

The Legal Politics Of Relocating The National Capital: An Analysis Of Law No. 21 Of 2023 From The Perspective Of Mahfud Md's Theory Of Legal Politics

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Abstract

This article examines the close relationship between law and politics from a legal-political perspective, emphasizing Mahfud MD's thinking and its implementation in the formation of Law Number 3 of 2022 concerning the National Capital (IKN), which was later revised into Law Number 21 of 2023. This study utilizes political configuration theory and the character of legal products. This research is qualitative with a normative-juridical approach. The data sources consist of primary and secondary sources. Data collection techniques were conducted through literature review and systematic document review of primary and secondary legal sources. The data analysis technique used was normative-juridical analysis. This research demonstrates that law is inherently inseparable from political interests. The case study of the IKN Law demonstrates executive dominance and a solid political coalition, with a rapid legislative process but minimal public participation. The resulting law tends to be conservative-elitist, despite containing aspirational elements such as equitable development and sustainability. These findings confirm that law as a political product can function to legitimize strategic policies, but also leaves behind problems of participation and the potential for marginalization of society.

Keywords: Legal politics, Mahfud MD, IKN Law

Abstrak

Artikel ini membahas hubungan erat antara hukum dan politik dalam perspektif politik hukum, dengan menekankan pemikiran Mahfud MD serta implementasinya dalam pembentukan Undang-Undang Nomor 3 Tahun 2022 tentang Ibu Kota Negara (IKN) yang kemudian direvisi menjadi Undang-Undang Nomor 21 Tahun 2023. Melalui pendekatan teori konfigurasi politik dan karakter produk hukum. Jenis penelitian ini adalah penelitian kualitatif dengan pendekatan

yuridis normatif. Sumber data penelitian terdiri atas sumber data primer dan sumber data sekunder. Sumber data primer dalam penelitian ini Adalah peraturan perundang-undangan yakni Undang-Undang Nomor 21 Tahun 2023 tentang Perubahan atas Undang-Undang Nomor 3 Tahun 2022 tentang IKN. Sedangkan sumber data sekunder berupa buku, jurnal, artikel, dan hasil penelitian lain yang membahas teori politik hukum, karakter produk hukum, serta hubungan antara hukum dan kekuasaan eksekutif. Teknik pengumpulan data dilakukan melalui studi kepustakaan dan telaah dokumen terhadap sumber hukum primer maupun sekunder secara sistematis. Teknik analisis data yang digunakan adalah analisis yuridis normatif. Penelitian ini menunjukkan bahwa hukum pada hakikatnya tidak dapat dipisahkan dari kepentingan politik. Studi kasus UU IKN memperlihatkan dominasi eksekutif dan koalisi politik yang solid, dengan proses legislasi yang cepat namun minim partisipasi publik. Karakter hukum yang dihasilkan cenderung konservatif-elitis, meskipun memuat unsur aspiratif seperti pemerataan pembangunan dan keberlanjutan. Temuan ini mengonfirmasi bahwa hukum sebagai produk politik dapat berfungsi sebagai legitimasi kebijakan strategis, tetapi juga menyisakan problem partisipasi dan potensi marginalisasi masyarakat.

Kata Kunci: Politik hukum, Mahfud MD, UU IKN.

A. Introduction

The capital city of a nation constitutes a crucial element for the existence and identity of a state.¹ Jakarta has served as the Capital City of Indonesia for approximately eighty years. By the end of 2024, Jakarta recorded a population density of around 16,165 people per square kilometer, making it one of the most densely populated cities in the world. This extreme level of overcrowding affects not only the urban area itself but also extends its impact to surrounding regions. In addition to its extreme population density, Jakarta is also highly susceptible to flooding.² This condition renders Jakarta no longer sustainable as a capital city in the long term.³ In general, the relocation of a national capital is driven by various factors, such as socio-economic considerations, political factors, and geographical conditions.⁴

¹ Clara Amanda Musu et al., "Undang-Undang Ibu Kota Negara Baru: Perdebatan Kecacatan Formil Dan Materiil Pada Aturannya," *IBLAM Law Review* 2, no. 02 (2022): hlm. 80.

² Najwa Tasya, "Kebijakan Pemindahan Ibu Kota Nusantara (IKN)," *Savana: Indonesian Journal of Natural Resources and Environmental Law* 1, no. 1 (2024): 9–16.

³ Elsa Benia and Ghina Nabilah, "Politik Hukum Dalam Proses Pemindahan Ibu Kota Negara Melalui Pembentukan Undang-Undang Ibu Kota Negara (UU IKN)," *Jurnal Hukum Lex Generalis* 3, no. 10 (2022): hlm. 817, <https://doi.org/10.56370/jhlg.v3i10.323>.

⁴ ugun El Guyanie, *Otorita Ikn Dalam Konstruksi Peraturan Perundang-Undangan*, 2022.

The relocation of the capital city from Jakarta to East Kalimantan, as stipulated in Law Number 3 of 2022 concerning the Capital City (IKN Law), constitutes a governmental policy. The primary objective of this relocation is to address economic disparities and ecological challenges on the island of Java, particularly in the Special Capital Region of Jakarta (DKI Jakarta).⁵ This policy has elicited a wide range of responses and criticisms from various quarters, as the national capital holds a fundamental role for the state. The relocation of a national capital is an inherently complex process that requires comprehensive, multidisciplinary study.⁶ In this context, it is essential to recall the principle of transparency (*asas keterbukaan*) as stipulated in Law Number 12 of 2011 concerning the Formation of Laws and Regulations. The principle of transparency, as defined in the law, requires that the process of law making from planning, drafting, deliberation, ratification, to promulgation be conducted in an open and transparent manner.⁷ Why, then, did the government make such a significant decision to relocate the national capital? The reasons, ideas, and underlying rationale for this relocation can be better understood by examining the Legal Politics behind the formulation of the IKN Law.⁸ Therefore, in the process of law-making, politics and law should ideally be aligned, as such harmony influences both the legislative process and the direction of policy implementation that the law seeks to achieve.⁹

It is important to recognize that law does not exist as an autonomous entity, but is closely interconnected with various sectors of social life, including

⁵ Alwi Ravi Khumaini and Khatami Rafsanjani, "Perspektif Hukum Dan Masyarakat Dalam Menilai Isu Pemindahan Ibu Kota Negara," *Jurnal Sosial Dan Teknologi (SOSTECH)* 4 (2014): 868–88.

⁶ Ilham Jodia Fajra, Mexsassai Indra, and Junaidi Junaidi, "Political Law Of Relocation The Capital Of The Republic Of Indonesia In The Perspective Of National Defense," *Jurnal Ilmiah Wahana Pendidikan* 10, no. 16 (2024): 433–39, <http://www.jurnal.peneliti.net/index.php/JIWP/article/view/10345>.

⁷ Nor Fadillah, "Penerapan Asas Keterbukaan Dalam Pembentukan Undang-Undang Tentang Cipta Kerja Dan Undang-Undang Tentang Ibu Kota Negara," *Jurnal Lex Renaissance* 7, no. 2 (2022): hlm. 251, <https://doi.org/10.20885/jlr.vol7.iss2.art3>.

⁸ Erry Praditya Utama, "Politik Hukum Pemindahan Ibu Kota Negara Berdasarkan Uu No 3 Tahun 2022 Tentang Ibukota Negara Ditinjau Dengan Teori Tujuan Hukum," *Iblam Law Review* 4, no. 2 (2024): hlm. 221, <https://doi.org/10.52249/ilr.v4i2.405>.

⁹ Benia and Nabilah, "Politik Hukum Dalam Proses Pemindahan Ibu Kota Negara Melalui Pembentukan Undang-Undang Ibu Kota Negara (UU IKN)."

politics.¹⁰ According to Gustav Radbruch, law serves three fundamental purposes: to realize legal certainty, justice, and utility (or expediency).¹¹ Meanwhile, according to Mahfud MD, legal politics refers to the direction or legal policy determined by the state to realize national objectives, which can be achieved through the enactment of new laws or the amendment of existing ones.¹² Law is a product of political power, emerging from a process of negotiation and the contestation of interests that operate within the law-making process.¹³

Anfal Kurniawan and Suhadi conducted a study in which they argued that legal politics constitute the state's policy in the field of law. This policy determines the direction, form, and substance of the law. It encompasses the formulation, implementation, and enforcement of legal norms. All of these efforts aim to realize the objectives of legal politics as determined by the state.¹⁴

Thus, the emerging academic problem lies in the tension between political interests and legal ideals, the theoretical gap in examining the political dimensions of law, and the ambiguity regarding whether the relocation of the national capital truly constitutes part of the national legal strategy or merely represents a product of political power. This gap will be further explored through the theoretical framework of Mahfud MD's theory of legal politics.

B. Research Methods

In this study, the type of research employed is qualitative research with a normative juridical approach. The data sources consist of primary and secondary legal materials. The primary data sources include relevant legislation, particularly Law No. 21 of 2023 concerning the Amendment to Law No. 3 of 2022 on the National Capital. The secondary data sources comprise scientific journals, books, legal articles, and other literature related to the research topic. The data collection

¹⁰ Anna Triningsih, "Politik Hukum Pengujian Peraturan Perundang-Undangan Dalam Penyelenggaraan Negara," *Jurnal Konstitusi* 13, no. 1 (2016): hlm.136, <https://doi.org/10.31078/jk1316>.

¹¹ Muhamad Sadam Alamsyah et al., "Perbandingan Tindak Pidana Tertentu Dalam Undang-Undang Nomor 1 Tahun 1946 Dengan Undang-Undang Nomor 1 Tahun 2023 Ditinjau Dengan Teori Tujuan Hukum Menurut Gustav Radbruch," *Jurnal De Jure Muhammadiyah Cirebon* 7, no. 1 (2023): hlm. 26, <https://doi.org/10.32534/djmc.v7i1.4209>.

¹² Triningsih, "Politik Hukum Pengujian Peraturan Perundang-Undangan Dalam Penyelenggaraan Negara."

¹³ Syahriza Alkohir Anggoro, "Politik Hukum: Mencari Sejumlah Penjelasan," *Jurnal Cakrawala Hukum* 10, no. 1 (2019): 77-86, <https://doi.org/10.26905/idjch.v10i1.2871>.

¹⁴ Anfal Kurniawan and Suhadi Suhadi, "Pemikiran Mahfud Md Terkait Politik Hukum Dan Penerapan Tertib Hukum Di Indonesia Ditinjau Dari Doktrin Kelsenian," *Jurnal Ilmu Hukum, Humaniora Dan Politik* 4, no. 5 (2024): 1610-17, <https://doi.org/10.38035/jihhp.v4i5.2557>.

techniques are carried out through literature study and document analysis of both primary and secondary legal materials in a systematic manner. The data analysis technique used is normative juridical analysis, which involves examining, interpreting, and analyzing the applicable positive legal provisions, and subsequently relating them to Mahfud MD's theory of legal politics to identify the configuration of the legal product within the context of legal politics.

C. Discussion and Research Results

Theoretical Framework: Mahfud MD's Theory of Legal Politics

Legal politics is a policy adopted by the state through its authorized institutions to establish regulations in accordance with the will or objectives of the state.¹⁵ Legal politics is also an effort to achieve the objectives of the state by determining the direction, form, and substance of the law, which encompass the aspects of lawmaking, implementation, and enforcement.¹⁶ However, the formation of national law often lies within a debate between constitutional idealism and the pragmatic interests of political power, which ultimately leads to deviations from the fundamental values of justice.¹⁷ According to Mahfud MD, legal politics is understood as the direction and strategy pursued by the state in designing, formulating, and implementing legal policies that align with the objectives of national development.¹⁸ In countries that adhere to a democratic system, legal products are formulated through political institutions namely, the parliament which is dominated by political parties that have gained victory in general elections.¹⁹ Including Indonesia itself, where the juridical consequence as stipulated in Article 1 paragraph (3) of the 1945 Constitution affirms that Indonesia is a state based on law. This principle positions law as the supreme authority in the administration of the state.²⁰

¹⁵ Priscila Yunita Erwanto, "Teori Politik Hukum Dalam Pemerintahan Indonesia," *COURT REVIEW: Jurnal Penelitian Hukum* (e-ISSN: 2776-1916) 2, no. 06 (2022): hlm. 15, <https://doi.org/10.69957/cr.v2i06.673>.

¹⁶ Marita Fatimah, "Hubungan Politik Hukum Dengan Filsafat Hukum : Tinjauan Politik Hukum Di Indonesia," *Prosiding Seminar Nasional Program Doktor Ilmu Hukum*, 2023, hlm. 56.

¹⁷ Nada Lorenza and Ardian Mulyadi, "Membaca Arah Politik Hukum Indonesia : Telaah Kritis Terhadap Logika Pembentukan Hukum Nasional" 5 (2026): hlm. 133.

¹⁸ Erwin Sunanda, Siti Fatimah, and Muhammad Adib Alfarisi, "Menakar Efektivitas Politik Hukum Perdagangan Dalam Menopang Kemandirian UMKM Di Indonesia" 4 (2025): hlm. 341.

¹⁹ Zainal Arifin mochtar, *"Politik Hukum,"* (Yogyakarta: Mojok Press, 2024), hlm. 12.

²⁰ Ahmad Habib Al Fikry, "Diskursus Prinsip Negara Hukum Demokrasi Atas Permasalahan Konstitusionalitas Undang-Undang Nomor 3 Tahun 2022 Tentang Ibu Kota Negara," *Jurnal Hukum Lex Generalis* 3, no. 8 (2022): 612, <https://doi.org/10.56370/jhlg.v3i8.297>.

Law constitutes an integral part of political interests. Numerous legal scholars have conducted in-depth studies to explore and map the relationship between law and politics in order to address the differing perspectives on their interaction.²¹ According to Miro Cerar, politics and law can be understood as two fundamental characteristics that shape the relationship between the two.²² In the concept of legal politics in Indonesia, Padmo Wahjono, as cited by Wahyu Nugroho, states that legal politics is a fundamental policy that determines the direction, form, and substance of the law to be established.²³ On the other hand, Dworkin,²⁴ Pound, Unger, Nonet, and Selznick emerged as proponents of the legal realism school, offering perspectives that contrast with the mainstream view. They argue that law is essentially the result of political influences and pressures.

Mohammad Mahfud MD completed his doctoral dissertation in 1993, marking a period when the study of legal politics began to develop rapidly within the curriculum of higher legal education in Indonesia.²⁵ At the master's and doctoral levels, Mahfud's studies have made a significant contribution to understanding the relationship between law and politics, particularly in examining the interaction between political processes and legal outcomes. Through his research, Mahfud MD emphasizes that legal products are, in essence, the result of political negotiation and compromise.

The most well-known theory proposed by Mahfud MD is the theory of political configuration.²⁶ Political configuration refers to the mechanism through which power is acquired and exercised within the sphere of governance. In his work *Indonesian Legal Politics*, Mahfud MD explains that legal politics is a legal policy or an official policy concerning the laws to be implemented either through

²¹ Idul Rishan, "*Hukum & Politik Ketatanegaraan*," (Yogyakarta: Fakultas Hukum Universitas Islam Indonesia, 2020), hlm. 1.

²² Helmi Al Djufri and Aay Muhammad Furqon, "Hubungan Politik Dan Hukum Dalam Proses Legislasi Di Indonesia," *Jurnal Kliendi Law* 1, no. 1 (2024): hlm. 4.

²³ Djufri and Furqon.

²⁴ Tanius Sebastian, "Anti-Positivisme Ronald Dworkin: Menalar Hukum Sebagai Moralitas," *Undang: Jurnal Hukum* 6, no. 1 (2023): 269–308, <https://doi.org/10.22437/ujh.6.1.269-308>.

²⁵ "Politik Hukum, Mahfud MD, Konfigurasi Politik, Produk Hukum. ' ©," 2025, 233–61.

²⁶ Siti Mahmudah, "Politik Penerapan Syari' At Islam Dalam Hukum Positif Di Indonesia (Pemikiran Mahfud Md)," *Al-Adalah* X No 4 (2012): 406.

the creation of new regulations or the replacement of existing ones, with the ultimate aim of realizing the ideals and objectives of the state.²⁷

Furthermore, in understanding legal politics as an approach within the Indonesian context, there are at least three main concepts. First, political configuration serves as one of the fundamental aspects that determine the direction and form of a state's political orientation. Essentially, political configuration represents the prevailing political condition of a country, in which the dynamics of political life are profoundly influenced by the type or model of political system it adopts.²⁸

Political configuration is understood as the structure or arrangement of political power, which can be categorized into two opposing forms. The first form is the democratic political configuration, a political system that provides the broadest possible space for public participation in determining state policies. In this model, the government functions merely as a "committee" that implements the will of the people. The second form is the authoritarian political configuration, a political system in which the government holds a dominant position and exercises strong intervention in both the formulation and implementation of state policies. Within this configuration, the potential and aspirations of the people are neither accommodated nor proportionally articulated.

Legal products are generally divided into two types. The first type is responsive/autonomous/populist legal products, which reflect the aspirations and demands of society, both at the individual and social group levels. Consequently, responsive legal products have a greater potential to foster a sense of justice within the community. The process of forming responsive laws essentially involves open public participation, including input from judicial institutions.

The second type is conservative/orthodox/elitist legal products, which reflect the political vision of the government or those in power. The formation process of such laws tends to provide little to no substantive space for public participation. In this model, law typically functions as a positivist instrument merely a tool to implement the ideology or programs of the ruling government

²⁷ Rizka Awdina, "Pembentukan Undang- Undang Nomor 28 Tahun 2014 Tentang Hak Cipta Analisis Politik Hukum," *Politika Progresif: Jurnal Hukum, Politik Dan Humaniora* 2, no. 1 (2025): hlm. 110, <https://doi.org/10.62383/progres.v2i1.1318>.

²⁸ Nouha Khelfa and Sayed Mustafa Zamani, "Is Political Science a Science?," *Jurnal Politik Indonesia (Indonesian Journal of Politics)* 9, no. 2 (2023): 103–17, <https://doi.org/10.20473/jpi.v9i2.45224>.

Historically, the political system in Indonesia has undergone various transformations that have significantly influenced the direction and development of the country's legal system.²⁹ Empirically, politics has proven to play a dominant role in the process of the creation and functioning of law. Sardjpto emphasizes that when the political and legal subsystems are analyzed together, it becomes evident that politics exerts a stronger influence than law, positioning law in a subordinate or lower status within the broader structure of state power.

Background and the Legislative Process of the National Capital Law (IKN Law)

Law No. 21 of 2023 on the National Capital (IKN)³⁰ it is a legal product resulting from the political process during President Joko Widodo's administration. Thus, in all its forms, law reflects the social will of its makers. Its existence aligns with certain social, cultural, and political motives of those granting legitimacy during his tenure. The operationalization of a legal product can be examined through the legal politics approach. By striving to implement policies based either on political considerations or legal certainty, both elements can function in tandem, though one may also serve as the determining factor over the other.

The enactment of Law No. 21 of 2023 on the National Capital (IKN) was initiated by a proposal from President Joko Widodo. The idea of relocating Indonesia's capital has a long historical background: the concept was first raised during President Sukarno's era, with Palangka Raya designated as a potential new capital in 1957. However, the plan was never fully realized due to various obstacles.

The specific initiative to relocate the capital was officially proposed by President Jokowi. On April 29, 2019, he announced the decision to move the national capital from Java Island, incorporating this plan into the 2020–2024 National Medium-Term Development Plan (RPJMN). According to President Jokowi, the main rationale for building the new capital is to achieve equitable development in terms of economy, population, and infrastructure. Currently,

²⁹ E Wahyuni and H Mahar, "Relasi Politik Dan Pembangunan Hukum Di Indonesia," *AT-TAKLIM: Jurnal Pendidikan ...* 2 (2025): hlm. 321, <https://journal.hasbaedukasi.co.id/index.php/at-taklim/article/view/406%0Ahttps://journal.hasbaedukasi.co.id/index.php/at-taklim/article/download/406/421>.

³⁰ Republik Indonesia, "Undang-Undang Republik Indonesia Nomor 21 Tahun 2023 Tentang Perubahan Atas Undang-Undang Nomor 3 Tahun 2022 Tentang Ibu Kota Negara," *Peraturan BPK*, no. 181987 (2023): 1–56.

these are heavily concentrated in Java, which accounts for 58% of Indonesia's GDP and 56% of the national population, creating a significant imbalance in national development.

The enactment of Law No. 3 of 2022 on the National Capital is recorded as one of the fastest legislative processes in Indonesian history. This law serves as the legal basis for relocating the national capital from Jakarta to East Kalimantan, under the new name Nusantara. The formulation of the National Capital Law was completed in a relatively short period of only 42 days.³¹ The process began on September 29, 2021, when President Joko Widodo submitted the Presidential Letter along with the draft IKN Bill (RUU IKN) to the House of Representatives (DPR). Shortly thereafter, on December 7, 2021, the DPR established a Special Committee consisting of 56 members from various factions and commissions to deliberate on the proposed bill.

Subsequently, the Special Committee (Pansus) established a Working Committee to further examine the content of the IKN Bill through the Problem Inventory List (DIM) mechanism. Of the total 277 DIMs submitted, the majority addressed substantial issues, including the authority of the IKN Authority, funding, public participation, and environmental aspects.

The deliberation process was conducted in a rapid and intensive manner. From December 2021 to January 2022, the Pansus and the government held marathon meetings to discuss the bill. In early January 2022, several Pansus members undertook a comparative study visit to Kazakhstan, which had relocated its capital from Almaty to Astana (now Nur-Sultan), to draw lessons for the development of Indonesia's new capital. In addition to the study visit, the formation of the IKN Law also involved public consultations held at Mulawarman University in East Kalimantan, allowing stakeholders and the public to provide input on the proposed legislation.

Nonetheless, several parties assessed that these consultations were still very limited and largely symbolic in nature. Ultimately, on January 18, 2022, the National Capital Bill (RUU IKN) was approved and enacted as the IKN Law, with support from all DPR factions except for the PKS faction, which formally

³¹ Merdiansa Paputungan and Syaiful Bakhri, "Menyoal Pemenuhan Partisipasi Masyarakat Yang Bermakna Dalam Pembentukan Undang-Undang Tentang Ibu Kota Negara," *Al-Qisth Law Review* 6, no. 2 (2023): 274, <https://doi.org/10.24853/al-qisth.6.2>. hlm. 274.

expressed its opposition.³² The law was subsequently ratified by the President and promulgated as Law Number 3 of 2022 on February 15, 2022. Despite its formal enactment, the legislative process has attracted considerable criticism. Numerous stakeholders contended that the deliberations were conducted in an overly expedited manner and exhibited insufficient public participation. Several parties lodged a formal judicial review with the Constitutional Court (MK); nevertheless, the Court determined that the enactment of the IKN Law adhered to the procedures prescribed by the applicable legal framework. Less than one year following its promulgation, the government deemed it necessary to initiate a revision of the IKN Law.

The revision aimed to clarify various technical aspects, including the strengthening of the authority of the IKN Authority, the management of funding, and land-use regulation. Following deliberations in the House of Representatives (DPR), the revision was ultimately ratified as Law Number 21 of 2023, which came into effect on October 31, 2023. One of the primary objectives of this law is to provide a legitimate legal basis for relocating the national capital from Jakarta to East Kalimantan.

Political Configuration Analysis in the Enactment of the IKN Law

The enactment of Law No. 3 of 2022 concerning the State Capital (IKN), later revised into Law No. 21 of 2023, can be analyzed through the framework of Mahfud MD's legal-political configuration. According to Mahfud's typology, legal products are significantly shaped by the underlying political constellation. In the case of the IKN Law, the emerging political configuration can be categorized as authoritarian. This is evident from the dominance of the executive branch, with President Joko Widodo acting as the initiator, primary driver, and central actor in accelerating the legislative process. The initiative to relocate the capital originated from the President's vision and was subsequently transformed into a legal agenda. In the context of Indonesian legal politics, this illustrates a top-down legal-political approach.

In practice, the House of Representatives (DPR) did not perform its checks-and-balances function optimally. The dominance of the government-supporting party coalition rendered the legislative process more of a "ratification" than a forum for substantive debate. On the other hand, public participation was limited. Although public consultation forums were held, these mechanisms were largely

³² OTTI ILHAM KHAIR, "Analisis Landasan Filosofis, Sosiologis Dan Yuridis Pada Pembentukan Undang-Undang Ibukota Negara," *ACADEMIA: Jurnal Inovasi Riset Akademik* 2, no. 1 (2022): hlm. 4, <https://doi.org/10.51878/academia.v2i1.1037>.

formalistic. Civil society aspirations including environmental issues, indigenous rights, and funding transparency were insufficiently accommodated. Within the framework of deliberative democracy, the legislative process failed to meet discursive principles, as the public lacked a meaningful space to influence the final outcome.

Furthermore, the ratification of the IKN Law occurred within mere months of the issuance of the Presidential Letter (Surpres). This demonstrates both the solid cohesion of the government-supporting political coalition and a tendency toward “political efficiency” that compromises the “quality of legal deliberation.” Consequently, the political configuration underlying the enactment of the IKN Law can once again be categorized as authoritarian. Although procedural requirements were met through DPR legislative mechanisms, the substance primarily reflects the interests of the executive elite and the political coalition rather than the broader public’s aspirations.

Analysis of the Legal Product Characteristics of the IKN Law

The legal character of the IKN Law can be analyzed through the typology of responsive versus conservative law. It contains aspirational elements, such as the goals of equitable development, national economic strengthening, green city planning, and environmental sustainability. However, this responsive character is more “rhetorical” than “substantive,” as the public did not function as an active subject in the drafting process. This can be described as a semi-responsive form. Additionally, the law can be characterized as elitist and strategic, given that the IKN initiative originated from governmental elites (the President and the DPR coalition) rather than from social movements or public demand. Consequently, the IKN Law tends to function more as an instrument of state-led social engineering than as a response to the needs of the people.

Furthermore, the IKN Law can be described as specialist and futuristic, as its content is highly technocratic, reflecting long-term development designs such as smart cities, green cities, and sustainable development. This reinforces its nature as a strategic lawmaking instrument, in which law serves as a tool for development politics rather than merely a normative regulation. Additionally, it can be characterized as imperative and binding, because as a formal legal product, the IKN Law carries strong coercive power over all state elements, including future administrations. This character positions the IKN Law within the category of conservative-elitist law, as it is firmly anchored in formal legitimacy while allowing minimal space for public participation. In other words, the IKN Law can be understood as an elitist legal product with limited aspirational nuance: it possesses normative legitimacy linked to public interest, yet remains fully controlled by the vision of the executive elite.

Legal-Political Implications of the IKN Law

The legitimacy of the IKN Law as a national strategic policy serves to constitutionalize President Jokowi's vision, thereby transforming it into a legally binding policy. From a legal-political perspective, this demonstrates that law functions as an instrument of "political legitimization" for the state's development agenda. The centralization of executive power through the establishment of the IKN Authority, which reports directly to the President, strengthens the executive's position while simultaneously weakening regional oversight mechanisms. From a democratic theory perspective, this raises the potential for power asymmetry and the erosion of decentralization principles.

The marginalization of public participation, coupled with a rapid legislative process and minimal public deliberation, has implications for low social legitimacy. In the long term, this may provoke social resistance, for instance from indigenous communities, environmental activists, or civil society groups highlighting funding and social justice issues. In terms of long-term development politics, the IKN Law functions not only as a legal framework but also as a political instrument to construct a legacy narrative for the Jokowi administration. Given the law's imperative power, the IKN project is effectively anchored to subsequent administrations, creating a "lock-in policy" effect that is difficult to reverse without incurring significant political costs.

Looking ahead at the dynamics of legal politics, given that the IKN Law emerged from an elitist configuration, it has the potential to become a site of politicization. Government supporters are likely to use it as a symbol of development continuity, whereas the opposition and civil society are expected to critique its legitimacy, funding mechanisms, and ecological impacts. This illustrates that law is not neutral; rather, it functions as a contested arena of political struggle.

D. Conclusion

The discussion of legal politics in the context of the IKN Law demonstrates that law in Indonesia is the result of political compromise closely linked to the prevailing configuration of power. First, Mahfud MD's framework emphasizes that law is not a neutral entity but a political instrument that can be directed according to the interests of those in power. Second, the enactment of the IKN Law reveals a semi-democratic political configuration characterized by executive dominance and weak public participation. Third, the legal character of the IKN Law is conservative-elitist, although it contains aspirational elements such as sustainability and equitable development. Fourth, the legal-political implications of the IKN Law include the strengthening of executive legitimacy, the

establishment of the IKN Authority as a form of centralized power, and the potential for social resistance due to minimal public involvement. Consequently, it can be concluded that the IKN Law primarily reflects the government's strategic political agenda rather than broad-based public participation, highlighting the need to strengthen participatory mechanisms so that future legal products are more responsive and just.

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