



Implications Status of Special Capital Region Nusantara (IKN) on State Financial System

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Abstract

The relocation of the national capital from Jakarta to East Kalimantan has changed many sectors. Both in the government sector, social sector, and economic sector. This is done as a form of equalization of various sectors which have only been centered in the Java Island region. The equalization to the eastern region of Indonesia allows sustainable development to be carried out to the eastern region of Indonesia, which has been considered underdeveloped compared to the western region of Indonesia. Law No. 3 of 2022 and Law No. 17 of 2003 will be associated with the determination of the special regional government status of the National Capital. The author wants to analyze how the implications of the special regional government status in IKN with the state financial system are certainly associated with Law (UU) Number 21 of 2023 concerning Amendments to Law Number 3 of 2022 concerning the National Capital. The normative juridical research method will be studied with a statutory approach, comparative approach and conceptual approach. The results of this study will have an impact on the relationship between the establishment of a special regional government and the state financial system that should be owned by the State Capital in the future. And can be a guideline for running good finance in eastern Indonesia.

Keywords: National Capital, Special Government, State Finance

Introduction

The relocation of the State Capital, which has been in Jakarta, to the East Kalimantan region has made many sectors undergo changes. Both in the government sector, social sector and economic sector. So far, the transfer decision has been approved by the central government and the transfer will be carried out in stages. This is in accordance with the direction of the President at that time, Joko Widodo, who wanted to move the State Capital to the Nusantara in East Kalimantan in the near future.

This method is done as a form of equalization of various sectors which have often been centered only in the Java Island region. Equalization of various sectors to eastern Indonesia ranging from government, social, to the economy allows sustainable development to be carried out in eastern Indonesia which is often considered less than western Indonesia.

The relocation of the State Capital to the Nusantara itself has been regulated in Law Number 3 of 2022 concerning the State Capital which was stipulated on February 15, 2022. Not only that, the current law has also been amended in several articles which are regulated in Law (UU) Number 21 of 2023 concerning Amendments to Law Number 3 of 2022 concerning the National Capital. The law clearly regulates how the mechanism for moving the State Capital to the Nusantara.

As stipulated in article 2 of Law Number 3 of 2022, where the Nusantara Capital itself is intended with the aim of becoming a sustainable city in Indonesia and even the world. And not only that, it is expected to be a driver of the Indonesian economy both now and in the future. Third, it can be a symbol of Indonesia's diverse national identity in accordance with the philosophy of Pancasila and the 1945 Constitution of the Republic of Indonesia.

The relocation of IKN from Jakarta to the Nusantara can certainly be said to have a fairly different and crucial basis that made the central government approve the move to the Kalimantan region. The specificity set by the government for the Nusantara is indeed considered a little different compared to the transfer of the Indonesian National Capital compared to before. This is in accordance with what is regulated in legislation or the 1945 Constitution of the Republic of Indonesia.

As stipulated in Article 18B paragraph (1) of the 1945 Constitution of the Republic of Indonesia which reads: "The state recognizes and respects units of regional government that are special or special in nature which are regulated by law." The article implies that the regional governments formed in Indonesia consist of special governments and special governments whose classification is adjusted to the provisions of the applicable legislation and still adjusted to the local wisdom that exists in the region.

For the transfer of the State Capital to the Nusantara located in the East Kalimantan region, of course, it has been based on several principles and provisions that have been studied first. Before finally it was decided to move gradually starting in 2024 until now. The specificity possessed by IKN is certainly different from other Indonesian regions that have previously been designated as the National Capital. For example: Jakarta, Jogjakarta to Bukittinggi. The specificity that differs between IKN and other Indonesian State Capital regions can be seen from : the plan to move IKN which applies the concept of smart city, and smart living. In accordance with the direction of President Joko Widodo at that time quoted by CNN Indonesia on March 06, 2025 where most of the area is green open space and prioritizes the principles of economic justice, equitable development and equitable development.

Implementing the principles of economic justice, equitable development and equitable development cannot be done immediately and requires careful planning and complete implementation on all sides. The principle of economic justice itself, according to the author, can be achieved for the Indonesian economy in the future by applying a financial model that is

suitable for Indonesia's new capital city. Where the IKN which is gradually moved to the Nusantara has specificities which are certainly much different from other special governments and special governments in Indonesia. When associated and studied with Law Number 21 of 2023 concerning Amendments to Law Number 3 of 2022 concerning the National Capital as the basis for the legislation on the establishment of IKN.

Based on this background, the author is interested in analyzing how the financial model can be applied in the new National Capital region with special government conditions that are different from other regions. The specificity of the economy will also be studied by the author in a thesis entitled “IMPLICATIONS OF THE SPECIAL GOVERNMENT STATUS OF THE NATIONAL CAPITAL REGION ON THE STATE FINANCIAL SYSTEM”.

Literature Review

There are two theories used in this research, including the theory of state finance and the theory of legal utilitarianism.

1. State Finance Theory

Indonesia in implementing its financial system, of course, uses a state financial mechanism that is different from finance in the private sector. Indonesian State Finance is regulated in Law Number 17 of 2003 concerning State Finance. The provisions of state finances are regulated in article 1 number 1 “State finances are all state rights and obligations that can be valued in money, as well as everything both in the form of money and in the form of goods that can be used as state property in connection with the implementation of these rights and obligations”.

The implementation of state finances itself as stipulated in Law Number 17 Year 2003 refers to how sustainability by applying the principles of good financial management. In order to create strong and stable economic growth, the management of state finances must be carried out by people or in this case parties who really understand how the implementation of finances in the country. In this case the Ministry of Finance as the ministry appointed by the President to carry out state finances.

In connection with the relocation of the National Capital, the state financial theory discussed is more about how to link special regional finances, in this case IKN, with its task of replacing the Jakarta area as the National Capital. When referring to the status of being the State Capital, of course IKN has differences with Jakarta. Currently, the finances of IKN itself are still “equalized” with other ministries. What is meant by being equalized with other ministries is by getting a portion of the APBN. However, the IKN budget is not purely 100% derived from the APBN alone but also from various other sectors such as the Business Entity Work Agreement (KPBU), and private investment. This provision is in accordance with the direction of IKN Development from the APBN which has been put forward by the Central Government through the Budget Agency.

2. Legal Utilitarianism Theory

Talking about state finances, especially for finances in the National Capital Region, certainly cannot rule out the theory of legal utilitarianism or commonly referred to as the theory of expediency. The famous figure for the theory of legal utilitarianism, Jeremy Bentham, explained that the benefit of the law can only be said to be a benefit when it provides happiness for many people (the greatest happiness of great numbers). The thing put forward by Jeremy Betham was taken by the author in a book written by Yuli Indrawati, entitled Economic Analysis of Law (EAL) on the Provisions of Article 2 letter g of Law Number 17 of 2013 concerning State Finance, quoted from the book Actualization of Public Finance Law.

Jeremy Bentham's theory is closely related to the principles of the financial system and the economic system where the economy of a good country can prosper its people. Vice versa, when a country's economy is shaky, the welfare of the community will also experience a major impact. Implementing this legal principle itself must still consider justice by applying 3 elements in it such as: value, utility, and efficiency based on human rationality. As stated in the journal written by Richard A. Posner, Economic Analysis of Law, Seventh Edition, (New York: Aspen Publishers, 2007). Justice in the economic or financial field will mainly be used as a benchmark to see how the survival of the people in a region.

For example in the Nusantara, when it has been designated as the new capital of Indonesia, it is necessary to regulate how the implementation of the economy in the region. Because the policy set by the central government requires many parties to move to the IKN location to carry out life in the new region. So that when the community or ASN (State Civil Apparatus) is required to move there, both the bureaucracy of the economy and infrastructure must be in place. The principle of legal utilitarianism theory will be used by the author as a sharpening knife for how the implementation of legal principles and economic principles in the transfer of IKN to the Nusantara.

Research Method

The writing method used is normative juridical using a statutory approach, comparative approach and conceptual approach. With data analysis techniques used in this writing are descriptive data analysis techniques and interpretation. The main data sources obtained come from laws and regulations.

The regulations that will be used in this writing consist of:

- 2) The 1945 Constitution of the Republic of Indonesia;
- 3) Law Number 21 of 2023 concerning Amendments to Law Number 3 of 2022 concerning the National Capital City;
- 4) Law Number 3 of 2022 concerning the National Capital City;
- 5) Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to State Gazette of the Republic of Indonesia Number 5587);

Implications Status of Special Capital Region Nusantara (IKN) on State Financial System

- 6) Law Number 15 of 2004 on Audit of State Financial Management and Responsibility including other supporting regulations;
- 7) Law Number 1 of 2004 concerning State Treasury;
- 8) Law Number 17 of 2003 concerning State Finance;
- 9) Government Regulation of the Republic of Indonesia Number 17 of 2022 Concerning Funding and Budget Management in the Framework of Preparation, Development, and Relocation of the National Capital City as well as the Implementation of the Government of the Special Capital Region of the Nusantara.

The author also conducts interviews or direct interviews, among others:

- 1) Ministry of Finance of the Republic of Indonesia (DG Budget)
- 2) Ministry of Home Affairs of the Republic of Indonesia (Director General of Local Government)
- 3) Dr. Diani Sadia Wati, S.H., LL.M as a lecturer at the Faculty of Law, National Development University “Veteran” Jakarta and Chairperson of the Drafting Team for the Establishment of IKN Legislation.

Result

Special Government in Indonesia has many different versions in each region, depending on each region's characteristics. The division of Special Regional Governments in Indonesia includes: Special Region of Yogyakarta, Aceh Government, Special Autonomy for Papua and West Papua Provinces, Special Region of Jakarta and the latest Special Region of the Capital City of the Nusantara in East Kalimantan (Baharuddin Thahir. Understanding Special Areas in the Regional Government System in Indonesia. Journal of Government Policy - FPP IPDN. Vol. 1, No. 2, November 2018: 103 - 114 104 J).

Of the several regions designated as special governments in Indonesia, there are areas that are quite different from other special regional government areas. That is the Jakarta area. The Jakarta area itself is the capital city of the country which is determined by the central government. The Jakarta region itself was previously the capital of Indonesia which since 2024 has become an area with special autonomy. The specificity of the Jakarta Province lies in making Jakarta the center of the Indonesian economy. Law Number 2 of 2024 concerning the Special Region of Jakarta Province itself was enacted on April 25, 2024 where the focus of Jakarta, which is no longer the State Capital, lies in ensuring the release of Jakarta's status as the State Capital after more than 75 years as the Capital of Indonesia.

Several reasons can be used as the basis for moving the National Capital. Especially for the move to the East Kalimantan region. Among others:

a.	Economy:	The economic potential of each region, and its fit with the infrastructure needed
b.	Environment:	The geographical characteristics of the region, and its compatibility with the spatial plan
c.	Technology:	Technological developments that affect human mobility and behavior
d.	Regional characteristics:	Differences in natural and functional characteristics between regions
e.	Investment potential:	Regional advantages and competitiveness
f.	Urban development direction:	Forecast of future direction of urban development

Speaking of Special Autonomy, of course we cannot rule out the Nusantara State Capital region. The Nusantara, which has been officially designated as the State Capital of Indonesia since 2024, makes the Nusantara an area with special autonomy whose specificity is formed because it is designated as the State Capital. In accordance with Law Number 3 of 2022, which has now been amended through Law Number 21 of 2023 concerning Amendments to Law Number 3 of 2022 concerning the National Capital, the transfer of the National Capital has been officially carried out.

There are 2 problems seen by the author related to this research:

1. How are the implications of determining the status of the special regional government of the Nusantara Capital associated with the state financial system?
2. How is the comparison of the state financial system contained in Law Number 21 of 2023 with Law Number 3 of 2022 for the special government of the Capital City of the Nusantara?

Discussion

Based on the 2 problems determined by the author, the following discussion is carried out. Where for the first problem, namely the implications of determining the status of the special regional government of the Nusantara Capital. Associated with the state financial system, it can be seen that Law Number 21 of 2023 concerning Amendments to Law Number 3 of 2022 concerning the National Capital, regulates the gradual movement of the National Capital in Jakarta to the Nusantara. Since 2022, construction and displacement have been carried out.

The interview was conducted at the Ministry of Home Affairs, to be precise at the Directorate General of Regional Autonomy, Sub-Directorate of Special Autonomy for Special Region 1. It was said that both regulations and development of IKN are still being carried out to support the central government's decision to establish IKN as a special regional government. The interviewee said that the term special regional government (abbreviated as pemda sus) in

Implications Status of Special Capital Region Nusantara (IKN) on State Financial System

IKN has indeed been applied, but currently in the IKN area it still uses the term Otorita because there are still many laws and regulations that have not been formed.

The determination of the term Special Regional Government according to the First Expert Policy Analyst of the Subdirector for Special Autonomy, Special Region I is still waiting for a Presidential Regulation (Perpres). According to him, in the future there will be several regional divisions that will be made into regional clusters. The term Kelurahan, which is currently used for areas under the scope of the District, will no longer exist in the IKN area. In the future in IKN, the smallest area will only reach the scope of the sub-district. And the head of the region in the IKN region is not a Regent or Mayor like in other provinces, but there will be a regional head appointed by the Head of the IKN Authority.

According to him, the IKN Authority that has been formed here will still be optimized in the future to form an organizational chart (at the level of cities, sub-districts to other smallest areas) to be able to carry out the duties and functions of local government. The implementation of special regional governments will certainly be different from the implementation of provincial governments in general. In relation to state finances, supporting regulations for the implementation of the IKN transfer, namely Government Regulation Number 17 of 2022 and Presidential Regulation Number 62 of 2022, regulate how the mechanism and implementation of the IKN transfer.

Government Regulation Number 17 of 2022 concerning Funding and Budget Management in the Context of Preparation for the Development and Relocation of the National Capital and the Special Regional Government of the Nusantara Capital makes the relocation of the National Capital can already be done since the issuance of the regulation. The relocation of the National Capital can be said to be quite different from what Jakarta did at that time. Starting from a different form of special autonomy government and different budgeting and funding. This is stated in article 4 paragraph (2) of Law Number 3 of 2022 concerning the National Capital. The article reads: "The transfer of the position, function, and role of the State Capital from the Special Capital Region Province of Jakarta to the Capital City of the Nusantara is stipulated by Presidential Decree".

Implicitly, the article only says that the role of the State Capital will move from previously in Jakarta to the Nusantara with the stipulation of a Presidential Decree or Keppres. But until now, there has not been a Presidential Decree that regulates how the mechanism and implementation of special autonomy in the IKN Nusantara region. Even though we all know, when talking about IKN, until now there are many things that have not been completed. Not only related to development, starting from infrastructure, infrastructure facilities to how financial allocations are also unclear how IKN will be carried out at this time.

An interview conducted by the author to the Chairperson of the Compilation of IKN Legislation, who in this case is also a Lecturer at the Faculty of Law, National Development University "Veteran" Jakarta, Dr. Diani Sadia Wati, S.H., LL.M said that the use of the term *authorita* itself has given a different characteristic compared to other regions. Including on the state financial side. The state financial system in IKN will be explored and used as a basis for how to enforce the establishment of special governments in other regions.

Apart from the two sources, the author also conducted interviews in two fields at the Ministry of Finance. Namely the Directorate of Regulatory Harmonization and Budgeting and the Directorate of Budget for the Directorate General of Budget, Ministry of Finance of the

Republic of Indonesia. Arrangements related to IKN finance itself according to the Ministry of Finance, in this case the Directorate of Harmonization of Regulations and Budgeting, precisely at the Directorate General of Budget, is more on how to plan the budgeting for the construction of IKN and how to allocate the budget so that it is right on target (IKN development in accordance with what the government has planned).

In Law Number 3 of 2022, which has now been amended to Law Number 21 of 2023, it is stated how to prepare, develop and relocate IKN. Including the source of funding for IKN so that investment can enter the region. Currently IKN is an institution that in terms of finance is made at the level of the Ministry.

The current Head of the IKN Authority, Basuki Hadimuljono, who previously served as Minister of Public Works and Public Housing (PUPR), is a TFO (Financial Officer) equivalent to a Minister who leads a Ministry. The man who was inaugurated by President Prabowo Subianto on November 5, 2024 was appointed as the managing budget user. This happened because until now the position of the IKN Authority is still as a KL according to the IKN Law. And until 2025, President Prabowo Subianto has not signed the Presidential Decree on the implementation of IKN.

The second problem is related to the comparison of the state financial system contained in Law Number 21 of 2023 with Law Number 3 of 2022 for the special government of the Capital City of the Nusantara. There are several significant things that have changed in these provisions.

The state financial system regulated in Indonesia today is in accordance with Law No. 17/2003 on State Finance. The following law can be categorized as legislation that focuses on how the duties of the state to run its finances. Starting from the rights and obligations including what things belong to the state. This law is also the basis for determining the State Budget (APBN).

The IKN Law itself, which was previously regulated in Law Number 3 of 2022, has undergone several changes including the state financial side. This is contained in several changes and additions in Law Number 21 of 2023. Some changes and additions to the article include:

1. Special Authority;
2. Financial Management, Authority Property, and Financing;
3. Land;
4. Filling of non-civil servant JPT Pratama at the IKN Authority;
5. Implementation of housing;
6. Area and Boundaries;
7. Spatial Planning;
8. Sustainability Guarantee; and
9. Monitoring and Review.

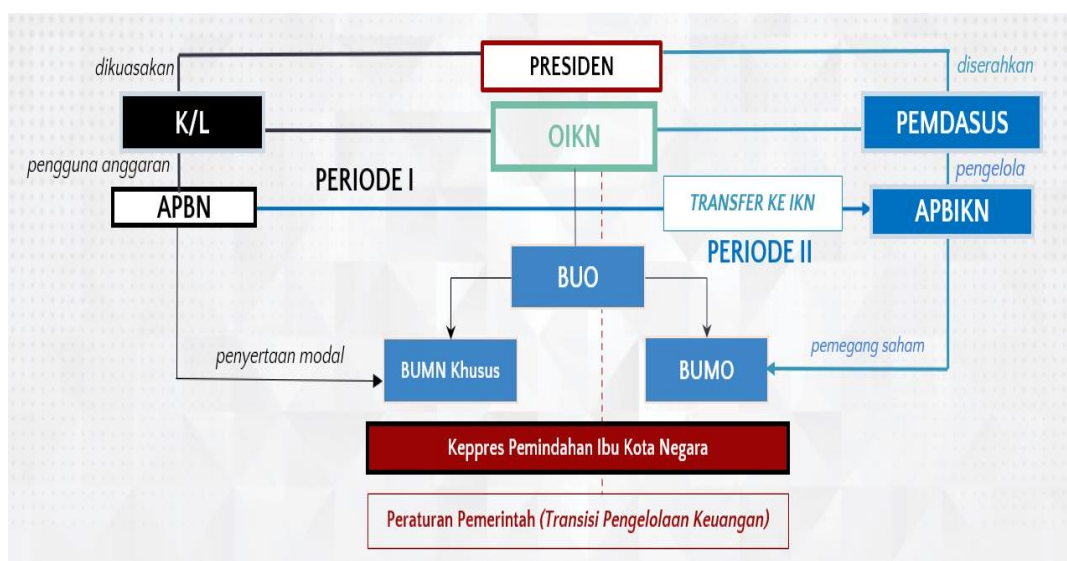
With the nature of the National Capital which can be said to be *lex specialis*, of course it cannot use the same regulations as other local governments in its financial management. This is also the basis for the existence of PP Number 17 of 2022. The application of the *Lex Specialis Derogat Legi Generali* principle for IKN must clearly be applied because IKN itself is an area specifically created by the central government as a way to equalize various sectors to eastern

Implications Status of Special Capital Region Nusantara (IKN) on State Financial System

Indonesia. The special form in the Law for IKN itself lies in the articles in the Law. For example article 6, article 12, article 15A, article 32 article 36A and many other articles. Some articles that specifically regulate state finances are found in Article 23, Article 24, Article 25, Article 26, Article 36, Article 42 paragraph (5), and Article II).

These articles aim to enable OIKN to finance 4P activities independently in addition to those sourced from the state budget while still paying attention to existing provisions. When the Authority first began to perform its duties and functions as a special regional government, it did not act as the Pemdasus' financial manager. However, for the time being, the Pemdasus OIKN continues to act as a budget/goods user. This is because the Ministry of Finance still manages the finances for the IKN region.

Table 01



Another urgency is that OIKN as a Pemdasus can finance its 4P activities independently, so OIKN must have its own original revenue (PAD) which is managed using a special regional financial management mechanism for IKN separately through the IKN Revenue and Expenditure Budget (APB-IKN). When talking about having its own opinion, the first thing that comes to mind is that IKN can make various breakthroughs such as withdrawing revenue from special taxes, special levies, or other legal sources. In addition, OIKN can also manage state assets and obtain profits from this management as regional original income (PAD).

Table 02



Furthermore, apart from APBIKN and financing, what is equally important is how to manage goods. The management of goods itself, which is an asset, is one of the crucial things. The management of state property (BMN) is regulated in several laws and regulations. Among others:

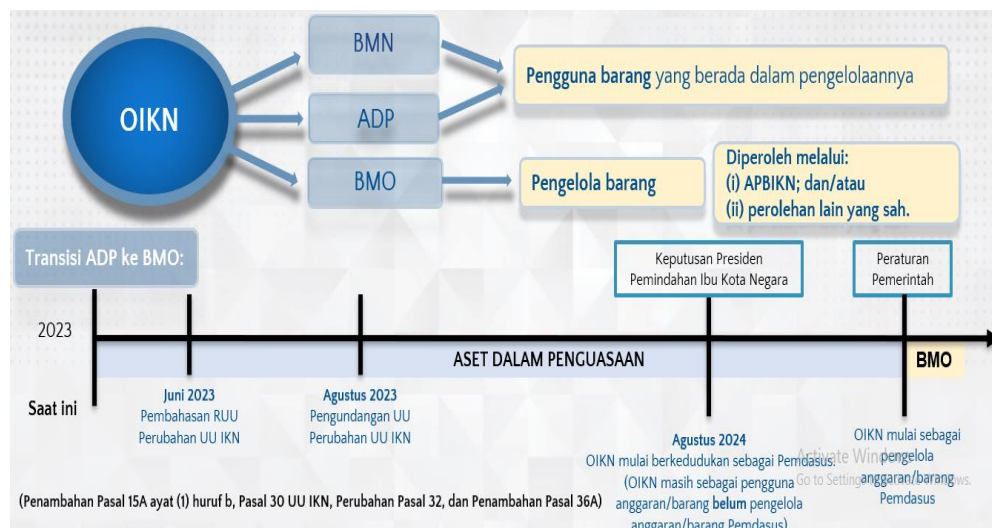
1. Law Number 17 Year 2003 concerning State Finance
2. Law Number 1 of 2004 concerning State Treasury
3. Government Regulation (PP) Number 27 of 2014 concerning Management of State / Regional Property (as amended by PP Number 28 of 2020).

The author will explain more details in Law Number 17 of 2003 concerning State Finance when it comes to BMN. Law Number 17 Year 2003 itself regulates the basic principles of state financial management, including BMN management. Meanwhile, Government Regulation No. 27/2014 on the Management of State/Regional Property (as amended by Government Regulation No. 28/2020) provides more details on the management of BMN, including needs planning, procurement, use, utilization, security, maintenance, valuation, deletion, and alienation.

The Authority's authority will have specificities that are quite different from other special areas, especially for State Property. State Property (abbreviated as BMN) is an authority that previously, when referring to Law Number 17 of 2003, would be the authority of the Ministry of Finance as a representative of the state on the financial side. However, a different concept will be applied at IKN.

Where for the management of goods at IKN, the IKN Authority will apply the ADP (Assets Under Control) concept. This is stated in Article 1 of the Minister of Finance Regulation (PMK) Number 53 of 2023. This PMK regulates the management of State Property (BMN) and Assets Under Control at IKN. This PMK specifically discusses the management of BMN and ADP at IKN, including the definition of ADP. Article 1 of PMK Number 53 of 2023 reads that ADP at IKN is defined as goods that are owned and controlled by the IKN Authority, but are not included in the category of State Property (BMN).

Table 03



Implications Status of Special Capital Region Nusantara (IKN) on State Financial System

What is risky here is that currently IKN itself uses Law Number 21 of 2023 with various changes. But the basis of PMK Number 53 of 2023 is Law Number 3 of 2022. We all know that the basis for implementation is a Government Regulation, but until now all existing derivative regulations (PMK etc.) have not been able to change because the PP does not yet exist.

With various changes, it can be said that the State Capital which is gradually moving to East Kalimantan has different privileges from other special government areas. The principle of *lex specialis* for IKN is clear that it is financial management, especially starting from the management of regional asset goods which are not BMN but ADP. Funding for the development and implementation of IKN can be through financing, loans to fiscal.

Conclusion

Based on the two problems above, the author has 2 conclusions related to the writing of the thesis “Implications of the Status of the Special Capital Region of the Nusantara on the State Financial System”, among others:

1. The determination of the special regional government status in the Nusantara Capital region has caused various changes, especially in the state financial system. Various budget sources including the state budget are used for the construction of IKN with a very large amount.
2. The difference is quite significant in the existing arrangements in Law Number 21 of 2023 with Law Number 3 of 2022 for the special government of the Nusantara Capital. Especially with regard to the implementation of the state financial system. As well as not running the implementing legislation as it should.

Declaration of conflicting interest

I declare that the writing of the journal entitled “**Implications of the Status of the Special Capital Region of the Nusantara on the State Financial System**” is truly my own work. Anything that is not my work in the writing of this thesis is given a citation mark and shown in the bibliography.

If in the future it is proven that my statement is not true, then I am willing to accept sanctions in accordance with the Regulation of the Minister of Education, Culture, Research and Technology of the Republic of Indonesia Number 39 of 2021 concerning Academic Integrity in Producing Scientific Works and applicable laws and regulations.

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Implications Status of Special Capital Region Nusantara (IKN) on State Financial System

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