

# The Space Between Us: Questioning Multi-Spatial Justice in the Upcoming Indonesia's Capital



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## ABSTRACT

Land is not only defined as an object of ownership by certain community groups, especially indigenous communities. Land has intrinsic value inherent in the way of life and culture, thus affecting the quality of life. This article examines the potential implications of the land acquisition process in the prospected Nusantara Capital in regards to the fulfillment of the right to an adequate standard of living. It is reviewed by engaging multi-spatial justice within the context of city development and urban transformation with learning lessons from Brasilia and Jakarta. Utilizing a qualitative socio-legal approach, the research employs systematic and structural interpretation of various legal instruments. It incorporates the concept of multi-spatial justice as part of a critical legal geography and urban sociology theory to understand the potential of segregation and gentrification in the Nusantara Capital. The results highlight three key aspects. Firstly, the concept of multi-spatial justice underscores the need to consider diverse spatial entities and their equitable treatment. Secondly, analyzing the State Capital Law reveals both promising and concerning aspects of spatial justice. While it aims to balance development and inclusivity, inconsistencies within the law's provisions raise concerns about potential injustices. Lastly, the study anticipates future inequities between local and urban spatials due to unequal land compensation. These findings emphasize the importance of addressing procedural and substantive fairness in land acquisition, fostering inclusive urban development, and aligning legal instruments with principles of multi-spatial justice.



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## 1. Introduction

Economic equity and justice have become key elements in President Joko 'Jokowi' Widodo's speech regarding the plan to relocate the national capital, delivered before the People's Consultative Assembly (MPR) on August 16, 2019.<sup>1</sup> Both (i.e., economic equity and justice) also serve as the reason behind making the law (*ratio legis*) of the status of National Strategic Projects (PSN) within the

<sup>1</sup> Asmara. Chandra Gian, 'Ibu Kota Pindah Ke Kalimantan, Ini Pidato Lengkap Jokowi', *CNBC Indonesia*, 2019 <https://www.cnbcindonesia.com/news/20190816114218-4-92474/ibu-kota-pindah-ke-kalimantan-ini-pidato-lengkap-jokowi>

government's development initiatives. Consequently, according to the Minister of Economic Affairs Regulation Number 21 of 2022 on the Second Amendment to the Minister of Economic Affairs Regulation Number 7 of 2022 on Amendments to the National Strategic Projects List (MEAR No. 21/2022), the development of the Nusantara Capital is included in the PSN.<sup>2</sup>

In the development planning for the years 2020-2024, there have been several changes concerning the number of PSN determined by the Government. According to the Minister of Economic Affairs Regulation Number 7 of 2022 on Amendments to the National Strategic Projects List (MEAR No. 7/2022), there were 208 PSNs.<sup>3</sup> Then, with the implementation of the Minister of Economic Affairs Regulation Number 9 of 2022 on Amendment to the Minister of Economic Affairs Regulation Number 7 of 2021 on Amendments to the National Strategic Projects List (MEAR No. 9/2022), some projects were removed from the PSN list, resulting in a total of 200 PSNs.<sup>4</sup> Most recently, referring to the MEAR No. 21/2022, there were 10 additional PSNs introduced, including the development of the Nusantara Capital, making a total of 210 PSNs.<sup>5</sup> The fluctuation in the number of PSNs is closely linked to various challenges such as land acquisition, permits, funding, as well as construction and labor issues. Land acquisition constitutes the largest part, accounting for 27% of the issues related to PSNs.<sup>6</sup> This is mainly due to the land acquisition policy being closely tied to land ownership rights held by the public, where every landowner is obligated to relinquish their land rights if the land in question falls within the scope of land acquisition.<sup>7</sup> Consequently, prolonged disputes commonly arise as the Government endeavors to acquire land for PSN development.<sup>8</sup>

This description becomes important considering that land acquisition in the Nusantara Capital is carried out through the release of forest areas and land

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<sup>2</sup> Maria Elena, 'Tok! IKN Masuk Proyek Strategi Nasional Baru, Total Tambahan 10', *Bisnis.Com*, 2022 <https://ekonomi.bisnis.com/read/20221223/9/1611640/tok-ikn-masuk-proyek-strategi-nasional-baru-total-tambahan-10>

<sup>3</sup> Issha Harruma, 'Daftar Proyek Strategis Nasional 2020-2024', *Kompas.Com*, 2022 <https://nasional.kompas.com/read/2022/02/16/04000021/daftar-proyek-strategis-nasional-2020-2024>

<sup>4</sup> Dimas Waraditya Nugraha, 'Ada Kendala, Pemerintah Kurangi Jumlah Proyek Strategis Nasional', *Kompas.Com*, 2022 <https://www.kompas.id/baca/ekonomi/2022/07/26/jumlah-proyek-strategis-nasional-alami-penyesuaian>

<sup>5</sup> Elena.

<sup>6</sup> Vhendy Yhulia Susanto, 'KPPIP Ungkap 5 Isu Permasalahan Pembangunan PSN', *Kontan.Co.Id*, 2022 <https://nasional.kontan.co.id/news/kppip-ungkap-5-isu-permasalahan-pembangunan-psn>

<sup>7</sup> Saulo Padilha, 'Land Rights as Human Rights', *International Jpurnal Pn Human Rights*, 2017 <https://sur.conectas.org/en/land-rights-human-rights/>

<sup>8</sup> Fahrul Fauzi, 'Social Justice: The Basis for Implementing Compensation in Land Acquisition for The National Strategic Projects in Indonesia', *BHUMI: Jurnal Agraria Dan Pertanian*, 7.1 (2021), 14-27. <https://doi.org/10.31292/bhumi.v7i1.452>

acquisition.<sup>9</sup> Specifically, this study discusses the matter of land acquisition. As previously outlined, land acquisition within PSN poses the greatest challenge. Similar circumstances are also observed in the Nusantara Capital. Local communities, some of which are indigenous communities, object due to the compensation amounts determined by the Government being perceived as insufficient compared to their needs to use the said compensation to purchase land elsewhere for their new residences.<sup>10111213</sup> This phenomenon indicates an issue in this research, prompting the hypothesis that there are problems at the normative level of the Nusantara Capital legal framework concerning land acquisition and the potential for violations or unlawful acts committed by the Government in its efforts to acquire land in the new capital city.

In this particular research, the researcher uses right to an adequate standard of living or right to a decent live as a parameter for assessing the compatibility of land acquisition policies in Nusantara Capital with human rights values. The right to a decent live, as a part of human rights, are universally recognized under Article 25 of the Universal Declaration of Human Rights. In line with the aforementioned declaration, Article 11, paragraph 1 of the International Covenant on Economic, Social, and Cultural Rights, as an internationally binding hard law instrument, recognizes the existence and regulates the obligations for each member state of the covenant to ensure the fulfillment of the right to a decent standard of living. In essence, the 1945 Constitution of the Republic of Indonesia, following its amendments, has regulated the rights of every individual guaranteed by the state. However, the construction of these rights as enshrined in international instruments is not contained within a single clause in the 1945 Constitution but rather scattered across several clauses, such as Article 33 paragraph (3) regarding land and food, Article 28H paragraph (1) concerning

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<sup>9</sup> Look Article 16 paragraph (1) of Law Number 3 of 2022 on State Capital and Article 2 of Presidential Regulation Number 65 of 2022 on Acquisition and Land Management at Nusantara Capital.

<sup>10</sup> Mohammad Zein Rahmatullah, 'BPN Balikpapan Persilahkan Pemilik Tolak Bentuk Ganti Rugi Lahan Akses Jalan Tol IKN Nusantara', *Tribunkaltim.Co*, 2023 <https://kaltim.tribunnews.com/2023/06/08/bpn-balikpapan-persilahkan-pemilik-tolak-bentuk-ganti-rugi-lahan-akses-jalan-tol-ikn-nusantara>

<sup>11</sup> Sapariah Saturi, 'Cerita Perempuan Suku Balik, Mereka Mulai Terdampak Proyek IKN Nusantara', *Mongabay.Co.Id*, 2023 <https://www.mongabay.co.id/2023/05/28/cerita-perempuan-suku-balik-mereka-mulai-terdampak-proyek-ikn-nusantara/>

<sup>12</sup> Zakarias Demon Daton, 'Lahannya Dihargai Murah, Warga IKN Tempuh Jalur Pengadilan, Berharap Dapat Ganti Untung Halaman All', *KOMPAS.Com*, 2023 <https://regional.kompas.com/read/2023/06/12/224251078/lahannya-dihargai-murah-warga-ikn-tempuh-jalur-pengadilan-berharap-dapat>

<sup>13</sup> Bagus Purwa, 'Warga Pasang Spanduk Tolak Ganti Rugi Lahan IKN Karena Persoalan Nilai', *ANTARA News Kalimantan Timur*, 2023 <https://kaltim.antaranews.com/berita/179889/warga-pasang-spanduk-tolak-ganti-rugi-lahan-ikn-karena-persoalan-nilai>

residence or housing, and other articles in Chapter XA on Human Rights that pertain to efforts to advance sustainable living conditions.

The normative legal issues mentioned earlier can be found when comparing the sets of legal instruments for the Nusantara Capital and land acquisition. The second instrument states that in the event of land acquisition, the landowner is entitled to receive compensation in the form of money, replacement land, resettlement, ownership of shares, or other forms agreed upon by both parties.<sup>14</sup> Based on the conjunction used, this provision is implemented facultatively, which generally results in losses for landowners because compensation is purely calculated based on visible quantities (i.e., land and buildings). The provisions regarding land acquisition in the state capital legal instrument essentially state that land acquisition in the national capital is carried out through land acquisition regulations.<sup>15</sup> However, the description of these provisions in the appendices of State Capital Law and its derivatives forms a new norm, where in the case of land acquisition, landowners are entitled to fair compensation and resettlement.<sup>16</sup> The cumulative realization of both creates inconsistency, both internally between the main body and appendices of the state capital legal instruments and externally between the said legal instruments and land acquisition.

This research understands spatial justice to be based on equitable access and distribution of land. The study classifies the presence of local and urban spatial compositions due to the development of the Nusantara Capital, which involves the merging of two distinct societal groups with differing cultural backgrounds and habits. Consequently, the definition of spatial justice in this research is the fairness achieved by each spatial composition based on their share within a specific geographical area. Furthermore, spatial justice in this study is referred to as multi-spatial justice because each spatial composition contains multiple layers. Just like the local spatial composition, it consists of indigenous communities, local residents, transmigrants, and those from other locales before the establishment of the Nusantara Capital. Similarly, the urban spatial composition consists of public officials, transmigrants after the development of the Nusantara Capital, and foreign nationals representing their respective governments or international entities.<sup>17</sup>

Further elaboration on the testing of the hypothesis, as mentioned earlier, begins with an explanation of the legal conflicts related to compensation in terms of land acquisition. This is due to the potential human rights violations mentioned

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<sup>14</sup> Look Article 36 of Law Number 2 of 2012 on Land Acquisition for Public Use.

<sup>15</sup> Look Article 16 paragraph (1) and paragraph (2) of Law Number 3 of 2022 on State Capital.

<sup>16</sup> Look Annex II to the State Capital Law and Annex to Presidential Regulation Number 63 of 2022 on Details of the Nusantara Capital Master Plan.

<sup>17</sup> Andreas Philippopoulos-Mihalopoulos, 'Spatial Justice: Law and the Geography of Withdrawal', *International Journal of Law in Context*, 6.3 (2010), 201–16 <https://doi.org/10.1017/S174455231000011X>

earlier that would impact two distinct spatial compositions in the Nusantara Capital area: local and urban spatial. Subsequently, the possible injustice affecting those spatial is discussed based on comparisons with practices in Brazil, Jakarta, and the Nusantara Capital. Furthermore, these two discussions lead to a description of the solutions offered by this research to avoid gentrification and segregation in the Nusantara Capital as those had happened in Brasilia and Jakarta.

## 2. Research Method

The central issue examined in this research is the alleged inconsistency of legal norms related to spatial justice within the land acquisition mechanism in the Nusantara Capital. In an effort to comprehend this issue, the researcher employs a qualitative research method with a socio-legal approach.<sup>1819</sup> The existing legal phenomenon (i.e., norm inconsistency) is observed through the lens of both legal and social sciences,<sup>20</sup> serving as tools to understand the problems that arise within the societal context. From a legal perspective, a literature review is conducted using a legislative approach. The analysis of legal sources employs systematic and structural interpretation. This approach helps in uncovering the potential contradictions within the legal norms pertaining to spatial justice in the context of land acquisition for the Nusantara Capital.<sup>21</sup> The analysis from the perspective of social sciences is conducted using the concept and theory of multi-spatial justice rooted in the study of critical legal geography. This approach aims to understand the impact of the aforementioned legal phenomenon on both local and urban spatial compositions in the Nusantara Capital.<sup>22</sup> Additionally, an urban sociology perspective is applied to depict potential human rights violations such as segregation and gentrification in the development of the Nusantara Capital.<sup>23</sup> This research employs the geometrical increase calculation method to determine the projected growth of the local population in the Nusantara Capital area.

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<sup>18</sup> Muktiono, 'Indonesian Blasphemy Law as Legal Forum for Renegotiating Indonesian Secularity', *Human Rights in the Global South (HRGS)*, 1.1 (2022), 48–69 <https://doi.org/10.56784/hrgs.v1i1.1>

<sup>19</sup> Cekli Setya Pratiwi, Prisca Listiningrum, and Muhammad Anis Zhafran Al Anwary, 'Critiques on Contemporary Discourse of International Human Rights Law: A Global South Perspective', *Human Rights in the Global South (HRGS)*, 1.1 (2022), 1–12 <https://doi.org/10.56784/hrgs.v1i1.3>

<sup>20</sup> Bahrul Ulum, 'Equality Value in the Systems of the Democracy of the Tribal People of Baduy', *Human Rights in the Global South (HRGS)*, 1.1 (2022), 70–85 <https://doi.org/10.56784/hrgs.v1i1.7>

<sup>21</sup> Muchamad Ali Safaat, Aan Eko Widiarto, and Fajar Laksono Suroso, 'Pola Penafsiran Konstitusi Dalam Putusan Mahkamah Konstitusi Periode 2003 - 2008 Dan 2009 - 2013', *Jurnal Konstitusi*, 14.2 (2017), 234 <https://doi.org/10.31078/jk1421>

<sup>22</sup> Victor Imanuel W. Nalle, 'Pendekatan Geografi Hukum Kritis Dalam Kajian Hukum Tata Ruang Indonesia: Sebuah Wacana Filsafat Hukum Dan Interdisiplin', *Justitia et Pax*, 37.1 (2021) <https://doi.org/10.24002/jep.v37i1.4175>

<sup>23</sup> Brian G. Field and Bryan D. Macgregor, *Forecasting Techniques For Urban and Regional Planning*, ed. by Bryan Macgregor (Routledge, 2018) <https://doi.org/10.4324/9781351062503>

### 3. Results and Discussion

#### *Inconsistency of Land Acquisition Procedures and its Impacts on the Right to a Decent Life*

The acquisition of land as a policy within the land system in Indonesia is derived from the provisions of Article 18 of Law Number 5 of 1960 on the Basic Agrarian Principles (*Undang-Undang Pokok Agraria/UUPA*). There are at least three parameters in the aforementioned provision when revoking land rights, namely: 1) the existence of a public interest, including the national and state interests, as well as the common interest of the people; 2) the provision of fair compensation; and 3) it is regulated by the law. In the context of the Nusantara Capital, regardless of the debates that have arisen, its construction is part of the public interest, the national and state interests, as well as the interests of the broader population, serving as a symbol of Indonesia's progress as a nation. Similarly, with the third parameter, the implementation of land acquisition in Nusantara Capital has been in accordance with Law Number 2 of 2012 on Land Acquisition for Public Use. As for the second parameter, compensation, there are issues that are part of the subject of research in this study.

The mechanism of land acquisition for development purposes in the interest of the public is a part of the Fundamental Principle of Land Provision in the development of the Nusantara Capital. These provisions are stipulated in Annex II of the State Capital Law and Annex of Presidential Regulation No. 63 of 2022, further reinforced by the provisions of Presidential Regulation No. 65 of 2022. The government establishes a priority scale for land provision in the development of the Nusantara Capital, particularly during Phase I development. Priority is given to areas without owners or possessors. If this is not possible, then a land acquisition mechanism is implemented. This priority scale is implemented to avoid the displacement of local communities who have previously inhabited these areas.

The land acquisition mechanism is carried out through several stages, namely planning, preparation, implementation, and handover of results. Within this mechanism, there are parties entitled to compensation, namely 1) land rights holders, 2) management rights holders, 3) trustees for *waqf* land, 4) holders of written evidence of old rights, 5) indigenous communities whose existence is reinforced by legal regulations, 6) parties in good faith who possess state land, 7) holders of basic possession rights over the land, and 8) owners of buildings, plants, or objects related to the land.<sup>24</sup>

Particularly in relation to the development of the Nusantara Capital, providing compensation in the process of land acquisition for public development purposes

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<sup>24</sup> *Vide* Article 18 to Article 28 of Government Regulation No. 19 of 2021 on the Implementation of Land Acquisition for Development for Public Interest.

becomes a crucial aspect. This is because, in the real conditions on the ground, there are local communities who have inhabited the Nusantara Capital development areas for generations. There is a process of assessing compensation, which encompasses a) land, b) the space above and below the land, c) buildings, d) plants, e) objects attached to the land, and/or f) other forms of loss with value. Concerning these entities, the land authority conducts deliberations to determine compensation with the rights holders entitled to such compensation, within a maximum period of 30 (thirty) days from the acquisition of the assessment results. As a binding measure for the deliberation results, the outcomes of the meeting are recorded in a memorandum of agreement.<sup>25</sup>

In addition to the process, objects, and subjects entitled to compensation in the implementation of land acquisition for public development purposes, it is also important to address the types of compensation that are in line with legal regulations. The types of compensation include, 1) money, 2) replacement land, 3) resettlement, 4) ownership of shares, or 5) other forms agreed upon by both parties. Based on the classification of the types of compensation above, the nature of its provision is facultative, meaning it can only be given in one type. However, there is no provision, within the context of a broad PSN area, that specifies only one particular type of compensation. As a result, the provision of compensation within the scope of the Nusantara Capital development is not bound to a specific form of compensation, but rather adjusted through deliberations between the respective groups entitled to compensation.

The above provisions are read and understood systematically, the content related to land acquisition in Nusantara Capital is essentially in line with the provisions of land acquisition in the Land Acquisition Law and its implementing regulations. This is consistent with Article 16 paragraph (2) of the State Capital Law, which states that land acquisition in the Nusantara Capital area refers to the provisions of laws and regulations governing land acquisition for development for public interest (i.e., Law No. 2 of 2012 and its derivatives). However, a significant difference can be found between the two in terms of the types of compensation that landowners are entitled to receive in the event of land acquisition.

The provisions of land acquisition in the main body of the State Capital Law, especially in Article 16, are further elaborated in Attachment II of the Law, which introduces new norms different from the provisions in the main body. When Article 16 paragraph (2) of the State Capital Law and Article 7 paragraph (5) of Presidential Regulation No. 65 of 2022 direct the implementation of land acquisition to the laws regulating land acquisition as discussed in the previous sub-section, where compensation is facultative based on the agreed type of compensation. Attachment II of the State Capital Law and Attachment of

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<sup>25</sup> *Vide* Article 33 of Law Number 2 of 2012 on Land Acquisition for Development for Public Interest.

Presidential Regulation No. 63 of 2022 characterize the provision of compensation as cumulative with resettlement. As a result, there is ambiguity regarding the type of compensation that falls under the responsibility of the state in the context of land acquisition between the provisions in the main body of the State Capital Law and its derivatives, and its own attachments, as well as the provisions in the Land Acquisition Law and its implementing regulations.

Indeed, the provisions stipulated in the State Capital Law and its implementing regulations are in line with the human rights parameters, where the Government plays a role in ensuring that land acquisition in the Nusantara Capital avoids the displacement of local communities as much as possible. If such displacement is unavoidable, then the Government is obligated to prepare for resettlement that aligns with the right to a decent live. The provision of cumulative compensation, as per this research, aligns with the spirit of achieving multi-spatial justice and an inclusive national capital. However, the inconsistency in norms regarding the type of compensation creates ambiguity in its practice, thereby making the presence of the State Capital Law and its derivatives as a positive development in land acquisition implementation in the capital can not comprehensively realized.

According to Soja, spatial justice is the focal point of discussions about fairness or unfairness based on spatial or geographical positioning, which is related to the equitable and even distribution of areas containing inherent social values, opportunities, and advantages.<sup>26</sup> Historically, spatial justice is an extension of the study of social justice that focuses on the manifestation of human rights values in the life of societies formed within different social structures and statuses.<sup>27</sup> These variations tend to create differences in fulfilling rights related to livelihoods and living conditions, leading to a parameter of physical justice used to observe how the distribution of various societal needs through policy-making authority affects their ability to meet basic needs.<sup>28</sup>

Lefebvre introduced a new parameter in the discourse of social justice alongside physical justice, which is the presence of a living environment that should be possessed by every individual within a societal group where efforts to fulfill basic rights (physical and spiritual needs) are present. Lefebvre referred to this as the right to the city.<sup>29</sup> Based on such theoretical reasoning, Harvey indicates the necessity for a new perspective in understanding place-based or regional justice. This involves examining social justice issues through the lens of urbanization,

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<sup>26</sup> Edward W. Soja, 'The City and Spatial Justice', in *Justice et Injustices Spatiales* (Presses universitaires de Paris Nanterre, 2010), pp. 56–72 <https://doi.org/10.4000/books.pupo.415>

<sup>27</sup> Izzy Yi Jian, Jiemei Luo, and Edwin H.W. Chan, 'Spatial Justice in Public Open Space Planning: Accessibility and Inclusivity', *Habitat International*, 97 (2020), 102122 <https://doi.org/10.1016/j.habitatint.2020.102122>

<sup>28</sup> Jian, Luo, and Chan.

<sup>29</sup> Henri Lefebvre, 'The Right to the City', *The Anarchist Library*, 1968 <https://theanarchistlibrary.org/library/henri-lefebvre-right-to-the-city>



known as the "urbanization of social justice." The fact remains that comprehending social justice and the fulfillment of the right to the city often gives rise to various disparities due to the competition for capital, leading to gentrification and segregation. Within the realm of spatial justice studies, inequality often arises when a certain group in society possesses spatial privilege. Consequently, phenomena emerge where communities are marginalized or may even lose the values inherent in their way of life.

Within the scope of the Nusantara Capital, there are the local spatial composition and the urban spatial composition that will coexist within the city.<sup>30</sup> Referring to the legal instruments of the Nusantara Capital such as Law Number 3 of 2022 on the State Capital (State Capital Law) and its appendices, as well as Presidential Regulation Number 63 of 2022 on the Detailed Master Plan of the Nusantara Capital Development, each fundamental principle of the Nusantara Capital development is accompanied by spatial strategies due to the objective of making the Nusantara Capital an inclusive city.<sup>31</sup> Therefore, it's important to understand the composition of the communities within each spatial composition in order to comprehend their respective rights and understand the potential injustice that might happen.

### ***Potential for Multi-Spatial Injustices***

The population in the Nusantara Capital is projected to be around 1.91 million people by 2045. Among them, 250,000 residents are workers in the construction sector, civil servants, and members of the Indonesian National Army and Police (TNI and Polri), who have gradually migrated since 2023 in preparation for the official designation of the Nusantara Capital as the national capital in 2024.<sup>32</sup> In readiness for this, it's projected that by 2024, there will be 200,000 people ready to inhabit the Nusantara Capital. Apart from the mentioned population composition, there are also local residents, workers, and newcomers who are part of the projected population of 200,000 for the Nusantara Capital. Both the local and newcomer spatial compositions have the opportunity to play essential roles in the development of the Nusantara Capital, such as serving as educators and healthcare workers. In connection with the population composition and the availability of housing in the Nusantara Capital, the Head of the Nusantara Capital Authority, based on the President's guidance, has prepared settlement

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<sup>30</sup> Yanti Fristikawati and Nugroho Adipradana, 'Perlindungan Lingkungan, Dan Pembangunan Ibukota Negara (IKN) Dalam Tinjauan Hukum', *Jurnal Justisia: Jurnal Ilmu Hukum, Perundang-Undangan Dan Pranata Sosial*, 7.2 (2022), 375 <https://doi.org/10.22373/justisia.v7i2.15586>

<sup>31</sup> Fristikawati and Adipradana.

<sup>32</sup> Tim CNN Indonesia, 'Penduduk IKN Akan Dibatasi Maksimal Hanya 1,91 Juta Orang', *Ekonomi*, 2022 <https://www.cnnindonesia.com/ekonomi/20221122182527-92-877239/penduduk-ikn-akan-dibatasi-maksimal-hanya-191-juta-orang>

development schemes for every segment of society, including groups with lower to middle economic levels.<sup>33</sup>

Taking into account the original population figures in five selected districts designated as the Nusantara Capital region in the year 2020, which amounted to 269,765 people<sup>34</sup>, calculations using the geometrical increase method<sup>35</sup> project this number to increase by 52% to reach 513,100 people by the year 2050 (when the Nusantara Capital operates at 100% capacity). Specifically, the Phase I development of the Nusantara Capital focuses on constructing within the Core Government Center Area (*Kawasan Inti Pusat Pemerintahan/KIPP*), situated in the Sepaku Subdistrict of North Penajam Paser Regency, East Kalimantan, on a land area of over 6,671 hectares.<sup>36</sup> Based on the regulations stipulated in Presidential Regulation No. 64 of 2022, residences for the population are not allowed within the KIPP area.<sup>37</sup> Hence, the relocation of residential areas becomes the primary option for the directly affected communities.

Table 1. Projection of Population in Local Spatial, processed, 2023.

Regency	Subdistrict	Projected population			
		Current Population	2020	2030	2040
Penajam Paser Utara	Sepaku	37,171	41,018.01	45,263.16	49,947.67
Kutai Kartanegara	Loa Kulu	48,003	58,967.91	72,437.44	88,983.70
	Loa Janan	67,543	87,191.07	112,554.70	145,296.56
	Samboja	69,903	85,911.39	105,585.85	129,765.94
	Muara Jawa	47,145	60,394.23	77,366.91	99,109.46

Note:

$$P_n = P \left(1 + \frac{I_G}{100}\right)^n$$

where,

$\bar{P}$  : the last known population

$\bar{P}_n$  : population (predicted) after 'n' number of decades

$\bar{n}$  : number of decades between  $\bar{P}_0$  and  $\bar{P}_n$

<sup>33</sup> Rafan Arif Dwinanto, '4 Komposisi Penduduk IKN Nusantara, Jumlahnya Capai 200 Ribu Orang Di 2024', *Kaltim Tribun News*, 2020 <https://kaltim.tribunnews.com/2022/11/04/4-komposisi-penduduk-ikn-nusantara-jumlahnya-capai-200-ribu-orang-di-2024?page=2>

<sup>34</sup> BPS Kabupaten PPU, 'Jumlah Penduduk Menurut Kecamatan Dan Jenis Kelamin (Jiwa)', *BPS*, 2020.

<sup>35</sup> Prokriti Monolina, Md. Mozammel Hasan Chowdhury, and Md. Nazmul Haque, 'The Use of Personal Protective Equipment (PPE) and Associated Environmental Challenges: A Study on Dhaka, Bangladesh', *Heliyon*, 8.7 (2022), e09847 <https://doi.org/10.1016/j.heliyon.2022.e09847>

<sup>36</sup> Hafidz Mubarak A, 'Ini Dia Lokasi Pusat Pemerintahan IKN', *Detikfinance*, 2022 <https://finance.detik.com/foto-bisnis/d-5984921/ini-dia-lokasi-pusat-pemerintahan-ikn>

<sup>37</sup> Rikip Agustani, 'Jadi Pusat Pemerintahan IKN, Warga Desa Bumi Harapan Bakal Dipindah', *Kaltimpost.Id*, 2022 <https://kaltimpost.jawapos.com/utama/24/09/2022/jadi-pusat-pemerintahan-ikn-warga-desa-bumi-harapan-bakal-dipindah>

$I_G$  : geometric mean (%)

It is believed to be the most suitable approach for newly or about to be developing regencies where the rate of growth of population is seen to be proportional to the current population (i.e.,  $\frac{dP}{dt} \propto P$ ).<sup>38</sup> We also predict the number of local populations based on category to show the diverse condition of the local spatial, as follows:

Table 2. Projection of Comparison of Population in Local Spatial Based on Population Category, processed, 2023.<sup>39</sup>

Regency	Category	Forecasted population			
		Current Population	2020	2030	2040
Penajam	Local people <sup>1*</sup>	109,027	150,668	208,213.07	287,736.49
	Transmigrant <sup>2</sup>	58,123	61,493	65,058.39	68,830.51
Paser Utara	Translocal <sup>3</sup>	124,920	161,671	209,234.01	270,789.87
	Local people <sup>1*</sup>	520,874	669,960	861,717.81	1,108,361.1
Kutai	Transmigrant <sup>2</sup>	181,448	159,237	139,744.84	122,638.71
	Translocal <sup>3</sup>	556,741	690,461	856,298.33	1,061,967.06

\*Local people are defined as natives who were born and lived there (including indigenous people)

<sup>1</sup>Using lifetime non migrant data from migration statistics of East Kalimantan Province

<sup>2</sup>Using lifetime inter-district lifetime migration flow under the category of others from migration statistics of East Kalimantan Province

<sup>3</sup>Using lifetime inter-district lifetime migration flow from migration statistics of East Kalimantan Province

Specifically, a significant portion of the local spatial composition is comprised of indigenous communities. More precisely, in the Core Government Central Area (*Kawasan Inti Pusat Pemerintahan/KIPP*) area, there is the Balik indigenous community unit, which occupies at least four villages: Sepaku, Mentawer, Maridan, and Pemaluan. The Balik ethnic community is a part of the local spatial composition directly affected by the development of Phase I of the Nusantara Capital (i.e., the development of KIPP) that meets the criteria outlined in the Capital City Law and its derived regulations. Additionally, there is also the Paser indigenous community, dispersed communally within and beyond the KIPP area. Overall, concerning land matters within the context of the Paser ethnic group's population composition, based on an inventory conducted by a team from the

<sup>38</sup> Field and Macgregor.

<sup>39</sup> Kurnia Wahyu Sahfitri and Ukhti Winar Setyaningrum, 'Statistik Migrasi Provinsi Kalimantan Timur Hasil Long Form Sensus Penduduk 2020', *BPS Kalimantan Timur*, 2023 <https://kaltim.bps.go.id/publication/download.html?nrbfvefe=MGNJM2Q1MzY4YzJlZWlZDc4NlTlMTgy&xzmn=aHR0cHM6Ly9rYWx0aW0uYnBzLmdvLmlkL3B1YmxpY2F0aW9uLzIwMjMvMDcvMTQvMGNJM2Q1MzY4YzJlZWlZDc4NlTlMTgyL3N0YXRpc3Rpay1taWdyYXNpLXByb3ZpbNpLWthbGltYW50YW4tdGltcXItaGFzaWwtbG9uZy1mb3JtLXNlbnN1cy1wZW5kdWR1ay0yMDIwLmh0bWw%3D&twoadfnoarfeauf=MjAyMy0wOC0xNyAxNjoxOTozOQ%3D%3D>

Faculty of Law at Andalas University, there are 13 ulayat lands and 3 communal lands owned by 11 units of the Paser indigenous community.<sup>40</sup>

In addition to indigenous communities, the local spatial population also consists of groups like transmigrant communities, translocal communities, and families of former political prisoners (tapol). The transmigration program from outside the East Kalimantan region has been ongoing for the last 20 years. Even transmigration villages specifically located in areas now part of the Nusantara Capital have been established since the 1950s.<sup>41</sup> Similarly, translocal communities have settled in several villages within the Nusantara Capital area due to their proximity to major cities like Balikpapan and Samarinda, facilitating basic needs mobility and connectivity.<sup>42</sup> Although these local community groups may not specifically inhabit the Nusantara Capital area, its development directly affects the land they reside on. This is because segregation of local communities directly affected by land acquisition for the Nusantara Capital development potentially shifts the local population around the Nusantara Capital area or causes concentration of local population in certain areas due to the desire to remain close to the national capital area.

Considering these factors, the potential for social friction between the two spatial compositions is highly probable. This potential arises due to the metropolitan-focused development of the Nusantara Capital, which emphasizes land availability for the interests of the urban spatial composition. Moreover, the issue of inconsistency in norms related to land acquisition mechanisms within the legal framework of the Nusantara Capital becomes a gateway for the realization of this potential. Therefore, the government must realign land acquisition policies in the Nusantara Capital to ensure the goal of making the new national capital an inclusive city can be achieved.

Referring to the previous discussion regarding the position of the State Capital Law and its derivatives in land acquisition, there is a potential for the substantial justice values of the local community in Nusantara Capital to be compromised. Specifically, concerning the type of compensation eligible for landowners. For the local spatial population, this potential violation could result in their displacement from the Nusantara Capital area due to the inconsistency of norms, creating legal loopholes for certain individuals within the government to impose facultative

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<sup>40</sup> Pranata Humas DPM Pemdes Kaltim, 'FGD Terkait Tanah Ulayat Dan MHA, DPMPD Dorong Agar Libatkan Kabupaten/Kota', *Dpmpd Kaltim*, 2023 <https://dpmpd.kaltimprov.go.id/artikel/fgd-terkait-tanah-ulayat-dan-mha-dpmpd-dorong-agar-libatkan-kabupatenkota>

<sup>41</sup> Rakhmad Hidayatulloh Permana, 'Sidorejo, Desa Transmigran Generasi Pertama Di Kaltim', *Detiknews*, 2019 <https://news.detik.com/berita/d-4712831/sidorejo-desa-transmigran-generasi-pertama-di-kaltim>

<sup>42</sup> Arief, 'Bukit Tengkorak Dijadikan Transmigrasi Lokal', *Kaltimpost.Id*, 2023 <https://kaltimpost.jawapos.com/kaltim/23/05/2023/bukit-tengkorak-dijadikan-transmigrasi-lokal>

compensation without considering other immaterial values that may arise from the land acquisition process.

The issue at hand fundamentally has deep-rooted social problems in Indonesia. According to the Allianz 2015 Wealth Report, Indonesia has the highest level of social inequality in Asia.<sup>43</sup> Similarly, the Organization for Economic Co-operation and Development (OECD) stated in 2022 that Indonesia, like other Asian countries, is experiencing a widening gap in social inequality. One manifestation of this social inequality in the context of this study is spatial inequality. Local spatial communities in certain areas, particularly outside major cities, are often seen as obstacles to development. However, in reality, policy makers often "colonize" these local communities by implementing land acquisition mechanisms without considering both material and immaterial aspects in compensation provision. It's important to note that local spatial communities do not reject the development of Nusantara Capital. In fact, they are open to and enthusiastic about the promised potential for economic equality through this development.<sup>44</sup> However, their objection lies in the fact that the compensation provided is not commensurate with their need to have land as a basis for proper housing.<sup>45</sup>

As an example, figurative gentrification and segregation have occurred in the preparation for the construction of Nusantara Capital. This is evidenced by the placement of markers on local spatial lands, indicating that these lands are part of the Nusantara Capital development area. Moreover, these markers display information about criminal sanctions for anyone who utilizes these lands. However, these lands are actually part of homes, fields, ponds, or gardens owned by the local spatial communities.<sup>46</sup> Similar practices were observed during the construction of the Sepaku Semoi Dam. The presence of the dam resulted in a decrease in the water quality standards that were typically consumed by local spatial communities in the Sepaku District, Penajam Paser Utara Regency. Furthermore, beyond the decline in water quality, the local spatial communities lost their access to previously freely accessible water sources.<sup>47</sup>

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<sup>43</sup> I N Afandi, 'Psychosocial Effect of Gentrification in Indonesia', *KnE Social Sciences*, 3.5 (2018), 332 <https://doi.org/10.18502/kss.v3i5.2341>

<sup>44</sup> Aldi Prima Putra, 'Tokoh Masyarakat Dan Adat Kalimantan Timur Dukung Pembangunan IKN', *Kementerian Pendayagunaan Aparatur Negara Dan Reformasi Birokrasi*, 2022 <https://www.menpan.go.id/site/berita-terkini/dari-istana/tokoh-masyarakat-dan-adat-kalimantan-timur-dukung-pembangunan-ikn>

<sup>45</sup> Sucipto, 'Sejumlah Warga Khawatir Dan Kecewa Dengan Nilai Ganti Rugi Lahan IKN', *Kompas.Id*, 2023 <https://www.kompas.id/baca/nusantara/2023/02/02/sejumlah-warga-khawatir-dan-kecewa-dengan-nilai-ganti-rugi-lahan-ikn>

<sup>46</sup> Sucipto, 'Masuk Kawasan Inti IKN, Kebun Dan Rumah Warga Di Sepaku Mulai Dipatok', *Kompas.Id*, 2022 <https://www.kompas.id/baca/nusantara/2022/02/27/masuk-kawasan-inti-ikn-kebun-dan-rumah-warga-di-sepaku-mulai-dipatok>

<sup>47</sup> Ari Arief, 'Bendungan Sepaku Simpan Konflik Sosial', *Kaltimpost.Id*, 2023 <https://kaltimpost.jawapos.com/utama/24/03/2023/bendungan-sepaku-simpan-konflik-sosial>

One concerning aspect of these phenomena is the timeframe in which they occurred, specifically during the preparation and initial construction stages of Nusantara Capital. The underlying assumption of this research is that if these trends continue, they may lead to larger issues. The goal of Nusantara Capital as an inclusive and culturally vibrant city becomes blurred and challenging to achieve if local spatial communities, a key stakeholder, feel segregated and displaced from their ancestral lands. Therefore, it is crucial for the Government to implement a compensation scheme for land acquisition based on the provisions outlined in the Master Plan and Detailed Master Plan of Nusantara Capital. Providing cumulative compensation while ensuring the living space for local spatial communities in the new area aligns with the concept of multi-spatial justice to fulfil their rights to live adequately in the city. This way, the potential for social disintegration among different community groups can be minimized.

### *It Happened in Jakarta, should it be Repeated in Nusantara?*

The provision of unfavorable compensation experienced by the local spatial communities has the potential to lead to social issues between them and incoming spatial communities, as it may trigger resentment among the locals who perceive that the newcomers are occupying lands that rightfully belong to them.<sup>48,49</sup> As a fairly equivalent comparative reference, Jakarta, the existing capital city, was also built in an exclusive manner. This phenomenon dates back to before Indonesia's independence when Jakarta, previously known as Batavia, was constructed by the Dutch East India Company (*Vereenigde Oostindische Compagnie/VOC*) on behalf of the Dutch colonial government. The city was designed to segregate living areas between Europeans, native populations, people of Eastern origin, and other community groups. A wall physically separated these groups, resulting in exclusive living areas for Europeans within the city walls, while other community groups were relegated to living outside the walls with accommodations that were merely utilitarian and lacked consideration for their quality.

According to the research team from Gadjah Mada University, the segregation that occurred in Batavia led to the emergence of the Betawi community as a fusion of various societal groups outside the city walls.<sup>50</sup> Post-independence, the Betawi community grew and became part of the population of Jakarta. However, the development of Jakarta as the capital city has resulted in a shift of land ownership from the Betawi community to developers and other groups with generally stronger economic power. Prior to independence, during the time when Jakarta

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<sup>48</sup> Jinxia Zhu and others, 'Land-Acquisition and Resettlement (LAR) Conflicts: A Perspective of Spatial Injustice of Urban Public Resources Allocation', *Sustainability*, 10.3 (2018), 884 <https://doi.org/10.3390/su10030884>

<sup>49</sup> Saru Arifin, 'Abuse of Human Rights in Myanmar: An Urgent Appeal to Reinterpret the ASEAN Non-Interference Principle', *Human Rights in the Global South (HRGS)*, 1.2 (2022), 128-44 <https://doi.org/10.56784/hrgs.v1i2.12>

<sup>50</sup> Swasty.

was still known as Batavia, the local spatial communities experienced segregation from the European community. After independence and up to the present day, the local spatial communities in Jakarta have been impacted by gentrification, causing them to lose land in various areas of Jakarta. Consequently, they have been forced to migrate to other regions, both outside the city and to the outskirts of Jakarta.<sup>51</sup><sup>52</sup>

The gentrification occurring in Jakarta is influenced by various factors, often driven by the increasing composition of incoming spatial communities. On one hand, the arrival of other spatial communities is inevitable and not inherently wrong, as Jakarta embraces inclusivity by welcoming anyone to live within its bounds.<sup>53</sup> Moreover, being the capital city, Jakarta naturally attracts people from other regions seeking economic opportunities.<sup>54</sup> However, on the other hand, differences in culture and the demands of urban life in the metropolis require local spatial communities to adapt.<sup>55</sup> Unfortunately, due to limitations in education and economic resources, coupled with insufficient policy support, a situation has arisen where local spatial communities are compelled to be marginalized due to being unable to compete effectively with incoming spatial communities.<sup>56</sup>

Such a situation places incoming spatial communities as antagonists in the societal fabric of the capital city. However, it's important to note that the government should take responsibility to ensure that gentrification doesn't occur and to enhance the quality of local spatial communities so that they can compete healthily with incoming spatial communities. Regrettably, in this context, the government has often failed to fulfill its responsibilities. The issues at hand, from a state responsibility perspective, can be seen as *ultra vires* acts—actions that go beyond the legal authority of the state—committed by the government as the holder of authority. This research reveals that the land acquisition mechanisms in the new capital city project may lead to similar consequences as those observed in

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<sup>51</sup> R Ratriananda and Herlily, 'Second-Wave Gentrification and Quasi-Public Space in Kebayoran Baru', *IOP Conference Series: Earth and Environmental Science*, 673.1 (2021), 012044 <https://doi.org/10.1088/1755-1315/673/1/012044>

<sup>52</sup> Dwiyantri Kusumaningrum, Jalu Lintang Yogiswara Anuraga, and Tria Anggita Hafsari, 'The Rise of Exclusive Boarding Houses: Gentrifying Kampung Through New Wave of Urbanization in Jakarta', *Journal of Indonesian Social Sciences and Humanities*, 10.2 (2020), 85–96 <https://doi.org/10.14203/jissh.v10i2.179>

<sup>53</sup> Salsabila I Syalianda and Ratih D Kusumastuti, 'Implementation of Smart City Concept: A Case of Jakarta Smart City, Indonesia', *IOP Conference Series: Earth and Environmental Science*, 716.1 (2021), 012128 <https://doi.org/10.1088/1755-1315/716/1/012128>

<sup>54</sup> Suryono Herlambang and others, 'Jakarta's Great Land Transformation: Hybrid Neoliberalisation and Informality', *Urban Studies*, 56.4 (2019), 627–48 <https://doi.org/10.1177/0042098018756556>

<sup>55</sup> Imam Buchori and others, 'Industrial Development-Induced Gentrification', *International Review for Spatial Planning and Sustainable Development*, 11.1 (2023), 16 [https://doi.org/10.14246/irspsd.11.1\\_276](https://doi.org/10.14246/irspsd.11.1_276)

<sup>56</sup> Lynn Ng, 'Forgotten and Invisible Laborers: Domestic Workers in Singapore and Taiwan', *Human Rights in the Global South (HRGS)*, 1.2 (2022), 86–101 <https://doi.org/10.56784/hrgs.v1i2.14>

Jakarta. Social disparities between local and urban spatial communities might emerge, positioning the latter as the villains in the narrative of the Nusantara Capital's development.

### *Lesson Learned from Brazil's Capital City Movement*

In addition to drawing lessons from internal practices in Jakarta, this research also conducts a comparison with practices from Brazil as one of the countries that has also relocated its national capital. Furthermore, both countries also share similarities as fellow G20 nations representing some of the world's largest economies. Historically, they have both been heavily reliant on natural resources, but over time, both countries have started adapting to artificial resources. In the context of governance systems, both countries have a history of being led by military and authoritarian regimes, so feudalism continues to persist to this day, even though the methods used have undergone changes due to increased transparency.

Brazil's capital city movement was a monumental shift in the country's history, as it marked the establishment of Brasília as the new capital in 1960. Designed by renowned architect Oscar Niemeyer and urban planner Lúcio Costa, Brasília was envisioned as a modern, utopian city that would symbolize Brazil's progress and unity. Several key legal bases for this historic decision, namely 1) Brazilian Constitution of 1891, Article 3 of this constitution stated that the capital of Brazil would be in the city of Rio de Janeiro. However, it allowed for the possibility of relocating the capital through a law passed by the National Congress. This laid the foundation for subsequent legislation related to the capital's movement. 2) Law No. 2,874 of 1956, provided the legal framework for the transfer of the capital from Rio de Janeiro to the planned city of Brasília. It detailed the process, timeline, and funding for the construction of the new capital. President Juscelino Kubitschek, who was in office at the time, was a strong proponent of this project and played a pivotal role in its execution. 3) Constitution of 1967/1969, ratified the decision to move the capital to Brasília. These constitutions reaffirmed the new location and its significance for the country.<sup>57</sup>

It's important to note that the legal basis for Brazil's capital city movement involved a combination of constitutional provisions, specific laws, and executive actions, all of which were designed to ensure a smooth transition from Rio de Janeiro to Brasília as the new capital city. This historic move aimed to promote the development of the interior of Brazil and symbolized a significant moment in the country's history. However, beneath the grandeur of its futuristic architecture lay a complex reality of gentrification and segregation, which has had far-reaching social and economic consequences for the city's residents. Gentrification is a process where urban neighborhoods undergo significant transformation, typically

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<sup>57</sup> Brian Quistorff, 'Capitalitis? Effects of the 1960 Brazilian Capital Relocation', *SSRN Electronic Journal*, 2015 <https://doi.org/10.2139/ssrn.2588620>



characterized by the influx of more affluent residents, the renovation of existing buildings, and the displacement of lower-income communities. In Brasília, gentrification was a direct consequence of the city's planned construction and layout.<sup>58</sup>

One of the key elements of Brasília's design was its focus on modernist architecture and spacious, functional living spaces. The city's master plan divided it into distinct zones, each with specific functions, which included residential areas for different income groups. However, over time, the appeal of the city's aesthetic and its promise of a higher quality of life attracted wealthier Brazilians, leading to the gentrification of certain areas. The most notable example of gentrification in Brasília is the Plano Piloto, the city's central and most iconic area. Originally designed as a mixed-income neighborhood, it gradually became the preferred location for the city's elite. As wealthier residents moved in, property values skyrocketed, and lower-income families were gradually pushed out to peripheral areas, far from job opportunities and essential services.<sup>59</sup>

The issue of segregation in Brasília is closely intertwined with gentrification. As more affluent residents concentrated in certain neighborhoods, a clear divide emerged between the haves and the have-nots. This division was not only economic but also racial and social. The most significant divide in Brasília is economic. The city's affluent residents typically reside in the Plano Piloto and other upscale areas, while low-income families are forced to live in marginalized peripheries, where access to quality education, healthcare, and employment opportunities is limited. Racial disparities have also played a significant role in the city's segregation. Lower-income neighborhoods in Brasília often have a higher percentage of Afro-Brazilian residents, reflecting broader patterns of racial inequality in the country. The city's social fabric has been affected by segregation as well. Communities in the Plano Piloto have better access to cultural venues, parks, and public services, while peripheral neighborhoods lack these amenities, further deepening social divides.<sup>60</sup>

The gentrification and segregation in Brasília have far-reaching consequences. The city's spatial inequalities have contributed to social unrest, crime, and a lack of social cohesion. Moreover, these disparities exacerbate existing inequalities in Brazil and hinder social mobility. Addressing these issues is a complex challenge that requires not only a reevaluation of urban planning policies but also a concerted effort to reduce income inequality and promote social inclusion. It is essential for Brasília, as Brazil's capital, to represent the country's diversity and unity rather than perpetuate divisions. Brasília, while celebrated for its

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<sup>58</sup> Quistorff.

<sup>59</sup> Jeff Garmany and Matthew A. Richmond, 'Hygienisation, Gentrification, and Urban Displacement in Brazil', *Antipode*, 52.1 (2020), 124–44 <https://doi.org/10.1111/anti.12584>

<sup>60</sup> Garmany and Richmond.

architectural innovation and vision, has also been marred by gentrification and segregation. These issues are not unique to Brasília but are reflective of broader urban challenges in Brazil and around the world, in this case including the development of Nusantara Capital.

The hypothesis that emerges from the initial observations of the writer is that there will be conflicts between the two spatial compositions due to cultural and habitual differences, with the state's power inherent in the newcomer spatial composition. The potential for oppression or even elimination of the local spatial composition is highly possible.<sup>61</sup> Moreover, the presence of local spatial compositions, whether within the country or abroad, is generally seen by the government as an impediment to development.<sup>62</sup> Consequently, segregation, gentrification, and even figurative or literal elimination tend to be chosen approaches to facilitate development.<sup>63</sup> Such conditions illustrate the situation in the Nusantara Capital region, where the local spatial composition becomes a secondary layered spatial within a cosmopolitan-centric legal and political dimension during the construction of the Nusantara Capital. Gentrification and figurative segregation have even occurred in the preparation efforts for the development of the Nusantara Capital, making the occurrence of both phenomena very possible.

Based on these findings, this research directs the government to adhere to the provisions outlined in the Master Plan and Detailed Master Plan of the Nusantara Capital, which mandate that local spatial communities receive fair and adequate compensation, along with resettlement. Providing resettlement ensures the fulfillment of parameters for the right to a decent life and the right to the city, as the government possesses the necessary political, legal, and economic instruments to effectively implement and target these respondents.<sup>64</sup> Considering these factors, this research encourages the improvement of the substantive content of the State Capital Law and its derivatives regarding land acquisition, to establish legal certainty that aligns with both procedural and substantive spatial justice.

### ***Future Resolutions to Avoid Gentrification and Segregation***

As Indonesia embarks on the ambitious journey of relocating its capital to Nusantara, a comprehensive and forward-thinking approach must be adopted to

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<sup>61</sup> Emil Israel and Amnon Frenkel, 'Social Justice and Spatial Inequality', *Progress in Human Geography*, 42.5 (2018), 647–65 <https://doi.org/10.1177/0309132517702969>

<sup>62</sup> Masni Mat Dong, Peter Midmore, and Maria Plotnikova, 'Understanding the Experiences of Indigenous Minorities through the Lens of Spatial Justice: The Case of Orang Asli in Peninsular Malaysia', *Regional Science Policy & Practice*, 14.5 (2022), 1223–39 <https://doi.org/10.1111/rsp3.12512>

<sup>63</sup> Mat Dong, Midmore, and Plotnikova.

<sup>64</sup> Rico J. Yearwood and Stefan K. Newton, 'The Retention of the Mandatory Death Penalty in Trinidad and Tobago: An Ongoing Human Rights Concern', *Human Rights in the Global South (HRGS)*, 1.1 (2022), 13–34 <https://doi.org/10.56784/hrgs.v1i1.4>

ensure that this transformation does not inadvertently lead to gentrification and segregation. While the development of a new capital city offers opportunities for progress and economic growth, it also presents the risk of social and multi-spatial inequalities. To avoid these pitfalls, it is imperative to implement future resolutions that address key issues, particularly related to land acquisition laws and compensation regulations.

One of the crucial steps in preventing gentrification and segregation during the development of Nusantara Capital is the reform of land acquisition laws. The existing legal framework, including the State Capital Law and its derivatives, must be revisited to ensure that it aligns with principles of fairness, inclusivity, and sustainability. A significant aspect of land acquisition about the compensation provided to landowners and residents who are displaced due to the development of the new capital. To strengthen the legal force and certainty of these compensation provisions, it is essential to move them from annexes into the body of the relevant legislations. By incorporating compensation regulations directly into the main legislations, there will be greater clarity and consistency in determining compensation types and procedures. This will help prevent disputes, delays, and inequalities in compensation distribution, which can lead to gentrification and segregation when some affected communities are left without adequate resources to relocate or rebuild their lives.

In addition to integrating compensation regulations into the primary legislation, future resolutions should emphasize the development of fair and equitable compensation mechanisms. This involves conducting thorough assessments of the value of the affected properties, taking into account factors such as market value, land use, and socio-economic impact on the displaced communities. Furthermore, the compensation should extend beyond monetary value. Providing alternative housing, livelihood support, and access to essential services for affected residents can mitigate the risk of social displacement and segregation. These non-monetary benefits should be clearly defined and legally mandated to ensure that they are provided to all eligible parties.

To avoid gentrification and segregation, it is important to involve affected communities in the decision-making process. Public participation and transparency in land acquisition and compensation procedures are vital. Local residents and landowners should have a say in the development plans and should be informed about the implications of the project. Public hearings, consultations, and reservation mechanisms can provide avenues for community input and redressal of grievances. Transparency in land acquisition and compensation processes will build trust and reduce the likelihood of social disparities. By implementing these future resolutions and upholding principles of social justice and equity, Indonesia can ensure that the new capital city becomes a symbol of

progress and unity for all its citizens, transcending the challenges posed by rapid urban development.

#### 4. Conclusion

Ownership rights to land as a form of property cannot be arbitrarily taken away. This principle is recognized by the law, both in national and international legal instruments. However, in Indonesia's legal system, land rights have a social function. In specific circumstances, such as when there is a public interest, the state can expropriate the land in question, provided that regulations govern the process and the provision of fair and reasonable compensation. Findings in this research indicate that efforts have been made in the appendices of the State Capital Law and its implementing regulations to uphold the right to a decent life concerning property rights in the context of land acquisition in Nusantara Capital. The cumulative compensation provisions in Annex II of the State Capital Law and Annex to Presidential Regulation No. 63 of 2022, which include fair and adequate compensation and resettlement, are intended to address the challenges of upholding the right to a decent life during land acquisition, which essentially "confiscates" land from its owners. However, the presence of these provisions in the appendices that conflict with the content in the main bodies of the legislation creates ambiguity in their implementation, making it difficult to achieve the multi-spatial justice that is expected from the birth of legislation regarding the nation's capital. Therefore, to avoid the occurrence of phenomena like gentrification and segregation in Nusantara Capital, similar to what transpired in Brasília and Jakarta, this research recommends an immediate amendment to the content of the State Capital Law and its derivative regulations concerning land acquisition. This change involves moving the content in the appendices into the main body of the legislation to give it stronger and legally certain legal force.

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