



## LEGAL ANALYSIS OF INDONESIA'S DECISION TO RELOCATE ITS CAPITAL TO EAST KALIMANTAN

Faiz Orlando Amryanto Pidani.<sup>1</sup> Maria Puspita Dewi Sinaga.<sup>2</sup>, Sharon Pinkan Karwur.<sup>3</sup>, Zanneta Angkumala Putri Sandra.<sup>4</sup>

<sup>1</sup>Faculty of Law, President University, Indonesia. E-mail: [faiz.pidani@student.president.ac.id](mailto:faiz.pidani@student.president.ac.id)

<sup>2</sup>Faculty of Law, President University, Indonesia. E-mail: [maria.sinaga@student.president.ac.id](mailto:maria.sinaga@student.president.ac.id)

<sup>3</sup>Faculty of Law, President University, Indonesia. E-mail: [sharon.karwur@student.president.ac.id](mailto:sharon.karwur@student.president.ac.id)

<sup>4</sup>Faculty of Law, President University, Indonesia. E-mail: [zanneta.sandra@student.president.ac.id](mailto:zanneta.sandra@student.president.ac.id)

Article	Abstract
<p><b>Keywords:</b> <i>Law, Capital City, Constitutional System, Public trust, Disaster</i></p> <p><b>Article History</b> Received: July 12, 2020; Reviewed: July 15, 2020; Accepted: July 20, 2020; Published: August 10, 2020</p>	<p>The relocation of the capital city of Indonesia from DKI Jakarta to East Kalimantan has been a major focus since it was announced by President Joko Widodo on August 16, 2019. This decision is rooted in population density, efforts for economic equality, and balanced development. This article deeply analyzes the driving factors and impediments behind this relocation, summarizes Indonesia's constitutional system perspective regarding the plan, and evaluates the feasibility of Indonesia in executing the capital city's relocation. This decision also has stirred varied responses in society, prompting the urgency for appropriate legislative revisions or even a referendum to ensure the right decision, impacting public trust. Using the literature review research method, this article extracts information from various legal sources such as books, journals, and related articles. A descriptive approach is employed to provide a systematic overview of the research object. Despite the pros and cons surrounding this relocation, the government has ratified Law No. 3 of 2022 concerning the State Capital to proceed with the plan.</p>

### 1. INTRODUCTION

Capital city according to the Oxford Dictionary means the city where the central government of a country or state operates. The capital of Indonesia is Jakarta, designated by Act No.10 of the Republic of Indonesia Proclamation of Special Regions of 1964. The capital of Greater Jakarta remains the capital of the Republic of Indonesia under the name Jakarta. Jakarta is also the center of government and business, which makes it attractive for residents to live and earn a living in the capital (Hamdani, 2020). Due to its dual function as a governance center, the economic center has caused this area to continue experiencing population increase.<sup>1</sup> This is why DKI Jakarta poses potential hazards related to ocean and climate change, as the City is located

<sup>1</sup> Chaniago, A; Yustika,AE; Jehansyah, SM; Mustaya, T.2008. Visi Indonesia 2033: Pemindahan Ibukota ke Kalimantan, Lorong Keluar dari Berbagai Paradoks Pembangunan Menuju Indonesia yang Tertata. (Tim Visi Indonesia 2023 : Jakarta) [43]

in a coastal area where land-sea interactions occur. Additionally, pressure from buildings and infrastructure in Jakarta city causes land subsidence (Ramadhanis et al.2017). This means that areas near the ocean are more susceptible to flooding. This problem will worsen as sea levels rise.

Due to the complexity of Jakarta's issues, the government of the Republic of Indonesia decided to relocate one of the functions of DKI to Jakarta, namely as the center of state government (Hasibuan & Aisa 2020). As President Jokowi Dodo explained, Indonesia's capital will be moved to East Kalimantan because, from a geological point of view, Indonesia is very likely to be used as a location for the construction of a new capital. Since it is not included in the red route of Mount Merapi, the risk of catastrophe is minimal. Right now Jakarta still dominates the economic landscape in Indonesia. The movement of the capital was expected to bring economic equality and the gap between the Islands of Java and outside Java. In recent studies, it is stated that relocation of the capital will increase economic growth to 0.1-0.2% (Hasibuan &Aisa 2020)

This relocation has stirred mixed responses mainly from NGOs (Non Governmental Organizations), local communities, and also the people who live in the exact location Penajam Paser Utara where the capital expects to move. On the other hand, moving IKN outside of Java introduces some risks. Risk primarily relates to the preparation of the target area in terms of the infrastructure required to support government management. Regarding funding, the government has stated that APBN will only meet 19.2% of the total budget request of a trillion Rupiah, but if this happens, there is a risk that will increase the burden on the national budget. Development mistakes made by the private sector. Therefore, this article discusses the economic impact of and the expected risks in the IKN transfer process.

In addition, when drafting the IKN Law, it is necessary to consider the effectiveness of the regulation promulgation in society from both a philosophical, sociological, and legal perspective. Similar to his IKN relocation objectives mentioned above, this philosophical aspect is for the equitable development and economic justice of communities outside Java, including the creation of world-class role models for regional development. Priority will be given to the policy direction of Indeed, this statement appears paradoxical when referring to the concept of local government, given that the current national development paradigm prioritizes development from villages, border areas, and suburbs. Therefore, it seems clear that the IKN relocation philosophy is a ploy to demonstrate the failure of local governance practices that have been implemented to date.

Besides that, before the IKN law was passed and promulgated, there was one thing that was very fatal to the planning of the law. It's an academic document. Feri Amsari, director of PUSaKO and lecturer at the Faculty of Law of Andara University (FH), concluded that the IKN Law Academic Document (nasdik) does not mention the urgency of IKN transfer. This question is very important and he should be answered by, nasdik. Moreover, from a sociological point of view, the IKN relocation envisaged in IKN Law does not have the kind of meaningful urgency [meaningful benefits] desired by the communities, especially in his IKN candidate areas

Therefore, this article further analyzes and evaluates the decision to relocate the Indonesian capital in terms of the readiness, urgency, and enactment of legislation for the relocation of the capital to the IKN from a legal, sociological, and philosophical perspective. Overall, the purpose of the analysis is to provide comprehensive insights into various aspects of IKN migration and assist in decision-making.

## **2. RESEARCH METHODS**

The research used "Normative Juridical Legal Research" by Soerjono Soekanto's opinion that legal research is carried out by examining secondary materials or library materials or library legal research, through searching for books, laws, literature, and other legal materials.<sup>2</sup>

## **3. ANALYSIS AND DISCUSSION**

### **3.1. Philosophical Analysis of Capital Law Regulation**

The drafting of the Capital Law is an attempt to realize two of the four national goals set out in the preamble of the 1945 Constitution of the Republic of Indonesia. To cause bloodshed and to promote bloodshed for the common good. However, the considerations that necessitate this capital bill have not been explained scientifically and in detail considering the philosophical basis. Legal consciousness and ideals including the spiritual atmosphere and philosophy of the Indonesian nation. The philosophical basis of the IKN legislation explains that it is merely an attempt to realize the principles of Pancasila. As there are assumed to be five principles, efforts to realize them have fundamental value, instrumental value, and practical value. Therefore, to understand the intent of the IKN law, it is necessary to link these values so that the academic philosophical foundation can be translated into something good. Hence why, this philosophical foundation must reflect the Indonesian people's outlook on life, consciousness, and legal ideals.

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<sup>2</sup> Soerjono soekanto, *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*, (RajaGrafindo Persada, Jakarta, 2011, hal.12)

### 3.2. Analysis of Social, Political, and Economic Impact

In this plan, the economic role and financing also become the highlight. There's potential for increased Gross Domestic Product (GDP) but also risks of inflation and financing requiring collaboration from both the public and private sectors. Additionally, an analysis of potential disasters in the new capital area highlights the necessity for active and passive mitigation efforts. Therefore, this relocation necessitates extensive caution and attention to legal and economic aspects.<sup>3</sup> The relocation of state capitals that needs to be considered sociologically is the future social, political, and economic consequences that may receive more attention and may be considered, including Impacts of social capital relocation: vocal points. This category includes impacts resulting from capital relocation from a social perspective.<sup>4</sup> This is from the perspective of social protection for people residing in the new capital, the impact that relocation of the ASN to the new capital would have on society, and the possibility of conflict arising as a result. This is due to the relocation of the new capital. Economic impact of capital relocation: This category includes the effects caused by the capital relocation on the economy, as well as the effects related to economic changes in Jakarta and increased economy or prosperity of the island. With the relocation of the capital Kalimantan Island became the capital. The detailed cost is estimated at 466 trillion rupees and will be financed by APBN, PPP, and the private sector, as well as financing factors for state capital relocation taking into account the needs of the people. However, financing arrangements can lead to a “debt trap”, especially if the city is not economically sustainable.<sup>5</sup>

### 3.3. Analysis of Social and Political Dynamic

The most unique aspect of this capital relocation is the underlying sociopolitical dynamics. Culture shock is likely to occur when moving from a rural area to a city. Political issues are also an important factor in resettlement, as the government hopes to reduce resistance and increase public trust. However, some experts believe that the main reasons for resettlement are political rather than socio-economic. They argue that governments need to reform the centralized systems to address socioeconomic problems.<sup>6</sup>

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<sup>3</sup> AT-TAWASSUTH: Jurnal Ekonomi Islam, Volume V No. 1 [s.l, s.n], (2020) [183 - 203]

<sup>4</sup> Hutasoit, W. L. Analisa Pemindahan Ibukota Negara, [s.n] Dedikasi, 39(2), (2019) [108–128]

<sup>5</sup> Otti Ilham Khair, Analisis Landasan Filosofis, Sosiologis dan Yuridis Pada Pembentukan Undang-Undang Ibu Kota Negara, dalam Jurnal Inovasi Riset Akademik Vol., 2 No.1, [s.l, s.n], (2022) [7]

<sup>6</sup> Kodir, A. Political Ecology of a Spring, Journal of asian sociology, 48(2), [s.l, s.n], (2019) [179–198]

### 3.4. Analysis of the Legal Basis of State Capital Law

Legal reasons include the fact that it was issued to overcome a legal problem or fill a legal gap, taking into account existing or amended or legal certainty and regional Considerations or reasons why the Ordinance was repealed to ensure a sense of justice in society. Considering Law No. 3 of 2022 a and b it states: “Efforts to improve the governance of state capitals are part of the realization of the national objectives set out below. However, the content, Law No. 3 of 2022 violates the 1945 Constitution. Likewise, the educational process does not comply with the principles of No.12 of 2011.<sup>7</sup> In Indonesia, relocating the capital is not prohibited by the constitution. However, the transfer process must be carried out by the mechanisms and provisions set out in the Constitution. Even if not explicitly regulated, the participation of the DPR as a representative of the legislative power with supervisory, legislative, and budgetary functions must be taken into account in the case of capital relocation. However, in practice, the DPR's involvement in the decision to relocate the capital appears to be minimal, giving the impression that it is not fulfilling its constitutional mandate.<sup>8</sup> This is contrary to Article 20, Section 1 of the 1945 Constitution, which stipulates that the DPR has legislative, budgetary, and supervisory functions. Although the 1945 Constitution does not explicitly regulate the location or mechanism for relocating the capital, it does allow for flexibility in regulating this issue. However, when carrying out a transfer, the compelling underlying reasons for its validity must be considered. This leads us to the conclusion that relocating Indonesia's capital is possible, but it is necessary to respect constitutional procedures and include more parliamentary representation in decision-making.<sup>9</sup> Additionally, Law No.10 of 1964 declared the Jakarta Special Capital Region as the permanent capital of the Republic of Indonesia with the name Jakarta. This law consists of only his two articles. Article 1 states: “The Special Region of Jakarta is hereby declared the permanent capital of the Republic of Indonesia under the name Jakarta.” Article 2 states: “ This Law shall come into force on the date of its promulgation and shall be retroactive until June shall be in force. 1964. Its retroactive effect occurred when President Sukarno declared the Jakarta Special Capital Region as the permanent capital of the Republic of Indonesia under the name Jakarta.<sup>10</sup> The preamble to Law No.10 of 1964 states that this confirmation is necessary since Jakarta is the city where Indonesia's independence was declared on August 17, 1945. She was also the driving force behind all activities, the center of

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<sup>7</sup> Putusan Mahkamah Konstitusi Nomor 39/PUU-XX/2022

<sup>8</sup> Putusan Mahkamah Konstitusi Nomor 53/PUU-XX/2022

<sup>9</sup> *Ibid*

<sup>10</sup> H. M Yahya, *Pemindahan Ibu Kota Negara Maju dan Sejahtera*, [s.l, s.n, s.a] [22]

the revolution, and the worldwide spread of Pancasila ideology. The legal basis for the following is Law No. 11 of 1990 on the Structure of the Special Administrative Region of Jakarta, the Capital of the Republic of Indonesia. After President Suharto announced this legal basis, the status of his two previous laws was revoked and declared to be no longer valid. According to his recollections, Jakarta, as the capital of the Republic of Indonesia, plays an important position and role in supporting and promoting the operation of the Indonesian nation and building a prosperous society that reflects the cultural image of the Indonesian nation.<sup>11</sup>

### **3.5. Analysis of the Ecological Sector**

The relocation of the new capital to areas with vast peatlands, such as Penajam-Paser-Utara and Kutai-Kartanegara provinces, has raised environmental concerns, particularly regulations prohibiting peatland clearing. Environmental regulations such as Government Regulation 71/2014 on the Protection and Management of Peat Ecosystems, Law No.32 of 2000 on Environmental Protection and Management, and the 1945 Constitution prohibit the protection of peatlands due to the potential for serious environmental damage.<sup>12</sup> It emphasizes the prohibition of logging. The relocation of the new capital to an area with sensitive peatland ecosystems poses a potential threat to the environment, but this decision is not appropriate given that Kalimantan Timur (East Kalimantan) has extensive green areas including peatlands may be considered a violation of existing regulations. As a result, there is a significant risk of continued environmental damage. When deciding to relocate to a new capital, it is important to seriously consider the environmental impact, especially considering that environmental protection is an important aspect regulated in Indonesia's legal framework.<sup>13</sup>

### **3.6. Analysis of Public Response and Related Issues**

Capital relocation involves a wealth of topics and paradigms. Many aspects need to be further investigated before moving capital. But what we want to emphasize is that most of these problems stem from very rigid government systems that unintentionally create social and economic inequality. Issues such as economic compensation and development should be managed by local governments rather than the central government. This is because local governments have a better understanding of the socio-economic issues in their respective areas.

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<sup>11</sup> *Ibid* [22]

<sup>12</sup> Theresia, Ricky Martin Sihombing, & Florentina Simanungkalit. The Impact Of Indonesia Capital Relocation To Kalimantan Peatland Restoration. *Sociae Polites*, 21(2), [s.l, s.n], (2020) [231-241]

<sup>13</sup> *Ibid* [231-234]

Budgeting for local expenditures should be regulated and implemented by local governments through a centralized system. This clearly shows the socio-economic inequality in which capital has a major influence on national affairs. Furthermore, this system would give greater power to capitals compared to regional capitals and ideally should have the greatest influence on the development of specific regions across Indonesia. Access to information in these regions is also important for influencing government decision-making. All parties have access to information, enabling faster and more accurate decision-making. However, this decision does not necessarily reflect the best interests of local authorities. Otherwise, policy implementation and regional development could be developed and better controlled.

### **3.7. Analysis of Socio-Economic Sectors**

According to the research results, the perceptions of people are still characterized by negative emotions. The threat of environmental degradation that may arise from development is a reason for refusing IKN relocation (Salsabila & Nurwati 2020). Moreover, IKN development in East Kalimantan (Irmawan, undated) also includes issues of interest from specific groups. However, there is also a group that agrees with the development of IKN. The strong reason lies in the belief that IKN can bring about better socio-economic changes, especially for the people of East Kalimantan.<sup>14</sup>

### **3.8. Analysis of Capital Relocation from a Constitutional Perspective**

First of all, the understanding of the basic law is limited only to the written constitution, and there is no mention of the unwritten constitution in it, so the constitution covers a wider scope than the understanding of the basic law (Lailam, 2014). The Constitution is not an ordinary law, but a supreme law that serves as the basic source of authorization for legal forms and laws. Constitutionally, the president does not have absolute or unlimited authority within the state system to relocate state capitals.<sup>15</sup>

The president's lack of complete authority to relocate the capital is based on:

1. Historical constitutional perspective emphasized by legal expert Moh. Yamin explained that the capital relocation was done with the approval of the People's Council.

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<sup>14</sup> BPS Provinsi DKI Jakarta. *Distribusi dan Kepadatan Penduduk Menurut Kabupaten/Kota di Provinsi DKI Jakarta*, 2015, [s.n] (2017)

<sup>15</sup> Lailam, T. *Penafsiran Konstitusi Dalam Pengujian Konstitusionalitas Undang-Undang Terhadap Undang-Undang Dasar 1945*. *Jurnal Media Hukum*, 21(1), [s.l, s.n], (2014) [19]

2. From a legal point of view, it is clear that the location of the capital is regulated by law. In a constitutional system, the power to make laws lies with the House of Representatives (DPR). Therefore, relocation of the capital requires the consent of the DPR.
3. The need for adequate budgeting or financing for capital relocation. According to the current constitution, relocating the capital requires financial resources, part of which comes from the National Revenue and Appropriations Budget (APBN).<sup>16</sup> Based on these explanations, the president cannot unilaterally decide to move the capital. Mechanisms related to relocation to Indonesia's capital Kalimantan must be through legislation in nature. This process must follow the understanding of the constitution in an absolute sense, whose norms serve as the basis for the formation and enforcement of other legal norms. However, a relative understanding of the constitution as a material constitution means that it must relate to the interests of social groups. The group here refers to factions that seek to enforce their rights to prevent violations. Therefore, the effort to relocate the capital is aimed at achieving the national goals of protecting all Indonesians, promoting public welfare, increasing national intelligence, and promoting and maintaining a world order based on the world order that must pay attention to the interests of the people and respond to the needs of the people. It speaks not only of independence, lasting peace, and social justice but also of the creation of a safe, modern, sustainable, and resilient national capital that will serve as a reference for the development and formation of other regions of Indonesia.<sup>17</sup>

### **3.9. Analysis of The Capital Relocation Based on Gustav Radbruch Theory**

This analysis uses Gustav Radbruch's theory to focus on restructuring the constitution for new regulations to ensure the long-term sustainability and well-being of society. In his book "Introduction to the Laws", Gustav Radbruch writes: Radbruch believes that there are three basic values in legal decisions in law, namely:

1. Justice (impartiality) Radbruch believes that justice comes first and foremost over practicality and legal certainty. He believes that it must occupy the most important position.

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<sup>16</sup> Rozak, M. Abdul. *Kajian Yuridis Terhadap Rencana Pemindahan Ibukota Negara Republik Indonesia Dalam Perspektif Hukum Pemerintahan*, [s.l, s.n], (2021) [8]

<sup>17</sup> *Loc. Cit* [19]



2. According to Radbruch, the law is everything that benefits the people. As part of the legal ideal, justice and legal certainty require a complement, a utility.
3. According to Radbruch, the law is everything that benefits the people. As part of the legal ideal, justice and legal certainty require a complement, a utility.

### **3.10. Method**

1. This article is the result of a study, which used a normative legal approach. Approaches There are three approaches that the author intends to use: the legal approach, the conceptual approach, and the historical approach. The legislative approach (legal approach) is carried out by considering all the laws and regulations related to the subject under study, i.e. all the laws and regulations related to the ministries/institutions with the term "state capital". The conceptual approach (conceptual approach) refers to the concepts of government planning, regulatory structuring, regulatory reform, and regulatory simplification. A historical approach by examining the legal history of building regulations in Indonesia, from regulatory reform plans to regulatory simplification to constitutional perspectives.<sup>18</sup>
2. Data collection method Data collection in this study Legal history of regulatory reform, constitution, and regulatory agreements in Indonesia As already mentioned in the background, the Indonesian state adheres to the concept of a formal constitutional state. There is. Rule of Law uses the Document (Library) research method, which searches for secondary data such as books, research results, court decisions, and regulations.<sup>19</sup>
3. Data analysis method In this study, the data collected in the literature will be analyzed using a qualitative descriptive method which is grouping, measuring, and testing the data based on basic theoretical concepts, principles, and legal regulations analyzed by responses displayed and available for reply.<sup>20</sup>

### **3.11. Has Indonesia fulfilled the requirements to relocate the country's capital?**

The process of moving the country's capital to Indonesia has not met the requirements due to the absence of a legal basis for the transfer of the New State Capital City (IKNB). The absence

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<sup>18</sup> Zainuddin Ali, *Metode Penelitian Hukum*, (Jakarta: Sinar Grafika), (2016) [105], Soerjono Soekanto, *Pengantar Penelitian Hukum*, (Jakarta: Universitas Indonesia Press), (2014) [21]

<sup>19</sup> *Ibid* [21]

<sup>20</sup> *Ibid* [21]

of specific regulations detailing the location of the new capital, the status of the previous capital, and the transfer mechanism have legal implications for Jakarta and the state administration system in Indonesia.

The procedural side of the IKNB transfer is considered quite pragmatic, with several sectors speeding up without juridical considerations due to the absence of a law governing the transfer of the IKNB. The process of moving the IKNB must be based on existing juridical provisions, and it cannot be done without specific regulations that detail the location of the new capital, the status of the previous capital, and the detailed transfer mechanism.

The government should first establish a law regarding the new capital before proceeding with the transfer. The absence of a legal framework for the transfer of the IKNB has led to various juridical issues, including the formation of a task force for the development of the new capital and the creation of procedural rules that cannot be implemented due to the legal status of the current capital, Jakarta.

In summary, the absence of a legal basis and specific regulations for the transfer of the country's capital has hindered the fulfillment of the requirements for the move. Factors that affect this process, such as changes in regional boundaries established by laws and government regulations.

### **3.12. Is Indonesia ready to relocate its capital city when viewed from a constitutional perspective and the factors that drive it?**

The proposed relocation of the National Capital to East Kalimantan in Indonesia is confronted with challenges and complexities, particularly when evaluated from the perspectives of constitutional considerations and driving factors. In the legal context, concerns arise due to the absence of specific laws governing the procedures and mechanisms for such a move. For example, existing laws like Law No. 29 of 2007 on the Special Capital Region of Jakarta as the Capital City of the Republic of Indonesia may need adjustment or revision to accommodate the proposed relocation adequately. The lack of clear legal foundations can impact compliance with existing legislation, necessitating a thorough review before any substantial relocation can take place.

Constitutionally, a comprehensive and scientifically-based approach is crucial to ensuring the stability of state administration. The planning of the capital relocation must carefully consider the interests of various stakeholders and ensure that the relocation plan aligns with the

principles of social justice and environmental sustainability mandated in the Indonesian constitution. Therefore, there is not only a need for specific legislation regulating the relocation of the National Capital, but also a necessity to engage stakeholders and conduct comprehensive scientific studies to mitigate risks and address concerns from indigenous communities and environmental groups related to land rights and potential environmental impacts in the chosen location.

Moreover, it is essential to note that economic considerations and geological risk mitigation are the primary drivers behind this plan. However, the plan has elicited varied responses. In the context of East Kalimantan, indigenous communities, local groups, and environmental NGOs have expressed concerns regarding land rights and potential environmental impacts around the development site. Hence, it is crucial for the government not only to focus on economic and security aspects but also to ensure that the relocation of the National Capital is done with a comprehensive consideration of the rights of indigenous communities, environmental sustainability, and social justice, by the principles outlined in the Indonesian constitution.<sup>21</sup>

### **3.13. Does the relocation of Indonesia's capital city guarantee an increase in the economy and equitable development of the population?**

The relocation of Indonesia's capital city is expected to provide economic improvement and equitable distribution of development and population. The relocation of the national capital is expected to have a positive impact on the national economy with a predicted increase in GDP of 0.1%. In addition, the relocation of the national capital is also expected to assist in economic equality, especially in the eastern region which is currently unreached or has a weak economic turnover rate. Thus, the relocation of the national capital is expected to help in economic recovery in unreached areas as well as areas with weak economic turnover rates.

In the context of population equity, the relocation of the national capital is also expected to help in reducing disparities between regions in Indonesia. Currently, around 57.4% of Indonesia's population is concentrated in Java, while other regions are lagging in development and economic progress. With the relocation of the national capital, it is hoped that the eastern region can become an attraction to advance industrial areas and economic growth in the region, thus helping to reduce disparities between regions. With that, the relocation of the national

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<sup>21</sup> Ahmad Gelora Mahardika, Rizky Saputra, *Problematika Yuridis Prosedural Pemindahan Ibu Kota Negara Baru Dalam Sistem Ketatanegaraan Indonesia*, [s.l, s.n], (2022) [3,4,8,9]

capital is expected to contribute to the improvement of the economy and equitable distribution of development and population in Indonesia.<sup>22</sup>

### **3.14. Is the relocation of the capital city of Indonesia a solution to the reasons that have been put forward by the government or are there other solutions and is the relocation of the capital city of this country the right thing?**

In the context of moving to Indonesia's capital city, there are several factors behind the decision. One of them is the effort to equalize the economy and development in Indonesia. The relocation of the capital city is expected to help in economic recovery in unreachable areas and areas with weak economic turnover. In addition, the relocation of the capital city is also expected to help in reducing the gap between regions in Indonesia, where most of the population is concentrated in Java.

However, relocating the national capital also requires careful planning, readiness of the new region as the capital city, and evaluation of the social, economic, and environmental impacts that may arise from the move. In addition, other solutions can be considered, such as increasing investment and infrastructure development in underdeveloped areas and strengthening regional autonomy to manage resources and development independently.

In this way, the relocation of Indonesia's capital city is a step that the government considers appropriate as part of efforts to equalize the economy and development. However, this also requires careful consideration of the many different factors involved, as well as other solutions that can support the government's goal of achieving economic equality and development in Indonesia.<sup>23</sup>

## **4. CONCLUSION**

Refracted through the lens of the numerous factors on why Indonesia is not ready for the relocation of its capital city from the socio-political-economic aspect followed by the perspective of Legal basis, it is safe to say that the relocation of Indonesia's capital city potentially causes damage to its society on many aspects. In the worst-case scenario, the so-called 'IKN' could be a disaster instead of a solution.

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<sup>22</sup> A. Kodir, N. Hadi, I.K. Astina, D. Taryana, N. Ratnawati & Idris. The dynamics of community response to the development of the New Capital (IKN) of Indonesia [Taylor & Francis Group, London], (2022) [2,3,4]

<sup>23</sup> Deny Slamet Pribadi., & Setiyo Utomo., Dampak Perpindahan Ibu Kota Negara terhadap Pemulihan Ekonomi dalam Perspektif Persaingan Usaha Jurnal Persaingan Usaha Vol. 02., Fakultas Hukum Universitas Mulawarman (2021)

However, this relocation could bring prosperity to Indonesians if it is executed properly, for instance, the government should reassure the people who live in poverty by accommodating them socio-political-economic, and the mechanism for further development of 'IKN' should be structured and neat.

## REFERENCES

### Journals:

Mhd. Jundi Zia Ulhaq, Rudiadi, Muhammad Darwis: 'Analisa Pemandahan Ibu Kota Negara Republik Indonesia Berdasarkan Undang-Undang Nomor 3 Tahun 2022 Tentang Ibu Kota Negara' *Journal of Sharia and Law* Vol. 2, No. (2023)

Permatasari, Y., Chrishans, R. M., & Jaya, D. T., 'Kajian Hukum terhadap Upaya Pemandahan Ibu Kota Negara Berdasar pada Sistem Konstitusional Indonesia'. *Jurnal Pendidikan dan Konseling*, Volume 4, Nomor 5. Universitas Tarumanagara, Indonesia (2022)

Deny Slamet Pribadi., & Setiyo Utomo., Dampak Perpindahan Ibu Kota Negara terhadap Pemulihan Ekonomi dalam Perspektif Persaingan Usaha *JURNAL PERSAINGAN USAHA* Vol. 02., Fakultas Hukum Universitas Mulawarman (2021)

Perwakilan Daerah, 'Jurnal Ilmiah Kebijakan Hukum 14, no. 3' [s.l, s.n] (2020).

Kurniadi A., Pemilihan Ibukota Negara Republik Indonesia Berdasarkan Tingkat Kebencanaan, *Jurnal Manajemen Bencana (JMB)*, [s.l, s.n] (2019) [2]

Lailam, T. Penafsiran Konstitusi Dalam Pengujian Konstitusionalitas Undang-Undang Terhadap Undang-Undang Dasar 1945. *Jurnal Media Hukum*, [s.l, s.n] (2014) [19]

Wesley Liano Hutasoit, 'Analysis of Capital Migration' *Dedication Journal* Volume 19. [s.l, s.n] (1985)

Tata Wijayanta, 'Asas Kepastian Hukum, Keadilan Dan Kemanfaatan Dalam Kaitannya Dengan Putusan Kepailitan Pengadilan Niaga' dalam *Jurnal Dinamika Hukum* Vol., 14 [s.n, s.a]

Otti Ilham Khair, 'Analisis Landasan Filosofis, Sosiologis dan Yuridis Pada Pembentukan Undang-Undang Ibu Kota Negara' dalam *Jurnal Inovasi Riset Akademik* Vol., 2 No. 1. [s.n, s.a]

Deny Slamet Pribadi., & Setiyo Utomo., Dampak Perpindahan Ibu Kota Negara terhadap Pemulihan Ekonomi dalam Perspektif Persaingan Usaha JURNAL PERSAINGAN USAHA Vol. 02., Fakultas Hukum Universitas Mulawarman (2021)

### **Internet:**

Antoro Tri, Peneliti LIPI: Dua Faktor Pemindahan Ibukota - InfoPublik (2019) <https://infopublik.id/kategori/nasional-politik-hukum/368605/peneliti-lipi-dua-faktor-pemindahan-ibukota>

Muhammad Choirul, Ada 6 Alasan Utama Ibu Kota RI Harus Pindah dari Jakarta (2019) <https://www.cnbcindonesia.com/news/20190430124613-4-69663/ada-6-alasan-utama-ibu-kota-ri-harus-pindah-dari-Jakarta>

Kajian Aspek Sosial Pemindahan Ibu Kota Negara (2020) <https://fisip.ui.ac.id/en/kajian-aspek-sosial-pemindahan-ibu-kota-negara/>

Ayundari, Urgensi Pemindahan Ibu Kota Negara (2022) <https://www.djkn.kemenkeu.go.id/kanwil-kalbar/baca-artikel/14671/Urgensi-Pemindahan-Ibu-Kota-Negara.html>

Chintia, Mengapa IKN Harus Pindah Ke Kaltim? (2022) <https://www.kaltimprov.go.id/berita/mengapa-ikn-harus-pindah-ke-kaltim>

Bagong Suyanto, Mewaspada Efek Samping IKN Nusantara (2022) <https://www.jawapos.com/opini/20/01/2022/mewaspada-efek-samping-iknnusantara>

Finaka Andrean W , Marcellodiansyah Muhammad ,and Ardisinaga Andreas Anung Perjalanan Perpindahan Ibu Kota Indonesia (2022) <https://indonesiabaik.id/infografis/perjalanan-perpindahan-ibu-kota-indonesia>

Badan Nasional Penanggulangan Bencana, InaRisk, [s.a] <http://inarisk.bnpb.go.id>

Pemindahan Ibu Kota Untuk Pacu Pemerataan dan Keadilan di Luar Pulau Jawa <https://www.kominfo.go.id/content/detail/20729/pemindahan-ibu-kota-untuk-pacu-pemerataan-dan-keadilan-di-luar-pulau-jawa/0/berita> [s.a]

Ibu Kota Negara Pindah ke Wilayah Penajam Paser Utara dan Kutai Kartanegara <https://www.kominfo.go.id/content/detail/20899/ibu-kota-negara-pindah-ke-sebagian-penajam-paser-utara-dan-sebagian-kutai-kartanegara/0/berita> [s.a]

Jokowi: Pemindahan Ibu Kota Bagian Transformasi Indonesia <https://www.ikn.go.id/en/jokowi-pemindahan-ibu-kota-bagian-transformasi-indonesia> [s.a]

### **Legal Documents:**

Constitutional Court Decision Number 53 year 2022 (Statutory Examination Sheet number 20)

Constitutional Court Decision Number 39 year 2022 (Statutory Examination Sheet number 20)