

# Indonesia's New Capital: An Analysis Of Transparency, Public Participation, And Deliberative Democracy

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## Abstract

This study aims to assess the government's policy regarding establishing a new capital city, focusing on the dimensions of transparency, public participation, and deliberative democracy. This study will provide valuable insights for policymakers in Indonesia and other developing nations, enabling them to make informed decisions of a comparable nature. The present study employs a qualitative case study approach, incorporating interviews, observations, and secondary data collection from government reports and research conducted by non-governmental organizations (NGOs). According to this study, the formulation of the IKN Law has successfully adhered to the principles of deliberative democracy, encompassing the dimensions of influence, inclusiveness, and deliberation. However, it is essential to note that certain limitations are associated with this process, specifically insufficient transparency and limited engagement with local indigenous communities. In order to ensure effective community engagement and inclusivity, it is imperative for the government to enhance transparency in disseminating information regarding the progress of the Ibu Kota Negara (IKN) and actively involve local indigenous populations in the project. In the context of a developing nation such as Indonesia, it is imperative for policymakers to accord utmost importance to public engagement and transparency in formulating critical

policies that bear substantial consequences on the social, economic, and environmental fronts.

Keywords: IKN; capital relocation; deliberative policy; public participation; transparency.

### **Introduction**

Indonesia has decided to move its capital city from Jakarta to North Pasar Penajem in East Kalimantan. Ibu Kota Nusantara (IKN), the new capital city of Indonesia, will be inaugurated in August 2024 along with the celebrations of Indonesia's Independence Day. This new capital will be designed as a sustainable, resilient, and smart city (Berawi, 2022). Therefore, the utilization of technology becomes a solution to cope with several urban problems. Before Indonesia, some countries had moved their capital, such as Nigeria, Myanmar, Malaysia (Rachmawati et al., 2021), Russia, Pakistan, and Kazakhstan (Suprayitno, 2020). Capital relocation has been regarded as an innovative way to improve the state's performance and tackle some urgent problems. For example, Nigeria moved its capital from Lagos to Abuja because of traffic problems in the former capital (Takyi, 2016). Meanwhile, Myanmar's capital relocation from Yangon to Naypyitaw aimed to improve state security due to the long history of rebellion in the country. Myanmar also wants to build its new identity as a country that is capable to unite various ethnic groups in its region (Farida, 2021). Besides, some countries also relocate their capital more than once. It can be seen in Canada that had been relocated its capital four times—from Montreal, Toronto, Quebec, and then to Ottawa. Iran even relocated its capital more than ten times before it decided to move to Tehran (Hutasoit, 2018).

According to (Illman in Farida, 2021), there are some reasons for relocating the state capital, namely (1) handling the problems within the former capital city; (2) achieving the purpose and vision of national

development; (3) reducing the threat of rebellion; (4) spreading the regional development to realize equality; and (5) the decision of the state's leader. In the case of Indonesia, the government has considered three main factors in relocating the state capital, such as social economies, political considerations, and geographical considerations. The government also analyzed the experience of other countries. In Indonesia Vision 2033, relocating the administration center and state agencies' activity center to Kalimantan will create a new epicenter (Chaniago et al., 2020). It will be approaching the regions that are left behind and marginalized through various projects which include transmigration, accelerating the development of lagging areas, accelerating the development of eastern Indonesia, and other related projects (Hutasoit, 2018). Apparently, the most prominent reason behind Indonesia's capital relocation is the problem faced by Jakarta. With 30 million residents including the suburbs, Jakarta becomes more overcrowded (Ferlito et al., 2020). The growing population has caused the resilience of Jakarta to decrease, especially in the context of providing land and clean water. The traffic jam and lack of access to public transportation in Jakarta lead to an economic loss of around IDR 56 trillion per year (Hasibuan & Aisa, 2020)

Numerous prior investigations have examined the subject of IKN concerning its environmental consequences (Adinugroho et al., 2022; Denryanto & Virgianto, 2021; Kurniawan et al., 2021; Taki & Sunandar, 2021), disasters and mitigation efforts (Karima et al., 2021; Putri et al., 2021; Rahmat et al., 2021a; Zaki et al., 2021), the utilization of renewable energy in IKN (Rosyadi et al., 2023; Wiguna et al., 2021), the advancement of intelligent urban areas (Berawi, 2022; Rachmawati et al., 2021), the effects of IKN on tourist destinations (Simarangkir et al., 2021), and considerations about national security (Sumantri, 2022). To the best of the researcher's knowledge, no prior investigations have been conducted on the policy formulation process of the

IKN concerning deliberative democracy. Consequently, this topic is one that researchers are interested in researching.

The author aims to examine the issues associated with this phenomenon through the lens of deliberative democracy. This article will employ the Deliberative Policy Analysis approach to analyze IKN policies. The research question guiding this analysis is whether the formulation and implementation of the IKN Law adhered to the principles of deliberative democracy. The author will employ theoretical frameworks such as public participation, transparency, and deliberation to analyze these policies.

The article is subsequently divided into four sections. The first section of the article will provide a comprehensive explanation of deliberative public policy, encompassing its theoretical foundations and practical applications. The second section provides an overview of the background of IKN and the Indonesian context regarding capital relocation. The third section discussed public responses to the IKN. In the subsequent section, the author discusses the deliberation process in formulating the IKN policy.

### **Research Methods**

In this study, using a qualitative case study approach, to study the policy process and the dynamics of decision making at the time of policy making and the public's response thereafter (Miles, 2015; Yin, 2014). In social research, this method is receiving more attention because it provides in-depth understanding of human behavior, attitudes, emotions, and experiences. This method focuses on how people interpret their experiences to understand reality and social phenomena that occur (Mohajan, 2018). Data from this study were obtained from semi-structured interviews using a purposive sampling technique which were conducted

from May 2023 to June 2023 with communities in Sepaku District and NGOs in East Kalimantan Province. The selected informants were residents from 11 villages and indigenous peoples.

In addition, this study uses secondary data collected from January 2019 to June 2023, including data gathered from online recordings of public discussion forums, reputable online media platform (Jakarta Post, The Guardian, Jakarta Globe, CNBC, Kompas, Detik), Social Media (Twitter, Instagram), relevant laws and regulations, government reports, Non-Governmental Organization (NGO) research, internal data and documents of related agencies such as decisions of the Constitutional Court, results of meetings of the House of Representatives, and requests for Judicial Review, gray literature from websites, as well as literature studies on previous research from SINTA (<https://sinta.kemdikbud.go.id/>) and international reputable journal databases such as Scopus, Proquest, and Sage Journal accessed via the campus library application airlangga university with the keywords ("Capital city" OR "IKN" OR "New Capital" OR "Capital") AND Indonesia AND Kalimantan. A chronological review was conducted using data collected from government report, NGO research, mass media, and digital media. The validity of the review was ensured through the triangulation method, which involved comparing information with official government media, private media, and media from stakeholders such as social media and digital media (Triangulation, 2014).

## **Results and Discussion**

### **Deliberative Public Policy: Theory and Practices**

Public policy based on deliberative democracy is getting more attention in decision-making. It can reduce democratic deficits that could undermine many polities (Stark et al., 2021). Deliberative democracy was initially seen as a theoretical perspective to support western

democratic societies' goal of creating outward-looking, self-determined citizens who could choose, contest, and debate. Deliberative democracy valued knowledge for elites to govern and people to participate. Deliberation is increasingly used to integrate such knowledge. It becomes the trend in policymaking public participation. Engaging more stakeholders and the public in policymaking will result in deliberative policy (Ercan et al., 2020). (Solomon & Abelson, 2012) then suggest that the government uses public deliberation to address four issues: divisive and controversial topics; low-trust issues; decisions that conflict with public good values; and hybrid topics that combine real-world and technical knowledge.

Then, according to Carson, it would be possible to identify a decision-making process that fulfils the criteria for a deliberative democratic process (Carson & Karp, 2005; Shin & Lee, 2021), These are three criteria for a completely democratic deliberative process: (1) Influence: The process should be able to influence policy and decision making; (2) Inclusion: The process should be representative of the population and inclusive of diverse viewpoints and values, providing equal opportunity for all to participate; and (3) Deliberation: The process should provide open dialogue, access to information, respect, space to understand and reframe issues, and movement towards consensus. The three aforementioned criteria of influence, inclusion, and deliberation can be used as analytical instruments to determine the degree to which a decision-making process in an institution or community can be classified as a deliberative democratic process (Mardiyanta, 2011).

Nevertheless, the formulation process of deliberative public policy is faced with some challenges, such as political polarization, the rise of incivility, the growing appeal of finding a simplistic solution to complex problems, and the normalization of disinformation (Curato et al., 2022). Politicians who have more capabilities in political rhetoric and argumentation may

also dominate the discussions. This definitely has the potential for citizens to remain unheard. Therefore, we need to understand that deliberation is a highly structured activity that must be clear about how the public is being constructed through the recruitment of participants. The role of experts and organized interests in the deliberative process must consider the extent to which they have well-defined interests. Thus, stakeholders should avoid disproportionate influence through overextension of their political interests over participants. In addition, the deliberative process of public policy requires that each opinion and preference are reflected in a non-coercive fashion, without domination and manipulation from other parties (Gronlund et al. 2022). Public input into policymaking also should be more than the simple aggregation of individual interests because these opinions and perspectives can be transformed through the active exchange of ideas. (Stoker & Evans, 2016) then explained that there are five roles for deliberation in public policy, namely (1) as a form of public consultation; (2) as input that can be considered to become policy options; (3) as a medium of conflict resolution; (4) as a comprehensive aspiration for whole systems of governance; and (5) as a unique source and reference of valuable inputs into policy-making processes.

Many nations and cities began deliberating policy. Khon-Kaen, in northeast Thailand, is known for using a deliberative mechanism to increase its self-reliance. Some national policies promote state-public collaboration and self-sufficiency. Next, Khon-Kaen becomes a self-sufficient city whose citizens built it. Following the deliberative model, Khon-Kaen received several rewards. That inspired many other municipalities to visit and learn. The Khon-Kaen model was one of the driving forces behind a new legal framework that requires public consultation for local development plans in 2018 (Boossabong & Chamchong, 2019).

In addition, the UK has a deliberative public policy called the Sustainable Community Act. This UK law resulted from civil society campaigns to devolve competencies and powers to increase public participation. By implementing the SCA, local governments can directly influence central government policy. This implementation requires them to reach an agreement with a panel of citizens from various local communities (Bua & Escobar, 2018). The South Korean government is also deliberative. The public deliberation committee (PDC) on nuclear waste from 2013 to 2015 and the PDC on nuclear power plant construction from 2017 showed that South Korea was already using deliberation in its government. The Canadian British Columbia Citizens' Assembly, Irish Citizens' Assemblies, Belgian Citizens' Forum G1000, and Ostbelgien Permanent Citizens' Assembly also hold deliberations (Deligiaouri & Suiter, 2021).

### **Background of the New Capital of Nusantara (IKN)**

Since colonialism, Indonesia has faced capital relocation issues. The first issue occurred under Dutch East Indies Governor-General Herman Willem Daendels (1762-1818). Because of its castle and port, Daendels picked Surabaya, East Java, as the new capital. Without a government budget, it failed. Second, moving the administrative center to Bandung. The government even built a KNIL army barrack, a government office complex, office housing, and an alternate buffer zone near Bogor Regency. World War II and the economic crisis prevented the administration from completing its ambitions. When the administration stabilized in 1950, President Soekarno considered moving the capital to Palangkaraya, Central Kalimantan. Java Island faces several tragedies. The 1962 Asian Games distracted the authorities, scuttling the idea. In 2010, Susilo Bambang Yudhoyono, the sixth Indonesian president, established the capital relocation research team. The government declared Java Island cannot handle central government tasks. The 2033

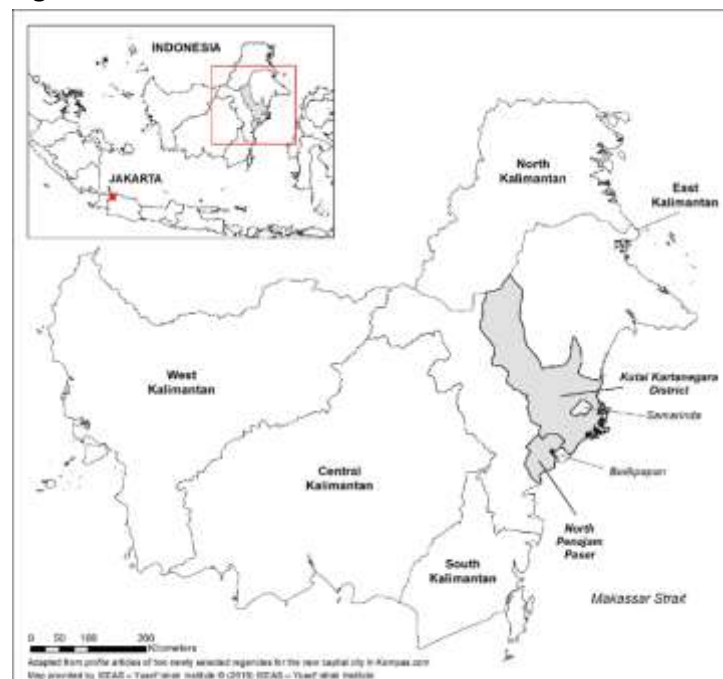


Indonesia Vision Team is reviewing three scenarios: realistic not relocate the capital but improve Jakarta as a whole; moderate only relocate the government center; and radical relocate all burden from Jakarta as an economic and government center. No official publication regarding that topic existed till President Yudhoyono's administration ended. (Hutasoit, 2018).

The capital relocation issue was later brought back by President Joko Widodo. On the 74<sup>th</sup> of Indonesia's Independence Day, the President conveyed the plan to relocate the capital in front of the Joint Session of the House of Representatives (DPR) and the Regional Representative Council (DPD). Then, the plan of relocating the capital has been written in the National Medium-Term Development Plan (RPJMN) period 2020-2024 which stated that the development will be taking place in East Kalimantan, especially in North Penajam Paser Regency and Kutai Kartanegara Regency (see Figure 1). The new capital city would be named 'Nusantara' (Salya, 2022). The determination of East Kalimantan as the next capital was based on an intensive and in-depth study. There are several considerations that become the basis for capital relocation, namely (1) Jakarta has faced many problems within its environment, such as river water pollution, urban heat island, air pollution, and floods; (2) Jakarta's burden is very heavy as a business center, trade center, financial center, service center, and government center; (3) Java Island's burden is getting heavier because it has 150 million people or 54% of the Indonesian population; (4) approximately 58% of Indonesia's GDP has produced from Java Island; (5) Indonesia's largest seaport and airport is located in Jakarta; (6) danger of lowering groundwater level because Jakarta has many burdens regarding building and infrastructures on the ground; and (7) if IKN is located on Java Island again, then Java as a source of food security will be even heavier (B et al., 2022). Thus, besides the environmental issues in Jakarta, the capital relocation is also caused by the disparity between Java Island and

other islands in Indonesia. Western Indonesia is more developed and prosperous than eastern Indonesia because Indonesia's economy has been centralized in Java. Therefore, the capital relocation is expected to reduce the dominance of western Indonesia, especially Java and Sumatra, as well as increase the equity of the economy and development. Besides that, the government also tried to create a bureaucratic system that can reach all regions in Indonesia (Sugihartati et al., 2020).

**Figure 1** The IKN's Location



Source: Salim & Negara (2019)

Therefore, the government thinks that capital relocation must be conducted immediately. The central government is even targeted to be moved to North Penajam Paser by 2024. There are several considerations on why East Kalimantan was chosen to become the location of the next capital, namely (1) East Kalimantan is located in the center of Indonesia's territory; (2) East Kalimantan has minimal disaster risk, including tsunamis, earthquakes, floods, volcanoes, landslides, and fires; (3) East

Kalimantan already has relatively complete infrastructure; (4) North Penajem Paser and Kutai Kartanegara districts are close to urban areas, such as Samarinda and Balikpapan; (5) In these two districts, approximately 180 thousand hectares of land are available; and (6) East Kalimantan has abundance fossil fuel reserves, such as oil, natural gas, and coal, as well as non-conventional fossil fuels which include coal bed methane and oil-gas shale (Aldilla & Michael, 2022; B et al., 2022; Kodir et al., 2021; Rahmat et al., 2021b)

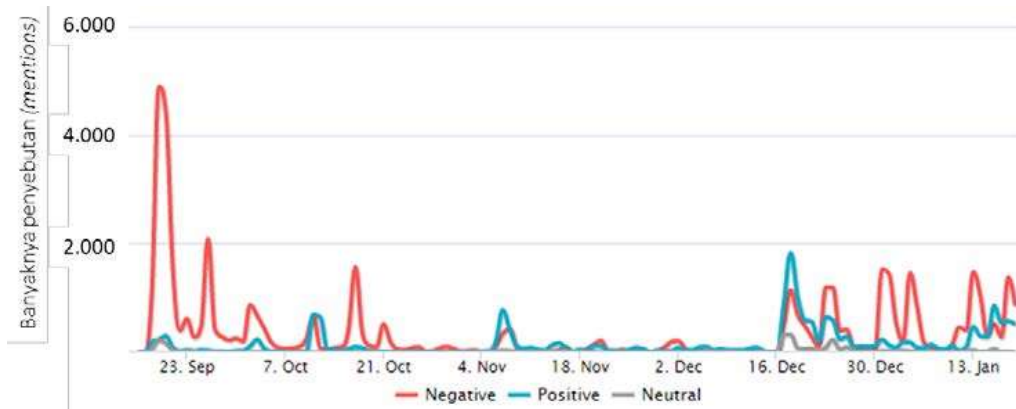
The IKN project is expected to cost USD 32.7 billion—19% would be funded by the state and the rest will come from private investment and public-private partnership (Ferlito et al., 2020). There are three main principles in the IKN development, namely sponge city, smart city, and forest city. In order to achieve these principles, the government has set up eight key performances that include building a city in tune with nature, circular, safe, resilient, technologically friendly, easily accessed and connected, affordable, and providing economic opportunities for all people. The forest city concept is containing six elements, namely (1) connection with nature; (2) conservation of animal habitats and natural resources; (3) sufficient water resources; (4) low carbon development; (5) community involvement in the forest city program; and (6) controlled development or anti-sprawl development (B et al., 2022). Furthermore, IKN will be built as a green city with an area of more than 256 hectares. In this large area, 65% will become a tropical forest, 10% for food production and parks, and the rest of the area will become urban areas. The green city of IKN then will utilize renewable energies to absorb more CO<sub>2</sub>, so that the city can be regarded as carbon neutral (Kementerian PPN/Bappenas, 2019). Besides that, IKN also will utilize digital technology, such as big data, the internet of things, and artificial intelligence in the city's operational and development system. Autonomous and electric vehicles then will be used as one mode of public

transportation to create more efficient and safer urban mobility in the city (Berawi, 2022).

### **Public Responses to Indonesia's Capital Relocation**

In September 2020, many people discussed the issue of capital relocation, especially after the government published the issuance of land owners in the location of IKN. The discussion was lively again at the end of 2020 due to the prize contest of IKN design held by the Ministry of Public Works and Housing. Most of the public said they still have some doubts and concerns, particularly regarding the issues of political interest, development control and environmental impacts that may arise, and public accommodation to participate in the IKN projects. The IKN issues often become the main topic of discussion in the public sphere, especially in social media such as Twitter (Masitah & Dewi, 2022). Indeed, each people have their own opinions in responding to the IKN. According to Hamdani (2020), based on social media, perceptions created among the public are still dominated by negative sentiments from October 2019 until January 2020 (see Figure 2). Then based on data provided by Indikator Politik Indonesia (in Muhtadi, 2022), in 2020, 53% of citizens said that they quite or strongly agreed with the government's plan to relocate the capital, but in 2022 the percentage declined to 48.5%. Meanwhile, in 2020, only 33.6% of the public stated that they disagreed or strongly disagreed, but the percentage of public disagreement increase to 44% in 2022 (see Figure 3).

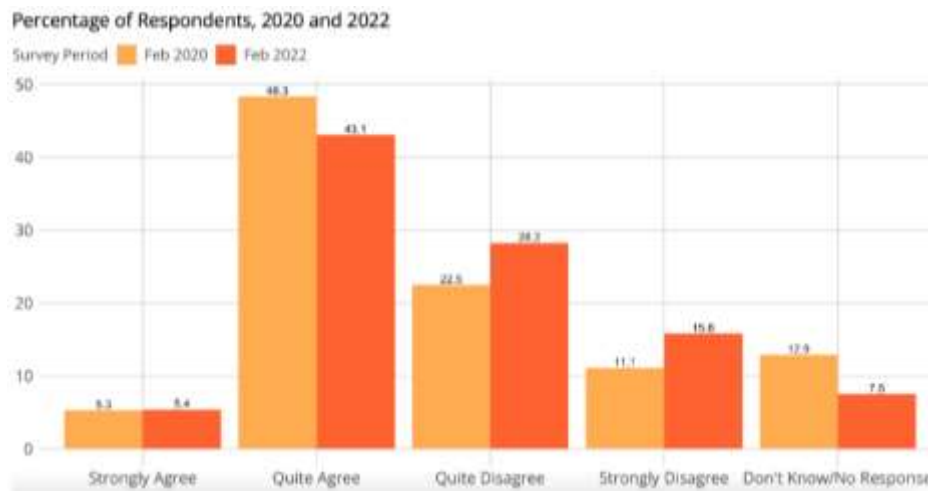
**Figure 2.** Public sentiment dynamics on the IKN issues



Source: (Hamdani, 2020)

Several other survey results were also characterised by the disapproval of the IKN development. These surveys include the KedaiKOPI survey, which was conducted from August 14-21, 2019, in 34 provinces with 1200 respondents using the Multistage Random Sampling (MRS) method. The results showed that 35.6% of the respondents agreed, 39.8% disagreed, and 24.6% strongly disagreed with the IKN development. Another survey, called Poltracking, was conducted from November 21-27, 2022, with 1220 respondents using the MRS method. The survey found that 10.1% of the respondents strongly agreed, 48.2% agreed, 17.6% disagreed, 6.3% strongly disagreed, and 17.8% did not know about the IKN development. The Indostrategic survey indicated that 40.1% of the respondents agreed with the IKN development, while 57.3% disagreed. LSI Denny JA conducted a survey from May 30 to June 12, 2023, with 1200 respondents using the MRS method. The results showed that 47.4% of the respondents agreed with the IKN development, while 43.7% disagreed. Lastly, the Indonesia Political Opinion (IPO) survey was conducted from February 15-22, 2022, in 34 provinces with 7200 respondents using the MRS method. The survey found that 36% of the respondents agreed with the IKN development, while 53% disagreed.

**Figure 3.** Trends in Public Support for IKN



Source: Indikator Politik Indonesia in (Muhtadi, 2022)

The advantages and disadvantages are justifiable as the relocation of a state capital necessitates careful deliberation by multiple stakeholders in order to assess the efficiency of governance in the prospective new capital. The policy support was provided by the governor of East Kalimantan to various stakeholders, including representatives of the Paser indigenous people, the Sepaku Community Communication Forum (FKMS), and the local village community. However, there are several actors who oppose the development of the IKN, such as several local communities, indigenous peoples in the IKN area including the Balik, Paser and Dayak tribes, as well as Non-Governmental Organizations (NGOs) concerning the environmental sector in East Kalimantan that include Jarangan Mining Advocacy (Jatam), the Indonesian Forum for the Environment (Walhi), the Balikpapan Bay Care Forum (FPTB), Coastal and Fishermen Working Groups, and Working Group (Pokja 30), and Indigenous Peoples Alliance of the Archipelago (AMAN). The primary concern raised by these groups pertains to a land issue in the proposed development site of the capital city, specifically the Sepaku sub-district in the North Penajam Paser Regency. In this particular area, a number of subdistricts and villages continue to employ an inheritance system or customary law as part of their governance structures. The indigenous community holds

a deep reverence for the land, considering it to be of utmost sanctity. Consequently, they emphasise the imperative of conserving the land for the benefit and inheritance of forthcoming generations. Regrettably, the geographical location of this land falls within Ring 1 of the IKN, which is in closest proximity to the designated development site. Within the geographical boundaries encompassing North Penajam Paser and Kutai Kartangera, there exist a total of 21 distinct indigenous groups, each with a population exceeding 20,000 individuals. The relocation of capital will exert a direct influence on the lives of these individuals.

On 15 February 2022, after Law Number 3 of 2022 concerning the State Capital was ratified, a petition appeared to reject the IKN Law signed by 32,000 people, and the government seemed to have ignored the petition (Kontras, 2022). This makes the IKN Law have the potential to violate statutory regulations and contain formal and material defects. As a result, there was a formal lawsuit against IKN carried out by the Axis of State Sovereignty (PNKN) as a civil society organization. They considered the process of making laws to have a substantive flaw because they were not following the provisions for forming laws based on the 1945 Constitution and Law Number 12 of 2011 concerning the Formation of Legislation. Several other formal lawsuits were also submitted to the constitutional court by several community leaders and NGOs, as shown in Table 2.

**Table 2 Decisions Summary of Lawsuits Against the IKN Law**

<b>Judgment number</b>	<b>Applicant</b>	<b>Summary of the contents of the lawsuit</b>	<b>Constitutional Court decision</b>
25/PUU-XX/2022	Poros Nasional Kedaulatan Negara (PNKN)	lack of public participation in the process of forming the UU IKN, The process of forming the UU IKN (both formally and materially) has violated the principles of constitutional values and	Rejected the petition of the Petitioners in its entirety

		constitutional morality, the process of forming the UU IKN is carried out quickly (fast track), in which the process of forming it is done slowly “hasty” or “reckless” has violated many procedural aspects (by-pass law-making procedures) and/or has been carried out not following the principles of representative democracy and participatory democracy.	
34/PUU-XX/2022	AA, SS, etc	Failure to fulfill the right to be considered and the right to obtain an explanation or answer for the opinion given (right to be explained), Attachment II to the IKN Law has never existed (attached) and/or has never been discussed and made available at the time of approval together.	Rejected the petition of the Petitioners in its entirety
39/PUU-XX/2022	S	Lack of Community Participation, DPD in the formation of the IKN Law must be involved in the discussion, post-covid state conditions and several risks related to funding, disasters, geopolitical conditions, the substance of the IKN Law is at risk of hindering/dangerous achieving state goals.	Rejected the petition of the Petitioners in its entirety
40/PUU-XX/2022	HD	the formation of the IKN Law does not comply with the provisions for the formation of a law so that it is contrary to the 1945 Constitution and does not have binding legal force	Declare the Petitioner's application unacceptable



47/PUU-XX/2022	MS	the formation of the IKN Law does not comply with the provisions for the formation of a law so that it is contrary to the 1945 Constitution and does not have binding legal force	Declare the Petitioner's application unacceptable
48/PUU-XX/2022	DHL	the formation of the IKN Law does not comply with the provisions for the formation of statutory regulations and does not have binding legal force	Declare the Petitioner's application unacceptable
49/PUU-XX/2022	PM	the formation of the IKN Law does not comply with the provisions for the formation of a law so that it is contrary to the 1945 Constitution and does not have binding legal force	Rejected the petition of the Petitioners in its entirety
53/PUU-XX/2022	AM	Election of Penajam Paser Utara and Kutai Kartanegara as candidates for the new National Capital without going through a Comparative Study between several candidate locations for the new National Capital, the formation of the IKN Law does not comply with the provisions for the formation of a law so that it is contrary to the 1945 Constitution and does not have binding legal force	Declare the Petitioner's application unacceptable
54/PUU-XX/2022	MBM, Aliansi Masyarakat Adat Nusantara (AMAN), Yayasan Wahana Lingkungan Hidup	The formulation of the IKN Law violates the constitutional rights of Indigenous Peoples to participate fully and effectively, as well as the Principles of Effectiveness and Efficiency.	Declare the Petitioner's application unacceptable

	Indonesia (WALHI), etc		
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Source: Indonesia Constitutional Court (2022)

**The Existence of Deliberative Democracy, Public Participation, and Transparency**

By applying Carson's theory, the authors use three criteria to assess the extent to which IKN policies have gone through a deliberative democratic process (Carson & Karp, 2005). First, the process should be able to influence policy and decision-making. The development of the IKN policy occurred over a span of 76 days, commencing with the initiation of the first session of the DPR on November 3, 2021, and culminating in its enactment as law on January 18, 2022. Throughout the course of the project, a total of five meetings were conducted with experts, one audience session was held with the Dayak Forum Bersatu (FDB), and three public consultations were organized involving members of the academic community. However, it was widely perceived that this process served merely as a procedural requirement, as the presentations delivered during these sessions failed to significantly alter the content of the IKN Law. Amendments to the draught legislation of the IKN are solely focused on three aspects: (1) the placement of the IKN's position, (2) the extent of its jurisdiction, and (3) the organisational structure and governance of the IKN Authority.

Second, the process should be representative of the population and inclusive of diverse viewpoints and values, providing equal opportunity for all to participate. In the process of forming laws and regulations (PUU) based on Law Number 12 of 2011 Jo. Law Number 13 of 2022 concerning Formation of Legislation, article 96 paragraph

(1) states that the public has the right to express opinions orally and/or in writing in the formation of PUU. This opinion can be submitted as input to members of the DPR as representatives or representatives of the community, this submission is carried out during (1) the preparation and discussion of the draft law (RUU); (2) preparation and determination of the National Legislation Program; (3) monitoring the performance of government policies; (4) monitoring the implementation of laws; and (5) deliberation on the Bill on the State Revenue and Expenditure Budget (APBN). In the process of drafting legislation in the DPR, the Indonesian people are represented by 575 members of the DPR from 9 political parties whom they have elected through general elections to represent their votes in parliament.

The DPR has included the public, existing community stakeholders, academics, and constitutional law experts in the process. Those invited have different opinions, some of which they support, and others oppose. Because it returns to the authority of legislators as representatives of society through general elections, political decisions in law are optional to accommodate everything that the people want.

In the process of drafting the IKN Law, the Chairperson of the DPR appointed a Special Committee for the State Capital (Pansus IKN) with a total of 30 people. Some of these people represent 9 political parties that have seats in parliament according to their composition. Based on this, in the process of drafting the IKN Law it was considered that they represented the entire population of society, represented by 30 members from 9 political parties in the DPR. Even though in the end when it was about to be ratified, the ratification of the IKN Law was approved by 8 party factions and rejected by 1 party faction. The party rejected the ratification of the IKN Bill with several considerations as follows (1) the contents of the IKN Bill contain several constitutional problems; (2) details regarding Indigenous Peoples' Land Rights have not been explained; (3) causing environmental and forest changes

that threaten the life of important animals and plants; (4) guarantee of funding sources that do not burden the APBN; (5) land acquisition for IKN by taking privately owned land, customary land and ex-sultanate land must be provided with fair compensation; (6) the transfer of IKN which is targeted to be carried out in the first semester of 2024 is very rushed.

On the other hand, before the drafting of the IKN Law in parliament, in February 2019, President Joko Widodo had held a dialogue with 20 traditional community leaders in East Kalimantan which was held in Balikpapan, this was done to absorb aspirations regarding the development of the IKN from the perspective of the local community and the traditional (figure 4). At that time the local community and indigenous peoples were very enthusiastic about the construction of the IKN. However, during the drafting of the IKN Law in parliament at the hearing stage, the Special Committee only invited one representative of indigenous peoples, namely the United Dayak Forum (FDB), so that there was a stigma that community involvement, especially indigenous peoples or lower-class communities, was not carried out optimally, only elites or traditional leaders only a few are invited. The community then feels marginalized from their place of residence because the government does not involve the local community in the IKN planning. Society perceives this marginalization as a form of injustice, so they sometimes fight. They tried to meet with traditional institutions in Penajam Paser Utara to discuss relocation issues. However, at the meeting, only the formal institutions that were present at the meeting were formal institutions established by the regional government in North Penajam Paser Regency, while traditional leaders were not involved. Indigenous peoples' concerns are mainly related to land acquisition and life after relocation, where this is represented by the "balik tribe" who openly refuse relocation by carrying out several protest actions (Jatam Kaltim, 2023).

**Figure 4**

A meeting and dialogue between President Jokowi and representatives of East Kalimantan's indigenous peoples.



Source: Antaranews.com (2019)

Third, the process should provide open dialogue, access to information (transparency), respect, space to understand and reframe issues, and movement towards consensus. Open dialogue during the drafting of the IKN Law was only carried out through hearings from 7 December 2021 to 17 December 2021, hearings and public consultations with the academic community at Mulawarman University, Hasanuddin University and North Sumatra University. Meanwhile, the deliberation process was carried out at a plenary meeting which was attended by all 575 members of the people's representatives in the DPR until finally the IKN Law was passed at the plenary meeting because a consensus had been reached. However, access to information during the drafting process is very limited, the public cannot monitor the complete drafting process from the portal provided by the parliament, there are several stages that are carried out behind closed doors, so the drafting process is considered semi-transparent. According to one of the informants, it was stated as follows:

Concerning the principle of openness, if we access the DPR's website, related to that discussion, many files cannot be accessed, so out of the 21 processes, only 7 can

be accessed. Apart from that, if we check the document, it is zero kilobytes, so there is no content like that, so there is only an agenda.

The overall procedure involved in formulating the legislation for the recently established capital city, UU IKN, has conformed to the principles of a deliberative policy process, effectively addressing the elements of inclusivity, influence, and thorough deliberation. The fundamental elements encompassed in this context consist of the inclusive involvement of relevant parties, the ability of these parties to influence the results, and the caliber of discourse or dialogue employed in decision-making processes. Nevertheless, a number of concerns have arisen, specifically pertaining to the aspects of transparency and involvement with the indigenous communities inhabiting the region designated for the forthcoming capital city. The process has revealed certain shortcomings in the implementation of transparent governance, which plays a vital role in cultivating trust between the public and governing bodies. Likewise, the engagement with indigenous communities residing in the vicinity, which is an essential component of any policy initiative that impacts the local population, has yet to be fully actualized. As the implementation of the project for the new capital city progresses, the government has acknowledged the significance of these indigenous communities. In order to augment their involvement in the project, they have received an invitation to partake in the construction process. This initiative is designed to enhance local engagement, thereby guaranteeing the inclusion of the interests and well-being of these communities in the development of the new capital city.

### **Discussion**

The Covid-19 pandemic has very likely decreased public support for IKN. There are many arguments among the public that the capital relocation was less urgent in the middle of a pandemic situation. The public fears that the IKN project will burden the state budget heavily because

Indonesia is still trying to recover from the economic downturn caused by the pandemic. Therefore, economic recovery should be the priority over the ambitious projects of capital relocation (Muhtadi, 2022). Moreover, environmental issues also become the reason to refuse capital relocation, particularly the threat of environmental degradation. This is because the IKN project will require extensive land, so shifts in land use will be inevitable. Due to the future infrastructure development in East Kalimantan that will be running fastly, the deforestation rate also will be increasing. Deforestation over the peatland cannot be avoided because the drying peatland will become more vulnerable to floods during the wet season and forest fires during the dry season. The construction sector then would be the main source of pollution. The flora and fauna in the Kalimantan Forest will also degrade and reduce their support level to the world's lungs. Finally, the urban problems from Jakarta will repeat in North Penajam Paser. Social conflicts may occur because there is a risk of uncontrolled urbanization and migration that can trigger social jealousy. This is because the capital relocation preparation is very brief, so the non-physical needs can be ignored because the government is too focused on the physical preparation. Besides that, other social issues will emerge, such as unemployment and slum areas (Farida, 2021).

We need to understand that the new capital city should have its unique symbol and identity. The identity of state capital has an essential role in creating unique characteristics that distinguish it from other regions. This uniqueness will usually attract domestic and foreign people to come in. For instance, Istanbul in Turkey has identified itself as a symbol of the international logistic city. Therefore, the Turkish government along with the stakeholders continuously sponsored many new infrastructure projects to strengthen Istanbul's position as a world-class logistic center. (Farida, 2021) stated that if the Indonesian government fails to create a unique

identity for its new capital, it will fail to attract the people and even turn the new capital into an isolated ghost town. We can see the example from Putrajaya, Malaysia, that only has a role as an administrative center and almost all state apparatus still lived in Kuala Lumpur. This makes Putrajaya become a dead town at night. The next example is Canberra in Australia which is often called planning without a city because it still cannot attract the people to live there. There is also South Korea which relocated its capital to Sejong in 2012. But until today, the relocation process is not done yet because it requires a huge fund. This case can be repeated in Indonesia because the country does not have enough economic and financial capacity to fund the new capital development. The government debt is still increasing by a total amount of IDR 6,300 trillion in 2020 and it is estimated to reach IDR 10,000 trillion in 2024 (Bank Indonesia, 2021).

Following the enactment of the IKN Law, the government sought to address the controversies surrounding it by garnering public support and aspirations. As a step towards this, a draught amendment to the IKN Law was announced in June 2023. Various processes promoting transparency and public participation have been undertaken through seminars, national discussions, outreach activities, and public consultations, which have been ongoing since March 2022. The activity was initiated by the Ministry of National Development Planning, the IKN authority, and a group of academics and experts. The event was attended by a diverse range of participants, including members of society, representatives of indigenous peoples, community associations in East Kalimantan, and students from various renowned campuses. The revised IKN Law will address several themes, including the expansion of human resources in IKN, the recognition and protection of local wisdom, environmental management, the organisation of IKN, and the promotion of transformation and innovation. The outcomes of the public consultation will be subsequently presented to the DPR as a foundation for formulating the



revision of the IKN Law during the special committee's drafting meeting.

This article fills a gap in the existing literature by demonstrating that there has been public deliberation in the IKN policy-making process based on Carson's theory with several drawbacks. Evidence shows that the discourse around moving the capital city in Indonesia is characterized by a technocratic approach, a lack of elements of public participation, and transparency. There is a significant difference between public and state perspectives in discourse. The significance of this article lies in its rarity as one of the few discussions of public deliberation. Several previous articles did not specifically analyze IKN policies from a deliberative public policy perspective. The findings of this article contribute to the existing literature by offering new insights on the issue of moving the capital city in Indonesia. The IKN policy lacks the dimensions of participation and transparency, thus slightly reducing its qualifications as a policy based on deliberation.

### **Conclusion**

Based on this research, the overall procedure involved in formulating the legislation for the recently established capital city, UU IKN, has conformed to the principles of a deliberative policy process, effectively addressing the elements of inclusivity, influence, and thorough deliberation.

Notwithstanding the progress achieved, the presence of inadequacies in transparency and stakeholder participation has engendered dissatisfaction among the general populace. The expeditious implementation of the recently passed legislation regarding the establishment of a new capital city, has resulted in its characterization as a notably technocratic and ambitious undertaking, thereby engendering sentiments of exclusion among a significant portion of the population with regards to the formulation of decisions. The perception of inadequate

attention to detail in the preparation of the academic manuscript for the policy serves to reinforce further the belief that its implementation was hastily executed. Financial considerations additionally exacerbate the problem. The decision to allocate significant investments towards developing a new capital in Indonesia has raised apprehensions regarding the country's financial sustainability, given the continuous increase in its debt year-on-year basis. These concerns have incited demonstrations and resistance, intensifying the demand for a more deliberate and comprehensive approach to relocating the capital.

The government's steps toward reducing negative sentiment and gaining greater public trust must be appreciated. By carrying out public consultations in implementing the IKN policy, the government can first provide more detailed information about the IKN so that people know and understand the project better. The government must ensure that the public can obtain correct information by providing relevant and credible sources. Second, it is necessary to include changes to the IKN law in the policy consultation process based on deliberation through dialogue, openness, and public participation. With this process, the government can build a massive discourse among the public. In addition, the government must also involve the community, especially residents or indigenous peoples, in constructing the IKN project. Thus, the government can close the gap between the public and the state in the implementation of moving the capital. The government can also revise the IKN academic text because it only contains 17 references. The text's fundamental philosophy and technical analysis must be enriched and deepened.

However, this article has several limitations. First, the informants only came from the area where the capital was built so they could not represent the views of the Indonesian people as a whole. Second, we only focused

on three elements of deliberative public policy, namely public deliberation, public participation, and transparency. Third, the article might contain response bias if it only dominated by sentiments or negative responses from the public. Therefore, we are very welcoming to the continuation of this research by other scholars who are interested in the IKN policy. Perhaps future research can look at the positive side of the IKN and use this research's findings as a comparison.

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