



Local Government Policies in Determination Development Impact Area Spatial Plan New Country Capital

Murjani^{1*}, Suwardi Sagama¹, Muhammad Saparuddin¹

¹Faculty of Sharia, UIN Sultan Aji Muhammad Idris Samarinda, Indonesia

*Correspondence: janisamarinda@gmail.com

ARTICLE HISTORY

Received: 27.03.2022

Accepted: 25.06.2022

Published: 30.06.2022

ARTICLE LICENCE

Copyright © 2022 The Author(s): This is an open-access article distributed under the terms of the Creative Commons Attribution ShareAlike 4.0 International (CC BY-SA 4.0)

ABSTRACT

The state capital will be moved from Jakarta to East Kalimantan. The buffer zone for the new State Capital must prepare early for the presence of the State Capital. There will be a new development, population migration, job competition, transport overcrowding, and air pollution. Therefore, it is necessary to know the legal policies issued by the buffer zone of the new State Capital in determining the Regional Spatial Plan (RTRW) and the factors that influence it. Normative legal research method by using a positive legal system to get a juridical answer. As a result, the buffer zone of the state capital has not issued a legal policy on the RTRW in dealing with the new state capital. There are other policies issued, for example, the North Penajam Paser Regency issued regent regulation number 22 of 2019 concerning Supervision and Control of Land Sale/purchase Transactions/Transfer of Land Rights. The issuance of the RTRW legal policy can become the legality of development carried out by local governments and the prevention of legal actions, both violations, and crimes.

Keywords: New National Capital City, Regional Spatial Plan, Buffer Area.

1. Introduction

Good or bad regional development depends on the management carried out by the government. The synergy of policies made between the central government and local governments is needed so that development can be well directed (Ismail, 2020). Management is based on plans made by the government for now and in the future. Government performance can be measured by the plans made. Whether the government has implemented development according to the plan or the government has failed in carrying out development, However, in a democratic system built certainly not all of them are directly controlled by the people (Salam et al., 2021). Without a plan, regional development will be chaotic, no output will be achieved and run in place. Good governance planning will give birth to a regional or regional order that has aesthetic value. Stipulations on regional planning nationally are regulated in Law Number 26 of 2007 concerning Spatial Planning. This regulation explains that spatial planning is a regional development process that is carried out based on the planning, utilization, and control of space utilization (Undang-Undang Negara Republik Indonesia, 2007).

The concept of spatial planning must be planned in detail, managed professionally, and properly supervised so that the central government to local governments can develop rapidly. Planning can provide benefits and realize a safe, comfortable, productive, and sustainable spatial layout (Budiman, 2020). For planning and implementation to run well, it is included in the regional spatial plan or RTRW. The RTRW is a guideline for the preparation of national and regional scale development plans. Hierarchically, the RTRW is regulated according to levels within the government. The Central Government issues the National RTRW with legal products, namely Government Regulations, while the Provincial and Regency/City Governments issue the Provincial RTRW and Regency/City RTRW in legal products, namely regional regulations.

The RTRW formulates a development plan for 20 years. It takes a long time to create quality and useful development. The RTRW is held and carried out by government leaders according to their level. Heads of Government and Regional Heads play an important role in the success of short, medium, and long term development. This authority over regional autonomy is owned. The authority given by the central government to the regions can simply be said to be regional autonomy to manage the affairs of each region with the potential and characteristics of each region (Dewirahmadanirwati, 2018).The head of government will establish a policy

that supports his vision and mission. The policies issued are limited by the period of tenure of office. The Head of Government or Regional Head shall lead the region for a maximum of 10 years in the same position. Meanwhile, the development planning at the national and regional levels is planned for 20 years. If regional development has been carried out for 10 years by the previous policyholder, then the development plan for the next 10 years depends on the next policyholder, continued or replaced with a new development policy.

It is common knowledge that the new head of government will be followed by a new government policy. Developments that already exist but are not included in the vision and mission will be held back. The new leader chooses to build a new one by revising the RTRW or without being guided by the RTRW. Alternating planning does not have a positive impact on development, the opposite is true. The construction is not finished, the construction stalls and the construction becomes an old building so that losses are felt both material and non-material. Policy changes following the periodization of positions, i.e. every 5 years changing programs, will certainly be difficult to achieve the vision of Advanced Indonesia 2045. Likewise, the development was carried out without being guided by the RTRW. Development is carried out freely without direction. The concept of development according to individual interests is not a concept built by the government. Development with the individual concept is very clearly contrary to the planned development on a national scale development as well as regional scale.

The Regional Government of East Kalimantan Province and the Regency/City therein are areas that already have an RTRW. Utilization and management of space is a real challenge for local governments in realizing the RTRW that has been prepared. Moreover, 2 districts in East Kalimantan have been designated as locations for the new State Capital (IKN), namely PPU Regency and Kukar Regency (Undang-Undang Nomor 3 Tahun 2022 Tentang Ibu Kota Negara, 2022). Local governments must hurry to welcome the relocation of the new State Capital (IKN) from DKI Jakarta to East Kalimantan by reorganizing regional planning. Other regional governments in East Kalimantan must also prepare their spatial planning early on. The preparations made are in line with the reasons for moving the capital city to East Kalimantan Province which is considered to have minimal disaster risk and has a strategic enough area for the development of developing cities, namely Balikpapan City and Samarinda City (Armayani Hasibuan & Aisa, 2020).

Seeing the challenges ahead for East Kalimantan Province which has been designated as the New State Capital (IKN) of the State of Indonesia, development must also be adjusted to the concept of developing the new State Capital. Regions within the province of East Kalimantan also have the same role in making adjustments to the Regency/City RTRW with the IKN spatial plan. Article 18 of the Indonesian Constitution states that the Unitary State of the Republic of Indonesia is divided into provincial areas and the province is divided into districts and cities, where each province, district, and the city has a local government that is regulated by law (L.A.D.N. Saputra, 2020) (Republik Indonesia, 1945). Local governments that are directly or indirectly affected are the pillars of IKN development through the Regency/City RTRW. The mandate of the Spatial Planning law already states that development at the central to regional levels must be in line with the spatial planning plan that has been established (Putri Mokodongan et al., 2019). District/City Governments in East Kalimantan can see IKN development as both an opportunity and a challenge in adjusting the regional RTRW with the IKN RTRW.

District/city governments in East Kalimantan that have a direct impact on IKN development are PPU District, Balikpapan City, Kutai Kertanegara District, and Samarinda City. PPU Regency and Kutai Kertanegara Regency are areas that directly become the State Capital, Balikpapan City is a place for air, sea, and land transportation traffic to get to IKN, while Samarinda City is the capital city of East Kalimantan as well as a means of transportation to the State Capital. The local government's RTRW must be in line with the National RTRW. This is a challenge for the Regional Government in the Province of East Kalimantan to reorganize the area by adjusting to the RTRW. Regional readiness in preparing infrastructure is the main goal and the main risk if it is not fulfilled in supporting government administration (Armayani Hasibuan & Aisa, 2020). Preparations must be made now, not later, when IKN development is carried out. The government's policy to reorganize the regions in the RTRW in the face of development and population migration is absolute.

The regional government of East Kalimantan Province can issue legal policies that can answer East Kalimantan's readiness to face IKN development. The legal policy is a strong foundation held by field implementers in translating the spatial planning made. The Policy is a series of concepts and principles that become the outline and basis of a plan for the implementation of a job, leadership, and method. Law is a group of rules made by competent parties to regulate and provide sanctions for those who violate it. So that the meaning

of legal policy is an action taken by the implementing subject with a series of concepts that exist or do not exist based on the applicable laws and regulations. Every government has the right to issue legal policies in regional development but does not ignore the concept of structuring the development of neighboring regions. The policies issued must have good synergy so that they complement each other in the development that is made.

The preparation and readiness of the Regional Government in East Kalimantan Province should have been prepared from now on. Problems in development that occur in the provinces and districts/cities within the province must be resolved first so that they do not have an impact on the development of the IKN later. Provincial and district/city governments in East Kalimantan need to reconstruct or revise the RTRW. When the RTRW has not been revised while the problem has not been resolved, the IKN development has the potential to cause problems. RTRW as a rule comprehensively regulates development planning so that problems in development can be minimized and even prevent problems from occurring. The relocation of the capital city is a complex policy that involves many parties and many aspects so the rules that must be made are not only general rules because they will be difficult to implement but must be comprehensive and operational (Herdiana, 2020). In the regulation of the minister of agrarian and spatial planning / Head of the National Land Agency, it is stated that the spatial planning is made using guidelines that have been prepared for the provincial government and city governments in the preparation of the provincial RTRW and city RTRW (Minister of Agrarian and Spatial Planning Regulations / Head of the National Land Agency Number 1 of 2018 concerning Guidelines for the Preparation of Provincial, Regency and City Spatial Plans, 2018). For this reason, in dealing with IKN development, it is important to know the policies of the local government in East Kalimantan in the planning made in the RTRW.

2. Methodology

The type of research used in this research is normative legal research using a statutory approach. Normative legal research is to review or examine itself from the point of view of itself as a value system, a conceptual system, and a positive legal system (Qamar et al., 2017). Researchers will conduct a legal policy analysis of the built value system. Legal policies cannot be judged solely on written policies, but unwritten policies are included in the legal category. Policies issued by the government can also be in the form of values that can be perceived as good or bad when they are implemented. As the form of law is written and unwritten law, a legal policy is seen from written law by examining positive law in Indonesia, while unwritten legal policy focuses on culture or custom that applies in a place. Written legal policy focuses on the positive law that applies to a country.

Researchers will analyze the legal policies issued by the government in writing. Through these legal policies, the legal basis for making RTRW in the regions can be found. The research will examine the written legal policy, whether it is by the RTRW at the national level or is it still in the RTRW stage at the regional level. The statutory and regulatory approach will properly examine the legal issues that occur, especially in the RTRW legal policy as a result of the development of the new IKN.

3. Result and Discussion

3.1 Legal policies issued by the Buffer Region in Determining the Regional Spatial Plan for the Impact of The Development of the National Capital

The stipulation of East Kalimantan Province as the new capital city of Indonesia has had a significant impact on society. The nation's capital city has become a strong magnet from within and outside the people of East Kalimantan. The new nation's capital is the hope of the presence of development that has aesthetic value and the availability of job opportunities amid the difficulty of finding work. On the other hand, it can also create congestion, overcrowding, and chaotic development. This condition can occur in the capital city of a new country and the region that becomes a buffer. The district/city governments in East Kalimantan, which support the new National Capital, must have a plan early on before it's too late. Through planning, local governments can carry out mapping and strategies for dealing with new developments. So that problems in the capital city of Jakarta such as population density, congestion, air pollution, flooding, and thuggery can be anticipated. Spatially Jakarta is already too densely populated, as the center of government, trade, industry, and tourism, and its spatial layout is chaotic, and contradictory land uses occur a lot (Yahya, 2018).

The relocation of the nation's capital city in East Kalimantan is a challenge for its sustainability, whether the conditions are for the better, the same as before, or worse. The government must work hand in hand in planning and carrying out development. The central government and the regions must synergize in making plans,

including one buffer zone with another. Without a plan, development is not well organized. Planning becomes absolute to be made in anticipation of chaos to support the achievement of success in development. Planning is a complex concept of a measurable thought process to achieve maximum goals that have been determined. Planning is made in stages starting at national, provincial, and district/city scales in the short, medium-term, and long. The development of the new National Capital City is the responsibility of the central government to plan and carry out development (Wrihatnolo & Randy, 2006). The local government which is the support for the State Capital makes planning and development to support the presence of the new government center.

Planning in law number 26 of 2007 is referred to as spatial planning. A plan that is processed to determine the spatial structure and spatial pattern which includes the preparation and determination of the spatial plan (Undang-Undang Negara Republik Indonesia, 2007). The local government that becomes the rebuttal has a significant role to support the central government. The intensity of activity and the high mobility of human resources within the government is unavoidable. So the buffer area can be supported starting from the availability of space for housing, and transportation roads to places to travel. Migration of the population of ± 3 million people will inhabit the national capital, not only employees or workers in ministries but also come with their families. Buffer zone planning becomes a reality to look forward to. The buffer zone has the authority to organize its area or territory in the face of the new State Capital.

Local governments have mandatory and optional affairs under their authority. This matter is the basis for local governments to run the wheels of government. Article 12 is stated in Paragraph (1), Paragraph (2), and Paragraph (3) (Law Number 23 of 2014 concerning Regional Government, 2014), namely: Paragraph (1) Mandatory Government Affairs relating to Basic Services are regulated in Article 11 paragraph (2) covers a. education; b. health; c. public works and spatial planning; d. public housing and residential areas; e. peace, public order, and community protection; and f. social. Paragraph (2) Mandatory Government Affairs that are not related to Basic Services mentioned in Article 11 paragraph (2) include a. labor; b. empowering women and protecting children; c. food; d. land; e. environment; f. population administration and civil registration; g. community and village empowerment; h. population control and family planning; i. communication; j. communication and informatics; k. cooperatives, small and medium enterprises Paragraph (3) Elective Government Affairs as referred to in Article 11 paragraph (1) include a. marine and fisheries; b. tourist; c. agriculture; d. forestry; e. energy and Mineral Resources; f. trading; g. industry; and h. transmigration. Spatial planning is a mandatory business so that the buffer zone of the State Capital can make spatial planning plans in the face of the new state capital. Planning is based on the location that has been determined to be point 0, ring 1, ring 2, and ring 3 for the construction of the new state capital.

The buffer areas that support the new state capital in East Kalimantan are North Penajam Paser Regency, Kutai Kartanegara Regency, Balikpapan City, and Samarinda City. The buffer zones have an equally important role in each other. Each region has a strategic role in supporting the new nation's capital city. North Penajam Paser Regency and Kutai Kartanegara Regency are located at points 0, ring 1, ring 2, and ring 3 of the new state capital, thus affecting the development of IKN directly. Balikpapan City is directly adjacent to North Penajam Paser Regency. The existence of an airport and a port in Balikpapan City serves as a liaison from one area to another, including the location of the new State Capital. Meanwhile, Samarinda City is the capital city of East Kalimantan Province. The location of Samarinda City is strategic because it is in the middle of a district/city in East Kalimantan, it also has a port and airport that can support the construction of the new State Capital.

The supporting area or buffer in the new state capital in East Kalimantan is a representative area to support the development of the state capital. New residents who will come or residents who wish to live permanently in the capital city of the country can choose a support area/region as a good alternative. The buffer area can also be an alternative place to live, for example, tourist attractions, sightseeing, shopping to meet daily needs, and so on. For this reason, the buffer zone must have good spatial planning. A plan to prepare the area for the better in the short, medium, and long term. Spatial planning is made based on laws or regulations so that the development carried out is not problematic from the time it is built to the use of space.

In Article 11 of Law Number 26 of 2007 concerning Spatial Planning, it is stated that the authorities of Regency/Municipal Governments include: (1) The authority of the regency/municipal government in implementing spatial planning includes: a. Regulating, fostering, and supervising the implementation of spatial planning for the regency/city and strategic areas for the regency/city; b. Implementation of spatial planning for regency/municipal areas; c. Implementation of spatial planning of strategic district/city areas; and d. Cooperation in spatial planning

between districts/cities. (2) The authority of the regency/municipal government in implementing the spatial management of the regency/city as referred to in paragraph (1) letter b includes a. Regency/city spatial planning; b. Utilization of regency/city area space; and c. Controlling the use of regency/municipal space. (3) In implementing the spatial management of strategic district/city areas as referred to in paragraph (1) letter c, the district/municipality regional governments shall implement: a. Determination of district/city strategic areas; b. Regency/city strategic area spatial planning; c. utilization of regency/city strategic area space; and d. Controlling the utilization of strategic district/city area space. (4) In carrying out the authority as referred to in paragraphs (1) and (2), regency/municipal governments shall refer to the guidelines for spatial planning and their implementation instructions. (5) In carrying out the authority as referred to in paragraph (1), paragraph (2), paragraph (3), and paragraph (4), the district/city-regional government: a. Disseminate information related to general plans and detailed spatial plans in the framework of implementing regency/municipal spatial planning; and b. Implement minimum service standards in the field of spatial planning. (6) If the district/city government cannot meet the minimum service standards in the field of spatial planning, the provincial government may take steps to resolve it by the provisions of the legislation. Planning in spatial planning is based on legal policies that are carried out/issued by authorized officials. Positive law (*ius positum*) is the law established by the authorities who have the authority to regulate society and a certain time (Sri Imaniyati & Adam, 2018). Legal policies in spatial planning must be in written form. Without written documents, planning cannot run because there are no available indicators of achievement. The legal policy is the legal basis that provides legal certainty in development. The buffer zone can determine the area that supports the national capital without any doubts, for example, the provision of facilities for transportation, development of housing, tourist attractions, and other supports.

Whether or not there is a regulation from the central government for the master plan for the new state capital, the local government is still obliged to make a spatial plan contained in the legal product because it is a mandatory business for the local government. Development is the ideal of the community in a hope of getting prosperity. The planning can be based on 2 things, namely, first, there is a plan to build a new state capital in East Kalimantan. Second, significant community development is in line with the need for new development. This does not mean that development is carried out freely without direction. Development continues to be carried out by prioritizing values that benefit the community. In the regulation in Indonesia, it is stated that development is based on the public interest and accountability.

Legal policies in spatial planning are made in the form of regulations, namely written regulations that are abstract and general, for example, laws and regional regulations. Legal products issued by regional governments to regulate spatial planning are regulated in regional regulations. As an autonomous region, the buffer zone already has a regional regulation on regional spatial planning that was made before the President's stipulation that East Kalimantan is the new state capital. So that the planning that has been made in the regional regulations is not deal with the existence of the State Capital. It can be seen in the year the regional regulation document was issued regarding the existing regional spatial plan in the buffer zone of the new State Capital. North Penajam Paser Regency issued regulations on regional spatial planning in 2014 for 2013-3033 regional spatial plans, (Kabupaten Kutai Kertanegara, 2013) Regency Kutai Kartanegara in 2013 for the 2013-2033 regional spatial plan, Balikpapan City in 2012 for the regional spatial plan 2012-2032 and City of Samarinda in 2014 for regional spatial planning of 2014-2034 (Pemerintah Kota Samarinda, 2014).

The buffer zones facing the new National Capital issued different policies from each other. Policies are made based on regional potential and human resources. Legal policies have been made in the form of legal products, but not policies on regional spatial planning. The legal policy on regional spatial planning is still in the form of planning, not yet in the form of a legal product. The buffer zone is still revising the legal product on regional spatial planning because the legal basis for the development of the new State Capital is set on February 15, 2022. Penajam Paser Utara Regency is facing the arrival of a new state capital by conducting a review of the regional spatial plan (RTRW) based on regulations North Penajam Paser Regency No. 3 of 2014 concerning the RTRW of North Penajam Paser Regency in 2013-2033. The review is carried out to prepare regional planning, when the national capital city planning is already in place, the regional spatial planning alignment will be carried out.

The policy that has been made by the local government of North Penajam Paser Regency is physical development planning. Physical planning has been prepared related to the IKN area Masterplan planning and the IKN Spatial Detail Plan (RDTR) which has been synchronized with the Revision of the Spatial Planning of the

North Penajam Paser Regency RTRW, wherein the technical material and option has been prepared, namely part of the North Penajam Paser Regency which is included in the Delegation IKN. (Machfud Syamsu Hadi, Head of Spatial Planning, North Penajam Paser Public Works and Spatial Planning, 24 July 2021) Physical planning through regional spatial planning must be determined with legal products so that the planning can be implemented with permanent legal force. Meanwhile, the development of human resources has been prepared through the regent's regulation. This is contained in the North Penajam Paser Regent Regulation Number 2 of 2020 concerning Guidelines for the Implementation of the Independent Village and Rural Community Empowerment Development Program. Other legal products that have been made are related to controlling land sale/purchase transactions/transfer of land rights (Regulation of North Penajam Paser Regent Number 22 of 2019 concerning Supervision and Control of Land Sale/Purchase Transactions/Transfer of Land Rights, 2019).

Kutai Kartanegara Regency in facing the new state capital has not issued a legal product regarding regional spatial planning, either changes or forms new regulations. Kutai Kartanegara Regency Since 2020, it has only prepared a plan in the form of a document for the strategic area of the buffer zone for the new state capital. Planning is contained in the revision of Regional Regulation Number 9 of 2013 concerning the Regional Spatial Plan of Kutai Kartanegara Regency in 2013 – 2033. The revision of the Regional Spatial Plan (RTRW) is adjusted to the policies of the National and Provincial Governments, with the hope that later the development plan will be by the RTRW. Revision is a form of evaluation and adjustment to the existence of short-term, medium-term, and long-term development. Planning must be contained in legal products that can provide strength in its implementation. Moreover, what will be faced is the construction of a new capital city so that the legality of development can be established by the provisions of the applicable laws and regulations.

The development planning policy of Kutai Kartanegara Regency facing the State Capital is still being adjusted to the RPJMD of Kutai Kartanegara Regency 2016-2021. The policies taken in the face of IKN development are by compiling several studies, including 1) District Strengthening Strategy. 2) Human Resources Development Strategy (Education, Health, and Employment) to support the movement of the New State Capital (IKN) in the Kutai Kartanegara Regency area. 3) Strategy and Design of Regional Tourism and Creative Economy Development of Kutai Kartanegara Regency towards IKN 4) Food Security Strategy In Order Towards The National Capital Region 5) Strategic Provision of Basic Infrastructure and Regional Development of IKN in Kutai Kartanegara Regency.

Balikpapan City facing the New Capital City has not issued a legal product regarding the regional spatial planning plan. Legal products become a strong foundation for making changes, erasures, and development. As an area that is close to the location of the construction of the new State Capital, the City of Balikpapan has made regional spatial plans but has not adjusted them to the IKN planning. The Balikpapan City Government does not yet have a State Capital Territory Spatial Plan document that can be used as synchronization material. The physical development that is being carried out is a program that has been planned according to the strategic plan of each regional apparatus which will end in 2021. The new planning will be carried out according to the new regulations in 2022.

Samarinda City as the capital city of East Kalimantan Province will also become a buffer zone for the future state capital. Its strategic location in the middle of the province of East Kalimantan and ±2 hours from the State Capital will be a gathering place for residents who migrate from the current State Capital. In dealing with the nation's capital city, Samarinda City has not revised the regional spatial plan that is adjusted to the development plan of the National Capital. After the document on IKN is complete, the policy adjustments made in the RTRW will be more comprehensive. The RTRW document is not only written but can be implemented according to the objectives to be achieved.

The local government in East Kalimantan, which is the buffer zone, should be able to issue legal policies in the form of legal products. This is to anticipate the use of territory from irresponsible parties. Considering the presence of the capital city in East Kalimantan, it brings new buildings and human resources, so that the potential for the buffer area can be utilized economically. From other aspects such as politics and law, it can run well without any overlapping interests to get the benefits of moving to the capital city of a new country. For buffer zones that have issued legal policies, they can be strengthened by synchronizing existing legal policies with the newly created legal policies.

3.2. Supporting and inhibiting factors for implementing the legal policy of the Regional Spatial Plan as a result of the Development of the New Capital City

So far, the buffer zone for the new state capital has only carried out a review or evaluation of the local regulations regarding the spatial planning of the territory they have. Legal policies on spatial planning should be made, given the existence of mandatory affairs owned by local governments. The existence of legal policies can be a guide in making spatial planning so that local governments are ready for the presence of the state capital. The regional government certainly has certain reasons, so there is no legal policy regarding regional spatial planning. Likewise, every legal policy that is made will have an impact on the development of buffer zones in the face of the arrival of the new nation's capital city. The legal policy is also a factor in regional development for the better so that it is ready for the presence of a new capital city and human resources who come to inhabit the nation's capital. The factors that support and hinder the existence of legal policies.

a. Supporting factors

The issuance of a legal policy regarding regional spatial planning in the face of the existence of a new state capital by the district/city-regional government is an important factor. Legal policies issued by district/city regional governments in terms of determining regional spatial plans in their regions can serve as development guidelines and the basis for determining medium- and long-term regional spatial plans. By the legal principle of *Lex Specialis Derogat Legi Generali*, which means that special laws override general laws. Determination of special district or city spatial plans takes precedence over general rules such as laws or regional regulations at the provincial level and by the mandate of Law number 23 of 2014 concerning regional government each region can regulate its regional government policies. itself is included in the field of determining regional spatial plans, then legal policy-making by a region becomes mandatory because it has become a duty for regional governments based on the mandate of Law number 23 of 2014 concerning regional government to be able to regulate, manage and administer their regions, including in the field of determining regional spatial plans.

With the issuance of a legal policy for determining the spatial plan for the new state capital area in East Kalimantan province, it is hoped that the government can solve problems that arise in the previous state capital and can create a representation of the face of the new state capital by utilizing the area. areas under development that benefit the entire community.

b. Obstacle factors

The most visible inhibiting factor for the issuance of a legal policy for establishing a spatial plan for the new state capital in the province of East Kalimantan is the law or legal umbrella, namely the law that forms the basis for the movement of the new state capital in the province of East Kalimantan, which has just been issued by the central government. in February 2022. The central government should have made laws from the start, such as the constitutional mandate, namely the 1945 Constitution of the Unitary State of the Republic of Indonesia Article 1 paragraph 3 which means that Indonesia is a state of law that requires all actions and actions taken by the state. must be based on laws or regulations that are binding. In connection with the government's desire, namely the transfer of the state capital to the province of East Kalimantan, it must be based on laws or regulations because government programs such as development can only be carried out and implemented if they already have a legal umbrella or rules that have been made by the government.

The inhibiting factors include the location of the development of the State Capital which is an area where the community lives. The land to be occupied is not vacant land but land that has been occupied by the community for a long time. Even the people have occupied it since Indonesia was not yet independent. Another area that is also used is a company area that was previously believed by residents to belong to the local community.

4. Conclusion

Regional governments in East Kalimantan, namely North Penajam Paser Regency, Kutai Kertanegara Regency, Balikpapan City, and Samarinda City as buffer zones have not yet made legal products regarding regional spatial planning. The Regional Regulation concerning the spatial planning of the territory owned has not been revised by adjusting the guidelines for the development of the new State Capital. This is because the formal legality that can be used as a guideline for carrying out development by buffer zones only exists on February 15, 2022. However, some buffer areas have issued regional policies to support the implementation of government in

dealing with the nation's capital later. North Penajam Paser Regency made a legal policy by issuing regent regulation number 22 of 2019 concerning Supervision and Control of Land Sale/purchase/Transfer of Land Rights Transactions. Also the regent's regulation number 2 of 2020 concerning guidelines for implementing programs and developing community empowerment and independent rural villages. Meanwhile, in the Kutai Kartanegara district, policies are issued by conducting a review or evaluation of the regional spatial plan.

Factors supporting the issuance of legal policies can provide legality for development carried out by local governments and the occurrence of equitable development between the island of Java and outside the island of Java. and can minimize the problems that occur in the current state capital, so that it does not happen to the new state capital later.

5. Acknowledgment

This research cannot be presented in front of the readers so that it can be read without the support of various parties. Thank you to the Ministry of Religion through the Research and Service Institute of UIN Sultan Aji Muhammad Idris Samarinda (LP2M UIN Samarinda) for funding assistance through research funds in 2021 so that this research can be carried out properly. The research was able to run well because of the assistance of the leadership and staff of the Rekotat, LP2M, and the Sharia Faculty of UIN Samarinda so that starting from the administrative process, research, until it was presented in the form of this article went smoothly. It is no less important to say to the resource persons for each institution that is the place of research, namely in North Penajam Paser Regency, Kutai Kartanegara Regency, Samarinda City, and Balikpapan City.

References

- Armayani Hasibuan, R. R., & Aisa, S. (2020). Dampak dan Resino Perpindahan Ibu Kota Terhadap Ekonomi Di Indonesia. *Jurnal At-Tawassuth*, v(1).
- Budiman, H. (2020). Perbandingan Kebijakan Tata Ruang Antara Indonesia Dengan Belanda, Denmark dan Selandia Baru. *Jurnal Ius Constituendum*, 5(2).
- Dewirahmadanirwati. (2018). Implementasi Otonomi Daerah Dalam Mewujudkan Good Governance di Daerah Sumatera Barat. *Jurnal Ilmiah Pendidikan Scholastic*, 2(3).
- Herdiana, D. (2020). Menemukanali Syarat Keberhasilan Pemindahan Ibu Kota Negara. *Jurnal Politica*, 11(1), 18.
- Ismail, N. (2020). The Dynamics of Government Policy in Handling Corona Virus Disease 2019. *Jurnal Hukum Volkgeist*, 4(2).
- Kabupaten Kutai Kartanegara. (2013). *Peraturan Daerah Kabupaten Kutai Kartanegara Nomor 9 Tahun 2013 Tentang Rencana Tata Ruang Wilayah Kabupaten Kutai Kartanegara Tahun 2013-2033*. Pemerintah Daerah Kutai Kartanegara.
- L.A.D.N. Saputra. (2020). Pelanggaran Pemanfaatan Tata Ruang dalam Pembangunan Sarana Akomodasi Pariwisata di Gili Trawangan. *Jurnal Media Bina Ilmiah*, 14(10), 8. <https://doi.org/https://doi.org/10.33758/mbi.v14i10.528>
- Undang-Undang Nomor 3 Tahun 2022 Tentang Ibu Kota Negara, (2022).
- Pemerintah Kota Samarinda. (2014). *Peraturan Daerah Kota Samarinda Nomor 2 Tahun 2014 Tentang Rencana Tata Ruang Wilayah Kota Samarinda Tahun 2014-2034*. Pemerintah Daerah Kota Samarinda.
- Putri Mokodongan, R., M Rondonuwu, D., & L Moniaga, I. (2019). Evaluasi Rencana Tata Ruang Wilayah Kotamobagu tahun 2014-2034. *Jurnal Spasial*, 3(13), 68.
- Qamar, N., Aswari, A., Djanggih, H., Syarif, M., S. Busthami, D., & Hidjaz, K. (2017). *Metode Penelitian Hukum (Legal Research Methods)*. CV.Social Politic Genius (SIGN).
- Salam, S., Mustika Suhartono, R., & La Dee, M. (2021). Construction of The Concept of Building Populist Economic Law. *Audito Comparative Law Journal (ACLJ)*, 2(3), 119.
- Sri Imaniyati, N., & Adam, P. (2018). *Pengantar Hukum Indonesia : Sejarah dan Pokok-Pokok Hukum Indonesia*. Sinar Grafika.

Undang-Undang Negara Republik Indonesia. (2007). *Undang-Undang Nomor 26 Tahun 2007 Tentang Penataan Ruang*. Pemerintah Republik Indonesia.

Wrihatnolo, & Randy, R. (2006). *Manajemen Pembangunan Indonesia Sebuah Pengantar dan Panduan*. Elex Media Komputindo.

Yahya, M. (2018). Pemindahan Ibu Kota Negara Maju dan Sejahtera. *Jurnal Studi Agama Dan Masyarakat*, 14(1), 21. <https://doi.org/10.23971/jsam.v14i1.779>