



CONSTITUTIONALE

Volume 6 Issue 2, July 2025: PP: 115-126

Faculty of Law, Universitas Lampung, Bandar Lampung, Indonesia.

<http://jurnal.fh.unila.ac.id/index.php/constitutionale>

P-ISSN: 2723-2492 E-ISSN: 2745-9322

The Effect of the Nusantara Capital City Authority on East Kalimantan's Regional Autonomy: A Constitutional Analysis

Nanik Prasetyoningsih¹, Cyabriena Asela², Rajali Bin Haji Aji³

¹Universitas Muhammadiyah Yogyakarta, Indonesia

E-mail: nanikprasetyoningsih@umy.ac.id

²Universitas Muhammadiyah Yogyakarta, Indonesia

E-mail: c.asela.law21@mail.umy.ac.id

³Universiti Islam Sultan Sharif Ali, Brunei Darussalam

E-mail: rajali.aji@unissa.edu.bn

Submitted: Mar 2, 2020; Reviewed: Mar 24, 2020; Accepted: Apr 27, 2020

Article's Information

Abstract

Keywords :

Nusantara Capital City Authority; Regional Autonomy; Decentralized local governance; East Kalimantan; Constitutional law.

DOI :

<https://doi.org/10.25041/constitutionale.v6i2.4455>

Law Number 3 of 2022 on the Nusantara Capital City has sparked constitutional debate, particularly regarding its effects on regional autonomy in East Kalimantan. The debate centers on the extensive authority granted to the Nusantara Capital City Authority, which functions outside the conventional framework of decentralized local governance. This study evaluates whether the NCCA's legal structure and powers align with the constitutional principles of decentralization set out in Article 18 of the 1945 Constitution. Through normative legal research using statutory and conceptual approaches, the study finds that the NCCA's governance model diverges from democratic local governance standards due to the absence of a regional legislative council and an elected regional head. Consequently, the establishment of the NCCA has effectively reduced the autonomous authority of the East Kalimantan provincial government. The study recommends instituting a regular constitutional review mechanism to ensure alignment between national strategic priorities and regional autonomy.



A. Introduction

Under President Joko Widodo, the relocation of Indonesia's national capital to East Kalimantan was formally authorized through Law Number 3 of 2022, enacted on January 18, 2022, and later amended by Law Number 21 of 2023 to reinforce its regulatory framework¹. A central point of debate concerns Article 5 paragraph (4) of Law Number 3 of 2022, which grants the Head of the Nusantara Capital City Authority ministerial rank and provides for appointment and dismissal by the President following consultation with the House of Representatives. This provision has generated sustained constitutional and political debate regarding the authority's legal status and institutional accountability². Governance of the Nusantara Capital City departs from Indonesia's conventional model of local democracy, as the Head of the Nusantara Capital City Authority is appointed by the President rather than elected. Law Number 3 of 2022 establishes the Authority as a special governing body with broad administrative and regulatory powers, justified by national strategic considerations³. However, this model raises constitutional concerns related to regional autonomy in East Kalimantan as the host province. Article 18 of the 1945 Constitution guarantees decentralized governance through democratic local institutions, yet the Nusantara framework excludes key elements of local democracy, including an elected regional head and a regional legislative council.

Constitutional law expert Bivitri Susanti contends that the governance structure of the Nusantara Capital City enables local authoritarianism because authority is concentrated within the executive branch. In contemporary democratic theory, governmental legality and legitimacy are fundamental, requiring that governmental authority be grounded in constitutional and statutory norms as well as public trust⁴. Democratic legitimacy is conventionally derived from electoral processes that enable representative government. The Nusantara Capital City Authority centralizes executive power within the new capital region and operates without oversight from a Regional House of Representatives, raising concerns regarding the absence of local democratic accountability⁵. This arrangement also conflicts with the principle of decentralization, which underpins regional autonomy by promoting community participation in local decision making and resource management. In Indonesia, decentralization and regional autonomy are regulated under Law Number 23 of 2014, which allocates authority between central and regional governments to ensure democratic and accountable local administration⁶.

¹ Sultan Rivandi and Sidik Pramono, "IKN: Economic Opportunity or Threat? A Comprehensive Public Policy Analysis on the Economic and Social Impacts of Indonesia's Capital City Relocation," *Journal of Public Policy* 10, no. 2 (April 28, 2024): 130, doi:10.35308/jpp.v10i2.8938.

² Rhendy Harnaloustamy Caesar, "Existence of Authority Nusantara Capital City in Perspective of Local Government Law," *Constitutionale* 5, no. 2 (January 30, 2025): 99–110, doi:10.25041/constitutionale.v5i2.3557.

³ Ni Putu Rai Yuliantini, Dewa Gede Sudika Mangku, and Ni Ketut Sari Adnyani, "RECOGNITION OF SOCIETY RIGHTS IN TRADITION SPECIALLY IN TOURISM REGULATION BASED ON ARTICLE 18B PARAGRAPH (2) OF THE 1945 CONSTITUTION OF THE REPUBLIC OF INDONESIA," *Journal Equity of Law and Governance* 1, no. 1 (April 23, 2021): 25–36, doi:10.55637/elg.1.1.3242.25-36.

⁴ Immanuel Christwo Bangun, "Massive Development of Nusantara Capital City in the Perspective of Ecological Politics," *Langgas: Jurnal Studi Pembangunan* 3, no. 2 (September 30, 2024): 75–89, doi:10.32734/ljsp.v3i2.17910.

⁵ Elvia Rahmawati, Miftakhul Huda, and Ian Firstian Aldhi, "The Principle of People's Sovereignty in the Presidential Appointment of the Head of the Nusantara Capital Authority," *Journal of Law, Politics and Humanities* 5, no. 2 (December 25, 2024): 849–53, doi:10.38035/jlph.v5i2.1046.

⁶ David B. Audretsch and Petra Moog, "Democracy and Entrepreneurship," *Entrepreneurship Theory and Practice* 46, no. 2 (March 10, 2022): 368–92, doi:10.1177/1042258720943307.

The implementation of the Nusantara Capital City Authority therefore has the effect of constraining regional autonomy⁷.

This study adopts normative legal research with a prescriptive and analytical character. A statutory approach is employed to assess the consistency of Law Number 3 of 2022 with constitutional provisions on decentralization, particularly Article 18 of the 1945 Constitution. A conceptual approach is used to examine theories of regional autonomy, decentralization, and democratic local governance. Legal materials are analyzed qualitatively through systematic legal interpretation to evaluate the constitutional implications of the governance structure of the Nusantara Capital City Authority.

The novelty of this research lies in its critical assessment of the ambiguous legal status of a provincial authority led by a ministerial appointee who is not elected. The study further analyzes the implications of this arrangement for the principle of decentralization as regulated under Law Number 23 of 2014. In addition, the limited involvement of local governments and communities in the drafting of legislation on the Nusantara Capital City raises concerns regarding the protection of regional autonomy rights. This research seeks to identify deficiencies in the decentralization framework of the Nusantara Capital City Authority and to assess their impact on the regional autonomy of East Kalimantan.

Although existing scholarship has extensively discussed the political and economic aspects of the Nusantara Capital City project, its constitutional implications for regional autonomy remain underexamined. Prior studies tend to emphasize development policy and administrative efficiency, leaving a gap in constitutional analysis concerning the legal position of the Nusantara Capital City Authority within Indonesia's decentralization framework. This study addresses that gap by providing a focused constitutional analysis of the Authority's powers and their implications for autonomous governance in East Kalimantan.

B. Discussion

1. Implementing Regulations of the Nusantara Capital City

President Joko Widodo's address on August 16, 2019 announcing the relocation of Indonesia's national capital marked a significant shift in the country's administrative and development strategy. Following an extensive assessment by the National Development Planning Agency, the government designated North Penajam Paser and parts of Kutai Kartanegara in East Kalimantan as the site of the new capital⁸. The relocation is intended to establish a centralized center for executive, legislative, and judicial functions and to strengthen the capital's role as a core instrument of the state.

The initiative is closely linked to Indonesia's long term vision of becoming the world's fifth largest economy by 2045 and was subsequently formalized through Law Number 3 of 2022, which officially named the new capital Nusantara⁹. Despite its strategic objectives, the legislative process leading to the enactment of this law has been contested. During the plenary session of the House of Representatives, the Special Committee formed to deliberate the Nusantara Capital City Bill comprised 56 members, exceeding the 30 member limit prescribed

⁷ Febriansyah Ramadhan, Dewa Krisna Prasada, and I Gede Druvananda Abhiseka, "Strengthening Regional Autonomy: The Idea of Reorganizing Regional Property Regulations," *Hang Tuah Law Journal*, June 16, 2025, doi:10.30649/htlj.v9i1.279.

⁸ Jauchar B et al., "The Impact of IKN on Socio-Economic Development in Penajem Paser Utara (PPU) and Kutai Kartanegara," *Journal of Governance and Public Policy* 9, no. 2 (June 30, 2022): LAYOUTING, doi:10.18196/jgpp.v9i2.14083.

⁹ Febrianto Arif Wibowo et al., "Foresight for SOE Companies in Indonesia's Construction Industry: Recognizing Future Opportunities," *Sustainability* 16, no. 23 (November 27, 2024): 10384, doi:10.3390/su162310384.

by House Regulation Number 1 of 2020¹⁰. Legislator Suryadi Jaya Purnama criticized this composition as a procedural violation. In addition, the deliberation process was completed within 43 days, considerably shorter than typical legislative timelines.

Under Law Number 13 of 2022, which amends Law Number 12 of 2011 on the Formation of Laws and Regulations, legislation must proceed through sequential stages of planning, drafting, discussion, ratification, and promulgation. Article 50 paragraph (3) requires the House to commence deliberation within 60 days of receiving the President's letter. The accelerated process limited opportunities for harmonization between national and regional regulations, thereby creating potential conflicts between provincial and national policies, particularly in the areas of land use, infrastructure planning, and social services.

These gaps risk regulatory conflict and implementation uncertainty, amounting to a legal vacuum. The expedited legislative process weakened public participation and substantive scrutiny, thereby increasing the likelihood of overlapping jurisdictions. In particular, limited deliberation on coordination mechanisms between the Nusantara Capital City Authority and existing regional governments resulted in vague regulatory boundaries and unclear lines of accountability.

On February 2, 2022, Poros Nasional Kedaulatan Negara submitted a judicial review to the Constitutional Court, arguing that the formation of the Nusantara Capital City Law violated legislative procedures. In its decision, the Court acknowledged certain procedural shortcomings but held that they did not invalidate the law. The Court concluded that the legislative process remained within applicable legal norms and did not constitute a substantial violation of the 1945 Constitution, emphasizing that the authority to formulate major national policies, including the relocation of the capital, rests with the government and the House of Representatives.

Because the fundamental principles of lawmaking were considered to have been satisfied, the Nusantara Capital City Law was deemed constitutionally valid. To support its implementation, the government subsequently issued several implementing regulations governing key aspects of the capital's governance and planning, namely¹¹.

1. Law Number 3 of 2022 jo Law Number 21 of 2023 on Nusantara Capital City;
2. Presidential Regulation Number 62 of 2022 on the Nusantara Capital City Authority;
3. Presidential Regulation Number 63 of 2022 on Details of the Master Plan for the Nusantara Capital City;
4. Presidential Regulation Number 64 of 2022 on Spatial Planning for the Nusantara Capital City Strategic Area.

The governance model of the Nusantara Capital City reflects institutional arrangements previously applied in Indonesia, notably the Batam Indonesia Free Zone Authority and the Borobudur Tourism Authority Board. The Batam Authority operates under a distinct administrative framework aimed at accelerating economic growth and regional development through centralized management and regulatory autonomy¹². Similarly, the Borobudur Tourism Authority Board was established to oversee the integrated management and

¹⁰ Mutiara Mahardika Agustin and Anwar Ilmar, "Power Interplay Between Executive and Legislative in the Formation of Law Number 3 of 2022 Concerning the National Capital," *Journal of Law, Politics and Humanities* 4, no. 3 (March 22, 2024): 180–91, doi:10.38035/jlph.v4i3.331.

¹¹ Budi Kalimantoro, KP Suharyono, and S Hadiningrat, "DEVELOPMENT OF THE CAPITAL CITY NUSANTARA BASED ON PANCASILA AND THE NUSANTARA PERSPECTIVE," *Power: Journal of Intellectual Power* 1 (2024).

¹² Amsakar Achmad et al., "Implementation of Ex-Officio Policy on The Development of Batam Free Trade Zone and Free Port Area," *Journal of Governance* 9, no. 4 (December 24, 2024), doi:10.31506/jog.v9i4.29678.

preservation of Borobudur Temple, a site designated by the United Nations Educational, Scientific and Cultural Organization as a World Heritage Site¹³.

These precedents illustrate Indonesia's experience with specialized authorities in the areas of governance, economic development, and cultural preservation. They provide an institutional reference for the establishment of the Nusantara Capital City Authority as a more comprehensive and contemporary governance model for the new national capital.

a. Comparative Models of Special Authority

1) Batam Indonesia Free Zone Authority

The Batam Indonesia Free Zone Authority (BIFZA) was established by Presidential Decree No. 41 of 1973 as the Batam Island Industrial Development Authority and is responsible for administering and developing Batam's free trade and free port areas.¹⁴ Over time, the institution evolved into BIFZA and assumed a central role in Batam's economic and industrial development. BIFZA operates under a national-level Supervisory Agency comprising the Coordinating Minister for Economic Affairs, the Chair of Bappenas, the Ministers of Home Affairs, Finance, Trade, Industry, and Transportation, the Head of the Investment Coordinating Board, and the provincial governor.

Following Batam's designation as an autonomous region and the implementation of decentralization, a bifurcation of authority emerged between the Batam City Government and BIFZA. This dual governance structure generated overlapping competencies, administrative inefficiencies, and jurisdictional conflicts. Despite Batam's autonomous status, BIFZA was retained, resulting in prolonged governance ambiguity¹⁵. In response, the government introduced an ex officio arrangement through Government Regulation No. 62 of 2019, which amended Government Regulation No. 46 of 2007 for the second time. This regulation integrated the leadership of BIFZA with the Batam City Government to enhance administrative coordination and reduce institutional conflict within a shared territorial jurisdiction¹⁶.

Nevertheless, BIFZA continues to operate as a distinct institutional entity due to its strategic importance and functional effectiveness in managing Batam's industrial and economic zones. Its specialized mandate in economic governance exceeds the routine administrative functions of the Batam City Government. Accordingly, the continued role of BIFZA remains critical to sustaining Batam's economic competitiveness and ensuring effective governance of its free trade and port areas.

2) Borobudur Tourism Authority Board

Established by Presidential Regulation No. 46 of 2017, the Borobudur Tourism Area Management Authority began operations in 2017. The authority operates under the strategic coordination of the Coordinating Ministry for Maritime Affairs, with operational leadership provided by a head appointed by the Ministry of Tourism¹⁷. Its cross-sectoral governance structure includes representatives from relevant ministries, and the Authority Board is

¹³ Jaya Suparaman and Isnaini Mualidin, "Collaborative Governance in The Menoreh Hills Tourism Area, Sedayu Village, Loano District, Purworejo Regency," *Jurnal Pemerintahan Dan Kebijakan (JPK)* 3 (2021), doi:10.18196/jpk.v3i1.13388.

¹⁴ Ali Imran Nasution, "The Changes Impact on State Ministries Nomenclature Toward National Development Progress," *Veteran Law Review* 4, no. 2 (October 25, 2021): 94, doi:10.35586/velrev.v4i2.3159.

¹⁵ Flore Bridoux and JW Stoelhorst, "Stakeholder Governance: Solving the Collective Action Problems in Joint Value Creation," *Academy of Management Review* 47, no. 2 (April 2022): 214–36, doi:10.5465/amr.2019.0441.

¹⁶ Ady Muzwardi, "Job Analysis of Ex-Officio Head of Batam Indonesia Free Zone Authority (BP Batam): Relationship between Performance and Political Relations," *Jurnal Magister Administrasi Publik* 1, no. 1 (April 30, 2021): 41–54, doi:10.31629/jmap.v1i1.3325.

¹⁷ Lailatul Lufiah, Miftah Ichwani Gumantiara, and Zaky Ramadhan, "Paradiplomacy and Its Influence on Visitor Trends at Twin World Heritage Sites: A Case Study of Borobudur Temple 2018-2019," *Journal of Paradiplomacy and City Networks* 3, no. 1 (June 30, 2024): 42–53, doi:10.18196/jpcn.v3i1.39.

responsible for policy formulation, policy coordination, strategic direction, and performance evaluation of tourism area management. Institutionally, the authority functions as a specialized management body rather than an autonomous region, with its mandate limited to tourism development, while population administration and regional taxation remain under the jurisdiction of Magelang Regency¹⁸.

3) The Comparative Between Three of Special Authorities

At first glance, the NCCA appears similar to special agencies such as the BIFZA and the Borobudur Tourism Authority. However, they differ substantially in institutional design, legal status, and authority. The Batam Authority operates under an ex officio arrangement in which the Mayor of Batam concurrently serves as Head of the Authority to avoid governance dualism. The Borobudur Tourism Authority functions as a technical body limited to tourism management and lacks territorial administrative control¹⁹.

By contrast, the NCCA Authority is a sui generis institution established as a subnational government with special autonomy at the provincial level and is not part of any existing local or provincial government²⁰. Under Law No. 3 of 2022, it exercises comprehensive administrative and regulatory powers within the new capital. Its Head is appointed and dismissed by the President and holds a status equivalent to that of a minister, creating legal ambiguity because gubernatorial powers are exercised at a ministerial level²¹.

Unlike the Batam and Borobudur authorities, which complement local governance, the NCCA effectively substitutes provincial government without democratic regional institutions, raising constitutional concerns regarding the erosion of regional autonomy.

Positioning the Head of the Nusantara Capital City Authority at a ministerial level without a Regional House of Representatives creates significant constitutional and regulatory obstacles. This model produces a normative gap, as legal instruments issued by the Authority cannot be clearly classified as either ministerial decrees or regional regulations, thereby undermining legal hierarchy, judicial review, and constitutional accountability. The absence of a regional legislature also eliminates legislative oversight, leaving executive actions unchecked and prone to unilateral decision-making in violation of the constitutional principle of balanced and democratic local governance.

Moreover, the lack of a local legislative body contravenes the balance envisioned in Article 18 of the 1945 Constitution. In practice, overlapping jurisdictions emerge when NCCA planning decisions override the authority of the East Kalimantan government in zoning, environmental management, and regional development. This centralistic arrangement, justified by the Authority's special status, heightens the risk of authoritarian governance, policy overreach, and weakened democratic oversight in a constitutional system grounded in decentralization and local representation²².

¹⁸ Andy Mulyana et al., "Fiscal Policy and Resilience of the Tourism Industry Against the COVID-19 Pandemic," *Indonesian Accounting and Financial Research* 8, no. 2 (September 11, 2023): 176–87, doi:10.23917/reaksi.v8i2.2390.

¹⁹ Novia Handayani, Hernadi Affandi, and Mei Susanto, "The Legal Dynamics of the Dual Positions of Batam Mayor as Head of BP Batam," *Journal of Law and Policy Transformation* 9, no. 1 (June 14, 2024): 46–68, doi:10.37253/jlpt.v9i1.9329.

²⁰ Asyifa Aulia Putri Ramadhina, Imam Koeswahyono, and Mohammad Hamidi Masykur, "Regulations on the Determination of Abandoned Land Objects for the Land Bank in the Context of Realizing Agrarian Reform," *International Journal of Humanities Education and Social Sciences (IJHESS)* 4, no. 3 (December 26, 2024), doi:10.55227/ijhess.v4i3.1341.

²¹ Achmad Zuhdi et al., "Presidential Partisanship in Indonesian Elections: A Legal and Ethical Analysis," *IUS Journal of Law and Justice Studies* 13, no. 1 (April 27, 2025): 168–86, doi:10.29303/ius.v13i1.1635.

²² I Ketut Gunawan, Mohammad Taufik, and Iván Győző Somlai, "Ethnic Fractionalization and Polarization in New Capital City of Nusantara, Indonesia: Analysis of Potential Conflict," *Journal of Governance and Public Policy* 11, no. 3 (October 17, 2024): 331–51, doi:10.18196/jgpp.v11i3.21049.

2. The Effect of the Implementation of Nusantara Capital City Authority on East Kalimantan Autonomy

The NCCA operates outside the decentralized regional government framework and therefore does not exercise household affairs under regional autonomy. Consequently, the constitutional basis typically applied to autonomous regions is inapplicable. Article 18B paragraph (1) of the 1945 Constitution is not relevant to Nusantara, as it applies to regions with established customary or socio-cultural legal communities, such as Jakarta, Yogyakarta, Aceh, and Papua, which Nusantara lacks.

This distinction is reinforced by the Nusantara Capital City Law. Article 5 paragraph (2) vests exclusive authority in the Nusantara Capital City Authority, thereby excluding the role of a Regional House of Representatives. Article 13 paragraph (1) further limits elections in Nusantara to the President, Vice President, and members of the national legislature²³.

Governance and electoral processes in Nusantara are centralized and national in character, departing from the regional autonomy model. The absence of a Regional House of Representatives removes the local legislative oversight function, a core element of regional autonomy under the Indonesian constitutional framework²⁴.

Consequently, oversight of the Head of the NCCA is exercised by the national legislature, reflecting the formal equivalence of the position to that of a minister. This arrangement weakens the checks and balances essential to democratic governance²⁵. Although designated as a special regional government, the NCCA does not conform to the administrative and legal characteristics of other provincial governments. A central issue is the uncertain legal status of regulations issued by the Head of the Authority, which cannot be clearly classified as either ministerial or regional instruments.

This ambiguity undermines regulatory coherence and consistency, particularly because the NCCA operates outside the regional autonomy framework of Article 18 of the 1945 Constitution. The extensive powers granted to the Authority also generate jurisdictional overlap with the East Kalimantan provincial government, especially in land use licensing, environmental regulation, and infrastructure approval. Competing claims of authority create conflicting directives for investors and local communities²⁶.

As a result, law enforcement is impeded, administrative boundaries are blurred, and public trust in local governance is weakened. Functions traditionally exercised by provincial governments, including land management, infrastructure planning, and socio-economic development, are centralized under the NCCA, effectively diminishing the role of the Governor of East Kalimantan and marginalizing provincial participation in decisions affecting regional development.

The wording of Article 1 paragraph (9) of the Nusantara Capital City Law creates additional interpretive uncertainty. By assigning the Authority responsibility for “preparation, development, and relocation,” the provision suggests a role akin to a development agency rather

²³ Rahmat Muhajir Nugroho et al., “A Comparison of Legislative Election Systems in Indonesia and Malaysia,” *Jurnal Media Hukum* 31, no. 1 (April 22, 2024): 78–94, doi:10.18196/jmh.v31i1.21485.

²⁴ Abdul Rahman Sabara, “Regional Autonomy in the Political System and Authority in Indonesia,” *Diponegoro Law Review* 7, no. 2 (October 27, 2022): 296–311, doi:10.14710/dilrev.7.2.2022.296-311.

²⁵ Honorata Mazepus and Dimiter Toshkov, “Standing up for Democracy? Explaining Citizens' Support for Democratic Checks and Balances,” *Comparative Political Studies* 55, no. 8 (July 13, 2022): 1271–97, doi:10.1177/00104140211060285.

²⁶ Irwan Gani et al., “Makassar Strait Area Development in Indonesia Based on the Marine Economy Sector,” *Economies* 10, no. 8 (August 12, 2022): 195, doi:10.3390/economies10080195.

than a comprehensive governing institution, thereby obscuring the scope and nature of its authority²⁷.

Designating the Nusantara Capital City Authority as the “organizer of the special regional government” further complicates constitutional interpretation. This formulation implies executive powers equivalent to those of a regional government and produces a structural tension in which one governmental body encroaches upon the jurisdiction of another. The Head of the NCCA consolidates extensive governing functions within the capital area, functions that would ordinarily be exercised by locally elected officials, raising concerns regarding constitutional legitimacy and administrative coherence²⁸.

Although certain powers formally remain with the provincial government, the breadth of the NCCA’s authority makes it vulnerable to abuse. Democratic representation is also weakened, as the Head of the Authority is appointed rather than elected, limiting public participation²⁹. The requirement for coordination between the NCCA and the regional government further generates overlapping and unclear policy implementation. In effect, the Governor of East Kalimantan is deprived of authority over planning, land management, infrastructure development, and socio-economic governance within the national capital area.

The NCCA exercises comprehensive decision-making authority over the Nusantara Capital City and is directly accountable to the President. This arrangement diminishes the position of the Governor of East Kalimantan, who no longer exercises effective control over the administration of the region under his leadership. Such a structure raises concerns of constitutional violation, as the Head of the Authority is not situated within the established hierarchy of heads of government or regional heads³⁰.

Although the implementing regulations of the Nusantara Capital City provide administrative clarity, they further concentrate authority in the NCCA and substantially restrict the jurisdiction of the East Kalimantan provincial government, particularly in spatial planning, land administration, and infrastructure development. From a constitutional perspective, this concentration of power reflects a centralizing tendency that conflicts with the constitutional mandate of decentralization. The lack of effective coordination mechanisms further exacerbates the erosion of provincial autonomy.

C. Conclusion

Unlike the Batam Indonesia Free Zone Authority and the Borobudur Tourism Authority Board, the Nusantara Capital City Authority adopts a governance model that grants it powers comparable to a provincial government while operating outside established regional governance structures. Led by a presidentially appointed Head of Authority rather than an elected governor, the NCCA bypasses subnational political mechanisms and substantially reduces the authority of the Governor of East Kalimantan over Kutai Kartanegara, Penajam Paser Utara, and Balikpapan. Administrative and regulatory powers in these areas are centralized under the NCCA, diminishing the role of provincial policies and local regulations.

²⁷ Novriansyah Rosyid Hermawan, Arina Novizas Shebubakar, and Sadino Sadino, “Legal Aspects of Land Acquisition for the National Capital City (IKN) of the Archipelago,” *Journal of Law, Politics and Humanities* 4, no. 5 (July 24, 2024): 1636–48, doi:10.38035/jlph.v4i5.544.

²⁸ Donie Kadewardana and Angga Cahyadi Putra, “Public Opinion Analysis on Social Media about the Establishment of Indonesia’s New Capital City,” *Islamic Communication Journal* 8, no. 2 (December 27, 2023): 229–50, doi:10.21580/icj.2023.8.2.18283.

²⁹ Kunto Ariawan, Kharisma Nourma Rani, and Asropi, “Deficiencies in Regulatory Formulation: An Evaluation of the IKN Law through the Corruption Risk Assessment Framework,” *Journal of Public Policy and Applied Administration*, March 3, 2025, 137–52, doi:10.32834/jplan.v7i1.876.

³⁰ Nisfie Noer Salsabila, nggul Anshari Setia Negara, and Istislam Istislam, “Legal Implications of the Indonesian President’s Regulation Accelerating Development at IKN,” *Law Journal of the National Academy of Internal Affairs*, February 21, 2025, 100–110, doi:10.63341/naia-chasopis/1.2025.100.

Overall, the NCCA represents a departure from Indonesia's regional autonomy framework. Although designed to advance national strategic objectives, it concentrates power and constrains the constitutional role of the East Kalimantan provincial government. The absence of democratic regional institutions raises serious constitutional concerns regarding decentralization and local self-governance.

D. Suggestion

In regards to the results of this study, the House of Representatives is recommended to establish a regular constitutional review mechanism to evaluate the implementation of the Nusantara Capital City Authority. Such a mechanism would promote coordination with the East Kalimantan provincial government, prevent jurisdictional conflicts, and ensure compliance with constitutional principles of regional autonomy and democratic governance.

References

- Achmad, Amsakar, Wirman Syafri, Mansyur Achmad, and Rizki Amalia. "Implementation of Ex-Officio Policy on the Development of Batam Free Trade Zone and Free Port Area." *Journal of Governance* 9, no. 4 (December 24, 2024). doi:10.31506/jog.v9i4.29678.
- Ariawan, Kunto, Kharisma Nourma Rani, and Asropi. "Deficiencies in Regulatory Formulation: An Evaluation of the IKN Law through the Corruption Risk Assessment Framework." *Journal of Public Policy and Applied Administration*, March 3, 2025, 137–52. doi:10.32834/jplan.v7i1.876.
- Audretsch, David B., and Petra Moog. "Democracy and Entrepreneurship." *Entrepreneurship Theory and Practice* 46, no. 2 (March 10, 2022): 368–92. doi:10.1177/1042258720943307.
- B, Jauchar, Budiman Budiman, Adam Idris, Badruddin Nasir, and Ayu Khaerunnisa. "The Impact of IKN on Socio-Economic Development in Penajam Paser Utara (PPU) and Kutai Kartanegara." *Journal of Governance and Public Policy* 9, no. 2 (June 30, 2022): LAYOUTING. doi:10.18196/jgpp.v9i2.14083.
- Bangun, Immanuel Christwo. "Massive Development of Nusantara Capital City in the Perspective of Ecological Politics." *Langgas: Journal of Development Studies* 3, no. 2 (September 30, 2024): 75–89. doi:10.32734/ljsp.v3i2.17910.
- Bridoux, Flore, and JW Stoelhorst. "Stakeholder Governance: Solving the Collective Action Problems in Joint Value Creation." *Academy of Management Review* 47, no. 2 (April 2022): 214–36. doi:10.5465/amr.2019.0441.
- Caesar, Rhendy Harnaloustamy. "Existence of Authority Nusantara Capital City in Perspective of Local Government Law." *Constitutionale* 5, no. 2 (January 30, 2025): 99–110. doi:10.25041/constitutionale.v5i2.3557.

- Elvia Rahmawati, Miftakhul Huda, and Ian Firstian Aldhi. "The Principle of People's Sovereignty in the Presidential Appointment of the Head of the Nusantara Capital Authority." *Journal of Law, Politics and Humanities* 5, no. 2 (December 25, 2024): 849–53. doi:10.38035/jlph.v5i2.1046.
- Gani, Irwan, Auliansyah Auliansyah, Emmilya Umma Aziza Gaffar, Muliati Muliati, Yesi Aprianti, Revy Fadly Robby Rachmadi, and Nadia Indri Agustina. "Makassar Strait Area Development in Indonesia Based on the Marine Economy Sector." *Economies* 10, no. 8 (August 12, 2022): 195. doi:10.3390/economies10080195.
- Gunawan, I Ketut, Mohammad Taufik, and Iván Győző Somlai. "Ethnic Fractionalization and Polarization in New Capital City of Nusantara, Indonesia: Analysis of Potential Conflict." *Journal of Governance and Public Policy* 11, no. 3 (October 17, 2024): 331–51. doi:10.18196/jgpp.v11i3.21049.
- Handayani, Novia, Hernadi Affandi, and Mei Susanto. "The Legal Dynamics of the Dual Positions of Batam Mayor as Head of BP Batam." *Journal of Law and Policy Transformation* 9, no. 1 (June 14, 2024): 46–68. doi:10.37253/jlpt.v9i1.9329.
- Kadewardana, Donie, and Angga Cahyadiputra. "Public Opinion Analysis on Social Media about the Establishment of Indonesia's New Capital City." *Islamic Communication Journal* 8, no. 2 (December 27, 2023): 229–50. doi:10.21580/icj.2023.8.2.18283.
- Kalimantoro, Budi, KP Suharyono, and S Hadiningrat. "DEVELOPMENT OF THE CAPITAL CITY NUSANTARA BASED ON PANCASILA AND THE NUSANTARA PERSPECTIVE." *Power: Journal of Intellectual Power* 1 (2024).
- Lailatul Lufiah, Miftah Ichwani Gumantiara, and Zaky Ramadhan. "Paradiplomacy and Its Influence on Visitor Trends at Twin World Heritage Sites: A Case Study of Borobudur Temple 2018-2019." *Journal of Paradiplomacy and City Networks* 3, no. 1 (June 30, 2024): 42–53. doi:10.18196/jpcn.v3i1.39.
- Mahardika Agustin, Mutiara, and Anwar Ilmar. "Power Interplay Between the Executive and Legislative in the Formation of Law Number 3 of 2022 Concerning the National Capital." *Journal of Law, Politics and Humanities* 4, no. 3 (March 22, 2024): 180–91. doi:10.38035/jlph.v4i3.331.
- Mazepus, Honorata, and Dimiter Toshkov. "Standing up for Democracy? Explaining Citizens' Support for Democratic Checks and Balances." *Comparative Political Studies* 55, no. 8 (July 13, 2022): 1271–97. doi:10.1177/00104140211060285.
- Mulyana, Andy, Ni Wayan Marsha Satyarini, Indarti Diah Palupi, Hilda Oktavana Siregar, Denny Yohanna, and Nashirotnun Nisa Nurharjanti. "Fiscal Policy and Resilience of the

- Tourism Industry Against the COVID-19 Pandemic.” *Indonesian Accounting and Finance Research* 8, no. 2 (September 11, 2023): 176–87. doi:10.23917/reaksi.v8i2.2390.
- Muzwardi, Ady. “Job Analysis of Ex-Officio Head of Batam Indonesia Free Zone Authority (BP Batam): Relationship between Performance and Political Relations.” *Jurnal Magister Administrasi Publik* 1, no. 1 (April 30, 2021): 41–54. doi:10.31629/jmap.v1i1.3325.
- Nasution, Ali Imran. “The Changes Impact on State Ministries Nomenclature Toward National Development Progress.” *Veterans Law Review* 4, no. 2 (October 25, 2021): 94. doi:10.35586/velrev.v4i2.3159.
- Noer Salsabila, Nisfie, uggul Anshari Setia Negara, and Istislam Istislam. "Legal Implications of the Indonesian President's Regulation Accelerating Development at IKN." *Law Journal of the National Academy of Internal Affairs* , February 21, 2025, 100–110. doi:10.63341/naia-chasopis/1.2025.100.
- Nugroho, Rahmat Muhajir, Anom Wahyu Asmorojati, Wita Setyaningrum, and Farid Sufian Shuaib. “A Comparison of Legislative Election Systems in Indonesia and Malaysia.” *Jurnal Media Hukum* 31, no. 1 (April 22, 2024): 78–94. doi:10.18196/jmh.v31i1.21485.
- Ramadhan, Febriansyah, Dewa Krisna Prasada, and I Gede Druvananda Abhiseka. “Strengthening Regional Autonomy: The Idea of Reorganizing Regional Property Regulations.” *Hang Tuah Law Journal* , June 16, 2025. doi:10.30649/htlj.v9i1.279.
- Ramadhina, Asyifa Aulia Putri, Imam Koeswahyono, and Mohammad Hamidi Masykur. “Regulations on the Determination of Abandoned Land Objects for the Land Bank in the Context of Realizing Agrarian Reform.” *International Journal Of Humanities Education and Social Sciences (IJHESS)* 4, no. 3 (December 26, 2024). doi:10.55227/ijhess.v4i3.1341.
- Rivandi, Sultan, and Sidik Pramono. "IKN: Economic Opportunity or Threat? A Comprehensive Public Policy Analysis on the Economic and Social Impacts of Indonesia's Capital City Relocation." *Public Policy Journal* 10, no. 2 (April 28, 2024): 130. doi:10.35308/jpp.v10i2.8938.
- Rosyid Hermawan, Novriansyah, Arina Novizas Shebubakar, and Sadino Sadino. “Legal Aspects of Land Acquisition for the National Capital City (IKN) of the Archipelago.” *Journal of Law, Politics and Humanities* 4, no. 5 (July 24, 2024): 1636–48. doi:10.38035/jlph.v4i5.544.
- Sabara, Abdul Rahman. “Regional Autonomy in the Political System and Authority in Indonesia.” *Diponegoro Law Review* 7, no. 2 (October 27, 2022): 296–311. doi:10.14710/dilrev.7.2.2022.296-311.

- Suparaman, Jaya, and Isnaini Mualidin. "Collaborative Governance in the Menoreh Hills Tourism Area, Sedayu Village, Loano District, Purworejo Regency." *Journal of Government and Policy (JPK)* 3 (2021). doi:10.18196/jpk.v3i1.13388.
- Wibowo, Febrianto Arif, Arif Satria, Sahala Lumban Gaol, and Dikky Indrawan. "Foresight for SOE Companies in Indonesia's Construction Industry: Recognizing Future Opportunities." *Sustainability* 16, no. 23 (November 27, 2024): 10384. doi:10.3390/su162310384.
- Yuliantini, Ni Putu Rai, Dewa Gede Sudika Mangku, and Ni Ketut Sari Adnyani. "RECOGNITION OF SOCIETY RIGHTS IN TRADITION SPECIALLY IN TOURISM REGULATION BASED ON ARTICLE 18B PARAGRAPH (2) OF THE 1945 CONSTITUTION OF THE REPUBLIC OF INDONESIA." *Journal of Equity of Law and Governance* 1, no. 1 (April 23, 2021): 25–36. doi:10.55637/elg.1.1.3242.25-36.
- Zuhdi, Achmad, Eman Suparman, Indra Perwira, and Nana Charles Nguindip. "Presidential Partisanship in Indonesian Elections: A Legal and Ethical Analysis." *IUS Journal of Law and Justice Studies* 13, no. 1 (April 27, 2025): 168–86. doi:10.29303/ius.v13i1.1635.