

# **Legal Politics of the Authority Relationship Between The Central Government and Regional Governments In the Implementation of the State Capital**

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## **ABSTRACT**

Since independence, the move of Indonesia's capital city from Batavia to Jakarta and recent plans to move it to East Kalimantan have been a major concern. Jakarta, the capital since 1949, is regulated by Law Number 29 of 2007. In 2019, President Joko Widodo announced plans to move to East Kalimantan after an in-depth study by Bappenas. This study examines the role of the Nusantara Capital Authority Region as a center of government with special authority. The focus is on the relationship between the central government and the regional capital, with the Head of the Authority equivalent to a minister responsible for managing the capital. Political and legal implications include regional autonomy, community participation, and sustainable development. The research explores the history and regulation of special autonomy in Indonesia, especially in the newly formed Nusantara Capital Authority Region, regulated by Law Number 3 of 2022. The analysis covers the role of the Head of the Authority at ministerial level and its impact on central-regional relations and the future system of government.

**Keywords:** Relocation of the Capital City, Archipelago Capital City Authority Region, Special Autonomy.

## **INTRODUCTION**

The welfare state is one of the developments of the concept of the rule of law that has adapted to the dynamics of governments and countries in the world. The main objective of the welfare state is to create general welfare for citizens, which is the government's obligation.<sup>1</sup> This concept continues to evolve from a legal perspective to adapt to the times. One important aspect of the welfare state is the administration of licensing, which is carried out based on democratic or modern legal state theory. In the implementation of the rule of law (*rechtsstaat*) and the welfare state, the rule of law is the highest guideline.<sup>2</sup>

To realize a unitary state, the concept and structure of government should consider that there is only one central government with the highest authority and power. The central government sets government policies both at the center and in the regions.<sup>3</sup> Significant

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<sup>1</sup> Bagir Manan, *Hubungan Antara Pusat Dan Daerah Menurut UUD 1945*, 2001.

<sup>2</sup> Kadek Cahya, "Penegasan Politik Hukum Desentralisasi Asimetris Dalam Rangka Menata Hubungan Pemerintah Pusat Dengan Pemerintah Daerah Di Indonesia," *Administrative Law and Governance Journal* 2 (2019).

<sup>3</sup> Ni'matul Huda, *Hukum Pemerintahan Daerah* (Jakarta: Rajawali Pers, 2014).

developments in the regions in government affairs encourage many countries to improve government administration for the better, based on the principles of decentralization and regional autonomy.<sup>4</sup> Article 18 of the 1945 Constitution of the Republic of Indonesia states that “The Unitary State of the Republic of Indonesia is divided into provinces and the provinces are divided into regencies and municipalities, each of which has a regional government regulated by law.” In its development, the central and regional systems are increasingly recognized in Indonesia. The central government has to pay attention to the balance of regulations in granting authority to the regions, so that the authority granted is not absolute.<sup>5</sup>

The relocation of the national capital was first proposed by President Soekarno on July 17, 1957, by choosing Palangkaraya as the national capital due to its strategic location and large area.<sup>6</sup> However, the idea did not materialize, and Jakarta remained Indonesia's national capital through Law Number 10 of 1964.<sup>7</sup> During the New Order era and the administration of President Susilo Bambang Yudhoyono (SBY), the discourse of relocating the national capital reappeared, driven by the problem of population density and congestion in Jakarta. The relocation project was again initiated by President Joko Widodo as one of his mega projects, which, despite receiving support, also faced criticism regarding the process and policies implemented.<sup>8</sup>

Law No. 3 of 2022 on Nusantara Capital City (IKN) establishes the Nusantara Capital Authority as the executor of IKN preparation, development, and relocation activities, as well as the organizer of the Nusantara Capital Special Regional Government.<sup>9</sup> However, this policy is considered to have the potential to undermine democratic principles because the head of the Authority and his deputy are directly elected by the President in consultation with the House of Representatives (DPR).<sup>10</sup> This centralized selection process is considered to reduce the involvement of the people in determining regional leadership, which is one of the pillars of democracy.<sup>11</sup>

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<sup>4</sup> Fahrul Fauzi, “Wewenang Ibu Kota Nusantara Selaku Pemegang Hak Pengelolaan Kawasan Ibu Kota Nusantara,” *Jurnal Tunas Agraria Fakultas Hukum Universitas Indonesia* 6, no. 3 (2023).

<sup>5</sup> Tauda Gunawan, “Desain Desentralisasi Asimetris Dalam Sistem Ketatanegaraan Republik Indonesia,” *Administrative Law & Governance Journal* 2, no. 1 (2018).

<sup>6</sup> Adrian Sutedi, *Hukum Perizinan Dalam Sektor Pelayanan Publik* (Jakarta, 2015).

<sup>7</sup> Amrul Natalsa, “Bentuk Pemerintahan Jakarta Pasca Undang-Undang Ibukota Negara,” *Jurnal Studi Interdisipliner Perspektif Universitas Jayabaya* 22, no. 2 (2023).

<sup>8</sup> M. Rizky Nurdin, “Desentralisasi Dan Kekhususan Pelaksanaan Otonomi Daerah Otorita Ibu Kota Nusantara,” *Jurnal Universitas Islam Indonesia* 7, no. 3 (2022).

<sup>9</sup> M Mahfud, *Politik Hukum Di Indonesia* (Depok, 2020).

<sup>10</sup> Jimly Asshiddiqie, *Konstitusi Dan Konstitusionalisme Indonesia* (Jakarta: Sinar Grafika, 2007).

<sup>11</sup> I Gusti Pradnyawati, “Konsekuensi Pengaturan Kepala Otorita Ibu Kota Nusantara Dalam Undang-Undang Nomor 3 Tahun 2022 Tentang Ibu Kota Negara Terhadap Prinsip Check and Balances,” *Jurnal Legislasi Indonesia*, no. 20 (2023): 2.

In addition, the authority system in the Nusantara Capital City Law is considered incompatible with the concept of the constitutional system.<sup>12</sup> The position of the head of the authority, which is at the level of the Minister, is considered to disrupt the system of decentralization, both symmetrical and asymmetrical.<sup>13</sup> The relationship between the Central Government and Regional Governments covers four important dimensions: authority, institutions, finance, and supervision.<sup>14</sup> This division of authority has implications for financial and institutional relations between the center and the regions, as well as supervisory relations to maintain the integrity of the unitary state.<sup>15</sup> These rules are regulated in Law No. 33/2004 on the financial balance between the central and local governments, as well as various other sectoral laws.<sup>16</sup>

## **METHOD**

Legal research is a process that aims to discover and understand legal rules, principles, and doctrines to address existing legal issues. This research involves an in-depth analysis of library materials or secondary data, such as primary, secondary, and tertiary legal materials, to draw relevant conclusions. In this context, the juridical-normative legal research method is used, in which legal materials are systematically organized to answer the problem formulation and achieve the research objectives.<sup>17</sup>

The approach methods applied in this research include Legislation, History, and Conceptual approaches. The Legislative approach analyzes laws and related cases, the Historical approach looks at legal developments over time, while the Conceptual approach examines legal concepts in various literatures. This combination of approaches allows comparisons between national and international legal rules and fills gaps in positive law.<sup>18</sup>

## **RESULTS AND DISCUSSION**

### **A. History of the State Capital from the Beginning to the Capital of the Archipelago**

The capital city of Indonesia, originally known as Batavia, was the name given by the Dutch government during the colonial period in Indonesia. The name “Batavia” comes from the

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<sup>12</sup> Kahar Haerah, *Pengantar Ilmu Pemerintahan* (Jember, 2014).

<sup>13</sup> Adrianus Meliala & Yance Arizona (Eds.), *Nusantara: Kontroversi Dan Prospek Ibu Kota Negara Baru* (Jakarta: Yayasan Pustaka Obor Indonesia, 2022).

<sup>14</sup> Ni'matul Huda, *Desentralisasi Asimetris Dalam NKRI* (Bandung, 2015).

<sup>15</sup> Isharyanto, *Politik Hukum* (Surakarta, 2016).

<sup>16</sup> P Metho Sihombing, “Analisis Hukum Pembentukan Dan Penyelenggaraan Pemerintah Otorita Ibu Kota Nusantara (IKN) Ditinjau Dari Perspektif Otonomi Daerah,” *Jurnal Pendidikan Dan Konseling Universitas Pahlawan Tuanku Tambusai* 4, no. 5 (2022).

<sup>17</sup> Deassy J.A. et. al Hehanussa, *Metode Penelitian Hukum* (Bandung, 2023).

<sup>18</sup> Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020).

ancestral Dutch and German tribe, Batavier. In 1621, the Dutch government established a government for the city of Batavia called Stad Batavia, along with the destruction of Jayakarta. The city of Batavia grew rapidly along with the development carried out by the Dutch government to support their trading activities.<sup>19</sup>

Batavia became the center of government for several strategic reasons at that time. The capital city of Indonesia experienced two transfers, namely in 1762-1818 during the reign of Herman Willem Daendels from Batavia to Surabaya, and in 1916-1920 during the reign of J.P. Graaf Van Limburg Stirum to Bandung.<sup>20</sup> After independence in 1945, Jakarta was inaugurated as the capital city of Indonesia. However, the war was still going on, so on January 4, 1946, President Soekarno moved the capital to Yogyakarta, accepted by Sultan Hamengku Buwono IX. On August 9, 1947, Bukittinggi was decided to be the capital of Sumatra Province by Vice President Mohammad Hatta. The Emergency Government of the Republic of Indonesia (PDRI) was formed by order of President Soekarno and Vice President Mohammad Hatta on December 19, 1948, with Minister of Prosperity Sjafruddin Prawiranegara leading the emergency government in Sumatra.<sup>21</sup>

The discourse on relocating the capital city reappeared in the era of President Soeharto to Jonggol, West Java, and during the Susilo Bambang Yudhoyono era to Palangkaraya. As the capital city, Jakarta is regulated in Article 3 of Law No. 29/2007 on the Provincial Government of the Special Capital Region of Jakarta as the Capital City of the Republic of Indonesia.<sup>22</sup>

However, Jakarta is considered ineffective as the center of government due to population density, transportation, buildings, potential natural disasters, and excessive exploitation of groundwater.<sup>23</sup> Therefore, during the leadership of President Joko Widodo, the government decided to move the national capital in 2019.<sup>24</sup> President Joko Widodo announced this in his State of the Nation Address on August 16, 2019, following a study by the National Planning and Development Agency (Bappenas).<sup>25</sup> On August 26, 2019, President Jokowi said that the capital will be moved to Penajam Paser Utara and partly in Kutai Kartanegara, East Kalimantan.<sup>26</sup>

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<sup>19</sup> Natalsa, "Bentuk Pemerintahan Jakarta Pasca Undang-Undang Ibukota Negara."

<sup>20</sup> Riska Damayanti, "Sejarah Pemindahan Ibu Kota Sejak Jaman Penjajahan Belanda Hingga Saat Ini," Good News, 2023, <https://www.goodnewsfromindonesia.id/>.

<sup>21</sup> Nurdin, "Desentralisasi Dan Kekhususan Pelaksanaan Otonomi Daerah Otorita Ibu Kota Nusantara."

<sup>22</sup> Pradnyawati, "Konsekuensi Pengaturan Kepala Otorita Ibu Kota Nusantara Dalam Undang-Undang Nomor 3 Tahun 2022 Tentang Ibu Kota Negara Terhadap Prinsip Check and Balances."

<sup>23</sup> Damayanti, "Sejarah Pemindahan Ibu Kota Sejak Jaman Penjajahan Belanda Hingga Saat Ini."

<sup>24</sup> Sahfira Cendra, "Sejarah Panjang IKN Nusantara: Digagas Soekarno Dan Kini Diwujudkan Jokowi," Finance.detik.com, 2023, <https://finance.detik.com/>.

<sup>25</sup> Suharso Monoarfa, *Ibu Kota Negara, Kementrian PPN / Bappenas* (Jakarta, 2020).

<sup>26</sup> Sihombing, "Analisis Hukum Pembentukan Dan Penyelenggaraan Pemerintah Otorita Ibu Kota Nusantara (IKN) Ditinjau Dari Perspektif Otonomi Daerah."

Constitutionally, the President of Indonesia does not have absolute control over the establishment or relocation of the national capital.<sup>27</sup> Article 2, paragraph (2) of the 1945 Constitution states that “The People’s Consultative Assembly (MPR) convenes at least once every five years in the capital city.”<sup>28</sup> Therefore, the involvement of the MPR is important in determining the location of the national capital.<sup>29</sup>

Based on criteria from the Ministry of National Development Planning, the location of moving the capital to East Kalimantan was chosen because:<sup>30</sup>

1. Strategic Location: Geographically located in the center of Indonesia.
2. Availability of Large Land Owned by the Government/State-owned Plantations.
3. Disaster Free: Earthquakes, volcanoes, tsunamis, floods, erosion, and forest and peatland fires.
4. Sufficient Water Resources.
5. Close to Existing City: For infrastructure investment efficiency.
6. Low Potential for Social Conflict.
7. Meets the Defense and Security Perimeter.

The criteria reflected the need to comply with strict environmental regulations as well as national security standards.<sup>31</sup> The renaming of the capital city to “Nusantara” was decided by President Joko Widodo after eliminating 79 other names proposed by linguists and historians.<sup>32</sup> The word “Nusantara” comes from the Old Javanese language, meaning “island” and “sea”.<sup>33</sup> This name was popular in the past and was used to refer to the region of Indonesia, reflecting the archipelago from Sabang to Merauke and all the cultures that exist in Indonesia.<sup>34</sup>

The history of Indonesia's capital city shows significant dynamics and changes from the Dutch colonial period to the modern era.<sup>35</sup> Moving the capital city to the archipelago in East Kalimantan is a strategic step to overcome the various challenges faced by Jakarta as the center of government.<sup>36</sup> This move is based on a comprehensive study, including aspects of population density, economic conditions, availability of clean water, urbanization, and the threat of natural

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<sup>27</sup> HR Ridwan, *Hukum Administrasi Negara* (Jakarta, 2014).

<sup>28</sup> Pradnyawati, “Konsekuensi Pengaturan Kepala Otorita Ibu Kota Nusantara Dalam Undang-Undang Nomor 3 Tahun 2022 Tentang Ibu Kota Negara Terhadap Prinsip Check and Balances.”

<sup>29</sup> Haerah, *Pengantar Ilmu Pemerintahan*.

<sup>30</sup> Huda, *Desentralisasi Asimetris Dalam NKRI*.

<sup>31</sup> Cahya, “Penegasan Politik Hukum Desentralisasi Asimetris Dalam Rangka Menata Hubungan Pemerintah Pusat Dengan Pemerintah Daerah Di Indonesia.”

<sup>32</sup> Monoarfa, *Ibu Kota Negara, Kementrian PPN / Bappenas*.

<sup>33</sup> Gunawan, “Desain Desentralisasi Asimetris Dalam Sistem Ketatanegaraan Republik Indonesia.”

<sup>34</sup> Isharyanto, *Politik Hukum*.

<sup>35</sup> Damayanti, “Sejarah Pemindahan Ibu Kota Sejak Jaman Penjajahan Belanda Hingga Saat Ini.”

<sup>36</sup> Cendra, “Sejarah Panjang IKN Nusantara: Digagas Soekarno Dan Kini Diwujudkan Jokowi.”

disasters.<sup>37</sup> The choice of the name “Nusantara” illustrates the diversity and richness of Indonesian culture, as well as marking a new chapter in the history of the arrangement of the national capital.<sup>38</sup>

## **B. Legal Politics of the Authority Relationship Between the Central Government and Local Governments**

Law Number 3 Year 2022 on the Nusantara Capital City establishes a different government structure from other regional governments in Indonesia. Article 5 of this law explains in detail the function, position, and authority of the Nusantara Capital City as the state capital and a special regional government unit. Article 5, paragraph (1), states that the Nusantara Capital City functions as the capital city of the country, which is the center of government as well as the seat of representatives of foreign countries and international organizations. As a special regional government unit, the Nusantara Capital City has the authority to regulate and manage its government affairs as stipulated in this law (Article 5, paragraph (2)).<sup>39</sup>

The specificity of the Nusantara Capital City is also evident in the holding of general elections. Only national-level general elections are held in the Nusantara Capital City, in contrast to other regions that also hold regional-level elections (Article 5 paragraph (3)). The head of the Nusantara Capital City Authority has a ministerial-level position, appointed and dismissed by the President after consultation with the House of Representatives (Article 5 paragraph (4)). This shows that the head of the Authority is not elected through general elections, but through direct appointment by the President, in contrast to other regional heads, such as governors, who are democratically elected.<sup>40</sup>

The Special Regional Government of the Nusantara Capital City carries out special regional government functions regulated in this law, except those stipulated as central government affairs (Article 5 paragraph (5)). The Nusantara Capital City Authority has the right to stipulate regulations to organize the special regional government and carry out preparation, development, and relocation activities of the national capital (Article 5, paragraph (6)). Further provisions regarding the procedures for organizing this special regional government are regulated by Presidential Regulation (Article 5 paragraph (7)). Based on the provisions in Article 5, the model of authority relations between the central and regional governments applied to the national capital is the agency model. In this model, the regional government acts as an agent for implementing central government policies, with strict supervision and detailed regulatory

<sup>37</sup> Fauzi, “Wewenang Ibu Kota Nusantara Selaku Pemegang Hak Pengelolaan Kawasan Ibu Kota Nusantara.”

<sup>38</sup> Mahfud, *Politik Hukum Di Indonesia*.

<sup>39</sup> Monoarfa, *Ibu Kota Negara, Kementrian PPN / Bappenas*.

<sup>40</sup> Ridwan, *Hukum Administrasi Negara*.



specifications. The Head of the Authority, as an extension of the central government, has greater authority than other regional heads, indicating significant interference from the central government in the management of the Nusantara Capital City.<sup>41</sup>

### **C. The Urgency of Appointing the Head of the Authority rather than the Governor**

Article 5, paragraph (4) stipulates that the Head of the Nusantara Capital City Authority is a functional position responsible for the management of the capital city. The appointment of the head of this authority has several important urgencies and benefits:<sup>42</sup>

#### **1. Centralized Focus on Development**

By separating the functions of the head of the authority from political positions such as governor, the government ensures that the head of the authority can focus more on planning, implementing, and overseeing development projects and the capital's long-term development strategy. This allows for continuity in the development vision without being affected by changes in political power that may occur due to elections.

#### **2. Efficiency and Effectiveness**

The appointment of the head of the authority enables the acceleration of the decision-making process and the reduction of bureaucracy. The special powers given to the head of the authority allow for more efficient and effective management of resources, and minimize the potential for political interference that could impede development progress.

#### **3. Management Complexity**

Capital cities are often complex centers of political, economic, social, and cultural activity, with diverse needs and aspirations to consider. Authority heads with specialized expertise in urban management and regional development can be more effective in dealing with these challenges and complexities.

#### **4. Accountability and Transparency**

By having a clear and specific mandate, the head of the authority can be more easily held accountable for their performance in achieving the capital's development goals. In addition, they can also be more open to public participation in the decision-making process, thus ensuring that the policies and programs implemented truly reflect the needs and aspirations of the local community.

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<sup>41</sup> Damayanti, "Sejarah Pemindahan Ibu Kota Sejak Jaman Penjajahan Belanda Hingga Saat Ini."

<sup>42</sup> Cendra, "Sejarah Panjang IKN Nusantara: Digagas Soekarno Dan Kini Diwujudkan Jokowi."

5. Coordination and Integration

The appointment of the head of the authority strengthens coordination and integration between the various sectors and agencies involved in managing the capital city. The head of the authority has an important role in facilitating cross-sectoral and cross-agency cooperation in planning and implementing various development policies and programs. This helps to overcome policy fragmentation and ensure that various development programs can be well integrated to achieve optimal results.

6. Overcoming Challenges and Risks

By having an authority head with sufficient capacity and authority, the government can be more responsive in addressing complex issues such as traffic congestion, overcrowding, environmental degradation, and socio-economic inequality. This maintains the sustainability of the capital's development in the long term.

**D. Political and Legal Benefits of Appointing the Head of the Authority as a Functional Position**

The legal and political benefits of appointing the head of the Authority as a functional position responsible for the Nusantara Capital City are diverse and important in the context of capital city development and governance.<sup>43</sup> Some of the key benefits include:<sup>44</sup>

1. Principles of Democracy and Regional Autonomy

This arrangement reinforces the principles of democracy and regional autonomy. By establishing the head of the authority as a functional position separate from political positions such as governor, Law No. 3 of 2022 guarantees a stable and sustainable government in the capital city. This helps maintain political stability and reduces the potential for political interference that could disrupt the development process.

2. Principles of Fairness and Participation

This arrangement promotes the principles of equity and public participation in decision-making. The head of the authority responsible for the capital city can be more open to public participation in formulating development policies and programs. This helps to ensure that policies reflect the needs and aspirations of local communities, thereby enhancing equity in the distribution of development benefits.

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<sup>43</sup> Sutedi, *Hukum Perizinan Dalam Sektor Pelayanan Publik*.

<sup>44</sup> Nurdin, "Desentralisasi Dan Kekhususan Pelaksanaan Otonomi Daerah Otorita Ibu Kota Nusantara."



3. Sustainability of Development

By establishing the head of the authority as a functional position with specific responsibility for the development and management of the capital city, this Law guarantees continuity in development planning and implementation. The head of the authority can develop a long-term sustainable development vision and formulate policies and programs that take into account environmental, social, and economic aspects holistically.

4. Coordination and Integration

This arrangement strengthens coordination and integration between the various sectors and agencies involved in managing the capital city. By granting special powers to the head of the authority, this Law facilitates cross-sectoral and cross-agency cooperation in planning and implementing various development policies and programs. This helps overcome policy fragmentation and ensures that various development programs can be properly integrated to achieve optimal results.

5. Leadership Capacity Building

This arrangement enables the development of capacity and leadership skills specific to capital city management. By establishing the head of the authority as a functional position with specific responsibility for the capital city, the Act creates an incentive for leaders to develop the knowledge and skills needed to manage urban and regional development. This helps to ensure that incumbent heads of authorities have sufficient capacity and competence to deal with the challenges and complexities of capital city management.

6. Overcoming Challenges and Risks

The appointment of the head of the authority as a functional position can also help address the various challenges and risks that may arise in the management of the capital city of the archipelago. Capital cities are often faced with complex issues such as traffic congestion, overcrowding, environmental degradation, and socio-economic inequality. By having an authority head with sufficient capacity and authority, the government can better respond to these issues.

**E. The Relationship of Authority Between the Central Government and the Regional Government of the Capital Region of the Archipelago**

The history of regional governance in Indonesia records several regions that have special autonomy due to the historical background and regional autonomy policies in force at the time. These regions are known by different designations, such as the Special Region of Yogyakarta, the Special Capital Region of Jakarta, and Special Autonomy for Papua Province. The Special

Capital Region of the Archipelago has a unique structure because it acts as the capital of the Unitary State of the Republic of Indonesia and an autonomous region, thus requiring special rules related to rights, obligations, authorities, and responsibilities in governance.<sup>45</sup>

Law No. 3 of 2022 on the National Capital is the legal basis that regulates the specificity of the Nusantara Capital City Authority Region. This law stipulates that the Head of the Nusantara Capital City Authority is at the ministerial level and is appointed by the President, not through general elections, which facilitates coordination between the President and the Head of the Authority. However, the consequence of this arrangement is the potential reshuffling of positions and the absence of a legislative body in Nusantara Capital City, which could lead to the dominance of executive power and the risk of abuse of power.<sup>46</sup>

The Nusantara Capital City Authority has the responsibility of managing all authorities owned by the central and regional governments, except for strategic national authorities. This flexibility aims to ensure that the government in the Nusantara Capital City can run professionally and responsively in supporting development and government operations. The granting of this special autonomy is a political policy to accommodate the special conditions of each region, but still based on the principle of regional autonomy.<sup>47</sup>

The development of the Nusantara Capital City is delegated by the President to the Nusantara Capital City Authority, with land policies related to land acquisition and land transfer regulated in Article 16 of the Nusantara Capital City Law. Land for Nusantara Capital City development is categorized as a public interest project, with a land acquisition mechanism determined by the Nusantara Capital City Authority.<sup>48</sup>

The Nusantara Capital City Authority, as a government unit with special characteristics, has an important role in running the government according to the 1945 Constitution of the Republic of Indonesia. With special rights, obligations, authorities, and responsibilities, the Nusantara Capital City Authority ensures that the development and operation of government in the Nusantara Capital City can run well and by statutory regulations.<sup>49</sup>

However, this arrangement of the Authority system is not fully in line with the Indonesian constitutional concept, as the Head of the Authority is seen as a ministerial-level executor of local government.<sup>50</sup> This raises concerns about the dominance of executive power

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<sup>45</sup> Sihombing, "Analisis Hukum Pembentukan Dan Penyelenggaraan Pemerintah Otorita Ibu Kota Nusantara (IKN) Ditinjau Dari Perspektif Otonomi Daerah."

<sup>46</sup> Natalsa, "Bentuk Pemerintahan Jakarta Pasca Undang-Undang Ibukota Negara."

<sup>47</sup> Cahya, "Penegasan Politik Hukum Desentralisasi Asimetris Dalam Rangka Menata Hubungan Pemerintah Pusat Dengan Pemerintah Daerah Di Indonesia."

<sup>48</sup> Gunawan, "Desain Desentralisasi Asimetris Dalam Sistem Ketatanegaraan Republik Indonesia."

<sup>49</sup> Monoarfa, *Ibu Kota Negara, Kementrian PPN / Bappenas*.

<sup>50</sup> Sihombing, "Analisis Hukum Pembentukan Dan Penyelenggaraan Pemerintah Otorita Ibu Kota Nusantara (IKN)"

and the potential for abuse of power. Therefore, it is important to continue to monitor and adjust policies related to the authority of the Nusantara Capital City Authority so that they remain by the principles of regional autonomy and the needs of the community.<sup>51</sup>

## CONCLUSION

The history of Indonesia's National Capital reflects political dynamics from colonial to modern times, with the move from Batavia (now Jakarta) inaugurated after independence, to the planned move to Nusantara in East Kalimantan under President Joko Widodo due to various challenges in Jakarta. Law No. 3 of 2022 establishes a special structure for the Nusantara Capital City with a ministerial-level Head of Authority appointed by the President, aimed at ensuring focus on the development and efficient management of the new capital city. The authority relationship between the central government and the Nusantara Capital City Authority is set up to provide flexibility in running the government, but raises concerns of executive power domination. The move reflects a strategic and comprehensive effort to ensure the development of a capital city that is sustainable and responsive to community needs.

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<sup>51</sup> Pradnyawati, "Konsekuensi Pengaturan Kepala Otorita Ibu Kota Nusantara Dalam Undang-Undang Nomor 3 Tahun 2022 Tentang Ibu Kota Negara Terhadap Prinsip Check and Balances."

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