of this institution.[10] Based on a CLS approach, law is not understood merely as a neutral normative product, but as an arena for the reproduction of power, where legal structures are often employed as instruments of legitimisation for the interests of elite dominance.[11] The extensive powers of BGN, ranging from the formulation of national policies, implementation of cross-sectoral programmatic interventions, to providing budgetary recommendations (see Articles 3(a–e) and 11–13 of Presidential Regulation No. 83 of 2024), reflect the centralisation of governmental functions into a single entity that lacks a balanced functional oversight mechanism. There is no explicit clause regarding the involvement of the DPR or independent oversight bodies in supervising BGN's policies. In a constitutional democracy, the establishment of a state institution should adhere to the principle of democratic accountability as outlined in Articles 20A, paragraph (1), and 23, paragraph (2) of the UUD NRI 1945, wherein the DPR holds the functions of oversight and budgeting[12].

The establishment of the BGN, as mandated by Presidential Regulation No. 83 of 2024, should be critically examined not only from its legal and formal aspects but also more deeply in terms of the political and legal rationality underlying it. The phrase "to strengthen the improvement of public nutrition in a coordinated, integrated, and sustainable manner," used as the legal foundation for the formation of BGN (see the recitals and Article 3 of Presidential Regulation No. 83 of 2024), may seem logically sound from a textual perspective. However, substantively, it still leaves significant questions: is the structural need for this agency truly urgent, or is it merely an arena for political power contestation to create an additional point of

[10] Arif Hidayat and Zaenal Arifin, "Politik Hukum Legislasi Sebagai Socio-Equuilibrium DI Indonesia," *Jurnal Ius Constituendum* 4, no. 2 (October 2019): 147–59, https://doi.org/10.26623/jic.v4i2.1654.
[11] Roberto Mangabeira Unger, "The Critical Legal Studies Movement," *Harvard Law Review* 96, no. 3 (January 1983): 561, https://doi.org/10.2307/1341032.
[12] Yuni Kartika, "Lembaga Legislatif Republik Indonesia dalam Perspektif Siyasah Dusturiyyah (Analisis Terhadap Fungsi Legislasi, Pengawasan, Dan Anggaran Dewan Perwakilan Rakyat Republik Indonesia)," *Qiyas : Jurnal Hukum Islam Dan Peradilan* 6, no. 1 (April 2021), https://doi.org/10.29300/qys.v6i1.4346.

control under the President? Theoretically, the formation of a new state institution must fulfill the principles of necessity, subsidiarity, and efficiency[13], as emphasized in Articles 17, paragraphs (2) and (3) of Law No. 30 of 2014 on Government Administration. The principle of necessity requires the existence of a structural urgency that cannot be met by existing institutions. However, in the context of national nutrition, there is a clear overlap in mandates between BGN and the roles of the National Food Agency (Law No. 18 of 2012), the Ministry of Health (Law No. 36 of 2009), and the Ministry of Social Affairs (Law No. 11 of 2009), each of which already has the authority and mechanisms to address public nutrition issues within the framework of human development.

The principle of subsidiarity, which asserts that government functions should be carried out by the unit closest to the citizens[14], also appears to be disregarded. Instead of strengthening the nutrition institutions at the regional level or expanding the functional autonomy of provincial/district health offices, the state has opted to create a new centralizing institution directly accountable to the President. This move indicates a tendency toward the recentralization of power, which contrasts with the spirit of decentralized governance enshrined in Article 18 of the UUD NRI 1945 and Law No. 23 of 2014 on Regional Government.

Furthermore, when analyzed through the CLS approach, the establishment of BGN cannot be separated from the practice of legal legitimation of political interests, where law is utilized as an instrument to institutionalize the interests of power through seemingly neutral normative narratives. CLS teaches that law is never value-neutral; it is a product of power relations and a reflection of the hegemonic elite.[15]Thus, BGN appears as a form of juridical managerialism, where the legal structure is used to expand the executive's control over public welfare issues for

[13] Yudi Widagdo Harimurti, "Politik Hukum Pembentukan Lembaga Negara Yang Tidak Diatur Dalam UUD Negara Republik Indonesia Tahun 1945," *Rechtidee* 8, no. 1 (May 2016): 120–35, https://doi.org/10.21107/ri.v8i1.733.
[14] Harimurti.
[15] Mark Tushnet, "Critical Legal Studies and Constitutional Law: An Essay in Deconstruction," *Stanford Law Review* 36, no. 1/2 (January 1984): 623, https://doi.org/10.2307/1228693.

medium-term political purposes, such as power consolidation ahead of elections, control over the distribution of social assistance, or enhancing the state's image as being involved in public health matters. This is further supported by Articles 11 to 13 of Presidential Regulation No. 83/2024, which grants BGN the freedom to formulate national strategic nutrition plans, align cross-sectoral programs, and propose budgets. Such extensive powers, combined with the absence of rigid parliamentary oversight, create the potential for the politicization of nutrition policies, turning them into a tool of political patronage[16], where the distribution of programs and resources is directed to strengthen political loyalty to the center of power[17].

This critique becomes increasingly relevant considering that Presidential Regulation No. 83 of 2024 is a legal instrument directly derived from executive power under Article 4, paragraph (1) of the UUD NRI 1945. This means that there is no robust checks and balances mechanism from the legislative or judicial branches in the process of establishing institutions like BGN. According to this framework, the formation of BGN resembles an administrative-political action with an executive fiat, rather than the outcome of inclusive and transparent constitutional deliberation. Therefore, the normative justification for the establishment of BGN is weak when assessed from the perspective of democratic rule of law theory. This institution not only raises the potential for overlap but also risks undermining the principles of efficiency and accountability within the government system. Law, in this context, does not serve as a reflection of structural justice but as symbolic legitimization of the expansion of state power into public policy areas that were previously technocratic and decentralized. Therefore, caution is needed, along with

[16] Junyan Jiang and Muyang Zhang, "Friends with Benefits: Patronage Networks and Distributive Politics in China," *Journal of Public Economics* 184 (April 2020): 104143, https://doi.org/10.1016/j.jpubeco.2020.104143.
[17] James Manor, "Post-Clientelist Initiatives," in *Democratization in the Global South* (London: Palgrave Macmillan UK, 2013), 243–53, https://doi.org/10.1057/9780230370043_11.v

a reorganisation of this institutional policy, to prevent it from setting a poor precedent for governance practices that are just and constitutionally based.

BGN as a Representation of Politicised Law

The institutional configuration of the BGN, as stipulated in Presidential Regulation No. 83 of 2024, signifies a strategic shift in the architecture of executive power, not merely in managerial terms, but more subtly as a tool for consolidating state control over the distribution of public resources, particularly within the nutrition sector. Upon closer examination, Article 12 of Presidential Regulation No. 83 of 2024 grants BGN the authority to "formulate the annual work plan and budget for the national nutrition improvement program and submit it to the President through the Minister of National Development Planning/Head of Bappenas and the Minister of Finance." This provision effectively creates a legal pathway for BGN to become a dominant actor in the allocation and distribution of strategic resources that directly affect the lives of the poor and vulnerable.

The distribution of nutrition-related resources, including nutritious food, supplementation, and community-based intervention programs, has traditionally fallen within the purview of multiple sectors, including the Ministry of Health, the Ministry of Social Affairs, the National Food Agency, and regional governments. However, the establishment of the BGN, vested with the authority to harmonize and synergize all cross-sectoral programs as affirmed in Articles 5 and 9 of Presidential Regulation No. 83 of 2024, effectively positions this institution as the central authority in controlling the distribution of strategic resources in the field of nutrition. This authority is not merely administrative but also inherently political, as it influences who receives interventions, when such interventions are implemented, and how the allocation of resources is normatively justified. Dominance over strategic resources such as public nutrition must not be divorced from the principles of checks and balances and the doctrine of accountability. Yet, BGN, as a non-structural body established by presidential decree and reporting directly to the President, operates outside the scope of rigid institutional oversight.

Unlike ministries, it is not subject to direct legislative scrutiny and bears no obligation to submit regular reports to independent oversight bodies. This institutional arrangement creates what administrative law doctrine refers to as executive discretion without sufficient oversight[18], a condition that ultimately exposes the management of resources to the risk of misuse as instruments of political patronage.

Furthermore, it is essential to note that under national public finance law, the allocation and disbursement of public budgets must adhere to the principles of performance-based budgeting as well as the values of efficiency, effectiveness, and equity, as enshrined in Articles 3 and 5 of Law No. 17 of 2003 on State Finance. However, the centralization of nutrition program budgeting within a single newly established agency, such as the BGN, potentially undermines these principles, particularly if the formulation of work plans occurs without public participation and lacks objective performance indicators. This concern lies at the heart of the critique: behind the technocratic language of "coordination and integration," there may lie a centralistic agenda aimed at consolidating the distribution of nutrition-related logistics as a tool of political intervention by the central government into regional affairs. From the perspective of CLS, the control of nutritional distribution through BGN exemplifies the phenomenon of law as an instrument of state rationality, where law is deployed as a normative device to embed power rationalities within the realm of public service delivery. This transforms nutrition distribution into a non-neutral process, rendering it a component of a broader political agenda: to expand networks of political loyalty, reinforce the narrative of state presence, and secure electoral legitimacy through the distribution of aid and essential services.

[18] Achmad Haekal, Adithya Tri Firmansyah R, and Ridha Zikri, "FORMULASI PENGATURAN PERATURAN KEBIJAKAN (BELEIDREGELS) SEBAGAI BENTUK DISKRESI PEMERINTAH (STUDI PERBANDINGAN ANTARA INDONESIA DENGAN BELANDA)," *Conference on Innovation and Application of Science and Technology (CIASTECH)* 6, no. 1 (December 2023): 390, https://doi.org/10.31328/ciastech.v6i1.5285.

Referring to the institutional design of the state, the establishment of the BGN through Presidential Regulation No. 83 of 2024 cannot be separated from the issue of institutional inflation, namely, the phenomenon of proliferating state institutions that results in functional redundancy and bureaucratic inefficiency. Within administrative law literature, institutional inflation is consistently regarded as a form of malpractice in public institutional design[19], as it imposes fiscal burdens, heightens the risk of authority conflicts, and obscures both horizontal and vertical accountability mechanisms. This condition becomes increasingly apparent when examined through the lens of overlapping functions with pre-existing sectoral agencies, such as the National Food Agency (Bapanas), the Ministry of Health (Kemenkes), and the Ministry of Social Affairs (Kemsos), all of which already hold mandates related to nutritional affairs. The creation of BGN under such circumstances raises serious concerns regarding institutional coherence and the rational allocation of administrative functions within the executive apparatus.

The mandate of the National Food Agency (Bapanas), as stipulated in Presidential Regulation No. 66 of 2021, encompasses the coordination, implementation, and supervision of policies related to the stabilization of food supply and prices, including nutritious food. This function overlaps with the mandate of the BGN as outlined in Article 5(a) of Presidential Regulation No. 83 of 2024, which assigns the BGN the task of formulating national policies on nutrition improvement. Such an overlap gives rise to a problem of institutional dualism, wherein the availability and distribution of nutritious food simultaneously fall within the jurisdiction of two distinct agencies that lack a clearly defined mechanism of subordination. This institutional ambiguity potentially undermines policy coherence and administrative accountability in the management of national nutrition programs.

[19] Enny Agustina, "Peran Ombudsman Republik Indonesia Dalam Penyelesaian Malaadministrasi DI Indonesia," *Rechtsregel : Jurnal Ilmu Hukum* 1, no. 2 (January 2019), https://doi.org/10.32493/rjih.v1i2.2221.

Likewise, in the domain of public health services, the Ministry of Health holds formal legal authority over community nutrition enhancement[20], as stipulated in Article 4(d) and Article 7(1) of Law No. 36 of 2009 on Health. These provisions grant the Ministry broad powers to implement promotive, preventive, curative, and rehabilitative efforts in the field of nutrition. Accordingly, the establishment of the BGN poses a potential for functional friction with existing units within the Ministry, particularly the Directorate General of Public Health and the Directorate of Nutrition, especially in the absence of a clear and structured delineation of authority. Without such regulatory clarity, overlapping mandates could hinder coordination, dilute institutional accountability, and impair the effectiveness of public nutrition policies.

The Ministry of Social Affairs, under Presidential Regulation No. 110 of 2021 concerning the Ministry of Social Affairs, is mandated to administer social assistance programs targeting poor and vulnerable households[21]. Substantively, this mandate includes nutritional intervention programs such as food assistance for children and pregnant women. Accordingly, the Ministry's involvement in nutrition improvement initiatives has been inherently integrated as part of the broader social protection strategy. The establishment of the BGN, which assumes part of these functions, risks causing coordination fragmentation and complicating the integration of beneficiary data systems. Such institutional overlap may undermine the coherence and effectiveness of national social protection policies, particularly in ensuring the equitable distribution of nutrition-related aid.

[20] Ahmad Fikri Ramadhana and Raden Sukni Mubarak, "Pandangan Hukum Kesehatan Terhadap Gizi Masyarakat Indonesia," *Adagium: Jurnal Ilmiah Hukum* 2, no. 1 (January 2024): 39–53, https://doi.org/10.70308/adagium.v2i1.35.

[21] Cella Mokat, "Tugas Dan Wewenang Pemerintah Dalam Melaksanakan Penanganan Fakir Miskin Menurut Undang-Undang Nomor 13 Tahun 2011 Tentang Penanganan Fakir Miskin," *Lex Et Societatis* 8, no. 2 (May 2020), https://doi.org/10.35796/les.v8i2.28500.

In administrative law, the principles of effectiveness and efficiency in public service delivery[22], as mandated by Articles 58 and 60 of Law No. 30 of 2014 on Government Administration, should form the foundation for the establishment of any new public institution. However, the creation of the BGN risks violating these principles if its existence fails to provide substantive policy added value and merely replicates functions already performed by existing institutions. Furthermore, the principle of non-duplication of functions, which serves as a cornerstone of modern institutional design in democratic governance jurisdictions, appears to have been disregarded in the establishment of BGN. From a theoretical standpoint, the critical institutionalism approach in legal studies argues that the formation of new institutions by the executive branch is often not driven by functional necessity, but rather by symbolic-political logic, namely, to reinforce the narrative of state presence, expand channels for resource distribution, and construct new structures of loyalty[23]. Consequently, the establishment of BGN without the dissolution or integration of pre-existing units exacerbates the complexity of governance and opens the door to inter-agency competition for budgetary allocations and programmatic authority.

Beyond the issue of institutional inflation and functional overlap among agencies, the establishment of the BGN cannot be separated from the dynamics of power relations embedded within the technocratic apparatus of the state. In the terminology of CLS, the creation of institutions such as BGN often represents a "legal formation" that appears neutral, rational, and scientific, yet conceals deeper hegemonic agendas.[24]In this context, BGN has the potential to function as a state

[22] Tubagus Muhammad Nasarudin, "Asas Dan Norma Hukum Administrasi Negara Dalam Pembuatan Instrumen Pemerintahan," *Jurnal Hukum Novelty* 7, no. 2 (August 2016): 139, https://doi.org/10.26555/novelty.v7i2.a5463.
[23] T. V. Kovalova, "Legal Institutionalization of Public Governance Within Recent Social Transformations," *Pressing Problems of Public Administration*, no. 1 (September 2022): 77–90, https://doi.org/10.26565/1684-8489-2022-1-05.
[24] Phillip R. Trimble et al., "International Law, World Order, and Critical Legal Studies," *Stanford Law Review* 42, no. 3 (February 1990): 811, https://doi.org/10.2307/1228891.

apparatus that obscures economic-political intentions beneath moral claims concerning the urgency of national nutrition improvement.

From a legal standpoint, Presidential Regulation No. 83 of 2024 explicitly stipulates that the BGN is tasked with formulating national nutrition policy, harmonizing cross-ministerial and institutional programs, and coordinating comprehensive nutrition improvement interventions. Administratively, these functions may appear technocratic and apolitical. However, upon closer examination, the fact that BGN operates directly under the President indicates that it functions as an extension of the highest executive authority, with the capacity to intervene in resource allocation, budgetary schemes, and the segmentation of program beneficiaries. Accordingly, BGN constitutes a strategic instrument in the orchestration of national socio-economic policies, which are often marked by political calculations, particularly in the lead-up to electoral contests or in efforts to consolidate regime legitimacy. The centralized allocation of nutrition programs through a single agency enables the executive to unilaterally determine intervention priorities, distribution models, and implementing actors in the field. This configuration opens the door to the politicization of nutrition programs, whereby the distribution of aid is no longer based on indicators of vulnerability but rather on considerations of political affiliation or bureaucratic loyalty.

This configuration normatively contradicts the principle of non-discrimination in public service, as outlined in Article 5, paragraph (1) of Law No. 25 of 2009 on Public Services, which mandates that service providers ensure fair and equal treatment for all citizens.[25]If nutrition intervention distribution is politicized through the BGN channel, the state's service function shifts into a tool for political capitalization, simultaneously embodying an abuse of power cloaked in the guise of social policy. More critically, the establishment of BGN can also be viewed

[25] Madeleine Yeza Titania, "Kualitas dan Kepatuhan Pelayanan Publik oleh Pemerintah di Indonesia Berdasarkan Undang-Undang Nomor 25 Tahun 2009 Tentang Pelayanan Publik," *JISIP (Jurnal Ilmu Sosial Dan Pendidikan)* 7, no. 1 (January 2023), https://doi.org/10.58258/jisip.v7i1.4160.

as a response by the state to pressures from the food oligarchy and the pharmaceutical-food industries, which have long had vested interests in the structure of the national nutrition market. In this context, state institutions are transformed into nodes of control over budget flows and programs, thus granting exclusive access to procurement, distribution, and regulation of nutritional products to select actors. For instance, in the scheme of nutrition interventions based on processed food and supplements, the involvement of large corporations can be managed through strategic partnerships fully controlled by BGN, without mechanisms for checks and balances from the House of Representatives (DPR) or civil society. This situation contradicts the spirit of transparency and public participation in the formulation of public policies, as emphasized in Article 96 of Law No. 12 of 2011 on the Formation of Legislation. In other words, the institutionalization of BGN is not merely a representation of the state's willingness to intervene in nutrition issues, but rather an articulation of power in the form of technocracy, silencing public resistance through an approach of "pseudo-welfare." This approach normalizes the state's role as a provider of basic needs (such as nutrition), while consolidating fiscal and administrative power in the hands of a select few bureaucratic elites. Such a pattern poses a threat to the principle of the rule of law, as it creates a "legalization of power" rather than "power legalized by law."

Law, Nutrition, and Power Projects: Critique of Political Legitimacy in Social Policy

The relationship between the national nutrition program, as mandated by Presidential Regulation No. 83 of 2024, and the fiscal control manoeuvre by the executive is a significant phenomenon that warrants critical analysis within the framework of constitutional law and budgetary politics. The establishment of BGN, with its broad mandate encompassing cross-sector coordination and the implementation of national nutrition interventions, inherently places this institution in a strategic position to manage, direct, and even monopolize the

allocation of state spending in the fields of nutrition and functional food. Based on this construct, nutrition is no longer merely a public health issue, but has shifted into a fiscal instrument that is centrally controlled by the executive.[26]

Article 3 letter f of Presidential Regulation No. 83 of 2024 states that one of the tasks of BGN is to "coordinate the management of funding and resources in the implementation of nutrition improvement interventions." The phrase "management of funding" implicitly grants BGN the authority to design budget schemes, determine funding sources (both from the APBN and other sources)[27], and establish priorities for program financing. Under Indonesia's state financial system, this should fall within the framework of budgeting subject to checks and balances, as stipulated in Article 23 of the UUD NRI 1945, which emphasizes that "the state budget, as a form of state financial management, shall be enacted annually by law and implemented in an open and accountable manner." However, referring to the regulation, the establishment of an institution such as BGN could narrow the space for legislative and public participation in fiscal oversight, especially if the budgeting process is carried out in a closed manner through the executive and its technocratic partners. This condition is prone to cause what budget law scholars refer to as "fiscal power convergence," which is the concentration of budgetary control in the hands of executive actors through ad hoc institutions that claim moral legitimacy (in this case, nutrition improvement) but avoid democratic accountability.[28]

Furthermore, the use of national nutrition policy instruments as a fiscal vehicle reveals a pattern of resource control maneuvers by the state for non-nutritional purposes, such as strengthening political legitimacy[29],promoting social development imagery[30], or even serving as symbolic compensation for the state's

[26]Nailul Huda dan Dyah Ayu Febriani, *Makan Bergizi Gratis: Dampak Ekonomi Dan Konsekuensi Defisit APBN*, ed. Bhima Yudhistira, 1st ed. (Celios, 2024).
[27] Febriani.
[28] Febriani.
[29] Ravyansah, "Tidak Ada Makan Siang Gratis Di Sekolah, Legitimasi Prabowo-Gibran Diuji," cuplik.com, 2025.
[30] Yohanes Mega Hendarto, "Urgensi Evaluasi Pelaksanaan Program Makan Bergizi Gratis," kompas.id, 2025.

failure to address structural poverty[31]. In this context, the distribution of the nutrition program budget may be directed toward certain electorally strategic regions or groups of people deemed likely to support the stability of the regime. This phenomenon reflects the politicization of the budget, which contradicts the principles of efficiency, effectiveness, and equitable budget allocation as outlined in Article 3, paragraph (2), and Article 5 of Law No. 17 of 2003 on State Finances. On the other hand, fiscal maneuvers through BGN also create opportunities for program duplication and double allocations, especially if there is no integration of data and planning with the Ministry of Health, the National Food Agency, or the Ministry of Social Affairs. The absence of explicit provisions on cross-sectoral budget synergy mechanisms in this Presidential Regulation strengthens the assumption that BGN could act autonomously in accessing and distributing the budget, without inter-institutional correction mechanisms. This could lead to budget overlaps, fiscal wastage, and the weakening of both horizontal (by the legislature) and vertical (by the public and state auditors) oversight functions.

The use of technocratic institutions such as BGN as a fiscal conduit illustrates how administrative law has undergone a "cooptative function," meaning it is utilized to facilitate the expansion of executive control over resource distribution policies, rather than to constitutionally limit that power. Based on the concept of the *rechtsstaat*, every form of fiscal authority should be subject to the principles of transparency, accountability, and limitation of power, rather than being used as a tool to consolidate regime control through administrative channels[32].

The further implication of the concentration of authority held by BGN is the creation of opportunities for corruption and the strengthening of oligarchy within the procurement of goods and services related to national nutrition intervention programs. The accumulation of both coordinating and executive functions within a

[31] Badrul Arifin, "Ironi Anggaran Fantastis Makan Bergizi Gratis," CNBC Indonesia, 2025.
[32] David Heald, "Strengthening Fiscal Transparency," in *The International Handbook of Public Financial Management* (London: Palgrave Macmillan UK, 2013), 711–41, https://doi.org/10.1057/9781137315304_34.

single institutional entity, as exemplified by BGN, results in the absence of a healthy segregation of administrative powers. This increases the risk of abuse of authority, particularly in the context of public procurement involving high-budget allocations and limited access to public participation and horizontal oversight.

Presidential Regulation No. 83 of 2024 does not explicitly regulate the procurement mechanism within the scope of BGN's operations. However, Article 4 letter b of Presidential Regulation No. 83 of 2024 states that one of BGN's duties is to "implement nutrition improvement interventions." The direct implementation of these interventions, which includes the distribution of nutritious food, food fortification, and the execution of campaigns and advocacy based on logistics, necessitates the procurement of goods and services on a national scale. This is where a legal gap begins to emerge; the absence of rigid normative provisions that regulate ethical standards, transparency, and accountability in procurement creates a potential avenue for corrupt practices legitimized by regulatory ambiguity.

From an administrative law perspective, the provisions of Article 15, paragraph (1) of Law No. 1 of 2004 on State Treasury require every financial management official to act in an orderly, transparent, and accountable manner. Meanwhile, Article 11 paragraph (1) of Presidential Regulation No. 16 of 2018 on Government Procurement of Goods/Services affirms that procurement activities must uphold the principles of fairness, openness, and efficiency. However, if procurement is carried out through an institution directly under the President with a "national strategic" mandate, the opportunities for political intervention and co-optation by oligarchic actors become significantly more open. The phenomenon of oligarchism in the realm of goods and services procurement may occur through several mechanisms.[33]First, through the centralization of the appointment of certain suppliers to large corporations or business groups with political affiliations to

[33] Ariman Sitompul, "E-Procurement System In The Mechanism Of Procurement Of Goods And Services Electronically," *International Asia Of Law and Money Laundering (IAML)* 1, no. 1 (March 2022): 57–63, https://doi.org/10.59712/iaml.v1i1.11.

power elites. Second, through the arrangement of tenders and contracts that are semi-transparent but, in practice, are consolidated in a closed manner by the oligarchic network. Third, through the elimination or weakening of the public audit function by supervisory bodies such as the Supreme Audit Agency (BPK) or the Corruption Eradication Commission (KPK) due to BGN's status as a national strategic institution under the President.

Furthermore, when viewed from the perspective of the theory of the *rechtsstaat*, the existence of institutions such as BGN, which are granted administrative autonomy without institutionalized oversight mechanisms from the legislature, judiciary, or civil society, constitutes a constitutional anomaly. This contradicts the principles of due process of law and limited government, which form the fundamental basis for establishing a sound and democratic administrative law framework. In this regard, Article 28D paragraph (1) of the UUD NRI 1945, which guarantees equality before the law, may be jeopardized if certain institutions are granted procedural privileges in the management of state finances and logistics. This concern is further reinforced by the empirical reality that the food sector, including the procurement of nutrition and supplements, has a long history of markup practices, abuse of authority, and state capture by large corporations. If left unregulated by strict subsidiary regulations and without participatory mechanisms at each stage of procurement, from planning and vendor selection to impact evaluation, BGN could not only become a new locus of corruption but also potentially become the most blatant representation of oligarchic consolidation within the realm of state administration. Therefore, both normatively and theoretically, the establishment and operationalization of BGN must be accompanied by robust checks and balances principles, including the creation of derivative presidential regulations that mandate procurement transparency, civil society involvement, routine audits by independent bodies, and the limitation of conflicts of interest between public officials and suppliers of goods/services. Without these measures, the institution initially intended to guarantee the right to

nutrition could instead become an instrument of resource expropriation by state and market elites in a concealed political-economic hegemony.

The principle of checks and balances is a constitutional mechanism essential for preventing the concentration of power and the potential abuse of that power.[34] The establishment of BGN through Presidential Regulation No. 83 of 2024 demonstrates a tendency to disregard this principle by strengthening the President's dominance without providing adequate oversight instruments from other institutions, both horizontally and vertically. According to the regulation, BGN is directly under and accountable to the President (see Article 2 of Presidential Regulation No. 83 of 2024). This structure positions the President as the sole authority with hierarchical control over the institution, without the involvement of the legislature or oversight by other independent bodies regarding evaluation, budget accountability, or program monitoring. This situation explicitly contradicts the spirit of Article 20A paragraph (1) of the UUD NRI 1945, which states that the DPR has the function of oversight, and is also contrary to the principles of good governance as outlined in Article 3 paragraph (2) of Law No. 30 of 2014 on Government Administration, which demands that all government actions adhere to the principles of accountability, transparency, and public participation.

When an institution such as BGN is granted strategic authority in national nutrition policy interventions, large budget management, and intersectoral authority across ministries/agencies (see Article 4 of Presidential Regulation No. 83 of 2024), yet is solely accountable to the President, it results in an engineered institutional structure that erodes the function of collective oversight. This model tends to establish presidential supremacy rather than presidential accountability, as executive power is not controlled through mechanisms that ensure a balanced and mutually reinforcing relationship among the branches of power.

[34] Hanif Fudin, "Aktualisasi Checks And Balances Lembaga Negara: Antara Majelis Permusyawaratan Rakyat Dan Mahkamah Konstitusi," *Jurnal Konstitusi* 19, no. 1 (March 2022): 202, https://doi.org/10.31078/jk1919.

Furthermore, such a model violates fundamental principles in the exercise of state power as outlined in the Separation of Powers Doctrine and Montesquieu's *Trias Politica*,[35] which emphasize that no concentration of power should exist in a single hand without oversight and balance. This principle is also implicitly adopted in Article 24C, paragraphs (1) and (2) of the UUD NRI 1945, which grants the Constitutional Court the authority to review laws against the Constitution, as well as in Article 23E, which mandates the role of the BPK in overseeing state finances. However, when Presidential Regulation No. 83 of 2024 establishes BGN with a monolithic design that is solely accountable to the executive, the space for these institutions to perform their oversight functions becomes structurally blunt.

The phenomenon of presidential dominance in the design of BGN has the potential to expand the practice of executive capture, a condition in which a state institution that is supposed to perform public duties instead becomes an extension of the executive's political interests. Within the framework of CLS, this condition can be interpreted as a form of law that becomes a tool for perpetuating power, rather than serving as an institution that limits power.[36]In this context, the law, specifically Presidential Regulation No. 83 of 2024, does not function as a means to establish a democratic order, but rather as an instrument for the institutionalisation of singular presidential power. The creation of BGN, which is fully under the President's control without oversight mechanisms from the legislature, independent institutions, or civil society, constitutes a violation of the fundamental principle of checks and balances in a rule of law system. Therefore, moving forward, there is a need for regulatory and constitutional strengthening through the establishment of oversight norms, institutional transparency of data, and binding public participation to ensure

[35] Sunny Nzie Agu, "Separation of Powers in Baron de Montesquieu: Philosophical Appraisal," *Indonesian Journal of Interdisciplinary Research in Science and Technology* 2, no. 1 (January 2024): 37–58, https://doi.org/10.55927/marcopolo.v2i1.7101.
[36] Martha T. McCluskey, "Critical Legal Power for Twenty-First Century Change," *De Lege*, November 2023, https://doi.org/10.33063/dl.vi.443.

that BGN does not transform into a supra-executive institution beyond the control of law and democracy.

Legitimacy Engineering and the Illusion of Legal Neutrality

Based on the concept of the rule of law, law functions as a normative framework for regulating social behaviour and as a tool for producing meaning and legitimising power.[37] In the context of the establishment of BGN through Presidential Regulation No. 83 of 2024, the law is not only utilised as an administrative product of the executive branch but also as a symbolic instrument that creates a perception of objectivity and alignment with the public's interests. This aligns with the CLS approach, which views law as neither neutral nor objective, but rather as entangled in the contestation of dominant political and economic interests.

The legal rhetoric in Presidential Regulation No. 83 of 2024, as reflected in the "considering" and "noting" provisions, contains a moral narrative emphasising the importance of accelerating the reduction of stunting prevalence and improving national nutrition as the basis for establishing a new institution. However, this narrative does not always align with the substantive policy structure being created. In the logic of positive law, the juridical form of this regulation is valid and binding as a *regeling*.[38] As it was issued by the President under Article 4, paragraph (1) of the UUD NRI 1945, which grants the President full authority to issue regulations within the scope of administrative governance. However, this formal legitimacy does not automatically justify the claim of objectivity embedded in the policy it embodies.

The strategy of creating public perception through law is evident in the framing of Presidential Regulation No. 83 of 2024, which emphasises national urgency, a cross-sectoral approach, and institutional coordination, essentially concealing the top-down nature and the President’s complete control over the BGN.

[37] Robert E. Scott, “The Limits of Behavioral Theories of Law and Social Norms,” *Virginia Law Review* 86, no. 8 (November 2000): 1603, https://doi.org/10.2307/1073826.
[38] Sholahuddin Al-Fatih and Mujibur Rahman Khairul Muluk, “Understanding Beschikking, Regeling and Beleidsregel in Indonesian Legal System,” *Audito Comparative Law Journal (ACLJ)* 4, no. 2 (May 2023): 87–95, https://doi.org/10.22219/aclj.v4i2.25417.

Additionally, the placement of the phrase “to enhance the effectiveness of accelerating the improvement of public nutrition” (see Article 3 of Presidential Regulation No. 83 of 2024) gives the impression that the establishment of the BGN is an empirical response based on the needs of the people. In reality, most of these tasks have already been part of the duties and functions of existing institutions such as the Ministry of Health, Bapanas, and the Ministry of Social Affairs. Thus, the law here serves as an instrument of legitimacy, used to justify the concentration of power within the executive while also giving the impression that the state is engaging in social intervention for the public good. At this point, a form of symbolic violence occurs in the terms of Pierre Bourdieu[39], where power operates through law as an authoritative symbol to impose a particular perception on the public without opening space for critical discourse[40]. The framing of the nutrition policy as a technocratic project grounded in law ultimately obscures the power relations that are operating hegemonically behind it.

Furthermore, the use of law as a tool for shaping pro-people perceptions is also evident in the public communication practices accompanying the issuance of this Presidential Regulation. Terms such as "national," "strategic," and "integrative" in government documents and press releases create the illusion that this policy is based on the principles of public utility, as outlined in Article 2 of Law No. 12 of 2011 concerning the Formation of Legislation. However, this narrative overlooks the principle of public participation, which is also regulated in the same law, and disregards the principles of transparency and accountability as outlined in Article 3 of Law No. 30 of 2014 concerning Government Administration.

The legal language used in Presidential Regulation No. 83 of 2024 demonstrates a strong tendency toward normative formalization techniques that

[39] Megan Watkins, “Little Room for Capacitation: Rethinking Bourdieu on Pedagogy as Symbolic Violence,” *British Journal of Sociology of Education* 39, no. 1 (January 2018): 47–60, https://doi.org/10.1080/01425692.2017.1304202.
[40] Hanna Dębska, “Law’s Symbolic Power: Beyond the Marxist Conception of Ideology,” *Wroclaw Review of Law, Administration & Economics* 5, no. 1 (June 2016): 5–23, https://doi.org/10.1515/wrlae-2015-0020.

are sterile, semantically neutral, and framed within a technocratic narrative. This type of language seeks to eliminate the political nuances inherent in any public policy and serves as a tool for normalizing the expansion of executive power in a covert manner. This phenomenon is an articulation of power embodied within the formulation of the law itself, where the law is no longer merely a regulatory device but rather an instrument of depoliticization and a justification of power. The normalization of power through legal language can be identified by the use of terms such as "coordination," "synchronization," "implementation effectiveness," and "supervision," which are scattered throughout the provisions of Presidential Regulation No. 83 of 2024. These terminologies create the impression that the state is engineering institutional structures to accelerate the achievement of social objectives, such as improving public nutrition. However, the normative substance of the regulation expands the concentration of authority under the President. For example, Article 2 of Presidential Regulation No. 83 of 2024, which places the BGN directly under the President's control and responsibility, underscores the verticality of power disguised by seemingly neutral institutional language.

In other words, the legal language in Presidential Regulation No. 83 of 2024 gives rise to a form of discursive masking, an effort to obscure the dominant intentions of power behind the image of technocratic rationality. This aligns with Duncan Kennedy's concept of legal formalism.[41] as a mode of governance, wherein the normative structure of law is crafted with formal sterility to conceal its hegemonic function. The legal language no longer reflects democratic deliberation but becomes a tool for governance by design, a social-political arrangement through administrative instruments that appear "non-ideological." One consequence of using such sterile language is the minimal public involvement in the conceptualization and drafting stages of the Presidential Regulation. This stands in contradiction to Article 96 paragraph (4) in conjunction with Article 5 letter g of Law

[41] Duncan Kennedy, "Legal Formality," *The Journal of Legal Studies* 2, no. 2 (June 1973): 351–98, https://doi.org/10.1086/467502.

No. 12 of 2011 on the Formation of Legislation, which mandates public participation as a fundamental principle in the legislative process. The sterility of the language serves to erase any political traces from the policy-making process and to close any gaps for criticism regarding the power structure controlling it.[42]

Furthermore, the legal narrative constructed through Presidential Regulation No. 83 of 2024 aligns with what Michel Foucault, [43]refers to as a "regime of truth," a discursive structure that defines what is considered true, rational, and legitimate within society. By employing technocratic and sterile language, the state not only produces law but also produces normative truth that marginalizes alternative interpretations. Such a construction ultimately reinforces legal hegemony, where the state no longer needs to impose its will coercively because the law has permeated public consciousness as something inevitable and unquestionable. In this context, the creation of the BGN cannot be separated from criticism regarding how the state mobilizes legal language as an instrument of symbolic domination. The depoliticization, in the form of the technocratization of policy supported by sterile legal terminology, represents a new form of power expansion that is difficult to capture by ordinary public oversight. This demonstrates that executive expansion is no longer confrontational but occurs subtly, through the silencing of critical discourse and the creation of artificial legitimacy through a legal narrative sterilized from social conflict[44]. When linked to the principles of good governance as outlined in Articles 3(b) and (c) of Law No. 30 of 2014, this sterility of legal language is, in fact, contrary to the principles of transparency and accountability. Transparency requires the openness of meaning, not the concealment of intent through politically ambiguous normative language. Through Presidential Regulation No. 83 of 2024,

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[42] "The Political Process of Policymaking: A Pragmatic Approach to Public Policy," *Choice Reviews Online* 52, no. 11 (July 2015): 52-6127-52–6127, https://doi.org/10.5860/CHOICE.189682.
[43] Lorna Weir, "The Concept of Truth Regime," *Canadian Journal of Sociology* 33, no. 2 (July 2008), https://doi.org/10.29173/cjs608.
[44] Margaret Montoya, "Silence and Silencing: Their Centripetal and Centrifugal Forces in Legal Communication, Pedagogy and Discourse," *University of Michigan Journal of Law Reform*, no. 33.3 (2025): 263, https://doi.org/10.36646/mjlr.33.3.silence.

the state has used legal language as a cultural tool to normalize the expansion of presidential power. This process is not carried out repressively, but through subtle forms wrapped in the cloak of rationality and technocracy, which, in essence, represent an articulation of political domination in its most latent and concealed form.

Using CLS, law is not viewed as a neutral reflection of universal justice values, but rather as a product of power relations embedded within state institutions and normative devices. Law is positioned not as a representation of justice, but as an instrument of domination legitimized by the language of formality and apparent neutrality.[45]This approach rejects the positivist claim that law can be detached from the ideological, political, and economic context in which it is embedded. Thus, in the context of the establishment of the BGN through Presidential Regulation No. 83 of 2024, CLS encourages us to deconstruct the power structures concealed behind the seemingly objective legal construction.

The establishment of the BGN must be understood as part of a strategy for the creation of law that is laden with hegemonic content, rather than merely an administrative response to the urgency of national nutritional improvement. The placement of the BGN directly under the President (see Article 2 paragraph [1] of Presidential Regulation No. 83 of 2024) is an affirmation of the intention to consolidate executive power in the realm of resource distribution, including nutrition as an instrument of social control. Thus, the law here does not function as a protection of public interests in a horizontal manner, but rather as a manifestation of the vertical will of power cloaked in technocratic discourse. CLS emphasizes that in modern capitalist societies, law is always used as an ideological state apparatus (borrowing Althusser's term),[46] playing a role not only in regulation but also in legitimating power relations and subjugating opposition. This means that the

[45] Unger, "The Critical Legal Studies Movement."
[46] Roberto Buonamano, "The Legal Subject in Althusser's Political Theory," *Law and Critique* 25, no. 3 (November 2014): 231–48, https://doi.org/10.1007/s10978-014-9139-3.

establishment of the BGN is not the product of democratic deliberation that represents the people's interests in an egalitarian manner, but rather an articulation of a power calculation attempting to present itself as rational and objective through sterilized and administrative legal language. This can be seen from the lack of meaningful public participation in the policy formulation process, which contradicts the principle of participation guaranteed in Article 96 paragraph (4) in conjunction with Article 5 letter g of Law No. 12 of 2011.

Furthermore, CLS critiques the claim of legal neutrality embedded within normative systems such as Presidential Regulation No. 83 of 2024. The claim that law is universal, rational, and value-free is an illusion constructed to obscure class interest relations and structures of domination in society. Law is employed to create the impression that the state acts in the public health interest, while, in fact, structurally, this regulation opens up avenues for the accumulation of power and extensive fiscal access for the executive, while sidelining other institutions that previously managed food and nutrition matters in a more functional, yet decentralized manner. CLS also rejects the dichotomy between law and politics, as, in practice, law is politics institutionalized. Therefore, Presidential Regulation No. 83 of 2024 must be analyzed as a political document legitimized through a normative legal framework. This process creates an illusion of legality and objectivity, whereas it is, in fact, an expansion of executive power in a highly strategic domain, namely, food distribution, social logistics, and control over public perception.

This argument is reinforced by the fact that BGN possesses extensive authority without adequate oversight mechanisms, either by the legislature or other independent institutions, as criticized in the previous section regarding the disregard of the principle of checks and balances. When law is formed within a non-democratic space and manipulated to conceal domination, the law itself fails to fulfill its function as the guardian of justice. Instead, the law becomes a tool for justifying the political power of the rulers. From the CLS perspective, Presidential Regulation

No. 83 of 2024 is not an instrument of social justice, but a reproduction of power relations that marginalizes alternative discourses and weakens the space for public participation. In this context, law loses its ethical value and transforms into a hegemonic instrument that normalizes inequality under the guise of normative neutrality.

Conclusion

Based on a critical analysis of Presidential Regulation No. 83 of 2024, it can be concluded that the establishment of BGN is not merely an administrative response to the urgency of national nutritional issues, but rather a concrete manifestation of a hegemonic power strategy operating through legal instruments. The institutional structure of BGN, which is directly under the President with broad authority and a coordinative role over other ministries/agencies, reflects a pattern of centralization of power that disregards the principles of administrative decentralization and checks and balances. In this context, the law is used to shape the public perception that this policy is rational and pro-people, when in fact, behind the technocratic legal language lies a political-economic agenda that potentially expands executive control over the distribution of national resources, particularly food and nutrition. The absence of strong oversight mechanisms and the overlap with other institutional functions, such as Bapanas, the Ministry of Health, and the Ministry of Social Affairs, signals the potential for institutional inflation that could be counterproductive to the effectiveness of the state bureaucracy. Furthermore, the formation of BGN opens the door for corrupt practices and the consolidation of economic oligarchies in the procurement of goods and services, wrapped in the rhetoric of nutritional nationalism. Using CLS, Presidential Regulation No. 83 of 2024 serves as a concrete illustration of how law is not only used as a regulatory tool but also as a medium for the domination of power, legitimized by the language of neutrality and false public interest. Therefore, a review of the existence and effectiveness of the BGN institution, the strengthening of legislative and public oversight of executive

institution formation, and the reformulation of administrative law are necessary to prevent it from becoming a tool of power disguised within technocratic rhetoric and public service.

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