



Beyond Capital Relocation: Comparative Constitutional Study from Kazakhstan for the Future of Indonesia's Nusantara

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ABSTRACT

The relocation of Indonesia's capital city to Nusantara (IKN) represents the culmination of a long-standing discourse on capital relocation dating back to the era of President Sukarno. Although intended to address Jakarta's structural challenges and promote equitable national development, the implementation of IKN continues to face various constitutional and governance issues, including legal uncertainty, limited public participation, questions regarding the legitimacy of the Nusantara Capital Authority, agrarian conflicts, and the absence of local democratic representation. This study aims to analyze the constitutional problems surrounding the relocation of Indonesia's capital city and to compare them with the successful relocation of Kazakhstan's capital from Almaty to Astana. The research employs a normative juridical method using statutory and comparative approaches. The findings reveal that Kazakhstan's success was supported by strong legal certainty, policy consistency, sustainable development planning, protection of citizens' rights, and the preservation of representative local institutions within the capital's governance structure. In contrast, Indonesia continues to encounter normative and institutional obstacles that may hinder the effectiveness of the relocation process. This study concludes that strengthening legal certainty, ensuring meaningful public participation, protecting community rights, and enhancing democratic representation are essential mechanisms for achieving an effective, efficient, and sustainable capital relocation.



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INTRODUCTION

The discourse on relocating the capital city is fundamental to the Indonesian constitutional system. Relocating the nation's capital is a strategic policy with broad implications for the state system, national development, governance, and the distribution of economic growth. In the Indonesian context, the idea of relocating the capital city is not a new phenomenon, emerging alongside the development of the Indonesian Capital City (IKN).

Since the early days of independence, the nation's founders have discussed the possibility of moving the capital from Jakarta to another region deemed more representative of long-term national interests. During the era of President Sukarno, for example, Palangka Raya was once projected as a candidate for the new capital due to its strategic geographic location in the center of Indonesia and its perceived vision of development that was not concentrated on the island of Java (Dukarno et al., 2024). This idea then experienced ups and downs in various government periods.

During the era of President Soeharto, studies emerged regarding the possibility of moving the center of government to Jonggol, West Java, while during the era of President Susilo Bambang Yudhoyono, the discourse of moving the capital was discussed again as part of the national spatial planning reform agenda (Hadi & Ristawati, 2020). However, these various discourses never reached a concrete implementation stage until President Joko Widodo's administration designated East Kalimantan as the location for the Indonesian Capital City through the ratification of Law Number 3 of 2022 concerning the National Capital City.

The aforementioned policy marks a new chapter in Indonesia's constitutional history, as for the first time, the relocation of the capital city is no longer a mere discourse but has entered the development and institutional transition phase. The government argues that relocating the capital is necessary to address various structural issues inherent in Jakarta, such as high population density, chronic congestion, land subsidence, the threat of flooding, and the disparity in development between Java and the rest of Indonesia (Permatasari et al., 2022). In addition, the relocation of the capital city is seen as an instrument to realize equitable national development while creating a new center of economic growth that can reduce Jakarta's dominance as the center of national government, economy, and business (Alam, 2023).

However, despite these ideal goals, the implementation of the capital city relocation faces numerous complex challenges and problems. One of the issues most frequently addressed by academics is legal certainty. Numerous studies have shown that the legal framework for the capital city relocation still leaves numerous issues that could potentially create uncertainty in its implementation. These issues include the constitutional status of the national capital, the institutional status of the Capital City Authority, the transition mechanism for the center of government, and the sustainability of the project in the event of a future change in political leadership (Hindiawati, 2024). This legal uncertainty has the potential to impact the effectiveness of policy implementation, particularly in the aspects of investment, infrastructure development, and coordination between state institutions.

In addition to legal issues, the development of the new capital city also faces challenges related to project financing, governance, environmental protection, and recognition of the rights of indigenous communities affected by the development of the new capital area (Saviola et al., 2025). Criticisms have also emerged regarding the effective use of state funds in an economic situation still facing various global pressures. From an environmental perspective, the development of the new capital city raises concerns about potential changes to Kalimantan's forest ecosystem and the sustainability of natural resources in the region (Purnamawati, 2022).

Meanwhile, from a social perspective, there are concerns about the potential for agrarian conflict and marginalization of local communities if the development process is not carried out in a participatory and equitable manner. The complexity of these issues demonstrates that the success of a capital city relocation will not be determined solely by physical development, but also by the state's ability to manage various legal, political, economic, social, and environmental aspects in an integrated manner. In such circumstances, the experiences of other countries that have successfully relocated their capital cities are important for learning. One country frequently cited as a reference is Kazakhstan.

In 1997, Kazakhstan officially moved its capital from Almaty to Astana. Initially, the policy was widely criticized for its high cost, unfavorable geographic conditions, and high political and administrative risks. However, Astana has evolved into a modern center of government and a symbol of Kazakhstan's new national identity.

This success is inseparable from the existence of strong legal certainty, consistent government policies, long-term development planning, institutional integration, and ongoing political commitment to support the transition process of the nation's capital (Irene Cantika Siahaan, 2025). Kazakhstan's experience becomes even more relevant when compared to the various challenges currently facing Indonesia in the capital city relocation process. Hindiawati's research shows that one of the main challenges of the capital city relocation lies in the legal aspects and legal governance, which have the potential to hamper the effective implementation of the policy (Hindiawati, 2024).

In this context, Kazakhstan's success offers an interesting perspective on how a country can effectively manage the capital relocation process through regulatory strengthening, institutional consolidation, and sustainable planning. Therefore, a comparative approach between Indonesia and Kazakhstan is relevant for identifying factors supporting a successful capital relocation and finding solutions to the various obstacles Indonesia faces.

Academics have actually conducted extensive research on capital relocation. As (Hadi & Ristawati, 2020) found, examining capital relocation from the perspective of the constitution and the president's authority to determine policy, they found various normative uncertainties that require regulatory refinement. Another study conducted by (Permatasari et al., 2022) and her colleagues and (Purnamawati, 2022) examined the development of the IKN from an environmental perspective and the principles of sustainable development, finding that the relocation of the IKN created a democratic setback that even violated environmental rights and the rights of indigenous peoples. Another study

conducted by (Dukarno et al., 2024) traces the long history of the discourse on moving the capital since the Soekarno era and its relationship to the national development agenda and the formation of Indonesian national identity. However, these studies generally focus on specific aspects and primarily analyze the Indonesian context internally. To date, relatively few studies have specifically compared the experiences of Indonesia and Kazakhstan to formulate a mechanism for resolving the challenges of relocating the nation's capital. Thus, there is a research gap that needs to be filled through comparative studies that not only explain the issues that arise but also identify solutions that have proven successful in other countries.

Based on this background, this study aims to analyze the history and development of the discourse on capital relocation in Indonesia, identify various problems that have arisen in the implementation of the new capital city, and compare them with Kazakhstan's experience in moving its capital from Almaty to Astana. Using a comparative law and policy approach, this study seeks to formulate an objective mechanism for resolving various issues related to the new capital city transfer so that the process can be carried out more effectively, efficiently, and sustainably. This study is expected to provide theoretical contributions by enriching the study of constitutional law and public policy regarding the relocation of the national capital through a comparative perspective. In addition, this study is also expected to provide practical contributions to the government, the New Capital City Authority, and policymakers in designing strategies to resolve various problems that still hinder the capital city relocation process. The novelty of this study lies in its effort to integrate the analysis of legal and governance issues related to the new capital city with a study of the success of the relocation of the capital city in Kazakhstan to develop a model of an objective problem-solving mechanism that can be applied in the Indonesian context. Unlike previous studies that tended to be descriptive of the problems of the new capital city, this study offers a formulation of a best practice-based solution model (*best practices*) which has been proven to be successfully implemented in Kazakhstan's experience.

RESEARCH METHODS

This research uses a juridical-normative method which is elaborated with a legislative approach and a comparative approach by comparing the relocation of the Indonesian Capital City with the Relocation of the Capital City of Astana in Kazakhstan. The primary legal materials used by the researcher are the 1945 Constitution of the Republic of Indonesia, Law Number 3 of 2022 concerning the Capital City of the Indonesian Archipelago, Law Number 12 of 2011 as last amended by Law Number 13 of 2022 concerning the Formation of Legislation, the Constitution of Kazakhstan, and Law Number 230-I concerning the Status of the Capital City of the Republic of Kazakhstan (*Law on the Status of the Capital of the Republic of Kazakhstan*). In collecting legal materials, the researcher used a literature study technique. The results of this approach will be processed using descriptive-evaluative analysis techniques to describe the problems and evaluate the capital city relocation issues that have occurred in Indonesia.

RESULTS AND DISCUSSION

1. ANALYSIS OF THE LEGAL BASIS AND BASIS FOR THE MOVEMENT OF THE CAPITAL OF KAZAKHSTAN FROM ALMATY TO ASTANA

Relocating a nation's capital is not merely a matter of logistics or spatial planning. Furthermore, relocating a nation's capital is a legal event fraught with constitutional and political implications within the state. Kazakhstan is one country that has gone through a long and dramatic political-constitutional process, both historically and legally. The relocation from Almaty to Akmola (later renamed Astana) in late 1997 and early 1998 marked a milestone in Kazakhstan's constitutional history following its independence from the Soviet Union on December 16, 1991.

The idea of moving the capital has actually been discussed since the early days of Kazakhstan's independence. President Nursultan Nazarbayev, the sole actor behind this major decision, admitted that the idea emerged in early 1992, shortly after Kazakhstan's independence (Nazarbaev, 2008). Nazarbayev sees Almaty, located in the southeastern corner of Kazakhstan, as no longer an appropriate center of civilization for a country seeking to build a new national identity after decades of Soviet domination. In his book, *The Kazakhstan Ways*, Nazarbayev even stated that the Astana region actually holds a long historical heritage as a node of civilization on the ancient Silk Road (Nazarbaev, 2008). Therefore, driven by political, socio-economic, and nationalistic factors during the 20th and 21st

centuries, Kazakhstan decided to shift its administrative centers, each reflecting the evolving dynamics of power, identity, and development (Shelekpayev, 2018). The relocation of Kazakhstan's capital from Almaty to Astana in 1997 was a significant event in the country's history, reflecting broader trends in post-colonial and post-Soviet state development (Schatz, 2024).

There are at least six fundamental factors behind the decision to move Kazakhstan's capital from Almaty to Astana. First, Almaty's physical and environmental limitations. Almaty is surrounded by the majestic Trans-Ili Alatau mountains, which simultaneously hinder horizontal urban development. This topographical condition creates serious environmental problems, ranging from air pollution trapped by the mountain range to a significant earthquake risk. Almaty is known to be located in a seismically active zone, making it geostrategically vulnerable (Wolfel, 2002).

Second, its non-central geographic location. Almaty is located in the southeastern corner of Kazakhstan, very close to the Chinese border. From a constitutional perspective, the capital's proximity to a foreign border raises security concerns. The decision to move the seat of government to a more central area of the country also serves as a defense strategy, maintaining a safer distance from potential geopolitical threats from China to the south and Russia to the north (Schatz, 2024).

Third, nation-building and territorial integration. Post-Soviet Kazakhstan faced the serious challenge of ethnic fragmentation. At independence, ethnic Kazakhs only constituted about 41 percent of the total population, while ethnic Russians primarily dominated the northern regions. Moving the capital to the north had a powerful symbolic function, asserting state sovereignty over regions still demographically dominated by Russian-identified populations. This was a strategic, *state-building*, intelligent, and planned (Arslan, 2018).

Fourth, the factor of equitable economic development. Almaty, long a center of economic, business, and cultural development, has created a sharp disparity between the southern region and the northern and central regions of Kazakhstan. The relocation of the capital to Akmola is expected to drive development in these previously underdeveloped regions and encourage the migration of labor from various provinces (Joko Sadewo, 2019).

Fifth, the factor of symbolism and national image. A newly independent country needed strong symbols of nationality. The new capital, built from scratch in the Kazakh steppes, became a physical manifestation of Nazarbayev's vision of Kazakhstan as a modern, innovative, and self-sufficient nation. Astana was designed to be a showcase for 21st-century architecture, reflecting Kazakhstan's ambitions as a bridge between East and West (Azizah Fitriyanti, 2019).

Sixth, land availability. Unlike Indonesia, which faces overlapping land ownership issues, Kazakhstan has no significant problems securing land for its new capital. Most land in Kazakhstan is state-owned, allowing for faster acquisition for the new capital's development and fewer legal conflicts (Joko Sadewo, 2019).

Constitutionally, the legal process for moving Kazakhstan's capital city took place in several important stages. This process represents the transformation of a major political decision into a valid and binding legal instrument. First, on July 6, 1994, the Supreme Council of the Republic of Kazakhstan (which at the time still functioned as the legislative body) issued a formal decree relocating the capital from Almaty to Akmola (Kazinform, 2016). This decree was the first legislative document that established the legal basis for the capital's relocation. Then, on October 20, 1997, President Nazarbayev officially signed a Presidential Decree declaring Akmola the capital of the Republic of Kazakhstan, which became effective on December 10, 1997 (Monitor, 1998). On November 8, 1997, the official ceremony of handing over state symbols from Almaty to Akmola was held as a symbolic marker of the transfer of government power.

Subsequently, on May 20, 1998, Kazakhstan enacted Law Number 230-I on the Status of the Capital of the Republic of Kazakhstan (*Law on the Status of the Capital of the Republic of Kazakhstan*). This law was then refined through a new law issued on June 21, 2007 (Law No. 230-I of 20th May 1998 the Republic of Kazakhstan Concerning the status of the capital city of the Republic of Kazakhstan, 1998). The law detailed the capital's location, its functions, and the city's specific rights and obligations. Then, on May 6, 1998, along with the renaming of Akmola to Astana through Presidential Decree No. 3942, two city districts were established within the Astana region: Sary Arkha and Almaty (Law No. 230-I of 20th May 1998 the Republic of Kazakhstan Concerning the status of the capital city of the Republic of Kazakhstan, 1998). This step is administratively a central step to become the first foundation for the formation of a regional government structure in the new capital.

However, there are several constitutional matters that are crucial in taking this step. These constitutional matters include the regulation of the capital city in the Constitution of Kazakhstan. Article 2 paragraph (3) of the Constitution of the Republic of Kazakhstan states that (Constitution of the Republic of Kazakhstan, 1997).

“The administrative-territorial division of the Republic, the status of its capital shall be determined by law. The capital of Kazakhstan shall be the city of Astana.”

This constitutional provision creates a temporary, permanent status for changes to the capital city, which must go through a legislative process, not simply an executive decision. This embodies the principle of the rule of law (*rule of law*) which requires that every government action be based on applicable law. The same article also includes a very important provision in Article 2 paragraph (3-1), as follows (Constitution of the Republic of Kazakhstan, 1997).

“A special legal regime in the financial sphere may be established within the boundaries of the city of Astana in accordance with the constitutional law.”

The above clause is the constitutional basis for the formation of *Astana International Financial Centre* (AIFC), a special financial zone with its own legal regime, including its own courts based on the principles of English and Welsh law. This article indicates the capital's special legal privileges, which are not enjoyed by other regions in Kazakhstan.

The name of Kazakhstan's capital, which has changed several times, has always been supported by formal legal instruments. When Astana was renamed Nur-Sultan on March 20, 2019, in honor of resigning President Nazarbayev, the change was made through a constitutional amendment approved by Parliament (Al Jazeera, 2022). Similarly, when the name was returned to Astana in September 2022, President Tokayev signed a constitutional amendment that passed two readings in Parliament before becoming law (Brahm, 2022). This move was part of a very long pattern of “wandering” capitals in Kazakhstan throughout the 20th century, with each move reflecting a shift in the country's relationship with the Soviet central government (Shelekpavev, 2018). This phenomenon of the “wandering metropolis,” as Nari Shelekpavev describes it, demonstrates a fascinating interplay between imperial legacies, post-Soviet aspirations, and the strategic use of urban space for nation-building (Shelekpavev, 2018). The new capital, Astana, has been interpreted as a nationalist project aimed at fostering Kazakh identity and nation-building in the post-Soviet era (A. Tashagyl & G. Mukanova, 2023).

Through the complexities of the legal and historical basis, researchers will compare the above process with the relocation of the capital city of DKI Jakarta to the capital of the Indonesian archipelago, which occurred in Indonesia. The comparison with Indonesia aims to identify similarities and differences, and to realize a constitutional capital relocation.

2. ANALYSIS OF THE LEGAL BASIS AND BASIS FOR THE MOVEMENT OF THE CAPITAL OF INDONESIA FROM JAKARTA TO THE CAPITAL OF THE ARCHIPELAGO

Indonesia, through Law Number 3 of 2022 concerning the National Capital, designated the Indonesian archipelago as its new capital, located in East Kalimantan Province. The idea of moving the Indonesian capital from Jakarta was not actually born during the administration of President Joko Widodo. Long before the Indonesian capital became a household name, the discourse on relocating the capital had been circulating for a long time, even since Indonesia had just gained its independence. Understanding this historical dimension is crucial for positioning the formation of the national capital proportionally, not merely as a product of momentary political ambition, but as a continuation of a long narrative about how Indonesia envisions its center of power. Throughout its history, Indonesia has experienced several capital city relocations since the proclamation of independence on August 17, 1945.

Jakarta, which was initially designated as the capital, had to be abandoned in January 1946 when the Dutch Military Aggression forced the Soekarno-Hatta government to flee to Yogyakarta, then in 1949 moved briefly to Bukittinggi, West Sumatra, before finally returning to Jakarta in the same year (Hadi & Ristawati, 2020). This history shows that Jakarta's “sacredness” as the capital is not absolute, both legally and practically. The idea of a more planned relocation was first proposed by President Sukarno in 1957 when he named Palangkaraya in Central Kalimantan as a candidate for the new capital.

For Sukarno, moving the capital to the center of the Indonesian archipelago was a symbol of Indonesia's vision as an independent nation that was not tied to the Dutch colonial legacy that was firmly rooted in Batavia (Jakarta) (Kementerian Sekretariat Negara, 2023). However, the idea never

materialized during the Sukarno era due to the continuing turbulent political and economic situation. It wasn't until President Joko Widodo's administration that the idea regained strength with far more serious political weight. On August 16, 2019, at the MPR Annual Session, President Jokowi officially announced the government's intention to move the nation's capital from Jakarta to the island of Kalimantan. Then, on August 26, 2019, the President announced that the chosen location was Penajam Paser Utara Regency and part of Kutai Kartanegara Regency in East Kalimantan Province (Hindiawati, 2024).

The government has put forward a number of interrelated reasons to support the urgency of relocating the capital. First and most fundamental is the heavy burden placed on Jakarta. As a city that simultaneously serves as the center of government, business, finance, and culture, Jakarta faces pressures that are beyond its capacity. A population density of over 10 million within the city (and over 30 million in the Greater Jakarta area), severe traffic congestion, alarming air and water pollution, and the threat of land subsidence, which threatens to sink parts of Jakarta—all of which are factual arguments that cannot be ignored (Absor et al., 2023).

Second, the issue of equitable development, which has been heavily concentrated in Java and Jakarta. Data shows that Java contributes more than 58 percent of the national Gross Domestic Product (GDP), while other regions, particularly Kalimantan, Sulawesi, Maluku, and Papua, remain significantly behind. The relocation of the capital to East Kalimantan is expected to be a catalyst for accelerated development outside Java, while simultaneously reducing decades-old economic and development disparities (Amila et al., 2023). This argument is in line with one of Kazakhstan's main motives for moving its capital from Almaty to Astana, namely to spur development in previously underdeveloped regions.

Third, the defense and security aspect. From a geostrategic perspective, East Kalimantan enjoys a more protected position than Jakarta. Kalimantan is the geographic heart of Indonesia, surrounded by sea on almost all sides, shares no direct borders with any foreign country, and is relatively free from the threat of potential earthquakes and tsunamis (a much more stable seismic environment than Jakarta, which is located on the Pacific Ring of Fire).

Fourth, the aspect of bureaucratic transformation and governance. The relocation of the capital is expected to provide momentum for building a more efficient government system, based on digital technology, and free from the old, corrupt bureaucratic culture. The new city, designed from the ground up, provides an opportunity to implement the concept of a *smart city*, *green city*, and *forest city*, which is impossible to achieve gradually in Jakarta (Kementerian Sekretariat Negara, 2023). Based on these four reasons, the Indonesian government subsequently moved the nation's capital from Jakarta to the Indonesian Capital City, located in Penajam Paser Utara Regency and part of Kutai Kartanegara Regency in East Kalimantan Province. The move was marked by the enactment of Law Number 3 of 2022 concerning the Indonesian Capital City.

Throughout the relocation process, various capital city transfers have raised numerous issues, particularly within the constitutional framework of Indonesia. These issues are exemplified by formal and material judicial reviews at the Constitutional Court and ongoing public debates about the constitutionality of the new capital city itself. Therefore, this research will analyze these criticisms and issues in comparison with Kazakhstan.

3. STATE CONSTITUTIONAL PROBLEMS IN THE MOVEMENT OF THE INDONESIAN CAPITAL IN COMPARISON WITH THE STATE OF KAZAKHSTAN

The most fundamental problem with the idea of moving the capital city in Indonesia is the enactment of Law No. 3 of 2022 concerning the Indonesian Capital City, which is considered formally flawed. This is because the drafting of Law No. 3 of 2022 concerning the Indonesian Capital City (IKN Law), which covers the nation's livelihood and interests, is deemed too hasty and fails to meet the principles of openness, transparency and *meaningful participation* as mandated in Article 96 of Law Number 12 of 2011, as last amended by Law Number 13 of 2022 concerning the Formation of Legislation (PPP Law). As revealed in the Constitutional Court hearing, of the 28 stages of deliberation on the National Capital Project Bill in the DPR, only seven agenda items have documents and information that are publicly accessible, while the other twenty-one are not (Fadillah, 2022). This is a form of violation of the principles of openness and transparency, which are one of the prerequisites for the formation of good laws.

The applicants in the formal judicial review cases at the Constitutional Court (including Cases Number 34/PUU-XX/2022 and Number 39/PUU-XX/2022) argued that the process of forming the IKN Law violated Article 27 paragraph (1) and Article 28C paragraph (2) of the 1945 Constitution, which guarantee citizens the right to participate in government. If the formation of legislation excludes public participation, then the formation of such laws can be said to violate the principle of popular sovereignty (Sahbani, 2022).

Parallel to this criticism, it is worth noting that the process of drafting the National Capital City Law—which effectively took only about 17 days in the House of Representatives—is reminiscent of the Job Creation Law, which was previously declared formally flawed by the Constitutional Court in Decision No. 91/PUU-XVIII/2020. This recurring pattern points to a systemic problem in Indonesian legislative practice, where speed of enactment is prioritized over the quality of deliberations and depth of public participation (Khatimah & Rizki, 2023).

The situation in Kazakhstan is different. Although the capital relocation process in Kazakhstan also took place under a highly centralized system and lacked public participation mechanisms like in Indonesia, it did not give rise to constitutional challenges because Kazakhstan operates an authoritarian presidential system of government, in which the president's decisions are virtually unappealable. In Indonesia, a constitutional democracy, the applicable standards are very different: every piece of legislation must pass a rigorous public legitimacy test.

The next problem is highlighted in the material substance of the constitutional status and legitimacy of the Indonesian National Capital Authority. The National Capital Law chooses not to establish a conventional regional government (province or district/city) within the national capital, but rather to establish an "authority" led by a Head of Authority appointed and dismissed by the President. This decision raises at least three serious constitutional issues.

Problems regarding the position of form/*status quo*: This authority is based on compatibility with the regional government system guaranteed by the 1945 Constitution of the Republic of Indonesia. Article 18 paragraph (1) of the 1945 Constitution of the Republic of Indonesia mandates that the Unitary State of the Republic of Indonesia is divided into provincial regions, and provincial regions are divided into districts and cities. Article 18 paragraph (4) also guarantees that governors, district heads, and mayors as regional heads are elected democratically. By designing the IKN as an 'authority' without an elected regional head and without a DPRD, the drafters of the IKN Law are facing a constitutional mandate that outlines the democratic election of regional heads (Aslinda et al., 2026).

Furthermore, the problematic position of form/*status quo* the term "authority" creates a further problem: the legal status of the Capital City Authority within the government hierarchy. The Head of the Capital City Authority is directly accountable to the President, not to the people of the Capital City or the Regional People's Representative Council (DPRD). This creates an anomaly: a region inhabited by Indonesians lacks local democratic representation capable of advocating for their interests. This situation contrasts sharply with Kazakhstan, which, despite its centralized nature, maintains the Maslikhat (Regional House of Representatives) as a directly elected representative body in the capital (Beijing Foreign Affairs Office, 2023).

A further problematic issue concerns the status of "IKN Authority regulations" within the hierarchy of laws and regulations. Article 8 of the PPP Law acknowledges the existence of regulations not explicitly mentioned as long as they are mandated by a higher-level law. However, it remains unclear whether the IKN Authority regulations are equivalent to Provincial Regulations, or closer to Government Regulations or even Presidential Regulations, given that the Head of the Authority is appointed by the President and is accountable to him (Baihaki & Rachman, 2022). Legal scholars such as Fikri Hadi and Rosa Ristawati argue that while relocating the capital city falls under the President's authority as head of government, the institutional design of the authority must remain aligned with the spirit of decentralization and local democracy guaranteed by the constitution. The principle that "an efficient capital city should not be achieved at the expense of local democracy" is a central argument in the critique of this authority model (Hadi & Ristawati, 2020).

The primary reason for using Kazakhstan as a comparison country is that it also faces challenges to public legitimacy. Kazakhstan faced widespread skepticism from the international community and some of its own citizens about its decision to move its capital to a remote, frigid steppe amid the post-Soviet economic crisis. Many observers at the time called Nazarbayev's decision an unfounded whim of a dictator (Schatz, 2024). Indonesia faces similar challenges, with many civil society groups questioning

the urgency of relocating the capital amidst other pressing issues such as poverty, inequality, and public health. This is compounded by the fact that both Indonesia and Kazakhstan are moving their capitals amidst weakening economies. Therefore, Kazakhstan's policy design is expected to serve as a concrete example in addressing the challenges of capital relocation in Indonesia.

In moving its capital, Kazakhstan did not face the same challenges as Indonesia. The Akmola/Astana region in the 1990s was a relatively empty steppe region with a very low population density. No indigenous communities were forced to relocate or lose their ancestral lands. Indonesia faces far more complex challenges: East Kalimantan is home to dozens of indigenous communities with strong historical ties to their land, and the land acquisition process for the new capital city has given rise to numerous agrarian conflicts that have yet to be fully resolved (Fatharani et al., 2024).

In its execution, Nazarbayev, as the country's leader, was able to execute the capital relocation with extraordinary speed and consistency. The capital relocation was effectively carried out in less than three years (1994-1997). The decision to relocate the capital was also made with legal certainty, based on legal grounds and accurate democratic decision-making. In Indonesia, the process of relocating the capital city was much slower and fraught with uncertainty. As of mid-2026, progress on the capital city's construction was still ongoing, but various questions arose about the project's sustainability, particularly with the change of government from President Jokowi to President Prabowo Subianto in October 2024, which raised questions about political commitment to the capital city (Amal & Sulistyawan, 2022). Kazakhstan's strategy of placing the AIFC in Astana has successfully attracted massive foreign investment by providing strong legal certainty, including courts governed by the laws of England and Wales, a transparent tax system, and comprehensive investor protection. Indonesia can emulate this approach for adoption and evaluation in implementing its capital relocation (Alendra Nauval Mufti Rayhan et al., 2025).

Furthermore, the democratic deficit in capital city governance was more readily addressed in Kazakhstan's capital relocation. Kazakhstan retained the Maslikhat as a directly elected local representative body in Astana. Meanwhile, Indonesia designed its Capital City Authority without a Regional People's Representative Council (DPRD) altogether. This places Indonesia in the paradoxical position of a democratic country that has created a capital region without local democratic representation—a situation not even found in authoritarian states like Kazakhstan.

This is an important consideration for evaluating the effectiveness and efficiency of the capital relocation in Indonesia. Several points need to be emphasized, such as the legal certainty surrounding the relocation. The National Capital Law (IKN) was enacted in 2022, but its implementation remains unclear. Furthermore, the symptoms of democratic restrictions, coupled with uncertainty regarding representation, are also a problem associated with the relocation. Therefore, it would be more appropriate for the relocation to be accompanied by *meaningful participation* and a systematic regional formation that aligns with Article 18 of the 1945 Constitution of the Republic of Indonesia. Furthermore, Indonesia needs to expedite the resolution of agrarian disputes and guarantee the rights of indigenous peoples in the IKN region well before development enters a more intensive phase, not after the conflict has occurred. *Land justice before land use* must be the main foundation in moving the capital.

CONCLUSION

In conclusion, the problems that occurred in the transfer of the capital city of DKI Jakarta to the capital of the archipelago are the same problems that occurred in the transfer of the capital city of Kazakhstan from Almaty to Astana. Therefore, the researcher compared the phases of the capital transfer in Indonesia with the capital city of Kazakhstan. Through this comparison, it was found that the success of the transfer of the capital city of Kazakhstan is key to the authority mechanism that the government implemented seriously, measuredly, and sustainably. In addition, the transfer of the capital city of Kazakhstan also has legal certainty and effective implementation and is carried out by guaranteeing the rights of its citizens. This legal certainty is as included in the capital city in Article 2 paragraph (3) of the Constitution of the Republic of Kazakhstan and is reinforced by Law Number 230-I concerning the Status of the Capital City of the Republic of Kazakhstan. (*Law on the Status of the Capital of the Republic of Kazakhstan*) and the implementation of sequels and democracy by involving *Maslikhat*. *Maslikhat*, as a local representative body, remains a symbol of representation within a highly centralized system. This contrasts sharply with the situation in Indonesia, where the capital city

relocation lacks a local representative body. Furthermore, Kazakhstan's strategy of placing the AIFC in Astana has successfully attracted massive foreign investment by providing strong legal certainty, including courts governed by the laws of England and Wales, a transparent tax system, and comprehensive investor protection. Indonesia can emulate this approach for adoption and evaluation in implementing its capital relocation.

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