

**LEGAL POLITICS OF CHANGES TO LAW NUMBER 3 OF
2022 CONCERNING THE NATIONAL CAPITAL CITY (IKN)
TOWARDS THE PRINCIPLES SPECIAL REGIONAL
AUTONOMY AND THE PERSPECTIVE *OF SIYĀSAH*
*DŪSTURIYAH***

THESIS

BY :
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CONSTITUTIONAL LAW STUDY PROGRAM (*SIYASAH*)
FACULTY OF SHARIA
MAULANA MALIK IBRAHIM STATE ISLAMIC UNIVERSITY
MALANG
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MALANG
2025**

THESIS AUTHENTICITY STATEMENT

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With awareness and a sense of responsibility towards the development of knowledge, the author states that the thesis with the title:

LEGAL POLITICS OF AMENDMENTS TO LAW NUMBER 3 OF 2022 CONCERNING THE STATE CAPITAL CITY (IKN) ON THE PRINCIPLE OF SPECIAL REGIONAL AUTONOMY AND THE PERSPECTIVE OF *SIYĀSAH DŪSTURIYAH*

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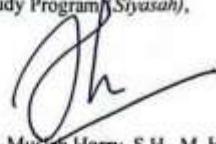
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*SIYĀSAH DŪSTURIYAH***

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concerning the State Capital City (IKN) on the Principle of
Special Regional Autonomy and the Perspective of *Shiyasah*
Düsturijah

No.	Hari/Tanggal	Materi Konsultasi	Pahf
1.	Monday/08-09-2025	Title Revision	
2.	Monday/15-09-2025	Background revision & problem formulation	
3.	Friday/18-09-2025	Research methods	
4.	Monday/06-10-2025	ACC Proposal Thesis Session	
5.	Friday/27-10-2025	Proposal revision	
6.	Friday/31-10-2025	Consultation Chapter 3	
7.	Monday/03-11-2025	Chapter 3 Revision	
8.	Monday/10-11-2025	ACC Chapter 3	
9.	Friday/21-11-2025	ACC Chapter 4	
10.	Monday/24-11-2025	ACC Thesis Session	

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CONCERNING THE STATE CAPITAL CITY (IKN) ON THE PRINCIPLE
OF SPECIAL REGIONAL AUTONOMY AND THE PERSPECTIVE OF
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MOTTO

**“Law is not just tool development, but balancer power for autonomy area
special still life through deliberation and justice .”**

-Roscoe Pound

FOREWORD

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Alhamdulillahirabbil'alamin, an expression praise I'm grateful the presence of Allah SWT who has give His mercy and help to the author , so that writer can finish thesis entitled : "**LEGAL POLITICS OF CHANGES TO LAW NUMBER 3 OF 2022 CONCERNING THE NATIONAL CAPITAL (IKN) TOWARDS THE PRINCIPLES OF SPECIAL REGIONAL AUTONOMY AND THE PERSPECTIVE OF SIYĀSAH DŪSTURIYAH**" with good . Blessings and greetings We give thanks to the Prophet Muhammad SAW who had give uswatan hasanah to We in undergo life This in a way sharia . With follow him , hopefully We classified as those who believe and obtain his intercession on the day end doomsday . Amen .

With everything teaching , guidance / direction , and help service that has been given , then with everything humility heart writer deliver speech accept love that doesn't exist peerless to :

1. Prof. Dr. Hj . Ilfi Nur Diana, M.Si., as Rector of Maulana Malik Ibrahim State Islamic University of Malang.
2. Prof. Dr. Hj . Umi Sumbulah, M.Ag., as Dean of the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University of Malang.
3. Dr. Musleh Harry, SH, M.Hum., as Head of the Constitutional Law Study Program (*Siyasah*) Faculty of Sharia, Maulana Malik Ibrahim State Islamic University, Malang.
4. Sheila Kusuma Wardani Amnesti, SH, MH, as lecturer guardian writer during go through studying at the Faculty of Sharia, Maulana Malik Ibrahim State

Islamic University, Malang . love writer give thanks to he who has give guidance , advice, and motivation during go through lectures .

5. Dra. Jundiani, SH, M.Hum ., as lecturer mentor the author who has pour out time For give direction and motivation in finish writing thesis This .
6. Board of Examiners thesis, which has been give criticism and suggestions as well useful directions in perfect writing thesis This .
7. All lecturer Faculty of Sharia, Maulana Malik Ibrahim State Islamic University of Malang which has give learning . With sincere intentions , hopefully charity they all become part from worship to get the pleasure of Allah SWT.
8. Both parents beloved, Mr. Erman Hariyanto and Mrs. Mashfufah on all sacrifice and service he together so that writer Can to the point this . Thank you love on prayers that always he together raise so that become strength for writer For Keep going step reach out goals and aspirations . Accept thanks also to Grandpa and Grandma and Brothers who have give prayers and support .
9. All over friends writer especially Sekar, Yevina , Balqis, and Nisa who always accompany , motivate and help in writing thesis This .
10. To the party that does not Can writer mention One one by one who has help in the writing process start from beginning until end . Thank you love for all of you .

With completion thesis this is the hope knowledge that has been writer get during studying at the State Islamic University of Maulana Malik Ibrahim Malang can give benefit for religion and nation as well as become charity Good in worldly life and the hereafter . Writer realize that in writing thesis This Still there is

shortage , because of that , the writer expect criticism and suggestions from all party For improvements in the future come .

Malang, 27 November 2025

Fatihatul Izzah
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TRANSLITERATION GUIDELINES

A. General

Transliteration is transferor Arabic script translation in Indonesian (Latin) writing, not translation Arabic to in Indonesian . Including in category This is the Arabic name of Arab nation , while the Arabic name of nation other than Arabic written as spelling Language national , or as written in the book that became references . Writing title book in footnotes and bibliography still follow guidelines transliteration this . There is various choice standards that can be used in writing work scientific , both at the level national , international , and standard specifically applied by the publisher certain .

In writing thesis this , guidelines transliteration used follow The rules implemented by the Faculty of Sharia , Maulana Malik Ibrahim State Islamic University of Malang, which is guided by the Enhanced Spelling (EYD) plus. Guidelines the based on the Joint Decree (SKB) of the Ministry of Religion and the Ministry of Education and Culture of the Republic of Indonesia, which was stipulated on January 22, 1988 with Number 158 of 1987 and Number 0534b/U/1987. Rules This also refers to A Guide Arabic Transliteration compiled by INIS Fellow in 1992 .

B. Consonant

List of letters Arabic and its transliteration to in Latin letters can seen on page following :

Arabic letters	Name	Latin letters	Name
A	Alif	Not symbolized	Not symbolized

ب	Ba	B	Be
ت	Ta	T	Te
ث	Şa	Ş	Ice (Point above)
ج	Jim	J	Je
ح	Ha	Ḩ	Ha (Point) on)
خ	Kha	Kh	Ka and Ha
د	Dal	D	De
أ	Ż	Ż	Zet (Point) on)
ر	Ra	R	Er
ز	Zai	Z	Zet
س	Sin	S	Ice
ش	Shin	Sy	Ice and Ye
ص	Had	Ş	Ice (Point under)
ض	Had	D	De (Point under)
ط	Ta	T	Te (Point under)
ظ	Za	Ż	Zet (Point) under)
ع	'Ain	'.....	Apostrophe backwards
غ	Gain	G	Ge
ف	Fa	F	Ef
ق	Qof	Q	Qi
ك	Kaf	K	Ka
ل	Lam	L	El
م	Mim	M	Em

N	Nun	N	En
and	Wau	W	We
h	Ha	H	Ha
A/D	Hamzah'	Apostrof
Y	Ya	Y	Ye

Hamzah (Á) which is located at the beginning of the word follows his vocals without given sign whatever . If he located in the middle or at the end , then written with sign (').

C. Vocals

Arabic vowels , such as vocals Indonesian , consisting of on vocals single or monophthongs and vowels double or diphthong . Single vowel Arabic language whose symbols in the form of sign or harakat, its transliteration as following :

Sign	Name	Latin letters	Name
ó	Fathah	A	A
ø	Kasrah	I	I
ُ	Dharma	U	U

Double vowels Arabic language whose symbols in the form of combination between harakat and letters , transliteration in the form of combination letters , namely :

Sign	Name	Latin letters	Name
ؑ	Fathah and Ya	Ai	A and I
ؔ	Fathah and Wau	Au	A and U

Example:

كَيْفَ :kaifa

حَوْلَ :Haula

D. Maddah

Maddah or long vowels whose symbols are in the form of harakat and letters, the transliteration is in the form of letters and signs, namely:

Dignity and Letters	Name	Letters and Signs	Name
ي / يُ	<i>Fathah and alif or yes</i>	Ā	a and the line above
يِ	<i>Kasrah and yes</i>	AT	i and the upper line
and	<i>Dhamma and wow</i>	TOWARDS	u and superscript

Example:

مَاتْ : māta

رَمَى : ramā

قَيْلَ : qīla

يَمُوتُ : yamūtu

E. Ta' Marbuthah

There are two transliterations for *ta marbūtah* , including: *ta marbūtah* that is alive or has reached the *fathah* , *dammah* and *kasrah* harakat , is transliterated as [t]. Meanwhile , *ta marbūtah* that is dead or given the *sukun* harakat , is transliterated as [h]. When a word ends in *ta marbūtah* followed by the article *al-* and the two words are read separately, so that *ta marbūtah* transliterates as ha (h). For example:

رَوْضَةُ الْأَطْفَال	: <i>raudah al- atfāl</i>
الْمَدِينَةُ الْفَاضِلَةُ	: <i>al- madinah al- fādīlah</i>
الْحِكْمَةُ	: <i>wisdom</i>

F. Shaddah (Tasydid)

Syaddah or *tasydid* , which in the Arabic writing system is symbolized by a *tasydid* sign (ٰ), in this transliteration is symbolized by the repetition of a letter (double consonant) which is given the sign *syaddah* .

For example:

رَبَّنَا	: <i>rabbanā</i>
نَجَّا نَا	: <i>najjainā</i>
الْحَقُّ	: <i>al- haqq</i>
الْحَجَّ	: <i>al-hajj</i>
عَدُوُّ	: <i>'aduwun</i>

If the letter ى is *tasydid* at the end of a word and is preceded by the letter *kasrah* (ِ), then it is transliterated like the letter *maddah* (ۖ).

For example:

عَرَبِيٌّ	: ' Arabī (not ' Arabiyy or 'Araby)
عَلَيٌّ	: ' Alī (not 'Aliyy or 'Aly)

G. Articles

Pronoun deep Arabic writing system is denoted with letters (*alif lam ma' arifah*). In the guidelines transliteration this , the adjective transliterated like normal , al- , good when it followed by letters sunshine as well as letter qamariah . Pronoun no follow sound letter directly following him . The word

sandang written separate from the word that follows it and is connected with a horizontal line (-). For example :

The sun : *al-syamsu* (*bukan asy-syamsu*)

The earthquake : *al-zalzalah* (*bukan az-zalzalah*)

Philosophy : *al-falsafah*

The country : *al-bilādu*

H. Hamzah

Rule transliteration letter *Hamzah* become apostrophe (') only valid for *hamzah* which is located in the middle and end of the word. However , if *Hamzah* located at the beginning of the word, it No symbolized , because in Arabic writing it is alif. For example :

تَمْرُونَ : *ta'murūnā*

النَّوْءُ : *al-nau'*

أُمْرُثٌ : *umirtu*

I. Writing Commonly Used Arabic Words in Indonesian

Words, terms or transliterated Arabic sentences is a word, a term or unfinished sentences standardized in Indonesian. Words, terms or sentences that have been common and become part from Indonesian language treasury , or Already often written in Indonesian writing, no Again written according to method transliteration above . For example, the words Al-Qur'an (from the Qur'an), Sunnah, special and general . However , if these words become part from One series Arabic text , then they must transliterated in a way intact .

Example :

Fi zilal al-Qur'an

Al-Sunnah qabl al- tadwīn

Al -' Ibarth Fri ' Umūm al- Lafz year The khuṣūṣ al- reason

J. See Al- Jalālah (God)

The word “Allah” is preceded particle such as letter *jarr* and other letters or positioned as *mudāf ilaih* (nominal phrase), transliterated without letter Hamzah . For example

دِينُ اللَّهِ: dīnullah

As for *ta marbiṭah* at the end of the word which is based on *the phrase al-jalalālah* , transliterated with letter [t]. For example :

فِي رَحْمَةِ اللَّهِ: fi Rahmatillah

K. Capital letters

Although deep system Arabic writing is not there is concept letter capital (All Caps), in the process of transliteration to deep Indonesian language , letters the follow rules use letter capital suitable with guidelines general Indonesian Spelling (EYD). Usage letter capital applied , for example , to letters first personal name (such as the name of a person, place , or month), as well as letter early in each sentence . When the proper noun begun with the preposition "al-", then what is written with letter capital fixed letter first from one's own name that , not letter early from the article . However , if the article " al-" is at the beginning of the article, sentence , then the letter "A" in the word written with capital becomes "Al-". Rules this also happens deep writing title references that use the preposition "al-", good deep text main as well as in the bibliography or note reference such as CK, DP, CDK, and DR.

Example :

If bread Muhammad beyond the apostle

Shahru Ramadan Al- Lashi route fīh al-Qur'ān

Naṣīr al- Din al- Thus

In the beginning baiting wuḍī' a lināsi lallażī be Bakkata congratulations

Abū Naṣr al- Farābī

Al- Munqiż min al- Dalāl

Al- Ghazālī

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ABSTRAK

Fatihatul Izzah, 220203110099, 2025. **Politik Hukum Perubahan Undang-Undang Nomor 3 Tahun 2022 Tentang Ibu Kota Negara (IKN) Terhadap Prinsip Otonomi Daerah Khusus dan Perspektif *Siyāsah dūsturiyah*.** Skripsi, Program Studi Hukum Tata Negara (*Siyasah*), Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim Malang. Pembimbing Dra. Jundiani, S.H., M.Hum.

Kata kunci : Ibu Kota Negara, Otonomi Daerah Khusus, Otorita IKN, Politik Hukum, *Siyāsah dūsturiyah*

Perubahan Undang-Undang Nomor 3 Tahun 2022 tentang Ibu Kota Negara melalui Undang-Undang Nomor 21 Tahun 2023 merupakan bentuk rekayasa politik hukum yang membawa implikasi terhadap prinsip otonomi daerah khusus dan hubungan antara pemerintah pusat dan daerah. Pembentukan Otorita Ibu Kota Nusantara sebagai lembaga administratif dengan kewenangan yang luas dan pimpinan yang diangkat oleh Presiden menunjukkan adanya pergeseran pola penyelenggaraan pemerintahan daerah dari model otonomi konvensional menuju penguatan peran pemerintah pusat. Kondisi tersebut menimbulkan persoalan yuridis terkait legitimasi kewenangan, partisipasi masyarakat lokal, serta konsistensi pengaturan otonomi daerah khusus.

Penelitian ini bertujuan untuk menganalisis rekayasa politik hukum perubahan Undang-Undang Ibu Kota Negara serta dampaknya terhadap implementasi prinsip otonomi daerah khusus dalam perspektif *Siyāsah dūsturiyah*. Penelitian ini menggunakan metode penelitian yuridis normatif dengan pendekatan perundang-undangan dan konseptual. Bahan hukum yang digunakan meliputi bahan hukum primer berupa peraturan perundang-undangan, bahan hukum sekunder berupa buku dan jurnal ilmiah, serta bahan hukum tersier berupa kamus hukum dan sumber informasi resmi peraturan perundang-undangan.

Hasil penelitian menunjukkan bahwa rekayasa hukum melalui perubahan Undang-Undang Ibu Kota Negara cenderung memperkuat sentralisasi kewenangan dan membatasi ruang partisipasi masyarakat lokal dalam pengambilan kebijakan strategis. Dari perspektif *Siyāsah dūsturiyah*, pengaturan tersebut belum sepenuhnya mencerminkan prinsip keadilan, kemaslahatan, dan musyawarah dalam penyelenggaraan pemerintahan, sehingga diperlukan evaluasi yuridis terhadap desain kelembagaan dan distribusi kewenangan Otorita IKN agar tujuan pembangunan ibu kota negara dapat berjalan seimbang dengan prinsip otonomi daerah khusus.

ABSTRACT

Fatihatul Izzah, 220203110099, 2025. **Legal Politics of the Amendment to Law Number 3 of 2022 concerning the State Capital through Law Number 21 of 2023: Implications for Special Regional Autonomy and the Perspective of *Siyāsah dūsturiyah*.** Undergraduate Thesis, Constitutional Law Study Program (*Siyasah*), Faculty of Sharia, Maulana Malik Ibrahim State Islamic University of Malang. Supervisor: Dra. Jundiani, S.H., M.Hum.

Keywords: Legal Politics, State Capital Law, Special Regional Autonomy, *Siyāsah dūsturiyah*.

The amendment of Law Number 3 of 2022 on the State Capital through Law Number 21 of 2023 represents a form of legal and political engineering that has significant implications for the principle of special regional autonomy and the relationship between the central and regional governments. The establishment of the Nusantara Capital Authority as an administrative institution with extensive powers and leadership appointed directly by the President indicates a shift in the model of regional governance from conventional autonomy toward a stronger centralization of authority. This condition raises juridical concerns related to the legitimacy of authority, local community participation, and the consistency of the regulation of special regional autonomy.

This research aims to analyze the legal-political engineering behind the amendment of the State Capital Law and its impact on the implementation of the principle of special regional autonomy from the perspective of *Siyāsah dūsturiyah*. This study employs a normative legal research method with statutory, conceptual, and comparative approaches. The legal materials used consist of primary legal materials in the form of laws and regulations, secondary legal materials in the form of books and academic journals, and tertiary legal materials such as legal dictionaries and official sources of statutory information.

The results of this study indicate that the legal engineering reflected in the amendment of the State Capital Law tends to strengthen the centralization of authority and limit the space for local community participation in strategic policy-making processes. From the perspective of *Siyāsah dūsturiyah*, such arrangements do not yet fully reflect the principles of justice, public welfare (*maslahah*), and deliberation (*syura*) in governance. Therefore, a juridical evaluation of the institutional design and the distribution of authority of the Nusantara Capital Authority is necessary to ensure a balance between national development objectives and the principle of special regional autonomy.

الملخص

فاتحة العزة، ٩٩١٠٢٠٣١٢٠٢٥، ٢٠٢٥. السياسة القانونية لتعديل القانون رقم ٣ لسنة ٢٠٢٢ بشأن عاصمة الدولة من خلال القانون رقم ٢١ لسنة ٢٠٢٣: التداعيات على الحكم الذاتي الإقليمي الخاص ومن منظور السياسة الدستورية. رسالة ماجستير، الشريعة، قسم السياسة، كلية الشريعة، جامعة الحكومية الإسلامية مولانا مالك إبراهيم مالانع. المشرف: جوندياني ، الماجستير.

الكلمات المفتاحية: السياسة القانونية، السياسة الدستورية، الحكم الذاتي الإقليمي الخاص ، قانون عاصمة الدولة

يُعدُّ تغيير القانون رقم ٣ لسنة ٢٠٢٢ بشأن العاصمة الوطنية بموجب القانون رقم ٢١ لسنة ٢٠٢٣ شكلاً من أشكال الهندسة السياسية القانونية التي تترتب عليها آثار قانونية مهمة على مبدأ الحكم الذاتي الإقليمي الخاص وعلى طبيعة العلاقة بين الحكومة المركزية والحكومات الإقليمية. إن إنشاء هيئة عاصمة نوسانتارا بوصفها مؤسسة إدارية تتمتع بصلاحيات واسعة، مع تعين قيادتها مباشرة من قبل رئيس الجمهورية، يعكس تحولاً في نمط إدارة الحكم المحلي من نموذج الحكم الذاتي التقليدي إلى تعزيز مركزية السلطة. ويثير هذا التحول إشكاليات قانونية تتعلق بشرعية الصلاحيات ومشاركة المجتمع المحلي، واتساق تنظيم الحكم الذاتي الإقليمي الخاص.

تهدف هذه الدراسة إلى تحليل الهندسة السياسية القانونية لتغيير قانون العاصمة الوطنية وبيان آثارها على تطبيق مبدأ الحكم الذاتي الإقليمي الخاص من منظور السياسة الدستورية الإسلامية (السياسة الدستورية). وتعتمد هذه الدراسة على منهج البحث القانوني المعياري من خلال المقاربة التشريعية، والمقاربة المفاهيمية، والمقاربة المقارنة. وتشمل المواد القانونية المستخدمة مواد قانونية أولية تمثل في القوانين والأنظمة، ومواد قانونية ثانوية تشمل الكتب والدوريات العلمية، بالإضافة إلى مواد قانونية ثالثية مثل المعاجم القانونية ومصادر المعلومات الرسمية للتشريعات.

وُظهر نتائج الدراسة أن الهندسة القانونية في تغيير قانون العاصمة الوطنية تميل إلى تعزيز مركزية السلطة والحد من مساحة مشاركة المجتمع المحلي في عمليات صنع السياسات الاستراتيجية، ومن منظور السياسة الدستورية الإسلامية، فإن هذا التنظيم لم يجسّد بشكل كامل مبادئ العدالة وتحقيق المصلحة العامة (المصلحة)، والمساعدة (الشورى) في إدارة شؤون الحكم. وبناءً عليه، تبرز الحاجة إلى إجراء تقييم قانوني شامل للتصميم المؤسسي وتوزيع الصلاحيات لهيئة عاصمة نوسانتارا بما يضمن تحقيق التوازن بين أهداف التنمية الوطنية ومبدأ الحكم الذاتي الإقليمي الخاص.

CHAPTER I

INTRODUCTION

A. Background

The relocation of the National Capital (IKN) is one of the policy political the most monumental law in history Indonesian state administration . Through Constitution Number 3 of 2022 concerning the National Capital ¹, the government set decision For move center government from Jakarta to the area called Nusantara, which is located in East Kalimantan. However , not long ago , the law came into effect the revised through Constitution Number 21 of 2023.² Change fast against the IKN Law³ This show existence need adjustment strong policies from government , at the same time open room study about shifting norms and positions autonomy area in framework constitution .⁴

Project This No just development area new , but change fundamental in pattern arrangement power and mechanisms government . Formation The Indonesian Capital City Authority through Constitution Number 3 of 2022 produces a model of government special which in directly below President ⁵. Existence IKN Authority as entity government that holds authority

¹State Gazette Number 21 of 2023

²Najwa Tasya, "The Policy on Relocating the Indonesian Capital City (IKN): A Sustainable Development Perspective with Environmental Insight," Savana: Indonesian Journal of Natural Resources and Environmental Law, Vol. 2 (2024): 123–124.

³The author hereby abbreviates Law Number 3 of 2022 concerning the National Capital to "IKN Law" to facilitate reference in subsequent sections of this research.

⁴Dian Herdiana, "Relocating the National Capital: An Effort to Equalize Development or Achieve Good Governance," Transformative Journal 8, no. 1 (2022): 3-4

⁵Muhammad Taufiq, "Capital City Relocation and the Potential for Connectivity and Economic Equality," Indonesian Vocational Journal 8, no. 1 (2020): 37.

executive and administrative in a way directly below President bring up debate academic and practical in unitary state framework . In the system government Indonesian region , principles autonomy areas guaranteed by Article 18 of the 1945 Constitution have confirm importance involvement public through representation politics and mechanisms election head region⁶. However, the IKN Authority is running without mechanism election straight away, head authority appointed by the President, and its function representative political local eliminated .

Dynamics the the more important reviewed remember changes to the IKN Law bring a number of provision new related distribution authority, relationship finance, as well as facility special for investors. Changes in norms regarding convenience licensing, granting incentives, schemes investment term long, up to arrangement connection state assets in IKN area shows direction policies that place investment as driving force main development .⁷ Consequently , the design IKN law is visible more focus on effectiveness development economy rather than strengthening governance democratic at the level local . Situation This bring up question fundamental about to what extent the principles of the rule of law and the principles of autonomy area still kept in the middle encouragement acceleration investment .⁸

⁶ State Gazette of 1945

⁷Rasji, Christian Samuel Lodoe Haga, and Ayi Meidyna Sany, “Legal Review of Law Number 3 of 2022 concerning the National Capital (IKN) from a Constitutional Legal Political Perspective,” Citizenship Journal 8, no. 1 (June 2024): 315.

⁸Hestu Cipto Handoyo, Constitutional Law: From Constitution to Practice (Jakarta: Kencana, 2018), 243.

Apart from the matter authority , changes to the IKN Law that occurred in time relatively short also shows pattern response fast policy from government . This indicates that since beginning design IKN law has not yet truly ripe and still need Lots adjustments .⁹ Haste kind of This No only question technical legislation , but touch aspect legitimacy politics and order laws . Strategic laws , especially those related to with structure state institutions and governance , should be go through a thorough discussion process For ensure certainty law , not only interest development physical . When the revision ongoing fast , reasonable If appear suspicion that orientation development more stand out compared to fulfillment principle constitutional about government area .¹⁰

Changes to the IKN Law also bring a number of new norms that expand scheme support for perpetrator business . Terms about giving convenience licensing , incentives fiscal , scheme concession term long , up to provision room right management state assets in the IKN area emphasized orientation strong investment In the context of development economy , steps This can understood .¹¹ However from corner from a state administration perspective , this the bring up concern that market logic in the end more dominant compared to mechanism control public . When the motherland city become an investment arena term long without mechanism representation political local , then room participation public local the more

⁹R. Yulianto, “Spatial Planning of the IKN and the Consequences of Environmental Law,” Journal of Environment and Law, Vol. 12 No. 2 (2023), p. 98

¹⁰Wahyu Nugroho, “Problems with the Authority of the IKN Authority,” Journal of State Administrative Law, Vol. 7 No. 2 (2023), pp. 67-69.

¹¹Syamsuddin Haris, Decentralization and Regional Autonomy: Design and Practice (Jakarta: LIPI Press, 2018), p. 88.

limited . Concerns This No solely assumptions , but rather the necessary reality reviewed in a way critical in frame guard balance between interest development and protection principle democracy local .¹²

When compared with area special other , structure IKN authority is visible different . Aceh has the specificity that gives space in sharia and political norms local Papuans have specificity empowerment public customs ; while Yogyakarta maintains system monarchy recognized constitutional through legitimacy historical and cultural . All form specificity That Still confess room political society . While the IKN is actually put power in an authority that is not have a legitimate basis electoral .¹³Here looks that " special " for IKN is not interpreted as strengthening right political citizens , but rather strengthening central state control towards new areas . This model like create " areas administration special " without root participation local ¹⁴. Concept kind of This cause question important : if the country is committed to decentralization , why? Mother city precisely formed with a returning power model centralized ?¹⁵

From the corner engineering law , changes to the IKN Law through Law Number 21 of 2023 show compilation structure authority that is aware directed For centralize regional management and functions executives at the Authority as instrument main development . Engineering law This looks

¹²Muhammad Ulil Absor, Muhammad Zaki Mubarak, Silvia Diah Puspitaningrum, and Joko Susilo, "The Urgency of Moving the Capital City of Indonesia from a Legal and Social Economic Perspective," Adijaya: Multidisciplinary Journal 1, no. 5 (2023): 1055.

¹³Aufa Salsabila and Nunung Nurwati, "Deforestation and Population Migration to the New Capital of East Kalimantan: The Synergistic Role of Government and Community," Proceedings of Research & Community Service 7, no. 1 (2020): 27.

¹⁴State Gazette No. 21 of 2023

¹⁵Armiwulan, Hesti. "Legal Politics and the Dynamics of Regional Autonomy in Indonesia." Ius Quia Iustum Law Journal 28, no. 1 (2021): 48.

through expansion authority and the establishment of new norms that provide access wide for perpetrator investment as well as room policy strategic without mechanism representation political local .¹⁶ However construction authority the No balanced with mechanism participation inhabitant as principle autonomy area special that becomes part from system government area according to the 1945 Constitution. Consequently , there are shift pattern organization government from paradigm decentralization going to concentration authority under government center through IKN Authority , which gives rise to question about legitimacy non- electoral power in system Indonesian democracy .¹⁷

In context political law nationally , changes to the IKN Law reflect choice ideological government in designing system government Mother new city . Politics law No only means state policy in form law , but also shows mark who wants to achieved and prioritized what is chosen .¹⁸ In context this , the government looks more emphasize effectiveness development compared to strengthening system representation political local . This is cause question whether choice the in line with mandate constitution that places the people as holder sovereignty .¹⁹

¹⁶Krisna Mukti Pradana, Faisal Samsudin, and Bhim Prakoso, “Investment Legal Politics in the Development of the New Capital City Reviewed from Law No. 3 of 2022,” *Jurnal Cakrawala Ilmiah* 3, no. 4 (2023): 1143.

¹⁷Fanisa Luthfia Putri Erwati and Waluyo, “Critical Notes on the Formation of Law Number 3 of 2022 concerning the National Capital and the Legal Implications It Creates,” *Sovereignty: Journal of Democracy and National Resilience* 1, no. 1 (2022): 54.

¹⁸Wahyu Laksana Mahdi, “A Political and Legal Review of the Establishment of the National Capital Authority Agency in the Indonesian Constitutional System,” *Rewang Rencang: Jurnal Hukum Lex Generalis* 3, no. 10 (2022): 848.

¹⁹Silvia Reningsih and Wahyu Prianto, “Legal Analysis of the Formation of the Indonesian Capital City (IKN) Based on the Provisions of the 1945 Constitution,” *Scientific Journal of Social Sciences and Education* 2, no. 1 (2024): 72.

Study This leave from need For fill in emptiness studies that have been carried out This Not yet Lots touched , namely analysis deep to changes to the IKN Law in relation with principle autonomy area special as well as his assessment through perspective normative *Siyāsah dūsturiyah*. Previous studies more Lots highlight aspect transfer Mother city from side urgency development , potential economy , or review administrative to authority Authority .²⁰

In fact , the changes in norms that occur post revision Constitution keep implications important to relation between government central and regional , as well as sustainability principle representation politics at the level local . From the point here it is study This put his position as effort academic For evaluate how far in the direction policy IKN law is still based on the principle of the rule of law , supremacy constitution and justice political for public .²¹ study this also highlights How design IKN law will influence pattern organization Indonesian government in the future . The model of authority given authority wide without representation political local potential become precedent for form organization government in other regions in the name of acceleration development . Therefore , the discourse about IKN not can viewed just issue transfer Mother city , but rather part from shift paradigm government and politics law national .²²

²⁰Bakhrul Amal and Aditya Yuli Sulistyawan, “The State Dynamics of the Relocation of Indonesia's Capital City from a Legal Perspective,” Journal of Legal Issues 51, no. 4 (2022): 351.

²¹Ahmad Munif, “The Relevance of the Concept of *Siyāsah dūsturiyah* to the Indonesian State System,” Al-Daulah: Journal of Islamic Law and Legislation 10, no. 1 (2022): 63.

²²M. Athoillah, “The Concept of Power in *Siyāsah dūsturiyah* : Analysis of the Principles of Justice and Deliberation in Governance,” Journal of Sharia and Legal Sciences 8, no. 2 (2021): 132.

Choice policy This will determine does Indonesia remain consistent with Spirit decentralization post-reformation or precisely shift going to centralization power new wrapped argumentation efficiency . This is where urgency study This placed For confirm that every development must always based on principles justice , openness and participation society , because policy law No Once free from consequence his politics .²³

From the perspective *Siyāsah dūsturiyah* , issues This No only technical state administration , but concerning moral legitimacy of power . In the tradition thinking Islamic politics , power legitimate if fulfil principle welfare , involvement society , and distribution fair authority . When the people do not own instrument political For supervise leader , potential deviation increased . Concept *tahdid al- sulthah* (limitation) power) to be relevant For test whether design authority Authority in harmony with principle trust power in perspective *Siyāsah dūsturiyah* .²⁴Because that , the government without room representation need tested its suitability with principle restrictions power . IKN is a momentum for test does Indonesia remain consistent with principle democracy and aspirations society , or shift to direction technocracy that places efficiency above participation .²⁵

Draft *Siyāsah dūsturiyah* also emphasizes importance restrictions power (*tahdid al- sulthah*) for prevent abuse authority .²⁶In design IKN

²³Bivitri Susanti, “The Transfer of the National Capital from the Perspective of Constitutional Law”, Constitutional Journal, Vol. 19 No. 4 (2022): 703.

²⁴ Sumanti Maku, Rustam Hs. Akili, and Yusrianto Kadir, “Analysis of Legal Political Strategy on the Policy of Relocating the National Capital from a Geopolitical and Geostrategic Perspective,” IBLAM Law Review 3, no. 2 (2023): 166.

²⁵ Muhammad Taufiq, “Capital City Relocation and the Potential for Connectivity and Economic Equality,” Indonesian Vocational Journal 8, no. 1 (2020): 34.

²⁶Nur Kholis, “Democracy and Shura in Islamic Perspective: Their Relevance for Legal Politics in Indonesia,” Al-Manahij: Journal of Islamic Law Studies 14, no. 2 (2020): 218.

Authority , centralization function executive and administrative in One institution without mechanism control political local can cause potential deviation . Head authority own authority wide in field planning , development , to management land , while mechanism supervision by the DPR and government East Kalimantan region is characterized by limited ²⁷. Situation This create potential power concentration which is principle contradictory with the principle of checks and balances becomes spirit Indonesian constitution .

Writer have an opinion substance change Constitution the more highlight strengthening authority Authority than mechanism participation public . Tendency This signify that political law government in the context of the IKN is still paradigm - oriented development that is technocratic , not democratic ²⁸ In fact , the direction development a just nation social No can released from principle people's participation as embodiment sovereignty ²⁹

Based on description background behind said , research This directed For examine political law change National Capital Act as direction state policy in form design government Mother city new , and engineering law changes to the IKN Law as instrument law (aw as a tool of social engineering) in designing authority IKN Authority . Analysis the focused on the consequences to principle autonomy area special and deep

²⁷Dian Herdiana, “Relocation of the National Capital: An Effort to Equalize Development or Achieve Good Governance,” Transformative Journal 8, no. 1 (2022): 10.

²⁸Sumanti Maku, Rustam Hs. Akili, and Yusrianto Kadir, “Analysis of Legal Political Strategy on the Policy of Relocating the National Capital from a Geopolitical and Geostrategic Perspective,” IBLAM Law Review 3, no. 2 (2023): 166.

²⁹Rasji, Christian Samuel Lodee Haga, and Ayi Meidyna Sany, “Legal Review of Law Number 3 of 2022 concerning the National Capital (IKN) from a Constitutional Legal Political Perspective,” Citizenship Journal 8, no. 1 (June 2024): 315.

perspective *siyāsah dūsturiyah* as framework evaluation legitimacy power and justice government . On the basis of that , researcher interested For lift study with title :

“Legal Policy of Change Constitution Number 3 of 2022 concerning the National Capital City (IKN) Regarding Principle Special Regional Autonomy and the Perspective of *Siyāsah dūsturiyah*”

B. Scope of problem

Study This limited to analysis engineering law in change Constitution Number 3 of 2022 concerning the National Capital and the impact to principle autonomy area special through focus arrangement authority IKN Authority as non- electoral institutions that carry out function government area . Discussion directed at assessment suitability design law Authority with principles justice (*al -' adl*), deliberation (*asy-shūra*), and trust (*al- amanah*) in perspective *Siyāsah dūsturiyah* as gauge measuring legitimacy power public. Research No discuss aspect technical development physical , economic macro , as well as analysis comparison with other countries, but focus on evaluation consequence juridical distribution authority and legitimacy organization government IKN Authority in framework autonomy area special and value ethics Islamic politics .

C. Formulation Problem

1. How engineering law in change The National Capital Law (IKN) influences implementation principle autonomy area special ?
2. How change National Capital Law (IKN) with principle autonomy area according to perspective *siyāsah dūsturiyah* ?

D. Objective Study

1. For analyze and describe engineering law in change The National Capital City Law (IKN) affects implementation principle autonomy area special .
2. For analyze and describe change National Capital Law (IKN) with principle autonomy area according to perspective *Siyāsah dūsturiyah* .

E. Benefits of research

1. Theoretical Benefits
 - a. Give contribution to development study of Constitutional Law in particular related engineering law in change Constitution .
 - b. Add outlook academic about construction law formation IKN Authority as an institutional model different governments from pattern government area conventional .
 - c. Presenting perspective *Siyāsah dūsturiyah* as corner view Islam in analysis changes to the IKN Law.
2. Practical Benefits
 - a. Become material consideration for maker policy in the process of evaluation and improvement regulations related to the Capital City of the Archipelago.
 - b. Become references for academics and practitioners law in evaluate consequence changes to the IKN Law regarding governance design government .

- c. Become source reference for communities and organizations supervisor policy public in understand the legislative and engineering processes law in project national strategic .

F. Definition Conceptual

1. Legal Politics

Official line policy or state strategy for create and establish regulation legislation to achieve the ideals and goals of the state as stated in the preamble to the 1944 Constitution of the Republic of Indonesia, paragraph IV.³⁰

2. Special Regional Autonomy

Autonomy area special is form authority the government given in a way specifically by the state to something different areas from area autonomous in general , because area the own characteristics certain nature strategic , historical , social , political , or constitutional .³¹.

3. Legal Engineering

Engineering law is the process of formation , change , or use of legal norms in a way conscious and planned by the creator policy For direct , regulate , or form pattern behavior as well as order social certain through instrument law . Engineering law put law as means that are on purpose designed For reach the goals desired by the creator policy³²

³⁰Islamiyat and Dewi Hendrawati, “Political Analysis of Law and Its Implementation,” Law, Development & Justice Review 2, no. 1 (2021): 109.

³¹Faisal. “Regional Autonomy: Problems and Solutions in Indonesia.” Journal of Accounting 4, no. 2 (2020): 215.

³²Bagir Manan, “Law as a Means of Social Engineering,” Indonesian Legislation Journal 5, no. 2 (2008): 14–15.

4. *Siyāsah dūsturiyah*

Politics Dūsturiyah is branch from jurisprudence politics that focuses on business Islamic politics , especially about formation law, division state power, as well as protection people's rights in frame Islamic constitution.³³

G. Research methods

Study law is a scientific process that is carried out in a way methodical , systematic , and logical For find truth on problem the law being studied , both in level theoretical and practical to produce arguments , theories , and prescription law in a way right ³⁴. Research method required For give direction measurable analysis so that study This can answer formulation problem in a way objective as well as own contribution academic and practical .

1. Types of research

Type of research used in study This is study type juridical normative . Research juridical normative focuses on the study of legal norms positives , principles , doctrines , and relevant theories through studies regulation legislation and literature scientific .³⁵ Study This used For analyze engineering law change The National Capital City Law (IKN) is related design authority IKN Authority and its implications to

³³Maimun Maimun and Dani Amran Hakim, “Siyāsah Syar'iyyah and Its Application to Constitutional Issues in Indonesia,” *As-Siyasi: Journal of Constitutional Law* 3, no. 1 (2023): 111.

³⁴Soerjono Soekanto, *Introduction to Legal Research* (Jakarta: UI Press, 2016), 5.

³⁵Peter Mahmud Marzuki, *Legal Research* (Jakarta: Kencana, 2017), 35.

principle autonomy area special as well as its relevance in perspective *siyāsah dūsturiyah* .

2. Approach Study

Study This use a number of approach as following :

a. Approach Statute

Approach This done with examine regulation relevant legislation with issues being researched.³⁶ Through approach this , researcher study provisions of the 1945 Constitution, Law Number 3 of 2022, Law Number 21 of 2023 concerning Change on the IKN Law, as well as regulations other related design institutional IKN Authority .

b. Approach Conceptual

Approach This used For understand concepts developing theory in knowledge law , in particular political law , autonomy area, as well as theory *siyāsah dūsturiyah* about justice (*al -'adl*) , deliberation (*shura*), and limitations power (*tahdīd al- sulthah*).

³⁷Approach This used For measure moral and political legitimacy engineering law in changes to the IKN Law.

3. Sources of Legal Materials

Study This use material law as following :

a. Primary Legal Materials

1. The 1945 Constitution of the Republic of Indonesia

³⁶Peter Mahmud Marzuki, Legal Research (Jakarta: Kencana, 2017), 93.

³⁷Johnny Ibrahim, Theory and Methodology of Normative Legal Research (Malang: Bayu Media, 2019), 55.

2. Law Number 3 of 2022 concerning the National Capital
3. Law Number 21 of 2023 concerning Change on the IKN Law
4. Law Number 23 of 2014 concerning Local government
5. various regulation derivative related design authority IKN Authority .

b. Secondary Legal Materials

Legal materials secondary in the form of books and works scientific methods used For give explanation and reinforcement analysis to material primary ³⁸law . In research this , material law secondary used including Moh. Mahfud MD 's book on political law, Jimly Asshiddiqie about theory law and constitutionalism , Ni'matul Huda regarding governance and autonomy area , Bagir Manan who discussed connection central and regional, as well as Yusuf al-Qaradawi who explained draft *government* in perspective Islamic law. Books the chosen as references main Because relevant with framework theoretical and focused problem study .

c. Tertiary Legal Materials

Legal materials tertiary used For complete understanding to terms and concepts the law used in research . In research this , material law tertiary used includes the Legal Dictionary, the Big Indonesian Dictionary (KBBI), as well as source official online information in the form of a Regulatory Database Legislation on Networks Legal Documentation and Information (JDIH) of the

³⁸ Zainuddin Ali, Legal Research Methods (Jakarta: Sinar Grafika, 2018), 42.

Republic of Indonesia, which is used for browse understanding term law, systematics regulation legislation and provisions relevant normative with object study .

4. Legal Material Collection Techniques

Collection material law done through studies literature with browse regulations , books , journals scientific , decision courts , and documents official. This method chosen Because study normative nature textual and requires source law authoritative .³⁹Literature study is also required For comparing norms and theories relevant laws so that can arranged analysis argumentative to issues being researched .⁴⁰

5. Legal Material Analysis Techniques

Analysis material law done in a way qualitative juridical , namely with interpret and construct argumentation law to material law obtained For answer formulation problem research .⁴¹Analysis method This used For linking legal norms positive with principles and values *Siyāsah dūsturiyah* , so that produce construction argumentative about legitimacy engineering political law in changes to the IKN Law.⁴²

H. Study Previously

For help do study This so needed study previously as tester validity research and for avoid plagiarism as well as as reject measuring comparison.

³⁹Johnny Ibrahim, Theory and Methodology of Normative Legal Research (Malang: Bayu Media, 2012), 52.

⁴⁰Mukti Fajar and Yulianto Achmad, Dualism in Legal Research (Yogyakarta: Pustaka Pelajar, 2017), 212.

⁴¹Marzuki, Legal Research, 153.

⁴²Bambang Sunggono, Legal Research Methodology (Jakarta: Raja Grafindo Persada, 2015), 41.

So the researcher to explain a number of other related research , including as following :

First, research conducted by Sarkowy V. Zahry entitled "Legal Politics and the Principles of Legal Formation" Constitution Number 3 of 2022 concerning the Capital City of the Archipelago" which was published in UIR Law Review, Volume 8 Number 1 of 2024. Research This examine How direction policy formation The IKN Law was formed through a legislative process that seems rushed and minimal participation public . The difference is , research the focuses on principles formation regulations, whereas study This more direct his analysis of the relationship between changes to the IKN Law with principle autonomy area special in frame political law national . New study This lies in the approach *Siyāsah dūsturiyah* used For evaluate morality and legitimacy direction policy law the formation of the IKN Law.⁴³

Second , research by Torik Abdul Aziz Wibowo entitled " Legal Politics of the Design of Special Autonomy for the Capital City of the Archipelago" was published in Staatsrecht : Journal of Islamic State and Political Law , Volume 2 Number 2 , 2022. Research This review design autonomy specifically regulated in the IKN Law with review position IKN Authority as entity government that does not fully subject to the mechanism autonomy area conventional . Formulation issues discussed is How design autonomy specifically IKN is constructed by the former Constitution as well as how far he in accordance with principle decentralization mandated by the

⁴³Sarkowy V. Zahry, "Legal Politics and Principles for the Formation of Law Number 3 of 2022 concerning the Capital City of the Archipelago," UIR Law Review 8, no. 1 (2024): 101–120: 38-49

1945 Constitution. The difference located at an angle view , research the evaluate from aspect comparison design institutional , whereas study This evaluate from direction policies and formation law in changes to the IKN Law. New study This is approach testing *system* values shura , justice , and representation in design IKN law .⁴⁴

Third , research conducted by I Gde Sandy entitled " The Indonesian Capital Authority in Perspective Special Autonomy " was published in *Civilia : Journal of Legal Studies and Civic Education* , Volume 2 Number 1 , 2023. Research This review the legal status The IKN Authority is called as " area specifically " in the IKN Law, as well as evaluate to what extent is the status consistent with principle autonomy area in constitution . The difference is , research This more emphasize on relationships between direction policy changes to the IKN Law with implementation principle autonomy area special . The novelty offered is analysis values *Siyāsah dūsturiyah* which places draft justice and welfare as size legitimacy policy IKN law .⁴⁵

Fourth , research by Rasji , Christian Samuel Lodoe Haga, and Ayi Meidyna Sany entitled " Review Legal Law Number 3 of 2022 concerning the National Capital (IKN) in Perspective "Legal Policy Based on the Constitution" which is contained in *Journal Citizenship*, Volume 8 Number 1 Year 2024. Research This discuss suitability the formation of the IKN Law with principles formation Constitution according to the 1945

⁴⁴Torik Abdul Aziz Wibowo, "Legal Politics of the Special Autonomy Design for the Indonesian Capital City," *Staatsrecht: Journal of State Law and Islamic Politics* 2, no. 2 (2022): 214-226

⁴⁵I Gde Sandy, "The Indonesian Capital City Authority from the Perspective of Special Autonomy," *Civilia: Journal of Legal Studies and Civic Education* 2, no. 1 (2023): 45-58

Constitution, and evaluate cargo political law in arrangement IKN Authority . The Difference study lies in highlighting level procedural and formal, while study This focus on direction policy substantive and its implications to principle autonomy area special . New study This lies in the use approach Siyāsah dūsturiyah as knife analysis to mark constitutional in formation law national .⁴⁶

Fifth , research conducted by Yusqiy Ahliyan entitled “ Political Will System IKN Authority in Article 4 of the Law Number 3 of 2022” and published in Journal Staatsrecht , Volume 2 Number 2 of 2022, discusses How the concept of government political will in formation The Indonesian Capital City Authority reflects centralization power executive . Focus main study This is to describe how Article 4 of the IKN Law confirms domination government center in the process of taking decision strategic IKN and to what extent That in line with principle mandated decentralization constitution . The difference is , research This focuses on aspects of political will and dominance power center , while study This directed at analysis revision of the IKN Law regarding principle autonomy area special . New study This lies in the analysis to dynamics changes to the legal norms of the IKN with see how far is the revision the strengthen or precisely erode principle autonomy guaranteed area in the 1945 Constitution.⁴⁷

⁴⁶Rasji, Christian Samuel Lodoe Haga, and Ayi Meidyna Sany, “Legal Review of Law Number 3 of 2022 concerning the National Capital (IKN) from a Constitutional Legal Political Perspective,” Citizenship Journal 8, no. 1 (2024): 310-317

⁴⁷Yusqiy Ahliyan, “Political Will of the IKN Authority System in Article 4 of Law Number 3 of 2022,” Jurnal Staatsrecht 2, no. 2 (2022): 246-262

Under This is table that presents comparison between research discussed , including name , title , university height , year , formula problems , similarities , differences , and novelty from each study . This table aim For clarify differences and similarities between one research with others , so that can give a clearer picture comprehensive about issues discussed

Table 1.1
Study Previously

No	Name/ Title / College / Year	Formulation Problem	Research result	Equality Study	Difference Study	Aspect Newness
1.	Sarkowi V. Zahry/ Legal <i>Politics and Principles of Formation Constitution Number 3 of 2022 concerning the Capital City of the Archipelago / August 17th University 1945 / 2024</i>	How Political Law and Principles of Formation Constitution Number 3 of 2022 concerning the Indonesian Capital City?	Study This show that Formation IKN Law is full of with interest political certain and less accommodation principle government area as arranged in the 1945 Constitution	The similarities is attention to aspect formation law and direction policy government in the birth of the IKN Law	Study This focus on research the focuses on principles formation regulations , whereas study This more direct his analysis of the relationship between changes to the IKN Law with principle autonomy area special in frame political law national	Thesis This Own novelty Analysis engineering of norms for changes to the IKN Law and its impact to legitimacy authority Non-electoral authority through perspective <i>Siyāsah dūsturiyah</i> .
2.	Torik Abdul Aziz Wibowo/ Legal Politics Design of Special Autonomy for the Indonesian Capital City / Islamic University of	- How Legal Politics Design Special Autonomy for the Capital Archipelago? - How	Study This show that the law IKN IKN Authority More Merepre - enact decentralization model than autonomy , so	The similarities is located in focus to connection design institutional IKN Authority and principles	Study This the difference located at an angle view : research the evaluate from aspect comparison design institutional , whereas study	Thesis This own novelty Analysis engineering of norms for changes to the IKN Law and its impact to legitimacy

	Indonesia/ 2022	Mother Authority Design Improvement Archipelago City?	that potential cause disharmony with principle autonomy area special	autonomy area	This evaluate from direction policies and formation law in changes to the IKN Law	authority Non-electoral authority through perspective <i>Siyāsah dūsturiyah</i> .
3.	I Gde Sandy Knight/ Indonesian Capital City Authority in Perspective Special Autonomy / Airlangga University /2023	- Is Government area Special Maternal Authority city Nusantara according to with Constitution - How authority head authority in perspective constitution	Study This Show That the special nature of the IKN is administrative and political , not decentralization substantive .	The similarities is You're welcome discuss implications law and position autonomy area in the IKN Law	Study This more emphasize on relationships between direction policy changes to the IKN Law with implementation principle autonomy area special	Thesis This own novelty Analysis engineering of norms for changes to the IKN Law and its impact to legitimacy authority Non-electoral authority through perspective <i>Siyāsah dūsturiyah</i> .
4.	Rasji , Christian Samuel Lodoe Haga, and Ayi Meidyna Sany / Review Legal Law Number 3 of 2022 concerning the National Capital (IKN) in Perspective Legal Policy Based on Constitution / University Tarumanegara / 2024	How Legal Politics in Constitution Number 3 2022 concerning the National Capital (IKN Law) reviewed based on the principles of the 1945 Constitution as State Constitution ?	Study This find Mem- show that there is trend centralization power in formation Deviant IKN Authority from Spirit autonomy area	The equation is Danya focus on formation law and politics legislation of the IKN Law	Study This highlight level procedural and formal, while study This focus on direction policy substantive and its implications to principle autonomy area special	Thesis This own novelty Analysis engineering of norms for changes to the IKN Law and its impact to legitimacy authority Non-electoral authority through perspective <i>Siyāsah dūsturiyah</i> .

5.	Yusqiy Ahliyan / <i>Political Will System IKN Authority in Article 4 of the Law Number 3 of 2022 / Gadjah Mada University /2022</i>	how political will and ratification system government area shaped authority same level institution ministry ? How? paradigm constitutional concept of diversity IKN authority in Article 4 of the IKN Law No. 3 of 2022?	Study This show that formation The IKN Authority is form manifestation of a strong top-down policy , where the role of area become very limited and functional supervision political from the DPR and area tend weakened	The similarities is highlight dimensions power and design institutional in IKN arrangements	Study This focuses on aspects of political will and dominance power center , while study This directed at analysis revision of the IKN Law regarding principle autonomy area special	Thesis This own novelty Analysis engineering of norms for changes to the IKN Law and its impact to legitimacy authority Non-electoral authority through perspective <i>Siyāsah dūsturiyah</i> .
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Based on description study previously above , can seen that studies previously Still focused on the formation IKN Law , principles formation regulation legislation , design autonomy special , and *political will* in formulation authority Authority as institutions that are directly below President .

However Not yet there is research that is special study engineering law in changes to the IKN Law through Law Number 21 of 2023 and its impact to principle autonomy area special , especially related How strengthening authority Authority without mechanism legitimacy electoral form a different non - representative model of government from pattern autonomy especially in Aceh, Papua, and Yogyakarta. In addition , research previously Not yet make perspective *Siyāsah dūsturiyah* as knife analysis normative For evaluate suitability design power Authority with principle

justice , deliberation , and limitations power . From the point here it is study This occupy room empty studies that have not been done touched by research previous and become base novelty in a way scientific .

I. Systematics Writing

Thesis This consists of on four chapters arranged in a way coherently so that the discussion focused and easy understood . **Chapter I** This chapter containing description beginning research that includes background behind problems , limitations problems and formulations the problem that becomes focus study . In addition , the chapter this also contains objective research , benefits study Good in a way theoretical and practical , as well as definition the concept used For clarify term important in title research . Not only that, Chapter I also presents review study previously as material comparison For confirm position study this , and method research used as framework in analyze problem .

Chapter II Literature review containing study relevant theoretical and conceptual with research . In it described theory Legal Politics , theory autonomy area , theory formation legislation , concept autonomy area special , concept engineering law as well as perspective *Siyāsah dūsturiyah* which become runway analysis . In addition , the chapter this also examines various supporting literature discussion so that the framework conceptual study more strong .

Chapter III Research Results and Discussion containing description results analysis related political law change Constitution Number 3 of 2022 concerning the National Capital through Constitution

Number 21 of 2023. Discussion directed at change Constitution Number 3 of 2022 concerning the National Capital and the impact to principle autonomy area special through focus arrangement authority IKN Authority as non- electoral institutions that carry out function government area . Discussion directed at assessment suitability design law Authority with principles justice (*al -' adl*), deliberation (*asy-shūra*) , and trust (*al-amanah*) in perspective *Siyāsah dīsturiyah* as gauge measuring legitimacy power public ..

Chapter IV Closing contains conclusions and suggestions. Conclusions are compiled as answer on formulation problems posed in Chapter I. In addition , chap It also provides suggestions aimed at Good for maker policy and for development study academic to front , especially related political law formation area special in framework Indonesian constitution .

CHAPTER II

LITERATURE REVIEW

A. Legal Politics

Political law is framework that explains how the state determines direction and purpose law For arrange life in society and the state⁴⁸. Mahfud MD stated that political law is policies that become guidelines for the process of formation , change and implementation law in frame reach objective certain , including welfare , order and certainty law . Views This confirm that law No just a standing norm alone , but is product decision politics influenced by structure power , ideology , and need development.⁴⁹ Satjipto Rahardjo added that law can viewed as tool update social (*law as a tool of social engineering*), where legislation directed For form behavior , structure institutions and conditions more ideal⁵⁰social .

In context change National Capital Law (IKN), politics law seen through engineering institutional and regional⁵¹governance design . Formation The IKN Authority , for example , reflects the government's strategy For centralize authority certain , speed up development , and guarantee sustainability administrative in the capital region city new⁵² . Padmo Wahjono emphasize that law always move between ideal principles

⁴⁸Padmo Wahjono, “Indonesia: A State Based on Law,” Journal of Law & Development 50, no. 2 (2020): 215.

⁴⁹Mahfud MD, Legal Politics in Indonesia (Jakarta: RajaGrafindo Persada, 2021), 15.

⁵⁰Satjipto Rahardjo, Law and Social Change (Jakarta: Kompas, 2020), 42.

⁵¹Michele Acuto & Steve Rayner, “City Leadership in Urban Governance,” Global Policy 9(S1), 2019: 15.

⁵²Maria Farida Indrati, Legal Science: Types, Functions, and Content Material (Kanisius, 2020), 55.

and practices real politics , so that quality A Constitution depends on the balance between interest constitutional , needs development , and conditions socio-political moment legislation .⁵³

Political law can analyzed through three elements : state objectives, government strategies , and instruments normative . In the IKN Law, the purpose covers effectiveness development , certainty institutional and acceleration investment ; strategy in the form of formation of OIKN and centralization function government , its instruments is changes in norms in laws governing governance, authority, and regional planning.⁵⁴International studies about transfer Mother city show that *special governance* model implemented For ensure development term long walk consistent, effective , and controlled .⁵⁵

Political the law must also understood in connection with principle state administration , including decentralization and autonomy region . Although the IKN has a different status from area autonomous ordinary , engineering the law that is carried out government must still is at in framework constitution , rational , and have justification objective public .⁵⁶ With Thus , it is not a change to the IKN Law just step technical legislation,

⁵³Jimly Asshiddiqie, *Regarding the Law* (Jakarta: Konstitusi Press, 2021), 47.

⁵⁴Muntoha, “Legal Politics in the Formation of Legislation in Indonesia,” *Jurnal Rechts Vinding* 11, no. 1 (2022): 12–13

⁵⁵Zainal Arifin Mochtar, “The Configuration of Legal Politics in Indonesia and the Dynamics of Regulatory Formation,” *IUS QUA IUSTUM Law Journal* 27, no. 1 (2020): 33

⁵⁶Thessa Nada Lorenza & Ardian Mulyadi, “Reading the Direction of Indonesian Legal Politics: A Critical Review of the Logic of National Law Formation,” *Asas Wa Tandhim: Jurnal Hukum* 5, no. 1 (2025): 78

but manifestation from political the laws that govern structure institutional, division power and direction development Mother city new.⁵⁷

In research this, concept political law used For read direction state policy in change The National Capital Law , in particular choice former Constitution in determine design authority IKN Authority and its relations with principle autonomy area special .

B. Regional autonomy

Autonomy area is one of the fundamental principles in system the Indonesian government that regulates distribution authority between government central and regional . Concept This emphasize that area own authority For organize and manage affairs government Alone in accordance with regulation applicable laws and regulations , with still is at in framework of the Unitary State of the Republic of Indonesia.¹ CF Strong defines autonomy area as rights , authority and obligations area For organize and manage his business Alone in a way broad , free and responsible answer , without reduce authority center.⁵⁸

In Bagir Manan's perspective , autonomy area No only related with administrative , but also political , because involving mechanism participation public in taking decision local .⁵⁹ This is relevant when discussing special areas or area autonomy special , where the authority certain given more wide For honor characteristics social , cultural , and

⁵⁷Ari Wibowo, Asep Rohman Dimyati & Junaedi Junaedi, "Creating a Just and Effective National Legal System: The Urgency of Regulatory Arrangement from the Perspective of Legal Politics in Indonesia," Journal of Contemporary Law Studies 2, no. 3 (2025): 57

⁵⁸CF Strong, Intergovernmental Relations in Indonesia (Singapore: NUS Press, 2020), 33.

⁵⁹Bagir Manan, Regional Autonomy and the Unitary State (Jakarta: Rajawali Pers, 2021), 45.

historical area.⁶⁰ Principle This emphasize that every arrangement laws that change status or structure government areas , including formation IKN Authority, must analyzed whether still consistent with principle decentralization and rights area For arrange self Alone.⁶¹

Effective decentralization require existence distribution clear duties and functions between government central and regional , including affairs service public , planning development and management source power .⁶² In the context of the IKN, the structure IKN Authority shows difference significant with an autonomous model area general , because a number of authority center centralized For ensure acceleration development and coordination strategic . This is cause question juridical about consistency policy with principle autonomy area special , at the same time give room analysis to characteristics flexible Indonesian law in face need development Mother city new.⁶³

Draft autonomy the area is also related with regulations fiscal and institutional . The region has right manage source power and budget in accordance with its capacity , but still arranged in framework Constitution national .⁶⁴ This theory explain that although The IKN Authority has

⁶⁰Ni'matul Huda, "Special Regional Autonomy in Indonesia: A Legal Analysis," Journal of Law & Development, Vol. 52, No. 2 (2022): 118

⁶¹Moh. Mahfud, "Special Regions and Autonomy in Indonesia," Constitutional Journal 20, No. 3 (2021): 220.

⁶²Salim HS, Regional Governance Law (Bandung: Citra Aditya Bakti, 2020), 78.

⁶³Lili Rasjidi, "Fiscal Decentralization and Regional Autonomy," Journal of Public Administration 17, No. 1 (2023): 45-46.

⁶⁴Nurul Hidayah, "IKN Authority and Central Government Authority," Indonesian Legislation Journal, Vol. 21 No. 1 (2023): 67.

authority area , every engineering law must still consider balance between interest development national and rights local .⁶⁵

In a way overall , theory autonomy area become base For evaluate the extent to which changes to the IKN Law change principles decentralization , authority area and structure institutional .⁶⁶ Analysis This allows researchers understand whether formation IKN Authority as entity special still is at in framework law that prioritizes principle autonomy area special and harmony with constitution .⁶⁷

C. Formation Theory Legislation

Formation regulation legislation is a legal process that regulates procedures , principles and principles in the formation of legal norms . Theory of formation regulation emphasize that every Constitution must fulfil principle clarity purpose , certainty law , and suitability with more norms tall .⁶⁸ Jimly Asshiddiqie emphasize importance principle hierarchy of norms, where each Constitution must in harmony with Constitution and regulations implementation .⁶⁹Maria Farida Indrati add that technique good legislation must notice completeness material load , suitability structure and systematics of norms so that objective regulations can achieved in a way effective .⁷⁰

⁶⁵Ari Wibowo, Special Regional Government and the Formation of Laws (Jakarta: Konstitusi Press, 2021), 92

⁶⁶Shinta Melati, “Fiscal Regulation and Special Regional Autonomy,” Scientific Journal of Legal Policy 18, No. 1 (2024): 21

⁶⁷Zainal Arifin Mochtar, “Regional Autonomy and Institutional Reform,” IUS QUIA IUSTUM Law Journal 27, No. 2 (2020): 45

⁶⁸Maria Farida Indrati, Legal Science: Types, Functions, and Content Material (Kanisius, 2020), 55.

⁶⁹Jimly Asshiddiqie, Regarding the Law (Jakarta: Konstitusi Press, 2021), 33.

⁷⁰Maria Farida Indrati, Legal Science: Types, Functions, and Content Material (Kanisius, 2020), 60.

In practice, changes The IKN Law reflects implementation principles said. Making IKN authorities need clear norms about authority, relationship between central and regional, as well as mechanism supervision and coordination between institution.⁷¹ Study of Nur Hidayat & Siti Rodiyah emphasize that evaluation quality legislation post-formation of the law must consider aspect technical, legal, and political law, so that the resulting regulations No only formal but also substantive.⁷²

The theory of law formation also underlines the need harmonization with system existing law. Suparman Marzuki stated that every Constitution must designed to not cause norm conflicts, both horizontal and vertical, as well as consistent with principles constitutional⁷³ approach This relevant in the context of the IKN Law, where the IKN Authority has characteristics different special with an autonomous model areas in general. Regulations the must capable balance interest development national and rights area in accordance framework applicable law.⁷⁴

Apart from the aspect technical, theory modern legislation also emphasizes participation public, transparency, and accountability in compilation law. This is aim ensure that regulations No only legitimate

⁷¹Nurul Hidayah, “IKN Authority and Central Government Authority,” Indonesian Legislation Journal, Vol. 21 No. 1 (2023): 67

⁷²Nur Hidayat & Siti Rodiyah, “Evaluation of the Quality of Legal Regulation Formation in Indonesia Post-Law 13/2022,” Indonesian Legislation Journal, Vol. 20 No. 2 (2023): 45.

⁷³Suparman Marzuki, “Principles of the Formation of Good Legislation and Contemporary Challenges,” Constitutional Journal, Vol. 19 No. 4 (2022): 115.

⁷⁴Ari Wibowo, Special Regional Government and the Formation of Laws (Jakarta: Konstitusi Press, 2021), 92.

formally, but also accepted by society and capable adapt self with socio-economic⁷⁵ dynamics.

Formation theory regulation legislation in study This used as framework analysis For evaluate legitimacy and quality change National Capital Law . This theory No only understood as guidelines technical formation law , but also as normative test tools to suitability procedures , consistency substance , as well as direction policy reflected law in changes to the IKN Law, in particular in relation with principle autonomy area special and values justice in perspective *Siyāsah dūsturiyah* .⁷⁶

D. *Siyāsah dūsturiyah*

Siyāsah dūsturiyah is branch knowledge *Fiqh Siyasah* Islamic politics which special arrange aspect statecraft , including formation constitution , division power executive , legislative , and judiciary, as well protection the rights of the people in framework of the Islamic state. This term first developed by scholars of the Maliki school such as Imam Malik bin Anas in *Al- Muwatta* and systematization by Ibnu Taimiyah deep *As-Siyasah Sharia law* .⁷⁷

Al- Mawardi in *Al-Ahkam as- Sulthaniyyah* to describe the function of the caliph as guard sharia constitution , while Ibnu Khaldun in his *Muqaddimah* emphasized balance power For prevent tyranny . In a way etymological , *Siyāsah* originate from the root word asa (to regulate , to

⁷⁵Shinta Melati, “Problems of Regulatory Harmonization in the Indonesian Legal System,” *Scientific Journal of Legal Policy*, Vol. 18 No. 1 (2024): 21.

⁷⁶Fajar Laksono, “Legislative Techniques and the Urgency of Drafting Responsive Regulations,” *Journal of Law and Development*, Vol. 53 No. 1 (2023): 72.

⁷⁷Yusuf al-Qaradawi, *Fiqh al-Siyasa al-Shar'iyya* (Cairo: Dar al-Shuruq, 2020), 45.

direct), whereas *Dūsturiyah* from dustur (constitution). In the modern context , the concept This relevant For analyze legitimacy state institutions such as The IKN authority is non- electoral , with evaluate its suitability to principles constitutional UUD 1945 Article 18B paragraph (1).⁷⁸

According to Sayyid Qutb and Khaled Abou El Fadl, *siyāsah dūsturiyah* emphasize that arrangement law must consider balance between interest individuals , society , and the state.⁷⁹ Draft This relevant in context change National Capital City Law (IKN), because every engineering laws implemented by the government must still consider justice and benefits for public in a way wide .⁸⁰ In other words, the formation IKN Authority as institution special No only problem administrative , but also a matter of legitimacy law and morals in perspective *Siyāsah dūsturiyah* .⁸¹

Draft Comprehensive Zubair Situmorang . Zubair Situmorang in *Siyāsah dūsturiyah : Fiqh Contemporary Islamic State Administration* (2018) formulates framework operational Siyāsah Modern Dūsturiyah with five main pillars that are criteria juridical For test validity state institutions. *Al -'adl* Justice Distributive is principle distribution just power between center-region , based on QS Al-Hadid:25 Indeed We have sent Our apostles with bring clear evidence and We send down together they are the Book and the balance justice for mankind can carry out justice ..⁸²

⁷⁸Ahmad S. Khaled, *Islamic Constitutionalism and Governance* (London: Routledge, 2021), 23.

⁷⁹Sayyid Qutb, *Fi Zilal al-Qur'an*, Vol. 3 (Cairo: Dar al-Shuruq, 2020), 112.

⁸⁰Khaled Abou El Fadl, *The Great Theft: Wrestling Islam from the Extremists* (Boston: HarperCollins, 2020), 67.

⁸¹Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Cambridge: Islamic Texts Society, 2021), 55.

⁸²Taha Jabir Al-Alwani, *Fiqh al-Siyasa al-Dusturiyya fi al-Islam* (Amman: Dar al-Fikr, 2022), 40.

Asy-syura (Deliberation Representative) emphasizes obligation involving representation of the people in taking decision , QS Ash-Shura:38 And (for him) there are those who decide affairs with deliberation between they . *Al- amanah* (Accountability Power) requires every officials public accountable his authority , QS An-Nisa:58 Indeed, Allah commands You convey trust to those entitled accept it .⁸³

Maslahah Murlah (Public Benefit) states state policy must leading to achievement welfare people as one of the *maqasid sharia* (purpose) sharia). *Tahdid al- sulthah* (Restriction Absolute Power) asserts No There is power that is not limited , must There is checks and balances mechanism for prevent abuse authority .⁸⁴

Relevance with System Indonesian Constitution: Zubair Situmorang's Five Pillars in harmony with the principles of the Indonesian legal state (Article 1 paragraph 3 of the 1945 Constitution) and autonomy area special (Article 18B).⁸⁵

In a way overall , *siyāsah dūsturiyah* give framework unique analysis for study changes to the IKN Law, because combine aspect juridical , ethical , and public in analyze engineering law and formation institutional new .⁸⁶ With use approach this, researcher can evaluate whether the IKN Law has been reflect principle justice , benefit and balance between interest central and regional in a way constitutional .

⁸³MH Kamali, *Shari'ah Law: An Introduction* (Oxford: Oneworld Publications, 2020), 88.

⁸⁴Taha Jabir Al-Alwani, *Fiqh al-Siyasa al-Dusturiyya fi al-Islam* (Amman: Dar al-Fikr, 2022), 32.

⁸⁵Yusuf al-Qaradawi, *Fiqh al-Siyasa al-Shar'iyya* (Cairo: Dar al-Shuruq, 2020), 47.

⁸⁶Sayyid Qutb, *Fi Zilal al-Qur'an*, Vol. 3 (Cairo: Dar al-Shurooq, 2020), 115.

E. The Concept of Special Regional Autonomy

Autonomy area special is form arrangement authority granted by the state to something area with characteristics certain For organize and manage government in accordance condition different social , political and historical from area other.⁸⁷ Draft This develop from idea that No all areas can treated in a way uniform Because own needs, complexity, and unique identities.⁸⁸ In the Indonesian context , autonomy area special reflected in arrangement such as Aceh, Papua, and DKI Jakarta, which received structure authority different based on consideration historical and governance needs certain .⁸⁹

Draft This based on thought that the unitary state still can give room arrangement wide to area without must reduce sovereignty national . Therefore , autonomy special No intended For break state structure , but For balance need development with diversity local .⁹⁰ This model is also often called as *asymmetric decentralization* , ie giving authority that is not uniform to area certain Because reason functional or political . In the system Indonesian state administration , concept autonomy special is instrument For absorb aspirations local at a time guard stability national through arrangement more authority detailed and flexible .⁹¹

Change The National Capital City Law (IKN) places IKN Authority as institutions that run function government same level area, so that issue autonomy special become relevant in evaluate whether the authority granted

⁸⁷Ni'matul Huda, Local Government Law (Jakarta: Rajawali Press, 2021), 87.

⁸⁸Bagir Manan, Central and Regional Relations (Jakarta: FH UII Press, 2020), 45.

⁸⁹Moh. Mahfud MD, Legal Politics in Indonesia (Jakarta: LP3ES, 2021), 154.

⁹⁰Jimly Asshiddiqie, Indonesian Constitution & Constitutionalism (Jakarta: Sinar Grafika, 2022), 212.

⁹¹Miriam Budiardjo, Fundamentals of Political Science (Jakarta: Gramedia, 2020), 189.

nature proportional and have base constitutional ⁹². Concept autonomy special used For analyze whether design institutional The IKN Authority reflects delegation proper authority or rather leading to centralization power at the level center . With Thus , the concept This become framework For evaluate connection between government central and government area in structure newly formed through the IKN Law.⁹³

Use draft autonomy special in study This help understand how far engineering state law through the IKN Law has impact to distribution authority , pattern accountability public , as well as mechanism controls that must be still operates within a unitary state . ⁹⁴Apart from that , research to draft This allows more analysis clear about boundaries , structure , and direction policy asymmetric adopted government in development of the IKN as area with character special .⁹⁵

F. Legal Engineering Concept

Engineering law is a concept that describes effort conscious and planned from the country to form behavior social , structure institutiona, as well as direction policy through instrument law .⁹⁶ Draft This born from view that law No only system of norms, but also tools For change condition public going to objective certain. In the literature contemporary, engineering

⁹²DW Nugroho, "Asymmetric Decentralization in Indonesia," Journal of Public Administration Studies, Vol. 7 No. 2 (2022): 134.

⁹³SF Rahman, "Special Autonomy and Governance Reform," Indonesian Journal of Constitutional Law 18, no. 1 (2021): 55.

⁹⁴R. Santoso, "Governance Model of New Capital City Authority," Ius Quia Iustum Law Journal 29, no. 3 (2022): 457.

⁹⁵E. Prasetyo, "Central Authority and Local Autonomy," Constitutional Journal 19, no. 4 (2022): 610.

⁹⁶Jimly Asshiddiqie, Development and Consolidation of State Institutions Post-Reformation (Jakarta: Sinar Grafika, 2021), 12.

law understood as a process that includes formulation , changes , and compilation revisit norms to achieve development strategies politics and state administration .⁹⁷

Soerjono Soekanto explain that engineering law is part from social engineering , namely use device law For direct development social . In the context of political law , engineering law become state facilities for create design institutional new, change distribution authority, and regulate connection between institutions .⁹⁸Therefore , changes The National Capital Law (IKN) can understood as form engineering the law that is intended For build structure government new , namely IKN Authority , which has a number of authority administrative and fiscal .⁹⁹

Engineering law also often associated with a legislative process that includes objective strategic state. Satjipto Rahardjo said that law own instrumental role in reconstruction structure power and governance public.¹⁰⁰ When a product Constitution in a way on purpose change pattern connection regional centers or form institutions new , then matter the is manifestation engineering directed law For create change in system state administration ¹⁰¹. Therefore that , assessment on engineering law No only seen from aspect formulation of norms, but also on the implications its institutions .¹⁰²

⁹⁷Moh. Mahfud MD, Legal Politics in Indonesia (Jakarta: LP3ES, 2021), 41.

⁹⁸Maria Farida Indrati, Legal Science (Jakarta: Kanisius, 2020), 77.

⁹⁹Soerjono Soekanto, Sociology of Law in Society (Jakarta: Rajawali Pers, 2020), 95.

¹⁰⁰S. Huda, "Law as Policy Instrument," *Ius Quia Iustum Law Journal* 27, no. 2 (2020): 215.

¹⁰¹R. Santoso, "Governance Model of New Capital City Authority," *Ius Quia Iustum Law Journal* 29, no. 3 (2022): 457.

¹⁰²Satjipto Rahardjo, Law and Social Change (Yogyakarta: Genta Press, 2021), 32.

In the changes to the IKN Law, engineering law seen from creation of a government model different special from system government area generally ¹⁰³. Formation IKN Authority as institution same level government area , however be under coordination government center , shows effort arrangement repeat authority in a way structured . Concept This important used For evaluate whether change authority the has consider effectiveness administration , balance power , as well as interest public local¹⁰⁴.

Draft engineering law as proposed by Roscoe Pound is used in study This as tool analysis For evaluate How changes to norms in the IKN Law are designed as instrument social and political to support objective development, as well as the implications to distribution authority and participation area .¹⁰⁵

Draft engineering law This implemented in analysis changes to the IKN Law for reveal How former Constitution in a way aware designing IKN Authority as institution special with authority wide (Article 4 of Law No. 21/2023), which shifts paradigm decentralization towards a centralized model administrative . Direction of use covering identify reconstruction authority Authority to principle autonomy area special (Article 18 of the 1945 Constitution).

¹⁰³A. Wibowo, “Legal Engineering in State Policy Reform,” Constitutional Journal 18, no. 3 (2021): 566.

¹⁰⁴S. Rahman, “Policy and Legal Transformation,” Indonesian Journal of Law and Society 2, no. 1 (2021): 101.

¹⁰⁵E. Prasetyo, “Central Authority and Local Autonomy,” Constitutional Journal 19, no. 4 (2022): 611.

CHAPTER III

RESEARCH RESULTS AND DISCUSSION

A. Legal Engineering in Change IKN Law Affects Implementation

Principle Special Regional Autonomy

Discussion in chapter This depart from framework political law For see direction state policy in change The National Capital Law , which hereinafter analyzed as form engineering law in formation and expansion authority IKN Authority . Engineering law the Then tested to principle autonomy area special as well as assessed its suitability with values *siyāsah dūsturiyah* , in particular principle justice (*al -'adl*) , deliberation (*shura*), and limitations power (*tahdīd al- sulthah*).

Change National Capital Law of Constitution Number 3 of 2022 becomes Constitution Number 21 of 2023 shows existence shift significant arrangements , in particular related position and authority IKN Authority . For show in a way systematic form changes to the norms , as follows served table comparison IKN regulations in second Constitution the

Table 1.2
Comparison of Law No. 3 of 2022 and Law No. 21 of 2023 concerning the National Capital

No	Setting Material	Law No. 3 of 2022	Law No. 21 of 2023
1.	Position IKN Authority	IKN Authority is institution same level implementing ministry affairs government certain in IKN.	IKN authority affirmed as organizer government area special ones who have authority broad and broad in nature special .
2.	Head IKN Authority	Head and Deputy Head of the Authority appointed and dismissed by the President .	Head and Deputy Head of the Authority still appointed and dismissed by the President , with strengthening legitimacy

			authority and term of office certain .
3.	Authority Government	Authority IKN Authority is regulated in a way limited and limited in nature transitional .	Authority IKN authority expanded covers authority government regions and authorities specifically stipulated by law .
4.	Connection with Local government	The relationship between the IKN Authority and government area around Not yet arranged in a way detailed .	The relationship between the IKN Authority and government area around arranged more firmly , with affirmation position Authority as holder authority main .
5.	Principle Regional autonomy	Principle autonomy area Still become references general in management of the IKN region.	Principle autonomy area special implemented in a way different with emphasis on centralization authority in the IKN Authority .
6.	Length of service Head of Authority	Not regulated in a way firm about term limits .	Length of service The Head and Deputy Head of the IKN Authority are regulated in a way explicit For ensure continuity development .
7.	Asset and Investment Management	Management assets and investments Still follow pattern general state management .	Management assets and investments given flexibility more wide to IKN Authority for support acceleration development .

Based on table comparison said , the changes National Capital Law of Constitution Number 3 of 2022 becomes Constitution Number 21 of 2023 shows strengthening position and authority IKN Authority as organizer government in the capital region city state. Settings about appointment leadership , term of office , and space scope authority show direction policies that place IKN Authority in connection direct with government center , so that bring implications to principle autonomy area the next special analyzed in sub-chapter next .

Discussion about change Constitution Number 3 of 2022 becomes Constitution Number 21 of 2023 does not can released from “ engineering

” framework law ” as one of the function main formation regulation legislation . Ideas This first introduced by Roscoe Pound through draft *law as a tool of social engineering* , namely view that law No just mirror social , but instrument For direct change social in a way planned .¹⁰⁶

In development studies in Indonesia, Pound's thoughts are many used For read shift policies that are structural , including change design institutions and authorities related to organization government .¹⁰⁷ A number of study participate confirm that engineering law present when former Constitution using new norms For arrange repeat relation power and purpose development in a way macro .¹⁰⁸ Engineering law the No just in the form of revision technical , but rather change structure government that provides delegation authority wide to One institution special that is not fully subject to the mechanism democracy local¹⁰⁹and expansion authority The IKN Authority reflects step strategic government in formulate governance government that is considered adaptive to need development Mother city new . This is show that engineering law made into instrument For arrange repeat connection between government central and regional areas in the region with role strategic national .¹¹⁰

Arrangement The IKN Authority reflects approach asymmetric as draft autonomy area special , but with different characteristics from the

¹⁰⁶Roscoe Pound, *An Introduction to the Philosophy of Law* (New Haven: Yale University Press, 1922), 47

¹⁰⁷¹⁰⁷Satriyo Wibowo, "Law as a Tool of Social Engineering in Indonesia: Revisiting Roscoe Pound's Theory and Its Contemporary Application," *Journal of Behavioral Management and Social Science* 3, no. 2 (2021): 128.

¹⁰⁸Jimly Asshiddiqie, *Development and Consolidation of State Institutions Post-Reformation* (Jakarta: Sinar Grafika, 2021), 112.

¹⁰⁹Maria Farida Indrati, *Legal Science* (Jakarta: Kanisius, 2020), 88.

¹¹⁰Moh. Mahfud MD, *Legal Politics in Indonesia* (Jakarta: LP3ES, 2021), 57.

Aceh or Papua ¹¹¹model . The provision broad authority done with mechanism administrative centralized Because leader Authority No chosen through election directly , but rather appointed by the President . Models such as This show engineering laws directed at effectiveness development , but also gives rise to question about position public local in structure government area special .¹¹² Position This relevant remember principle autonomy area specifically in general load element participation local in taking decision .¹¹³

Engineering law on the amendment to the IKN Law expands authority normative Authority in matter management land , investment , planning space , relationship finance , up to service basic . Changes the potential change practice connection regional centers Because authorities in the IKN region do not only operate function administrative , but also functional the usual arrangements and permits is in the government area .¹¹⁴ Transformation authority This become room analysis important For test to what extent has the change the Still in harmony with principle autonomy area special , especially in context decentralization functional and relationship finance between central and regional .¹¹⁵

Formation institution special with authority wide allows achievement speed development Mother city . However engineering law

¹¹¹Ni'matul Huda, Regional Government Law (Jakarta: Rajawali, 2021), 210.

¹¹²S. Rahman, "Special Autonomy and Governance Reform," Indonesian Journal of Constitutional Law 18, no. 1 (2021): 55.

¹¹³R. Santoso, "Governance Model of New Capital City Authority," Ius Quia Iustum Law Journal 29, no. 3 (2022): 460.

¹¹⁴A. Wibowo, "Legal Engineering in State Policy Reform," Constitutional Journal 18, no. 3 (2021): 566.

¹¹⁵E. Prasetyo, "Central Authority and Local Autonomy," Constitutional Journal 19, no. 4 (2022): 611.

this also gives rise to risk imbalance in distribution power , especially Because mechanism control political and administrative become limited compared to the autonomy model special based legitimacy electoral .¹¹⁶ Evaluation to matter This important For ensure that changes to the IKN Law do not create power too administrative dominant , so that principle autonomy area that places public as subject main government still awake.¹¹⁷

Study to engineering law changes to the IKN Law require testing to elements base autonomy area special , namely differentiation authority , participation society , flexibility institutions and relationships finance .¹¹⁸ Identification to aspects the help see whether design institutions that are formed through the IKN Law truly fulfil characteristics area special or precisely form a new model that does not fully can categorized as autonomy special .¹¹⁹ This global formulation become point leave before enter to more analysis specific to three sub- chapters the following , namely (1) dynamics political law formation and change National Capital Law (2) restructuring authority Mother city state in framework autonomy special and (3) impact engineering law to implementation autonomy area specifically in IKN.

¹¹⁶Dian Agung Wicaksono, “Asymmetric Decentralization and Authority Distribution in Indonesia,” Jurnal Rechtsvinding 10, no. 2 (2021): 189.

¹¹⁷Zainal Arifin Mochtar, Constitutional Law: Theory, Development, and Practice (Yogyakarta: UGM Press, 2022).

¹¹⁸Bivitri Susanti, “Democratic Accountability in Indonesian Legislative Reform,” Indonesian Legislation Journal 18, no. 3 (2021): 248.

¹¹⁹Fitriani A. Rachmawati, “Legal Design of New Capital City Governance,” Jurnal Borneo Administrator 19, no. 2 (2023): 145

1. Dynamics Legal Politics of Formation and Change National Capital Law

Dynamics engineering law on change The IKN Law reflects a process that is not static, but rather move follow need politics , governance , and design state institutions . Engineering law No Once stand alone , because always influenced by interests government , direction policy development , as well as demands For organize repeat structure authority to be more effective . ¹²⁰In the context of Law No. 3 of 2022 which then changed through Law No. 21 of 2023, the dynamics the seen from shift draft authority , adjustment structure IKN Authority , and strengthening design *special governance* different from pattern autonomy area usual ¹²¹. Changes That show How engineering law Work as instrument For direct configuration power in accordance need development of the IKN, both through arrangement re- norm, redefinition function institutional , as well as simplification of administrative processes .¹²² In other words, the dynamics engineering the law in the IKN Law shows How law used in a way active as tool reconstruction institutional , not just rules that are declarative .¹²³

The structure of norms in Constitution Number 21 of 2023 concerning Change on Constitution Number 3 of 2022 shows direction

¹²⁰Maria Farida Indrati, Legal Science: Types, Functions, and Content (Yogyakarta: Kanisius, 2017), 45.

¹²¹Satjipto Rahardjo, “Social Engineering and Law,” Journal of Law & Development 19, no. 3 (1989): 221–222.

¹²²Jimly Asshiddiqie, Hans Kelsen's Theory of Law (Jakarta: Konstitusi Press, 2010), 76.

¹²³Bagir Manan, “Law as a Means of Social Engineering,” Indonesian Legislation Journal 5, no. 2 (2008): 14–15.

political laws that apply to design transfer center government with the authority model specialized and centralized ¹²⁴. Dynamics the No can understood without see how the legislative process works taking place , the actor who dominates direction policies , as well as relation authority between The President and the DPR who became driver acceleration discussion Constitution .¹²⁵ The formation of the 2022 IKN Law has been since beginning show trend strong government in formulate architecture institutions that place IKN Authority as entity administrative with authority broad executive and regulatory powers , while mechanism representation area Not yet positioned in a way balanced . Change through Law 21/2023 then emphasize concentration authority the with various increasing adjustment of norms delete potential control from area and public local .¹²⁶

Context political the formation of the IKN Law is greatly influenced by the long-term state agenda associated length with vision equality development . Literature constitutional law records that political law government in period This show pattern *executive-driven* legislation, where the draft Constitution strategic originate from initiative president and obtain support majority coalition legislative .¹²⁷

Political model like This make every deliberation process is at in room relative legislation closed , so that room discourse public limited .

¹²⁴State Gazette Number 21 of 2023

¹²⁵Ririn Setyowati, “Special Authority in a Constitutional Perspective,” Constitutional Journal 18, no. 2 (2021): 301.

¹²⁶Tony Yosephine & Sulistyowati Irianto, “Normative Reconstruction in Special Autonomous Regions,” Indonesia Law Review 11, no. 2 (2021): 165–182.

¹²⁷Kurnia Dewi, “The Transformation of Capital City Authority and Local Government Relations,” IUS Journal: Legal Studies 11, no. 3 (2023): 538.

Condition This in accordance analysis Jimly Asshiddiqie that formation law often not let go from configuration power dominant politics , so¹²⁸ quality participation public can decrease when orientation policy has determined since beginning through decision political level tall .¹²⁹

Changes to the IKN Law through Law 21/2023 show pattern acceleration similar with formation Constitution beginning . Discussion ongoing in time short and improvement - oriented technocratic related authority Authority , strengthening role government center , as well as adjustment of norms to ensure project still walk in accordance timetable development .¹³⁰

Academic studies released a number of researchers precisely highlight that acceleration discussion ignore the principle of meaningful participation as developed in doctrine legislation responsive . Ardita's research , for example , shows that the legislative process strategically influenced *state-led megaproject* tend weaken Power reach control public¹³¹. Conditions This related direct Because dynamics the impact on how principle autonomy area special applied and how changes in norms are seen in framework Siyāsah dūsturiyah.¹³²

¹²⁸Adrianus Meliala, "Governance Challenges in Indonesia's New Capital," Journal of Public Administration 12, no. 1 (2022): 77

¹²⁹Ryaas Rasyid, Decentralization and Regional Autonomy: Theory, History, and Implementation (Jakarta: Pustaka Pelajar, 2020).

¹³⁰Khoirul Anam, "Legal Politics of Capital Relocation in Indonesia," Jurnal Panorama Hukum 8, no. 1 (2023): 45

¹³¹Rahadian Syah, "Regulatory Shift in Special Capital Governance," Jurnal Hukum & Pembangunan 52, no. 4 (2022): 711.

¹³²Lusia L. Rani, "Institutional Engineering and Regional Autonomy," Prioris Law Journal 6, no. 2 (2020): 123.

Relation between formulation IKN policies and principles autonomy area special become highlight. Because 2023 changes give structure increasing authority put IKN Authority as institution administrative with unique status. In one side, government put Authority as form arrangement specifically outside scheme government area normal.¹³³ However, on the other hand, various study take notes that position the No fully follow regional model characteristics special in framework *special autonomy* unit as understood in literature decentralization.¹³⁴ According to Yuswanto, the area special always involving portion representation strong local control balanced democracy, and room taking decision based community. Conditions This No all of it seen in the design IKN Authority, especially after strengthening 2023 changes authority determination policies by the government center.¹³⁵

Discussion more wide about political law changes to the IKN Law show that legislation positioned as instrument engineering socially directed For ensure sustainability development. Literature political law look at phenomenon This as a legal strategy development, where the state places Constitution as devices that must be in line with the government agenda For speed up growth economy and development territorial.¹³⁶

¹³³Anthony Pecora, “Legal Engineering and Urban Governance Models,” Asia Pacific Journal of Public Administration 42, no. 3 (2020): 166–183.

¹³⁴Jimly Asshiddiqie, The Indonesian Constitution and Constitutionalism, (Jakarta: Rajawali Pers, 2022), 87.

¹³⁵Yuswanto, “Special Autonomy Design and Implications for Local Democratization,” Borneo Administrator Journal, Vol. 18 No. 1 (2022): 33.

¹³⁶Jimly Asshiddiqie, The Indonesian Constitution and Constitutionalism, (Jakarta: Rajawali Pers, 2022), 87.

Sulistiyowati Irianto said that political law development often use a strong legal administrative approach and minimal dialogue, especially when the country wants ensure stability policy Long term . Character This looks clear in changes to the IKN Law which confirms structure institutional Authority , funding model , and scheme liberation a very technocratic land¹³⁷ .

Reading political the IKN Law becomes important For answer formulation problem First Because construction regulations that are formed No just problem administration government , but rather reflect direction state ideology in arrange connection between central and regional .¹³⁸ Debate about can IKN categorized as area special No can released from method government interpret draft decentralization .¹³⁹

Decentralization in post -reform Indonesia has experienced trend recentralization through policy strategic national which determines various *national projects* is at directly below command center . Phenomenon This in harmony with pattern IKN legislation , especially after the increasingly changing 2023 confirm characteristic centralized norm formation.¹⁴⁰

¹³⁷Sulistiyowati Irianto, Legal Pluralism and the Politics of Development Law, (Jakarta: Obor Foundation, 2021), 104.

¹³⁸Ritonga, A. “Recentralization of National Policy Post-Reformation,” Journal of Law & Development, Vol. 52 No. 3 (2022): 381.

¹³⁹Ali Yafie, Siyasah and the Ethics of Power in Islam, (Yogyakarta: IRCiSoD, 2020), 55.

¹⁴⁰Ritonga, A. “Recentralization of National Policy Post-Reformation,” Journal of Law & Development, Vol. 52 No. 3 (2022): 387.

2. Restructuring The authority of the National Capital in Framework Special Autonomy

Arrangement about authority in the National Capital through changes to the IKN Law bring construction new and different from pattern connection center area in design autonomy special that during This known.¹⁴¹ Restructuring authority done through formation IKN Authority as a government body same level the ministry that runs function government area at a time carry out authority administrative which is usually attached to the head area .¹⁴²This model cause implications juridical Because put entity new that is not based on principle democracy local as applicable in autonomy specifically in other regions such as Aceh, Papua, and DKI Jakarta. Centralization authority at the level authority cause part affairs strategic No is at in room consultation public as principle general organization affairs government local .¹⁴³

Position Authority as non- elective institutions at a time organizer government area cause shift to principle organization autonomy which is conceptual put forward presence government local who have legitimacy through mechanism election general .¹⁴⁴ Reconstruction authority This form

¹⁴¹Luthfi J. Kurniawan, “Public Participation in Asymmetric Decentralization Framework,” Jurnal Masyarakat & Budaya 23, no. 1 (2021): 21–22.

¹⁴²Dian Agung Wicaksono, “Asymmetric Decentralization and Authority Distribution in Indonesia,” Rechtsvinding 10, no. 2 (2021): 192.

¹⁴³Ririn Setyowati, “Special Authority in a Constitutional Perspective,” Constitutional Journal 18, no. 2 (2021): 308.

¹⁴⁴Fitriani A. Rachmawati, “Legal Design of New Capital City Governance,” Borneo Administrator 19, no. 2 (2023): 150.

connection hierarchical new that places center as authority main in planning, implementation and supervision development of the IKN.¹⁴⁵

Mechanism the different with design autonomy special that provides freedom more big to area in manage affairs certain as consequence diversity social , geographical , or historical . The government model chosen in the amendment to the IKN Law creates structure leadership efficiency - oriented administration development , but potential blur position public local as part from subject autonomy .¹⁴⁶

Arrangement repeat distribution authority that prioritizes approach technocratic also has an impact on the loss of mechanism representation local in the process of formation policy . This is seen from functions government run by the Authority without involving institution representative area .¹⁴⁷This design put draft autonomy special as framework weakened normative , because No accommodate principle confession to right origin public local , including participation in the political process area. Strengthening role very dominant center Then implications for the increasingly limited room movement public in determine direction development of the IKN.¹⁴⁸

Restrictions thus give description that reconstruction authority in changes to the IKN Law more emphasize success project national than

¹⁴⁵Rahadian Syah, “Regulatory Shift in Special Capital Governance,” *Jurnal Hukum & Pembangunan* 52, no. 4 (2022): 721.

¹⁴⁶Bagir Manan, *The Relationship between Central and Regional Governments* (Jakarta: Rajawali Pers, 2020), 115.

¹⁴⁷Syamsuddin Haris, *Decentralization and the Future of Regional Autonomy* (Jakarta: P2P-LIPI, 2020), 133.

¹⁴⁸Tony Yosephine & Sulistyowati Irianto, “Normative Reconstruction in Special Autonomous Regions,” *Indonesia Law Review* 11, no. 2 (2021): 177.

empowerment public local as part from autonomy special.¹⁴⁹ Centralization authority in one authoritative body bring change based on the landscape system government region . IKN does not get structure government area with internal checks and balances mechanism , so that supervision to use authority is very dependent on the government center.¹⁵⁰

Condition the different from the autonomy model other special matters that remain maintain function institution legislative area as controller policy executive . The placement of this model show that restructuring authority in changes to the IKN Law do not only organize repeat position institutional , but also change form relation political law between central and regional .¹⁵¹ Change the show affirmation political law further development prioritize certainty organization project strategic state than implementation principle autonomy special as mandate constitution.¹⁵²

3. Impact Legal Engineering Against Implementation Special Regional Autonomy in the IKN

Engineering law through changes to the IKN Law provide impact straight to the point autonomy area special , because put IKN Authority as institution administrative with broad authority and mechanisms supervision limited .¹⁵³ Structure institutions that are formed through Law 21/2023 gives rise to shift from pattern autonomy conventional which emphasizes

¹⁴⁹Fitriani A. Rachmawati, “Legal Design of New Capital City Governance,” Borneo Administrator 19, no. 2 (2023): 153.

¹⁵⁰Khoirul Anam, “Legal Politics of Capital Relocation in Indonesia,” Panorama Hukum 8, no. 1 (2023): 53.

¹⁵¹Ryaas Rasyid, Decentralization and Regional Autonomy (Jakarta: Pustaka Pelajar, 2020), 142.

¹⁵²Kurnia Dewi, “Transformation of Capital City Authority,” IUS Journal 11, no. 3 (2023): 532 .

¹⁵³Jimly Asshiddiqie, The Indonesian Constitution and Constitutionalism (Jakarta: Rajawali Pers, 2022), 120.

participation local and control democratic . Placement authority strategic , such as licensing , management land , and investment , under control Appointed authority directly by the President cause inequality in mechanism representation .¹⁵⁴

Evaluation juridical show that engineering law This change relation regional centers in a way significant . In the context of autonomy area special , literature constitutional law emphasizes importance balance between authority central and local ¹⁵⁵. Placement IKN Authority above structure government area normal indicates subtraction room for government regions and communities local For follow determine policies , which are contrary to with principle decentralization asymmetrical.¹⁵⁶ Nugroho's study states that draft *special autonomy* unit must emphasize existence participation society and control proportional local , so that engineering laws that do not enter element This can weaken legitimacy institutional .¹⁵⁷

Impact administrative is also visible in practice taking decision . Authority Broad authority allows determination policy development and allocation source Power without mechanism effective deliberation with government area or public local .¹⁵⁸This is reduce ability area For adapt development with need specific local , even though the IKN Law states

¹⁵⁴Ni'matul Huda, Regional Government Law (Jakarta: Rajawali Pers, 2021), 215.

¹⁵⁵R. Santoso, "Governance Model of New Capital City Authority," *Ius Quia Iustum Law Journal* 29, no. 3 (2022): 460.

¹⁵⁶Bagir Manan, Central and Regional Relations (Yogyakarta: FH UII Press, 2020), 142.

¹⁵⁷DW Nugroho, "Asymmetric Decentralization in Indonesia," *Journal of Public Administration Studies*, Vol. 7 No. 2 (2022): 134.

¹⁵⁸E. Prasetyo, "Central Authority and Local Autonomy," *Constitutional Journal* 19, no. 4 (2022): 611.

objective development For welfare public . Farida's study emphasizes that centralization authority in project strategic national often cause imbalance implementation autonomy , especially in matter distribution fiscal and management asset area .¹⁵⁹

Apart from having an impact on the implementation principle autonomy area special , engineering law through change The National Capital Law also gives rise to problem crucial related legitimacy power , participation society , and certainty law in connection central and regional.¹⁶⁰ Placement IKN Authority as institution administrative with authority area and leadership appointed by the President strengthen pattern centralization authority , which has the potential limit room participation public local as well as cause unclear boundaries of authority with government area , even though literature constitutional law emphasizes that legitimacy power and participation public is element important in a state of law and system decentralization.¹⁶¹

Other related impacts with aspect juridical and consequences law from autonomy special . Law 21/2023 provides runway law for IKN Authority for regulate spatial planning , financing projects and regulations service the public which usually become authority government area .¹⁶² This change in norms show that engineering law implications directly to

¹⁵⁹Moh. Mahfud MD, Legal Politics in Indonesia (Jakarta: LP3ES, 2021), 61.

¹⁶⁰Ni'matul Huda, "Regional Autonomy and Decentralization in the Unitary State of the Republic of Indonesia," IUS QUA IUSTUM Law Journal 16, no. 3 (2009): 345

¹⁶¹Saldi Isra, "Central and Regional Relations in a Constitutional Perspective," Constitutional Journal 7, no. 4 (2010): 1–22.

¹⁶²Bivitri Susanti, "Democratic Accountability in Indonesian Legislative Reform," Indonesian Legislation Journal 18, no. 3 (2021): 240.

implementation autonomy area special , especially in matter arrangement administrative and relations center area . ¹⁶³Then importance evaluation juridical on regulations kind of this , so that distribution authority still in accordance principle constitutional law and not cause conflict authority .¹⁶⁴

Impact engineering law to autonomy area special as described above show that design the institutional structure of the National Capital City in Indonesia places authority government in strong control by the government center . For see whether pattern arrangement the is a trend also adopted by other countries in management Mother city new , required comparison with practice state constitution of a country that has more formerly move Mother the city with base clear law .

Brazil is one country that has move Mother city his country from Rio de Janeiro to Brasília based Constitution Number 2,874 of 1956. Transfer the Then confirmed in Constitution of the Federal Republic Brazil In 1988, Brasília was placed as a Federal District. In the arrangement said , mother the city where the country is located directly below authority federal government and not positioned as an autonomous state .¹⁶⁵

The Distrito Federal Government runs function government that is special with room authority that is limited by the constitution and is in connection direct with government center . This model show that arrangement Mother cities in Brazil designed For ensure stability

¹⁶³Ryaas Rasyid, Decentralization and Regional Autonomy: Theory, History, and Implementation (Jakarta: Pustaka Pelajar, 2020), 188.

¹⁶⁴KH Ali Yafie, Siyasah and the Ethics of Power in Islam (Yogyakarta: IRGiSoD, 2020), 55.

¹⁶⁵Lei No. 2,874, de 19 de Setembro de 1956 (Brazil).

government national with limit regional autonomy of the motherland city and place it as center state Administration .¹⁶⁶

When compared with Indonesia, the formation of The Indonesian Capital City Authority shows similar tendencies , namely strengthening role government center in organization government Mother city state. Through authority special given to IKN Authority , Indonesia places the capital region city in framework different governments from government areas in general .¹⁶⁷ Comparison with Brazil This show that restrictions autonomy in the motherland city is choice political common law , although still bring up problem juridical related principle autonomy area special needs assessed in a way normative .

In a way overall , engineering law through the IKN Law gives rise to multidimensional impact on autonomy area special . Impact the covers aspect institutional , participation society , regulation fiscal , and legitimacy juridical . Understanding to dynamics This become important For analyze whether changes to the IKN Law were successful guard balance between objective development Mother city new and principles autonomy area special.¹⁶⁸Sub-chapter This become foothold For evaluate impact engineering law on structure government and roles public local in strategic area management national .

¹⁶⁶Constitution of the República Federativa do Brasil de 1988.

¹⁶⁷Cayo Costa and Sugie Lee, “The Evolution of Urban Spatial Structure in Brasília: Focusing on the Role of Urban Development Policies,” *Sustainability* 11, no. 2 (2019): 553.

¹⁶⁸Jimly Asshiddiqie, *The Indonesian Constitution and Constitutionalism* (Jakarta: Rajawali Pers, 2022), 123.

Analysis impact engineering law to implementation autonomy area specifically in the IKN emphasized the need evaluation juridical on changes to the IKN Law, because shift authority and structure institution IKN Authority has implications directly to the relationship central-regional and rights public local,¹⁶⁹ so that formulation problem second demand evaluation to legitimacy law , consistency of norms, and suitability change Constitution with principle autonomy and perspective *Siyāsah dūsturiyah* .

B. Change National Capital Law (IKN) with Principle Regional Autonomy Perspective *Siyāsah dūsturiyah*

Changes to the IKN Law through Law Number 21 of 2023 give rise to implications significant juridical to principle autonomy area .¹⁷⁰ Consequence law from change This covers aspect legitimacy , distribution authority and certainty law in connection central-regional . Mechanism appointment leader IKN Authority by the President , instead through election directly , bring up shift different authorities with principle autonomy area conventional , where the area own right determine policy strategic local ¹⁷¹. Shift This become highlight juridical Because influence ability government area For carry out authority administrative , fiscal , and planning development , which is usually become characteristics typical autonomy special .¹⁷²

¹⁶⁹Bagir Manan, Central and Regional Relations (Yogyakarta: FH UII Press, 2020), 145.

¹⁷⁰Jimly Asshiddiqie, The Indonesian Constitution and Constitutionalism (Jakarta: Rajawali Pers, 2022), 125.

¹⁷¹Bagir Manan, Central and Regional Relations (Yogyakarta: FH UII Press, 2020), 148.

¹⁷²Ni'matul Huda, Regional Government Law (Jakarta: Rajawali Pers, 2021), 220.

Siyāsah dūsturiyah emphasize that every changes in legal norms must notice benefit general , justice , and balance between interest national and rights public local ¹⁷³. Law 21/2023 which centralizes authority in the IKN Authority gives rise to question ethical and legal about to what extent has the change the still honor right regions and communities For participate in taking decision .¹⁷⁴

From the corner view *Siyāsah dūsturiyah* , hal the can categorized as form deviation to trust the power that should be executed in a way open, fair and responsible answer to the people. ¹⁷⁵In addition legitimacy law No only related with procedure formal legislation , but also with moral and ethical values that must be considered in organization state power .

Impact juridical other seen in the relationship regional centers in matter management source power and service public.¹⁷⁶The IKN Law provides authority wide to Authority For arrange land , investment , and spatial planning , which previously become authority government area . This is cause risk imbalance power and potential conflict authority .¹⁷⁷ Literature constitutional law records that change regulations that reduce room participation local must accompanied by mechanism control adequate law For guard principle justice and accountability .¹⁷⁸

¹⁷³Legal Analysis of the Influence of the Position of the IKN Authority on the Authority of Regional Governments, Jurnal Causa, 2025, 46.

¹⁷⁴IKN Authority in Institutional Status and the Relationship of the Division of Power between the Central Government and the Regions, Constitutional Journal, 2024, 78.

¹⁷⁵Muhammad Taufiq, “Capital City Relocation and the Potential for Connectivity and Economic Equality,” Indonesian Vocational Journal 8, no. 1 (2020): 34.

¹⁷⁶Legal Analysis of the Formation of Regions and the Implementation of the Government of the Indonesian Capital City Authority (IKN), 2025, 58–59.

¹⁷⁷Legal Reform in the Relocation of Indonesia's Capital: Challenges and Implications, 2024, 90.

¹⁷⁸Potential Constitutional Violations related to the Existence of the Head of Authority in the Law on the National Capital, 2023, 33.

Relevance perspective *Siyāsah dūsturiyah* to implications The legal basis of the IKN Law emphasizes that arrangement law No only evaluate compliance to procedures , but also benefits and justice .¹⁷⁹ Draft welfare mother become tool analysis For evaluate whether distribution authority and procedures legislative in Law 21/2023 has fulfil interest public in a way fair, especially for public local people affected by the relocation Mother cities and new regional development .¹⁸⁰

This global analysis become runway For discuss three sub- chapters Formulation Problem 2, which will describe (1) legitimacy *Siyāsah dūsturiyah* in change IKN Law (2) analysis authority icon through the five pillars of *siyāsah dūsturiyah* . Discussion This will highlight how the IKN Law is instrument law interact with principle autonomy and values relevant justice for development Mother city new .

1. Legitimacy *Siyāsah dūsturiyah* in Change IKN Law

Change Constitution Number 3 of 2022 becomes Law Number 21 of 2023 giving rise to question fundamental about legitimacy juridical from change the mechanism . changes made through the DPR and the President demand analysis whether procedure legislative has comply principle legality and principles constitutionality .¹⁸¹ Literature law emphasize that legitimacy No only measured from formality procedures , but also from

¹⁷⁹Bivitri Susanti, “Democratic Accountability in Indonesian Legislative Reform,” Indonesian Legislation Journal 18, no. 3 (2021): 243.

¹⁸⁰Sulistyowati Irianto, Legal Pluralism and the Politics of Development Law (Jakarta: Obor Foundation, 2021), 108.

¹⁸¹Legal Analysis of the Influence of the Position of the IKN Authority on the Authority of Regional Governments, Jurnal Causa, 2025, 42.

suitability with principles base autonomy areas and protection right public local .¹⁸²

Implications the most real juridical seen in position IKN Authority granted authority wide For regulate spatial planning , investment and development strategic national . This is cause shift previous authority be in government area become center control through Authority .¹⁸³ Consequence the law that arises covers potential mismatch with principle decentralization, because subtraction room participation government area can considered reduce legitimacy democratic in taking decision local .¹⁸⁴ Legitimacy juridical law must still guard balance between interest national and rights local so that changes in legal norms No cause conflict authority.¹⁸⁵

Political law changes to the IKN Law prioritize efficiency acceleration development national through formation IKN Authority as institutions that are directly below President as per Article 4 of Law Number 21 of 2023. Approach centralized This contradictory with paradigm decentralization post- 1998 reform which emphasized participation area through election head area direct and representation political local . *Siyāsah dūsturiyah* demand balance between state *maslahah* (benefit development)

¹⁸²Potential Constitutional Violations related to the Existence of the Head of Authority in the Law on the National Capital, 2023, 31.

¹⁸³IKN Authority in Institutional Status and the Relationship of the Division of Power between the Central Government and the Regions, Constitutional Journal, 2024, 79.

¹⁸⁴

Ryaas Rasyid, Decentralization and Regional Autonomy: Theory, History, and Implementation (Jakarta: Pustaka Pelajar, 2020), 195.

¹⁸⁵Study of Regulatory and Institutional Framework for the Relocation of the National Capital in Indonesia, 2023, 112.

with trust to local people as QS An-Nisa:58 requires handover trust to those entitled accept it .

From the perspective *siyāsah dūsturiyah* , legitimacy IKN authority tested through three principle main : *al -' adl* (justice) which is disturbed by concentration non- electoral authority (Article 4 of Law 21/2023); weak *asy-shura* (deliberation) Because absence representation public local in taking decision Authority ; and limited *responsibility* (responsibility) consequence supervision minimal legislative support for head Appointed authority President. Construction This contradictory with Article 18B paragraph (1) of the 1945 Constitution concerning autonomy special requirements involvement political area . *Siyāsah dūsturiyah* demand *tahdid al- sulthah* (limitation power) through checks and balances mechanism , which in IKN case only depends on coordination regional centers without an electoral base strong .¹⁸⁶

Five pillars of *Siyāsah dūsturiyah* Zubair Situmorang that is *al -'adl*, *ash -shura* , *al- amanah* , *maslahah murlah* , and *tahdid al- sulthah* become tool measuring aligned operations with hierarchy of constitutional norms . Pillars of *al - 'adl* measure distribution just power, *ash- shura* evaluate participation representative, *trustworthy* test accountability public, *maslahah mursalah* evaluate welfare inclusive , and *tahdid al- sulthah* verify restrictions power absolute . These pillars implemented against

¹⁸⁶KH Ali Yafie, Siyasah and the Ethics of Power in Islam (Yogyakarta: IRGiSoD, 2020), 60

Article 4-20 of Law Number 21 of 2023 for analyze implementation principle autonomy area specifically in IKN.¹⁸⁷

Legitimacy *Siyāsah dūsturiyah* No only evaluate legitimacy formation Constitution but its effectiveness in realize government fair as in QS Al-Hadid:25 about balance sheet justice that must be erected in advance earth . In the context of the IKN, the legitimacy Authority as non- electoral institutions tested to principle autonomy special requirements involvement political area . Analysis following apply each pillar individually systematic For answer formulation problem second in a way comprehensive .¹⁸⁸This is become base for sub- chapter discussion next , namely analysis IKN Authority through the five pillars of *Siyāsah dūsturiyah* .

2. Analysis IKN Authority Through the Five Pillars of *Siyāsah dūsturiyah*

Formation IKN Authority as entity government special cause question important about balance between authority center and rights public local . From the perspective *Siyāsah dūsturiyah* , every state regulations must emphasize principle *maslahah* (interest general), al- *amanah* (responsibility answer), and justice.¹⁸⁹ Analysis This implementing the five pillars of *Siyāsah dūsturiyah* Zubair Situmorang to design authority IKN Authority Article 4-20 of Law Number 21 of 2023 to measure implementation principle autonomy area special . Each pillar is tested in a

¹⁸⁷Implementation of Fiqh Siyasah Values in Public Policy in Islamic Countries, Tashdiq Journal, 2025, 19.

¹⁸⁸IKN Authority in Institutional Status and the Relationship of the Division of Power between the Central Government and the Regions, Constitutional Journal, 2024, 88.

¹⁸⁹Fikri Hadi & Farina Gandryani, “The Constitutionality of the Indonesian Capital City Authority as a Form of Regional Government,” National Law Magazine 52, no. 1 (2025): 23.

way juridical with argument naqli , legislation , and constitution For answer formulation problem second in a way operational .¹⁹⁰

Article 4 of Law Number 21 of 2023 focuses on all over function government executive and administrative The IKN Authority is directly under President without balance power with Regional Government of East Kalimantan Province . Principles *al -' adl* as QS Al-Hadid:25 demands distribution just power between central and regional as autonomy specifically Article 18B of the 1945 Constitution. The IKN Authority creates enclave administrative the center that ignores involvement political local Kutai Kartanegara and Paser so that contradictory with Spirit decentralization constitutional .¹⁹¹

Article 17 of Law Number 21 of 2023 does not to form the Regional People's Representative Council (DPRD) for the IKN Authority , but only consultation limited with the Indonesian House of Representatives and the East Kalimantan Provincial DPRD . Siyāsah dūsturiyah require deliberation representative through institution legislative local as stated in QS Asy-Shura:38 and Article 18 paragraph 4 of the 1945 Constitution concerning election head area in a way directly . His absence representation electoral public local weaken legitimacy democratic Authority and conflict with principle shura in Islamic state administration .¹⁹²

¹⁹⁰Novriansyah Rosyid Hermawan, Arina Novizas Shebubakar & 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 (2025): 17.

¹⁹¹Ahmad Reihan Thoriq & Hafizh Aulia Rahman, "Legal Review of the Position of Regional Heads in the IKN Authority System," Jurnal Esensi Hukum 5, no. 2 (2024): 87.

¹⁹²Yuliawan Anastasius & Widyaningrum Widyaningrum, "Implications of Dualism of OIKN Status in the Perspective of State Financial Law," UNES Law Review 6, no. 2 (2024): 105.

Article 5 paragraph 1 states appointment Head Authority by the President while Article 20 limits supervision legislative only nature consultative No binding . The principle of trust as QS An-Nisa:58 demands accountability accountable public in a way electoral like Governor ordinary ones supervised by the DPRD in accordance with Article 20A of the 1945 Constitution. Authority Model create accountability gap where the head institution No responsible answer direct to the affected local people policy

Article 6 paragraph 2 provides priority investment private up to 95% with convenience licensing and incentives fiscal but minimal guarantee welfare public customs local Kutai Kartanegara and Paser. Although *benefit* national fulfilled through equality economy , rights public local neglected contradictory with Preamble to the Constitution ¹⁹³.

authority wide to Authority covers spatial planning , provision licensing , management land , and procurement state assets without mechanism strong *judicial* review or *checks and balances* effective from government area . Principle tahdid al- sulthah demand restrictions power absolute through supervision independent as per Article 24C of the 1945 Constitution concerning authority Constitutional Court . IKN authority has the potential create *power concentration* without control adequate ¹⁹⁴.

Of the five pillars of *Siyāsah dūsturiyah* Zubair Situmorang, IKN Authority only fulfil benefit mursalah in a way partial whereas fail fulfil *al-*

¹⁹³Metho P. Sihombing & Daniel Pradina Oktavian, “Legal Analysis of the Formation of Regions and the Implementation of OIKN Governance Reviewed from the Perspective of Regional Autonomy,” Journal of Education and Counseling 4, no. 5 (2025): 16.

¹⁹⁴Rasji, Christian Samuel Lodee Haga & Ayi Meidyna Sany, “Legal Review of Law Number 3 of 2022 concerning the IKN from a Constitutional Legal Political Perspective,” Citizenship Journal 8, no. 1 (2024): 168.

'adl , asy -syura , al- amanah , and tahdid al- sulthah . Institutional design Authority show disharmony with principle autonomy area special constitutional so that need strengthening participation public local through the shura council based on QS Asy-Shura:38 for realize just and responsible government answer ..¹⁹⁵

¹⁹⁵Kristianus Jimy Pratama, “Legal Certainty Regarding the Concept of Public Interest in the Land Acquisition Stages by the IKN Authority,” Land Journal 12, no. 1 (2025): 39

CHAPTER IV

CLOSING

A. Conclusion

Based on results analysis to change Constitution Number 3 of 2022 concerning the National Capital (IKN) and discussions formulation problem, can concluded a number of matter following :

1. Engineering law in change The IKN Law affects implementation principle autonomy area special through formation Authority as institutions that have authority wide covers planning space , management assets , investments , and services public (Article 4-6 of Law 21/2023), without local DPRD mechanisms or election head area directly , so that contradictory with Spirit decentralization and participation public as mandated by Article 18 paragraph (1) and Article 18B of the 1945 Constitution, even though Thus , this model effective in ensure coordination integrated and efficient regional centers development Mother city new as project strategic national .
2. Changes to the IKN Law regarding principle autonomy area from perspective *Siyāsah dūsturiyah* show suitability partial , where the principle benefit mursalah accommodated through priority investment and welfare public national (Article 6), however fail materially on *al-' adl* Because distribution power No fair with domination center (Article 4), *asy-shura* due to minimal deliberation representative without the DPRD (Article 17), *al-amanah* consequence supervision limited only consultative (Article 20), as well as *tahdid al- sulthah* Because power concentration without strong

checks and balances, so need strengthening moral and constitutional legitimacy For optimal implementation

B. Suggestion

Based on the above conclusion , some suggestions that can be given among others:

1. Government center recommended revise IKN Law through the formation of the IKN Authority DPRD with representation of 50% of society local (Kutai Kartanegara and Paser) for accommodate principle participation and representation as stated in Article 18B of the 1945 Constitution.
2. IKN Authority adopts 5 pillars of *Siyāsah dūsturiyah* (*al- 'adl , ash-shura , al- amanah , maslahah murlah , tahdid al- sulthah*) as base Authority Regulation , with formation Assembly Independent Regional *Shura* For supervision periodically to compliance principle justice and deliberation .

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Constitution Number 3 of 2022 concerning the National Capital
Constitution Number 23 of 2014 concerning Local government
Constitution Number 21 of 2023 concerning the National Capital

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