



## Reconstruction of the Regulations for the Development of the National Capital City (IKN) of the Archipelago Based on the Values of Justice

Sumantri; Gunarto; Isnawati

Doctoral Program Legal Studies, Faculty of Law, Unissula, Indonesia

E-mail: [Sumantri9899@gmail.com](mailto:Sumantri9899@gmail.com)

<http://dx.doi.org/10.47814/ijssrr.v8i5.2709>

---

### **Abstract**

The Relocation of the National Capital (IKN) is a progressive action by government for a capital city that is more capable of realizing desired urban evolution. The objectives of study are 1) Review regulations for the development of IKN aren't yet based on value of justice, 2) Analyze the weaknesses of the regulations for the development of IKN; 3) Reconstruct the regulations for the development of IKN based on value of justice. The research method uses constructivism paradigm, with sociological legal approach, and descriptive research. The sources of data use secondary materials in the form of primary legal materials, secondary legal and tertiary legal materials. The data collection method uses literature, and qualitative analysis methods. The results are 1) The regulation of the development of IKN is not yet based on value of justice, the substantive regulations in Law Number 3 of 2022 concerning IKN; 2) The weaknesses in regulation of the development of IKN consist of legal substance, legal structure, legal culture. The weakness of legal substance aspect is Article 16A paragraph (1) the latest IKN Law regulates the granting of Cultivation Rights (HGU) for 95 years in first cycle and can be granted one cycle later. The weakness of legal structure aspect is the special authority of IKN and transfer process of state institutions, state apparatus, and representatives of international institutions. The weakness of legal culture aspect is matter of regulating Law Number 3 of 2022 concerning IKN is a lack of norms; 3) Reconstruction of regulations for the development of IKN based on value of justice consists of value and norm reconstruction. Reconstruction of regulatory norms for development of IKN based on value of justice in Law Number 3 of 2022 Article 2 and Law Number 3 of 2022 concerning IKN, in Article 3 Paragraph 2.

**Keywords:** *Reconstruction; Regulation; Development; National Capital*

### **Introduction**

Policy for moving the IKN has long been an idea, even since government Dutch East Indies. In August 2019, the President of the Republic of Indonesia, in a speech statehood August 16, 2019 has state the relocation of the capital city of the Republic of Indonesia and request permission to Assembly

People's Consultative Assembly. Plan transfer Mother city the has through study from the National Development Planning Agency (Bappenas RI). President emphasize that Mother city new the later not only means as symbol identity nation, but also as representation progress nation. Location of mother city new one in the middle of Indonesia is expected can realize equality and justice economy as well as development. And on Monday, August 26, 2019, the President of the Republic of Indonesia in the statement, has decide part of the North Penajam Paser area and part of Kutai Kartanegara in East Kalimantan as location development Mother city new Republic of Indonesia<sup>1</sup>

Furthermore, plan IKN transfer loaded in Regulation Presidential Decree (Perpres) Number 18 of 2020 concerning Long Term Development Plan National Middle School 2020-2024. In the attachment Presidential Decree, the stated benefit transfer of IKN, among other things, providing more access evenly for throughout the territory of the Unitary State of the Republic of Indonesia; encourage equalization development to outside Java, and reorientation development from Java-centric become Indonesia-centric, so that reduce burden of Java Island. In general, Bappenas to put forward that the transfer of the IKN is not only move center governance, but also has an impact on equality economy national.

Some countries that have do transfer The capital city is South Korea which moved center Mother city from Seoul to Sejong, Malaysia from Kuala Lumpur to Putrajaya, United States who moved center government to Washington with still make New York as center economy and business, Brazil which moved Mother city from Rio de Janeiro to Brasilia and Turkey which moved Mother the city from Istanbul to Ankara. And from that's all Lots experience transfer Mother city they become notes special from Bappenas RI, such as transfer Mother Australian city to Canberra which is not cause effect significant regional development, as well as transfer Mother Malaysian city to Putrajaya which is a distance too near so that impact positive from transfer Mother city the No significant For finish various problem from Mother city previously<sup>2</sup>

Discussion transfer the capital city of the country must under review from various aspects and not only see factor burden economic, social and environmental issues in Jakarta such as: traffic jams, water needs, food energy in the center capital as reason transfer the nation's capital, but also seen as effort strategic For distribute development in a way evenly including reception East Kalimantan community to policy displacement capital This study is evaluation reception East Kalimantan society towards policy transfer The National Capital to East Kalimantan.

In its synergy between embodiment between development and good governance so need prepared design appropriate legislation with complexity development capital new for the sake of smooth legal and orderly administration regulation regulation in guard stability Mother city.

Related with legislation invitation arranged Constitution Number 3 of 2022 concerning the State Capital Law law this is also one of them arrange about governance that is not led by the governor but by the head authority. This is different with other governments in our country. Related with a number of things described on so need hopefully we can lift title for dissertation This is related with analysis policy legislation invitation related to the National Capital (IKN Nusantara)

Plan transfer capital at least driven by 2 (two) considerations that is create equalization development and realizing good governance, that equalization development in fact Can done in context decentralization and autonomy area moment this, implications transfer the capital city based on to equalization development No only to determination capital new must base on to geo- economics, but also

---

<sup>1</sup> Katharina, R. (2021) *Sustainability Moving the New National Capital During the Pandemic. Short Info: Short Study To Issue Actual and Strategic Research Center of the DPR RI Expert Body* Vol. XIII, No.7/I/ Puslit /April/2021

<sup>2</sup> Toun, N. R (2018). *Analysis Readiness Government Central Kalimantan Province in Discourse The Relocation of the Capital City of the Republic of Indonesia to the City of Palangkaraya*. Jurnal Academia Praja 1(1), 129-148

demanding instrument policy new dedicated to certainty equalization growth economy and development. On the contrary, transfer the capital city based on to realizing good governance No only will to create management a professional, clean and visionary government, but also give birth to policies that do not solely based on to orientation equalization development, but also aimed at for repair to all aspect life state in a way fair and proportional.

As put forward by Juniarso Ridwan and Achmad Sodik Sudrajat that understanding the rule of law No can have separated from understand democracy. Laws that regulate and limit state power (government), interpreted as the law that was made on base power or people's sovereignty. In relation with a state of law, people's sovereignty is material elements of the rule of law, besides problem people's welfare.<sup>3</sup>

As a state of law that aims realize welfare general, then the state must can provide various means and needs life the people without except as implementation from understanding of the welfare state. In the understanding of the welfare state said, the state is required for play a role more far and active mix hand to every aspect life public in frame realize welfare, with carry out development in a way evenly distributed at the level national and also area.

Things to do understood in carry out development national for realize welfare all Indonesian people are that the Unitary State of the Republic of Indonesia consists of on thousands island, good island big and also island small. The Unitary State of the Republic of Indonesia is also divided on areas provinces and regions province That shared on districts and cities, so it is very Possible If development as state efforts to realize people's welfare only handed over to government center and everything something controlled entirely by the government center. With Thus, the region must also follow play a role as well as for carry out development.

Government and Business Entity Cooperation (KPBU) is used for give significance development infrastructure for service public. KPBU is used as one of the mechanism development in various countries, including Indonesia. In addition to aiming as APBN leverage, *KPBU also* functions as capable scheme overcome *funding gap* development infrastructure. However Thus, KPBU does not escape from various the problem that becomes challenge in its implementation, including in development of IKN, challenges implementation KPBU scheme challenges development of the National Capital City called Nusantara (IKN), as well as support government that can give to development infrastructure as solution on challenges the.<sup>4</sup>

Based on explanation and description said, the author wants to researching about problem regulation development of the National Capital region with title "**RECONSTRUCTION OF THE REGULATIONS FOR THE DEVELOPMENT OF THE NATIONAL CAPITAL CITY OF THE ARCHIPELAGO BASED ON THE VALUES OF JUSTICE.**"

### **Research Methods**

- 1.How regulation development of the capital city of the archipelago which has not been based on mark justice?
- 2.What are the weaknesses faced regulation development of the capital city of the archipelago at the moment ?
- 3.How reconstruction regulation development of the capital city of the archipelago based on mark justice?

<sup>3</sup> Juniarso Ridwan and Achmad Sodik Sudrajat, State *Administrative Law and Policy Public Services*, Printing Fourth, Nuance Scholar, Bandung, 2014, p. 11.

<sup>4</sup> <https://kpbu.kemenkeu.go.id/read/1203-1653/umum/kajian-opini-publik/tantangan-implementasi-kpbu-ikn-dan-tantangan-pemindahan-ibu-kota-negara-ke-ikn> accessed August 13, 2024 at 16.25 WITA

## ***Discussion***

### **1. Regulation Development of the Indonesian Capital City Not Yet Based on Values of Justice**

Court The constitution also explains, based on fact the law that was delivered to him, it turns out planning the establishment of the National Public Service Center is part from the system program planning development national, which is poured out in the 2020 Constitution - Long-term National Legislation Program Intermediate 2024 and prioritized every year started around 2020 year for the more confirm that the development of the IKN is truly own clear objectives, in accordance with Article 5 letter Regional Regulation Number 12 of 2011. Court assessing, the evidence submitted by the Candidates is not Enough for prove that a quo objection is valid, moreover own option for reject disclaimer, although argument Attorney General's Office that The layout of the IKN seems to "penetrate" the 2020-2025 RPJMN. Reality and evidence substantial made by Specialists public and the DPR. Therefore, that, the Court confirm that for understand meaning and clarity a regulation in a way overall, necessary under review standard legislation in a way as a whole, and considered harm or deviate from freedom that has been determined. Material survey of standards stated by the Court Protected can completed let go from reason making Constitution said. According to Perppu 18/2020 concerning RPJMN, basis thinking stipulation of PP 3/2022 at the level base has meet the "standard" clarity direction" as meant in Article 5 letter a PP 12/2011 with truly to list plans and motivation for compile law and fully enter reason in Clarification Overall. Appropriate law, opinion Lawyer that plan Regulation 3/2022 ignores the "rule of lucidity of direction" as meant in Article 5 letter a Regulation 12/2011 no based on remember consideration legitimate previously.

Principle of conformity between types, hierarchies, and materials load.

The plaintiffs confirm that Constitution Number 3 of 2022 violates the "principle" conformity between types, hierarchy, and materials the outlined load in Article 5 letter c of Law Number 12 of 2011, the consequence is that the Applicants evaluate development Constitution Number 3 of 2022 is contradictory with principles said. The Court the Constitution also responded, considering provision technical delegation in Law 12/2011, procedures delegation Constitution Number 12 of 2022 has been in accordance with technique the delegation in question.

If the plan The Game Strategy End of All Capitals of the Archipelago is in progress discussed by the Candidates, then Very satisfying material on the All Inclusive Strategy for the Capital City of the Indonesian Archipelago No fully set as material A quo regulation, which is at least loading:

- a. Presentation;
- b. Fundamentals, goals, vision and indicators performance main;
- c. Basics development;
- d. Stages Improvement and Financing Strategy

In Reference Part II of Regional Regulation 3 of 2022 which is component important Perda a quo, reminded will the main points of the placement strategy base The Capital City of the Country. While that, so that a quo regulation is guided by the guidelines official, official need plan addition related substance basically. Appropriate with PP 12/2011, assignment follow the appointment strategy. This is show that problem will appear later day If Constitution requires complete setup from all matter technical and things the Already No in accordance Again with needs and future developments. In addition, regulations executor can have modified more easy than law. Therefore, that, question Applicant more focus on the problem How law That put into practice related with the arguments of the Applicants who question existence the rules that should be No arrange Contents Constitution without give convincing arguments to

Court. and evidence Constitution Number 3 of 2022 is contradictory. Maintaining regulations so as not to contradictory with the provisions that delegate it (from more regulation height) becomes consideration most important in matter this. In case happen dispute, quod non, the competent authority is also responsible finish it in system Indonesian law for testing regulation legislation [ see Article 24A of the 1945 Constitution]. According to Article 95A of Perpu 13 of 2022, the DPR, President, and DPD have the same position conducted 338 inspections and reviews to implementation regulations that are of a nature material Because has the determination Regional Regulation Number 13 of 2022 concerning Change Second on Regional Regulation 12 of 2011 (Law) Number 13 of 2022).

According to regulations, opinions of Lawyers that understanding of PP Number 3 of 2022 violates " benchmarks" similarity types, composition, and materials contents" as meant in Article 5 letter c of PP Number 12 of 2011 doesn't based on remembering consideration law This.

Impact negative impact on the development of the IKN which has an impact to environment surrounding area namely limitations clean water supply, deforestation forest as well as damage ecosystem. On the other hand, some experts and NGOs see development of the IKN will impact bad but the main thing not on the environment, however to side social and economic from public local. Economic development through the transfer of the IKN is not Can in a way as well as immediately achieved because of a number of obstacles that will Possible one of them happened Not yet the maximum supply goods to East Kalimantan area is good in a way direct and also No directly. Another thing that needs to be also noted is about equathe lization development and realization good government. Transfer the capital city based on to realizing good governance No only will to create management a professional, clean and visionary government, but also give birth to policies that do not solely based on to orientation equalization development, but also aimed at for repair to all aspect life state in a way fair and proportional. <sup>5</sup>In journey the idea and realization of the Indonesian capital city in East Kalimantan, there are pros and cons, or parties who agree and disagree agree. Idea the relocation of the capital city has been approved to in Constitution Number 3 of 2022 concerning the National Capital (Law 3/2022). In explanation of the law explained that vision or objective main from the IKN Nusantara is as world city that can become role model for other countries with principle development sustainable along with with the policy instruments that will formed by the Government. <sup>6</sup>In the Explanation Constitution Number 3 of 2022, also outlines the 3 goals of the Indonesian Capital City which are part positive or Pro because existence benefits, including:

1. As city sustainable in a world that creates comfort, harmony with nature, toughness through efficiency use source power and low carbon;
2. Driver Indonesia's economy in the future, which gives opportunity economy For all through development potential, innovation and technology, as well as
3. Symbols identity national, presenting harmony in diversity in accordance with Unity in Diversity.

Not only that, the transfer of the capital city also has side another positive is to overcome clean water crisis on the island of Java, because with decrease Jakarta residents will reduce use of clean water. <sup>7</sup>East Kalimantan is one of the areas that have statistics good inside achievement about development sustainable. <sup>8</sup>

<sup>5</sup> Herdiana, "Transfer The National Capital: An Effort to Equalize Development or Not Realizing Good Governance."

<sup>6</sup>Environmentally Friendly Services, "Realizing the Development of Ikn Low Carbon Through Implementation Principle Green Buildings & Green Procurement of Goods and Services" 1, no. 2 (2022): 22– 26

<sup>7</sup>Yanti Fristikawati and Nugroho Adipradana, "Protection Environment, and Development of the National Capital (IKN) in a Legal Review," Journal Justisia: Journal Legal Science, Legislation and Social Institutions 7, no. 2 (2022): 375.

<sup>8</sup>Ibid

Regulation development Mother the city of the archipelago that has not been based on mark justice that arrangement substance in Constitution Number 3 of 2022 concerning the National Capital is reviewed from Constitution formation regulation legislation Not yet fulfil principle clarity goals and principles openness, because Still There is some important points that have not been clear What its purpose, such as points of consideration and objectives relocation of the capital city, naming of the Indonesian capital city, ambiguity What objective arrangement about the existence of an authority body that has clear No set up in constitution or the 1945 Constitution, its formation Not yet involving all over parties and not existence aspiration from society, budget the construction of the new capital city has not yet started set up in a way transparent.

## **2. Weaknesses Faced Regulation Current Development of the Capital City of the Indonesian Archipelago**

### **a. Weakness Aspect Legal Substance**

Weakness aspect substance law that Article 16A paragraph (1) of the latest IKN Law arrange Granting of Land Use Rights (HGU) for 95 years in One cycle first and can give One cycle then. Article 16A paragraph (1) states, "In the case of the HAT agreed upon as meant in Article 16 paragraph (7) in form right use effort, given for term maximum time 95 (nine) days twenty-five) years through 1 (one) cycle first and can done giving return for 1 (one) cycle second with term maximum time 95 (nine) days twenty-five) years based on criteria and stages evaluation". This is contradictory with Constitution Agrarian Principle Where is article 29 of the Law Agrarian, HGU can give for term time maximum 25 years (for company with need certain, can give with term time maximum 35 years).

### **b. Weaknesses of Aspects Legal Structure**

Weakness aspect structure law that is authority specifically for OIKN and aspect transfer state institutions, state apparatus, and representative's institution international from Jakarta to Kalimantan. There is also an aspect review to details plan the parent of the Indonesian IKN which should be quick taken care of. This is show weakness organization. Movement of work units OIKN law and compliance, for example, is assessed not optimal due to limitations employee. In addition, task team transition formed with the Decree of the Minister of State Secretary Number 105 of 2022 for smooth and accelerate preparation the IKN Nusantara project has not yet in accordance with direction of the Decree of the Minister of State Secretary Number 105 of 2022. In addition to the composition the team that has not complete, still There is weakness question coordination and collaboration with agency others. Reporting and accountability team transition is also called Not yet orderly.

### **c. Weaknesses of Aspects Legal Culture**

Weakness aspect culture law that in problem arrangement Constitution Number 3 of 2022 concerning the National Capital City occurs normative ambiguity, where a number of rule important thing is that blurry or No Clear What function and purpose from arrangement That formed. Although so, but in fact Constitution Number 3 of 2022 concerning the National Capital has approved and at the moment This is the process of building the new capital city currently doused for realized. This is means in a way formally, the IKN Law is considered Already worthy and fulfilling principle formation regulation legislation in accordance Constitution Number 12 of 2011, so that its ratification precisely causes Lots polemics that led to the existence of the pros and cons with relocation of the National Capital.

### 3. Reconstruction Regulation Development of the Indonesian National Capital Based on the Values of Justice

#### a. Comparison with Foreign Countries About Regulation Development of the National Capital

##### 1) Malaysia

Since 1999, Malaysia has had two capital cities. cities: Kuala Lumpur and Putrajaya. Kuala Lumpur is Mother Malaysian city since the country to achieve sovereignty his politics from English 1957. Kuala Lumpur became center government and at the same time center economy and business is very busy. Like as for Jakarta and the motherland capital city other countries cities, when That the burden that Kuala Lumpur bears Lots predicate: center government, center services, trade and pendulum economy as well as dream urban people, enough heavy. Phenomenon classic metropolitan cities such as traffic jam, pollution air, problem population, settlements and environment, floods, also occur in Kuala Lumpur. However, since 1999, the center administration government relocated from Kuala Lumpur to An area at a distance about 25 km south city namely Putrajaya. <sup>9</sup>Now, Putrajaya holds the status of The Federal Administrative Center or administrative capital or center administration kingdom.

In October 1994, the cabinet agree Mahathir's proposal to change the name of Prang Besar to Putrajaya. The name was immortalized for honor services Tunku Abdul Rahman Putra, Father of Malaysian Independence and first Prime Minister of Malaysia. In language Malay, Putrajaya has an important meaning: "Putra" means as ' noble prince ' . and 'Jaya', translated as ' success ' , ' victory ' or glory. With Thus, Putrajaya was built No only For representing the new Malaysia in the era of globalization but also for show the country 's capabilities building a city model new, well-planned, modern, integrated and providing environment more work productive.<sup>10</sup>

Master Plan for Development center government new That approved cabinet in the month February 1995. Because in fact administrative Putrajaya area entry in the territory of the State of Selangor, then on 20 July 1995 it was carried out signing agreement between The Federal Government and the Selangor State Government, based on Article 80 (5) of the Federal Constitution which in essence give authority to Federal Government to manages the Putrajaya region on behalf of the Federal Government for establish an Administration Center Federal Government. In 1995, the Malaysian government formed the Putrajaya Corporation (Putrajaya Corporation) is responsible to management city New Putrajaya. Apart from that, Putrajaya Holding Sdn was also formed. Bhd as developer responsible for development physique city with all its infrastructure.

The New York Times on April 27, 1999 also stated project development center government that's new Malaysia done ' quietly. ' The imported workers from Indonesia and Bangladesh also played a role big in development center government new Malaysia.<sup>11</sup> To his critics That, according to Mohamad Sukeri Bin Khalid from the School of Government College of Law, Government and International Studies Universiti Utara Malaysia, Mahathir stated "We build things we can use and it is meant for the government of the future, maybe 100 years, 300 years, 1,000 years, I wouldn't know, I wouldn't be around by then.<sup>12</sup> After a number of facility government finished built, in the middle in 1999 in general gradually start done transfer administration federal government from Kuala Lumpur to Putrajaya. Early June 1999, about 300 staff Malaysian PM's office moved to Putrajaya. On June 18, 1999, the first Friday prayer was held at the Putra Mosque which has become one of Putrajaya's icons. The moment was quite important

<sup>9</sup> Comparison between Kuala Lumpur and Putrajaya is sufficient interesting analyzed in Ross King, Kuala Lumpur and Putrajaya, Negotiating Urban Space in Malaysia, NUS Press: Singapore, 2008

<sup>10</sup> Putrajaya Corporation, 1999

<sup>11</sup> <https://kabar24.bisnis.com/read/20190513/19/921957/plan-pemindahan-ibu-kota-belajar-dari-experience-putrajaya>

<sup>12</sup> Mohamad Sukeri Bin Khalid, "Moving Capital City: Comparison Studies Between Indonesia and Malaysia," seminar paper at UUM Kuala Lumpur, December 8, 2019.

happen June 21, 1999 when Malaysian PM Mahathir Mohammad started move to Putrajaya and start working in the office the new government.

## 2) Myanmar

Myanmar moves Mother the city only Because fulfil ambition leader military at a time Myanmar's state leaders at the time that, than Shwe. Transfer decision Mother city by Than Shwe allegedly based on the traditions of the former Burmese Kings often move Mother city on base fortune teller. One of the for example, King Mindon who founded Mandalay, mother Myanmar city before Yangon and Naypyidaw, in 1857 to fulfil forecast Than Shwe's decision is also likely big get influence from there. Although so, still There is rational reason about decision that. Than Shwe's government is of the opinion that Naypyidaw's climate is better safe than Yangon which is often passed by storm cyclone. In addition, its position in the middle of Myanmar is expected can accessible to all public.

The capital of Myanmar is official move from Yangon to the new Naypyidaw built in 2006. Reason for relocation That diverse, starting from paranoid about Yangon's proximity to sea and risk invasion until advice a number of fortune teller to ex- head of state Than Shwe. The fortune tellers warn that if Than Shwe does not move Mother city, him and his regime will fall.

Mother development city just started from zero in the Regency Tatkon in 2006. Captain Aung Khant then assigned for move burial in the area so that the land Can occupied building monastery and the state court. Initially Mother city Myanmar is in Yangon City. On February 5, 2005, the ruling generals in Myanmar announced for move center Mother city to Naypyidaw. Quoted from The Globalist , mother city this is new Myanmar its vastness more of 2,700 square miles and originally only in the form of field grass empty.

City development This started in 2004. The Britannica page states that Naypyidaw is located in a location remote with 320 kilometers away north of Yangon. With total area almost seven times the size of Singapore or about 4,800 kilometers square, Naypyidaw has 20 lanes road raya, four golf course, safari park, garden animal complete with air -conditioned penguin habitat, up to a spectacular pagoda. Not only that, infrastructure like transportation, malls, restaurants, and facility other supporters have also been there is. According to The Star, with various facilities offered, residents city This No more from one fifth of Singapore.

## 3) Türkiye

The capital of Turkey was originally being Constantinople, which at that time This more known as Istanbul. However, on October 13, 1923, Turkey had move Mother the city to Ankara. Events historic the happen starting in 1922, the year the Republic of Turkey was founded. Reported various source, Mustafa Kemal Ataturk, the founder of the Republic of Turkey, began lead transfer Mother city.

Ataturk moved Mother city state because in Istanbul it is considered Already experience moral decadence. Corruption happened everywhere after the collapse Ottoman Empire. Ataturk believed, they must leave action sin and build it Mother city new. Ankara is chosen Because in a way geographical more become point center of Turkey. The new capital of the country was founded in Ankara on October 13, 1923. According to History, after World War I, many areas of the Ottoman Empire fell. to hand Entente forces. Istanbul has a very strategic location. This city connects Europe with Asia and the Black and Mediterranean Seas, had occupied by the Entente. At that time a number of politicians, including Ataturk moved Mother city to Ankara.

When Attaturk decide transfer capital to Ankara, as if He want to cut off bond between the Ottoman era and the Republic of Turkey. Transfer capital That based on several related reasons with moral degradation of government internally, whom Ataturk called the "Sickman of Europe". outright wants Turkey as a sovereign country, believe self, democratic, and modern. Caliphate Ottoman has

gnawed mentality deep -rooted monarchy strong in Istanbul, and dominated by bureaucrats and militarism the Ottoman regime, as militarism the New Order regime in Indonesia. He No want to utilise religious symbols for interest politics and power, also not Want to legitimize religion as a " weapon " for oppose strength initiated reformer force young.

Ataturk wanted make Turkish nation equal with nation Europe in a way social, educational, and cultural. He wants to make Turkey as part from community international modern nations, such as as it is the Meiji Restoration which overhauled finished education culture traditional Japan. Greatness caliphate Ottomans are very useful as glass Bengal for Turkey 's future. However, in the relation with progress of the nation state, Attaturk precisely to quote as Abraham Lincoln (1809-1865) stated, " If we No planning for the future Because We live in the present, then We will have trapped in trap of the past." The Turkish capital is finally move towards Ankara, leaving Istanbul with all over greatness in the past. Mustafa Kemal Ataturk as father nation, pioneer, and founder of the Republic of Turkey died on November 10, 1938 at Dolmabahce Palace, Istanbul. Later, he buried in Ankara on November 21, 1938, as Mother city new Turkey.<sup>13</sup>

**b.Reconstruction of Regulatory Values Development of the Indonesian National Capital Based on the Values of Justice**

Reconstruction desired value achieved in study This that regulation development of the former capital city of the Indonesian Archipelagos Not yet based on mark justice now based on mark justice.

**c.Reconstruction of Regulatory Norms Development of the Indonesian National Capital Based on the Values of Justice**

Government and Business Entity Cooperation (KPBU) is used for give significance development infrastructure for service public. KPBU is used as one of the mechanism development in various countries, including Indonesia. In addition to aiming as APBN leverage, *KPBU* also functions as capable scheme overcome *funding gap* development infrastructure. However Thus, KPBU does not escape from various the problem that becomes challenge in its implementation, including in development of IKN, challenges implementation KPBU scheme challenges development of the National Capital City called Nusantara (IKN), as well as support government that can give to development infrastructure as solution on challenges the.<sup>14</sup>

Based on description on so presented reconstruction table like under This:

Table 5.1. Reconstruction Regulation Development of the Indonesian National Capital Based on the Values of Justice

No.	Construction	Weakness	Reconstruction
1.	Constitution Number 3 of 2022 Concerning the State Capital Article 2 The capital city of the archipelago has fission as world city for everything that is built and managed with objective For: a. to become city sustainable in	Not yet democratic and just	Reconstruction Constitution Number 3 of 2022 Concerning The National Capital Assembly, in Article 2 Paragraph letter b, with adding the words democratic and just, so that reads: Article 2 The capital city of the archipelago has

<sup>13</sup> <https://nu.or.id/opini/ataturk-dan-produk-pemindahan-ibu-kota-hy4PE> accessed November 19, 2024

<sup>14</sup> <https://kpbu.kemenkeu.go.id/read/1203-1653/umum/kajian-opini-publik/tantangan-implementasi-kpbu-ikn-dan-tantangan-pemindahan-ibu-kota-negara-ke-ikn> accessed August 13, 2024 at 16.25 WITA

	<p>the world.</p> <p>b. as mover Indonesia's economy in the future</p> <p>c. to become symbol identity national representing diversity the Indonesian nation, based on Pancasila and the 1945 Constitution of the Republic of Indonesia</p>		<p>fission as world city for everything that is built and managed with objective For:</p> <p>a. to become city sustainable in the world.</p> <p>b. as mover Indonesia's economy in the future will be democratic and just</p> <p>c. become a symbol of identity national representing diversity the Indonesian nation, based on Pancasila and the 1945 Constitution of the Republic of Indonesia</p>
2	<p>Constitution Number 3 of 2022 Concerning the National Capital Article 3 Verse 2</p> <p>The construction and development of the Indonesian capital city is being carried out based on principle:</p> <p>a. equality</p> <p>b. balance ecology</p> <p>c. sustainability development</p> <p>d. eligibility life</p> <p>f. connectivity, and</p> <p>g. city intelligent</p>	<p>Not yet principled proportionality in equalization</p>	<p>Reconstruction Constitution Number 3 of 2022 concerning the National Capital, in Article 3 Paragraph 2, with replace letter g proportionality and old g becomes letter h, so that reads:</p> <p>Article 3 Verse 2</p> <p>The construction and development of the Indonesian capital city is being carried out based on principle:</p> <p>a. equality</p> <p>b. balance ecology</p> <p>c. sustainability development</p> <p>d. eligibility life</p> <p>f. connectivity</p> <p>g. proportionality</p> <p>h. city intelligent</p>

### **Closing**

### **Conclusion**

Regulation development of the capital city of the archipelago which has not been based on mark justice that arrangement substance in Constitution Number 3 of 2022 concerning the National Capital is reviewed from Constitution formation regulation legislation Not yet fulfil principle clarity goals and principles openness, because Still There is some important points that have not been clear What its purpose, such as points of consideration and objectives relocation of the capital city, naming of the Indonesian capital city, ambiguity What objective arrangement about the existence of an authority body that has clear No set up in constitution or the 1945 Constitution, its formation Not yet involving all over parties and not existence aspiration from society, budget the construction of the new capital city has not yet started set up in a way transparent. The weaknesses faced regulation development of the capital city of the archipelago at the moment This consists of from aspect substance law, structure law, culture law. Weaknesses aspect substance law that Article 16A paragraph (1) of the latest IKN Law arrange Granting of Land Use Rights (HGU) for 95 years in One cycle first and can give One cycle then. Article 16A paragraph (1) states, "In the case of the HAT agreed upon as meant in Article 16 paragraph (7) in form right use effort, given for term maximum time 95 (nine) days twenty-five) years through 1 (one) cycle first and can done giving return for 1 (one) cycle second with term maximum time 95 (nine) days twenty-five) years based on criteria and stages evaluation". This is contradictory with Constitution Agrarian

Principle Where is article 29 of the Law Agrarian, HGU can give for term time maximum 25 years (for company with need certain, can give with term time maximum 35 years). Weaknesses aspect structure law that is authority specifically for OIKN and aspect transfer state institutions, state apparatus, and representative's institution international from Jakarta to Kalimantan. There is also an aspect review to details plan the parent of the Indonesian IKN which should be quick taken care of. This is show weakness organization. Movement of work units OIKN law and compliance, for example, is assessed not optimal due to limitations employee. In addition, task team transition formed with the Decree of the Minister of State Secretary Number 105 of 2022 for smooth and accelerate preparation the IKN Nusantara project has not yet in accordance with direction of the Decree of the Minister of State Secretary Number 105 of 2022. Apart from the composition the team that has not complete, still There is weakness question coordination and collaboration with agency others. Reporting and accountability team transition is also called Not yet orderly. Weaknesses aspect culture law that in problem arrangement Constitution Number 3 of 2022 concerning the National Capital City occurs normative ambiguity, where a number of rule important thing is that blurry or No Clear What function and purpose from arrangement That formed. Although so, but in fact Constitution Number 3 of 2022 concerning the National Capital has approved and at the moment This is the process of building the new capital city currently doused for realized. This is means in a way formally, the IKN Law is considered Already worthy and fulfilling principle formation regulation legislation in accordance Constitution Number 12 of 2011, so that its ratification precisely causes Lots polemics that led to the existence of the pros and cons with relocation of the National Capital. Reconstruction regulation development of the capital city of the archipelago based on mark justice consists of from reconstruction values and norm reconstruction. Reconstruction desired value achieved in study This that regulation development of the former capital city of the Indonesian Archipelagos Not yet based on mark justice now based on mark justice. Reconstruction of regulatory norms development of the capital city of the archipelago based on mark justice in Reconstruction Constitution Number 3 of 2022 Concerning National Capital Assembly, in Article 2 Paragraph b, and the Law Number 3 of 2022 concerning the National Capital, in Article 3 Paragraph 2, with replace letter g proportionality and old g becomes letter h.

## References

### Magazine / Journal Scientific

- Environmentally Friendly Services, "Realizing the Development of Ikn Low Carbon Through Implementation Principle Green Buildings & Green Procurement of Goods and Services" 1, no. 2 (2022): 22– 26.
- Juniarso Ridwan and Achmad Sodik Sudrajat, *State Administrative Law and Policy Public Services*, Printing Fourth, Nuance Scholar, Bandung, 2014, p. 11.
- Katharina, R. (2021) *Sustainability Moving the New National Capital During the Pandemic. Short Info: Short Study to Issue Actual and Strategic Research Center of the DPR RI Expert Body* Vol. XIII, No.7/I/ Puslit /April/2021.
- Toun, N. R (2018). *Analysis Readiness Government Central Kalimantan Province in Discourse The Relocation of the Capital City of the Republic of Indonesia to the City of Palangkaraya*. *Jurnal Academia Praja* 1(1), 129-148.
- Yanti Fristikawati and Nugroho Adipradana, "Protection Environment, and Development of the National Capital (IKN) in a Legal Review," *Journal Justisia: Journal Legal Science, Legislation and Social Institutions* 7, no. 2 (2022): 375.

## Books

Comparison between Kuala Lumpur and Putrajaya is sufficient interesting analyzed in Ross King, Kuala Lumpur and Putrajaya, Negotiating Urban Space in Malaysia, NUS Press: Singapore, 2008.

R. Soepomo, (1966). *Indonesia as a State of Law*, Seminar on the Constitution of the 1945 Constitution, Jakarta.

Ridwan HR, (2003). *State Administrative Law*, (2013) Edition Second, UII Press, Yogyakarta.

Ronny Hanitijo Soemitro, (1990). *Methodology Study Law and Jurimetrics*, Ghalia Indonesia, Jakarta.

S. Prajudi Atmosudirjo, (1994). *Science Library Series Administration VI, State Administrative Law*, Print Tenth, Ghalia Indonesia, Jakarta.

Sabian Usman, (2009), *Basics of Sociology of Law*, Learning Library, Yogyakarta.

Sanapiah Faisal, (1990). *Research Qualitative: Fundamentals and Applications*, YA3, Malang.

## Regulation Legislation

(1945) Constitution of the Republic of Indonesia.

Constitution Number 3 of (2022) concerning *The nation's capital*.

Regulation Presidential Decree (Perpres) Number 18 of (2020) concerning *Long Term Development Plan National Middle School 2020-2024*.

## Website

<https://kpbu.kemenkeu.go.id/read/1203-1653/umum/kajian-opini-publik/tantangan-implementasi-kpbu-ikn-dan-tantangan-pemindahan-ibu-kota-negara-ke-ikn> accessed August 13, (2024) at 16.25 WITA

<https://kabar24.bisnis.com/read/20190513/19/921957/plan-pemindahan-ibu-kota-belajar-dari-experience-putrajaya>.

Mohamad Sukeri Bin Khalid, "Moving Capital City: Comparison Studies Between Indonesia and Malaysia," seminar paper at UUM Kuala Lumpur, December 8, (2019).

<https://nu.or.id/opini/aturk-dan-produk-pemindahan-ibu-kota-hy4PE> accessed November 19, (2024).

<https://kpbu.kemenkeu.go.id/read/1203-1653/umum/kajian-opini-publik/tantangan-implementasi-kpbu-ikn-dan-tantangan-pemindahan-ibu-kota-negara-ke-ikn> accessed August 13, (2024) at 16.25 WITA.

## Copyrights

Copyright for this article is retained by the author(s), with first publication rights granted to the journal.

This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/4.0/>).