

Testing the Constitutional Legitimacy of the Indonesian Capital City: A Historical and Comparative Analysis with the Putrajaya Model in Malaysia

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Abstrak: Penelitian ini bertujuan untuk meninjau pembangunan Ibu Kota Nusantara (IKN) dalam kerangka hukum ketatanegaraan dengan perspektif historis dan perbandingan terhadap Putrajaya, Malaysia. Dengan menggunakan metode penelitian yuridis normatif yang mengedepankan pendekatan perundang undangan, historis, dan perbandingan, penelitian ini menganalisis sejarah kebijakan pemindahan ibu kota dan membandingkan IKN dengan Putrajaya. Hasil penelitian menunjukkan bahwa gagasan pemindahan ibu kota telah ada sejak era Soekarno dan baru terealisasi melalui Undang-Undang Nomor 3 Tahun 2022 tentang Ibu Kota Negara. Studi perbandingan menunjukkan bahwa meskipun keduanya memiliki tujuan peningkatan efisiensi administrasi, Putrajaya lebih mengedepankan aspek modernisasi pemerintahan dalam kota kompak yang terencana, sementara IKN memiliki visi lebih luas sebagai kota hijau, berkelanjutan, dan representatif secara politik dan budaya nasional. Rekomendasi penelitian ini agar pembangunan IKN dilakukan secara berkelanjutan dengan meningkatkan transparansi, partisipasi publik, dan mengadopsi praktik terbaik perencanaan kota berkelanjutan.

Kata Kunci: Kepulauan, Administrasi Negara, Perbandingan Konstitusional

Abstract: This study aims to review the development of the Indonesian Capital City (Ibu Kota Nusantara/IKN) within the framework of constitutional law from a historical and comparative perspective with Putrajaya, Malaysia. Using a normative legal research method with statutory, historical, and comparative approaches, this study analyzes the historical formation of the capital city relocation policy and compares the IKN with Putrajaya. The results indicate that the idea of relocating Indonesia's capital city has existed since the Soekarno era, formally realized through Law Number 3 of 2022 on the National Capital City. The relocation is driven by factors such as overpopulation, land subsidence, environmental degradation, and regional development inequality. A comparative study between IKN and Putrajaya reveals that although both share the goal of administrative efficiency, Putrajaya emphasizes modernization of administrative functions within a compact planned city, while IKN envisions a broader purpose as a green, sustainable, and politically representative capital that symbolizes national culture and identity. IKN is designed with 70% green space, renewable energy use, and a phased development plan through 2045. This study recommends that IKN development be carried out sustainably with increased transparency, public participation, and adoption of best practices from global urban planning.

Keywords : Archipelago, State Administration, Constitutional Comparison



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A. INTRODUCTION

The relocation of a country's capital constitutes a strategic state policy that extends beyond administrative reorganization and enters the realm of constitutional, political, economic, social, and environmental transformation. In constitutional theory, a capital city is not merely the seat of government; it symbolizes sovereignty, national identity, and the direction of state development. Therefore, the decision to relocate a capital must be understood as part of a broader restructuring of governance that carries long-term implications for institutional design, territorial power distribution, and national development planning.[1]

Indonesia, as the world's largest archipelagic state, faces structural challenges in administering a centralized governmental system that has long been concentrated in Jakarta. The over-centralization of political authority, economic activities, and administrative functions in the capital has contributed to regional development disparities and excessive pressure on urban infrastructure. Jakarta's high population density exceeding 16,000 people per square kilometer chronic traffic congestion, deteriorating air quality, limited green open spaces, and significant land subsidence, particularly in North Jakarta, demonstrate that the city is no longer ideal as a sustainable long-term administrative center.[2] These multidimensional challenges highlight the urgency of reconsidering Jakarta's status as the capital.[3]

From an Islamic perspective, strategic state policies such as relocating the capital city should not only be viewed from an administrative and technocratic perspective, but must also be based on the principles of justice, public welfare, and responsibility to the public trust. The Quran emphasizes the importance of justice in every policy-making process, as stated in Surah An-Nisa': 58. This verse provides a normative basis for ensuring that every public policy, including relocating the capital city, is oriented toward the interests of all citizens, not just specific groups. Furthermore, the Quran also reminds us not to cause corruption on the earth after God has set it right Surah Al-A'raf: 56. This principle is relevant in the context of developing a new capital city, where environmental sustainability must be a top priority. The relocation of the capital city must not lead to excessive exploitation of natural resources or damage to ecosystems, but must reflect the concept of sustainable development aligned with Islamic values.[4]

The hadith of the Prophet Muhammad (peace be upon him) also emphasizes that every leader is a trustee and will be held accountable for their leadership. This hadith emphasizes that policymakers have a moral and spiritual responsibility to ensure that their decisions truly benefit the wider community. Therefore, the relocation of the capital city must be carefully planned, transparent, and accountable. Furthermore, according to the principle of maqashid sharia, state policy must aim to safeguard five essential elements: religion, life, intellect, posterity, and property. The relocation of the capital city can be seen as an effort to protect the lives and property of the people from the risks of ecological disasters and socio-economic pressures occurring in Jakarta, while simultaneously creating a more equitable distribution of development across Indonesia. Therefore, the integration of constitutional perspectives and Islamic values demonstrates that the relocation of the capital city is not merely a physical development project, but rather a major endeavor to achieve social justice, environmental

balance, and the overall welfare of the people. The principles of the Qur'an and Hadith provide a strong ethical framework to ensure that this policy remains within the corridor of public interest and does not deviate from the primary goals of national development.

Historically, the idea of relocating Indonesia's capital is not a novel concept. On July 17, 1957, President Soekarno proposed Palangkaraya in Central Kalimantan as a prospective new capital. His consideration was largely geopolitical and geostrategic, given the city's relatively central location within the Indonesian archipelago and its vast land availability for long-term development.[5] However, due to political dynamics and resource constraints at the time, the plan was never realized. Instead, Jakarta was formally designated as the capital through Law Number 10 of 1964.[6]

The contemporary momentum for relocation emerged during the administration of President Joko Widodo, who officially announced on August 26, 2019, that the capital would be moved to East Kalimantan Province. The decision was driven by multiple structural problems in Jakarta, including extreme urban density, severe congestion that placed Jakarta among the most congested cities globally in 2019, and rapid land subsidence compounded by climate change risks such as flooding and sea-level rise. Beyond these urban challenges, the relocation aligns with Indonesia's Vision 2045, which aspires to transform the country into a developed nation with the world's fifth-largest economy. Achieving this vision requires comprehensive economic transformation, including more equitable regional development and the creation of new growth centers outside Java.[5]

Normatively, the relocation gained formal legitimacy through the enactment of Law Number 3 of 2022 concerning the State Capital on January 18, 2022, which officially established "Nusantara" as Indonesia's new capital. This legislative act not only provides a statutory basis for relocation but also introduces a distinctive governance model under a special capital authority. The establishment of Nusantara raises significant constitutional and administrative law questions, including the legal foundation of the capital authority, the scope of its powers, the relationship between central and regional governments, land governance, environmental protection, and public participation mechanisms. These issues necessitate rigorous normative analysis within the framework of constitutional and administrative law.[2]

In this context, comparative studies with other countries that have undertaken similar initiatives are crucial to enrich the analytical perspective. Malaysia's development of Putrajaya since 1993 as a modern and sustainable federal administrative center provides a relevant reference. Putrajaya was designed to alleviate congestion in Kuala Lumpur while promoting efficient governance and sustainable urban planning. Examining Malaysia's legal framework, institutional arrangements, spatial planning, and phased development strategy offers valuable comparative insights for Indonesia in shaping Nusantara as a constitutionally sound and sustainable capital city.

Based on the foregoing background, the core problem of this study lies in examining the normative construction of Nusantara as Indonesia's new capital within the framework of constitutional law and governance, and in comparing it with the institutional and legal

development of Putrajaya in Malaysia. Through a normative juridical and comparative approach, this research aims to analyze the legal basis, institutional design, and governance implications of capital relocation, thereby contributing to academic discourse on the development of a constitutional, sustainable, and equitable model of state capital governance.

B. METHOD

This research employs a normative juridical research method, focusing on law as norms, rules, legal principles, legal doctrines, legal theories, and other literature.⁷ The data used is secondary data obtained from library materials related to the legal issues discussed.^[7] The approach employed in this research includes three approaches. First, the statute approach, which examines all laws related to the development of the Indonesian capital city within the framework of state administration, specifically Law Number 3 of 2022 concerning the National Capital City. Second, the historical approach examines the background and development of regulations related to the issue of relocating the capital city from the Soekarno era to the Joko Widodo era. Third, the comparative approach, which compares the background to the formation of the Indonesian capital city with Putrajaya, Malaysia. The legal materials used include primary legal materials (statutory regulations), secondary legal materials (books, journals, and scientific documents), and tertiary legal materials (legal dictionaries and the Great Indonesian Dictionary). The legal materials were analyzed descriptively and analytically by collecting data through literature review.^[8]

C. DISCUSSION

The results of this study include three main findings. First (A), the concept of Indonesian constitutionalism, based on the principles of Pancasila, the rule of law, and people's sovereignty, serves as the normative basis for the development of the Indonesian capital city, which was formally established through Law Number 3 of 2022 concerning the National Capital. Second (B), the idea of relocating the capital city has existed since the Soekarno era (1957) and was only realized under President Joko Widodo, with the main driving factors being Jakarta's density, land subsidence, and the disparity in development between Java and outside Java. Third (C), a comparison between the IKN and Putrajaya (Malaysia) shows similarities in the concept of a modern, sustainable government city. However, the IKN is more oriented towards national equity with a green city concept of 70% open space, while Putrajaya focuses on administrative centralization within a compact, high-tech city.

1. The Concept of State Administration and the Legal Basis for the National Capital

Before analyzing the institutional and regulatory development of the Nusantara Capital City (IKN), it is essential to first situate the discussion within the broader framework of state administration and constitutional theory in Indonesia. The relocation and development of a capital city are not merely technical policy measures; they are constitutional acts that reflect the reconfiguration of state power and governance structures.^[9]

According to Mahfud MD, constitutional law constitutes a body of rules governing the relationship between individuals and the state, where the state is understood as the highest organization endowed with sovereignty and authority to regulate public life.[10] This definition underscores that any state policy particularly one as fundamental as relocating the capital must be grounded in constitutional legitimacy and oriented toward safeguarding the rights and interests of citizens.[11] Similarly, Cornelis van Vollenhoven conceptualized constitutional law as a set of legal norms that establish state organs, define their authority, and distribute governmental functions among them. From this perspective, the establishment of a new capital entails not only spatial relocation but also institutional redesign, including the creation of new governmental organs and the redistribution of administrative competencies. Constitutional law in Indonesia encompasses essential elements such as the constitution itself, the governmental system, the separation and distribution of powers, the political system, and the protection of citizens' rights and obligations. The development of IKN must therefore be examined through these dimensions: whether it respects constitutional supremacy, whether it maintains checks and balances, and whether it enhances rather than diminishes democratic accountability.[12]

Jimly Asshiddiqie emphasizes that Indonesian constitutional law is founded upon several core principles: the Principle of Pancasila, the Principle of the Rule of Law (*Rechtsstaat*), the Principle of Popular Sovereignty and Democracy, the Principle of the Unitary State (NKRI), and the Principle of Separation of Powers.[13] Each of these principles provides a normative benchmark for assessing the development of Nusantara. First, the Principle of Pancasila requires that the development of the capital embody social justice, national unity, humanitarian values, deliberative democracy, and belief in God Almighty. Consequently, IKN must not merely function as an administrative center but also reflect Indonesia's pluralistic identity and commitment to equitable development across regions. Second, the Principle of the Rule of Law mandates that all stages of planning, land acquisition, environmental licensing, budgeting, and institutional formation be conducted transparently and in accordance with statutory procedures. Third, the Principle of Popular Sovereignty requires meaningful public participation, particularly for local and indigenous communities directly affected by the project. Fourth, the Principle of the Unitary State ensures that the relocation does not weaken national integration but instead strengthens territorial cohesion. Finally, the Principle of Separation of Powers requires clarity in institutional design to prevent excessive concentration of authority within the newly formed capital governance structure.[14]

The primary statutory basis for the development of Nusantara is Law Number 3 of 2022 concerning the State Capital. This law formally establishes "Nusantara" as the new capital and creates the Nusantara Capital City Authority (*Otorita Ibu Kota Nusantara/OIKN*) as a special institution responsible for planning, development, and administration. The OIKN possesses distinctive characteristics, functioning as a central government agency at the ministerial level with specific delegated authorities.[15] This model introduces a unique hybrid governance structure that differs from ordinary regional governments under

Indonesia's decentralization framework. Therefore, it raises important constitutional questions regarding accountability mechanisms, oversight by the House of Representatives (DPR), and its relationship with provincial and local governments in East Kalimantan.

Substantively, Law No. 3 of 2022 articulates a vision of Nusantara as a sustainable, smart, and inclusive capital that drives future economic transformation and represents Indonesia's national identity. This vision must be interpreted in harmony with the 1945 Constitution (UUD 1945), particularly Article 33 paragraph (3), which stipulates that "the earth, water, and natural resources contained therein shall be controlled by the state and utilized for the greatest prosperity of the people." Constitutionally, this provision establishes the doctrine of state control, which obliges the government to ensure that land management, spatial planning, and natural resource utilization within IKN prioritize public welfare rather than narrow commercial interests.[16]

Accordingly, every policy related to the development of IKN must integrate principles of sustainable development, environmental protection, and social justice. Sustainable development requires balancing economic growth with ecological preservation, especially considering Kalimantan's ecological significance as one of Indonesia's primary forest and biodiversity regions. Environmental protection is constitutionally reinforced by the right to a good and healthy environment as part of citizens' constitutional rights. Social justice demands fair compensation, community empowerment, and respect for indigenous peoples' rights, thereby preventing marginalization or displacement resulting from large-scale infrastructure projects.[5]

In this regard, the development of Nusantara represents not only a physical transformation of space but also a constitutional experiment in governance reform. It tests the capacity of Indonesian constitutional law to adapt to large-scale structural change while remaining faithful to its foundational principles. Therefore, analyzing IKN through a constitutional and normative lens is essential to ensure that its realization remains aligned with democratic values, the rule of law, environmental sustainability, and the overarching objective of achieving the greatest prosperity for the people.

2. Comparison of Nusantara Capital with Putrajaya, Malaysia

The Nusantara Capital City (IKN) was born from a combination of the nation's practical needs and a long-term vision to build a sustainable future city. Historically, the idea of moving Indonesia's capital had already emerged since the early independence period. President Soekarno once conveyed the idea of relocating the capital to Palangkaraya, Central Kalimantan, in 1957 as a symbol of Indonesia's courage to build a new civilization in the archipelago. However, the political and economic conditions at that time did not support the realization of moving the capital, so the idea remained dormant for several decades. After the New Order era ended, the idea of relocating the capital re-emerged during President Susilo Bambang Yudhoyono's era due to traffic congestion and flooding

in Jakarta, but it still did not receive sufficient attention because the government was more focused on restoring national stability.[17]

Entering the era of President Joko Widodo's administration, the idea of relocating the capital city has resurfaced with a much more structured approach based on scientific studies. The government, through the Ministry of National Development Planning/Bappenas, began conducting a comprehensive study on Jakarta's condition in 2017. Various studies have shown that Jakarta is experiencing the fastest land subsidence in the world, particularly in North Jakarta, which is sinking by around 7–10 cm per year. After conducting studies of more than 20 locations across Indonesia, the government has designated East Kalimantan as the location for the new capital, encompassing parts of North Penajam Paser Regency and Kutai Kartanegara Regency.

This decision was officially announced on August 26, 2019.¹⁴ The choice of this location was motivated by several considerations: its central location in Indonesia, its relative safety from earthquakes and tsunamis, its extensive state-owned land availability, and its strategic location close to two major cities: Balikpapan and Samarinda. On January 18, 2022, the Indonesian House of Representatives officially passed Law No. 3 of 2022 concerning the National Capital, which designated the name "Nusantara" as the new capital and established the Nusantara Capital Authority as a special institution responsible for the city's development. The choice of the name "Nusantara" was based on strong historical and cultural considerations, as the term has been used since the Majapahit era to describe the vast geographical space of the Indonesian archipelago as a symbol of unity.[3]

The basic concept for the development of the Nusantara Capital City embraces the principles of a "smart, green, and sustainable city," emphasizing the development of green space covering 70% of the land area, the use of renewable energy, environmentally friendly public transportation, and the integration of digital technology into government services. This concept positions the new capital city as the first model forest city in Indonesia, as well as a center of innovation and a symbol of a new civilization oriented towards environmental sustainability. Physical development of the new capital city (IKN) began in mid-2022, beginning with the construction of the Core Government Center Area (KIPP), which includes the Presidential Palace, the Presidential Office, the first phase of ministerial offices, as well as the road network and other basic infrastructure. The government plans to develop the new capital city in several phases until 2045, with medium-term targets including the gradual relocation of civil servants (ASN) and the completion of ministerial offices.[6] Putrajaya is the administrative center of Malaysia, built to alleviate the congestion in Kuala Lumpur. The project began in the early 1990s as part of former Malaysian Prime Minister Tun Dr. Mahathir Mohamad's vision to create a modern, integrated smart city. ¹⁶ In 1993, the Malaysian government decided to move the administrative center from Kuala Lumpur to the Great War Zone in Selangor, which was later renamed Putrajaya in honor of Malaysia's first Prime Minister.[18]

In terms of scale and area, there is a significant difference between the Indonesian Capital City and Putrajaya. The Indonesian Capital City covers approximately 256,142 hectares of land and approximately 68,189 hectares of water, totaling approximately 324,331 hectares. Putrajaya, on the other hand, has an area of only approximately 4,931 hectares. Despite their significant differences, both promote the garden city concept, with Putrajaya allocating 38% of its area as green open space, while the new capital city targets 70% of its area as green space. In terms of location, the IKN is located on the island of Kalimantan, approximately 40–50 km from Balikpapan City, an area previously lacking basic infrastructure. In contrast, Putrajaya is only 25–30 km from Kuala Lumpur and approximately 20 km from Kuala Lumpur International Airport (KLIA), thus benefiting from established infrastructure. This is why the development of the IKN requires significantly more time and investment than that of Putrajaya. In terms of planning concept, Putrajaya was developed as an intelligent city with technological infrastructure to support digital-based government administration (e-government). Putrajaya's architecture combines traditional Malay-Islamic elements with modern design, evident in the Putra Mosque and the Seri Wawasan Bridge.¹⁹ Meanwhile, the new capital city (IKN) was designed with a more ambitious concept, not only as a center of government but also as a symbol of equitable national development and Indonesia's diverse cultural identity.[19]

In terms of social and political context, Putrajaya emerged as a result of an internal administrative transfer strategy within Malaysia's relatively stable federal government system, resulting in a more controlled and structured development process. The establishment of the Putrajaya Municipal Corporation as the managing authority demonstrates clear and integrated governance. In contrast, the new capital city was built within a more dynamic democratic context, so the sustainability of its development depends heavily on policy consistency across government periods. In terms of financing, Putrajaya during its development predominantly used federal government funds with strong political support. The IKN (National Capital City) used a mixed financing scheme involving the state budget (APBN), Public-Private Partnership (PPP), and domestic and international private investment. This situation requires a more stable investment climate and transparent regulations.

A comparison between the IKN and Putrajaya shows that both share a common orientation as modern, sustainable government cities. However, the fundamental difference lies in scale and objectives: the IKN has a much broader vision as an instrument of equitable national development and a symbol of Indonesian national identity, while Putrajaya is more focused on centralizing and modernizing Malaysian government administrative functions.

D. CONCLUSION

The history of the creation of the Indonesian Capital City reflects a long journey from the initial idea during the Soekarno era in 1957 to its realization through Law No. 3 of 2022 under Joko Widodo. The main factors driving the relocation of the capital city include Jakarta's overpopulation, land subsidence, environmental pollution, chronic traffic congestion, and the

development disparity between western and eastern Indonesia. The Indonesian Capital City is designed as a green, smart, and sustainable city, embracing the principles of a smart, green, and sustainable city, with 70% green space and the use of renewable energy, making it the first model forest city in Indonesia, based on the vision of Indonesia Emas 2045. A comparison between the Indonesian Capital City and Putrajaya shows that both are designed as modern, sustainable government centers. However, Putrajaya focuses more on centralizing the Malaysian government within a compact, high-tech city, while the new capital city has a broader vision as an instrument for equitable national development and a symbol of Indonesian cultural identity. The government is advised to increase transparency and public participation in every stage of the new capital city's development so that the capital city's transformation truly reflects the interests of all Indonesians. Furthermore, the new capital's development needs to adopt best practices successfully implemented in Putrajaya, particularly in sustainable urban planning, green space management, and technology integration into government services. The government also needs to strengthen social infrastructure readiness so that the new capital serves not only as an administrative center but also as a livable city for all levels of society.

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