



LEGAL POLITICS OF MOVING THE STATE CAPITAL CITY (JAKARTA) FROM JAVA ISLAND TO KALIMANTAN ISLAND

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Abstract. As the center of the economy and central of government, Jakarta has a double burden, which causes its performance as a capital city not to run optimally. Moving the capital city from Java to Kalimantan will impact the change in the government administration structure in the new capital city. Apart from that, moving the nation's capital is hoped to create equality in various fields of justice, creating an imbalance in economic growth between Java and outside Java. This research examines and analyzes legal politics regarding the delivery of capital cities as regulated by the Capital City Law. The research method used normative research, which focuses on the study of legal norms related to the birth of Law No. 3 of 2002 (Capital City). With various views, both agreeing and disagreeing, the government has begun implementing the development of the state capital in Kalimantan to create fair equality. It is hoped that visionary governance can be formed and bring a fast change to the new Capital City, and it is expected to impact economic growth in the surrounding area.

Keywords: capital, city, Jakarta, Java, Kalimantan

A. Introduction

Indonesian people already know that Indonesia is a unitary country in the form of a republic. Apart from that, it is also mentioned in the 1945 Constitution (UUD 1945). The president runs the Indonesian government's system as the holder of power, so the government operates using presidential functions. The government system becomes a certain system to explain the relationship between the highest state apparatus in a country and to grow the completeness of the state. It is necessary to reform or move the National Capital (IKN) as the new government center. Improvements in the discourse on transfer regarding IKN grew during the reign of Dutch Colonialism. In 1762-1818, there was a plan for the center of government from Batavia or DKI Jakarta to be moved to Surabaya, East Java, for health and defense reasons. After that, in 1938, Bandung was proposed to become the center of the Dutch East Indies government, but this proposal failed halfway due to the outbreak of World War II in 1939. During the reign of President Soekarno, around the 1950s, Palangkaraya, Central Kalimantan, was planned to become an IKN. Furthermore, during President Soeharto's administration, discourse emerged that the Jonggol area, Bogor, West Java would become an IKN, and during the era of President SBY, the discourse of relocating the IKN again rose to the surface but was canceled (1).

The long discussion regarding the moving of IKN has reached till present for the time being of President Jokowi with all the contradictions that were starting March 2022 the beginning of construction (IKN) in North Panajam Village, Paser Regency District, of East Kalimantan, which is targeted to be finished in 2024, the transfer will start in stages until 2045. The transfer of IKN from Jakarta (DKI Jakarta) to East Kalimantan has a few reasons: *Ist*, about 57 percent



of the people on the island of Java; 2nd, the economic equality between islands regarding the national GDP (2), 3rd, the availability of water on Java Island, especially Jakarta and East Java; 4th, widespread land conservation problems on Java's Island, where development needs are increasingly growing; Fifth, a very high number of people escape growth in DKI Jakarta, 6th, the increasing Jakarta's burden which results in a decrease in carrying capacity of environmental and the magnitude of national losses. In January 2022, the name Capital City of the Archipelago (IKN), specifically the name archipelago, was chosen as the name for IKN, which will become the new face of the Unitary State (NKRI). "Nusantara" was chosen directly by President Joko Widodo because it has been internationally iconic for a long time (3). The archipelago is a unitary concept accommodating diversity and expressing Indonesia's reality. Grammatically, the archipelago comes from "Nusa" and "Antara" as a manifestation of the circulation of Indonesia's territory between two continents, namely the Australian Continent and the Asian Continent (4).

Jakarta, as the capital of Indonesia for 76 years ago, is believed to have had many problems, ranging from massive problems regarding traffic jams, pollution, and flooding to socio-cultural problems such as thuggery and poverty, which are present almost evenly throughout Jakarta. With a population of 14 million people in an area of around 660 square km, Jakarta is a very dense city, the 17th most populous in the world. Problems such as traffic jams are certainly not something new in Jakarta. According to Tomtom's research, Jakarta was ranked 7th most congested city worldwide in 2018. According to the World Bank, this congestion also results in losses reaching 65 trillion each year. Apart from traffic jams, flooding is a challenge for this capital city, which has land below sea level. Jakarta's land surface is estimated to fall by an average of 1-15 cm per year, with an estimate that 95 percent of North Jakarta will be submerged in 2050, making it "the fastest sinking city in the world," according to the BBC news agency. Not to mention that geographically, Jakarta is surrounded by buffer areas for the capital city, such as Bogor, Bekasi, Depok, and Tangerang, which have extraordinary development growth (5).

The high population concentration in DKI Jakarta is also increasingly triggering other problems, such as traffic jams in a survey conducted by an analysis company and traffic management data provider from the United States (INRIX) written in the Global Traffic Scorecard 2021 report. In the survey results, INRIX reported five congested cities in Indonesia: Surabaya, DKI Jakarta, Denpasar, Malang, and Bogor. Based on data on the most crowded cities, four cities are located on Java Island, and Jakarta is ranked second as the most congested city in Indonesia. Traffic jams are caused by the uncontrolled accumulation of vehicle populations and limited road sections that cannot accommodate vehicles. Apart from that, the problem of unchecked vehicle population in Jakarta also adds to Jakarta's burden, namely the issue of air pollution, which threatens public health, especially sensitive groups. It is said that the cause of air pollution in Jakarta is 75 percent of motor vehicle transportation emissions. Motorbike users occupy the highest rank compared to modes of transportation, and the increase of motorbike vehicle users in Jakarta is increasing yearly (Central Statistics Agency-RI-2020). In the report the world air quality released by the air quality technology company of Swiss (IQair), DKI Jakarta was ranked 4th in the city with the worst air quality in the world. Air pollution in DKI Jakarta has an environmental impact caused by climate change and global warming. Based on a survey conducted by Verisk Maplecroft, a world strategic and risk consulting company based in England. The data produced in the study concluded that Jakarta is the riskiest city in the world; this is motivated by a combination of pollution, clean water crisis, extreme heat stress, natural disaster emergencies, and vulnerability to climate change (6).

The decision to move the IKN has been officially established as a national strategic priority project agenda (Ministry of National Development Planning/Bappenas, 2020). This means that in 2020-2024, the IKN transfer project with a financing value of IDR 466.04 trillion must be



implemented. The provisions of this decision also answer the question of the certainty of this policy. IKN will be moved to North Penajam Village, Paser Regency District, Kutai Kartanegara Regency, East Kalimantan. The IKN relocation project is encouraged to accelerate the reduction of disparities and increase regional economic growth outside Java, especially in the Eastern Region of Indonesia. The government believes that the transfer of IKN will provide several financial benefits, including increasing national GDP, equitable development, job opportunities, reducing poverty, and general prosperity. Apart from that, it is also how the state can give birth to the concept of equitable development in various regions of Indonesia based on the principle of justice as mandated by the 5th Principle of Pancasila. So that social conflicts in the different areas that threaten the nation's disintegration will be properly eliminated (7).

As a strategic priority project, several important stages will be carried out from the upstream side, namely the legal and institutional framework, to the downstream level, namely the development of the main and supporting infrastructure. As a large, new, and costly project, this policy did not receive much public support from a socio-cultural, economic, and ecological perspective in its agenda-setting phase. From a socio-cultural perspective, this project has the potential to give rise to social conflict due to waves of migration, both permanent and circular, such as State Civil Apparatus (ASN), TNI/Polri officers, and other community groups to pursue economic potential (8). The potential for social conflict could occur between migrant communities and local communities, for example, due to feelings of being "displaced" by local communities and the local community's traditional rights being no longer recognized by the state and the new community. Economically, Indef's study shows that the transfer of IKN cannot encourage growth in real GDP and GNP. Studies using the general economic balance model reveal that the impact of this policy on GDP growth is none (0%) in the short term, and the potential for growth in the Gross Regional Domestic Product (GRDP) of the target province is only 0.24%. Another impact was that the transfer of IKN led to a decline in output in almost all-natural resource-based sectors. Other impacts include the potential for inflation caused by increasing demand for goods from the large population entering simultaneously (1).

The problems that continued to pile up in Jakarta finally convinced President Joko Widodo's government to take extreme steps, namely, moving the country's capital to a new area (9). This idea is not the first time this idea has been put forward; President Soekarno previously dismissed the idea of moving the country's capital to Palangka Raya, which he believed was right in the center of Indonesia. President Soeharto submitted another plan to his government: to move the capital to Jonggol, West Java. Like President Soeharto, President Yudhoyono also discussed moving the capital to eastern Jakarta or around West Java (10). However, it was only during President Jokowi's era that the IKN's move was realized. President Jokowi then, on August 17, 2019, announced the move of the capital to East Kalimantan, specifically part of the area that intersects each other, namely Sepaku District, which is located between North Penajam Village, Paser Regency District, Kutai Kartanegara Regency. This decision was not an easy thing because various political objections in the legislative body also occurred in different elements of society with all their activities, including demonstrations or resistance through legal channels by bringing it into the realm of law by testing the material of the IKN Law with the 1945 Constitution at the Constitutional Court (5).

In this research, we will analyze various aspects of the problems related to the plan to move the country's capital from Jakarta (Java) to East Kalimantan to provide complete information regarding the state's legal politics regarding moving the capital. Several aspects will be analyzed:(11) (1) the juridical aspect will be analyzed whether the laws and regulations governing the transfer of the capital do not violate the 1945 Constitution; (2) the philosophical aspect will be analyzed whether the decision to move the capital city is following the values contained in Pancasila; (3) sociological aspect, it will be analyzed that the decision to move the capital city will be able to protect the interests of people's rights fairly; (4) economic aspect, it



will be analyzed whether the capital city relocation policy will be able to improve the economy of society fairly and equitably; and of course, other aspects will be analyzed, namely aspects of national, regional and international interests.

B. Methodology

The research model used is qualitative research. The data used is not numerical data that is calculated in nature but a review or explanation that is weighted in nature, intended to strengthen the validity of the research. In practice, the qualitative research model is often used in social science research, including research in the field of law (12). The research approach in this research is normative and doctrinal; a juridical approach by analyzing statutes and regulations that correlate with the substance of the research supported by the views of experts can be used to strengthen the validity of the research (13). The data used in this research is secondary data, namely, information in the form of explanations or figures relating to research needs. Secondary data consists of primary legal materials, namely legal regulations about research, and secondary legal materials, namely references to scientific views from experts (14).

C. Results And Discussion

1. National Consideration

Moving the IKN to East Kalimantan will have an equal economic impact, especially in the eastern region. The relocation of the capital city is important because it reflects the need for equitable development, non-Java and non-Jakarta centric; apart from that, a new capital city needs to be established to create a balance between the nation's ideals of progress, prudence, and the country's financial carrying capacity. The relocation of the capital is even more necessary because of the pandemic. If you want to carry out economic recovery, you need a "playground," one of which is IKN, which was created to stimulate the economy and other industries (15). The project to build a new national capital is one of the economic recovery strategies, especially in times like these, which could absorb millions of workers. It is hoped that Groundbreaking will absorb around one million workers in the first year. IKN Nusantara is also expected to become a national symbol of Indonesia and a new economic center of gravity. Its initial design was intended to unlock the country's economic potential and encourage growth. IKN Nusantara is expected to create jobs, reduce poverty, and increase Indonesia's economic strength. By making it a symbol of national identity, it is hoped that more and more people will experience the benefits of development (16).

If the National Capital (Nusantara) is relocated to a province well-connected with other provinces, the percentage of trade in 50% of the country's territory is expected to increase. Besides that, it will reduce disparities among regions because transferring the capital city outside Java will encourage fast trade among regions, investment encouragement in the new IKN and surrounding provinces, and promote diversification, boosting economic added value in non-traditional sectors in non-javanese various areas (17). Apart from that, the Indonesian Government continues to view the 2022 economy optimistically because Indonesia has a good foundation, where national economic growth grew quite high, reaching 5.01% in the first quarter of 2022. And Indonesia's GDP per capita increased from US\$3,172 in 2010 to US\$4,350 in 2021 (18). While achieving this growth, the Government is aware that there is still a gap in economic development between Java Island and Outside Java Island. Based on data from the Central Statistics Agency (2021-2022), it is known that around 57% of Indonesia's population is concentrated on the island of Java, and its contribution to Indonesia's GDP was 57.78% in the first quarter of 2022. In the same period, the economy of Kalimantan Island contributed 8.29% to GDP, Sumatra 21.96%, Sulawesi 6.73%, Bali and Nusa Tenggara 2.66%, and Maluku and Papua 2.58%. Law Number 3 of 2022 concerning IKN was enacted in February 2022 to overcome the economic growth gap. The IKN Law was formed based on the urgency of moving



IKN, which the President had previously conveyed at the MPR Annual Session RI on August 16, 2019 (19).

However, this big plan from the government has raised concerns for indigenous communities in the area occupied by the IKN. The reason is that there are no regulations at the level of law that protect their rights. At the time of this writing, the Indigenous Peoples Bill is still in the draft stage. Meanwhile, at the IKN location, boundary markers have been installed in several traditional areas, even though representatives of traditional law communities feel they have never been consulted. So far, these areas have not been able to issue land ownership certificates because they have the status of Forestry Cultivation Areas. Moving the capital city to a new location is, of course, a good policy. Still, it is necessary to ensure that this relocation activity does not harm the people who already live in the new location because the Indonesian government recognizes the legal community as constitutional (20). How important it is to protect Indigenous communities can refer to Ter Haar's view, which states that Indigenous Law Communities have the following characteristics: "Organized community groups that live in an area have their power and wealth in the form of visible and invisible objects, every member of the union experiences life as a natural thing according to the nature of nature and none of the members has the thought of dissolving or leaving that bond (21).

The abovementioned concerns are very reasonable if they relate to the importance of protecting the wisdom that lives in society. This can be understood if we refer to Friedrich Carl von Savigny (22), a figure from the historical legal school who stated that law is not the only factor in national life. There are other factors, such as language, customs, morals, and others. Von Savigny views law as a historical phenomenon, so the existence of each law will differ according to the place and time in which the law comes into force. In other words, law must be an incarnation of the soul of a nation or *volkgeist*. Then, the sociological jurisprudence school of law also states that good law is following the laws that exist in society, and this is an explanation that in a country, there is positive law and living law. In another view, positive law is the law that applies in a country's territory at a certain time, while living law is the law that applies in people's daily lives. In line with this, Van Vollenhoven (23), stated that the customary law system is not based on regulations made by the government but is based on actions that are considered appropriate and binding by the custom and the community. Unfortunately, in modern times, customary law is increasingly marginalized. Positive laws that apply in society are often drafted without paying attention to customary laws that already exist in society. Then, John Rawls (24), in his work *A Theory of Justice*, stated that justice is the most important ethic in social institutions. Thus, all types of laws or institutions must be reformed or disbanded if the institution does not implement justice, even though the institution has good quality. So, citizens' rights to obtain justice cannot be ignored (25).

Based on this, it is appropriate for indigenous peoples in the IKN region to have their interests protected by law, bearing in mind that Indonesia is a country rich in traditional culture, as confirmed in Article 18B paragraph (2) of the 1945 Constitution which states that "The State recognizes and respects these communities. customary law communities and their traditional rights as long as they are still alive and following the principles of the Unitary State of Indonesia, which are regulated in law." Therefore, this article examines the land problems of indigenous communities in the new IKN location and what needs to be done to anticipate them. The country also needs to Remember that in Indonesian history, before Indonesia became independent, almost all parts of Indonesia's community life in various regions had implemented and upheld the wisdom and customs that lived and developed in their communities. Therefore, when carrying out development planning, including the construction of IKN, one must pay attention to regional wisdom and customs that are alive and whose existence has been guaranteed by the 1945 Constitution (21).



2. Legal Policy

Theoretically, Indonesia is mentioned as a state of law (Rechtstaat), not as a state of power (machtstaat), (26) as explained in the original text of the 1945 Constitution. After the amendment to the 1945 Law, the rules regarding the concept of the rule of law were regulated in an explanation included in the provisions of Article 1 - (3), which reads, "The state of Indonesian confirmed a state of law". The concept of the state from a theoretical perspective can be referred to the view of Immanuel Kant (27), who stated that a state could be said to be a state of law if (i) the state carries out Human Rights Protection; (ii) Limitation or division of powers to guarantee these rights (Separation of Power) as stipulated in state law (constitution); (iii) Government (state administration) based on legislation; and (iv) Provide Administrative justice in disputes., to avoid the arrogance of the power of state administrators). In another view, A.V. Decey mentioned the indicators of a rule of law state: (i) The existence of the supremacy of law, law as the commander in chief in administering the state; (ii) There is equality before the law, no one has immunity before the law; and (iii) The existence of legal supremacy (law supreme) is reflected in the substantive law existence (law on book) and consistency of legal by judicial bodies (law in action). Secondly, the state has determined these things in a statutory regulation (28).

The philosophical basis is one of the basic considerations or reasons for drafting the law, which illustrates or expresses that the regulations that are formed take into account the conscious view of life and legal ideals, including the atmosphere of mysticism and Indonesian philosophy (29). The philosophical basis comes from Pancasila, as stated in the Preamble to the 1945 Constitution. No regulation may be contrary to Pancasila because Pancasila is the source of all sources of law. After all, Pancasila is the ideology of the Indonesian state, which is used as a guideline and foundation for national life. The Pancasila values, which are the philosophical basis of the Republic of Indonesia, are essentially the source of basic law; if viewed as an objective aspect, they are the legal ideals, consciousness, outlook on life, and nobility of the moral ideals and character of the Indonesian nation. They are condensed and abstracted into five precepts (30). Pancasila is the philosophy of the country and state of the Republic of Indonesia, which contains the meaning that in every dimension of life, be it nation, state, or society, it must be based on five basic values, namely divine values, human values, unity values, people's values, and justice values. So, in preparing an academic text, especially in the philosophical foundation section, there needs to be a thorough or comprehensive consideration based on what basic values a law is made and how it relates to the intellectual basis of the lawmaker (21).

Based on Attachment Number 2, Statute No. 12/2011 concerning the Formation of Legislative Regulations, the philosophical basis is a consideration or reason that illustrates that the regulations formed consider the outlook on life, awareness, and embodiment of legal ideals, which include the spiritual atmosphere and philosophy of the Indonesian nation which originates from Pancasila and the Preamble to the Constitution. Republic of Indonesia in 1945 (31). Based on this philosophy, the Draft Law on IKN is following or does not conflict with Pancasila and the Preamble to the Constitution of the Republic of Indonesia in 1945. The preparation of the Draft Law on National Capital is an effort to realize 2 of the 4 national goals as intended in the Preamble to the 1945 Constitution of the Republic of Indonesia, namely to protect the entire Indonesian nation and all of Indonesia's blood and to promote general welfare (32)

The sociological basis is a consideration or reason that illustrates that a rule that is formed is used to meet the needs of society in various aspects. These are empirical facts regarding the development of problems and needs of society and the state. This means that when drafting a law, in this case, the state capital law, you must pay attention to the sociological basis



accompanying it. Are the sociological-related aspects empirical facts regarding the development of the problem so that the sociological basis that will be used truly animates a draft law, especially the draft law on the national capital, which ultimately fulfills the sociological basis? Laws are a means of social engineering on the one hand and are also a means of fulfilling legal needs in society on the other hand; at an ideal level, there is a need for a formation process that is rooted in the values, conditions, hopes, and needs of society. The sociological basis is also a consideration or reason that illustrates that regulations are formed to meet the needs of society in various aspects (33).

The sociological basis contains empirical facts regarding the development of problems and needs of society and government. From a government perspective, good governance is needed to support IKN government administration so that it can be carried out effectively and efficiently. Based on data from the official IKN website, the transfer of IKN used funds with a payment scheme through the APBN amounting to 53.3 percent, Government Cooperation with Business Entities (KPBU), private sector and National State Business Company (BUMN) amounting to 46.7 percent, with a total budget of 466 trillion Rupiah. The transfer of IKN needs to be sociologically emphasized in terms of social, political, economic, and cultural impacts (32).

The juridical basis is a consideration or reason which illustrates that the regulations that are formed are rules to overcome a legal problem or fill a legal vacuum by considering existing rules or those which will be changed, or which will be revoked to guarantee legal certainty and the sense of justice of the community. The juridical basis concerns legal issues related to the substance or material being regulated so that it is necessary to form new statutory regulations, some of which include whether they are outdated or no longer harmonious or flying high or rules that are lower than the law so that they are weak or could be regulations that already exist but are inadequate or the regulations do not exist at all, therefore, when drafting a law on the national capital, a juridical basis is needed which can explain the legal basis relating to the substance of the material to be made. The Academic Paper (34), which contains an accompanying basis, is necessary and urgent considering that Indonesia does not yet have laws that specifically regulate all government management and administration activities in the National Capital. Based on the academic text of the IKN Draft Law, the juridical basis is a consideration or reason that illustrates that regulations are formed to overcome legal problems or fill legal gaps by considering regulations that already exist, will be changed, or will be revoked to guarantee legal certainty and a sense of justice. Public. The juridical basis concerns legal issues related to the substance or material being regulated, so new Legislative Regulations must be formed. Some of these legal issues include, among other things, outdated regulations, regulations that are not harmonized or overlap, types of regulations that are lower than the law so that their validity is weak, regulations already exist but are inadequate, or regulations that do not exist at all (35).

On 18th January 2022, the draft of the regulation on IKN was agreed upon at the DPR RI plenary meeting by almost all factions, and this was based on Article 360 of Statute no. 23 of 2014, subject to the Regional Government. The Academic Text of IKN explains that the Special Region for the IKN will be located between North Penajam Village, Paser District, Kutai Kartanegara Regency, East Kalimantan. The Minister of Bappenas, Mr. Suharso Monoarfa, confirmed that this location will be the zero point in the middle of the Republic of Indonesia(36). With the promulgation of the Law, plans to move the nation's capitals are becoming more real and are protected by a legal umbrella. Even though it has been agreed upon and several preparations have been made, the policy of relocating the capital city is still generating controversy, which is marked by voices of unrelenting opposition (37).

The Prosperous Justice Party (F-PKS) faction of the DPR RI was the only party faction that rejected the IKN Bill declared law in the DPR Plenary Session. PKS considered that



moving the country's capital was inappropriate when the state was having difficulty fixing the state's finances (38) affected by the pandemic, and the discussion of the IKN Bill felt rushed. Several activists who are members of the East Kalimantan Community Coalition also voted against the transfer of IKN, assessing that the IKN Bill that has been passed is procedurally flawed and is considered a threat to the safety of people's living space because it has the potential to displace the land of Indigenous peoples and endangered species in Kalimantan. East Amid the Covid-19 pandemic, the plan to move IKN is not considered urgent. The budget calculated by the government to fund the relocation of the capital city is considered unwise in the country's conditions, which is being affected by the COVID-19 pandemic. Not a few groups, including national figures, also expressed their rejection of the plan to move the country's capital with fantastic funds because they felt these funds could be allocated to support recovery from the economic impact of the COVID-19 pandemic. One form of rejection that has attracted quite a lot of public attention is the Petition Rejecting the Move and Development of the National Capital, which was carried out online because this petition did not come from ordinary people but was initiated by national figures who were highly educated and educated people. intelligent (6).

3. Domestic Security

Even though East Kalimantan is relatively safe in acts of terrorism compared to Jakarta, according to quantitative research, the island of Kalimantan is the region with the least acts of terrorism in Indonesia (39). Even so, the threat of terrorism remains something that must be considered. This is because East Kalimantan is an area that is quite attractive to terrorist group militants as a base for their group. For example, the perpetrator of the Ecumenical Church bombing, Muhammad Aceng Kurnia, was a person who joined Jamaah Ansarut Daulah (JAD) in East Kalimantan. Where by connection, JAD Kaltim is part of the Jamaah Ansharut Khalifah Daulah Nusantara (JAKDN) (40), which is alleged to be the group responsible for the 2016 Sarinah bomb and is affiliated with ISIS. Furthermore, Muhammad Aceng was even a recidivist who was previously the perpetrator of the bomb terror in Tangerang in 2011 and had undergone a deradicalization process in prison for 3.5 years but continued to carry out acts of terror in 2016 after leaving prison. This proves that East Kalimantan is, in fact the base for the movement of one of the terrorist networks in Indonesia, which is also affiliated with ISIS (41)

In general, the selection of Kalimantan as one of the central locations for terrorist activities in the Southeast Asia region began in 2002 by Lashkar 54 Jundullah for three main reasons (42). First, Kalimantan has a low level of military concentration with a very large territory. Even in the context of the Kalimantan region with five provinces in it, it only has two Kodams headquartered in Balikpapan and Pontianak, five Polda spread across each province, two Lantamals (43), which are quite far from the new IKN, namely in Tarakan and Pontianak, and six air bases. If reduced to the scale of the new IKN, the defense and security infrastructure will be minimal. Second, this situation is exacerbated by the hilly and forest-covered contours of the area, which ultimately makes this area very suitable for a military base. As we know, the majority of Kalimantan is land covered with forests. According to statistical data, the area of Kalimantan reaches 743,440 square kilometers, crossed by at least 58 large rivers, with mountainous and hilly relief reaching 39% of the total area (44). Third, East Kalimantan's proximity to other terrorist network base areas in Southeast Asia, such as Mindanao and Sabah, makes this region geographically very strategic. As reported by Safrudin in his interview with Nasir Abbas, he mentioned that Kalimantan, as Mantiqi Tsalis, played an important role in developing terrorism networks in Southeast Asia. The strong network of this terrorist group was proven in the case of Ali Fauzi, a Bali bomb maker, who took part in establishing the Ibtidaiyah camp in Mindanao in 2002. Even ideologically, the JAD group nested in East Kalimantan has the same understanding and goals as militant and terrorist groups in the



southern Philippines, namely the Moro Islamic Liberation Front and Abu Sayyaf. Because of this situation, it can be truly believed that the existence of ISIS regional leadership in Mindanao, Kalimantan, Sabah, and Sulawesi through Mantiqi Tsalis is a manifestation of a real threat to regional stability and security (45).

From a national defense perspective, the operationalization of IKN defense can also be linked to strategic depth. For example, countries with a strategic depth advantage, especially Russia and China, can rely on a defense-in-depth strategy (46). This strategic approach allows the defending party to avoid defeat and find the momentum to victory in the war. This is done by preventing the enemy (attacker) from seizing key territory and preventing the enemy (attacker) from controlling the territory they have captured (47). On the other hand, countries like Singapore, with a strategic depth deficit, have developed a military doctrine that relies on forward defense, strategic mobility, and pre-emptive strikes to prevent fighting from touching strategic spaces such as the nation's capital. Defense-in-depth and advanced base strategies need not be a dichotomy. The operationalization of the combination of these two titles was found in China, which implemented a defense-in-depth strategy since the 1990s but then moved to advanced bases in the 2010s through the construction of a “blue navy” (BlueWater Navy) and military bases abroad such as in the South China Sea to the east coast of Africa (48).

4. International Interest

In the context of foreign relations, although there will be no drastic changes in foreign policy, the transfer of this new IKN will still slightly affect the pattern of Indonesia's relations with other countries (43). As we know, the transfer of IKN requires a lot of investment from the UAE, the US, China, Japan, and several other countries. Among these countries, China is said to be Indonesia's big hope as an investor who will play a significant role in developing the new IKN. Of course, this will affect Indonesia's relationship with China in the future. Indonesia will certainly take a more intense and closer approach to obtaining large investments from China. In return, China will gain new close friends in the Asia Pacific region. Even so, this does not mean that Indonesia will form an alliance with China and be openly hostile to the USA (49). The Ministry of Foreign Affairs needs to play a clever game to accommodate this by sticking to a free and active foreign policy. Indonesia can then use a hedging strategy, namely, getting closer to China to take as many opportunities as possible while maintaining neutrality to minimize the risk of regional instability and harm to the country's interests. Even so, as explained above, in the geopolitical context of the Asia Pacific region, it will not have much influence, including on the regional political architecture in ASEAN (50). Therefore, the threat of traditional security issues (such as war) in the new IKN area will have minimal potential, as in the current IKN in Jakarta. It is also believed that the influence of the IKN transfer on regional stability is insignificant. This is also proven by the movement of capital cities in other countries such as Australia, Brazil, Kazakhstan, India, and even Southeast Asian countries, namely Myanmar, which do not affect increasing threats to their new capital cities (5).

Looking at the practices of moving national capitals as mentioned above, perhaps each has different challenges and processes, including Indonesia, especially those related to funding. In Indonesia, in preparation for IKN development, there are several schemes related to support from domestic and foreign investors. This is done because the Indonesian government has limitations regarding the availability of funds from the APBN (National Budgeting) (51). For this reason, various infrastructure development projects organized by the government are also carried out by bringing in the role of third parties to invest in financing schemes. This is also known as foreign direct investment. Foreign Direct Investment (FDI). The International Monetary Fund emphasizes that with FDI, it is hoped that the type of investment made can also advance the economy of the country where the investment is received.



Regarding FDI, Leal-Arcas stated that one form of FDI is to provide investment funds directly to the country receiving the investment, and it is a common form for foreign investors in connection with the FDI above. This scheme is closely related to Indonesia's infrastructure project financing scheme. One of them is the financing scheme for the development of the IKN. This is confirmed in the provisions of Article 24 (1) letter (b) of Statute Number 3 of 2022 subject to IKN and Appendix II of Law 3/2022, namely through the Government and Business Entity Cooperation (KPBUE) scheme, as well as the international financing support. So, if we look closely, the financing scheme through foreign investment for IKN development has a firm legal basis. Therefore, there is no need for foreign investors to worry about participating in IKN development (52). As a comparison, several countries in the world, with various considerations from each country, have moved the country's capital to a new city or region (Table 1).

Table 1 List of countries that have the capital relocation in the 20th century

No	Country	Year	Old Capital City	New Capital City
1.	Brazilia	1956	Rio de Janeiro	Brasilia
2.	Mauritania	1957	Louis (Senegal)	Nouakchot Saint
3.	Pakistan	1959	Karachi	Islamamad
4.	Boswana	1961	Mafeking	Gaberone
5.	Libiya	1963	Benghazi	Tripoli
6.	Malawi	1965	Zomba	Liliongwe
7.	Belize	1970	Belize City	Belmopan
8.	Tanzania 1973	1973	Dar ess sallam	Dodoma
9.	Nigeria	1973	Labos	Abuja
10.	Pantai Gading	1975	Abidjan	Yamoussoukro
11.	German	1990	Bonn	Berlin
12.	Kazakhstan	1973	Almaty	Astana
13.	Malaysia	2000	Kuala Lumpur	Putrajaya

Source: Baglioni, E., & Gibbon, P. (2013)

D. Conclusion

With various long debates from the public who were for and against moving the national capital city from Jakarta to East Kalimantan Island, finally, the government, together with the People's Representative Council, has enacted Law no. 3 of 2022 subject the IKN as part of government legal policy. The current National Capital City is Jakarta; based on research analysis from various sources, both government and private institutions, in the last five years, there have been several things that are very critical that will harm the environment and the welfare of its people. For example, uncontrolled population density, flood disasters that continue to occur every year, and very bad traffic jams that result in extreme air pollution, not to mention the existence of industrial areas located and mixed close to human settlements, adding to the complexity of the problem. The centralization of economic and business activities and government institutions in Jakarta has been more than 75 years since Indonesia's independence, and it has not been able to create a just economic balance and social status as mandated in the fifth principle of Pancasila. In several developed and developing countries, national capitals such as Australia, India, ASEAN, Myanmar, and Malaysia have been moved, and the results have generally been very successful. However, with the decision to move the nation's capital to the island of East Kalimantan, it is hoped that the government will continue to make efforts so that national security stability, which has been good so far, can be maintained better and more sustainably. Therefore, the facilities and infrastructure that support the creation of national security stability around the new national capital, such as government institutions (bureaucracy), security institutions (police), defense institutions (army), and community protection, must be immediately equipped and perfected.



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