

ARTICLE

Appointment of Nutrition Fulfilment Service Unit Employees as Government Employees with Work Agreements

Harmonization of Merit System Principles and Legal Certainty in Personnel Management



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Abstract: This study aims to analyze the legal status, selection mechanism, and legal protection of employees of the Nutrition Fulfilment Service Unit (*Satuan Pelayanan Pemenuhan Gizi/SPPG*) who are appointed as Government Employees with Work Agreements (*Pegawai Pemerintah dengan Perjanjian Kerja/PPPK*) within the Indonesian civil service system. This study used a normative legal research method, drawing on statutory, conceptual, and case approaches. This study examines relevant regulations governing the Free Nutritious Meals Program and the State Civil Apparatus system. The results show that, formally, SPPG employees appointed as PPPK have a legitimate legal basis under the prevailing laws and regulations. However, there are normative ambiguities regarding the criteria for eligible employees, the classification of positions within the civil service structure, and the absence of clear, standardized selection mechanisms based on the merit system. Furthermore, several issues related to legal certainty persist, including unclear parameters for contract renewal, potential discretion in performance evaluation, legal risks arising from operational activities, and the lack of comprehensive administrative and judicial remedies in employment disputes. These conditions indicate that although the policy is legally recognized, its implementation has not fully reflected the principles of meritocracy, legal certainty, and integrated civil service management. Therefore, more detailed implementing regulations are required to ensure transparent recruitment, objective evaluation, and adequate legal protection for SPPG employees as PPPK.

Keywords: Nutrition Fulfilment Service Unit; Free Nutritious Meals Program; Government Employees with Work Agreements; Bureaucratic Reform.

1. Introduction

Adequate nutritional intake for children is an important indicator of improved concentration, academic achievement, and more stable attendance at school. Conversely, inadequate nutrition can delay mental development and reduce critical thinking capacity in children (Qomarrullah et al., 2025). The issue of adequate nutritional intake for children is a pressing concern, as data from the Indonesian Ministry of Health show that the stunting rate in Indonesia remained high at 19.8% in 2024, despite a steady annual decline (Humas BKPK, 2025). In addition to the high stunting rate, data from the Coordinating Ministry for Human Development and Culture show that 41% of students experience hunger, which directly impacts their academic quality and performance (Merlinda & Yusmar Yusuf, 2025).

To address this issue, the government launched the Free Nutritious Meals (*Makan Bergizi Gratis/MBG*) programme, which is aimed at children, pregnant women, breastfeeding mothers, and other groups such as educators and educational staff. MBG is a national priority programme organised by the Indonesian government in the form of targeted provision of free nutritious meals, which aims to improve the quality of human resources by improving the nutritional status of the target groups. The MBG programme is a solution to the problem of nutritional fulfilment, as several studies have shown that providing free school meals can increase student attendance by up to 9% and improve academic achievement. An example of a programme similar to MBG is the National School Lunch Programme in the United States, which has also been proven to reduce malnutrition and improve student learning performance (Qomarrullah et al., 2025a).

To support the implementation of the MBG programme, the government established the Nutrition Fulfilment Service Unit (*Satuan Pelayanan Pemenuhan Gizi/SPPG*) as a non-structural organisational unit under the authority of and responsible to the Head of the Nutrition Fulfilment Service Office (*Kepala Kantor Pelayanan Pemenuhan Gizi/KPPG*). The SPPG plays a strategic role in ensuring the effective operation of the MBG programme, from production through distribution of nutritious food to beneficiaries. Based on information from the National Nutrition Agency, SPPG employees consist of various professions with different functions, namely (Hukum Online, 2026): (1) Head of SPPG who acts as the coordinating manager and ensures that all operational activities run smoothly; (2) Nutritionists who are tasked with supervising the quality of the MBG menu to ensure it meets nutritional standards and performing quality control; (3) Accountant who oversees food procurement and manages finances; (4) Head Chef who leads the cooking team and ensures the quality and quantity of food ingredients; (5) A Sanitation Expert who supervises, maintains, and implements cleanliness SOPs; (6) A Field Assistant who supervises deliveries and acts as the frontline liaison with external parties; and (7) Kitchen Volunteers who are divided into various teams supporting daily operations.

In November 2025, the government issued Presidential Regulation No. 115 of 2025 concerning the Governance of the Implementation of the Free Nutritious Meals Programme (Presidential Regulation 115/2025) to fill the legal vacuum in the implementation of the MBG programme. One of the important provisions in the aforementioned Presidential Regulation is Article 17, which states that 'SPPG employees shall be appointed as PPPK in accordance with the provisions of laws and regulations.' This provision provides a legal basis for the appointment of SPPG employees as Government Employees with Work Agreements (*Pegawai Pemerintah dengan Perjanjian Kerja/PPPK*), a type of State Civil Apparatus (*Aparatur Sipil Negara/ASN*) employee, as regulated by Law Number 20 of 2023 concerning the

State Civil Apparatus (Law 20/2023). PPPKs are intended to fill the urgent need for professional workers in government agencies, and these workers are considered able to work quickly and competently (Dewi & Setiabudi, 2018).

However, Article 17 of Presidential Regulation 115/2025 raises several significant legal issues. First, the provision does not specify the criteria for SPPG employees who can be appointed as PPPK. The phrase 'SPPG employees' is general and can be interpreted in multiple ways, ranging from covering all seven existing professional categories to only some of them. Second, there are no comprehensive regulations regarding the appointment mechanism, including the procedures, stages, requirements, and selection standards that must be met. Third, there is no clear time limit regarding when the appointment must be carried out. In response to this ambiguity, the National Nutrition Agency (*Badan Gizi Nasional/BGN*) issued a Press Release or SIPERS-19/BGN/01/2026 clarifying that the phrase 'SPPG employees' in Article 17 of Presidential Regulation 115/2025 refers specifically to 'core employees with strategic functions, not all personnel involved in the daily operations of SPPG'. This clarification confirms that not all SPPG employees, especially kitchen volunteers, are included in the category that can be appointed as PPPK.

However, the clarification still does not provide a clear operational definition of the criteria for 'core employees' and 'strategic functions', leaving room for uncertainty. The ambiguity of this regulation creates a complex legal dilemma. On the one hand, SPPG employees who have served in national strategic programmes have the right to certainty of employment status, as guaranteed in Article 28D, paragraph (1), of the 1945 Constitution, which states that every person has the right to recognition, security, protection, and certainty of fair law. Legal certainty is one of the principles for implementing ASN management, as stipulated in Article 2, letter a, of Law 20/2023, so that the government, as the administrator of ASN management, must guarantee legal certainty regarding the employment status of SPPG employees.

In addition, from the perspective of appointing SPPG employees as PPPK, this falls under the category of civil service management, specifically PPPK management. Civil service management, as stipulated in Article 27 paragraph (2) of Law 20/2023, must be carried out based on a merit system founded on the principle of meritocracy. The principle of meritocracy itself, as explained in Article 26 paragraph (2) letter d of the ASN Law, states that the principle of meritocracy is a principle of human resource management based on qualifications, competence, potential, and performance, as well as integrity and morality, which is implemented fairly and reasonably without discriminating against ethnicity, race, skin colour, religion, origin, gender, marital status, age, or special needs. These aspects of the merit system aim to prevent practices of nepotism and primordialism in the workplace, so that professional, integrity-driven individuals will fill the positions offered (Bungasia et al., 2024; Sabani et al., 2024).

The urgency of ensuring adequate nutrition through the MBG programme must be accompanied by legal certainty for all MBG stakeholders, particularly SPPG employees who will subsequently be appointed as PPPK. The appointment of SPPG employees as PPPK will be carried out in four stages (Meidyana, 2026), and this must be done in accordance with the principles of meritocracy to ensure that the appointed employees have the competencies required to implement the MBG programme. Therefore, a legal formulation is needed regarding the status and appointment of SPPG employees as PPPK, in line with the principles of meritocracy.

Referring to several previous studies, such as that conducted by Rambe et al. (2025), it was found that the recruitment of SPPG staff remains low in various

regions, which have yet to standardise the availability of human resources with the necessary educational background and experience in nutrition management. Rambe et al. (2025) study concluded that stakeholders, including local governments, schools, and SPPG, have not yet clearly defined the division of tasks, workflows, and the respective responsibilities of each stakeholder. Furthermore, in the study by Ratih and Maria (2025) it was found that, from a governance perspective, there is also administrative unpreparedness, inconsistency in technical standards, and variation in the competence of implementers, which implies differences in the operational readiness of SPPG across regions, and means that the success of this MBG is not determined solely by central government policy, but is highly dependent on institutional capacity and implementation practices at the local level.

A similar issue was identified in a study by Agustin et al. (2026), which found that SPPG staff performance is influenced by the clarity of task alignment and workload, as well as the clarity of work scheduling. Therefore, the government should first improve stakeholder governance at the regional level and shift the policy framework from a top-down to a bottom-up approach to identify various issues at the grassroots level in the implementation of the MBG programme. The findings of the above study have, in fact, demonstrated that in the implementation of the MBG programme, particularly regarding SPPG governance, there remain shortcomings that need to be addressed. Consequently, the appointment of SPPG personnel as PPPK, as stipulated in Article 17 of Presidential Regulation 115/2025, requires further examination, particularly through the application of civil service law approaches and analysis

Previous studies have been limited to aspects of MBG governance related to human resource development, the quality of children's education, and the community's socio-economic conditions. Consequently, this study is urgently needed to address the legal implications following the entry into force of the provisions in the aforementioned Presidential Regulation, particularly regarding the employment status of SPPG personnel. The central issue underpinning this study is the guarantee of legal certainty regarding the appointment of SPPG staff as PPPK. This legal certainty must be examined through several key parameters, including contract extensions, potential discretion in performance evaluations, legal risks arising from operational activities, and the absence of comprehensive administrative and judicial legal instruments for resolving employment matters.

This study employs a theoretical framework that integrates the merit system in civil service management with the principle of legal certainty in public administrative law, and is supported by a conceptual approach designed to explain the phenomenon of dualism in civil service status within the SPPG. Consequently, this study is not merely descriptive but also analytical in its examination of the normative inconsistencies that arise. Based on the above, the research questions are: 1) what is the legal status of staff in the Nutrition Service Unit within the National Civil Service System; 2) the selection mechanism for the Nutrition Service Unit as Government Employees under a Work Agreement within the framework of meritocracy and the prevention of maladministration; 3) Legal protection for staff of the Nutrition Fulfilment Service Units holding the status of Government Employees with Work Agreements, viewed from the perspective of legal certainty.

2. Methods

This study utilises a normative method. Normative research is a type of research that seeks to identify legal principles and theories, and to develop new legal principles

(Hartono, 2006). The approaches used in this study are the statutory, conceptual, and case approaches, which aim to analyse the legal materials used (Meidyana, 2026). The statute approach is aimed at tracing the positive legal norms that regulate the appointment of Nutrition Fulfillment Service Unit or *Satuan Pelayanan Pemenuhan Gizi (SPPG)* employees as Government Employees with Work Agreements or *Pegawai Pemerintah dengan Perjanjian Kerja (PPPK)*, specifically through Law Number 20 of 2023 concerning State Civil Apparatus; Government Regulation Number 49 of 2018 concerning the Management of Government Employees with Work Agreements; Presidential Regulation Number 98 of 2020 concerning Government Employees with Work Agreements; Presidential Regulation No. 83 of 2024 concerning the Establishment of the National Nutrition Agency; Presidential Regulation No. 115 of 2025 concerning the Governance of the Implementation of the Free Nutritious Meals Programme; and Regulation of the Minister of State Apparatus Empowerment and Bureaucratic Reform of the Republic of Indonesia No. 6 of 2024 concerning the Procurement of State Civil Apparatus Employees.

Meanwhile, a conceptual approach was used to analyse the doctrines, principles, and rules that have developed in legal science, including the appointment of SPPG employees as PPPK. A case approach was used to analyse previous precedents for the appointment of civil servants. The primary and secondary legal materials used in this study include legal documents, such as legislation, as well as doctrines, principles, and rules that have developed in legal science (Marzuki, 2017). Data collection techniques were carried out through literature reviews and the analysis of legal materials, using grammatical and systematic interpretation, as well as deductive legal reasoning (Muhaimin, 2019). This study is descriptive and analytical in nature; it aims not only to describe the legal framework, but also to critically analyse the formulation of legal principles, including the principles of legal certainty, the merit system, good governance, and equality before the law, in order to examine the process of appointing SPPG staff as PPPK.

3. Results and Discussion

The appointment of SPPG staff as PPPK has been a hot topic of discussion from 2025 until the time of this study, particularly following the introduction of Presidential Regulation 115/2025. Among the discussions raised were concerns regarding the welfare disparity between honorary teachers (non-civil servants) who, despite having served for many years, still receive minimal pay and have not yet been appointed as PPPK, whilst SPPG staff can be directly appointed as PPPK and receive higher salaries. These views were subsequently clarified by the BGN, which stated that the recruitment of SPPG staff as PPPK is carried out to strengthen the civil service workforce, an initiative designed to ensure the sustainability of President Prabowo Subianto's priority programmes. The BGN also confirmed that the recruitment of SPPG staff as PPPK is carried out through a selection mechanism using the State Civil Service Agency's Computer Assisted Test (CAT), as stipulated in Regulation of the Minister of State Apparatus Empowerment and Bureaucratic Reform No. 6 of 2024 concerning the Recruitment of Civil Servants. To examine this issue, this study will analyse the legal aspects of the appointment of SPPG staff as PPPK, particularly in light of Presidential Regulation No. 115 of 2025.

3.1. Legal Status of Employees of the Nutrition Fulfilment Service Unit in the National Civil Service System

Within the national civil service system, civil servants (ASN) are not merely positioned as implementers of public policy, but also as an integral part of the state's institutional design (Suud, 2022), which must ensure legal certainty, professionalism, and the integration of the civil service system (Mahardika, 2022). Therefore, the status of ASN must be understood not merely in normative terms, but within the theoretical framework of a single civil service system (Wibowo, 2021), which requires uniformity in legal status, recruitment mechanisms, and career paths within the administration of government (Law 20/2023) (Kartina & Krustiyati, 2023).

In this context, the emergence of the SPPG as a non-structural unit raises conceptual issues regarding the extent to which the principle of a unified civil service system can be maintained in practice. Under Article 10 of Law 20/2023, ASN has the functions of implementing public policies, providing public services, and acting as a unifying force for the nation. From a public law perspective, ASN employees are positioned to assist the President as the Head of Government in the administration of government (Almalik & Handayani, 2024). ASN is obliged to implement government policies by providing services to the community. This service function aims to realise social justice in community life, meaning that every member of society is entitled to equal treatment (Kartina & Krustiyati, 2023).

Article 5 (Law 20/2023) states that ASN employees consist of Civil Servants (*Pegawai Negeri Sipil/PNS*) and PPPK. In their capacity as part of the ASN, PPPK are appointed by the Civil Service Supervisory Official in accordance with the needs of the government agency and in accordance with the provisions of laws and regulations (Pradini & Sulistyono, 2025). The MBG programme is one of the government's priority programmes aimed at addressing malnutrition and improving the quality of human resources (Kiftiyah et al., 2025). On the other hand, the implementation of the MBG programme is coordinated by the National Nutrition Agency, established by Presidential Regulation No. 83 of 2024 concerning the Establishment of the National Nutrition Agency (Presidential Regulation 83/2024). In addition, to support the smooth distribution of the programme, several ministries are involved in the implementation of the MBG programme, including the Coordinating Ministry for Food, the Ministry of Villages and Disadvantaged Regions, the Ministry of Primary and Secondary Education, the Ministry of Social Affairs, and the Ministry of Health through the National Nutrition Agency.

Through Presidential Regulation 115/2025, the government established the SPPG as a non-structural organisational unit under the KPPG and responsible to it. The structure of the SPPG consists of the Head of the SPPG, Nutritionists, Accountants, Head Cooks, Sanitation Experts, Field Assistants, and Kitchen Volunteers (Hukumonline.com, 2026). Furthermore, pursuant to Article 17 of Presidential Regulation 115/2025, SPPG employees are appointed as PPPK in accordance with the laws and regulations. Furthermore, Article 4 of Law 20/2023 explains that PPPK are Indonesian citizens who meet certain requirements and are appointed under a work agreement for a certain period to carry out government duties and/or hold government positions (Almalik & Handayani, 2024). Normatively, these provisions place SPPG employees under the ASN legal regime, specifically PPPK. This means that, formally, the legal position of SPPG is subject to PPPK management, as regulated by Law 20/2023 and other implementing regulations.

Thus, the appointment of SPPG as PPPK by government agencies must be based on competence, qualifications, agency needs, and other requirements relevant to the

position to be filled (Wibowo, 2022). This provision is in line with Law 20/2023, which explicitly states that the management of civil servants must be based on a merit system. The merit system is defined as a mechanism for placing individuals in senior leadership positions based on their competencies (Azzizah et al., 2024). The proper and consistent application of the merit system has implications for the realisation of good governance (Ismail, 2019). Therefore, regarding the SPPG PPPK recruitment system, the procurement process must be publicly announced by the relevant government agency. This provision is intended to provide equal opportunities to every Indonesian citizen. The enactment of Law 20/2023 is an important milestone in Indonesia's bureaucratic reform.

However, in the context of the appointment of SPPG staff as PPPK, the implementation of the meritocracy principle is ambiguous. Although Article 17 of Presidential Regulation No. 115 of 2025 provides the legal basis for such appointments, the regulation does not specify in detail the selection mechanisms to be implemented. The absence of these procedural regulations creates uncertainty as to whether the recruitment process will follow the standardised civil service selection model, which generally includes administrative screening, basic competency selection (*Seleksi Kompetensi Dasar/SKD*), and field competency selection (*Seleksi Kompetensi Bidang/SKB*) (Muliya, 2019). Referring to Law 20/2023, the status of PPPK within the national civil service system must provide legal certainty (Pradini & Sulistyono, 2025) meaning that all policies, decisions, or actions must be based on a clear and robust legal foundation and must not contravene the law (Rahim et al., 2023).

Empirically, there are also significant legal issues. First, not all SPPG employees are appointed as PPPK. This refers to the National Nutrition Agency Press Release SIPERS-19/BGN/01/2026, in which the BGN emphasises that only positions with strategic, technical, and administrative functions, such as Head of SPPG, Nutritionist, and Accountant, will be appointed as PPPK (Badan Gizi Nasional, 2026). Meanwhile, other employees have volunteer status (Laksono, 2026). This creates a dual legal status within the same organisational unit, raising questions about the principles of equality, professionalism, and legal certainty in the national civil service system (Wibowo, 2022).

In addition, Deputy Decision No. 009/05/01/SK.09/08/2025 on the Selection of SPPG MBG Partners stipulates that SPPG in the MBG programme is managed by independent non-governmental partners, and is not a government implementing unit (Buitelaar & Sorel, 2010). Thus, SPPG employees are essentially private employees, not government employees. Dadan Indrayana, as Chair of BGN, explained that three positions in the SPPG structure, namely Head of SPPG, Nutritionist, and Accountant, are direct representatives of BGN. Therefore, these three SPPG employees are appointed as PPPK and receive salaries sourced from the State Budget (*Anggaran Pendapatan Belanja Negara/APBN*) (Dewi & Setiabudi, 2018).

From a theoretical perspective, this situation indicates a tendency towards the formation of a hybrid public employment model. That is, a form of employment relationship situated between the public and private legal regimes. This is evident from the fact that not all SPPG staff are appointed as PPPK; rather, some hold volunteer status or are managed by non-governmental partners under Presidential Regulation 115/2025. Consequently, within a single organisational unit performing the same governmental functions, there are significant differences in legal status. This situation not only gives rise to administrative issues but also creates a dualism

in employment status that is theoretically at odds with the principle of an integrated civil service system within the ASN (Wibowo, 2022)

Secondly, from the perspective of the civil service system, PPPK, based on Article 2 paragraph (1) letters (a) and (b) of Government Regulation Number 49 of 2018 concerning Management of Government Employees with Work Agreements in Indonesia (Government Regulation 49/2018), can, in principle, fill certain functional and senior leadership positions. Meanwhile, the position structure in SPPG has not been explicitly classified as an administrative, functional, or senior leadership position in the ASN system Click or tap here to enter text (Rakhmawanto, 2015b). This regulatory vacuum has created ambiguity about the placement of PPPK SPPG positions and their career paths. Administrative positions involve functions and duties related to public services, government administration, and development (Hasymi & Afriyeni, 2023). Furthermore, functional positions are a group of positions that include functional service functions and duties based on specific expertise and skills. Meanwhile, senior leadership positions are the highest-level positions in government agencies (Rambe et al., 2025). Administrative positions are divided into three levels: administrator, supervisor, and executive.

Furthermore, functional positions are divided into two levels: functional positions of expertise, including the main, intermediate, junior, and primary levels, and functional positions of skill, including the provider, proficient, skilled, and beginner levels (Hadilinatih, 2024; Prasetyo, 2022). Senior leadership positions consist of three levels, namely senior leadership positions, intermediate leadership positions, and junior leadership positions (Rakhmawanto, 2015b). From the perspective of civil service law, job classification is a fundamental element that determines the legal standing, career progression, and rights and obligations of civil servants (Kartina & Krustiyati, 2023). Consequently, the absence of such job classification indicates a regulatory vacuum that directly undermines the principle of legal certainty within the national civil service system.

Third, although the rights and obligations of PPPK are equal to those of civil servants in terms of salary and allowances as stipulated in Articles 4 and 5 of Presidential Regulation No. 98 of 2020 concerning Government Employees with Work Agreements, which explicitly states that PPPK appointed to carry out official duties are given allowances in accordance with the allowances of PNS at the Government Agency where the PPPK works. These allowances include family allowances, food allowances, structural position allowances, functional position allowances, or other allowances. This provision is also confirmed in Article 38 paragraphs (1) and (2) of Government Regulation 49/2018, which states that PPPK are entitled to salaries and allowances in accordance with the provisions of laws and regulations applicable to PNS. However, its implementation for SPPG employees has not been regulated technically. The absence of detailed regulations on the appointment scheme, job classification, and financial rights creates legal uncertainty regarding the employment status of SPPG employees. However, the technical details of its implementation for SPPG staff have not yet been regulated. The absence of detailed regulations regarding the appointment scheme, job classification, and financial entitlements indicates legal uncertainty regarding the employment status of SPPG staff.

This relates to the principle of legal certainty as part of the General Principles of Good Governance (*Asas-Asas Umum Pemerintahan yang Baik/AAUPB*), which emphasises the importance of a regulatory foundation in the administration of government. The principle of legal certainty requires that every policy, decision, and

action of the government be based on a clear, firm legal basis that does not conflict with applicable legal provisions (Pratiwi, Yulita, et al., 2016). Therefore, from the perspective of the civil service system, this condition may conflict with the principles of legal certainty and integration within the national civil service system (Aditya, 2023). The ASN system requires a nationally integrated civil service management system (Wibowo, 2022). However, hierarchically, Presidential Regulation 115/2025 remains constitutionally valid, given that the President has the authority to issue Presidential Regulations as legal instruments in the administration of government.

According to Apeldoorn (2001), legal certainty means that the law clearly defines concrete matters, thereby preventing misinterpretation in its application in society. Gustav Radbruch emphasises that the law must provide certainty in order to create order in society. In this context, legal certainty can be analysed along three main dimensions: certainty of norms, certainty of legal status, and certainty of legal consequences. Regarding normative certainty, Presidential Regulation 115/2025 does not specify the recruitment mechanism for PPPK SPPG, leaving open whether the selection process complies with national civil service standards. Secondly, regarding legal status certainty, there is ambiguity as some staff hold PPPK status, whilst others are classified as volunteers or non-government personnel (Prameswari, 2026). Thirdly, concerning legal consequences certainty, there are no clear regulations regarding finance, career progression, or legal protection for all SPPG staff. Furthermore, Article 17 of Presidential Regulation 115/2025 does not address selection mechanisms, quotas, or criteria for recognising length of service (Kiftiyah et al., 2025).

Therefore, Article 17 needs to be integrated with more detailed provisions on civil service management and the recruitment mechanism for PPPK, as Law No. 20 of 2023 on Civil Servants requires the establishment of job classifications, needs planning, and a transparent recruitment process for prospective PPPK candidates based on actual needs (Kiftiyah et al., 2025). Consequently, this situation reflects structural legal uncertainty, namely, uncertainty caused not only by a lack of legal norms but also by an institutional design that is not integrated. In public administration law, legal certainty provides clear guidelines for government officials in exercising their authority while also protecting the public. Without legal certainty, officials risk exercising excessive discretion, whilst the public loses the basis for holding the state to account (Kiftiyah et al., 2025).

In light of this, reformulation is clearly required to establish legal certainty regarding SPPG's status within the national civil service system. Firstly, the provisions of Presidential Regulation 115/2025 must be revised through amendments or implementing regulations that explicitly integrate SPPG personnel management into the ASN system. Such regulations must include recruitment mechanisms that adhere to national ASN standards and are merit-based, including administrative screening, competency-based selection, and the determination of staffing requirements. In this way, regulatory certainty can be guaranteed and discretionary recruitment avoided.

Secondly, the government needs to establish a clear classification of posts within the SPPG structure under the civil service post regime, whether as functional posts or administrative posts. This clarification is essential for determining the legal standing, career paths, and the rights and obligations of SPPG staff. In this regard, positions such as nutritionists and accountants can be classified as functional posts, whilst other roles need to be aligned with the organisation's needs based on job analysis and workload analysis. Thirdly, to address the dualism in civil service status,

the legal status of SPPG staff must be standardised through two alternatives: firstly, all SPPG staff performing government functions should be integrated as PPPK. Secondly, if the partnership model with non-governmental parties is to be maintained, a clear legal framework must be established regarding employment relationships, labour protection standards, and the division of authority between the government and its partners.

Fourthly, the government needs to draft technical regulations concerning the financial rights, legal protection, and social security of SPPG staff, particularly those with PPPK status. These regulations must cover standards for remuneration, allowances, health insurance, and mechanisms for legal protection in the performance of duties. This is important to ensure legal certainty and enhance the professionalism of the civil service. Thus, formally, the legal status of SPPG employees falls under the PPPK regime as part of the civil service. However, substantively, there is a deviation from the fundamental principles of the national civil service system: unity, meritocracy, and legal certainty. This study found that the legal status of SPPG staff is not fully explained within the conventional PPPK framework, but rather forms a new model that can be categorised as a hybrid public employment system characterised by dual status, institutional fragmentation, and structural legal uncertainty.

3.2. Selection Mechanism for Nutrition Service Units as Government Employees with Work Agreements within the Framework of Meritocracy and Prevention of Maladministration

ASN management has been one of the areas of development focused on by the Indonesian government since 2020 (Setiawan et al., 2022), and this focus has been reinforced by the enactment of Law 20/2023. The purpose of this law is to create civil servants with high work performance and service-oriented, accountable, competent, harmonious, loyal, adaptive, and collaborative behaviour, by introducing a basic principle in civil service management known as the Merit System (Muabuay & Tanesab, 2025). The merit system is the implementation of a civil service management system in accordance with the principles of meritocracy, which aims to manage human resources based on qualifications, competence, potential, and performance, as well as integrity and morality, carried out fairly and reasonably without discrimination based on ethnicity, race, skin colour, religion, origin, gender, marital status, age, or special needs.

The merit system is closely related to human resource management, including recruitment, appointment, career development, and promotion processes that must be based on measurable qualifications, competencies, and performance (Nurmaya & Febrina, 2021). The merit system in the civil service recruitment process aims to select the best-qualified candidates for positions. The merit system also applies when SPPG employees are proposed for appointment as PPPK (Hukumonline.com, 2026). This appointment proposal is explained in Article 17 of Presidential Regulation 115/2025, 'SPPG employees are appointed as PPPK in accordance with the provisions of laws and regulations. Therefore, the use of a merit system in the recruitment of SPPG employees as PPPK certainly requires a strict, transparent, and accountable mechanism to prevent abuse of power in the selection process.

Various maladministration practices in the civil service recruitment process, such as lack of transparency, informal intervention, corruption, collusion, and nepotism (Nurmaya & Febrina, 2021; Vveinhardt & Sroka, 2020). This shows that the merit system is often merely normative, lacking effective oversight. This condition can

recur when SPPG employees are appointed to PPPK without clear control instruments, standard appointment procedures, and objection mechanisms in the recruitment process. If we look only at the implementation of Article 17 of Presidential Regulation 115/2025, it is insufficient to serve as a formal legal basis; it must be implemented through an objective, documented, competency-based selection system. On the other hand, irregularities in the recruitment process of civil servants, caused by weak supervision and low integrity of the apparatus, are indicators that legal protection must go hand in hand with the implementation of a merit system (Chairiah et al., 2020). Legal protection in this context is intended not only for participants but also for institutions to be free from accusations of discrimination, vote manipulation, or unequal treatment (Ertas, 2026; Rahman et al., 2026).

Since 2013, the civil service recruitment process has been carried out using a computerised system or Computer Assisted Test (CAT) (Chairiah et al., 2020). The development of the ASN selection model can also be seen from 2010 to 2019, aimed at ensuring honesty and objectivity in the selection process by using the CAT system to prevent cheating (Kiftiyah et al., 2025). The CAT system is expected to objectively measure participants' abilities in a short time and foster a sense of competitiveness, fairness, and ease of understanding in the recruitment process (Rahman et al., 2025).

Table 1. Civil Service Candidate Selection Model (Calon Pegawai Negeri Sipil/CPNS) for 2010-2019

Year	Selection Model
2010	Regional cooperation with universities. Some are already online, but the majority still use conventional/manual systems.
2013	Centralised, using Computer Assisted Test (CAT), but not yet integrated.
2014	Centralised, using Computer Assisted Test (CAT), but not yet integrated.
2017	Centralised, using Computer Assisted Test (CAT), integrated, open and online.
2018	Centralised (national selection), integrated, open, online, Single Entry System (SSCN), Computer Assisted Test (CAT).
2019	Centralised (national selection), integrated, open, online, Single Entry System (Civil Service Candidate Selection System/SSCASN), Computer Assisted Test (CAT), Passing Grade adjustment.

Source: Chairiah et al. (2020)

In addition to using the CAT system, the civil service recruitment process consists of several stages, beginning with the administrative stage. Participants who pass the administrative stage are eligible to proceed to the next stage, the SKD. Participants who pass the SKD stage can then take the SKB stage. After passing the SKB, the exam participants will receive an Employee Identification Number (*Nomor Induk Pegawai/NIP*). This multi-stage, systematic process is designed to objectively and measurably assess the qualifications and technical competencies of prospective civil servants. This mechanism reflects the implementation of the merit system, as mandated by Law 20/2023, which bases appointments on competency and performance. After passing all stages, participants receive an NIP as administrative and legal confirmation of their civil servant status. Thus, each recruitment process has procedural legitimacy that can be accounted for.

However, regarding the appointment of SPPG employees as PPPK, there has been no official information on the selection stages to be carried out, whether they will be conducted in stages like the general ASN recruitment pattern, resulting in uncertainty about the policy. According to a press release from the BGN dated 13 January 2026, the phrase described in Article 17 of Presidential Regulation 115/2025 is interpreted narrowly to refer only to core employees with strategic functions (SPPG heads, nutritionists, and accountants), while volunteers and non-core personnel are not included in the PPPK scheme (Badan Gizi Nasional, 2026).

Based on this narrative, the appointment mechanism does not automatically apply to all SPPG personnel. Still, it will remain limited to certain categories, leaving room for interpretation on whether competitive selection stages such as administrative selection, SKD, and SKB will be implemented (Istiqomah & Atsarina, 2019). On the other hand, the BGN's emphasis on a limited scope of appointment, as well as the lack of public certainty about the process's stages, will certainly raise questions about the consistency of merit-based recruitment for all PPPK candidates from the SPPG environment. This uncertainty may give rise to different expectations among SPPG worker groups, requiring further explanation and derivative policies regarding the selection steps to be implemented comprehensively.

Under Law 20/2023, ASN management is organised on a merit system; therefore, the appointment of PPPK must also be based on qualifications, competence, and performance. This means that even if there is a specific need for civil servant recruitment, the merit system cannot be disregarded. If we refer to the appointment of SPPG employees as PPPK, the absence of a competency selection process would certainly be considered contrary to the process established in Law 20/2023. On the other hand, looking at the implementation of CPNS recruitment for the 2024 procurement, as explained in the Regulation of the Minister of State Apparatus Empowerment and Bureaucratic Reform of the Republic of Indonesia Number 6 of 2024 concerning the Procurement of Civil Servants, the PPPK procurement process explicitly requires administrative selection and competency selection stages as an integral part of the mechanism. This is certainly aimed at determining the quality and quantity of selection participants and emphasising the application of the merit system in each stage.

Furthermore, the selection process utilises a CAT system as an objective instrument to measure participants' abilities, clearly demonstrating that PPPK selection is not merely a formality, but rather a standardised evaluative process. On the other hand, in the administrative selection, only participants who are declared competent and meet the requirements will be allowed to pass. This process is an initial filter to ensure the suitability of educational qualification documents and job requirements. Furthermore, the competency selection also covers technical, managerial, and socio-cultural competencies in accordance with job standards. This shows that participants' graduation is not solely determined by qualifications, but also by their abilities and the organisation's needs. If SPPG employees are appointed directly without a standardised assessment, this will result in unverified competencies. This certainly has the potential to deviate from the principles of objectivity and professionalism in ASN management. Therefore, if the SKD and SKB stages are not implemented, it is necessary to design an alternative assessment mechanism that still meets the measurement standards as stipulated in Law 20/2023.

From the perspective of the principles of AAUPB, particularly the principles of legal certainty and accuracy, every appointment decision must be based on clear, verifiable procedures (Suranto, 2017). The appointment of SPPG employees without a selection process, based solely on Article 17 of Presidential Regulation 115/2025, could risk violating transparency in the process. Therefore, implementing a merit system is not only an administrative obligation but also a legal protection instrument and a means of mitigating future risks. Referring to Law 20/2023 as the basis for implementing a merit system, which is a policy and management of civil servants based on qualifications, competence, and performance, fairly and reasonably, every form of PPPK appointment must go through an objective and standardised selection mechanism. The provisions set out in Article 17 of Presidential Regulation 115/2025

cannot be interpreted as a basis for automatic appointment. Still, they must be interpreted systematically, so that their implementation remains subject to the principle of meritocracy. Thus, appointments without competency selection may lead to procedural flaws that can be challenged legally in the future.

3.3. Legal Protection for Employees of Nutrition Services Units with Government Employee Status under Employment Agreements from the Perspective of Legal Certainty

As explained above, when SPPG employees become PPPK, they certainly need legal certainty (Azzizah et al., 2024). According to Utrecht, legal certainty is defined in two ways: legal certainty that enables individuals to know which actions are permissible and which are not. The second meaning is legal certainty, which provides individuals with security against arbitrary government action (Buitelaar & Sorel, 2010). However, in practice, there is still legal certainty, as can be seen from the implementative norms, which certainly threaten the legal protection of SPPG employees as PPPK.

Several issues have arisen, including: first, the parameters for extending employment agreements that threaten the continuity of SPPG employees' careers as PPPK. According to Article 37, paragraph (1), of Government Regulation 49/2018, the minimum length of an employment agreement for PPPK employees is 1 year. It can be extended based on needs and performance evaluations. PPPK are appointed as government employees for a specific period and are bound by an employment agreement. The performance appraisal of PPPK is carried out by the authorised Personnel Supervisory Officer (*Pejabat Pembina Kepegawaian/PPK*), who determines the extension of the PPPK employment agreement based on their performance evaluation (Ervan, 2026). From an implementation perspective, this will create potential vulnerabilities in transparency for performance assessments, which could open the door to discretion by authorised officials and lead to conflicts of interest in the employment contract extension process. This will threaten the career continuity of PPPK employees, especially SPPG employees who have served for a long time (Wulandari, 2026).

Secondly, there is a legal vacuum regarding the risks of implementing the MBG programme for SPPG employees. A legal vacuum is a situation in which there are no clear rules for implementation (Nasir, 2017). Article 16, paragraph (1) of Presidential Regulation 115/2025 explains that SPPG is tasked with providing services for the supply, distribution, education, and security of food in the free nutritious food programme. However, this regulation does not provide legal certainty regarding the responsibility for the legal protection scheme for SPPG employees, especially in the event of extraordinary incidents such as mass poisoning that give rise to claims from the community. Even Article 25 paragraph (2), which relates to cases of poisoning, does not specifically regulate legal protection in accordance with the principle of presumption of innocence for SPPG employees involved in such cases. Furthermore, Article 23 paragraphs (3) and (4) of Presidential Regulation 115/2025 explain that there are food safety guarantees and assessments by relevant institutions to support the free nutritious food programme. However, in its implementation, no explicit norms specify which parties will bear legal liability in the event of a system failure, given that SPPG employees are only technical implementers in the MBG programme.

Third, judicial aspects and administrative legal efforts related to disputes over the termination of employment that are not comprehensively regulated. In Supreme Court Regulation No. 2 of 2023 concerning Guidelines for the Settlement of Disputes over the Dismissal of Civil Servants and the Termination of PPPK Employment

Agreements in Court, Articles 2 and 3 provide only general provisions and do not specifically regulate SPPG employees with high occupational risks. There are no explicit rules governing performance risk standardisation factors or proof of workload in dispute resolution, particularly in the nutrition and food sector. However, these factors are essential to providing legal protection for SPPG employees in the performance of their operational duties. This situation leaves SPPG employees facing uncertainty about their legal protection, stemming from disputes over the termination of employment arising from technical incidents, such as alleged procedural failures in food safety during the distribution of nutritious meals.

In a normative analysis, the rules governing SPPG employees with PPPK status have been recognised in legislation, including Law 20/2023, Presidential Regulation 115/2025, and Government Regulation 49/2018. These regulations serve as the basic legal guidelines for SPPG employees, who have the right to perform their duties and functions, as well as rules governing their personnel management as PPPK employees. However, in its implementation, there are still flaws in terms of legal certainty, including those related to the parameters for extending employment contracts, which have the potential to give rise to discretion, conflicts of interest, and subjectivity in performance appraisals by the Personnel Supervisory Official (Mubin & Roziqin, 2018; Wilson, 1991), which has a direct impact on the threatened continuity of the careers of SPPG employees with PPPK status.

In addition, there is a normative legal vacuum regarding the legal protection and responsibilities of SPPG employees in risky work operations, as well as the absence of explicit rules governing administrative and judicial mechanisms for disputes over the termination of employment for SPPG employees. Therefore, although the rules are formally recognised, legal certainty for PPPK employees is important and must be taken seriously. Considering that SPPG employees are government employees tasked with providing the noble service of the MBG programme to improve children's nutrition in Indonesia.

4. Conclusion

The MBG programme was established in response to the high rates of stunting and food insecurity among children in Indonesia. The presence of SPPG as the technical implementing unit in the programme demonstrates the state's strategic role in ensuring national nutrition. Through Presidential Regulation 115/2025, the government confirmed that SPPG employees are appointed as PPPKs in accordance with the law. This provision places SPPG employees under the ASN regime, in accordance with Law 20/2023.

However, descriptively, there is normative ambiguity in the implementation of this policy. First, the phrase 'SPPG employees' in Article 17 of Presidential Regulation 115/2025 is not accompanied by clear criteria, giving rise to dualism in the employment status between core employees (such as the Head of SPPG, Nutritionists, and Accountants) and volunteer workers. A BGN press release has not provided a clear operational definition of the parameters for 'core employees' and 'strategic functions'. This situation raises legal uncertainty and the potential for unequal treatment within a single organisational unit.

Secondly, from the perspective of the national civil service system, the appointment of PPPK should be subject to the principle of meritocracy as stipulated in Law 20/2023 and reinforced in Government Regulation 49/2018. The merit system requires selection based on competence, qualifications, and performance through objective, transparent, and accountable mechanisms. However, this paper

shows that there is still no clarity regarding the selection stages for SPPG employees who will be appointed as PPPK, whether they will follow the general ASN selection pattern (administrative, SKD, SKB) or use a special scheme. This lack of clarity has the potential to lead to maladministration, abuse of discretion, and violations of the principle of objectivity.

Third, from a legal protection perspective, there are still weaknesses in regulations regarding contract extensions, performance evaluation standards, operational risks (for example, extraordinary events such as mass poisoning), and mechanisms for resolving employment termination disputes. The length of PPPK employment, which depends on performance evaluations, leaves room for subjectivity on the part of the Civil Service Supervisory Official if measurable, transparent parameters do not govern it. In addition, the absence of norms governing the division of legal responsibility for operational risks in the MBG programme indicates a *rechtsvacuum* that could personally harm SPPG employees.

Therefore, it is necessary to formulate more technical and comprehensive derivative regulations to ensure that the appointment of SPPG employees as PPPK truly reflects the principles of meritocracy, legal certainty, integration with the ASN system, and adequate legal protection. This is important given the strategic role of SPPG employees in supporting the success of the MBG programme as part of Indonesia's human resource development agenda.

From an academic perspective, this study contributes to administrative law scholarship by demonstrating how the expansion of welfare programmes requires adaptive legal frameworks to maintain meritocracy, legal certainty, and good governance principles. This finding also reinforces the theoretical argument that policy innovation without regulatory clarity risks creating normative fragmentation within the civil service system. Thus, this article not only highlights regulatory issues in the MBG programme but also contributes to the broader discourse on the relationship between legal policy design, bureaucratic governance, and regulatory coherence in the development of Indonesia's welfare state.

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