

Legal Policy on The Relocation of the State Capital in The Indonesian Constitutional System

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Abstract

The relocation of the National Capital from Jakarta to the archipelago is a strategic policy that is not only related to the development of new government areas, but also has consequences for the constitutional system, central and regional relations, and the distribution of government authority. This study aims to analyze the constitutional legitimacy of the policy of relocating the National Capital, juridical rationality, politics, and policy in determining East Kalimantan as the location of the archipelago, as well as the status and position of the archipelago in the Indonesian constitutional system. The research uses normative legal research methods with laws and regulations, conceptual, and analytical, supported by secondary legal materials and relevant field data. The analysis is carried out qualitatively using the perspective of people's sovereignty, the rule of law, legal politics, open legal policy, utilitarianism, distributive justice, and policy instruments. The results of the study show that the policy of moving the State Capital has a constitutional basis and is included in the open legal policy space because the 1945 Constitution of the Republic of Indonesia does not explicitly determine the location of the national capital. However, the legitimacy of the policy is not only determined by the formal legality through the IKN Law, but also by the quality of public participation, protection of rights, distributive justice, proportionality, and accountability. The determination of East Kalimantan has juridical, political, and policy rationality that can be accounted for, but its success is conditional on the state's ability to distribute development benefits and control social, economic, and ecological impacts. Meanwhile, the archipelago has the character of a special regional government at the provincial level organized by the IKN Authority, thus forming an institutional design that is different from conventional regional government. The study concludes that the main challenge of moving the IKN is not solely a question of constitutionality, but how the institutional specificity of the archipelago is built with legal certainty, democracy, representation, accountability, and balance of central-regional relations.

Keywords: National Capital; Archipelago; Legal Policy; Constitutional Legitimacy; Open Legal Policy; IKN Authority; Constitutional System.

INTRODUCTION

The national capital is not solely an administrative location where government activities take place, but also represents the center of political power, state administration, national identity, and the direction of a country's development (Gilliland, 2013). In its development, the relocation of the capital has been carried out by various countries with different backgrounds, among others to reduce pressure on the old city, distribute development more evenly, strengthen regional integration, and form a center of government that is more in line with the direction of national development (Azmy, 2021). The literature on capital cities shows that the relocation of the capital is basically a multidimensional policy because it concerns at the same time aspects of government, politics, economy, social, environmental, and spatial planning (Hilal et al., 2024).

In the Indonesian context, the idea of moving the capital is not a completely new phenomenon. The discourse has emerged since the time of President Soekarno through the idea of Palangkaraya, then developed again during the time of President Soeharto through the Jonggol development plan, and was reviewed again during the time of President Susilo Bambang Yudhoyono. During the administration of President Joko Widodo, the idea took on a more concrete form of policy through a series of government studies that ultimately led to the decision to build a new capital city outside Java. Bappenas developed several scenarios, ranging from defending Jakarta with various improvements, moving the government center to a new location on the island of Java, to moving the capital and the center of government to areas outside Java. The last option then became the basis for the development policy of the Capital City of the Archipelago (IKN) (Absor et al., 2023; Amal & Sulistyawan, 2022; Hindiawati, 2024).

The move is based on a number of policy reasons, including reducing the burden on Jakarta and the Greater Jakarta area, reducing population concentration and economic activity on the island of Java, encouraging equitable development in the eastern part of Indonesia, shifting the development paradigm from *Javanese* To *Indonesian-centric*, as well as building a new capital with character *smart*, *green*, and *Beautiful City* (Aditya & Fuadi, 2021; Herdiana, 2022; Khatami Rafsanjani, 2024; Purnama & Chotib, 2022; Sembiring, 2022). Based on these considerations, the government designated areas in North Penajam Paser Regency and Kutai Kartanegara Regency, East Kalimantan, as the location of the new IKN on August 26, 2019. The considerations presented include the level of disaster risk which is considered relatively low, strategic location geographically, proximity to Balikpapan and Samarinda, the possibility of infrastructure development, and the availability of state land.

However, the relocation of the capital cannot be assessed solely based on the reasons for development and the feasibility of the location. The decision has fundamental legal and constitutional consequences because it changes the location of the center of government while forming a new institutional design. Normatively, the policy was then outlined through Law Number 3 of 2022 concerning the State Capital, which was subsequently amended through Law Number 21 of 2023. The establishment of the law provides a formal legal basis for the development of the archipelago and the administration of government through the Nusantara Capital Authority. Thus, the relocation of the capital is no longer solely a political choice of the government, but has been converted into a legal policy that has consequences for the structure of government, central and regional relations, management of territory, land, environment, and the protection of people's rights.

The question that arises is whether the existence of the law itself has provided adequate constitutional legitimacy for the relocation of the capital. The 1945 Constitution of the Republic of Indonesia does not explicitly determine the location of the national capital or the special procedure for its relocation, thus providing space *for open legal policy* for lawmakers, but the space is still limited by the principles of the rule of law, people's sovereignty, division of power, respect for constitutional rights, and democracy. Therefore, constitutional legitimacy is not enough to be assessed from formal legality, but also from the coherence between the source of authority, the process of using it, and the constitutional goals to be achieved, which include formal, institutional, and substantive dimensions in the form of law-forming authority and procedures, the involvement of the President, the House of Representatives, and the DPD, as well as the quality of democracy, openness, public participation, protection of rights, and fairness in the distribution of benefits and policy burdens. This problem is further complicated by the establishment of Nusantara as a special regional government at the provincial level organized by the IKN Authority. Unlike provinces in general, the Authority is led by a Head of Authority who holds a ministerial position and is appointed and dismissed by the President, while the government structure does not fully follow the pattern of the governor and the DPRD. Thus, the archipelago has a hybrid institutional character that raises questions about the position of the Authority in the local government system, the source and limits of its authority, the accountability mechanism, and its conformity with Article 18 and Article 18B of the 1945 Constitution of the Republic of Indonesia.

Previous studies have made an important contribution to the understanding of IKN policy, but still show fragmentation of perspectives. Mahardika & Saputra (2022), for example, focusing on procedural and procedural issues *Fast-track* the formation of IKN policies. Djayanti et al. discussed the IKN from the perspective of the 1945 Constitution and legal politics, but have not deeply integrated the issue of constitutional legitimacy with the social impact of the policy. Meanwhile, Hackbarth & de Vries (2021) Examining large-scale land interventions in the relocation of the capital city with a main focus on ecological consequences and land use changes. Other studies focus on the power of the President and the position of the Head of the Authority. Thus, existing studies tend to look at the transfer of the capital city through a certain dimension, both procedural, political, institutional, and ecological.

These limitations show that there is a research gap in the legal study of the relocation of the capital in Indonesia, namely that there has not been much research that systematically connects the constitutional legitimacy of the policy, the rationality of the determination of the location, and the status and institutional position of the IKN in a single constitutional framework. In fact, the three issues are interrelated. The legitimacy of the policy determines the basis of the state's authority to move the capital; the rationality of the choice of location determines the juridical and policy justification for the designated area; while the institutional design determines how the new center of government is placed in the state structure. This study explicitly places the three dimensions as a series of analyses by expanding the study

not only on procedural compliance, but also on public participation, protection of rights, socio-economic impact, the environment, and the monitoring mechanism.

On that basis, this article departs from the argument that the relocation of the National Capital is a legal policy that is normatively possible in the *open legal policy space*, but its constitutional legitimacy does not stop at the existence of the law as a formal legal basis. The policy must be tested through the relationship between constitutional authority, the legislative process, the rationality of location selection, the protection of rights, and the coherence of the institutional design of the archipelago. In the framework of a democratic legal state, the relocation of the capital can be seen as a constitutional policy in a basic and formal manner, but the quality of its constitutional legitimacy must still be tested substantively.

Based on these problems, this study aims to analyze the constitutional legitimacy of the legal policy of relocating the State Capital, examine the juridical, political, and policy rationality in determining East Kalimantan as the location of the IKN, and analyze the status and position of the archipelago in the Indonesian constitutional system. With this approach, the research is expected to contribute to the development of constitutional law studies regarding the limits of *open legal policy*, the design of special regional governments, and the relationship between state strategic policies and the principle of constitutionalism. At the practical level, this study is also directed to provide a basis for evaluating the legal and institutional design of the IKN so that the development of the new government center remains within the framework of legal certainty, democracy, accountability, protection of people's rights, and the principle of the rule of law.

LITERATURE REVIEW

Constitutional Legitimacy, the Rule of Law, and People's Sovereignty

The concept of constitutional legitimacy is an important foundation in assessing the strategic policy of the state because the validity of a policy is determined not only by the existence of a formal legal basis, but also by its conformity with constitutional principles. In the state of law, the power of government must be limited and exercised according to law, while the constitution serves as an instrument that regulates the sources, limits, and use of state power. Perspective *Rule of law* emphasizing the guarantee of human rights, the division of power, and governance based on laws and regulations, while *Rule of Law* emphasizing the rule of law, equality before the law, and the protection of individual rights. Thus, the legality of a policy is not automatically identical to its constitutional legitimacy (Al Faruq, 2025; Buana et al., 2023; Ratnaningsih & Banjarnahor, 2023).

In the context of the relocation of the State Capital, the perspective of the state of law becomes relevant because the policy is a state action that results in changes to the territory, institutions, government authority, and the relationship between the government and the community. Therefore, the test of the IKN relocation policy needs to include at least three aspects, namely the source of authority, the procedure for the use of authority, and the substance of the policy. This approach is in line with the idea that constitutional legitimacy is not enough to see whether a policy has obtained a legal form, but also whether the policy is formed and implemented in the corridor of the rule of law, division of power, and protection of rights.

This concept is closely related to the theory of people's sovereignty. The 1945 Constitution affirms that sovereignty is in the hands of the people and is implemented according to the Constitution. Therefore, strategic policies that have far-reaching consequences for society need to be placed within the framework of participation, representation, and accountability. The theory of people's sovereignty is used to see whether the community gains space to express aspirations, whether representative institutions carry out their representative functions, and whether state institutions can be held accountable for the decisions taken (Fahmi, 2010; Ulhaq et al., 2023).

With this framework, the constitutional legitimacy of the transfer of the IKN can be understood as a multidimensional concept. Formal legitimacy is related to the legal basis and procedure for the formation of laws; institutional legitimacy is related to the involvement of the President, the House of Representatives, and the DPD; while substantive legitimacy is related to the quality of democracy, public participation, openness, protection of rights, and justice in the distribution of benefits and policy burdens. This distinction is important because a policy can meet formal requirements, but still faces the issue of legitimacy if the process is closed or its substance does not provide adequate protection for the interests of the community.

Legal Politics and *Open Legal Policy* in the Relocation of the National Capital

The transfer of the IKN also needs to be understood as part of the politics of national law, namely the choice of the state regarding the law to be formed and the direction to be achieved through the law. The perspective of political and legal allows the transfer of the capital city to be read not only as an administrative issue regarding the transfer of the center of government, but as a state choice regarding the distribution of power, regional development, central-regional relations, and the direction of national development. In this framework, the law functions as an instrument of transformation because the IKN Law not only determines the location of the capital, but at the same time forms a special government entity, regulating the institution of the Authority, land, funding, and various aspects of development (Afkar & Mochtar, 2025; Arizona, 2024; Hadi & Ristawati, 2020).

The legal political perspective is related to the doctrine of *Open Legal Policy*. The 1945 Constitution does not explicitly specify the geographical location of the country's capital or the specific procedure for moving it. The absence of such an arrangement opens up space for lawmakers to determine policy choices through legislation. In theory *Open Legal Policy*, the space is the constitutional discretion of the lawmakers to regulate certain issues that are not specified in detail by the constitution. However, the policy space is not an unlimited authority. Literature on *Open Legal Policy* emphasizing that legislative policies must still meet rationality, not arbitrary, proportionate, and respect the constitutional rights of citizens (Afkar & Mochtar, 2025; Arifin et al., 2025).

Thus, the absence of explicit provisions in the 1945 Constitution regarding the location of the capital cannot be simply interpreted as a prohibition against the relocation of the capital. On the contrary, this condition provides space for lawmakers to determine policies. However, the use of such policy space must still be constitutionally accountable. In the context of the IKN, the relevant question is not only "does the state have the authority to move the capital?", but also "is the authority used through the process and substance of policies that are in accordance with constitutional principles?". From this point of view, *open legal policy* becomes a conceptual bridge between the law-making authority and the constitutional limits on that authority.

The framework also helps explain why the legitimacy of the IKN transfer policy needs to be distinguished from mere legality. Law No. 3 of 2022 as amended by Law No. 21 of 2023 provides a formal legal basis for the IKN transfer policy. However, the existence of the law does not end constitutional issues. Legitimacy still needs to be assessed based on the quality of the legislative process, the involvement of state institutions, community participation, clarity of norms, and the suitability of the substance of the policy with constitutional objectives. In other words, the transfer of the IKN can be placed as a policy that is normatively possible, politically chosen, but must still be tested constitutionally.

Special Regional Government and the Position of the Archipelago in the Constitutional System

Another important dimension in the literature is the relationship between the relocation of the capital city and the design of local government. The relocation of the capital city not only produces a new location for the center of the national government, but also forms a government entity with special characteristics. The IKN Law places Nusantara as a special regional government at the provincial level whose implementation is carried out by the Nusantara Capital Authority. This model is different from the general pattern of provincial government which uses the governor and the DPRD as the main elements of the implementation of local government.

The literature on local government shows that legal status and constitutional status are two different issues. Legal status answers the question of what and in what legal category an entity is placed, while constitutional status describes the position of the entity in state power relations. In the context of the archipelago, this issue is important because several categories are used simultaneously, namely "authority", "special local government", and "provincial level". Each category has consequences for the source of authority, institutional relationships, accountability, and political representation.

Study (Hadi & Gandryani, 2022) regarding the constitutionality of the IKN Authority and research Failaq & Arelia (2022) regarding the discrepancy of the IKN special regional government system shows that there is a conceptual problem regarding the position of the Authority in the Indonesian regional government system. The problem lies not only in whether special regions are allowed by Article 18B of the 1945 Constitution, but also whether the institutional design established by the IKN Law has a clear relationship of authority with the President, the central government, the surrounding local government, and the community in the IKN area.

From the perspective of power-sharing, the design requires clarity on the source of the mandate, the type of authority, the supervisory mechanism, and the accountability forum. Authorities that have a direct relationship with the President can provide benefits in the form of effective coordination and acceleration of development, but at the same time can raise accountability issues if the supervision and public representation mechanisms are not adequately designed. Therefore, the issue of the status and position of the archipelago cannot be separated from the issue of the constitutional legitimacy of the transfer of the IKN. The choice of location is ultimately not only a spatial decision, but also a decision on the form and structure of government that will prevail in the region (Mendes, 2014; Webber, 2024).

In addition to the institutional aspect, substantive legitimacy is also related to the benefits and justice of distribution. Bentham's theory of utilitarianism provides the perspective that laws and policies must produce the greatest benefits for society and reduce suffering. Meanwhile, Rawls's perspective of distributive justice emphasizes that inequality can only be justified if it provides benefits to the most disadvantaged groups. Both perspectives are relevant to assess whether the benefits of IKN development are proportional to the burden borne by the affected communities, especially in the issues of land acquisition, livelihood change, and distribution of development benefits. Thus, the literature shows that the legitimacy of IKN policies cannot be separated from the relationship between legality, democracy, institutions, utility, and justice. This perspective expands the testing of policy from the formal question of "legitimate or illegitimate" to the more substantive question of whether policy design is capable of producing constitutional, accountable, and fair governance.

METHOD

This study uses a normative juridical legal research method supported by empirical juridical data that is evaluative. The normative juridical approach is used because the main object of the research is related to the legal policy of relocating the National Capital City (IKN), especially regarding the constitutional basis, legal politics, and the status and position of the archipelago in the Indonesian constitutional system. The research is directed at examining the relationship between various laws and regulations, legal principles, doctrines, and constitutional principles that are relevant to the policy of transferring the IKN. Empirical data is used as supporting data to obtain an overview of the implementation and institutional perception of the policy, so that normative analysis does not only rely on textual readings of regulations.

The legal materials used are mainly in the form of primary, secondary, and tertiary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law Number 3 of 2022 concerning the State Capital, Law Number 21 of 2023 concerning Amendments to Law Number 3 of 2022 concerning the State Capital, as well as laws and regulations and court decisions relevant to the object of research. Secondary legal materials are obtained from books, journal articles, research results, and literature that discuss constitutional law, legal politics, the rule of law, people's sovereignty, public policy, and special local government. Meanwhile, tertiary legal materials are used to help provide an understanding of legal terms and concepts through dictionaries and encyclopedias. The selection of legal materials is carried out by grouping literature based on the issues studied, namely constitutional legitimacy, rationality in determining the location of the IKN, and the status and position of the archipelago.

To strengthen normative analysis, the study also uses primary data as supporting data obtained through interviews and/or questionnaires to parties that have relevance to the policy of transferring the IKN, including academics, officials related to the formation of laws, and Bappenas. In the development of the research, interviews were also conducted with resource persons from Commission II of the House of Representatives of the Republic of Indonesia, Bappenas, and cross-agency resource persons who have knowledge about the policy rationality and constitutional status of the IKN. The data is not placed as the main basis for determining legal norms, but is used to confirm, enrich, and evaluate the findings obtained through literature research.

Data analysis is carried out normatively-qualitatively through the process of inventory, categorization, interpretation, and evaluation of legal materials and supporting data obtained. Facts and legal issues are analyzed by relating the provisions of laws and regulations with relevant theories, principles, doctrines, and expert opinions. The analysis is carried out contextually by grouping the findings into three main issues, namely (1) the constitutional legitimacy of the IKN transfer policy, (2) the juridical, political, and policy rationality in determining East Kalimantan as the location of the IKN, and (3) the status and position of the archipelago in the Indonesian constitutional system. With this approach, the research not

only describes positive laws, but also provides a critical assessment of the suitability of the IKN transfer policy with the principles of the state of law, people's sovereignty, legal politics, and the boundaries of open legal policy.

RESULTS AND DISCUSSION

Constitutional Legitimacy of the Policy of Relocating the National Capital

The results of the study show that the policy of moving the state capital from Jakarta to the archipelago has a constitutional basis and obtained formal legitimacy through the establishment of Law Number 3 of 2022 concerning the State Capital which was later amended through Law Number 21 of 2023. However, this study found that the existence of this legal basis has not by itself resolved the issue of constitutional legitimacy. The problem is not only whether the state has the authority to move the capital, but whether this authority is used through the process and design of policies in accordance with the principles of the state of law, people's sovereignty, and the protection of constitutional rights. This position is important because the relocation of the capital is not just an administrative policy regarding the relocation of the center of government, but a decision that changes the configuration of the state power space, central and regional relations, the use of public resources, and the position of the community in the IKN development area. Thus, the legitimacy of the policy needs to be understood in layers, including constitutional, formal, institutional, and substantive legitimacy.

From the perspective of open legal policy, the absence of provisions in the 1945 Constitution that explicitly stipulate the location of the national capital or the special procedure for moving it shows that the issue of the location of the capital is basically within the policy space of the lawmakers (Halmadinigrat & Firdharizki, 2024). The absence of such a regulation cannot be interpreted as a constitutional prohibition on the relocation of the capital. On the contrary, it provides space for lawmakers to determine policy choices according to the needs of developing countries. However, such policy space is not *Blank check* for lawmakers (Perwira et al., 2024). Open legal policy is still limited by the principles of the rule of law, people's sovereignty, constitutional rights, rationality, proportionality, and the public interest. Thus, the measure of the constitutionality of the IKN transfer policy is not enough to be placed on the question of whether the lawmaker has the authority to make the policy, but also on how the discretion of the policy is used and whether the policy choice can be constitutionally accounted for.

These findings also show the limitations of the approach that only assesses the transfer of the IKN from the perspective of formal legality. Formally, the establishment of the IKN Law shows the fulfillment of the legislation mechanism involving the President and the House of Representatives. The Constitution gives the President the authority to run the government and propose draft laws, while the formation of laws is carried out with the House of Representatives. In addition, the provisions regarding local government, including the possibility of the formation of regions that have specificity, provide constitutional space for the formation of a government design that is different from the regions in general. Therefore, in terms of *formal constitutionality*, the policy of moving the capital has a relatively strong foundation. However, this study emphasizes that formal legality is a necessary condition, not a sufficient condition, for constitutional legitimacy. A policy can be procedurally valid, but it still faces legitimacy issues if its formation process does not provide meaningful space for participation or if its substance results in an unfair distribution of benefits and burdens.

This argument expands on the findings Mahardika & Saputra (2022) which emphasizes more procedural issues and the legality of the formation of the IKN Law. If the problems raised by previous research are mainly related to the process of law formation, this study shows that the problem needs to be continued on a more substantive question: does the procedure that formally meets the requirements for the formation of the law also produce adequate democratic and constitutional legitimacy? In other words, the issue of the constitutionality of the IKN does not stop at whether the law was properly enacted, but also concerns whether the policy embodied in the law is sufficiently justified under constitutional principles. This perspective is in line with the substantive legal state approach, which does not place the law merely as an instrument to give legality to government actions, but demands that the exercise of power remain subject to the principles of justice, equality, protection of rights, and accountability. Within the framework, the concept of Rule of Law cannot be reduced to Rule by Law.

From the perspective of the theory of people's sovereignty, the issue of legitimacy becomes more complex. People's sovereignty as affirmed in Article 1 paragraph (2) of the 1945 Constitution not only means that state policies are ultimately made through institutions that obtain constitutional legitimacy, but also

contain the dimensions of representation, participation, and accountability. Therefore, the involvement of the House of Representatives in the formation of the IKN Law does provide representative legitimacy, but it does not automatically show that the community has obtained adequate opportunities to influence the substance of the policy. In this study, public participation needs to be placed as part of the quality of legitimacy, not just a procedural formality. Participation becomes meaningful if the community obtains information, has the opportunity to express their interests, their views are considered in decision-making, and there are reasons that can be known when an aspiration is not accommodated. Thus, the greater the impact of a policy on people's lives, the stronger the demand for openness and participation in its formation.

At this point there is an important difference with the research Djayanti et al. (2022) who see the transfer of the capital city mainly from the perspective of legal politics within the framework of the 1945 Constitution. The research provides an important basis for understanding that the relocation of the capital is a political choice of state law. However, the results of this study show that the politics of law should not stop at the identification of state goals and government policy choices. Legal politics needs to be tested against the democratic mechanism used to produce the policy and the constitutional consequences of its implementation. This means that the legal politics of moving the capital city gains legitimacy not only because it has a national development goal, but because this goal is achieved through the use of power that can be legally and democratically accountable.

This substantive dimension becomes even more important when the transfer of capital cities is analyzed through Bentham's theory of utilitarianism and Rawls' theory of distributive justice. From Bentham's perspective, public policy can be justified if it produces greater social benefits and reduces the suffering of the community. Thus, the relocation of capital can be seen as legitimate if the promised benefits—for example, equitable distribution of development, reduced concentration of activities in Java, and the establishment of new centers of government—can rationally compensate for the social, economic, fiscal, and ecological costs incurred. However, the utilitarian approach has limitations when it only calculates aggregate benefits. Policies that generate large national benefits can still raise issues of justice if development costs are concentrated in a particular group. This is where Rawls's perspective becomes important because it demands that the distribution of benefits and policy burdens also pay attention to the position of the most vulnerable or most affected groups.

Thus, the legitimacy of the relocation of the IKN is not sufficiently evidenced by the argument that the construction of a new capital city provides **national benefits**. A more critical constitutional question is: who benefits, who bears the costs, and how does the state ensure that the group that bears the greatest burden does not actually enjoy the least benefits of the policy? This question is relevant especially in the context of local communities and indigenous peoples who are faced with changes in spatial planning, land acquisition, changes in livelihoods, and the socio-ecological consequences of IKN development. Using Rawls, policy success is not only measured by increasing state capacity or economic growth in aggregate, but by the ability of policies to ensure that groups in disadvantaged positions continue to receive fair protection and benefits. Thus, the theory of distributive justice provides an evaluative dimension that cannot be fully explained by a legal-formal approach.

These findings also show that constitutional legitimacy is dynamic. At the stage of law formation, the main issue is formal and procedural legitimacy. However, when the policy enters the implementation stage, the measure of legitimacy shifts to the issue of rights protection, legal certainty, accountability, participation, and distribution of benefits. Therefore, the legitimacy obtained through the establishment of the IKN Law cannot be seen as legitimacy that is completed once and for all. This legitimacy must continue to be produced through the implementation of policies that are consistent with the principles of the rule of law and people's sovereignty. This approach is important because the relocation of the capital takes place through a process of institutional transition and long-term development, so that various constitutional issues can arise not when the law is formed, but precisely when authority begins to be exercised on the ground.

Furthermore, the use of policy instrument theory that distinguishes between regulatory instruments (*sticks*), economic incentives (*carrots*), and communication and persuasion (*sermons*) shows that the success of policies depends not only on the quality of legal norms, but also on the suitability between objectives, instruments, implementing capacity, and community response. The transfer of the capital city requires a combination of legal, administrative, fiscal, spatial planning, investment, and public participation instruments. If these instruments do not run coherently, there is a risk of a gap between normative

legitimacy and practical legitimacy. In other words, laws can provide a strong legal basis, but implementation that is not transparent, non-participatory, or unfair can reduce the legitimacy of policies in practice. This framework reinforces the view that the quality of law is not only determined by the content of norms, but also by the capacity of institutions to translate those norms into effective and accountable policies.

These findings ultimately led the study to the position that the policy of moving the capital is constitutionally inappropriately categorized simply as "constitutional" or "unconstitutional". Formally, the policy has a strong legal basis and is in the *open legal policy* space because the 1945 Constitution does not explicitly specify the location of the capital city. Institutionally, the policy also involves constitutional institutions in the law-making process. However, its substantive legitimacy depends on the extent to which the policy meets the principles of people's sovereignty, the rule of law, protection of rights, distributive justice, proportionality, and accountability.

Thus, the analytical contribution of this research lies in the shift in the way of seeing the legitimacy of the transfer of the IKN: from legitimacy as a matter of legality to legitimacy as a layered constitutional issue. The policy of moving the capital city can be justified within the framework of an *open legal policy*, but the policy space is limited by the state of law and people's sovereignty. At the same time, the national benefits that are the basis for justifying the policy should not ignore the distribution of the burden to the affected communities. Therefore, the constitutional legitimacy of the transfer of the capital city is ultimately determined by the state's ability to connect legality, democracy, justice, and policy effectiveness in one accountable governance design.

Juridical, Political, and Policy Rationality in the Determination of East Kalimantan

The results of the study show that the determination of East Kalimantan as the location of the new National Capital cannot be explained only through geographical or technical considerations of development. This choice is the result of an interaction between juridical rationality, politics, and policy, each of which provides a different basis for justification. Juridically, the constitution provides space for lawmakers to determine the location of the capital city because the 1945 Constitution does not rigidly stipulate the geographical location of the capital city. This space is then concretized through Law Number 3 of 2022 concerning the National Capital. Thus, in terms of legality, East Kalimantan has an adequate basis as the location of the IKN. However, this study finds that juridical rationality does not stop at the question of whether the location has been determined through law. The designation of a region as a new capital city also has consequences for the status of the region, spatial planning, central-regional relations, government authority, land administration, and institutional design. Therefore, a new location can be said to be juridically rational if the spatial choice can be integrated into the constitutional structure without creating ambiguity of authority or legal vacuum.

In this context, the concept of open legal policy provides an explanation for why lawmakers have room to choose East Kalimantan. The absence of constitutional arrangements regarding the location of the capital does not mean that the state is free to determine the location without limits, but rather provides policy space that must continue to be carried out within the constitutional corridor. This means that the choice of East Kalimantan is a concrete form of the use of the policy space. However, as shown in the previous discussion, *open legal policy* cannot be understood as an authority that is immune from the test of rationality. The principles of non-arbitrariness, proportionality, protection of rights, and the public interest remain the limits. Therefore, the juridical justification for East Kalimantan becomes stronger if the reasons for its election can be traced objectively and associated with the constitutional goals to be achieved. On the other hand, if the choice of location is based only on the government's political preferences without objective arguments that can be tested, then the *open legal policy* space has the potential to shift to arbitrary discretion.

This perspective also shows that the relocation of the capital is not solely a matter of location, but a decision that also has institutional consequences. When parts of North Penajam Paser and Kutai Kartanegara were designated as IKN areas, the state not only determined the location of the central government area, but also formed a new jurisdictional space that required regulation of government authority, spatial planning, land, and relations with the surrounding area. Thus, the technical advantages of a location do not automatically produce juridical rationality if it is not accompanied by a consistent institutional design. In fact, a location that is geographically considered ideal can generate new problems if the legal status is unclear or there is an overlap of authority. This finding is important because it shifts

the focus of the analysis from the simple question "*why was East Kalimantan chosen?*" becomes a more fundamental question, namely "have the constitutional consequences of the East Kalimantan elections been anticipated in its legal design?"

From perspective Legal politics, the election of East Kalimantan can be understood as part of the agenda of changing the orientation of national development. The IKN is not only designed as a replacement for the location of government offices, but as an instrument to reduce the concentration of development in Java, create new growth centers, strengthen regional integration, and build a more Indonesia-centric development orientation. Thus, the East Kalimantan election has *Purpose* Politics is quite clear: the relocation of the center of government is positioned as an instrument to change the gravitational distribution of national development. These findings are in line with research Wibowo & Hadi (2024) which sees the relocation of the capital as a public policy that has economic, regional development, and equitable dimensions, but this study expands on it by showing that location is not just an object of development politics; location is a political and legal instrument to change the configuration of the relationship between the center of power and the territory of Indonesia.

However, such political justifications need to be placed critically. The narrative of equitable development should not be accepted as a normative fact simply because it is used as a formal policy reason. In perspective People's Sovereignty, the goal of equality must be translated into benefits that can truly be felt by the community (Purnama & Chotib, 2022). Thus, the transfer of the center of government to Kalimantan does not in itself prove that national development has become more even. A more relevant measure is whether the development of the capital city produces *spillover* to the Kalimantan region and other regions of Indonesia, such as increasing connectivity, employment opportunities, public services, investment, and economic activities of local communities. If these benefits are only concentrated in the core area of the IKN and certain economic groups, while the communities around the development area bear large social and ecological costs, then political legitimacy in the name of equity becomes problematic. This study therefore sees the political rationality of East Kalimantan's election as conditional rationality, not a justification that is automatically attached to the government's decision.

This is where Bentham's theory of utilitarianism provides a sharper evaluation tool for such political arguments. If the relocation of the capital is justified on the basis of national benefits, then the benefits must be compared with the overall social, economic, fiscal, and ecological costs it causes. In the utilitarian perspective, a policy is justified when it produces greater social benefits than the suffering or harm caused. Therefore, East Kalimantan's prominence is not sufficiently evidenced by the potential to become a new growth center; the state must also demonstrate that the long-term benefits of the relocation can rationally exceed the development costs and transition costs that must be borne by the state and society. This approach also avoids the analysis of *developmental determinism*, which is the assumption that every large-scale development project automatically generates public benefits.

However, Bentham's approach alone is inadequate. Rawls's theory of justice shows that the magnitude of aggregate benefits should not be used to justify disproportionately imposing costs on certain groups. This is very relevant because the election of East Kalimantan has consequences for the people who have lived and had interests in the space before the construction of the IKN took place. Thus, the question of the rationality of location is not only related to *how much benefit Indonesia will gain*, but also *who bears the burden and who receives the benefit*. Policy rationality will be stronger if the affected groups receive adequate protection, compensation, access to economic opportunities, and development benefits. With this perspective, equity is no longer understood solely as an equity between islands, but also as a fair distribution within the area where the IKN is located.

In terms of policy rationality, the results of the study show that East Kalimantan has a number of characteristics that support its selection, including its relatively strategic geographical position, availability of space, proximity to Balikpapan and Samarinda, infrastructure support, and consideration of disaster risk. Development in relatively new areas also provides opportunities for the state to design an integrated center of government from the beginning, including aspects of spatial planning, digitalization, infrastructure, and connectivity. However, this study emphasizes that technical criteria should not be treated as final evidence of policy rationality. Policy rationality requires a consistent relationship between the problem to be solved, the goals set, the instruments used, the available resources, the capacity of implementation, and the expected results. Thus, sites that technically meet many criteria can still result in ineffective policies if the instrument's design and implementation capacity are inadequate.

The findings expand the study Purnama & Chotib (2022) regarding the policy of moving the IKN and Herdiana (2022) regarding the conditions for the successful relocation of the capital city. Both studies are important because they show that the relocation of the capital is a complex policy that cannot be assessed only from the aspect of physical development. This study goes further by placing Location selection as part of policy design and constitutional design at the same time. This means that the success of East Kalimantan as a location for the IKN is not only determined by whether the area can be built, but also whether the development can be managed through mutually supportive legal, institutional, fiscal, spatial planning, and public participation instruments. Thus, the rationality of location is ultimately a matter of location *policy capacity*, not just a question *Site suitability*.

The perspective of policy instruments further clarifies the issue. The development of the capital city requires a combination of regulatory, institutional, fiscal, investment, administrative, spatial planning, and public communication instruments. In the framework of *sticks, carrots, and sermons*, regulations are needed to provide certainty and control behavior; incentives are needed to encourage investment and economic activity; while communication and participation are needed to build social acceptance. All three must work coherently. If the government has the goal of equity but the fiscal, investment, and development instruments only strengthen the core area, there is a mismatch between the goals and the instruments. Similarly, if development requires community support but the participation mechanism is inadequate, then the implementation problem can eventually turn into a problem of legitimacy. Thus, the rationality of the IKN policy is determined not only by the quality of the objectives, but by the compatibility between the objectives and the instruments used to achieve them.

Previous research on the transfer of IKN also shows a tendency for fragmented analysis. Studies Hadi & Ristawati (2020) mainly provides a basis for the President's authority and the constitutionality of the relocation of the capital city; the study of political and legal places the relocation of the capital city as a choice of state policy; while the study of public policy highlights more aspects of development and successful implementation. This study connects the three perspectives by showing that Juridical, political, and policy rationality cannot stand alone. Political rationality without juridical rationality can result in policies that lose legal certainty; juridical rationality without policy rationality can produce valid but ineffective norms; while policy rationality without political and democratic legitimacy can result in projects that are technically feasible but socially and constitutionally weak.

Comparison with regions that have specificity in Indonesia's constitutional system also provides important findings. Jakarta's specificity has historically been related to the function of the capital city and its strategic position as an economic center (Diana et al., 2024); The Special Region of Yogyakarta is related to history and recognition (Hartono & Kastowo, 2021); Aceh has a basis of specificity related to the dynamics of conflict and the arrangement of special government (Sanur, 2020); while Papua is related to the recognition of political, cultural, and the interests of indigenous peoples (Zulaika et al., 2024). The comparison shows that The specificity of a region always needs *Purpose* that are clear and must be translated into clear authority, representation, and accountability mechanisms. In the context of the archipelago, *Purpose* It comes from its function as the national capital and the center of national government. Therefore, the institutional design of the archipelago must truly reflect these functions and not stop at the creation of an administrative status that is different from other regions.

Thus, the most important finding from this discussion is that the determination of East Kalimantan in general has a justifiable rationality, but this rationality is conditional. Juridically, there is an adequate constitutional space and legal basis. Politically, there are arguments about equitable development, national integration, reduction of Javanese concentration, and the establishment of new growth centers. In policy, there are a number of geographical, infrastructure, space, and risk considerations that support the choice of location. However, these three grounds cannot be treated as final justifications. These rationalities must continue to be tested through the results of implementation and the state's ability to transform normative goals into measurable and justly distributed benefits.

Therefore, this study takes a more critical position than simply concluding that East Kalimantan is the "right" location. East Kalimantan can be called a rational choice as far as the excellence of the location is followed by legal and institutional buildings that are able to anticipate the consequences of moving the capital city. In other words, the success of the location selection should not be measured only based on the completion of the development of the core area, but based on the ability of the archipelago to produce equity, maintain legal certainty, protect the affected communities, build healthy relations with East Kalimantan Province and surrounding areas, and carry out government functions accountably. This

makes the choice of location both an institutional decision: the state not only chooses *where the capital should be located*, but at the same time determines *what kind of governmental space will be created there*.

The Status and Position of the Archipelago in the Indonesian Constitutional System

The results of the study show that the most complex issue after the establishment of East Kalimantan as the location of the National Capital is no longer about the state's authority to move the capital, but about how the archipelago is placed in Indonesia's constitutional structure. The National Capital Law establishes the archipelago as a special regional government unit with a provincial level, but the administration of its government is carried out by the Nusantara Capital Authority which is led by the Head of the Authority with a ministerial level and has a very strong relationship with the President. At the same time, the archipelago does not fully follow the character of ordinary provincial government, especially in terms of leadership, local political representation, and accountability mechanisms. This construction resulted in a hybrid model of government: territorially the archipelago was placed in the category of special regions at the provincial level, but institutionally it showed a very centralized character of government.

This construction can basically still be placed within the framework of the constitution. The 1945 Constitution does not require all regions to have a uniform form of government and Article 18B provides space for the recognition and regulation of special or special government units. Therefore, the difference between the archipelago and ordinary provinces is not in itself a constitutional issue. However, this study finds that the space for constitutional specificity is not synonymous with the freedom to form a government structure without borders. The further the design of the archipelago deviates from the general character of local government, the stronger the need to explain the constitutional reasons for these deviations while providing a substitute mechanism that is able to carry out the functions of democracy, representation, and accountability. Thus, the main problem of the archipelago is not the absence of a constitutional basis, but the unclear boundaries and consequences of its specific design.

The findings strengthen and develop the research Hadi & Gandryani (2022) regarding the constitutionality of the IKN Authority as a form of local government. The study has opened up important questions about how the Authority can be placed in the construction of local government. This research goes further by distinguishing between Legal Status and Constitutional Position. Legal status answers the question of what exactly is Nusantara and the Authority in positive law, while constitutional status answers where the entity is in a power relationship with the President, ministries, House of Representatives, the East Kalimantan Provincial Government, and the surrounding regency/city governments. This distinction is important because an institution can have a relatively clear legal status but still have an ambiguous position of power. In the context of the IKN Authority, the source of authority, the type of authority, the hierarchical relationship, the supervisory mechanism, and the accountability forum must be clearly traceable.

The issue also confirmed the findings Failaq & Arelia (2022) regarding the existence of a discrepancy in the IKN special regional government system. When the term *ostrich*, *Special Regional Government*, and *Provincial level* Used in one construction, all three cannot be treated as terms that have identical meanings. Authority conceptually refers to a body that carries out a specific mandate, local government refers to a regional and population-based organization of government, while "provincial" primarily indicates a position in the territorial structure of the state. The combination of these three characters can be justified if the lawmaker clarifies the meeting points and boundaries of each. On the other hand, if the three are left without adequate differentiation, there will be uncertainty as to where the authority comes from and to whom it should be accountable.

From perspective Theory of the State of Law, the problem has quite serious consequences. Principle *Rule of Law* Not only does it demand a legal basis for government actions, but it also requires clarity on the division of powers, legal certainty, control of power, and accountability mechanisms (Perwira et al., 2024). Since the Authority has broad authority in a territory that is legally positioned at the provincial level, the source of delegation of authority must be clearly identifiable. This is especially important if the Authority issues decisions or regulations that have a direct impact on the community, including in the areas of spatial planning, land, licensing, investment, public services, and levies. Thus, the Authority's question is not only whether its authority is "granted by law", but how specific the delegation is and how effectively that authority can be controlled.

The most critical problem can be seen in the relationship between the Authority and the President. The position of the Head of the Authority appointed and dismissed by the President creates a very strong vertical accountability path. From the perspective of government administration, this pattern can be understood because the development of the IKN is a national-scale strategic project that requires coordination and rapid decision-making. However, from the perspective of local democracy, a different problem arises. Decisions that directly affect the population of the archipelago are mainly accountable to the President, while the relationship of direct accountability to the local population does not have the same power as in ordinary provincial governments. This study found that there is an asymmetry of accountability: the strength of vertical accountability to the President is not balanced by an equal horizontal and representative accountability mechanism.

This condition becomes important if it is associated with the theory of people's sovereignty used in this study. People's sovereignty is not only realized through community involvement in national elections, but also through representation, participation, supervision, and accountability in the administration of government. In provinces in general, these functions are carried out through the relationship between regional heads and the DPRD, among others. The archipelago is actually formed with a structure that does not fully use this pattern. Therefore, the absence of a local representation mechanism cannot be justified only by reasons of development efficiency. If this model is maintained in the long term when the archipelago has developed as a city with a larger population and economic activity, then the issue of democratic legitimacy will be stronger. Administrative effectiveness may justify a certain centralization in the development period, but it does not automatically justify the permanent elimination of the representation mechanism.

These findings show a *trade-off* between the effectiveness of government and local democracy. In the early phases of development, the concentration of authority on the Authority can have an instrumental justification because the development of a new city requires cross-sectoral coordination, quick decisions, and the ability to integrate spatial planning, infrastructure, investment, and administration. However, this rationality is contextual and temporal. An effective institutional model when the region is still in the development phase is not necessarily appropriate when the archipelago has become the center of government with an increasingly developing society. Therefore, this study views that a more constitutional design does not choose between "Authority" or "ordinary local government" absolutely, but distinguishes institutional needs based on the development phase of the archipelago. In the development phase, effectiveness can gain greater weight; as the functions of government and population evolve, representation, participation, and accountability need to be strengthened.

This approach also provides criticism of the understanding that places the specificity of the IKN as a permanent design from the beginning. The theory of open legal policy does provide space for lawmakers to design different forms of government, but this space should not be understood as a decision that is made once made. Policies born from the open policy space must still be able to be evaluated when social, institutional, and political conditions change. In the context of the archipelago, the need for evaluation becomes increasingly important because the development of the IKN is designed in a long-term horizon. If the design of the Authority that was originally formed to accelerate development is then maintained without evaluation when the needs of the community have changed, then the *open legal policy* can lose its rational and proportionate nature. This research therefore sees the need for an institutional transformation mechanism based on clear legal triggers, rather than simply relying on the political decisions of the ruling government.

The next issue concerns the legal products of the IKN Authority. The absence of the DPRD creates a fundamental difference with the mechanism for forming regulations in ordinary local governments. In the local government system in general, regional regulations are the result of a local legislation process involving regional heads and the DPRD. Meanwhile, the Authority uses the Regulation of the Head of the Authority as one of the regulatory instruments. This situation raises questions about the position of the regulation in the hierarchy of norms, the source of its delegation, the space for its content, and the testing mechanism. This question is not a purely technical issue. If the legal product of the Authority regulates the rights of the community, spatial planning, land, permitting, or certain obligations, then the clarity of the source of authority and the testing mechanism is part of the principle of the rule of law and the protection of rights.

In this context, the research Gifts (2025) regarding the institutional status of the Authority and the relationship between the central-regional division of power becomes relevant. However, this study adds

that the problem of central-regional relations in the IKN cannot be solved simply by determining whether the Authority is a central or regional institution. The relationship needs to be understood as governance ecosystem involving the President and ministries/institutions, the IKN Authority, the Provincial Government of East Kalimantan, North Penajam Paser, Kutai Kartanegara, Balikpapan, Samarinda, and other buffer areas. The division of authority needs to be directed not to as many authorities as possible that can be concentrated to the Authority, but to the allocation of authority to the most effective and accountable institutions. With this approach, administrative effectiveness, subsidiarity, and democratic accountability can be placed within a single framework.

The issue of the relationship between the central and regional regions also shows that the status of the archipelago as a special region at the provincial level has broader consequences than just the granting of additional authority. The determination creates an area that is at the same time the center of the national government and the local government entity. Therefore, the relationship between the archipelago and East Kalimantan Province cannot be placed in the usual pattern of relations between the provincial government and one of the districts/cities under it. Similarly, the relationship with the buffer area should not be built through a fragmented administrative approach. If the initial goal of moving the capital was to shift the center of gravity of national development, then the archipelago should be integrated with the regional economy and spatial planning, not develop as an "administrative island" separate from the socio-economic environment of East Kalimantan.

From all these findings, this study views that the character of the archipelago is most appropriately understood as a hybrid administrative entity born from the special needs of moving the capital. It has the character of a special region at the provincial level in the territorial dimension, but it has the character of functional deconcentration and strong administrative centralization in the institutional dimension. The model is not something that automatically contradicts the 1945 Constitution. Instead, the specificity can be justified because the function of the archipelago as the capital has a different character from the usual regions. The problem is that asymmetry must have clear reasons, limits, and control mechanisms. Specificity that is not accompanied by boundaries has the potential to become a concentration of power; on the contrary, a proportionally designed specificity can be an instrument to produce an effective capital city government without abandoning the principles of the rule of law and people's sovereignty.

These findings also contribute to previous research that tends to place the issue of Authority in the dichotomy of "local government or central institution". This research shows that this dichotomy is not fully adequate to explain the archipelago. What is more important is to look at the functions, sources of authority, accountability mechanisms, and phases of institutional development. Thus, the hybrid character should not be seen as a weakness as long as there is clarity about who has authority, to whom authority is accountable, how the community participates, and how the structure changes when the conditions of the archipelago change. The literature on the IKN Authority itself shows a conceptual tension between its function as a local government organizer and its strong attachment to the central government.

Based on this analysis, this study found that the status of the archipelago as a special region at the provincial level can be constitutionally maintained, but the design of the Authority requires reconstruction so as not to produce a gap between democratic effectiveness and legitimacy. The reconstruction at least includes clarity of the typology of the archipelago, the distinction between the development phase and permanent government, the affirmation of the position of the Head of the Authority, the strengthening of the community representation mechanism, the clarity of the type and hierarchy of the Authority's legal products, and a more decisive division of authority with the central government and surrounding regions.

Thus, the answer to the three problems of this study does not stop at the conclusion that the archipelago is a "special region at the provincial level". Normatively, this status does provide a foundation, but it does not fully explain the position of the archipelago in the architecture of state power. The findings of the study show that the current archipelago is more appropriately understood as a hybrid governance model with the characteristics of functional deconcentration and limited decentralization. The model can be accepted as a transitional design because the needs for the development of a new capital city are indeed different from ordinary regional governments. However, as the archipelago develops into a mature center of government, the sustainability of the model must be retested based on the principles of the rule of law, people's sovereignty, division of power, and accountability.

In other words, the problem of the archipelago's constitution does not lie in the existence of specificity, but in how these particularities are limited and accounted for. This is the critical point that connects the three research findings: the legitimacy of the transfer of the capital city provides a basis for policy; the rationality of the East Kalimantan election provides the basis for the location; but the institutional design of the archipelago determines whether the two bases can be realized consistently in constitutional practice. If the authority is too centralized without an adequate representation mechanism, the legitimacy of the people's sovereignty becomes weak. Conversely, if authority is too fragmented without effective central coordination, the strategic goal of moving the capital city can also fail. Therefore, the main challenge of the constitutional law of the capital city is to find a balance point between the effectiveness of government, legal certainty, local democracy, accountability, and central-regional integration. It is at this point that this study offers the argument that the archipelago needs not just a *special status*, but a special status that has limits, accountability mechanisms, and a clear institutional transformation design.

CONCLUSION

This research shows that the policy of moving the National Capital from Jakarta to the archipelago has a constitutional basis and can be placed in the *open legal policy space*, because the 1945 Constitution of the Republic of Indonesia does not explicitly specify the location of the state capital or special procedures regarding its transfer. Formally, the policy gained legitimacy through the establishment of Law Number 3 of 2022 concerning the State Capital as amended by Law Number 21 of 2023. However, constitutional legitimacy is not enough to be assessed from the legal-formal aspect. The policy of moving the capital must also meet institutional and substantive legitimacy, especially related to people's sovereignty, public participation, protection of rights, distributive justice, legal certainty, proportionality, and accountability in the administration of government. Thus, the transfer of the IKN can be considered constitutionally legitimate as long as the policy space owned by the lawmakers is used rationally, not arbitrarily, and remains within the limits of the principles of the state of law and people's sovereignty.

The determination of East Kalimantan as the location of the archipelago basically has juridical, political, and policy rationality that can be accounted for. From a juridical perspective, the determination of the location obtains a legal basis through the IKN Law and is within the authority of the lawmakers. From a political perspective, the relocation is directed to reduce the concentration of development in Java, create new growth centers, strengthen equitable development, and represent a more Indonesian-centric development orientation. Meanwhile, from a policy perspective, East Kalimantan has a number of strategic considerations related to the availability of space, geographical position, connectivity with Balikpapan and Samarinda, as well as opportunities for the development of new government areas. However, this rationality is conditional. The success of a policy is determined not only by physical development, but also by the ability of the state to ensure that the benefits of displacement are distributed equitably and do not result in a concentration of national benefits with the social, economic, and ecological burdens that local communities bear instead. In Bentham's perspective, policies must generate greater social benefits than the costs they incur, while in Rawls's perspective, the distribution of benefits and burdens of development must take into account the interests of the most vulnerable and affected groups.

Furthermore, the study found that the archipelago has a special institutional character and is different from local government in general. The IKN Law places Nusantara as a special regional government at the provincial level organized by the IKN Authority. This model is constitutionally possible based on the recognition of special or special regions, but at the same time raises constitutional issues regarding the position of the Authority, the relationship of authority with the central government and surrounding local governments, the mechanism of community representation, accountability, and the position of the Authority's legal products. A very strong vertical structure of the Authority to the President can provide effectiveness in development and transition periods, but it has the potential to create inequality between the effectiveness of government and the principle of people's sovereignty if it is not balanced with adequate mechanisms of representation, participation, supervision, and public accountability. Therefore, the main problem of the archipelago is not solely whether the special governance model is constitutional, but how these specificities are limited, accounted for, and integrated into the Indonesian constitutional system. This research ultimately confirms that the success of the relocation of the capital must be understood as a process of institutional reconstruction of the state: the development of the archipelago needs to go hand in hand with the strengthening of legal certainty, local democracy, accountability of the

authorities, protection of affected communities, and clarity of central and regional relations. With this framework, the archipelago not only becomes the center of a new government physically, but can also develop as an institutional design that is consistent with the principles of the state of law and people's sovereignty.

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