



POWER OF THE CHAIRMAN OF AUTHORITY IN PREPARING DEVELOPMENT PLANS FOR NUSANTARA CAPITAL CITY

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Submitted: 29-06-2023; Accepted: 21-09-2023

DOI: <http://dx.doi.org/10.30641/dejure.2023.V23.325-340>

ABSTRACT

Preparing development plans for the National Capital City (IKN) of Nusantara is one of the authorities that must be carried out by the Government to ensure the continuity and progress of the State's development in accordance with the mandate of Law Number 3 of 2022 concerning the National Capital City. However, in reality, the formulation of development plans for the new National Capital City still experiences problems related to the Nusantara Capital City Authority (OIKN). Problems with OIKN in preparing development plans for the new National Capital City can come from various factors, such as disharmony of laws and regulations. This study aimed to find out the power of the chairman of authority related to the planning and development of the Nusantara Capital City and the concept of the chairman of authority in preparing the Nusantara Capital City development plans in harmony with the Long-Term National Development Plan. The method used in this study was the Normative Method with interviews and Legislative, Conceptual, Philosophical, and Futuristic approaches which were analyzed in a descriptive-analytic manner and processed qualitatively. The results of the study show that in planning for the development of the national capital city, the chairman of authority has the power to determine the location of the new national capital city according to geographical, social, and economic conditions and to prepare a master plan. However, IKN development plans that are not guided by the Long-Term National Development Plan (RPJPN) as national development guidelines, but are instead guided by the Government's Master Plan (RIP) will create their own problems. The recommendation from this research is to launch a Hybrid Government system followed by the process of integrating the RIP into the 2025-2045 RPJPN so that it becomes the country's grand master plan for the next 20 years.

Keywords: National Capital City; Chairman of Authority; Planning; Problems

1. INTRODUCTION

Every leader always wants to leave a legacy in order to be remembered and to enter into historical records as a successful leader.¹ The process of building the legacy is also carried out by President Joko Widodo (Jokowi), one of which is by moving the capital city from Jakarta to the National Capital City (IKN) of Nusantara which is located in Penajam North Paser Regency and Kutai Kartanegara Regency. The development of a new national capital city is a large project that requires careful and well-planned planning.² The power of the chairman of authority is one of the important factors to be considered in preparing development plans for the new national capital city.³ However, problems arise when determining the power of the chairman of authority in preparing development plans for the new national capital city.

- 1 Andika Hendra Mustaqim, “Mengonstruksi Masa Depan Indonesia: Situasi Retorikal Tentang Ibu Kota Negara Nusantara,” *Jurnal Komunika Islamika : Jurnal Ilmu Komunikasi Dan Kajian Islam* 9, no. 1 (2022): 1, <https://doi.org/10.37064/jki.v9i1.12066>.
- 2 Irwan Abdullah et al., “From Selfism to Indifferentism: Challenges Facing Indonesian Society and Culture, 2015-2045,” *Academic Journal of Interdisciplinary Studies* 8, no. 3 (2019): 102–12, <https://doi.org/10.36941/ajis-2019-0009>.
- 3 Nyimas Latifah Letty Aziz, “Relokasi Ibu Kota Negara: Lesson Learned Dari Negara Lain,” *Jurnal Kajian Wilayah* 10, no. 2 (2020): 37–64, <https://doi.org/https://doi.org/10.14203/jkw.v10i2.827>.

Development is a multidimensional process, which includes rearranging and redirecting the existing socio-economic system in society. Development is aimed at achieving 3 main things in human life, namely: (1) Increasing the availability and improving the distribution of basic human needs; (2) Achieving progress in the standard of living; and (3) Expanding the range of available social and economic choices to society.⁴ It can be concluded that national development is a reflection of the will or dream of continuously increasing the prosperity and welfare of the Indonesian people fairly and equitably, as well as developing the lives of society and state administrators that are advanced and democratic by implementing the values of Pancasila.⁵ National development in terms of relocating the capital city requires adequate preparation and legal certainty that is fair to all communities and stakeholders.

The transfer of the capital city to Nusantara Capital City has several reasons; First, around 57 percent of the population that is on Java island; Second, the economic equality between islands in the national Gross Domestic Product (GDP); Third, the water availability on Java island, especially DKI Jakarta and East Java; Fourth, the largest land conservation that occurs on Java island; Fifth, the extremely high urbanization growth in DKI Jakarta, and; Sixth, the increasing burden on Jakarta resulting in a decrease in environmental carrying capacity and large national losses;⁶ Seventh, Nusantara Capital City must also consider disaster mitigation;⁷ Eighth, the development of smart city at Nusantara Capital City which is a central issue because it is considered a modern and environmentally friendly city;⁸ Ninth, realizing good governance in the plan to relocate the capital city that requires the government to have a visionary planning and development pattern for the capital city; Tenth, realizing good governance in the capital city relocation plan requires the government to always implement the principles of good governance.⁹ Based on the 10 (Ten) reasons put forward by various researchers and practitioners, it is necessary to prepare a Nusantara Capital City development plan that is right on target to achieve all these reasons.

The preparation of the Nusantara Capital City development plan is one of the authorities that must be carried out by the government to ensure the continuity and progress of the development of the national capital city. However, in reality, the preparation of development plans for a new national capital often experiences problems related to the power of the chairman of the authority.¹⁰ Problems with the power of the chairman of authority in preparing development plans for the new national capital city can come from various factors, such as the disharmony of laws and regulations,¹¹ the absence of agreement between stakeholders,¹² the absence of

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- 4 Rianda Dirkareshza, "Optimalisasi Perencanaan Pembangunan Hukum Ekonomi Dengan Penerapan Undang-Undang Sistem Perencanaan Pembangunan Nasional" (Universitas Indonesia, 2018).
 - 5 Rianda Dirkareshza, "Pembangunan Hukum Berkelanjutan Antara Pusat Dan Daerah Melalui Dewan Perwakilan Daerah Republik Indonesia Terhadap Pemulihan Ekonomi Nasional," *Simbur Cahaya XXIX*, no. 2 (2022): 254–64, <https://doi.org/10.28946/sc.v29i2.1863>.
 - 6 Manda Kumoro Saraswati and Emmanuel Ariananto Waluyo Adi, "Pemindahan Ibu Kota Negara Ke Provinsi Kalimantan Timur Berdasarkan Analisis SWOT," *JISIP (Jurnal Ilmu Sosial Dan Pendidikan)* 6, no. 2 (2022): 4042–52, <https://doi.org/10.58258/jisip.v6i2.3086>.
 - 7 Hayatul Khairul Rahmat et al., "Analysis of Potential Disaster in the New Capital of Indonesia and Its Mitigation Efforts: A Qualitative Approach," *Disaster Advances* 14, no. 3 (2021): 40–43.
 - 8 Rini Rachmawati, Eko Haryono, and Amandita Ainur Rohmah, "Developing Smart City in the New Capital of Indonesia," in *2021 IEEE International Smart Cities Conference (ISC2)* (IEEE, 2021), 1–7.
 - 9 Dian Herdiana, "Pemindahan Ibukota Negara: Upaya Pemerataan Pembangunan Ataupun Mewujudkan Tata Pemerintahan Yang Baik," *Jurnal Transformatif* 8, no. 1 (2022): 1–30, <https://doi.org/https://doi.org/10.21776/ub.transformative.2022.008.01.1>.
 - 10 Fanisa Luthfia Putri Erwanti and Waluyo Waluyo, "Catatan Kritis Pembentukan Undang-Undang Nomor 3 Tahun 2022 Tentang Ibu Kota Negara Serta Implikasi Hukum Yang Ditimbulkan," *Sovereignty* 1, no. 1 (2022): 44–56, <https://doi.org/https://doi.org/10.13057/sovereignty.v1i1.214>.
 - 11 Alifia Zahra, Revanda Rizka, and Hudzaifah Yuda Hasevi, "Analisis Yuridis UU Omnibuslaw Ketenagakerjaan Klaster Pengadaan Tanah Terkait Dengan Ibu Kota Negara," *Nusantara: Jurnal Pendidikan, Seni, Sains Dan Sosial Humaniora* 1, no. 01 (2022).
 - 12 Hairunnisa Hairunnisa and Wisda Aprilia Syaka, "Analisis Komunikasi Politik Dalam Percepatan Pembangunan Ibu Kota Nusantara (IKN) Menuju Kota Berkelanjutan," *Journal of Government and Politics (JGOP)* 4, no. 1 (2022): 1–15, <https://doi.org/https://doi.org/10.31764/jgop.v4i1.8193>.

good coordination between agencies,¹³ or the absence of transparency in the planning process.

The government as the holder of power in formulating the development plan for the Nusantara Capital City must be able to provide the right support in order for the preparation of plans to run well and to avoid having problems with the power of the chairman of the authority. The support provided by the government can be in the form of clear regulations regarding the power of the chairman of authority in preparing development plans for the Nusantara Capital City and effective mechanisms for regulating and controlling this power.¹⁴ Moreover, the government can also provide support by improving coordination and communication between agencies involved in preparing the development plans for the new national capital, as well as increasing transparency in the process of preparing these plans. Thus, it is hoped that it can avoid problems with the power of the chairman of authority in preparing the development plan for the new national capital city.

Previous research has been published by Ervin Nugrohosudin entitled “Position of the Chairman of Nusantara Capital City Authority” in an accredited Legislative Journal. This journal raised issues related to the plan to move the capital from Jakarta to Kalimantan which will have implications not only for socio-economic aspects but also for regional geography and new constitutional dynamics. This is especially related to the status of the Chairman of Nusantara Capital City who holds two positions, namely as the Regional Head and as the Head of Government. This study applied a normative method with an emphasis on studying legal norms related to the research topic. The research concludes that moving the national capital city from Jakarta to Kalimantan Island will have implications for changing the structure of government administration in the new capital city. The transfer of the national capital was legitimized through Law Number 3 of 2022. Referring to Article 8 of Law Number 3 of 2022, it states that the Nusantara Capital City Authority is the organizer of the Special Regional Government for the Nusantara Capital City which is led by the Chairman of Nusantara Capital City Authority. Referring to Article 5 paragraph (4) of Law Number 3 of 2022, the position of the Chairman of Nusantara Capital City Authority is equivalent to the Minister. The process of appointing and dismissing them is based on the authority or power of the president in consultation with the House of Representatives (DPR). The new government system in the form of the formation of the Nusantara Capital City Authority with the Chairman of the Authority as the highest leader is expected to form a visionary governance and bring change to the new National Capital City.¹⁵ The difference between previous journal and the author’s research is that there is no further explanation regarding when the Chairman of the Authority acts as the Regional Head and when the Chairman of the Authority acts as the Head of Government because the absence of an explanation regarding the time can give rise to views on the use of the position of the Chairman of Authority.

Next is in the National ISSN Journal entitled “The Form of Nusantara Capital City in the Unitary State of the Republic of Indonesia” written by Doni Nugroho. This journal raised issues related to the form of Nusantara capital city as a special region which is something new in Indonesian history. The research method used was descriptive qualitative through a literature review and literature study approach. The conclusion from the research carried out by Doni was that the development of the Nusantara Capital City will create a new economic growth center that aims to encourage economic transformation in Indonesia so that Nusantara Capital City is given specificity in order to provide convenience in doing business. Therefore, the use of the Chairman of Nusantara Capital City Authority is a way for the government to speed up the issuance of permits and investments. Furthermore, the absence of the Regional Legislative Council (DPRD) in Nusantara Capital City is a weakness of supervision in Nusantara Capital City itself because the DPR RI will carry out supervisory functions there. Then, the majority of funding sources for

13 Muhammad RM Fayasy Failaq and Faraz Arelia, “Diskrepansi Sistem Pemerintahan Daerah Khusus Ibu Kota Negara (IKN) Nusantara,” *Jurnal Studi Kebijakan Publik* 1, no. 1 (November 2022): 57–69, <https://doi.org/10.21787/jskp.1.2022.57-69>.

14 Aditya Nurahmani and Putrida Sihombing, “Kajian Kebijakan Pembatasan Pengalihan Hak Atas Tanah Di Ibu Kota Nusantara,” *Majalah Hukum Nasional* 52, no. 1 (2022): 27–46, <https://doi.org/https://doi.org/10.33331/mhn.v52i1.181>.

15 Ervin Nugrohosudin, “Kedudukan Kepala Otorita Ibu Kota Nusantara Dalam Undang-Undang Nomor 3 Tahun 2022,” *Jurnal Legislatif* 3, no. No. 2 (2022): 79–89.

the development of Nusantara Capital City come from domestic or foreign investment so Nusantara will create a new economic cluster in the Republic of Indonesia. Therefore, the development of Nusantara should not be just a expectance without paying attention to other aspects.¹⁶ The existence of this new Capital City will create a new economic cluster so its development must be regulated in more detail or included in the 2025-2045 RPJPN therefore. in case of a change in leadership, the development of the new Capital City will continue according to plan.

Furthermore, in the nationally accredited Legal Dynamics Journal there is a similar article entitled “Juridical Overview of the Mechanism for the Forest Area Release and Investment Facilities for Infrastructure Development in Nusantara Capital City” published by Haibati Haira and Friends. This journal raised issues related to the release of forest areas for the location of the Nusantara Capital City. The research method used in this study was normative juridical. This research concluded that infrastructure development in Nusantara capital city fulfills the strategic objectives so the use of forest areas for development purposes outside of forestry activities can be carried out in the production and protection of forest areas. However, Appendix II of Law 3/2022 has stipulated that the HPK will be used for regional forest release. Furthermore, the Nusantara Capital City Authority as the organizer of the special region for Nusantara Capital City has the authority to acquire land in the Capital City through a forest area release mechanism. The mechanism for releasing regional forests in HPK was carried out following the provisions in PP 23/2021 by first submitting an application for approval for releasing the forest areas to the Minister of Environment and Forestry and carried out by an integrated research team. The Minister of Environment and Forestry reviewed the fulfillment of administrative and technical requirements and commitments. Based on research on the requirements and recommendations of the integrated team, the Minister of Environment and Forestry issued a decision to approve forest area release for part or all of the requested forest area to release the forest area.¹⁷

The last one is based on an article published by Doris Kokutungisa Ishenda and Shi Guoqing which was published in a reputable international journal with the title “*Determinants in Relocation of Capital Cities*”. This journal is related to the relocation of the capital city to another area for several reasons, but relocating the capital city is not easy given certain aspects. The research method used was the literature study using data spanning 20 years. This study concluded that the relocation of capital cities is usually carried out by developing countries. Some of the aspects on which the capital city relocation is based are that these countries have a low GDP per capita, large area, large population, and population density. Indonesia as a developing country has similar characteristics to this. Indonesia has a middle to lower GDP per capita with the 15th largest order in the world. Indonesia also has the 4th largest population in the world, so Indonesia has a big opportunity to relocate its capital, especially since Indonesia is a developing country. In addition, relocating the capital city will increase the chances of success in increasing investment.¹⁸

Based on the three previous studies, it can be concluded that there are similarities with the research that the authors will conduct. First, the object of study is the same, namely Nusantara Capital City. Second, there is another similar subject of study, namely the Chairman of Authority from the Nusantara Capital City. Third, the purpose of the study tends to be the same, which is to optimize the acceleration and results that are right on target from the development of Nusantara Capital City initiated by the President. Speaking of which, the novelty of this research is to find the disintegration between the Long Term National Development Plan and the Nusantara Capital City Development Master Plan which can become an obstacle to the sustainability of the development of all existing stages.

16 Doni Nugroho, “Bentuk Dan Kekhususan Ibu Kota Negara Nusantara Dalam Negara Kesatuan Republik Indonesia,” *The Indonesian Journal of Politics and Policy (IJPP)* 4, no. 1 (2022): 53–62.

17 Haibati Haira, Haedah Faradz, and Sanyoto Sanyoto, “Juridical Overview of the Mechanism for the Forest Area Release and Investment Facilities for Infrastructure Development in Nusantara Capital City,” *Jurnal Dinamika Hukum* 22, no. 2 (2022): 267–85.

18 Doris Kokutungisa Ishenda and Shi Guoqing, “Determinants in Relocation of Capital Cities,” *Journal of Public Administration and Governance* 9, no. 4 (2019): 200, <https://doi.org/10.5296/jpag.v9i4.15983>.

This research aims to complement the shortcomings that occur in the national development planning process, especially related to the Nusantara Capital City. This research is important because the process of preparing plans for the development of a new national capital is a large and very complex project, has the potential for state financial losses, and requires appropriate management to ensure the sustainability and progress of the development of the national capital. The power of the chairman of authority is a key factor in the process. However, there are obstacles in determining the proper authority or power in the process of preparing the development plan for the new national capital. Therefore, this research will make a significant contribution to understanding and overcoming this problem. The preparation of the concept design by the chairman of authority in the preparation of planning and development of Nusantara Capital City in harmony with the Long-Term National Development Plan is the final goal of the research.

Based on the background and objectives, this research will be divided into several discussions. First is the study of literature in the form of theory and legislation. The second is related to the power of the chairman of authority regarding the preparation of planning and development of Nusantara Capital City which will be discussed from various points of view. The third is the result of interviews with informants regarding the idea of the power of the Chairman of Nusantara Capital City Authority. Fourth is the conclusions and suggestions from the authors regarding this idea.

2. METHOD

The method used in this study is a normative method equipped with interviews. The normative method with interviews is a research method that utilizes the results of interviews with experts as reference material for legal research, not only legal facts, legal regulations, cases that have occurred in the past, and other legal materials that will be reviewed in this discussion.¹⁹ The type of approach used in this research is the legislative approach. The legislative approach is an approach used by examining and comparing several pieces of legislation.²⁰ The laws and regulations used in this research are Law Number 25 of 2004 concerning the National Development Planning System, Law Number 17 of 2007 concerning the Long Term National Development Plan 2005 – 2025, Law Number 9 of 2015 concerning Second Amendments on Law Number 23 of 2014 concerning Regional Government, Law Number 3 of 2022 concerning National Capital City, and Presidential Regulation Number 63 of 2022 concerning Details of the Master Plan for Nusantara National Capital City. Apart from using a legislative approach, this research also uses a conceptual approach, which is conceptualizing the preparation of harmonious development planning between the Long Term National Development Plan and the Medium Term National Development Plan with the Development Master Plan.²¹

A philosophical approach can provide a strong basis for research methods in the context of planning and development of Nusantara National Capital City. The philosophy underlying the planning and development process can provide a broader view of the goals and values to be achieved.²² For example, philosophical approaches such as humanism or ecology can form a deep moral foundation in planning decision-making, leading to sustainable development and a positive impact on society and the environment. A futuristic approach to research methods can help anticipate and design plans that are relevant and sustainable in the long term. By looking at future trends, developing technology, and challenges that will arise,²³ a futuristic approach helps to identify future needs and guide developments to remain relevant over the longer term. By integrating a philosophical approach that prioritizes human values and a futuristic approach that anticipates technological

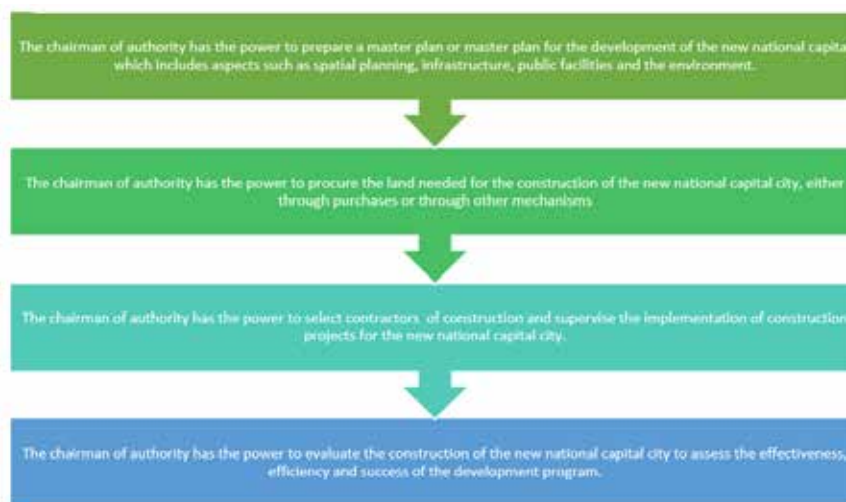
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- 19 Depri Liber Sonata, "Metode Penelitian Hukum Normatif Dan Empiris: Karakteristik Khas Dari Metode Meneliti Hukum," *Fiat Justisia* 8, no. 1 (2014): 21.
 - 20 Josef Myslin and Jiri Kaiser, "State Approach - Index - Based Measurement," *TEM Journal*, 2022, <https://doi.org/10.18421/TEM112-03>.
 - 21 Amelia Puspita Sari and Dara Manista Harwika, "Legal Liability of Artificial Intelligence in Perspective of Civil Law in Indonesia," *International Journal of Social Science Research and Review*, 2022, <https://doi.org/10.47814/ijssrr.v5i2.191>.
 - 22 Syahrur Adjani Rianto et al., "Disiplin Hukum Dalam Pendekatan Filsafat Hukum," *PESHUM: Jurnal Pendidikan, Sosial Dan Humaniora* 2, no. 3 (2023): 422–33.
 - 23 Dini Sri Wahyuni, Yuliana Yuliana, and Darul Ilmi, "Pendekatan Futuristik," *ANTHOR: Education and Learning Journal* 2, no. 3 (2023): 416–22.

developments and future needs, this research method aims to create planning and development for Nusantara Capital City that is not only relevant in the long term but also based on morals and responsibility towards the future of upcoming generations. The data analysis technique is carried out qualitatively, in which the data are obtained with the results of the legislative and conceptual approach which will be analyzed measurably in order to obtain the meaning contained in the facts found in the data collection.²⁴

3. FINDINGS AND DISCUSSION

3.1 Problems with the Power of the Chairman of Authority Regarding the Preparation of Planning and Development of Nusantara Capital City

Figure 1. Power of the Chairman of Authority in the Development of National Capital City



Source: Law of National Capital City

Figure 1 above explains several authorities of the Chairman of Authority in developing the National Capital City. The Chairman of Authority can be interpreted as a government official who has the power or authority to manage an area or project, while the power in question includes making decisions related to planning and development, supervising project implementation, and evaluating development results. In Article 5 Paragraph (4) of Law Number 3 of 2022 concerning National Capital City (hereinafter referred to as the Law of National Capital City), the chairman of Nusantara Capital City Authority is the head of the regional government specifically for the Nusantara Capital City whose position is at ministerial level, appointed, inaugurated and dismissed by the president.²⁵ This shows that the chairman of authority has full power and responsibility regarding the development plans for Nusantara Capital City as stated in the development master plan.

Based on the contents of the Academic Text of the Law of National Capital City, the philosophical basis attached to this research strongly refers to the outlook on life, awareness, and legal ideals reflected in the values of Pancasila and the Preamble to the 1945 Constitution of the Republic of Indonesia (UUD NRI). The planning and development of the National Capital City is a means for implementing Pancasila values, distancing itself from potential inconsistencies with the basic foundation of Pancasila. This approach recognizes the importance of ensuring that the planning and development of the Nusantara Capital City is always in line with the principles of Belief in the one and only God, Just and civilized humanity, The unity of Indonesia, Democracy guided by the inner wisdom in the unanimity arising out of deliberations among representatives, and Social justice for the whole of the people of Indonesia. In addition, the agenda for the development of the Nusantara Capital City is in line with the ideals of the Republic of Indonesia which aims to protect and improve the welfare of all people,

24 Zuchri Abdussamad, *Metode Penelitian Kualitatif* (Makassar: CV. Syakir Media Press, 2021).

25 Faraz Almira Arelia, “Ambiguitas Kewenangan Kepala Otorita Dalam Menyelenggarakan Pemerintahan Daerah Khusus Ibu Kota Nusantara Perspektif Siyasah Dusturiyyah” (UIN Sunan Kalijaga Yogyakarta, 2023).

advance the quality of people's lives, strengthen education, and make a positive contribution to a world order based on freedom, eternal peace and social justice. These principles guide the planning and implementation of the National Capital City so that it becomes an inclusive and harmonious space, reflects peace, and respects diversity and unity in Indonesian society.²⁶

National Capital City has a hybrid character; on the one hand, it is a region, while on the other hand, it is part of the Central Government, thus the region is special. Therefore, the President can also delegate management authorities as previously mentioned, and regulatory authorities, but not all of them, because in principle the management control of the National Capital City is ultimately with the President.²⁷ The specificity of the National Capital City will emerge in the Management Function (*beheersdaad*) where the Central Government/President fully delegates the management functions attached to it regarding the management of the National Capital City area to what is called the Nusantara Capital City Authority.²⁸ Furthermore, the Supervision Function (*toezichthoudensdaad*) will again be carried out by the Central Government/President as the mandate giver to the Nusantara Capital City Authority. In addition, supervision is also carried out by the DPR.

The existence of a development planning policy for Nusantara Capital City was not made without any aims and objectives to be achieved by the government. There are several visions and missions of the government in issuing this policy. This is stated in Article 2 of the Law of National Capital City. In this article, it is stated that the purpose of developing the Nusantara Capital City is to become a sustainable city in the world, as a driving force for the Indonesian economy in the future, and to become a symbol of national identity that represents the diversity of the Indonesian nation based on Pancasila and the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution).²⁹

The program launched by the government in carrying out the development of National Capital City includes launching the concept of a smart forest city, namely providing easy access and mobility, the existence of green open spaces, the existence of high standards of security and safety, and the existence of a digitally connected public and banking sector. In the economic sector, the concept of three strong cities is formed, namely the city of IKN, Balikpapan, and Samarinda where these three cities will form a triangle of complementary economic development. Apart from that, in accordance with Superhub's vision, the National Capital City economy will be realized through the development of 6 economic clusters, namely:

1. Clean Technology Industrial Cluster, with a mission to provide products that support mobility and environmentally friendly utilities. The development of this sector is focused on the clean technology industry for mobility and utilities that are more environmentally friendly, namely assembling solar panels and two-wheeled electric vehicles.³⁰
2. Integrated Pharmaceutical Cluster, with the mission of developing a cost-efficient and best-in-class pharmaceutical manufacturing center for better health security and resilience. Its development is focused on the production of generic active pharmaceutical ingredients (API), biosimilars, and biologics to meet increasing domestic needs and strengthen national resilience to health crises.³¹
3. Sustainable Agricultural Industry Cluster, with a mission to develop a plant-based food production and innovation center that is sustainable and responsive to future health/fitness trends. Its development focuses on vegetable protein, herbs, and nutrition, as well as plant extract products.³²

26 Badan Perencanaan Pembangunan Nasional, *Naskah Akademik Undang-Undang Nomor 3 Tahun 2022 Tentang Ibu Kota Negara* (Jakarta: Badan Perencanaan Pembangunan Nasional, 2022).

27 Badan Perencanaan Pembangunan Nasional, 92.

28 Reka Gusnaeni, "Analisis Undang-Undang Nomor 3 Tahun 2022 Tentang Pembentukan Ibu Kota Negara Dalam Perspektif Pembentukan Perundang-Undangan" (*Hukum Tata Negara*, 2022).

29 "Undang-Undang Nomor 3 Tahun 2022 Tentang Ibu Kota Negara" (n.d.).

30 Nur Laili et al., "Inovasi Berbasis Pengguna: Survei Industri Teknologi Pengolahan Air Bersih Di Indonesia," *Jurnal Manajemen Teknologi*, 2016, <https://doi.org/10.12695/jmt.2016.15.2.1>.

31 Erna Yulianti et al., "Perancangan Sistem Informasi Manajemen Rumah Sakit Modul Farmasi," *Perancangan Sistem Informasi Manajemen Rumah Sakit Modul Farmasi*, 2015.

32 Retno Dwi Puspitasari, "Pertanian Berkelanjutan Berbasis Revolusi Industri 4.0," *Jurnal Layanan Masyarakat (Journal of Public Services)*, 2020, <https://doi.org/10.20473/jlm.v3i1.2019.26-28>.

4. Inclusive Ecotourism Cluster, with a mission to develop world-class ecotourism destinations. based on ecotourism and wellness tourism assets with a distinctive global identity from East Kalimantan. Ecotourism development will also be supported by city tourism, meetings, incentives, conferencing, exhibitions (MICE), as well as health and wellness tourism.³³
5. Chemical and Chemical Derivatives Cluster, with the mission of building a center for the development of chemicals and chemical derivatives for sectors that have the potential to have high demand and create jobs by utilizing natural resources in East Kalimantan. The development focuses on oleochemicals supported by medium to high levels of development in the petrochemical industry and the provision of skilled labor.³⁴
6. Low Carbon Energy Cluster, with a mission to transform the existing energy industry in East Kalimantan by developing low carbon energy production as a future energy source, such as biofuel, synthetic fuel, and coal gasification.³⁵

Determination of the location of the new national capital city: The chairman of authority has the authority to determine the location of the new national capital city in accordance with geographical, social, and economic conditions.³⁶

1. Determination of master plan: The chairman of authority has the power to prepare a master plan for the development of the new national capital city which includes aspects of spatial planning, infrastructure, public facilities, and the environment.
2. Procurement of land: The chairman of authority has the power to procure land needed for the construction of the new national capital, either through purchase or through other mechanisms
3. Selection of contractors and supervision of implementation: The chairman of authority has the power to select construction contractors and supervise the implementation of projects for the construction of the new national capital city.
4. Evaluation of development: The chairman of authority has the power to evaluate the construction of the new national capital to assess the effectiveness, efficiency, and success of the development program.

It is undeniable that in planning and development a new national capital city there will always be a risk of failure which must be anticipated from the start. Some of the factors that can cause failure in a new national capital development project include:

1. Limitations of Resource. Preparing the planning and development of a new country's capital city requires enormous resources, either in terms of finance, human resources, or technology.³⁷ This limited resource can cause delays in project progress and trigger corruption and budgetary misappropriation.
2. Social conflict. The development of a new national capital city can lead to social conflicts with local people who feel disadvantaged by the project. This conflict can trigger resistance, sabotage, and even violence that can disrupt the project.³⁸
3. Technical Failure. Technical failures in the planning and construction of infrastructure in the new

33 Kasmianti and Arya Hadi Dharmawan, "Ekowisata, Sistem Nafkah, Dan Decoupling Sustainability Di Wakatobi, Sulawesi Tenggara -- Ecotourism, Livelihood System and Decoupling Sustainability in Wakatobi, Southeast Sulawesi," *Sodality: Jurnal Sosiologi Pedesaan*, 2016, <https://doi.org/10.22500/sodality.v4i2.13391>.

34 Robastian Yudha Galvani, Nazrul Effendy, and Arif Kusumawanto, "Simposium Nasional RAPI XVI-2017 FT UMS," *Publikasiilmiah.Ac.Id*, 2017.

35 Saraswati and Adi, "Pemindahan Ibu Kota Negara Ke Provinsi Kalimantan Timur Berdasarkan Analisis SWOT."

36 Muhammad Yusuf Ridhani, Miftahul Ridhoni, and Andi Achmad Priyadharna, "Isu Strategis Terkait Transportasi Dalam Pengembangan Perencanaan Pembangunan Ibu Kota Negara (IKN) Baru," *SPECTA Journal of Technology*, 2021, <https://doi.org/10.35718/specta.v5i3.388>.

37 Wesley Liano Hutasoit, "Analisa Pemindahan Ibukota Negara," *DEDIKASI: Jurnal Ilmiah Sosial, Hukum, Budaya* 39, no. 2 (2019): 108–28, <https://doi.org/https://doi.org/10.31293/ddk.v39i2.3989>.

38 Suryadi Jaya Purnama and Chotib Chotib, "Analisis Kebijakan Publik Pemindahan Ibu Kota Negara," *Jurnal Ekonomi & Kebijakan Publik* 13, no. 2 (2023): 153–66, <https://doi.org/http://dx.doi.org/10.22212/jekp.v13i2.3486>.

national capital city could lead to project delays,³⁹ even resulting in a total failure of the project.

4. Environmental factor. The development of a new national capital city can also have an impact on the surrounding environment. If not carried out properly, this development can damage the environment and threaten the survival of local communities and the surrounding ecosystem.⁴⁰
5. Changes in Government Policy. Changes in government policy can have an impact on planning and building a new national capital city.⁴¹ If significant policy changes occur, projects may experience delays or even be canceled.

Based on existing data, the Chairman of the Authority is fully responsible for the National Capital City as stated in the Development Master Plan. Based on the results of the interview, it was also said that National Capital City will become a region with a hybrid system: on the one hand as a region but on the other hand as part of the central government. Based on this, the government can pay attention to these factors and mitigate risks from the start in order to avoid or minimize failure in the development project for the new national capital city. This can be indicated from a legal perspective on development planning that is not well integrated. Law Number 17 of 2007 concerning the Long-Term National Development Plan (hereinafter referred to as the RPJPN) should become a national development planning document because this document is an elaboration of the objectives for the establishment of the Indonesian State Government. However, in the development of the National Capital City, this law is not a reference in the considerations considering the Law of National Capital City and its derivatives, namely the Presidential Regulation of the Republic of Indonesia Number 63 of 2022 Concerning Details of the Nusantara Capital City Master Plan (hereinafter referred to as Perpres Detailing RIP). This also applies to the RPJPN which consists of 4 stages that will later be derived into the Medium Term National Development Plan (hereinafter referred to as RPJMN) in the RPJPN no section states that there will be a plan to build a new capital city known as National Capital City as it is now.

This has been confirmed by the results of interviews with relevant stakeholders who directly drafted the policy, who stated

*“In the 2005 to 2025 RPJPN there are no plans regarding moving the capital city to Kalimantan. However, in the RPJNP there are 5 stages which are translated into the RPJMN 2004 - 2009, 2010 - 2014, 2015 - 2019, and 2020 - 2025. Previously it had not been thought of and the idea emerged in the Pak Jokowi era to be realized so the drafting of the Bill, the preparation of the Master Plan, entered into in the RPJMN because in the RPJP there is no revision mechanism; all that exists is to translate the RPJMN that previously did not exist and adapt it to the vision and mission of the President and Vice President. Likewise with the RKP, because in the RPJMN there is no revision mechanism, it will be translated into the Government Work Plan every year”.*⁴²

Based on the results of the interview above, it was found that the plan to move the capital city to Kalimantan did not yet exist in the 2005 to 2025 RPJPN. This was because at that time it had not yet been thought of moving the capital city. However, because in the RPJPN there is no mechanism for carrying out revisions, the plan to move the capital city to Kalimantan is outlined in the Government Plan every year.

39 Rizkiana Sidqiyatul Hamdani, “Proyek Lintas Batas Administrasi: Analisis Partisipasi Publik Dalam Proses Perencanaan Ibu Kota Negara Republik Indonesia,” *Journal of Regional and Rural Development Planning (Jurnal Perencanaan Pembangunan Wilayah Dan Perdesaan)* 4, no. 1 (2020): 43–62, <https://doi.org/https://doi.org/10.29244/jp2wd.2020.4.1.43-62>.

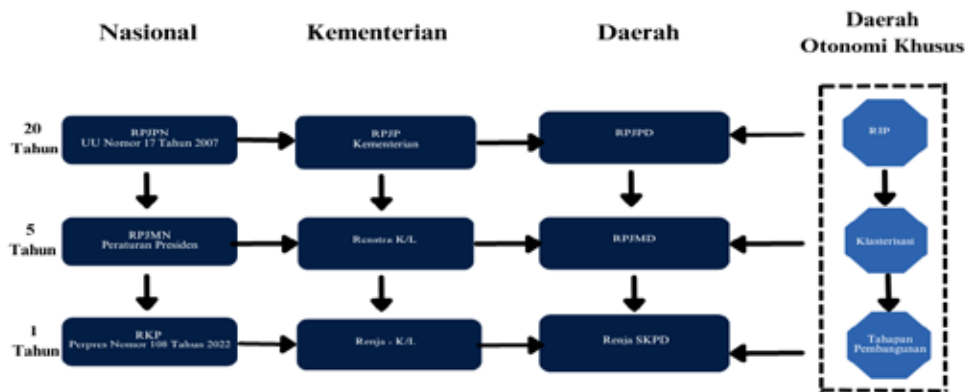
40 Aufa Hanum Salsabila and Nunung Nurwati, “Deforestasi Dan Migrasi Penduduk Ke Ibu Kota Baru Kalimantan Timur: Peran Sinergis Pemerintah Dan Masyarakat,” *Prosiding Penelitian Dan Pengabdian Kepada Masyarakat* 7, no. 1 (2020): 27, <https://doi.org/10.24198/jppm.v7i1.28259>.

41 Surya Dwi Saputra and Mhd Halkis, “Analisis Strategi Pemindahan Ibu Kota Negara Indonesia Ditinjau Dari Perspektif Ekonomi Pertahanan (Studi Kasus Upaya Pemindahan Ibu Kota Negara Dari DKI Jakarta Ke Kutai Kartanegara Dan Penajam Paser Utara),” *Ekonomi Pertahanan* 7, no. 2 (2021): 192–220.

42 Rianda Dirkareshza, “Hasil Wawancara Dengan Direktur Regional II Badan Perencanaan Pembangunan Nasional (BAPPENAS)” (Jakarta, 2023).

3.2 The Concept of Problems on the Power of the Chairman of Authority in Preparing the Planning and Development Nusantara National Capital City which must be in accordance with the Long Term National Development Plan

Figure 2. Roadmap for Indonesia's Development Plan linked to the Development Master Plan



Source: Author's Concept

Based on the schematic picture above, in implementing development, the government acts based on the RPJPN which contains National development strategies, general policies, programs of Ministries/Agencies and across Ministries/Agencies, regional and cross-regional, as well as a macroeconomic framework which includes a comprehensive picture of the economy including direction of fiscal policy in the work plan in the form of a regulatory framework and indicative funding framework valid for 20 years. Then, this RPJPN will be used as a guideline in preparing the RPJMN which is a further explanation regarding the government's vision, mission, and programs which are valid for 5 years. This RPJMN will be used as a guideline in preparing the Government Work Plan (hereinafter referred to as RKP) which is an elaboration of the vision, mission, policy direction, and main development targets valid for 1 year.⁴³

In the development of the IKN being carried out in East Kalimantan, the RPJPN should be used as a guideline because this is the development of the national capital city, but in fact, the development of the National Capital City is not guided by the RPJMN but on the Government Master Plan (hereinafter referred to as RIP), which is an integrated planning document that serves as a guideline for the Nusantara Capital City Authority and/or the Central Government in carrying out the preparation, construction, and relocation of the National Capital City, as well as the administration of the Special Capital Region of Nusantara Capital City. The preparation of the RIP itself is not guided by the RPJPN so the RIP has no connection with the RPJPN. This is certainly not in accordance with the provisions in the legislation which states that in the case of a development plan, it must be guided by the RPJPN, so that the RIP also has a relationship with the RPJPN, not standing alone as it is at present.

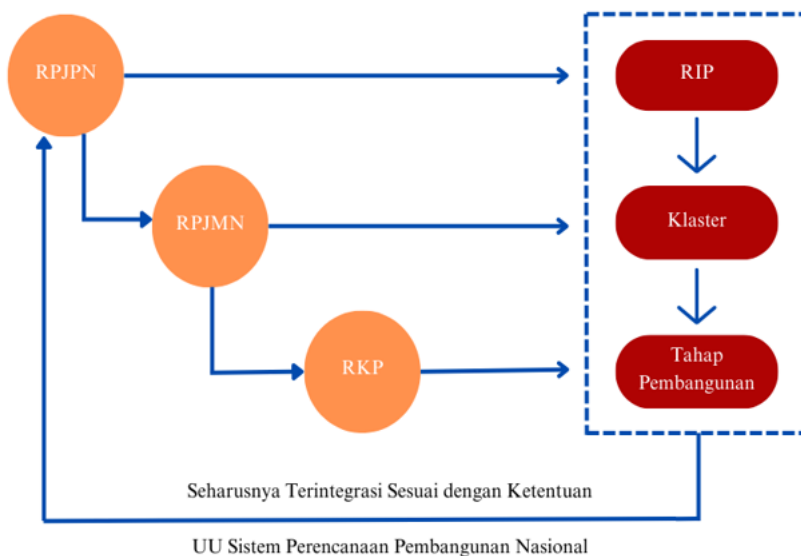
The lack of connection between the RIP and the RPJPN can be problematic in itself. However, this can be overcome by implementing a mixed government system or what is better known as a hybrid government.⁴⁴ *Hybrid government means that* the position of the National Capital City as a region is also part of the central government. Apart from that, through this concept, the government can also delegate administrative and regulatory authorities, but not all of them, because in principle the management control of IKN is ultimately with the President. Then the Central Government/President fully delegates the management functions attached to it regarding the management of the National Capital City area to the Nusantara Capital City Authority but

43 "Sistem Perencanaan Pembangunan Nasional," Kebijakan Kesehatan Indonesia, 2019, <https://kebijakankesehatanindonesia.net/36-sinkronisasi/2586-sistem-perencanaan-pembangunan-nasional>.

44 Arnita Jamil, "Sistem Pemerintahan Presidensial Dalam Negara Kesatuan Republik Indonesia," *Jurnal Transformasi Administrasi* 10, no. 02 (2020): 189–202, <https://doi.org/https://doi.org/10.56196/jta.v10i02.163>.

remains under the supervision of the President and the DPR.⁴⁵ The specificity of this National Capital City has its own standard that has been determined based on the results of an in-depth and mature study, namely the National Capital City Master Plan as the main reference for the management of National Capital City by the National Capital City Authority as the organizer of the Special Regional Government for the National Capital City. The National Capital City Master Plan in the future can be integrated with the RPJPN so that there is harmony between national development guidelines and development in the National Capital City.

Figure 3. Development flow according to the National Development Planning System Law



Source: Author's Concept

RIP is an integrated planning document that serves as a guide for the Nusantara Capital City Authority and/or the Central Government in carrying out the preparation, development, and relocation of the National Capital City, as well as the administration of the Special Regional Government for the Nusantara Capital City. RIP is also a 20-year term planning concept. However, there are indications that this RIP could become a rival to the RPJPN because it has a position that can be said to be the same. Apart from that, in the drafting of the Law of National Capital City, there was no mention of considering the RPJPN or RPJMN. In this case, it can be said that the government does not refer to the RPJPN. This is certainly not in accordance with the previously set priorities in implementing government programs.⁴⁶ Apart from that, this can also be a legal problem because development planning should be guided by the RPJPN as a national guideline.

The concepts that have been visualized and narrated by the authors have been validated by the Regional Director II of the National Development Planning Agency in interviews conducted on 12 – June – 2023, including:

“It is hoped that the certainty of IKN development will be locked in the RPJPN commitment that whoever Head of Governments elected, this will continue, and the position of the Law of IKN is also not yet secure because it can only be said that the capital of the country is the IKN Nusantara if there is a Presidential Decree. Indeed, a blueprint should be made so that when the new government comes in and sees it, they will think that it would be a shame if it was canceled or maybe if it is canceled it will be repurposed as another place.”

45 Badan Perencanaan Pembangunan Nasional, Naskah Akademik Undang-Undang Nomor 3 Tahun 2022 Tentang Ibu Kota Negara.

46 Elsa Benia and Ghina Nabilah, “Politik Hukum Dalam Proses Pemindahan Ibu Kota Negara Melalui Pembentukan Undang-Undang Ibu Kota Negara (UU IKN),” *Jurnal Hukum Lex Generalis* 3, no. 10 (October 31, 2022): 806–25, <https://doi.org/10.56370/jhlg.v3i10.323>.

Apart from that, the theory of development law put forward by Mochtar Kusumaatmadja states that law is a tool that cannot be ignored in the development process and is the main indicator in the development process. Therefore, the law is expected to play a role as a means of development that does not simply dismantle and replace regulations without paying attention to social aspects related to the impact of moving the National Capital City.⁴⁷ Mochtar reminded the broad meaning of law which is not limited to social rules as he often mentioned before, but also includes all the principles in human life, institutions, and processes that embody the application of these rules in reality.⁴⁸ Due to the broad scope of this, legal development cannot be carried out with a normative approach alone but must be comprehensive.⁴⁹

Based on the legal theory of development above, it can be concluded that there is an impression that the law actually shows a malaise or lack of trust. He said this situation was inappropriate because it underestimated the meaning and function of law in society.⁵⁰ In this regard, the authors provide suggestions through Figures 1 and 2 so that policymakers, especially in the executive realm, can integrate the RIP with the 2025-2045 RPJPN so that each stage of development can be included in the grand master plan for the country in the next 20 years. This is to ensure that development which has used a lot of Indonesian people's money does not go to waste when there is a shift in political views through the elected President in 2024.

4. CONCLUSION

The power of the Chairman of Authority in planning and developing the Nusantara capital city is to determine the location of the new national capital in accordance with geographical, social, and economic conditions. Apart from that, the Chairman of the Authority also has the power to prepare a master plan for the development of the new national capital which includes aspects of spatial planning, infrastructure, public facilities, and the environment.

The development of a National Capital City that is not guided by the RPJPN will cause its own problems, but this can be overcome by applying the concept of Hybrid Government where in this concept the government can also delegate administrative and regulatory authorities, but not entirely, because basically the National Capital City control center remains with the President. However, it is indicated that the RIP could become a rival to the RPJPN because it has a position that can be said to be the same. In the drafting of the Law of National Capital City, it was not stated that it was considering the RPJPN or RPJMN. Therefore, with the process of integrating the RIP into the 2025 - 2045 RPJPN and including every stage of the RIP development planning into the RPJPN to become the country's grand master plan for the next 20 years, this will ensure that the development of the Nusantara Capital City can continue even though the stakeholders' policies will change.

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47 Nor Fadillah, "Tinjauan Teori Hukum Pembangunan Mochtar Kusumaatmadja Dalam Undang-Undang Ibu Kota Negara (IKN)," *Supremasi Hukum: Jurnal Kajian Ilmu Hukum* 11, no. 1 (August 24, 2022): 45, <https://doi.org/10.14421/sh.v11i1.2559>.

48 Shidarta, *Posisi Pemikiran Teori Hukum Pembangunan Dalam Kon-Figurasi Aliran Pemikiran Hukum (Sebuah Diagnosis Awal)* (Jakarta: Epistema Institut & Huma, 2012).

49 M Zulfa Aulia, "Hukum Pembangunan Dari Mochtar Kusuma-Atmadja: Mengarahkan Pembangunan Atau Mengabdikan Pada Pembangunan?," *Undang: Jurnal Hukum* 1, no. 2 (2018): 363–92, <https://doi.org/https://doi.org/10.22437/ujh.1.2.363-392>.

50 Mochtar Kusumaatmadja, *Fungsi Dan Perkembangan Hukum Dalam Pembangunan Nasional* (Lembaga Penelitian Hukum dan Kriminologi, Fakultas Hukum, Universitas ..., 1970).

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