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The Inconsistency of the Applicability Norms in the Law on the Special Region of Jakarta Province: The Impact on the Legitimacy of the Capital City of Indonesia during the Relocation Transition Period

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ABSTRACT

The relocation of the capital city of the Republic of Indonesia from DKI Jakarta Province to the Indonesian archipelago has raised several issues, one of which is for the former capital city. The problem that arises lies in the regulations that serve as the legal basis for the Special Region of Jakarta Province after it is no longer the capital city. Inconsistencies in norms occur between Law Number 2/2024 (UU 2/2024) and Law Number 151/2024 (UU 151/2024), which is an amendment to Law 2/2024. Law 2/2024 states that the enactment of the law is still awaiting the issuance of a Presidential Decree regarding the official relocation of the capital city. On the other hand, Law 151/2024 is declared to be in effect on the date of its promulgation. Law 151/2024 was formed with the aim of recognizing the winner of the 2024 general election from the electoral district of DKI Jakarta Province as the winner of the general election from the Special Region of Jakarta Province. The type of research used in this study is qualitative research using secondary data. This type of qualitative research was chosen to understand the issues that arise related to the inconsistency of norms between Law Number 2/2024 concerning the Special Region of Jakarta Province and its amendments through Law Number 151/2024. This study uses a descriptive research approach. The descriptive approach aims to accurately explain the legal materials obtained. In addition to descriptive, this study also uses a prescriptive approach. There are two (2) findings of this study: first, this inconsistency of norms impacts the validity of all legal products which are made by Provincial officials which is should be made by, for, and on behalf of the Special Region of Jakarta Province. Second, there are constitutional issues arising from legal uncertainty regarding the position of the nation's capital during the transition period.

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Introduction

The relocation of the Indonesian capital from Jakarta to the Indonesian archipelago is inevitable. Based on a study conducted by the Ministry of National Development Planning (BAPPENAS RI) through its Academic Paper on the National Capital Law, there are several reasons why the Indonesian capital needs to be moved, namely: The declining optimality of Jakarta Province as the capital of Indonesia and the DKI Jakarta Province is being deemed for no longer suitable for providing a life for its people in the future (The Ministry of National Development Planning (BAPPENAS RI) 2021). Specifically, there are five reasons why the national capital must be moved, including (The Ministry of National Development Planning 2021):

1. The concentration of population in Jakarta Province, where there are 10 million people reside, has resulted in economic inequality in Indonesia, with 59% of the national economy located in Jakarta;
2. The clean water supply crisis in Jakarta Province;
3. This has become one of the causes of significant land conversion on the island of Java;
4. The high rate of urbanization towards Jakarta. According to data published by the BPS-Statistics Indonesia (BPS RI), in 2020, there was a population increase of 1 million in Jakarta; and
5. The environmental degradation in DKI Jakarta Province, causing a decrease in groundwater levels of 7.5-10 cm per year; a 57% decline in reservoir water quality; and 61% severe river water pollution; and an estimated 25-50 cm sea level rise by 2050.

These reasons then prompted the government to move the nation's capital. The relocation of the National Capital from DKI Jakarta to the *Nusantara* Capital City (IKN) was then regulated through Law 3/2022 concerning the National Capital (Law 3/2022). This relocation carries legal implications for the loss of the position, function, and role of the Indonesian Capital City in DKI Jakarta. However, even though Law 3/2022 has been enacted, Article 4 paragraph (2) states that the full transfer of the position, function, and role of the National Capital from DKI Jakarta to the Indonesian Capital City will be carried out through a Presidential Decree (Republic of Indonesia 2022). This is in line with the provisions stipulated in Article 39 of Law 3/2022 which states that the National Capital City remains in DKI Jakarta Province until the date the capital city is reassigned through a Presidential Decree (Republic of Indonesia 2022). Until this research was compiled, the Presidential Decree regarding the relocation of the capital city had not been promulgated.(President of Indonesia 2024) This condition has implications for the status of the national capital. *De facto*, the capital city is still in DKI Jakarta Province. On the other hand, *de jure* Law 29/2007 is still in effect.

The enactment of Law 3/2022 certainly has an impact on the special autonomy status of DKI Jakarta Province as regulated through Law 29/2007. This impact is a consequence of the provisions of Article 41 paragraph (2) of Law 3/2022 which mandates amendments to Law 29/2007 (Republic of Indonesia 2022). The amendments to Law 29/2007 were made by revoking the validity of Article 3; Article 4; and Article 5 which regulate the position, function, and role of DKI Jakarta Province as the National Capital (Republic of Indonesia 2022). The revocation of the position, function, and role of the capital city should have implications for the loss of the special autonomy nature that was previously attached to Jakarta as the National Capital. Based on this, the Jakarta Province should implement autonomy equal to other provinces in Indonesia. However, there is a contradiction in the interpretation of Article 41 paragraph (4) of Law 3/2022 which is interpreted as an order for Jakarta Province to retain its special autonomy status after the transfer of the National Capital from DKI Jakarta to the IKN (Republic of Indonesia 2022). The article is not accompanied by an adequate explanation of the urgency of granting special autonomy to the DKI Jakarta Province.

The enactment of Law 2/2024 concerning to the Special Region of Jakarta Province (Law 2/2024) on April 25, 2024, fulfills the mandate of Article 41 paragraph (4) of Law 3/2022. The establishment of the Special Region of Jakarta Province (DKJ) through Law 2/2024 actually demonstrates a contradiction between the mandate of Law 3/2022 and the implementation of that mandate. Law 2/2024 affirms that the Special Region of Jakarta Province has special autonomy, even though it is no longer the nation's capital. The government believes that special autonomy is necessary for the Special Region of Jakarta Province because Jakarta remains the center of the national economy and plays a vital role in supporting the global economy (Republic of Indonesia 2024). Although Law 2/2024 has been enacted, this does not automatically render it valid. Article 73 of Law 2/2024 states that the law shall come into effect upon the issuance of a Presidential Decree regarding the relocation of the National Capital (Republic of Indonesia 2024).

The issue of the current location of the capital city has become increasingly complex following the amendment to Law 2/2024 through Law Number 151 of 2024 concerning Amendments to Law 2/2024 concerning the Special Region of Jakarta Province (Law 151/2024). The amendment to Law 2/2024 aims to provide legal certainty for the winners of the 2024 general election from the electoral district of DKI Jakarta Province (President of Indonesia 2024). Through this amendment, the winners of the Governor and Deputy Governor elections, the Provincial DPRD, the Indonesian House of Representatives (DPR RI), and the Regional Representative Council (DPD RI) are declared the winners of the 2024 Election from the electoral district of the Special Region of Jakarta Province (DKJ) (President of Indonesia 2024). Law

151/2024 is declared effective upon its enactment (President of Indonesia 2024). This provision contradicts Law 2/2024, which only came into effect after the issuance of the Presidential Decree concerning the relocation of the National Capital. This conflict creates uncertainty regarding the validity of the status of the national capital, including regarding the special government affairs that should be carried out by the national capital.

Following the enactment of Law 151/2024, legal uncertainty emerged because the governor, deputy governor, and members of the provincial DPRD (Regional People's Representative Council) were designated as executive and legislative officials of the DKJ Province (Sholikin 2025). Consequently, all governance and administrative processes in Jakarta should be carried out for and on behalf of the DKI Jakarta Province, no longer on behalf of the DKI Jakarta Province. This situation creates legal uncertainty, given that Article 39 paragraph (1) of Law 3/2022 stipulates that until the official transfer of the National Capital to the IKN is carried out, the position of the National Capital remains in DKI Jakarta Province (Republic of Indonesia 2022). The IKN authority has not yet implemented regional governance because the official transfer of the Capital to the IKN has not yet taken place (Republic of Indonesia 2022).

There are several previous studies related to the research topic of this article exist. Lobobun argues that there are several categories of inconsistencies between laws and regulations that impact the implementation of regional autonomy, including: inconsistencies in authority; inconsistencies between norms and implementation; inconsistencies regarding funding; inconsistencies in law enforcement; and inconsistencies in oversight (Lobubun, Raharusun, and Anwar 2022). Navruz, through his research, states that very strong political pressures can be the reason for moving a country's capital. Problems arise when strong political pressures are not balanced by a healthy legislative climate in a country (Mucahit 2024). Jeutner, in his research, explains that a situation occurs when two conflicting legal norms exist, a situation known as a legal dilemma.(Birkenkötter 2017) Vranes, in his research, explains that a solution to this situation of norm inconsistency is a more in-depth application of the legal principles of lex superior, lex posterior, and lex speciali (Vranes 2006). The difference with previous research is that the inconsistency of legal norms in this study lies in the legal norms related to the time of the law's enactment. This has implications for two laws that should complement each other, instead becoming contradictory. Related to the topic specifically examined in this article, these two norms exhibiting inconsistencies impact the legitimacy of the nation's capital during the transition period of the nation's capital relocation.

Two questions were posed to focus the study in this article. First, what impact does the inconsistent norms have on the implementation of regional governance in the Special Region of Jakarta Province? Second, what is the validity of Indonesia's capital city during the transition period, impacted by the inconsistent norms in the Jakarta Special Region Law? This study aims to identify the inconsistencies in the norms within the Jakarta Special Region Law, which serves as the basis for the implementation of special autonomy. Furthermore, this study aims to determine the impact of these inconsistent norms on the Special Region of Jakarta Province. Finally, this study aims to examine the validity of Indonesia's capital city, impacted by these inconsistent norms

Method

This research is a qualitative study using secondary data. This qualitative research was chosen to understand the issues related to the inconsistency of norms between Law 2/2024 concerning the Special Region of Jakarta and its amendment through Law 151/2024. Qualitative research will also examine the impact of this inconsistency on the validity of the status of Indonesia's capital city (Moleong 2005). The author employed a normative legal research method in this article, reviewing literature or secondary data (Efendi and Rijadi 2016). The purpose of this normative legal research method is to answer the problem formulation through the use of legal theories and laws and regulations as legal materials collected by the author (Marzuki 2011). This research is descriptive, aiming to accurately explain the legal materials obtained (Nurhayati, Ifrani, and Said 2021). In addition to descriptive analysis, this research also employs a prescriptive approach (Sati 2020). The prescriptive approach aims to evaluate the occurrence of inconsistencies in applicable norms so that the validity of the national capital during the transition period can be determined precisely.

The author uses secondary data obtained through a study of laws and regulations, documents, and provisions related to the research conducted (Suteki and Taufani 2017). The secondary data in normative

legal research is classified into primary legal materials, secondary legal materials, and tertiary legal materials (Suteki and Taufani 2017). The primary legal materials that will be used in this research include the 1945 Constitution of the Republic of Indonesia; Law 23/2014; Law 29/2007; Law 3/2022; Law 21/2023; Law 2/2024; and Law 151/2024. The secondary legal materials that will be used by the author include the Amendment to the 1945 Constitution of the Republic of Indonesia; Investigating Committee for Preparatory Work for Indonesian Independence (BPUPKI) and Preparatory Committee for Indonesian Independence (PPKI) Plenary Meeting Documents related to the process of drafting the original 1945 Constitution; Academic Manuscript of Law 2/2024; Academic Manuscript of Law 3/2022; and treatise of meetings and/or plenary sessions related to the formation of the legal basis for the Indonesian Capital City and the Law on the Special Region of Jakarta Province. Primary and secondary legal materials are supported by tertiary legal materials in the form of literature related to the implementation of special autonomy as supporting legal material. In normative legal research, data collection is conducted through a literature review of predetermined legal materials. Legal materials, both primary, secondary, and tertiary, as well as non-legal materials(Fajar and Ahmad 2023) are categorized into physical or printed legal materials and non-physical legal materials accessible online through the official government website. After collection, these legal materials are compiled and sorted using a checklist method to facilitate the analysis of research results (Suteki and Taufani 2017).

Results and Discussion

A. The Legal Basis for the Establishment of Special Autonomous Regions.

Broadly speaking, the implementation of special autonomy in Indonesia refers to Article 18B/1945 Constitution of the Republic of Indonesia. The autonomy granted specifically to autonomous regions is one form of decentralization practiced in Indonesia. Granting special status to an autonomous region cannot be categorized as a deviation from the Unitary State of the Republic of Indonesia, considering that one of the considerations for granting asymmetric authority is to realize more effective and efficient governance.(Susanto 2019) Terminologically, asymmetric decentralization means the transfer of authority specifically granted to a region within the context of a unitary state (Pratama 2016). According to Huda, special or exceptional autonomy in Indonesia is empirically a method for controlling regions experiencing social, political, and cultural instability, thus requiring a special approach (Huda 2014).

Specifically, the regulation regarding special autonomy has a different regime from the applicable Regional Government Law. The special autonomy has its own regulatory design to provide recognition for its special characteristics. The norm contained in Article 18B of the Indonesian Constitution, which is not followed by an explanation, provides room for the government to provide specialization based on existing needs. This condition began to change after the Constitutional Court Decision Number 81/PUU-VIII/2010 which specifically provides criteria for the formation of special autonomy regions as an interpretation of Article 18B/1945 Constitution. The Constitutional Court in its decision stated that Article 18B/1945 Constitution can be the constitutional basis for the formation of special autonomy regions regardless of the autonomous regions as regulated in Article 18/1945 Constitution as long as the specialization granted comes from original rights and historical realities that are recognized and stipulated through law (Republic of Indonesia 2014). The Court's ruling stated that granting special autonomy to autonomous regions must adhere to the following criteria (Republic of Indonesia 2014):

1. A region is granted special autonomy if it is related to political realities and needs, which, due to prevailing circumstances and conditions, require a region to be granted special autonomy that cannot be equated with other autonomous regions.
2. The scope and type of special autonomy are based on the background of the establishment and the real needs that require the granting of special autonomy and are flexible according to the needs of the autonomous region.

This makes Constitutional Court Decision Number 81/PUU-VIII/2010 the official interpretation of Article 18B/1945 Constitution, which serves as the criteria for establishing special autonomy in Indonesia, ensuring that it becomes an inseparable whole.

B. The Relocation of the National Capital from Jakarta Province to *Nusantara*

The relocation of national capitals in various countries around the world is nothing new. The practice of relocating national capitals is not limited to developed nations, but also to third-world countries. Some examples of capital relocations undertaken by countries include (Agustino, Hikmawan, and Silas 2024):

Table 1. The Relocation of National Capitals by Various Countries

Number	Country	Reasons for Moving the National Capital	Year of Relocation	Old Capital	New Capital
1.	Malaysia	The relocation of the national capital in Malaysia is only a partial relocation, also known as the administrative capital. Some of the reasons for moving the national capital in Malaysia are: Overcrowding and limited space in the Kuala Lumpur area; Government efficiency and integration; equitable distribution of decentralization and development (Moser 2010).	2000	Kuala Lumpur	Putrajaya
2.	Nigeria	The reasons for moving the national capital from Lagos to Abuja are: The Lagos region has limited infrastructure and land; Lagos has been the capital since the colonial era; the Nigerian government believes it needs a new symbol of the nation that breaks away from its colonial history; and local political pressure to relocate the capital (Nor, Razak, and Gajiga 2020).	1975	Lagos	Abuja
3.	Brazil	The reasons for moving the national capital from Rio de Janeiro to Brasilia are: overcrowding in the Rio de Janeiro area; and a moment to unite the nation, given that Brasilia is a place with no historical significance for the Brazilian people (Wulandari and Koestoer 2023).	1956	Rio de Janiero	Brasilia
4.	Myanmar	Some of the reasons for moving the capital in Myanmar include: national security; ease and fair access for the public due to its central location and easy access; and reducing the burden imposed by Yangon as the former capital (Fan et al. 2022).	2005	Yangon	Naypyidaw
5.	Kazakhstan	The reasons for moving the capital from Almaty to Astana in Kazakhstan are: geopolitical	1997	Almaty	Astana

	factors, namely to reduce Russian influence; and equitable population distribution in Kazakhstan. and Astana is considered more strategic geographically than Almaty (Arslan 2014).

Source: edited by the author, 2026

Indonesia itself began planning to move the nation's capital from Jakarta to a new area during President Joko Widodo's administration in 2019 (Lau 2024). Penajem Paser Regency was chosen as the new location for the nation's capital because it is the central point of the Indonesian archipelago and does not yet have a high population density (Lau 2024). Furthermore, the government believes that Kalimantan still has strong environmental carrying capacity, allowing for more focused and planned development of the new nation's capital (Nurron, Ningrum, and Pancasilawan 2025).

The relocation of the nation's capital from Jakarta to Nusantara is implemented based on Law 3/2022 concerning about the National Capital (Law 3/2022). However, this does not automatically revoke the special autonomy granted to the DKI Jakarta Province through Law Number 29 of 2007 concerning the Special Region of Jakarta as the Capital of the Unitary State of the Republic of Indonesia (Law 29/2007). This relocation carries legal implications, namely the loss of the position, function, and role of the Indonesian capital in DKI Jakarta. However, even though Law 3/2022 has been enacted, Article 4 paragraph (2) states that the full transfer of the position, function, and role of the National Capital from DKI Jakarta to Nusantara will be carried out through a Presidential Decree (Republic of Indonesia 2022). This is in line with the provisions stipulated in Article 39 of Law 3/2022 which states that the National Capital will remain in DKI Jakarta Province until the date the capital city is moved is determined through a Presidential Decree (Republic of Indonesia 2022). Until this research was compiled, the Presidential Decree regarding the capital city transfer had not been enacted (President of Indonesia 2024). This condition has implications for the status of the national capital. *De facto*, the capital city is still in DKI Jakarta Province. On the other hand, *de jure* Law 29/2007 is still valid. The *Nusantara* Authority has not yet implemented regional governance because the official transfer of the national capital to Nusantara has not been carried out as regulated in Article 39 paragraph (2) of Law 3/2022.

C. The Legal Framework for the Establishment of the Special Region of Jakarta

The enactment of Law 3/2022 will undoubtedly impact the special autonomy status of the DKI Jakarta Province, as regulated by Law 29/2007. This impact is a consequence of the provisions of Article 41 paragraph (2) of Law 3/2022, which mandates amendments to Law 29/2007. The amendments to Law 29/2007 are implemented by revoking the validity of Articles 3, 4, and 5, which regulate the status, functions, and roles of DKI Jakarta Province as the National Capital. The revocation of the status, functions, and roles of the capital city should have resulted in the loss of the special autonomy previously inherent in Jakarta as the National Capital. Based on this, Jakarta Province should exercise autonomy on a par with other provinces in Indonesia. However, there is a contradiction in the interpretation of Article 41 paragraph (4) of Law 3/2022, which is interpreted as requiring Jakarta Province to retain its special autonomy status after the relocation of the National Capital from DKI Jakarta to the National Capital City. This article does not provide an adequate explanation of the urgency of granting special autonomy to the Special Region of Jakarta Province.

The enactment of Law 2/2024 concerning the Special Region of Jakarta Province (Law 2/2024) on April 25, 2024, fulfills the mandate of Article 41 paragraph (4) of Law 3/2022. The establishment of the Special Region of Jakarta Province (DKJ) through Law 2/2024 demonstrates a contradiction between the mandate of Law 3/2022 and the implementation of that mandate. Law 2/2024 affirms that DKJ Province has special autonomy, even though it is no longer the nation's capital. The government believes that special autonomy is necessary for DKJ Province because Jakarta remains the center of the national economy and plays a vital role in supporting the global economy. Although Law 2/2024 has been enacted, this does not automatically render it valid. Article 73 of Law 2/2024 states that the law shall come into effect upon the issuance of a Presidential Decree regarding the relocation of the National Capital.

D. The Normative Inconsistencies between Law 2/2024 and Law 151/2024

. The issue regarding the current location of the capital city has become even more complicated since Law 2/2024 was amended through Law 151/2024 concerning Amendments to Law 2/2024 concerning the Special Region of Jakarta Province (Law 151/2024). The amendment to Law 2/2024 aims to provide legal certainty for the winners of the 2024 general election from the electoral districts of the Special Region of Jakarta Province. Through this amendment, the winners of the Governor and Deputy Governor elections, the Provincial People's Representative Council (DPRD), the House of Representatives (DPR RI), and the Regional Representative Council (DPD RI) are declared the winners of the 2024 election from the electoral districts of the Special Region of Jakarta Province (DKJ). Law 151/2024 was declared effective upon its enactment. This provision contradicts Law 2/2024, which only took effect after the issuance of the Presidential Decree regarding the relocation of the National Capital. This conflict has created uncertainty regarding the legitimacy of the national capital's status, including regarding the specific governmental affairs that should be carried out by the national capital.

After Law 151/2024 came into effect, the legal uncertainty arose because of the governor, deputy governor, and members of the Provincial Regional House of Representatives (DPRD) were designated as executive and legislative officials of the DKJ Province (Nur Sholikin 2025)." Consequently, all the governance and administrative processes in Jakarta should be carried out for and on behalf of the DKI Jakarta Province, not the DKI Jakarta Province. This situation has created legal uncertainty, given that Article 39 paragraph (1) of Law 3/2022 stipulates that until the official transfer of the National Capital to the *Nusantara* Capital City (IKN), the capital city remains in DKI Jakarta Province. The IKN authority has not yet implemented regional governance because the official transfer of the capital to the New Capital City has not yet taken place.

Regarding the normative inconsistencies between the two laws, it is clear that the inconsistency lies in the substantially different applicable norms of the two laws, leading to legal uncertainty. Upon closer examination, Law 151/2024, which amends Law 2/2024, should not be able to exceed the validity of its parent law, which has not yet been declared in force. Law 12/2011 concerning the Establishment of Legislation (Law 12/2011) states that amended legislation can only take effect if its parent regulation has already been enacted. Therefore, Law 151/2024 should not be declared in force, given that Law 2/2024, the parent regulation, has not yet been enacted. Maria stated that amended legislation does not aim to create a new normative regime, but rather to correct existing and applicable regulations (Indrati 2007).

E. The Impact of the Inconsistent Norms on the Validity of the National Capital City during the Transitional Period

Based on the author's explanation, the inconsistency of applicable norms between Law 2/2024, the parent law, and Law 151/2024, the amending law, will undoubtedly impact the validity of the national capital city, which is now entering the transitional period. Some of the resulting impacts include:

1. **All the legal products enacted by the Governor and Deputy Governor of Jakarta should be made for and on behalf of the Governor and Deputy Governor of the Special Region of Jakarta Province.**

   The purpose of enacting Law 151/2024 which has the status of an amended law is to provide legal certainty for the winners of the 2024 general election from the electoral districts of DKI Jakarta Province, as well as the winners of the election from the Special Region of Jakarta Province (DKJ). Considering that the norm contained in Law 151/2024 states that the law takes effect immediately upon enactment, it is only natural that all winners of the 2024 elections are currently appointed officials to serve in the Special Region of Jakarta Province. Article 39 paragraph (1) of Law 3/2022 stipulates that the *de jure* capital city will only move after the issuance of a Presidential Decree. This means that, to date, the capital of the Republic of Indonesia remains located in DKI Jakarta Province. This aligns with Article 73 of Law 2/2024, which states that the Law on the Special Region of Jakarta Province will only come into effect upon the issuance of the Presidential Decree concerning the Relocation of the National Capital.

   This issue undoubtedly has legal implications. Consequently, with the enactment of Law 151/2024, all legal products created by officials in Jakarta Province must be created for and on

behalf of the DKI Jakarta Provincial government. However, as of 2025 and April 2026, this requirement had not been implemented. Legal products created by Jakarta Province still used the DKI Jakarta Province nomenclature. Some examples of legal products in the form of Regional Regulations in DKI Jakarta Province created during 2025 include:

1) The Regional Regulation of the Special Capital Region of Jakarta Province Number 1/2025 concerning Accountability for the Implementation of the Regional Revenue and Expenditure Budget for the 2024 Fiscal Year;
2) The Regional Regulation of the Special Capital Region of Jakarta Province Number 2/2025 concerning the 2025-2029 Regional Medium-Term Development Plan;
3) The Regional Regulation of the Special Capital Region of Jakarta Province Number 3/2025 concerning Amendments to the Regional Revenue and Expenditure Budget for the 2025 Fiscal Year;
4) The Regional Regulation of the Special Capital Region of Jakarta Province Number 4/2025 concerning the Regional Revenue and Expenditure Budget for the 2026 Fiscal Year;
5) The Regional Regulation of the Special Capital Region of Jakarta Province Number 5/2025 concerning the Implementation of Education;

These regional regulations do not yet use the nomenclature of the Special Region of Jakarta Province, as mandated by Law 151/2024, which states that officials in Jakarta Province are officials for the Special Region of Jakarta Province. As of March 2026, the Jakarta Provincial Government had prepared a Special Regional Regulation for the DKI Jakarta Province as a follow-up to Law 2/2024 (Izan 2026). However, if the special regional regulation were passed before the Presidential Decree officially relocating the capital city, it would raise further constitutional issues, given that Law 2/2024 would only come into effect after the official relocation of the capital city.

2. The Legal uncertainty regarding the *de jure* location of Indonesia's capital city.

The location of the capital city is crucial to avoid legal uncertainty regarding the current position of the capital city of the Republic of Indonesia. De jure, of course, the provisions of the current law serve as the basis for recognizing the current location of the capital city. Law 29/2007 which provides the basis for legal recognition for the DKI Jakarta Province, remains in effect. This is due to the following factors:

1) Article 4 paragraph (2) of Law 3/2022 states that the relocation of the capital city from DKI Jakarta Province to the Indonesian Archipelago is determined by Presidential Decree;
2) Article 39 paragraph (1) of Law 3/2022 mandates that the capital city remain in DKI Jakarta Province until the relocation is determined;
3) Article 39 paragraph (2) of Law 3/2022 states that the Indonesian Archipelago Capital Authority will not administer regional government until the official relocation of the capital city;
4) Article 73 of Law 2/2024 states that Law 2/2024 will only come into effect after the issuance of a Presidential Decree.

Based on the *de jure* structure of these regulations, the capital of the Republic of Indonesia remains located in the Special Capital Region of Jakarta. This legal uncertainty arises administratively, as Article 2 of Law 151/2024 states that the amending law to Law 2/2024 shall come into effect on the date of its promulgation. Although the Indonesian Constitution does not specify the location of the capital, constitutionality certainly does not refer solely to the norms stipulated in the Constitution. This overlapping of norms will undoubtedly impact which capital city is currently officially in effect during the transitional period.

Conclusion

Based on the results of the research conducted by the author, there are 2 (two) conclusions which are the results of this research as follows:

1. The inconsistency of norms regarding the validity of the laws that serve as the legal basis for the Special Capital Region of the Jakarta Province certainly impacts the position of the Special Capital Region of the Jakarta Province during the transition period following the relocation of the national capital. Based on the research conducted, it can be seen that these impacts are classified into two categories: first, the impact on the administrative legitimacy of the Jakarta Province in carrying out its governmental duties and functions; and second, the constitutional impact regarding the position of the national capital as the current center of government of the Republic of Indonesia.
2. As explained previously, one of the impacts is the legitimacy of the current capital city as the center of government of the Republic of Indonesia. Based on the provisions of Law 3/2022 concerning the National Capital and Law 2/2024 concerning the Special Capital Region of Jakarta Province, the center of government during this transition period remains in the Special Capital Region of Jakarta Province. The enactment of Law 3/2022 does not automatically revoke the validity of Law 29/2007. The problems that emerged after the enactment of Law 151/2024 indeed constitute an urgent constitutional challenge that requires immediate resolution. Prolonged delays in resolving this issue will result in the unconstitutionality of the nation's capital during the transition period.

Author Contributions Statement

All author is contributing during the research process.

AI Usage Statement

During the research and writing the publication manuscript, the use of AI was very minimum which only related to language editing and grammar checking. Authors are responsible for the originality of the script.

Conflict of Interest

There is no conflict of interest neither on the research process nor the published article.

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