

Local Labour Access in the Nusantara Capital Development Project to Improve Local Community Welfare

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Abstract—This study aims to examine and assess the availability of local workers for the Nusantara Capital development project. According to the Republic of Indonesia's 1945 Constitution, community empowerment is a deliberate effort to provide welfare-based guarantees for a decent livelihood. Community involvement is crucial in the development process. The ongoing Nusantara Capital development projects in East Kalimantan are closely linked and cannot be separated. The future labor demand is estimated to be approximately 1.14 million individuals. Given these circumstances, two problems require attention. Firstly, what is the level of local labor availability for the growth of Nusantara Capital? Furthermore, what is the impact of local community empowerment initiatives on welfare in the Nusantara development process? This study employed a normative juridical research methodology, utilizing a conceptual and legislative framework. The findings indicated that the government, under Law Number 3 of 2022 regarding the State Capital, has created job opportunities for the development of Nusantara Capital. As of October 2023, 2,765 individuals from the local population have been employed despite the absence of specific regulations. In order to promote local community empowerment, the government and local authorities have implemented various initiatives, such as providing employment training and certification programs.

Keywords—Labour; The Capital; Local Community; Welfare.

I. INTRODUCTION

As a developing nation, Indonesia is continuously striving to enhance national development initiatives with a focus on improving the well-being of its citizens.[1] National development encompasses the development of human resources to achieve a materially and spiritually affluent society, just and evenly distributed by Pancasila and the 1945 Constitution of the Republic of Indonesia. Therefore, in community empowerment through employment, efforts are made to establish rules that guarantee labor rights and uphold human dignity as a fundamental entitlement.[2]

To accomplish labor welfare and promote business prosperity, ensuring equity and equal opportunity for the community to access employment without discrimination is essential.[3] According to Article 27, paragraph (2) of the 1945 Constitution of the Republic of Indonesia, all citizens are entitled to the right to employment and a satisfactory standard of living. Every individual upholds the ideal of non-discrimination throughout all domains, including employment. The idea of non-discrimination in labor has been confirmed in Article 4 of Law Number 13 of 2003 on Labor. The objective of labor development is to achieve employment opportunities and meet labor demands for national and regional development.[4]

Given the national development efforts through the Nusantara Capital (IKN), it is crucial to prioritize providing fair possibilities for community involvement in employment inside the IKN, particularly in rural regions such as East Kalimantan and the more expansive Kalimantan Island. Law Number 3 of 2022 highlights the pivotal significance of local community engagement in the prosperous advancement of IKN. The infrastructure projects in the national capital are projected to create almost 1.14 million

employment prospects in the construction sector. The IKN Authority Agency, under the leadership of Bambang Susantono, intends to offer housing for 150,000 to 200,000 field workers by 2023. The government will commence fieldwork, prioritizing land preparation and road access activities to address logistical and infrastructure requirements. The East Kalimantan local government places high importance on the Job Training and Labour Productivity and Labour Placement Programme to respond to the demand for workforce development. These programs will be further promoted to attain the desired success indicators outlined in the government's work plan.[5]

Furthermore, the East Kalimantan Provincial Government is increasingly worried about the rising open unemployment rate, which suggests that the labor market's ability to accommodate the expanding labor force in East Kalimantan has yet to keep pace with its expansion. This poses difficulties for local communities, governments, and IKN authorities, including the federal government, in implementing IKN development. Therefore, employing diligent endeavors and well-planned measures to surmount this challenge is crucial.[6] This article will examine the involvement of local labor in the creation of the Nusantara Capital and explore strategies to empower local communities through the concept of welfare in the development process of the Nusantara Capital.

II. LITERATURE REVIEW

A. Empowerment of the Constitutional Community

Constitutional community empowerment refers to the legal foundation that establishes the role of the Constitution in granting authority to the community, following the values and principles outlined in the 1945 Constitution of the Republic of Indonesia.[7] The Constitution is a foundational instrument that establishes the legal framework and ensures community empowerment. These concepts encompass individuals' entitlement to engage in the nation's advancement process and reap the advantages of such advancement. For the Nusantara Capital development project, it is crucial to comprehend how constitutional principles facilitate and encourage active community participation at all stages of the development process.

The 1945 Constitution prioritizes democracy, fairness, and prosperity as the state's bedrock. Thus, the constitutional foundation for community empowerment establishes a structure that promotes community involvement in decision-making, particularly concerning significant endeavors like Nusantara Capital. The community is acknowledged as the entity possessing supreme authority and the entitlement to engage in the economic and social advancement of the nation. Issues with the availability of local labor. Assessing the accessibility of the local workforce is crucial to guaranteeing the seamless expansion of the Nusantara Capital project. This difficulty requires a profound comprehension of whether the available local workforce can fulfill the project's demands in quantity and quality. Key elements to be recognized encompass skills, education, and demographic variables that impact labor availability.

B. Impact of Community Empowerment Initiatives on Welfare

Local community empowerment projects substantially influence the welfare level in the context of Nusantara Capital's growth. A comprehensive examination of these favorable effects entails enhancing the standard of living, facilitating the availability of public amenities, and fostering economic autonomy within local communities. Implementing empowerment initiatives, such as offering vocational training and education and giving financial resources for entrepreneurial endeavors, can enhance the community's ability to engage in the development process actively.[8] Furthermore, the augmentation of well-being can be observed by per capita income, health, and education.

Evaluating the initiatives and strategies implemented to enhance the well-being of local communities is crucial for this assessment—the evaluation centers on the program's sustainability and its influence on individuals' everyday lives. Through cooperation with local governments and relevant stakeholders, community empowerment programs aim to deliver enduring advantages and address the genuine needs of local communities.

Comprehending the provisions of Law Number 3 of 2022 about state capital and its influence on employment creation is crucial for recognizing its favorable consequences. This legislation establishes a lawful foundation for enhancing community empowerment by generating employment opportunities and fostering more significant investment in strategic initiatives, such as Nusantara Capital. Assessing the degree to which the legislative framework facilitates the inclusion of local workers in development initiatives is crucial for maintaining equity and parity in community engagement.

It is imperative to consider supportive policies, such as incentivizing corporations that engage local communities in their projects. The success of community empowerment projects can be significantly influenced by the involvement of state-owned enterprises (BUMN) in implementing this strategy. By harmonizing legal regulations with pragmatic strategies, it is possible to establish a conducive

atmosphere where the welfare of local populations and the advancement of projects can mutually reinforce one another.

C. Implementation of Empowerment Initiatives

The Nusantara Capital project successfully implemented community empowerment measures, resulting in multiple achievements that can be elaborated upon. As of October 2023, 2,765 local workers have been successfully employed in this project. The achievement indicates the government and local authorities' dedication to offering job prospects to the local populace.

Evaluating the accomplishments or challenges in executing community empowerment projects is essential for comprehending the accomplished impact.[9] Success elements encompass efficient skills training and certification programs, provision of business financing, and sufficient infrastructural support. Nevertheless, the attention still needs to be directed towards other impediments, including the absence of coordination between central and regional governments and difficulties in fulfilling specific skills requirements.

International law measures are crucial in facilitating cooperative endeavors among nations about corporate structures associated with corruption and money laundering. An international legal framework can facilitate information interchange, coordination of cross-border investigations, and collaboration among law enforcement agencies. The primary objective of evaluating this collaboration is to determine how collective endeavors can eliminate transnational economic crime. To effectively address economic crime, engaging in international forums and establishing cooperative structures is crucial.

III. METHOD

This study employs a normative juridical research methodology, utilizing legal source materials like labor laws and regulations and those of Nusantara Capital. The article incorporates additional data sources and legal documents, including theories pertinent to the concerns discussed. An in-depth analysis was conducted on the legal documents to establish a connection between the functioning of the legislation in the recruitment process and the promotion of local communities' involvement in the infrastructural development of the capital.

IV. RESULT AND DISCUSSION

A. Local Labour Access in the Development of the Nusantara Capital

The IKN project will serve as a promising catalyst for economic expansion in Indonesia, particularly in East Kalimantan. The ongoing construction of infrastructure at IKN is now in progress. An outcome of this development process in the economic sector is the generation of employment possibilities, both in the short and long term. This opportunity primarily aims to benefit Indonesian residents, specifically the local community residing in East Kalimantan and the broader Kalimantan Island region. This undoubtedly exerts a substantial beneficial influence, effectively addressing the issue of unemployment in East Kalimantan Province and Kalimantan Island.[10]

The IKN development project foresees a labor requirement of 1.14 million people to be carried out in several stages. The era of infrastructure development spanning from 2022 to 2024 necessitates a total of 260,000 workers. This workforce will be allocated as 30,000 workers in 2022, 123,000 workers in 2023, and 107,000 workers in 2024. East Kalimantan's population is currently 3,859,783, with a labor force of 1,852,802 as of 2022. The open unemployment rate stands at 5.71%. Although there was a little decline in IKN's open unemployment rate between 2018 and 2020, the current data indicates a favorable but relatively insignificant effect on tackling unemployment in East Kalimantan. The comprehensive data can be found in the following table.

Table. 1 Open Unemployment Rate and Labour Force Participation Rate by Regency/City in East Kalimantan Province, 2018-2020

	Open Unemployment Rate			
Regency/City	2018	2019	2020	
	(August)	(August)	(August)	
Paser	4,84	4,38	4,52	
Kutai Barat	4,67	4,89	4,97	
Kutai Kartanegara	5,74	5,79	5,70	

Kutai Timur	5,85	5,45	5,45
Berau	5,45	4,95	5,08
Penajam Paser Utara	4,62	6,03	6,22
Mahkam Ulu	4,03	3,56	3,49
Balikpapan	9,27	7,15	9,00
Samarinda	5,99	5,73	8,26
Bontang	9,41	9,02	9,46
Kalimantan Timur	6,41	5,94	6,87

Sources: BPS Kalimantan Timur 2020

Table 2. Open Unemployment Rate and Labour Force Participation Rate by Regency/City in East Kalimantan Province, 2020-2022

Regency/City	Open Unemployment Rate			
	2020	2021	2022	
	(August)	(August)	(August)	
Paser	4,52	5,70	4,88	
Kutai Barat	4,97	5,14	4,62	
Kutai Kartanegara	5,70	5,66	4,14	
Kutai Timur	5,45	5,35	6,48	
Berau	5,08	5,82	5,02	
Penajam Paser Utara	6,22	2,95	2,12	
Mahkam Ulu	3,49	3,14	2,44	
Balikpapan	9,00	8,94	6,90	
Samarinda	8,26	8,16	6,78	
Bontang	9,46	9,92	7,81	
Kalimantan Timur	6,87	6,81	5,71	

Sources: BPS Kalimantan Timur 2023

Despite the development of IKN, the unemployment rate in East Kalimantan remains the highest among the four provinces on Kalimantan Island. West Kalimantan is another province with a relatively high unemployment rate of 5.11%, while the remaining three provinces have open unemployment rates below 5%.

Based on these facts, unemployment is a prevalent issue in East Kalimantan Province. The emergence of IKN is anticipated to generate fresh employment prospects for nearby towns. IKN is now engaged in several infrastructure development initiatives, encompassing crucial projects like constructing roads, dams, and government buildings, notably the Istana Negara.[11]

As stated in the background, Law Number 3 of 2022 regarding the State Capital specifies in Appendix II, point C.2.3 that access and opportunities for local labor in the development of IKN are required. This

law emphasizes that the involvement of local communities as the primary contributors to development is a crucial indicator of successful progress.[12] According to this clause, the President, in their capacity as a technical executor, subsequently issued Presidential Regulation Number 62 of 2022 on the Nusantara Capital Authority. According to Article 22, paragraphs (2) and (3), the IKN Authority can utilize specificity to facilitate infrastructure development and acquire more products and services. The mentioned specificity encompasses utilizing labor and materials from the local area. Paragraph (14) explicitly confirms that prioritizing the usage of local labor and materials is essential. This is consistent with the established standards and rules in various self-governing areas within the East Kalimantan Province. Regional Regulation Number 8 of 2017, issued by Penajam Paser Utara Regency, pertains to the safeguarding and employing of indigenous workers and serves as local legislation governing their utilization.[13]

According to Article 5 of this rule, local labor is entitled to equal employment chances and fair treatment from employers. Moreover, according to Article 6 paragraph (1), companies must make efforts to hire at least 80% of their workforce from the local area, provided that the candidates meet the necessary qualifications for the positions. In paragraph (2), the company can recruit workers from outside the region if local candidates need to meet the required qualifications. Local laborers' access and opportunity are essential to consider in developing IKN.[14] The IKN Authority does not issue any legally valid product as a technical need for employing local workers. The IKN Authority, which has been granted the power to regulate activities related to the development and relocation of IKN, must establish these legislative regulations to ensure legal certainty for the local community's access to the IKN development. According to data published by the Ministry of Public Works and Housing, as reported by the Chairperson of the IKN Infrastructure Development Implementation Task Force, by October 2023, the construction of IKN had employed 12,123 construction workers. Of the 12,123 workers, 2,765 are native to Kalimantan Island, while the remaining 9,345 are from other regions.

B. Local Community Empowerment Efforts in the State Capital Development Process for Welfare

The concept of the Welfare State emerged in the 20th century as a correction to the concept of the "Night Watchman" state (nachtwachtersstaat), as the symptoms of capitalism in the economic field gradually led to a disparity in the distribution of the sources of common welfare. Consequently, a wide poverty gap is difficult for the minimally functioning state to solve. The state is considered unable to relinquish its responsibility to improve the welfare of society. This reality has led to a new awareness of the importance of state involvement in addressing and overcoming the problem of inequality. The state is considered unable to relinquish its responsibility to improve the welfare of society. [15]

The state needs to intervene to regulate the sources of prosperity so that they do not become dominated by a few people. Alongside this, socialism emerged, which strongly opposed individualism and liberalism, which were considered to be the cause of capitalism, oppressing the poor and even creating poverty itself. Therefore, under the influence of socialism, a new conception of the state emerged at the beginning of the 20th century to replace the "Nachwachtersfaaf," namely the "Welvaarstaat"/"Welfare State." The term welfare state refers to the state's role in providing its citizens a range of services and benefits in income maintenance and health, as well as housing, education, and social activities.[16]

The fourth paragraph of the 1945 Constitution stipulates that one of the state's goals is to promote public welfare. Advancement of the community's welfare can be seen from various state efforts through government programs to improve the welfare of the people. In the context of IKN development, the efforts made by the government to improve people's welfare are to open access to the empowerment of the entire community, especially local communities, to be directly involved in the IKN development project. Some of the programs implemented by the government to empower local communities are conducting job training and certification of IKN construction workers. Phase I involved at least 1,535 construction workers, 817 of whom were local communities.[17]

Empowering local communities in the IKN development project is one of the efforts made to create sustainable welfare so that IKN development positively impacts local communities. Involving the community in every stage of development certainly can improve local communities' standard of living and create sustainable development.[18]

There has been a decline in the number of impoverished people in East Kalimantan Province. The Central Bureau of Statistics (BPS) of East Kalimantan Province recorded a decline from 2019 to 2022. The number of impoverished people in East Kalimantan 2019 was 220.91 thousand (5.91%), and in 2020 it rose to 243.99 thousand (6.64%). Meanwhile, in 2021, the poverty rate as of September fell to 241.777 thousand (6.54%), and in 2022, poverty levels in East Kalimantan also fell to 236.25 thousand (6.31%). Community poverty has generally decreased from year to year, although it has not been too significant since the covid 19 pandemic struck. However, of course, this is quite hopeful for all parties. Hence, there

needs to be further better efforts in the future so that people benefit from welfare, primarily through IKN development activities.[19]

Law Number 3 of 2022 on the State Capital, specifically in Appendix II, point C.2.3, underscores the significance of local community engagement as a crucial determinant of successful development in IKN. In the capacity of a technical implementer, the President has enacted Presidential Regulation Number 62 of 2022, which pertains to the Nusantara Capital Authority. Article 22, paragraphs (2) and (3) grant the IKN Authority the authority to utilize specificity, such as local labor and materials, with paragraph (14) explicitly designating it as a priority. This is by the standards in East Kalimantan, as stated in Regional Regulation Number 8 of 2017, which highlights the importance of providing equitable employment opportunities and fair treatment to local workers.[20]

Furthermore, Article 6, paragraph (1) states that companies must strive to fill job vacancies with at least 80% local labor by meeting the required position qualifications. In paragraph (2), the company can only take labor outside the region if local labor does not meet the position's qualifications. This is a consideration in IKN development, especially regarding access and opportunities for local laborers. As a technical rule in employing local labor, the IKN Authority currently issues no legal product. The IKN Authority, as the party given the authority to regulate activities related to the IKN development and relocation process, needs to make these legal norms to provide legal certainty for access to the local community in the development of IKN. Based on data released by the Ministry of Public Works and Housing through the Chairperson of the IKN Infrastructure Development Implementation Task Force by October 2023, the construction of IKN has absorbed 12,123 construction workers. Out of these 12,123 workers, 2,765 are from Kalimantan Island, and the remaining 9,345 come from outside Kalimantan Island.[21]

V. CONCLUSION

From the description and analysis provided, it can be inferred that the welfare state's characteristics align with the constitutional mandate by virtue of the government's power to develop policies. The implementation of infrastructure development initiatives in IKN has had a favorable effect on the well-being of local people in East Kalimantan, as seen by the empowerment of these populations through increased employment opportunities. The government has established multiple policies to facilitate the inclusion of local communities in the IKN development process. The government has implemented many initiatives, such as offering vocational training and certification, to enhance the community's capacity and resources in the context of empowerment. This implies that the welfare level of the community is likely to increase, leading to a fall in the poverty rate. To enhance legal certainty, the IKN Authority must establish derived or technical rules that expressly govern the utilization of domestic workforce within the existing regulations.

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