



Optimization of Environmental and Defense of the New Capital City ‘Nusantara’ Based on Pancasila and SDGs

Xavier Nugraha^{1*}, Krisna Angela², Natasha C. L. Rositaputri³, Amilah Fadhlina⁴

¹⁻²Faculty of Law, Universitas Airlangga, Indonesia

*Corresponding email: nugrahaxavier72@gmail.com

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Abstract

The development and industrialization of the new capital city “Nusantara” which aims to realize equitable development, has an impact on reducing forest and marine sustainability, related to environmental rights and rights to the environment as mandated in Article 28H of The 1945 Constitution. In addition, this development also threatens national defense because the archipelago is adjacent to international borders, thus triggering territorial disputes between countries. The research uses normative legal research methods with the statute and conceptual approach. This research purposed to analyze the preservation of forests and seas, security, and defense as a result of the development and industrialization of the new capital city “Nusantara” based on the Sustainable Development Goals (SDGs). The result showed that implementing the development and automation of the new capital city “Nusantara” must pay attention to the values of Pancasila and the 1945 Constitution. In addition, the management and conservation of forests and seas need to refer to the 15th SDGs goal and the 16th SDG related to defense. and national security.



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A. INTRODUCTION

The capital city of Indonesia, which is located in the city of Jakarta, is the first capital city since Indonesia's independence on August 17, 1945, which later in 1964, Jakarta was designated as the capital city of the Republic of Indonesia as stipulated in Article 1 of Law Number 10 of 1964. Jakarta as the capital In the context of Indonesia, the State does not only function as a center of government administration where various state institutions are located and carry out their functions but is also positioned as a business and trade center, so that various economic activities, both national and international, are mostly carried out in Jakarta (Herdiana, 2022). However, over time, the capital city of Jakarta, which is the center of business administration, has become overpopulated. As a result, it creates new problems in terms of economy and health, which have implications for the community's quality of life. This is evidenced by the awarding of the title by the Rethinking The Future (RTF) site to the capital city of Jakarta as the city with the worst urban planning in the world (Wiryo, 2021).

In addition, the air quality in DKI Jakarta is recorded to be in the worst position in the world based on the AQ Index website. When viewed in more detail, there are four air quality stations in the Capital City that are labelled purple or fall into the category of very unhealthy air quality (Kurniawan, 2022). In addition, many problems occur in Jakarta, ranging from population density, infrastructure and economic development inequality, air pollution, high levels of congestion, poverty, unemployment, and high crime rates. This is the reason why President Joko Widodo proposed relocating the State Capital, which was expressly conveyed at a meeting with council members on August 16, 2019 regarding the plan to move the state capital from Jakarta to Kalimantan Island, namely in East Kalimantan Province (Ministry of State Secretariat of the Republic of Indonesia, 2019). The location of the new capital city in the middle of Indonesia is expected to realize equity and economic justice and development (Hadi & Ristawati, 2020). The relocation of the new nation's capital city "Nusantara" was ratified through Law no. 3 of 2022 concerning the National Capital and is called the "Nusantara".

In the Reformation era, moving the capital was based on at least two considerations. First, there is a desire to develop areas outside of Java to create economic equality and development based on the fact that the majority of economic activities are carried out on the island of Java, which creates development disparities between the island of Java and outside the island of Java. Second, there is a desire to create a conducive and accommodative capital city in the context of implementing a national government based on good, clean and professional governance (Herdiana, 2022). IKN development is planned by carrying out the concept of a modern, smart, and green city as a role model for future city development in Indonesia. However, this IKN development does not necessarily get the support of all Indonesian people.

The relocation of the Indonesian capital has reaped the pros and cons among the Indonesian people. The reason is that Indonesia is currently in difficult times, especially with the pandemic and several natural disasters in a row. Currently, Indonesia is experiencing financial problems, so it isn't easy to develop and meet its people's needs in the fields of economy, security, and education, which are the goals of the State. Many also say that the capital city's movement is only for investors' benefit (Saputra, Gabriel J, & Mhd, 2021). In addition, other factors cause some people to reject the idea of moving to the new capital city in Kalimantan. Given that Kalimantan is an area that is still green with lush forests and sparsely populated.

Suppose the construction of the archipelago's capital continues to be carried out. In that case, it will raise concerns about the depletion of forest areas in Indonesia due to the industrialization of the archipelago's capital city. This will significantly impact the area around the capital city, such as Java, where the economy is evenly distributed and has a dense population compared to other

islands. Not only in the forest aspect, it is feared that the waters in Kalimantan, both rivers and the sea, will be polluted by the construction of the archipelago's capital city. Bearing in mind that industrial wastes and garbage can worsen the water quality in Kalimantan. This is reflected in the condition of Jakarta's waters which are slum and full of garbage. The two aspects above are the people's concern over the relocation of the capital city, which will only damage the forests and seas in Kalimantan.

Undeniably, the relocation and development of the Capital of the Archipelago has a positive impact, namely economic growth to realize equality and development justice from equitable development (Herdiana, 2022). However, there are also negative impacts that may arise for the new capital, namely other issues outside of development will be ruled out, such as policies to build quality human resources, improve the quality of public health and education, and create a clean and professional bureaucracy (Herdiana, 2022). In addition, the negative impact that can arise with the relocation of the capital city of the Republic of Indonesia is to have an impact on the environment and marine ecosystems on the island of Borneo. Given that the island of Borneo has a large forest area, the development of the archipelago's capital city must pay attention to and implement forest management so that Kalimantan's forests remain sustainable. In addition, regulations governing the management of waters and seas on the island of Borneo are also needed because the development and industrialization of the archipelago's capital city will impact marine pollution and damage the underwater ecosystem.

Based on the background above, the formulation of the problem in this article is **first**, what are the consequences and impacts of moving the new capital city “Nusantara” on Forest and Sea Conservation and National Defense? **Second**, how is the implementation of the development of the New Capital “Nusantara” based on the 1945 Constitution of the Republic of Indonesia and Pancasila based on the goals of the SDGs? The purpose of this article is, **first**, to analyze the consequences and impacts of moving the new capital city “Nusantara” on Forest and Sea Conservation and National Defense. **Second**, analyze the implementation of the development of the New Capital “Nusantara” based on the 1945 Constitution of the Republic of Indonesia and Pancasila based on the objectives of the SDGs. Several previous articles examine the development and industry of the New Capital of the Archipelago, such as: 1) Articles from Yanti, Rainer, and Verrence in 2022 focusing on Setting and Implementing Sustainable Development Goals on the Development of the National Capital of the Archipelago (Friskawati, Alvander, & Wibowo, 2022); and 2) Moh. Ichwan, Ulfa, and Andi in 2022 focusing on the Green Economy : Optimizing the *Forest City Concept* in the National Capital Development Plan (Ichwan, Rezkiani, & Makmur, 2022). The difference between the 2 (two) articles is that in this article, the focus is on analyzing from the perspective of the forest and marine sustainability, as well as national defence.

B. RESEARCH METHOD

The research used is legal research. Legal research is “the truth of coherence, namely whether there are legal rules according to legal norms and are there norms in the form of orders or prohibitions by legal principles, and whether a person's actions are by legal norms” (not only according to legal rules) or legal principles (Marzuki, 2005). This research was conducted by searching, viewing, and discovering and examining laws and regulations, legal doctrines, and related legal principles. The research approach used in this research is the statute and conceptual approaches. This approach is needed to find solutions according to legal concepts and legal principles that are relevant and relevant to solving legal issues in this study.

C. RESULTS AND DISCUSSIONS

Consequences and Impacts of Moving the New Capital ‘Nusantara’ on Forest and Sea Conservation and National Defense

There are 3 (three) things that are taken into consideration by the Government in terms of relocating the State Capital, namely: a) The State Capital is a new sustainable city that is characterized by smart, green, national identity and diversity; b) The State Capital is a new modern city with international standard; and c) the State Capital with a central government that reflects the ideal bureaucracy and national Government or civil (ASN) human resources (Ministry of PPN/Bappenas, 2020). The relocation of the National Capital does not only need to pay attention to physical planning, but also the Government's obligation to formulate the values of governance and social life of the community. The hope is to realize a synergistic capital city development in terms of physical and non-physical aspects. There are six conditions that the Government must meet in moving the National Capital, including visionary leadership and consistent commitment, the comprehensive rule of law, participatory and accommodating planning process, professional human resources, cultural characteristics and openness of local communities, government organizational culture. and social values (Herdiana, 2020).

The relocation of the State Capital to East Kalimantan will impact the surrounding forests and seas. Prolonged deforestation under the guise of developing the National Capital will trigger dangerous environmental problems and can repeat the same mistakes. Previously, the government predicted that it would develop without destroying the forest and disturbing its habitats (Boer, 2022). However, this has become a point of public doubt to the Government because the area around IKN itself has experienced considerable deforestation due to development (Bahdein, 2021).

Kalimantan itself is known as an island that is synonymous with dense tropical rainforests with a variety of biological riches. However, Kalimantan has lost as much as 14.4 million ha of forest from 1973 to 2015 along with the emergence of oil palm plantation companies and the HTI industry (Ramadhan, 2020). Larger development will dominate throughout the relocation of the National Capital. Bearing in mind that the relocation of the State Capital will lead to short-term development, thus disturbing the balance of the environment.

The relocation of the National Capital City will certainly be followed by the conversion of land functions into settlements, buildings, government buildings, offices, tourist attractions, and so on. All government activities in the previous capital city also moved to the new capital "Nusantara". Coupled with the movement of people who also added to the need for land, residence, and industry. All of these developments were carried out on forest land, which has become an icon of East Kalimantan. This will also impact unique animals that depend on forests as their natural habitat, such as orangutans.

In addition, the relocation of the State Capital will also have an impact on the seas around Kalimantan. The relocation of the national capital will increase activities in East Kalimantan. This triggers pollution that can reduce the quality and beauty of seawater. The development and industrialization of the National Capital City cannot be separated from the existence of industries, factories, offices, malls, entertainment venues, high-rise buildings, to people's settlements. The development does not rule out the possibility of triggering waste disposal to household waste that can pollute the sea and damage the marine ecosystem.

The relocation of the national capital also has an impact on national defence. This is related to the national defence strategy, which resulted in the shift of the "Center of Gravity" which became an important aspect of maritime defence forces. Based on the translation of the book *On War* by Howard and Paret, Center of Gravity (CoG) is defined as the place where everything depends because it is the axis of strength and movement (Rizkiana, Prakoso, & Sudiarmo, 2021). The source of the power in question is the moral or physical strength to be able to act freely according to his wishes, as referred to in the meaning of Joint Publication 5-0. According to Eikmeier, CoG is the main entity that is attached to be used to achieve goals. Based on the above understanding, CoG can be defined as an inherent source of power to act freely to achieve goals.

Referring to the United States effect-based operation doctrine, there are 5 (five) components of CoG from the outermost to the innermost, namely the military on the battlefield, population, infrastructure, and essential components such as the center of the economy and political leadership (Mets, 1999). If the state capital is moved, the country's CoG will also move. For example, the source of state power in terms of economy and population is concentrated in Java because the center of the State is in Jakarta. The concentration of the economy and population

of this country resulted in the TNI's strength being focused on Java. However, relocating the National Capital will result in the CoG of the economy and Government being split into two. As a result, the national defence cannot be focused and is prone to destruction in one attack.

In addition, the geographical location of the New Capital City "Nusantara" is in the Indonesian Archipelago Sea Lane 2 (ALKI 2) which is directly adjacent to the Lombok Strait and the Makassar Strait (Ananda, 2022). The position of the new capital city "Nusantara" which is not far from Malaysia and the Philippines, is prone to war. Based on Article 6 paragraph (1) of Law Number 3 of 2022 concerning the State Capital, geographically, the position of the New Capital City "Nusantara" is at 116° 31 37,728 to 117° 18 28,084 East Longitude and 0° 38 44,912 to 1° 6 42,398 South Latitude. This means that the position of the New Capital City "Nusantara" is in the middle of the archipelago, but not in the center of the vertical axis, namely between 6° North Latitude-11° South Latitude and between 95° - 141° East Longitude. This makes it easier to monitor and maintain national defense in a centralized manner, both in the mobilization of the defense fleet and the duration of defense assistance (Mikhael, 2022).

However, the location of East Kalimantan, which is close to the international boundary line, which is 2,062 km along the land border of eastern Malaysia, can trigger a territorial struggle. Given that international boundaries are prone to become military meeting points between countries closely related to territorial disputes (Gray & Sloan, 2003). In addition, the position of the New Capital City "Nusantara" in the ALKI II area, makes IKN potentially dangerously affected by the impact of the Ambalat Block conflict. This concern is motivated by a feeling of anxiety that the ALKI II area will be used for the military interests of the armed forces of other countries (Hermawan, Prakoso, & Sianturi 2020). The depth level of ALKI II is sufficient to operate submarines, so it has the potential for espionage from other countries. The location of the archipelago which is not far from the coastal location, is also dangerous for national defence because it can become a battle area that is easily accessible to opposing ships. In addition, the New Capital "Nusantara" position is also in the intercontinental missile area of certain countries that are now trying to build military bases in the South China Sea region. This is certainly very dangerous for national security because it can be used as a meeting place to combat.

Implementation of the Development of the New Capital City 'Nusantara' Based on the 1945 Constitution of the Republic of Indonesia and Pancasila Based on the Goals of the SDGs

In essence, humans have the right to a good environment and the environment has the right to be guarded and protected (Abrianto *et.al* , 2021) . Protection of the environment refers to environmental rights (Nugraha,

Srihandayani, & Goutama, 2021) . Referring to the Green Constitution theory, by Prof. Jimly Asshiddiqie, the environment is placed equal to or above humans, so the environment must be prioritized. Green Constitution or Green Constitution means environmental sovereignty (ecocracy) which places the environment as an object that humans can change, but as a subject that has the right to be preserved and protected. (Fajarwati, 2016). In the constitution, the right to the environment is contained in Article 28 H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which includes the right to get clean and fresh air, to get good sunlight, to get a comfortable air temperature and climate, to safe environmental conditions.

The development of the New Capital City “Nusantara” will carry the Smart Forest City concept, namely development while maintaining forests in Kalimantan with a commitment to developing Green Open Space (RTH) of at least 50% of the capital city area, which includes botanical gardens, complexes or sports facilities that are integrated with nature, green spaces, to recreational parks (Lidyana, 2022). The Government is committed to building IKN infrastructure, which must be carried out based on sustainable and environmentally sound principles. Sustainable city (*development city*) is one of the visions of the development of the National Capital as contained in Article 2 of Law No. 3 of 2022 concerning the State Capital, so the design of the city to be built must adapt to natural conditions and make the State Capital low in carbon emissions. Forest management as part of the New Capital area “Nusantara” is a manifestation of implementing the 15th Sustainable Development Goals. Therefore, efforts to protect and restore forest area degradation are carried out under the principle of harmony in a policy and strategy for an integrated spatial plan between land and sea as mandated in Law Number 11 of 2020 concerning Job Creation.

If implementing the development and industrialization of the New Capital “Nusantara” prioritizes environmental safety and the community, then the natural wealth will be maintained for future generations. Bearing in mind the mandate of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, that earth, water and natural resources are the power of the State for the prosperity of its people. Because the new capital city “Nusantara” will become a national icon in the long term, it is necessary to preserve the existing biodiversity by implementing environmentally sound development (Dwi, 2003). For example, by maintaining and expanding existing green open spaces and forests, carrying out development or industrialization wisely by paying attention to nature and the sea, keeping the sea flow around the National Capital City clean, creating good water catchment to avoid flooding, maximizing environmentally friendly public transportation, to managing urban spatial planning well between industry, settlements, and nature.

In addition to the environmental aspect, the geographical location of the IKN that poses a potential threat to the defence and security of the State must be carried

out with mitigation efforts to minimize the risk. Concerning the defense and security of the State itself, Article 30 of the 1945 Constitution of the Republic of Indonesia states that every citizen has the right and is obliged to seek the defense and security of Indonesia. This means, the Government should protect the existence of the nation concerning its security and sovereignty (Dwi, 2003). This national defence is related to the integrity and safety of the Unitary State of the Republic of Indonesia as stated in Article 1 of Law no. 3 of 2002 concerning National Defense. In this case, the synergy of the people, Government, and security forces is needed so that they are not easily compromised by outsiders trying to undermine the national defence. Improving national defence can be enhanced by appropriate political policies, procurement of defence equipment, management of the quality and quantity of personnel and strengthening the ideology of Pancasila.

The national defence effort that will be carried out in the New Capital region “Nusantara” is a form of the Indonesian Government's commitment in realizing the pillars of the *Sustainable Development Goals* (SDGs) as a program that has been stated in Presidential Regulation of the Republic of Indonesia No. 59 of 2017. IKN development efforts accompanied by the strong defence are a form of the 16th SDGs goal of providing access to justice for all citizens and building effective, accountable, and inclusive institutions at all levels.

In addition, strengthening the values of the Pancasila ideology in the development of the capital city as a sustainable city can be a solution to the problems faced (Sari *et.al.*, 2019). Pancasila contains fundamental principles reflected in its precepts that can be understood and translated to a more practical level. Pancasila, also known as the *grundnorm* (basic norm), is the source of all sources of law. Therefore, the development and industrialization of the New Capital “Nusantara” must be based on the state foundation, namely Pancasila as contained in the five precepts of Pancasila (Pinasang, 2020).

The first principle of Pancasila contains the value of God, which is not only related to religious or religious relations, but also to humans and God's creation. Humans as God's creation cannot live apart from nature. On the other hand, nature can exist and grow without humans. This means that humans have a dependence on nature. Therefore, implementing the development and industrialization of the New Capital City “Nusantara” must be environmentally friendly by paying attention to preserving nature. So, there is a need for harmonization of the interests of nature with the development of the New Capital City “Nusantara”.

The second principle of Pancasila relates to human values that prioritize humanist principles and are not exploitative. This means that implementing the development and industrialization of the New Capital “Nusantara” must still uphold human dignity. This second precept contains the value of awareness of moral luster and human behaviour towards oneself, others, and the environment based on prevailing norms and culture. When it comes to forest and environmental

management, the implementation of development must uphold morality towards nature. This is because humans arbitrarily tinker with the environment to exploit the interests of only a few parties.

The third principle of Pancasila is related to the value of unity in development and industrialization activities. To support the development and industrialization of the New Capital “Nusantara”, it is necessary to have a strong sense of togetherness, kinship, mutual cooperation, and nationalism with one another. With the principle of unity, all communities can play a role in environmentally sound development because every community will get the same understanding in maintaining the existence of nature. This principle of unity also means concerned with not only the present life but also the lives of future generations. Therefore, today's society will unite to design development and industrialization that preserves biodiversity for future generations. In addition, the meaning of the principle of unity is also closely related to national defence and security so as not to be destroyed by irresponsible parties.

The fourth precept of Pancasila implies that Indonesia upholds the people's sovereignty based on democracy. This means that the implementation of development and industrialization needs to pay attention to suggestions and accept criticism from the whole community. Development and industrialization based on democracy with consensus deliberation can accommodate all people's interests while still paying attention to forests and the sea. Bearing in mind that the existence of consensus deliberation can produce fair decisions for all elements involved. In this way, the development and industrialization of the New Capital “Nusantara” can run optimally without sacrificing nature or the nation's integrity.

The fifth principle of Pancasila emphasizes the value of justice in implementing development and industrialisation oriented towards the prosperity and welfare of the people. This means that the existence of development and industrialization should not create inequality with other communities. For example, in terms of using community land for the construction of the New Capital City “Nusantara”, then in this case the State must be responsible for paying attention to and providing compensation to related parties. Likewise with people's livelihoods, the construction of the New Capital City “Nusantara” must also not kill the work of the surrounding people. Therefore, this development and industrialization must be designed properly and carefully to avoid harming certain parties.

D. CONCLUSION

The construction and relocation of the State Capital to East Kalimantan impacts the preservation of forests and seas and national defense. The impact of the displacement of the National Capital has caused the area around the Indonesian Capital City to experience deforestation due to land clearing which

will be used not only for the Nusantara Capital City, but also for residential areas and industrial activities, all of which are carried out on forest land which is a habitat for animals and wildlife. The forest itself is an icon of East Kalimantan . Not only that, the relocation of the National Capital City also impacts marine sustainability, with the establishment of industries and residential areas that will trigger pollution that can reduce the quality and beauty of seawater. In addition, the geographical location of the Capital of the Archipelago is on the Indonesian Archipelagic Sea Lane 2 (ALKI 2), which is directly adjacent to the Lombok Strait and Makassar Strait and not far from Malaysia and the Philippines, which is prone to war.

In the implementation of the New Capital 'Nusantara' development, it is necessary to pay attention to forest and sea management as included in the 15th goal of the SDGs and national defense included in the 16th goal of the SDGs. Besides that, The development and industrialization of IKN must also be based on the values of Pancasila, namely the value of Godhead, the value of Humanity, the value of Unity, the value of Democracy, and the value of Justice, so as to realize the concept of a *smart forest city*. In implementing the development and industrialization of IKN, it is also necessary to pay attention to the constitution of the Indonesian State, namely the 1945 Constitution of the Republic of Indonesia. This refers to Article 28H paragraph (1) related to the right to a good and healthy environment, Article 30 of the 1945 Constitution of the Republic of Indonesia concerning strong state defence and security, and Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia regarding the implementation of environmentally sound development for the sake of prosperity of the Indonesian people.

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