

## Legal Review of the Determination of North Penajam Paser Regency as the Capital City of the Country

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**Abstract.** *This study was conducted with the aim of analyzing the policy process in determining Penajam Paser Utara Regency as the National Capital, analyzing the legal problems that arise in determining Penajam Paser Utara Regency as the National Capital, analyzing the policies that need to be taken to overcome the problems so that the determination of Penajam Paser Utara Regency as the National Capital has legal force. This study uses a research method using normative legal research, namely an approach carried out by examining the rules or norms or regulations related to the problem to be discussed. The results of this study analyze the policy process in determining Penajam Paser Utara Regency as the National Capital, analyzing the legal problems that arise in determining Penajam Paser Utara Regency as the National Capital, analyzing the policies that need to be taken to overcome the problems so that the determination of Penajam Paser Utara Regency as the National Capital has legal force.*

**Keywords:** Capital; Legal; National; Problems.

### 1. Introduction

The capital city is the center of government as regulated by the laws of each country. The capital city is the city where the center of government of a country is located or where the elements of the executive, legislative and judicial administrations are gathered. The existence of a capital city in a country is usually a symbol of the identity of the nation that forms the country. The capital city is a significant component that describes national identity, as the location of a country's power or represents the magnitude of a country's power, and also as the focal point of the existence of support groups, conflicts and cohesion between groups that form a country/nation. The capital city is also a political

center, having an important function in the debate over power in order to legitimize that power.<sup>1</sup>

Jakarta as the capital city has many problems that have not been resolved until now. Where the face of the capital city should be better and more rapidly developed. This very complex problem is also caused by the development of Jakarta which is not balanced with city management, in addition to reducing the density of the city of Jakarta, also for reasons of equal distribution of development in other areas, the idea of moving the nation's capital to another city has emerged.

The relocation of the new capital city is seriously being worked on by Jokowi. On April 29, 2019, Jokowi decided to move the capital city outside Java and included it in the 2020-2024 RPJMD.<sup>2</sup> According to Jokowi, moving the capital outside Java is expected to create equality starting from the economy to the population, so that there is no inequality in the economy, infrastructure, and population. The relocation of the country's capital to Penajam Paser Utara has drawn pros and cons.<sup>3</sup>: The Pro view is that it can create better regional autonomy, can improve the economic sector, create equitable development, while the Contra view is that it threatens the scope of local communities and animals, has the potential to displace indigenous people's land, and it is feared that millennials will have difficulty owning a home.

Problem identification is needed for the process of identifying problems that exist in a particular field or topic. The identified problems must be important, relevant and solvable. The purpose of this study is Analyzing the policy process in determining Penajam Paser Utara Regency as the National Capital, Analyzing the legal problems that arise in determining Penajam Paser Utara Regency as the National Capital, Analyzing the policies that need to be taken to overcome the problems so that the determination of Penajam Paser Utara Regency as the National Capital has legal power.<sup>4</sup>

## 2. Research Methods

This study uses normative legal research, namely an approach carried out by examining the rules or norms or regulations related to the problem to be discussed.<sup>4</sup>

The specifications of this research which uses the analytical descriptive research method, according to Sugioyono, is a method which functions to describe or

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<sup>1</sup> Suharso Monoarfa, 2020, National Capital, Ministry of National Development Planning/Bappenas, Jakarta, P. 11

<sup>2</sup> Ayundari, "The Urgency of Moving the National Capital", Djkn. Kemenkeu.go.id, 01/25/2022,

<sup>3</sup> Tari Oktaviani, pros and cons of moving the nation's capital, Kompas.com, May 21, 2023

<sup>4</sup> Soerjono Soekanto, 2007, Introduction to Legal Research, University of Indonesia, Jakarta, p. 56

provide an overview of the object being researched through data or samples which have been collected as they are without conducting analysis and making conclusions which apply to the general public.<sup>5</sup>

The method of collecting legal materials is carried out by means of literature study, namely conducting searches for legal materials by reading, viewing, listening and now many searches are carried out via the internet.<sup>6</sup>This material collection technique is carried out to collect secondary legal materials which are used as supporting materials in research.

To manage and analyze data in this study, a qualitative data analysis method was used, namely data that is not in the form of numbers, but in the form of a series of information that is extracted from research results but is still in the form of verbal facts or still in the form of statements only.<sup>7</sup>

### **3. Results and Discussion**

#### **3.1. Policy Process for Determining Penajam Paser Utara Regency as the National Capital**

The policy process in determining Penajam Paser Utara Regency as the IKN, where with the determination of Penajam Paser Utara as the Capital City of the "Nusantara" there are many things that must be determined by the Government. Starting from the determination of Law No. 3 of 2022 concerning the National Capital City which was then revised into Law No. 21 of 2023 concerning Amendments to Law Number 3 of 2022 concerning the National Capital City.

##### **1.1 Legal Problems Arising in the Determination of North Penajam Paser Regency as the National Capital**

1.1.1 Penajam Paser Utara Regency as a regency registered as an administrative area of government in the province of East Kalimantan

1.1.2 Pthe formation of a Regency/City as a requirement for Government Administration,

1.1.3 State forests that have changed function to become areas for development facilities for the Core Area of the National Capital City Government Center,

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<sup>5</sup>Sugioyono, 2009, Quantitative, Qualitative and R&D Research Methods, CV. Alfabeta, Bandung

<sup>6</sup>Mukti Fajar and Yulianto Achmad, 2010, Dualism of Normative & Empirical Legal Research, Pustaka Pelajar, Yogyakarta, pp. 183-187

<sup>7</sup>Lexy L. Moleong, 2001, Qualitative Research Methodology, Remaja Rosda Karya, Bandung, p. 3

1.1.4 Land Dispute between the Government and the community in Sepaku District, North Penajam Paser Regency.

1.2 Policies Taken to Overcome Problems so that the Determination of Penajam Paser Utara Regency as the National Capital Has Legal Power

1.2.1 About Subdistrict Expansion

1.2.2 About Handling and Settlement of Land Cases

1.2.3 Regarding the Management of State Forests which have changed functions

The physical development project for interconnection infrastructure between Penajam Paser Utara Regency, East Kalimantan Province and the Indonesian Capital City (IKN), the capital city of Indonesia, is being carried out amidst budget efficiency policies because it is a priority.

"The physical project sourced from the 2025 regional revenue and expenditure budget (APBD) of the district was implemented because it was a priority," said Secretary of the Public Works and Spatial Planning (PUPR) Service of Penajam Paser Utara Regency Ali Musthofa in Penajam, as reported by ANTARA, Friday (7/3/2025).

The physical development, he continued, is the KMS Road-Ingkur Majapahit intersection that penetrates the Benuo Taka Port area with a project value of IDR 51 billion.

"The road infrastructure is connected to the road to Nusantara City in Sepaku District which is an economic route," he added.

Then, the funds for the construction of breakwaters to prevent abrasion in the Penajam Paser Utara Regency area of around IDR 4.1 billion were also not touched by budget efficiency.

The breakwater was built along one kilometer in Tanjung Tengah Village, from Corong Beach to Muara Tunan, then continued to the border of Saloloang Village along three kilometers with concrete pipe material.

"The funds prepared in the 2025 APBD of around IDR 4.1 billion are certain not to be subject to efficiency or budget rationalization because the breakwater is in the public interest," he explained.

The physical project in Penajam Paser Utara Regency is funded by financial assistance (bankeu) from the East Kalimantan Provincial Government, which is considered strategic and is not affected by efficiency.

The physical development includes the improvement of the Gunung Mulia Village Road-Sebakung Jaya Village for IDR 12 billion, the development of the Sebakung Jaya Village Road-Petiku for IDR 15 billion, and the improvement of the Sarang Alang Road in Babulu Laut Village for IDR 20 billion.

"If the budget for physical projects implemented this year is affected by rationalization, the total length of the work will be reduced," he said.

Physical work in Penajam Paser Utara Regency from the central government's special allocation funds (DAK), namely the construction of the Sebakung Jaya-Petiku Village Bridge for IDR 11.9 billion, the improvement of the Babulu Darat-Sebakung Jaya Village Road for IDR 8.9 billion, and the improvement of the Rawa Mulia-Sumber Sari Village Road for IDR 11.5 billion, were affected by the budget efficiency policy, said Ali Musthofa.

#### 4. Conclusion

The relocation of the new capital city is seriously being worked on by Jokowi. On April 29, 2019, Jokowi decided to move the capital city outside Java and included it in the 2020-2024 RPJMD.<sup>8</sup> According to Jokowi, moving the capital outside Java is expected to create equality starting from the economy to the population, so that there is no inequality in the economy, infrastructure, and population. The relocation of the country's capital to Penajam Paser Utara has drawn pros and cons.<sup>9</sup> The Pro view is that it can create better regional autonomy, can improve the economic sector, create equitable development, while the Contra view is that it threatens the scope of local communities and animals, has the potential to displace indigenous people's land, and it is feared that millennials will have difficulty owning a home. The specifications of this research which uses the analytical descriptive research method, according to Sugioyono, is a method which functions to describe or provide an overview of the object being researched through data or samples which have been collected as they are without conducting analysis and making conclusions which apply to the general public. The method of collecting legal materials is carried out by means of literature study, namely conducting searches for legal materials by reading, viewing, listening and now many searches are carried out via the internet.<sup>10</sup> This material collection technique is carried out to collect secondary legal materials which are used as supporting materials in research.

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<sup>10</sup>Mukti Fajar and Yulianto Achmad, 2010, Dualism of Normative & Empirical Legal Research, Pustaka Pelajar, Yogyakarta, pp. 183-187

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