



# The Fate of Jakarta Special Autonomy After The Movement of The Capital City of The United State of The Republic of Indonesia

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## ABSTRACT

The purpose of this research is to determine if Jakarta retains unique autonomy if the capital city is relocated to East Kalimantan. Furthermore, this article analyses various nations that have relocated their capital cities and compares them to Indonesia, which is now considering to relocate its capital city. The case study technique was employed in this investigation. The results of this article suggest that Indonesia can choose one of three strategies (1. Moving the Capital City, Government Center, and Business Center; 2. Moving just the Capital City and Government Center; or 3. Moving only the Government Center), with the impact of picking one of these schemes being: 1) If the capital is relocated, Jakarta would lose its unique autonomy as a special capital city; 2) If laws are implemented as a special commercial region or trade hub in Indonesia, Jakarta will still have special autonomy; 3). If just the center of the Indonesian government is relocated to East Kalimantan, Jakarta will retain special autonomy as a special capital region.



## INTRODUCTION

In carrying out and moving all state operations and the wheels of government, the capital of a state is like the heart of life (Erwanti & Waluyo, 2022). This is due to the capital's function as a city / municipality where the primary administrative elements, notably the executive, legislative, and judiciary, are located (Djayanti et al., 2022). In general, how a country's capital is located may provide insight into its character (Adi Purnomo, 2020).

The Republic of Indonesia's Unitary State currently comprises 34 provinces. The 34 provinces were given the right to run their own regions, with 29 provinces receiving regional autonomy as outlined in Article 1 paragraph 6 of Regional Government Law Number 23 of 2014. Aceh, Yogyakarta, Jakarta, Papua, and West Papua were among the five provinces granted exceptional autonomy, as outlined in many statutes.

Aceh's unique autonomy is governed by Law No. 44 of 1999 on the Implementation of the Privileges of the Province of the Special Region of Aceh and Law No. 11 of 2006 on the Aceh Government. This region is designated as a special area in Yogyakarta by Law Number 13 of 2012 respecting the Privileges of the Special Region of Yogyakarta. The provinces of Papua and West Papua are granted special autonomy under Law Number 21 of 2001 Concerning Special Autonomy for the Province of Papua. The unique autonomy enjoyed by Jakarta is governed by Law Number 29 of 2007, which governs the Provincial Government of the Special Capital Region of Jakarta as the Capital of the Unitary State of the Republic of Indonesia.

Jakarta, Indonesia's capital city, has a vital role as the country's and the center of government, both of which are legally protected (Hutasoit, 2018). Jakarta is increasingly bearing the burden because it serves as both the government and the economic center (Saraswati & Adi, 2022). These factual conditions transform Jakarta into a municipality that not only represents the identity of the Indonesian government's administration, but also serves as a driving force for the national economy and growth (Herdiana, 2022). Such conditions in Jakarta are still far from ideal for a capital city as a seat of administration, let alone as a national emblem (Hafidz & Kurniawan, 2020).

The discourse of moving the capital has been going on for a long time, even during the colonial era (Faidah & Astrid, 2019). This issue resurfaced when the newly elected President of the Republic of Indonesia (2019-2024), Ir. Joko Widodo, revealed the new site of IKN in his inaugural address (Hamdani, 2020). According to Central Statistics Agency data, the overall population of Java Island in 2015 was 145,143,000 people, out of a total population of 238,518,000 people in Indonesia. This indicates that 60.85% of Indonesia's total population is concentrated on the island of Java, whereas just 6%, or around 16.23 million people, are located on the island of Kalimantan. One of the grounds for President Joko Widodo's decision to relocate the country's capital from Jakarta to East Kalimantan is the island of Java's dense population (Wardani et al., 2020).

As of April 29, 2019, the Indonesian government has decided to relocate the country's capital from Jakarta to a location outside of Java (Natasuwarna, 2019). The Government of the Republic of Indonesia announced the proposal to transfer the country's capital city to East Kalimantan in August 2019, coinciding with the 74th anniversary of the Republic of Indonesia (Herdiawan, 2021). When the Draft Law on the State Capital was enacted into Law Number 3 of 2022 addressing the State Capital in early 2022, the transfer procedure formally began (Fristikawati et al., 2022). Some argue that by relocating the capital, the economy will become more equitably divided and will no longer be based solely on the island of Java (Hasibuan & Aisa, 2020).

Throughout history, Indonesia's capital city has been relocated multiple times for various reasons. In 1946, barely 5 months after Indonesian independence was declared, the nation's capital was relocated to Yogyakarta because Jakarta was once again held by NICA, which consisted of Dutch forces and their allies (Raditya, 2019). The capital city was relocated again in just two years, in 1948, from Yogyakarta to Bukit Tinggi (West Sumatra), following the surrender of Yogyakarta to the Dutch as a result of the Dutch's second military onslaught (Sadikin, 2019). The capital was returned to Yogyakarta on July 6, 1949, since the conditions in the area were favorable, as evidenced by the Dutch forces being rebuffed by the Indonesian Armed Forces. On August 17, 1949, Jakarta was re-established as the de facto capital city of Indonesia, and on August 28, 1961, Jakarta was recognized as



the de jure capital city of Indonesia, as noted by Government Regulation Number 2 of 1961 and Law Number 10 of 1964 (Fajriani & Ramayanti, 2019).

According to Daryono (2019), there are various viable grounds for the relocation of the future Indonesian State Capital (ISC) when considering the following factors: (1) low risk of disaster impact; (2) representation of national identity; (3) in the center of the Republic of Indonesia's territory; (4) energy availability; (5) safety from major disasters; (6) carrying capacity of the surrounding environment; (7) economic and population equity; and (8) improved environmental quality (Kurniadi, 2019). With the execution of the capital city's relocation, some people may wonder if Jakarta still has unique autonomy after the capital city is formally relocated to East Kalimantan.

## METHOD

This is a qualitative study, and the primary research method is a case study. A case study is a research method in which researchers thoroughly explore a program, event, activity, process, or group of people (Stake 1995, in Creswell 2009). Researchers can employ involved observation, written papers, archives, historical documents, official records, personal notes or writings, and images or photos in addition to interviews and observations (Aminullah et al., 2021). The use of case studies in this research is to examine numerous nations that have relocated their capital cities and to compare these countries to Indonesia, which is now considering to relocate its capital city.

## RESULT AND DISCUSSION

The position of the state capital city in Indonesia is determined by law rather than the constitution. The word capital city appears just two (two) times in the Constitution, in Chapter II discussing the People's Consultative Assembly in Article 2 which states, "The People's Consultative Assembly convenes at least once every five years in the state capital." Furthermore, under Chapter VIIIA, Article 23G states, "The Supreme Audit Agency is based in the state capital and has representatives in each province" (Hadi & Rosa, 2020).

### 1. Special Autonomy for Jakarta

As stated in Presidential Decree No. 2 of 1961, the legal basis for Jakarta is recognized as a unique territory known as Greater Jakarta. The Presidential Decree can be regarded as a fundamental legal milestone in establishing Jakarta as the State Capital. This is specified in Law 11 of 1964, Law 11 of 1990, Law 34 of 1999, and Law 29 of 2007 (Musu et al., 2022).

Specific autonomy is a special authority granted to select regions to regulate and manage the community's interests in accordance with the desires of the regional people who get the special autonomy (Palito, 2011). "The Province of the Special Capital City Region of Jakarta, hereinafter abbreviated as DKI Jakarta Province, is a province that has specificity in administering the government. region because of its position as the Capital of the Unitary State of the Republic of Indonesia," according to Article 1 paragraph 6 of Law Number 29 of 2007. In contrast to the unique autonomy or privileges earned by Yogyakarta, Aceh, Papua, and West Papua, Jakarta's special autonomy or privileges are solely attributable to its status as Indonesia's capital city.

### 2. The relocation of the capitals of Malaysia and South Korea

The following example demonstrates that the transfer of the national capital is not a taboo event that is carried out to solve difficulties for the development and progress of the nation and state. For example, because the ancient capital, Rio Jenairo, was already congested, the capital Brasilia was relocated inland (Yahya, 2018). Several countries have relocated their capital cities, including South Korea, which relocated the capital city center from Seoul to Sejong, Malaysia, which relocated the capital city center from Kuala Lumpur to Putrajaya, and the United States, which relocated the center of government to Washington while keeping New York as the economic and business center (Toun, 2018).



**2. 1. Malaysia**

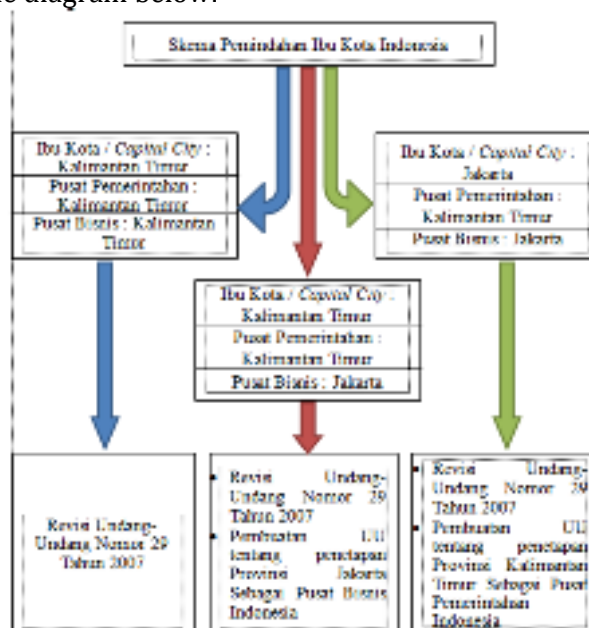
The move of the Malaysian Government/Administrative Center from Kuala Lumpur to Putrajaya is part of an effort to reduce congestion in Kuala Lumpur while also ensuring the development of Malaysia's primary business center. In this situation, Malaysia's capital city is still Kuala Lumpur, but the seat of government is Putrajaya. The publication "Putrajaya: Administrative Center of Malaysia, Planning Concept and Implementation" by Ho Chin Siong (2006) outlines the distinction between the nation's capital city and its administrative center. According to the journal, the development of Putrajaya as the center of government / administrative Malaysia considers the quality of urban life, as well as the application of environmental planning principles and the notion of community care.

**2. 2. South Korea**

South Korea relocated their capital city from Seoul to Sejong City for the same reason as other countries, notably traffic congestion in Seoul. Aside from traffic congestion, Seoul's high population density is one of the reasons the government is relocating the capital city. Sejong City's economic growth is expected to be finished by 2030. (Arkhelous, 2019).

**3. Indonesian Capital Relocation Scheme**

The terms of moving the capital city are an identification process based on various empirical facts and accommodation of various existing demands, so that the conditions for moving the capital city are a joint conception of the various elements that exist in order to become a guide that is capable of bringing out the contribution of each element according to its role each (Herdiana, 2020). The designation of East Kalimantan as the location of Indonesia's future capital city, with the initial transfer taking place in 2024, calls into doubt Jakarta's position as the country's capital. Several countries throughout the world have used various methods to relocate their capital cities. In 2005, South Korea relocated its capital from Seoul to Sejong City. The scheme that was put into action was the transfer of the capital city and the seat of government. Meanwhile, Malaysia is implementing a plan to split the country's capital from the heart of government. Malaysia's capital city is Kuala Lumpur, while the Malaysian government is headquartered at Putrajaya. In this regard, the Indonesian government might employ one of three approaches. The three schemes are depicted in the diagram below:



**Figure 1.** Scheme of the relocation of the Indonesian capital



### 3. 1. East Kalimantan Becomes the Capital of Indonesia

If the capital of Indonesia is relocated to East Kalimantan, the status of Jakarta's Special Capital City Region will be lost. This will also serve as the foundation for the government to update Law No. 29 of 2007 governing the Provincial Government of the Special Capital Region of Jakarta as the Unitary State of the Republic of Indonesia's Capital. The law was revised in order to deprive Jakarta of its status as the capital city. The number of articles in Law Number 29 of 2007 is 40, and if revised, 12 of them will be changed, including:

- Article 1
  - Paragraph 6: "The Province of the Special Capital City Region of Jakarta, hereinafter abbreviated as DKI Jakarta Province, is a province that has a specialty in the administration of regional government because of its position as the Capital of the Unitary State of the Republic of Indonesia".
  - Paragraph 9: "Deputy Governor, hereinafter referred to as deputy, is an official who assists the Governor in administering the Regional Government of the DKI Jakarta Province which because of his position as the Capital of the Unitary State of the Republic of Indonesia".
- Article 3: "The Province of DKI Jakarta is domiciled as the Capital of the Unitary State of the Republic of Indonesia".
- Article 4: "DKI Jakarta Province is a special area that functions as the capital city of the Unitary State of the Republic of Indonesia and at the same time as an autonomous region at the provincial level".
- Article 5: "The Province of DKI Jakarta acts as the Capital of the Unitary State of the Republic of Indonesia which has specific duties, rights, obligations, and responsibilities in the administration of government and as the domicile of representatives of foreign countries, as well as centers/representatives of international institutions".
- Article 9
  - Paragraph 2: "The administration of the DKI Jakarta Provincial Government is carried out according to the principle of autonomy, the principle of deconcentration, the principle of co-administration, and the specificity of being the capital of the Unitary State of the Republic of Indonesia".
- Article 12
  - Paragraph 4: "Members of DPRD DKI Jakarta Province are at most 125% (one hundred and twenty five percent) of the maximum number for the category of population of DKI Jakarta as stipulated in the law".
- Article 13
  - Paragraph 3: "In its position as the Capital of the Unitary State of the Republic of Indonesia, the DKI Jakarta Government may propose to the Government to increase the number of offices, provincial technical institutions and services, and/or new regional technical institutions in accordance with the needs and capabilities of the regional financial budget".
- Article 14
  - Paragraph 1: "The Governor in his position as the representative of the Government and the Regional Head of the DKI Jakarta Province who is given specific duties, rights, obligations, and responsibilities in the position of DKI Jakarta as the Capital of the Unitary State of the Republic of Indonesia, assisted by a maximum of 4 (four) persons. deputy in accordance with the needs and financial capacity of the region".
  - Paragraph 2: "Deputies as referred to in paragraph (1) are appointed from civil servants who meet the requirements".
  - Paragraph 3: "Deputies as referred to in paragraph (2) are appointed and dismissed by the President upon the recommendation of the Governor".
  - Paragraph 4: "Deputies are responsible to the Governor".
  - Paragraph 5: "Further provisions regarding the position, duties, functions and responsibilities of the deputy as referred to in paragraph (1) shall be regulated by a presidential regulation".





- Article 19
  - Paragraph 2: "Mayors/regents are appointed by the Governor on the consideration of the DKI Jakarta Provincial DPRD from civil servants who meet the requirements".
  - Paragraph 3: "The mayor/regent as referred to in paragraph (2) is dismissed by the Governor in accordance with the provisions of the legislation".
  - Paragraph 6: "The deputy mayor/deputy regent is appointed from civil servants who meet the requirements".
  - Paragraph 7: "The deputy mayor/deputy regent as referred to in paragraph (5) is appointed and dismissed by the Governor in accordance with the provisions of the legislation".
- Article 26
  - Paragraph 8: "The governor may attend cabinet meetings concerning the interests of the capital city of the Unitary State of the Republic of Indonesia".
- Article 29
  - Paragraph 1: "The Province of DKI Jakarta as the Capital of the Unitary State of the Republic of Indonesia has a Spatial Plan for the National Capital Region with reference to the National Spatial Plan".
- Article 31: "The governor has protocol rights, including accompanying the President in state events in accordance with the provisions of the legislation".
- Article 33
  - Paragraph 1: "The funding of the DKI Jakarta Provincial Government in carrying out special government affairs in its position as the Capital of the Unitary State of the Republic of Indonesia as referred to in Article 26 paragraph (4), paragraph (5), and paragraph (6) is budgeted in the APBN".
  - Paragraph 2: "Funds for the specific implementation of DKI Jakarta Province as the Capital of the Unitary State of the Republic of Indonesia as referred to in paragraph (1) shall be jointly determined by the Government and DPR based on the proposal of the DKI Jakarta Provincial Government".
  - Paragraph 3: "Funds as referred to in paragraph (2) are budgets earmarked and managed by the DKI Jakarta Provincial Government whose allocation is through the relevant ministries/institutions".
  - Paragraph 4: "The Governor at the end of every fiscal year is obliged to report all the implementation of activities and financial accountability related to the position of DKI Jakarta Province as the Capital of the Unitary State of the Republic of Indonesia to the Government through the relevant ministers/heads of institutions in accordance with the provisions of the legislation".

Aside from amending the substance of the legislation, the most significant alteration is to change the core of the law itself, namely to declare East Kalimantan as Indonesia's capital city. In carrying out government obligations, the Jakarta regional administration will rely on Law Number 23 of 2014, with no further specific laws. Apart from modifying Law No. 29 of 2007, the government can also terminate or delete the special laws granted to the Jakarta Province since these restrictions would contradict with the reality that Indonesia's capital city is already in East Kalimantan.

### 3.2. Jakarta is The Center of Business

On August 26, 2019, President Joko Widodo / Jokowi stated that Jakarta will be constructed to become Indonesia's business and financial capital. "Jakarta will continue to be developed as a commercial metropolis, a financial city, a trade hub, and a service center on a regional and global scale," President Jokowi remarked (Pratama, 2019). This is proven by the DKI Jakarta Provincial Government's 10-year development plan for Jakarta, which includes a budget of Rp. 571 trillion, which will still be provided by President Jokowi (CNN Indonesia, 2019).

If the concept is implemented, the government must revise Law No. 29 of 2007 concerning the Provincial Government of the Special Capital City Region of Jakarta as the Capital of the Unitary State of the Republic of Indonesia, as well as draft a law related to the designation of East Kalimantan as Indonesia's capital



city. If Jakarta is no longer the capital city and becomes a commercial hub, the following items in Law Number 29 of 2007 must be revised:

- Article 1
  - Paragraph 6: "The Province of the Special Capital City Region of Jakarta, hereinafter abbreviated as DKI Jakarta Province, is a province that has a specialty in the administration of regional government because of its position as the Capital of the Unitary State of the Republic of Indonesia".
  - Paragraph 9: "Deputy Governor, hereinafter referred to as deputy, is an official who assists the Governor in administering the Regional Government of the DKI Jakarta Province which because of his position as the Capital of the Unitary State of the Republic of Indonesia".
- Article 3: "The Province of DKI Jakarta is domiciled as the Capital of the Unitary State of the Republic of Indonesia".
- Article 4: "DKI Jakarta Province is a special area that functions as the capital city of the Unitary State of the Republic of Indonesia and at the same time as an autonomous region at the provincial level".
- Article 5: "The Province of DKI Jakarta acts as the Capital of the Unitary State of the Republic of Indonesia which has specific duties, rights, obligations, and responsibilities in the administration of government and as the domicile of representatives of foreign countries, as well as centers/representatives of international institutions".
- Article 9
  - Paragraph 2: "The administration of the DKI Jakarta Provincial Government is carried out according to the principle of autonomy, the principle of deconcentration, the principle of co-administration, and the specificity of being the capital of the Unitary State of the Republic of Indonesia".
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  - Paragraph 4: "Members of DPRD DKI Jakarta Province are at most 125% (one hundred and twenty five percent) of the maximum number for the category of population of DKI Jakarta as stipulated in the law".
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- Article 14
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- Article 19
  - Paragraph 2: "Mayors/regents are appointed by the Governor on the consideration of the DKI Jakarta Provincial DPRD from civil servants who meet the requirements".
  - Paragraph 3: "The mayor/regent as referred to in paragraph (2) is dismissed by the Governor in accordance with the provisions of the legislation".



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- Article 33
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  - Paragraph 4: "The Governor at the end of every fiscal year is obliged to report all the implementation of activities and financial accountability related to the position of DKI Jakarta Province as the Capital of the Unitary State of the Republic of Indonesia to the Government through the relevant ministers/heads of institutions in accordance with the provisions of the legislation".

### 3.3. East Kalimantan Becomes the Center of Indonesian Government

At this time, Jakarta remains Indonesia's capital city, but the center of government will be relocated to East Kalimantan; Malaysia is an example of a country that implements this approach. "The government center starts from the executive, ministries/institutions, the parliamentary legislature, then the judiciary; prosecutors, the Constitutional Court, and so on, then defense and security, the Indonesian Armed Forces and the Police of the Republic of Indonesia, as well as embassies and representatives of international organizations in Indonesia," explained Bambang Brodjonegoro, Head of the National Development Planning Agency (Djumena, 2019).

If this notion is implemented, the Indonesian government must rewrite Law No. 29 of 2007 and prepare a law designating East Kalimantan as Indonesia's Central Government / administrative center. The modification will be more focused on explaining the regulation, which will separate the capital city and the heart of the state government so that the new laws do not contradict with current rules.

## CONCLUSIONS

Based on the findings of these investigations, the following conclusions are reached in this study:

1. The revision of Law No. 29 of 2007 about the Provincial Government of the Special Capital Region of Jakarta as the Capital of the Unitary State of the Republic of Indonesia is required, despite the fact that the only thing relocated is the Indonesian Government Center.
2. Jakarta will lose its autonomy, especially if the capital, government, and commercial centers are relocated to East Kalimantan. Furthermore, Jakarta will resort to Regional Government Law Number 23 of 2014 in its governance process.





3. Jakarta will retain special autonomy if it: 1) becomes a regional and global business hub (by enacting special business legislation); 2) East Kalimantan is only the seat of the Indonesian government (Jakarta is still the capital of Indonesia).

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