

Research Article

Constitutionality of Open Legal Policy Making Law Number 3 of 2022 Concerning the State Capital in the Perspective of Siyasa Dusturiyyah

M. Yasin al Arif*, Wahlulia Amri, Inda Dzil Arsyi Makiin

Universitas Islam Negeri Raden Intan Lampung

ORCID

M. Yasin al Arif: <https://orcid.org/0000-0001-8351-0097>

Abstract.

Open legal policy is a mandate provided by the constitution related to broad and flexible regulations. However, this policy has the potential to be misused by lawmakers when making policies for the public. Therefore, repositioning is needed by examining the extent of the boundaries of open legal policy in the making of the National Capital Law. This study aims to identify issues of open legal policy and evaluate the substance of the National Capital Law from the perspective of Siyasa Dusturiyyah. This research is a normative legal study using secondary data viewed from the perspective of Siyasa Dusturiyyah using a conceptual approach. The research found that Siyasa Dusturiyyah in the substance of the National Capital Law needs evaluation, considering several notes that the Nusantara Capital (IKN) will be led by the IKN Authority Head. The appointment of the IKN Authority Head is based on appointment, not regional head election, which is a violation of democracy because the appointment of IKN leaders is not through elections, which means not accommodating the right to voice and the right to choose from the people, which also violates Islamic law. This research concludes that the open legal policy in the National Capital Law, from the perspective of Siyasa Dusturiyyah, can be an alternative solution in each legislator's rules to ensure that the regulations made are in line to improve welfare and equalize the development in the regions. The involvement of local governments is needed to establish regional cooperation, involving community participation and the principles of openness and public interest.

Keywords: constitutionality, open legal policy, ational capital, Siyasa Dusturiyyah

1. Introduction

The capital city has emerged as a symbol of governance and the state as well as a hub for political, economic, and cultural development. Provincial capitals serve as the primary economic centres of their respective regions, acting as focal points of political power, and thus hold their own appeal for efficient government administration, particularly for legal experts, journalists, and public policy researchers.[1] Various disparities have led to the relocation of the nation's capital, one of which has been revealed by the head of

Corresponding Author: M. Yasin al Arif, email: myasinalarif@radenintan.ac.id

Published 11 January 2024

Publishing services provided by Knowledge E

© M. Yasin al Arif et al. This article is distributed under the terms of the [Creative Commons Attribution License](#), which permits unrestricted use and redistribution provided that the original author and source are credited.

Selection and Peer-review under the responsibility of the RIICSHAW Conference Committee.



the National Land Agency as the unequal economic development between Java Island and the islands outside Java. The development of Java Island is higher compared to other islands in Indonesia.[2]

In August 2019, President Joko Widodo announced his intention to relocate the capital city of the Republic of Indonesia in his state address on August 16, 2019. On that occasion, the President conveyed the permission of the Indonesian people through the People's Consultative Assembly (MPR-RI).[3] Cities in Indonesia have been the subject of various studies, including those conducted by the National Development Planning Agency (Bappenas). The President emphasised that the new capital will not only serve as a symbol of the nation's identity in the future but will also represent the progress of the nation.

The location of the new capital, situated in the middle of Indonesia, is hoped to achieve economic and development equality. The plan to move the capital was ultimately approved with the enactment of Law No. 3 of 2022 on the National Capital Authority (IKN). Article 6 of this law states that "the new capital is located in part of North Penajam Paser and part of Kutai Kartanegara in East Kalimantan." The IKN's position, aligned with Law No. 3 of 2022, also gave birth to a new institution, the Nusantara Capital Authority. Article 4 of the IKN Law explains that this organisation is "an organisation at the ministerial level responsible for administering the special regional government of the Nusantara capital". The organisation is responsible for preparatory activities, the construction and relocation of the national capital, as well as the management of the special IKN area's administration.

The form of the IKN regional government is a special feature of the Nusantara capital. In fact, the special status of the IKN differs from the previous capital, namely the Special Capital Region of Jakarta, which is also one of the provinces of the IKN, in accordance with Law No. 29 of 2007 on the Provincial Government of the Special Capital Region of Jakarta as the Capital of the Unitary State of the Republic of Indonesia. However, the Special Capital Region of Jakarta is still led by a governor and also conducts regional head elections.[4]

According to Article 1 paragraph (2) of Law No. 3 of 2022 concerning the State Capital named Nusantara, it is a special regional government unit at the provincial level whose territory becomes the seat of the state capital. If examined in Article 18B of the 1945 Constitution, the existence of a special administrative region is recognised, but its arrangement is still carried out in the form of Provinces and regencies or cities. The special status of a region depends on the extent to which that region had certain

historical origins and rights before the establishment of the unitary state in the Republic of Indonesia.[5]

Unlike DKI Jakarta, the IKN is led by the head of the authority, not a regional head. This is stated in Article 9, which declares that the Nusantara Capital City Authority is led by the Head of the Nusantara Capital City Authority and assisted by a Deputy Head of the Nusantara Capital City Authority, who is appointed, inaugurated, and dismissed directly by the President after consulting with the DPR (House of Representatives).

The provision regarding the appointment of the Head of the Authority as the leader of the special regional government of the Nusantara Capital City appointed by the President as regulated in Law Number 3 of 2022 can essentially be interpreted as an open legal policy from the lawmaker. However, such an open legal policy must pay attention to the constitutional limits that have been set.

In relation to this, in the 1945 Constitution of the Republic of Indonesia, the system of local government in Indonesia recognises the head of the region in the system. The 1945 Constitution of the Republic of Indonesia stipulates that the local government is led by a governor for the provincial level, a regent for the administrative region at the regency level, and a mayor for the city level, who are elected democratically. In practice, democratic elections are held directly by the people. Meanwhile, the position of the IKN Management Body as a provincial-level region is led by the IKN regulator with a ministerial-level position, which can be confusing.[6] Fitra Arsil, an observer of constitutional law, agrees in his research that the transition to IKN brings about a number of legal consequences. The legal implications it triggers will affect a number of other laws and regulations.[7]

Based on the explanation above, it is interesting to consider the issue of open legal policy towards the establishment of law. To what extent can this policy be used, and what limits need to be observed? This research aims to analyse the above issue in the establishment of Law Number 3 of 2022 about the Capital City. Further, the author will examine the problem from the perspective of *fiqh siyasah dusturiyah*, looking at whether the policy regulated in Law Number 3 of 2022 about IKN aligns with the *masalah* from the perspective of the establishment of laws and regulations as discussed in *Fiqh Siyasah Dusturiyah*.

Although the Law on IKN was just passed in 2022, there have been some previous studies, including those by Ario Andika Baskoro and Dona Budi Kharisma, regarding the Formation of the IKN Law Based on the Principle of Legislation Formation.[8] The results of this study show conformity with the principle of legislative formation. However, the application of the concept of Law Number 3 of 2022 through philosophical, sociological,

and legal foundations, scientific research, and detailed explanations is still necessary. Furthermore, by Jetter Wilson Salamony regarding the Review of the Nomenclature Change from Regional Head to Authority Head in the Capital of Indonesia.[9] The results of this study, which creates a new regulation for the status of the State Capital area that is not present in the constitution, will be reviewed by the author with a legislative approach. Then, Khulaifi Hamdani and Ulvi Wulan related to the Executive Heavy regime in the administration of the Nusantara Capital Region's local government.[10] The results of this study show that the governance of the special capital region of Nusantara mirrors the governance during the New Order era. From the absence of limits where the head and deputy of the body can hold the same position to the lack of a legislative body to carry out legislative functions, budgeting, and oversight of local government administration.

Then, by the author Torik Abdul Aziz Wibowo regarding the Legal Politics of the Nusantara Capital Special Autonomy Design. [11] The results of this study explain that in political policy, it is highly desired that the management of Nusantara's Capital (IKN) be fully under the control of the central government. This policy is very much in contradiction with the concept of regional autonomy, where regions are expected to manage their own households. The most relevant improvement is to achieve institutional arrangement by placing the jurisdiction of IKN within the framework of the central government. On the other hand, it can be done by grouping the Head of the Agency, who is a state official at the ministerial level. Finally, a study by author I. G. Sandy Satria related to the Authority of Nusantara Capital from the Perspective of Special Autonomy.[12] The results of this study discuss the Special Regional Government of Nusantara's Capital, based on the Constitution according to Article 18B paragraph 1, which opens the possibility to form special regional government units so they can adapt to the institutional vision and mission of the state and the realities and political needs that, due to their location and situation, require a region to be given a special status that cannot be equated with other regions. The Head of the Indonesian Capital Authority is a special representative of the Nusantara regional government who serves as a minister nominated, appointed, and dismissed by the president after consulting with the DPR. The legitimacy that exists with Article 18B paragraph 1 as a "special regional government unit" means that the IKN law can regulate certain things in a special and exclusive manner, including the special regional head of the IKN who is appointed by the President.

Based on several previous studies, there is a difference between the research conducted by the author and the research previously made by Ario Andika Baskoro and Dona Budi, Jetter Wilson Salamony, Khulaifi Hamdani and Ulvi Wulan, Torik Abdul Aziz

Wibowo, and I Gde Sandy Satria. Therefore, in this journal, it tries to examine from the perspective of *siyasah dusturiyyah* by tracing to what extent the boundaries of the open legal policy of IKN

Departing from the problems mentioned above, this research is limited to two issues that want to be answered: firstly, how is the constitutionality of the open legal policy in the formation of Law Number 3 of 2022 about the Capital City? Secondly, how is the review of *siyasah dusturiyyah fiqh* on the open legal policy in the formation of Law Number 3 of 2022 about the Capital City?.

2. Methods

This study is a normative study considering the legal issues arising from legal regulations, particularly the State Capital Law (UU IKN), from the perspective of *siyasah dusturiyyah*. This approach is used by the author in research related to the object of legal research and a conceptual approach. The research data required for this study will be obtained from credible documents and will be analysed using descriptive analysis research in general terms of legislation theory and then applied to explain specific aspects of legal regulation.

3. Results and Discussion

3.1. Open Legal Policy in the State Capital Law

The development of law in Indonesia has introduced a new term called open legal policy. Open legal policy can be understood as the freedom granted to the law-making authorities, namely the President, the Parliament (DPR), and the Regional Representative Council (DPD), to formulate legal policies.[13] Iwan Satriawan and Tantra Lailam argue that the repositioning of open legal policy exists within the constitution, which means it allows the lawmakers to interpret the provisions of the Constitution and incorporate them into specific laws. The freedom granted by the Constitution to legislators has two opposing perspectives. On the one hand, it offers a broad and flexible framework for state regulations made possible by legislation. On the other hand, it can be highly dangerous for lawmakers to act arbitrarily in determining what and how should be regulated by laws.[14]

Open legal policy does not mean that legislators are not limited in their freedom to create regulations. There are certain limitations that must be observed. a) It should not

explicitly contradict the 1945 Constitution of the Republic of Indonesia; for example, it is not possible to establish standards in the State Budget Law by stipulating that the education budget should be less than 20% of the state budget, as this clearly contradicts Article 31(4) of the 1945 Constitution. b) In the process of adjustment, it should not exceed the authority of the lawmakers (abuse of power). For instance, legislators drafting amendments to the 1945 Constitution of the Republic of Indonesia, which is the authority of the People's Consultative Assembly (MPR) based on Article 3(1) of the 1945 Constitution, c) In its implementation, it should not abuse power (*willekeur*).[15]

The constitutionality of State Capital City Law No. 3 of 2022 lies in the position of the authorised officials of IKN as the administrators of local government in the IKN area, as well as the use of the term “kepala badan” (head of agency) instead of “kepala daerah” (head of regional government), which contradicts Article 18 paragraphs (1) and (4) of the 1945 Constitution of the Republic of Indonesia. The position, authority, and functions of the authorised officials should adhere to the jurisdiction based on the practical law in Indonesia, particularly in accordance with the 1945 Constitution of the Republic of Indonesia.

The development of IKN can be carried out by the authorities responsible for it and reported directly to the President. After the completion of IKN's development, the local government establishes a new regional government that remains based on the constitution, such as the establishment of a special region similar to DKI Jakarta, while considering the constitutionality of the law. If the IKN Law is declared unconstitutional by the Constitutional Court, it may actually render the IKN development plan, which is set to begin in 2022, inefficient as the legal basis of IKN would be deemed unconstitutional according to the Constitutional Court's decision.[16]

Then, in Constitutional Court Decision Number 86/PUU-X/2012 regarding the amendment of Law Number 23 of 2011 concerning Zakat Management in relation to the 1945 Constitution, the Constitutional Court stated that the open legal policy cannot be implemented freely by the legislators.

3.2. The constitutionality of the open legal policy in the formation of Law Number 3 of 2022 regarding the National Capital City (IKN)

The open legal policy, as regulated in the special provisions for the IKN local government, demonstrates that the head of the authority is mentioned in Article 18B, paragraph 1 of the Constitution, which states, “The state recognizes and respects

regional governmental units that have a special or exceptional nature regulated by law.” However, in Law Number 3 of 2022, it is evident that it does not align with the Constitution, as the appointment of the Head of Authority in the IKN is equivalent to that of a Minister. [9] Article 5, paragraph 4 of Law Number 3 of 2022 on IKN states, “The Head of the Nusantara Capital City Government is the Head of the Special Capital City Region and holds a position equivalent to a minister, appointed and dismissed by the President after consulting with the DPR.”

Therefore, the appointment of the position of Head of IKN Authority becomes part of the executive branch and holds a position and responsibility equivalent to that of a cabinet minister. The presence of the Head of the IKN Authority, who is appointed by the President in collaboration, actually becomes a tool of presidential policy, although this does not guarantee that the person selected is not a member of a political party or affiliated with a party. But at least the nomination and election of the president openly eliminate political disputes in the national capital, as there are only national elections for the President and the DPR. The authority given to the Head of the Authority has two meanings: leading as an administrator in the East Kalimantan region, where the Authority is located, and being unaffected by the policies and regulations of the Governor of East Kalimantan as the Regional Head. On the contrary, the Head of the Authority can intervene in regional policies and regulations through the central government.

In the future, IKN may experience open political dynamics that provide an opportunity to demonstrate the image of a strong leader within political parties as the administrator of the government after 2040. Article 5 paragraph 6 of the IKN Law also states, “The Ibu Kota Nusantara Authority has the right to establish regulations for the implementation of the Special Regional Government of Ibu Kota Nusantara and/or carry out preparatory activities, development, and relocation of the National Capital.” This specificity allows the Indonesian Capital Authority to establish its own rules for the management of the Special Archipelago Capital Regional Government, except for regulations that require approval from the DPR as stipulated in this law.

As the administrator of the government, the authorised head of the authority does not have legal products; the regulations implemented only encompass laws, government regulations, and presidential decrees, which can take the form of: (1) Authority Head regulations; (2) instructions; (3) orders; and (4) Circular Letters.[17] Therefore, the regulations issued by the Head of the Authority are only binding within the National Capital Region. However, for regulations that are agreed upon collectively between the authority head and the regional head, it is necessary for the authorised authority head to cooperate with the central government.

3.3. Legal Open Policy in the Formation of Law Number 3 of 2022 Regarding the National Capital City from the Perspective of *Siyasah Dusturiyyah*

Based on the *fiqh siyasah* perspective in terms of *maslahah* (public interest), the relocation of the capital city is something that Indonesia must eventually undertake in order to avoid potential harm that may arise if Jakarta continues to be considered the capital city. However, the fundamental issue lies in the policy outlined in Law Number 3 of 2022, particularly concerning the questioned authority of the management of the Nusantara Capital City (IKN) in terms of the overall benefit of the community.

The decision to relocate the capital city of Indonesia falls within the scope of executive power, particularly that of the president. The president has the prerogative to make policy decisions, including the relocation of the capital city. However, in its implementation, it involves not only the president but also the entire government apparatus and the legislature, which holds legislative power. They will be responsible for drafting regulations regarding the new capital city. Based on *siyasah dusturiyyah*, the president, as the head of state and government, is responsible for law enforcement and has the authority to determine and issue updated legal regulations.

In this regard, the state implements policies related to domestic affairs as well as those related to international relations. The main executor of this power is the government (head of state), supported by the parliament (cabinet or council of ministers), trained according to the needs and demands of different situations from one Muslim country to another. For legal policies, it is not permissible to deviate from the spirit of the values of Islamic teachings. The political policies of executive power must also be in accordance with the texts of Allah and beneficial.[18] This is also reflected in Surah An-Nisa, verse 58, which states:

﴿ إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ ۗ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ ۗ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا ۝٥٨ ﴾

Meaning: “Indeed, Allah commands you to render trusts to whom they are due, and when you judge between people, to judge with justice. Excellent is that which Allah instructs you to do. Indeed, Allah is always Hearing and Seeing.”

In the constitution, the President has the authority to relocate the National capital, as stated in Article 4, paragraph 1, of the 1945 Constitution of the Republic of Indonesia. However, further examination reveals that there is no urgent necessity to relocate the capital city, which becomes a complex state issue, due to long-term reasons such

as promoting social welfare equality, improving the economy, and directing future development progress.

The Open Legal Policy that determines the appointment of the head of authority by the President is not in line with the concept of public interest in *fiqh siyasah dusturiyyah*, where the involvement of the people is necessary in the selection process. This raises the potential for policies that may be detrimental to the people. Therefore, there is a need for improvement in order to ensure the fulfilment of the authority stipulated in Law No. 3 of 2022 while also considering the interests and participation of the people.

In *fiqh siyasah*, the decision-making or policy formulation by a leader should consider the aspect of benefit or *maslahah* derived from that decision or policy. This concept of *maslahah* aligns with the Western theory of utilitarianism popularized by the works of Jeremy Bentham and John Stuart Mill. Bentham argued in his writings that the purpose of law should be to promote the well-being of individuals and to achieve the greatest happiness possible. According to the theory of utilitarianism, an action is considered good if it brings benefits to the overall welfare of society.[19]

3.4. The Polemic Polemic of Regulations in the Policy-Making of the IKN Law

Regulations in the making of the IKN Law have sparked various controversies, as some parties argue that they do not adhere to proper principles in formulating the law, also known as formal errors. Consequently, some parties have filed a constitutional review. Once again, the discussion on the IKN Law, which lasted only 42 days, was deemed too short and rushed, resulting in the failure to fulfil several requirements. Based on Decision 91/PUU-XVIII/2020, it is suggested that the development of laws requires meaningful public participation, where the public has the right to express their opinions, have their opinions considered, and receive information or explanations in a dignified manner. As a democratic state that grants sovereignty to the people, as stated in Article 1 Paragraph (2) of the 1945 Constitution, deciding a policy will determine the fate of the people and should be followed by the government.

The government's law-making process is not yet considered an aspiration, especially in the process of discussing the IKN Bill. There is a lack of stakeholder participation, with only oral and written contributions in the drafting and discussion processes. Public participation in the law-making process can be achieved through research, discussions, workshops, and seminars. In the stage of discussing the Bill, there are six types of public

participation that can be carried out by the public in the legislative process: public hearings, alternative draught laws, contributions through print media, contributions through electronic media, demonstrations and discussions, seminars, and workshops.[20]

The formulation of legislative regulations must be based on the provisions of Law No. 12 of 2011 to ensure the certainty of the formation of legislative regulations, starting from the planning, drafting, formulation, and enactment stages of the legislative regulations. In the implementation process, in addition to adhering to Law No. 12 of 2011, the formation of legislative regulations must also adhere to the principles of good legislative regulation formation, ideally aiming to minimise and eliminate defects and errors in the implementation process.

One important aspect of formulating the IKN law is the presence of a comprehensive academic text. The scholarly text should be able to address the issues of relocation from philosophical, sociological, and legal perspectives. Furthermore, the text must also accurately explain the criteria and level of urgency or certainty as to why the national capital relocation should be carried out. To further clarify the relocation procedure, it is also necessary to include limitations or descriptions regarding the location and functions of the new national capital in the IKN law, whether it will serve as a government centre or also function as a trading, economic, etc., capital.

The formation of legislative regulations certainly requires a good process and proper planning in order to create good legislative regulations. The provisions of legislative regulations must reflect the principles of protection, national principles, diversity, justice, and equality before the law and order. The development of good laws and regulations in Indonesia should precede the legal requirements of Indonesia to capture the concept of true compliance. Additionally, the foundation of governance is a tangible basis for the development of good laws.

According to I.C. Van Der Vlies and A. Hamid S. Attamimi, the formulation of good legislative regulations is divided into two classifications, namely formal principles, which include: clear objectives, good institutional principles, regulatory principles, feasibility principles, and consensus principles. The material principles include principles of accurate and systematic terminology, recognisable principles, principles of equal treatment under the law, principles of legal certainty, and principles of applying the law according to each specific circumstance. [21]

Openness in lawmaking also has an impact on creating a space that provides dynamic references to legal provisions based on the development and actual conditions in society. Additionally, public participation in formulating IKN legislation is also low. The involvement of the relevant community must meet at least three conditions: the right

to be informed, the right to participate, and the right to demand accountability and ask questions. Meaningful public participation should also be included in the scope of community participation.

4. Conclusion

The constitutionality of the establishment of the IKN law lies in the position of the authorised officials of IKN as administrators of local governance in the IKN area, as well as the use of the term “head of the body” in contradiction with Article 18 paragraphs (1) and (4) of the 1945 Constitution. The position, authority, and functions of the authorised jurisdiction must be considered based on Indonesian law, particularly in conjunction with the 1945 Constitution. Moreover, the institutional concept of IKN needs to be redesigned.

A democratic local government should not only be based on administrative policy choices but also align with constitutional principles. As a region designated as a special form of local government, IKN should have a Regional People’s Representative Council (DPRD) to represent the aspirations of the people, just like other special and autonomous regions in Indonesia.

The open legal policy in the IKN law, from the perspective of *siyasah dusturiyyah*, can be an alternative solution to ensuring that the regulations align with and promote welfare and equitable development in the region. It requires the involvement of local governments in fostering regional cooperation, engaging community participation, and adhering to principles of openness and public interest.

References

- [1] Yahya HM. Pemindahan Ibu Kota Negara Maju dan Sejahtera. *Jurnal Studi Agama* 2018;14:21–30. <https://doi.org/10.23971/jsam.v14i1>.
- [2] Liano Hutasoit W. ANALISA PEMINDAHAN IBUKOTA NEGARA n.d.
- [3] Fikri Hadi, Rosa Ristawati. Pemindahan Ibu Kota Indonesia dan Kekuasaan Presiden dalam Perspektif Konstitusi. *Jurnal Konstitusi* 2020;17:536–7.
- [4] Alma’rif, Megandaru W. Kawuryan. Memikirkan Kembali Kepala Daerah DKI Jakarta Tahun 2022: Antara Gubernur dan Pejabat Pelaksana. *Jurnal Ilmiah Ilmu Pemerintahan* 2021;6:78.
- [5] Widjaja HAW. Otonomi daerah dan daerah otonom 2007.
- [6] Zulfikar Adiwardana Wanda. Ambiguitas Kedudukan Pemerintahan Otorita IKN Nusantara. *Sindonews* n.d.

- [7] Fitra Arsil. Pemindahan Ibukota Negara Tak Semata Berimplikasi pada Keuangan tetapi juga Hukum. *WwwLawAcId* n.d.
- [8] Ario Andika Baskoro, Dona Budi Kharisma. Analisis Undang-Undang IKN Berdasarkan Asas Pembentukan Peraturan Perundang-undangan di Indonesia. *Jurnal Demokrasi Dan Ketahanan Nasional* 2022;1.
- [9] Jetter Wilson Salamony. Tinjauan Perubahan Nomenklatur Kepala Daerah menjadi Kepala Otorita pada Ibu Kota Negara Indonesia. *Jurnal IKAMAKUM* 2022;2.
- [10] Hamdani K, Wulan U. REZIM EXECUTIVE HEAVY DALAM PENYELENGGARAAN PEMERINTAHAN DAERAH IBU KOTA NUSANTARA. n.d.
- [11] Torik Abdul Aziz Wibowo. Politik Hukum Desain Otonomi Khusus Ibu Kota Nusantara. vol. 2. 2022.
- [12] I Gde Satria Sandy. Otorita Ibu Kota Nusantara dalam Perpektif Otonomi Khusus 2023;2.
- [13] Lutfil Ansori. Telaah Terhadap Presidential Threshold Dalam Pemilu Serentak 2019. *Jurnal Yuridis* 2017;4:19.
- [14] Iwan Satriawan, Tanto Lailam. Open Legal Policy dalam Putusan Mahkamah Konstitusi dan Pembentukan Undang-Undang. *Jurnal Konstitusi* 2019;16:573.
- [15] Radita Ajie. Batasan Pilihan Kebijakan Pembentuk Undang-Undang (Open Legal Policy) dalam Pembentukan Peraturan Perundang-Undang Berdasarkan Tafsir Mahkamah Konstitusi. *Jurnal Legislasi Indonesia* 2016;13:573.
- [16] GRAHADYARINI BL. Pemerintah Tambah Rp 5,1 Triliun untuk Bangun Infrastruktur Dasar. *kompas.id* 2022. <https://www.kompas.id/baca/ekonomi/2022/08/25/anggaran-infrastruktur-ikn-rp-51-triliun> (accessed August 31, 2023).
- [17] Peraturan Menteri Dalam Negeri No. 55 Tahun 2010 Tentang Tata Naskah Dinas di Lingkungan Kementrian dalam Negeri. n.d.
- [18] Muhammad Iqbal. *Fiqh Siyasa: Kontekstualisasi Doktrin Politik Islam*. Jakarta: Prenadamedia Group; 2016.
- [19] Urbanus Ura Weruin. *Teori-Teori Etika dan Sumbagan Pemikiran Para Filsuf Bagi Etika Filsuf*. Bandung: Pustaka Setia; 2012.
- [20] Aqil Syahru Akram, Sunny Ummul Firdaus. Polemik dan Urgenitas Pengesahan Undang-Undang Ibu Kota Negara. *Jurnal Demokrasi Dan Ketahanan Nasional* 2022;1:315.
- [21] Maria Farida. *Ilmu Perundang-undangan: Jenis, Fungsi, Materi Muatan*. Jakarta: Kanisius; 2010.