

Jakarta- Bandung High-Speed Rail: A Critical Legal Analysis of Public Policy Formulation

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Abstract: The Jakarta–Bandung High-Speed Rail (KCJB), commercially known as WHOOSH, represents one of Indonesia’s largest strategic infrastructure projects and has generated significant legal and policy debates since its inception. While the project was intended to strengthen national connectivity and promote regional economic growth, its formulation and implementation have raised concerns regarding regulatory consistency, administrative accountability, transparency, public participation, environmental compliance, fiscal governance, and institutional oversight. This study critically examines the KCJB policy from the perspective of public policy formulation by integrating evidence-based policy, public value, policy ethics, and principles of legal governance. Employing a qualitative descriptive case study, the research analyses secondary data derived from legislation, government regulations, official reports, academic publications, judicial and administrative documents, and other authoritative sources. Data were analysed through qualitative content analysis supported by source triangulation. The findings indicate that the formulation of the KCJB policy demonstrates several legal shortcomings. First, the decision-making process reveals weaknesses in regulatory coherence and evidence-based assessment, as reflected in contested feasibility studies and significant project cost escalations that subsequently required changes in financing arrangements. Second, the policymaking process shows limited compliance with fundamental principles of good governance and administrative law, particularly transparency, legal certainty, proportionality, accountability, and meaningful public participation in strategic infrastructure decision-making. Third, the project exposes challenges in ensuring effective legal oversight of state financial commitments and environmental governance, thereby creating potential risks to fiscal accountability and public trust. These findings suggest that the legal legitimacy of strategic infrastructure policies should be evaluated not only in terms of economic efficiency but also through their conformity with constitutional principles, the rule of law, administrative legality, and democratic governance. This study contributes to contemporary legal and public policy scholarship by demonstrating that sustainable

infrastructure development requires legal certainty, institutional accountability, and regulatory integrity throughout the policy formulation process.

Keywords: Administrative Law; Constitutional Accountability; Jakarta–Bandung High-Speed Rail; Public Policy Formulation; Regulatory Governance.

INTRODUCTION

Strategic national infrastructure development is fundamentally not merely an instrument of economic development but also a form of public governance that must adhere to the principles of the rule of law, legal certainty, administrative legality, good governance, and constitutional accountability.¹ In a state governed by the rule of law, as affirmed in Article 1(3) of the 1945 Constitution of the Republic of Indonesia, every government policy that produces legal consequences and utilises state resources must be established on the basis of lawful authority, proper procedures, and compliance with the principles of good governance.² Accordingly, the legitimacy of a public policy should not be assessed solely by its economic benefits or implementation outcomes, but also by its conformity with the legal norms governing the policy-making process.³

Within this context, the Jakarta–Bandung High-Speed Rail (KCJB/WHOOSH) represents one of Indonesia's most significant national strategic infrastructure projects and carries far-reaching legal implications. The policy was initially established through Presidential Regulation No. 107 of 2015 concerning the Acceleration of the Development of the Jakarta–Bandung High-Speed Railway Infrastructure and Facilities, which was subsequently amended by Presidential Regulation No. 93 of 2021 in response to changes in the project's financing scheme and implementation arrangements. These regulatory amendments demonstrate that the formulation of the KCJB policy extends beyond transportation development and encompasses broader legal issues concerning the legality of regulatory amendments, the exercise of governmental discretion, state financial involvement, and regulatory consistency in the implementation of national strategic projects.

¹ Maryna Susak et al., “The Mechanism of Administrative and Legal Support for Ukraine’s Reconstruction: A Constitutional and Legal Model,” *Nusantara: Journal of Law Studies* 5, no. 1 (2026): 527–548, <https://doi.org/10.66325/nusantaralaw.v5i1.302>.

² Rana Saad Shakar, “Balancing National Sovereignty: The Impact of Bilateral Investment Treaties on Contemporary Islamic Economic Law,” *MILRev: Metro Islamic Law Review* 4, no. 1 (2025): 31–63, <https://doi.org/10.32332/milrev.v4i1.10265>.

³ Dani Sintara et al., “Regional Legislative Oversight of Fiscal Policy in Contemporary Islamic Economic Law,” *MILRev: Metro Islamic Law Review* 4, no. 2 (2025): 1237–1257, <https://doi.org/10.32332/milrev.v4i2.11076>.

From a normative perspective, the formulation of the KCJB policy cannot be separated from the broader legal framework governing public administration in Indonesia.⁴ In addition to Presidential Regulation No. 107 of 2015 and Presidential Regulation No. 93 of 2021, the policy must be interpreted within the framework of Law No. 30 of 2014 on Government Administration, Law No. 23 of 2007 on Railways, Law No. 2 of 2012 on Land Acquisition for Development in the Public Interest, and Law No. 32 of 2009 on Environmental Protection and Management. Collectively, these legal instruments require every governmental action to comply with the principles of legality, legal certainty, transparency, proportionality, accountability, the protection of the public interest, and the General Principles of Good Governance (Asas-Asas Umum Pemerintahan yang Baik/AUPB) as the normative standards governing public administration.⁵

From the perspective of administrative law, several legal issues warrant further scholarly examination.⁶ Regulatory amendments concerning project financing, the involvement of state-owned enterprises, the government's exercise of administrative discretion, land acquisition procedures, compliance with environmental protection obligations, and the level of public participation in governmental decision-making raise important questions as to whether the formulation of the KCJB policy complies with the principles of legality, legal certainty, transparency, accountability, proportionality, and the protection of the public interest as required under Indonesian administrative law and the broader framework of good governance. Consequently, the primary concern of this study is not to assess the success of the KCJB as a transportation project, but rather to evaluate the legal legitimacy of its policy formulation process.⁷

Previous studies have examined the KCJB project from a variety of disciplinary perspectives. Kadarisman analysed the project as an environmentally friendly mode of transportation,⁸ while Yamin and Windymadaksa examined it

⁴ M Rifqinizamy Karsayuda et al., "Kontruksi Hukum Kebijakan Pembiayaan Infrastruktur Milik Negara Melalui Skema Non-APBN Untuk Mewujudkan Ketahanan Ekonomi Nasional," *De Jure: Jurnal Hukum Dan Syar'iah* 13, no. 2 (2024): 310–323, <http://dx.doi.org/10.18860/j-fsh.v13i2.14533>.

⁵ Mohammad Rizal Amusroh, Rudy Iskandar, and Nur Jufri, "Constitutional Challenges of Digital Bureaucracy : Efficiency and Sovereignty in the Disruption Era," *As-Siyasi: Journal of Constitutional Law* 5, no. 2 (2025): 283–298, <https://doi.org/10.24042/as-siyasi.v5i2.28141>.

⁶ Amir et al., "Nusantara : Journal of Law Studies," *Nusantara: Journal of Law Studies* 4, no. 1 (2025): 30–43, <https://doi.org/10.5281/zenodo.17353871>.

⁷ Yodi Martono Wahyunadi, Bart Jansen, and Alwan Hadiyanto, "The Controversy On Transfer Of Absolute Competency Of The State Administrative Courts In Government Administrative Law," *Jurnal Hukum UNISSULA* 8, no. 1 (2024): 111–132, <https://jurnal.unissula.ac.id/index.php/jurnalhukum/article/view/44125/12327>.

⁸ M. Kadarisman, "Kebijakan Transportasi Kereta Cepat Jakarta Bandung Dalam Mewujudkan Angkutan Ramah Lingkungan," *Jurnal Manajemen Transportasi & Logistik (JMTRANSLOG)* 4, no. 3 (2017): 251–266.

from the perspective of Indonesia–China international relations.⁹ Marantika et al. focused on investment risk,¹⁰ Giantara investigated its economic and financial aspects,¹¹ Sanjaya and Puspitasari discussed its environmental implications.¹² Dina et al. approached it from the perspective of administrative ecology,¹³ while Tetama et al. examined public consultation and community participation in land acquisition.¹⁴

Although these studies have made valuable contributions, they have generally concentrated on economic, investment, environmental, communication, international relations, or policy implementation issues. Comparatively limited attention has been devoted to the dimension of legal governance, particularly concerning administrative legality, regulatory coherence, legal certainty, constitutional accountability, and the conformity of the policy formulation process with the principles of administrative law. Consequently, relatively few studies have comprehensively examined whether the formulation of the KCJB policy complies with the legal standards governing public administration in the implementation of national strategic infrastructure projects.

To address this gap, the present study offers a different perspective by integrating public policy formulation theory with the principles of administrative law, regulatory governance, and constitutional accountability to evaluate the legal legitimacy of the KCJB policy-making process. This approach enables the assessment to extend beyond the substantive quality of the policy itself and examine its conformity with the principles of the rule of law, administrative legality, legal certainty, transparency, accountability, and the protection of the public interest.

⁹ M. Yamin and S. Windymadaksa, “Pembangunan Kereta Cepat Jakarta-Bandung Sebagai Mercusuar Hubungan Indonesia-Cina,” *Jurnal Politik Profetik* 5, no. 2 (2017): 200–218, [https://download.garuda.kemdikbud.go.id/article.php?article=592957&val=9389&title=Pembangunan Kereta Cepat Jakarta-Bandung Sebagai Mercusuar Hubungan Indonesia-Tiongkok](https://download.garuda.kemdikbud.go.id/article.php?article=592957&val=9389&title=Pembangunan%20Kereta%20Cepat%20Jakarta-Bandung%20Sebagai%20Mercusuar%20Hubungan%20Indonesia-Tiongkok).

¹⁰ Desi Marantika et al., “Analisis Risiko Investasi Proyek Kereta Cepat Jakarta-Bandung,” *Jurnal Karya Teknik Sipil* 6, no. 1 (March 13, 2017): 324–335, <https://ejournal3.undip.ac.id/index.php/jkts/article/view/15909>.

¹¹ Oldebes Temy Giantara, “Analisis Ekonomi Dan Finansial Kereta Cepat Jakarta – Bandung” (Universitas Lampung, 2018), <http://digilib.unila.ac.id/id/eprint/32911>.

¹² Fondy Sanjaya and Viani Puspitasari, “Analisis Mengenai Dampak Lingkungan Pembangunan Kereta Cepat Jakarta-Bandung Dalam Perspektif Kritis Environmentalisme,” *Padjadjaran Journal of International Relations* 2, no. 2 (2020): 170–186, <https://doi.org/10.24198/padji.v2i2.26044>.

¹³ Dina Dina et al., “Perspektif Ekologi Administrasi: Pembangunan Infrastruktur Kereta Api Cepat Jakarta-Bandung,” *Neo Politea* 2, no. 1 (2021): 1–10, <https://doi.org/10.53675/neopolitea.v2i1.283>.

¹⁴ Androvaga Renandra Tetama, Suharno Suharno, and Yaritza Nafa Tyola, “Pembangunan Kereta Cepat Jakarta-Bandung: Memaknai Konsultasi Publik Dan Partisipasi Masyarakat Dalam Pengadaan Tanah,” *Widya Bhumi* 2, no. 2 (2022): 136–151, <https://doi.org/10.31292/wb.v2i2.41>.

Accordingly, this study seeks to answer the following research question: Has the formulation of the Jakarta–Bandung High-Speed Rail policy complied with the principles of legality, legal certainty, transparency, accountability, proportionality, the protection of the public interest, and the General Principles of Good Governance (AUPB) as embodied in the Indonesian administrative law system? To address this question, the study analyses the KCJB policy formulation process through an administrative law approach by integrating public policy formulation theory with the concepts of regulatory governance and constitutional accountability in order to assess whether the policy possesses sufficient legal legitimacy as a national strategic infrastructure policy.

Based on the foregoing discussion, this study aims to analyse the legal legitimacy of the Jakarta–Bandung High-Speed Rail policy formulation process from the perspective of Indonesian administrative law by evaluating its conformity with the principles of legality, legal certainty, transparency, accountability, proportionality, the protection of the public interest, and the General Principles of Good Governance (AUPB). This evaluation is conducted through the integration of public policy formulation theory, regulatory governance, and constitutional accountability. The findings are expected to contribute to the development of administrative law scholarship on the governance of national strategic infrastructure while also providing normative guidance for strengthening regulatory frameworks and promoting more accountable public policy formulation practices.

METHOD

This study employs normative legal research (doctrinal legal research) to examine the legal legitimacy of the policy formulation process of the Jakarta–Bandung High-Speed Rail (KCJB) from the perspective of Indonesian administrative law and the principles of good governance. A normative legal approach was selected because the objective of the study is not to measure the effectiveness of policy implementation empirically, but rather to evaluate whether the policy formulation process conforms to the legal norms governing public administration, the exercise of administrative authority, and governmental decision-making.¹⁵

The research adopts three complementary legal approaches: the statutory approach, the conceptual approach, and the case approach. The statutory approach is employed to examine the consistency of the KCJB policy with the Indonesian legal framework governing strategic infrastructure development,

¹⁵ Nibrosu Rohid et al., “Reconstructing the Legal Enforcement Framework for Digital Activism in an Era of Technological Disruption,” *Nusantara: Journal of Law Studies* 5, no. 2 (2026): 881–901, <https://doi.org/10.66325/nusantaralaw.v5i2.236>.

public administration, state finance, land acquisition, and environmental protection. The conceptual approach is used to analyse the concepts of the rule of law, administrative legality, legal certainty, transparency, accountability, proportionality, regulatory governance, constitutional accountability, and the General Principles of Good Governance (Asas-Asas Umum Pemerintahan yang Baik/AUPB) as the theoretical foundation for evaluating the policy formulation process. Meanwhile, the case approach is applied to examine the regulatory developments and governmental decision-making associated with the implementation of the Jakarta–Bandung High-Speed Rail project as a case study of a national strategic infrastructure policy.

The unit of analysis is the policy formulation process of the KCJB, particularly the formulation, amendment, and legal justification of government policies from the enactment of Presidential Regulation No. 107 of 2015 through its amendment by Presidential Regulation No. 93 of 2021, together with the relevant legal instruments governing the implementation of the project.

The legal materials used in this study consist of primary and secondary legal materials. The primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law No. 30 of 2014 on Government Administration, Law No. 23 of 2007 on Railways, Law No. 2 of 2012 on Land Acquisition for Development in the Public Interest, Law No. 32 of 2009 on Environmental Protection and Management, Presidential Regulation No. 107 of 2015 concerning the Acceleration of the Development of the Jakarta–Bandung High-Speed Railway Infrastructure and Facilities, and Presidential Regulation No. 93 of 2021, which amended the earlier regulation. Where relevant, the study also considers judicial decisions, reports issued by state oversight institutions, and official government documents related to the KCJB project. The secondary legal materials comprise scholarly books on administrative law, constitutional law, public governance, public policy formulation, and regulatory governance; peer-reviewed journal articles; official government reports; documents issued by state institutions; and other authoritative legal materials obtained from official legal databases and reputable academic sources. Legal materials were collected through library research, involving a systematic review of legislation, scholarly literature, government policy documents, official reports, and other legal documents relevant to the research objectives.

The data were analysed using doctrinal legal analysis, combined with legal interpretation and qualitative content analysis. The analytical process began by identifying the legal norms governing the formulation of strategic infrastructure policies. These legal norms were then interpreted using grammatical, systematic, and teleological methods of legal interpretation. Subsequently, the identified legal norms were compared with the factual circumstances surrounding the formulation of the KCJB policy in order to assess their conformity with the

principles of the rule of law, administrative legality, legal certainty, transparency, accountability, proportionality, the protection of the public interest, and the General Principles of Good Governance (AUPB). The results of this analysis were then used to evaluate the legal legitimacy of the KCJB policy formulation process from the perspectives of administrative law and regulatory governance.

To ensure the validity of the legal arguments, the study applies legal source triangulation by comparing statutory provisions, legal doctrines developed by leading scholars, reports issued by official state institutions, and relevant academic literature. This triangulation strengthens the normative basis of the legal interpretation and enhances the academic rigor and credibility of the study.

RESULTS AND DISCUSSION

Legality of the Jakarta–Bandung High-Speed Rail Policy Formulation

To provide a systematic assessment of the legal legitimacy of the Jakarta–Bandung High-Speed Rail (KCJB) policy formulation, this study evaluates several key dimensions of the policy-making process from the perspective of Indonesian administrative law. The evaluation encompasses the legal basis of the policy, regulatory amendments, the role of feasibility studies, governmental decision-making, and regulatory governance. Each aspect is examined against the relevant legal principles to determine whether the formulation process complies with the requirements of legality, legal certainty, due care, and sound regulatory governance. The results of this evaluation are presented in Table 1.

Table 1. Evaluation of the Legality of the Jakarta–Bandung High-Speed Rail Policy Formulation

Aspect Analyzed	Research Findings	Relevant Legal Principle
Legal basis for policy formulation	The KCJB policy was established through Presidential Regulation No. 107 of 2015 and subsequently amended by Presidential Regulation No. 93 of 2021.	Principle of legality
Regulatory amendments	Substantial changes were introduced to the project financing mechanism.	Legal certainty
Feasibility study	Served as the administrative basis for policy formulation but underwent several adjustments during project implementation.	Principle of due care
Governmental decision-making	The government exercised its administrative authority in designating the project as a national strategic project.	Government Administration Law
Regulatory governance	The consistency of the regulatory framework throughout the policy	Regulatory governance

formulation process requires further evaluation.

Source: Authors' Interpretation (2026)

Based on the Table1, the findings indicate that the policy formulation process of the Jakarta–Bandung High-Speed Rail (KCJB) was established through the enactment of Presidential Regulation No. 107 of 2015 concerning the Acceleration of the Development of the Jakarta–Bandung High-Speed Railway Infrastructure and Facilities, which was subsequently amended by Presidential Regulation No. 93 of 2021. These amendments primarily concerned the project's financing mechanism, the assignment of state-owned enterprises, and the provision of government support for project completion.

The study further reveals that several regulatory adjustments were introduced throughout the policy formulation process in response to developments during project implementation, including changes to the financing scheme and the involvement of state-owned enterprises. Accordingly, the primary object of evaluation is not merely the success of the KCJB as a transportation infrastructure project but rather the legality of the policy formulation process and the subsequent regulatory amendments that provided the legal basis for the project's implementation. These findings suggest that the principal legal issues surrounding the KCJB policy formulation concern regulatory consistency, the exercise of administrative authority by the government, and compliance with the principles of administrative law in the formulation of strategic public policies.

The fundamental principle of a state governed by the rule of law requires that every governmental action be based upon lawful authority. Within Indonesian administrative law, the principle of legality extends beyond the mere existence of a formal legal basis; it also requires that governmental authority be exercised in accordance with the purpose for which the authority was granted, established legal procedures, and the principles of good governance.¹⁶

From this perspective, the issuance of Presidential Regulation No. 107 of 2015 demonstrates that the government possessed a formal legal basis for designating the KCJB as a national strategic project. Nevertheless, the legality of a public policy cannot be determined solely by the existence of legislation. It also encompasses the legality of the regulatory formulation process, the consistency of the legal norms established, and the conformity of governmental authority with the provisions of Law No. 30 of 2014 on Government Administration.

One of the most significant findings of this study is the substantial amendment introduced through Presidential Regulation No. 93 of 2021, which

¹⁶ Maret Priyanta and Cut Sabina Anasya Zulkarnain, “Sustainable Infrastructure Legal Policy in Indonesia: A National Strategic Project Approach for National Development,” *Sriwijaya Law Review* 7, no. 1 (2023): 1–18, <https://pdfs.semanticscholar.org/797d/8b9801eff91cae665d2477d27c5d7f0959bd.pdf>.

modified several provisions concerning project financing and government support for the implementation of the KCJB. From the perspective of administrative law, regulatory amendments fall within the government's authority, provided that they are enacted through lawful procedures.¹⁷ However, amendments affecting the project's financing structure must also be assessed against the principle of legal certainty. This principle requires that every regulatory amendment be adopted transparently, supported by a clear normative basis, and implemented in a manner that does not create legal uncertainty for stakeholders involved in the project.

The study also finds that the feasibility study constituted one of the administrative instruments underpinning the formulation of the KCJB policy. From an administrative law perspective, the principal issue is not whether the feasibility study ultimately produced accurate predictions, but whether its preparation complied with the legal standards governing governmental decision-making. This approach is consistent with the principle of due care, as embodied in the General Principles of Good Governance (*Asas-Asas Umum Pemerintahan yang Baik/AUPB*), which requires every administrative decision to be based on adequate information, comprehensive analysis, and rational consideration. Consequently, the various policy adjustments introduced during project implementation do not automatically indicate legal non-compliance. Rather, they constitute important indicators for evaluating whether the policy formulation process was conducted with the level of due care required under the principles of good public administration.

The findings of this study are broadly consistent with those of Dina et al.,¹⁸ who argue that the development of the KCJB constitutes a public policy involving complex administrative processes and intergovernmental coordination. However, the present study extends this analysis by demonstrating that these administrative dynamics are not merely managerial issues but also raise fundamental questions concerning the legality of policy formulation, which must be evaluated against the principles of legality, legal certainty, and the lawful exercise of governmental authority under Law No. 30 of 2014 on Government Administration. The findings are also consistent with Tetama et al.,¹⁹ who demonstrate that the implementation of the KCJB project involves significant legal issues related to land acquisition and public consultation. Nevertheless, the

¹⁷ Ahmad Ahmad, "Analysis of Abuse of Authority by Government Apparatus in the State Administrative Legal System," *International Journal of Constitutional and Administrative Law* 1, no. 1 (2025): 69–83, <https://doi.org/10.66502/v2wdah74>.

¹⁸ Dina et al., "Perspektif Ekologi Administrasi: Pembangunan Infrastruktur Kereta Api Cepat Jakarta-Bandung."

¹⁹ Tetama, Suharno, and Tyola, "Pembangunan Kereta Cepat Jakarta-Bandung: Memaknai Konsultasi Publik Dan Partisipasi Masyarakat Dalam Pengadaan Tanah."

present study adopts a broader analytical perspective by evaluating the legal legitimacy of the policy from its formulation stage rather than focusing solely on policy implementation.

Accordingly, this study demonstrates that the legal legitimacy of a strategic infrastructure policy cannot be assessed solely on the basis of the project's physical completion or its anticipated economic benefits. Rather, legal legitimacy depends upon whether the policy formulation process complies with the principles of the rule of law, legality, legal certainty, and good governance. This perspective contributes to the development of administrative law scholarship by extending the analysis beyond policy implementation toward a comprehensive evaluation of the legal legitimacy of strategic public policy formulation.

Implementation of the General Principles of Good Governance (AUPB) in the Formulation of the KCJB Policy

To further assess the legal legitimacy of the Jakarta–Bandung High-Speed Rail (KCJB) policy formulation, this study examines the extent to which the policy-making process complies with the General Principles of Good Governance (*Asas-Asas Umum Pemerintahan yang Baik*—AUPB) as stipulated in Indonesian administrative law. The evaluation focuses on five core principles—public interest, transparency, due care, proportionality, and accountability—to determine whether these normative standards were adequately reflected throughout the formulation and subsequent amendment of the policy. The results of this assessment and their corresponding legal implications are presented in Table 2.

Table 2. Evaluation of the Compliance of the KCJB Policy Formulation with the General Principles of Good Governance (AUPB)

AUPB Principle	Research Findings	Legal Implications
Public interest	The policy aims to enhance national connectivity and support economic development in the Jakarta–Bandung corridor.	It is necessary to evaluate whether the public interest genuinely constituted the primary consideration throughout the decision-making process.
Transparency	Information concerning regulatory amendments and project financing has been made available through official government documents; however, the policy formulation process has been criticised regarding transparency and public participation.	May affect compliance with the principles of openness and transparency.

Due care	The policy was based on feasibility studies and planning documents that underwent several revisions during implementation.	Requires evaluation of whether the principle of due care was properly observed in administrative decision-making.
Proportionality	Policy amendments were introduced to ensure the continuity of the national strategic project.	The balance between development objectives, state financing, and the protection of public interests requires careful assessment.
Accountability	The government amended the regulatory framework to provide a legal basis for project completion while maintaining institutional oversight mechanisms.	Demonstrates the importance of administrative accountability for every policy amendment.

Source: Authors' Interpretation (2026)

The findings indicate that the formulation of the Jakarta–Bandung High-Speed Rail (KCJB) policy represents not only the exercise of governmental authority in designating a national strategic project but also an act of public administration that must comply with the General Principles of Good Governance (Asas-Asas Umum Pemerintahan yang Baik/AUPB) as stipulated in Law No. 30 of 2014 on Government Administration. The analysis demonstrates that the government formulated the policy with the objective of enhancing national connectivity and promoting economic growth within the Jakarta–Bandung corridor through the development of high-speed rail transportation.

At the same time, the study finds that several significant developments, including regulatory amendments, adjustments to the financing mechanism, and continuing debates concerning transparency and the extent of public participation in governmental decision-making, characterised the policy formulation process. These developments indicate that the evaluation of the KCJB policy formulation should not be confined to the project's implementation outcomes but must also consider the extent to which the policy-making process complied with the principles of good governance.

From the perspective of administrative law, the legitimacy of a public policy is determined not only by the existence of lawful governmental authority but also by compliance with the General Principles of Good Governance (AUPB). Law No. 30 of 2014 on Government Administration establishes these principles as normative guidelines governing the exercise of authority by public institutions and government officials. Consequently, the legality of the KCJB policy

formulation should be evaluated according to its compliance with the principles of public interest, transparency, due care, proportionality, and accountability.²⁰

From a normative perspective, Presidential Regulation No. 107 of 2015 identifies the principal objective of the KCJB project as improving transportation services and supporting regional development within the Jakarta–Bandung corridor. In principle, this objective reflects the promotion of the public interest because infrastructure development constitutes one of the government's fundamental public service responsibilities. Nevertheless, under administrative law, compliance with the principle of public interest is not determined solely by the stated objectives of a policy but also by the policy formulation process itself. Governmental decision-making must demonstrate that the interests of the public constitute the primary consideration in determining development priorities, allocating public resources, and establishing financing arrangements. Accordingly, the legal issue is not whether the policy reflected the political ambitions of the government, but whether the decision-making process was based upon considerations that can be legally justified as serving the broader public interest.

In addition, the principle of transparency constitutes a fundamental element of the AUPB, ensuring public access to information concerning governmental decision-making. This study finds that the principal regulatory documents relating to the KCJB project were made publicly available through official government channels. Nevertheless, previous research has demonstrated that public participation during land acquisition and project implementation encountered several challenges, particularly regarding information disclosure and public consultation.²¹

From the perspective of administrative law, these circumstances do not automatically indicate legal non-compliance. Rather, they provide important indicators for assessing whether the policy formulation process satisfied the principles of transparency and meaningful public participation. These principles have become increasingly significant in contemporary public governance because they enhance the legitimacy of administrative decisions while strengthening public confidence in government policies.²²

Based on due care and proportionality, the findings also indicate that several regulatory amendments and financing adjustments were introduced during the

²⁰ Askari Razak, “General Principles of Good Government on the Competence of Government Apparatus in Making State Administration Decisions,” *Unes Law Review* 6, no. 1 (2023): 3452–3459, <https://doi.org/10.31933/unesrev.v6i1.1139>.

²¹ Tetama, Suharno, and Tyola, “Pembangunan Kereta Cepat Jakarta-Bandung: Memaknai Konsultasi Publik Dan Partisipasi Masyarakat Dalam Pengadaan Tanah.”

²² Ahmed Sundus Serhan, “No Title,” *MILRev : Metro Islamic Law Review* 4, no. 1 (2025): 1–30, <https://doi.org/10.32332/milrev.v4i1.10128>.

implementation of the project. Under administrative law, policy amendments are generally permissible provided that they are adopted pursuant to lawful authority and in accordance with the procedures established by legislation. However, such amendments must continue to comply with the principles of due care and proportionality.²³

The principle of due care requires that every administrative decision be based upon adequate information, comprehensive analysis, and rational consideration. Meanwhile, the principle of proportionality requires an appropriate balance between development objectives, the utilisation of public financial resources, and the protection of the rights and interests of affected communities. Consequently, policy amendments introduced during project implementation should not automatically be interpreted as evidence of legal non-compliance. Instead, they should be evaluated according to whether they were adopted through transparent, rational, and legally accountable decision-making processes.

Accountability requires that every governmental action be capable of administrative and legal justification. In the context of the KCJB project, the adoption of Presidential Regulation No. 93 of 2021 demonstrates the government's decision to adjust the legal framework in response to developments during project implementation. From an administrative law perspective, this represents an exercise of governmental authority that must be accompanied by clear mechanisms of accountability, both to oversight institutions and to the public as the ultimate beneficiaries of government policy. Accordingly, accountability should not be measured solely by the successful completion of the project but also by the transparency of the reasons underlying policy amendments, the clarity of their legal basis, and the effectiveness of oversight mechanisms governing the exercise of administrative authority.

The findings of this study confirm the conclusions of Tetama et al. regarding the importance of public consultation in the development of the KCJB project.²⁴ Their study demonstrated that community participation constitutes an essential component of the land acquisition process. The present study extends this conclusion by demonstrating that public participation is not merely a social dimension of policy implementation but also represents the practical manifestation of the principles of transparency and public interest embodied in the General Principles of Good Governance (AUPB). The findings are likewise

²³ Ihanul Maarif et al., "Legality and Effectiveness of the DPR's Aspiration Network System under Administrative Law," *Trunojoyo Law Review* 8, no. 2 (2026): 272–312, <https://journal.trunojoyo.ac.id/trunojoyo-law-review/article/view/33486/12008>.

²⁴ Tetama, Suharno, and Tyola, "Pembangunan Kereta Cepat Jakarta-Bandung: Memaknai Konsultasi Publik Dan Partisipasi Masyarakat Dalam Pengadaan Tanah."

consistent with those of Sanjaya and Puspitasari,²⁵ who emphasised the significance of environmental considerations in the KCJB project. However, the present study offers a different perspective by positioning environmental protection as a legal obligation of government arising from the principles of due care and public interest under administrative law, rather than treating it solely as an environmental governance issue.

The findings demonstrate that the evaluation of national strategic infrastructure policies should not be confined to their economic benefits or implementation effectiveness. Instead, such policies must also be assessed according to their compliance with the General Principles of Good Governance (AUPB) as the normative standard governing the legality of governmental action. By integrating the principles of public interest, transparency, due care, proportionality, and accountability, this study advances the understanding that the legal legitimacy of public policy depends primarily upon the quality of the policy formulation process rather than merely its substantive outcomes. This perspective contributes to the development of administrative law scholarship concerning the governance of strategic infrastructure projects while enriching contemporary discussions on legal governance in Indonesian public administration.

Administrative Accountability and the Governance of Financing National Strategic Projects

Administrative accountability constitutes a fundamental element of legal governance in national strategic infrastructure projects, particularly when policy implementation involves changes to financing arrangements and the utilisation of public resources. Accordingly, this study evaluates the financing governance of the Jakarta–Bandung High-Speed Rail (KCJB) project by examining changes in the financing scheme, the utilisation of state financial resources, financing restructuring, institutional oversight, and government accountability. These aspects are analysed to determine whether the financing policies adopted throughout the project remained consistent with the principles of legality, accountability, prudence, and constitutional oversight. A summary of the evaluation is presented in Table 3.

Table 3. Evaluation of Administrative Accountability in the Financing Governance of the Jakarta–Bandung High-Speed Rail Project

Aspect Analyzed	Research Findings	Legal Implications
Changes in the financing scheme	The financing mechanism was revised through	Requires a clear legal basis to ensure compliance with the

²⁵ Sanjaya and Puspitasari, “Analisis Mengenai Dampak Lingkungan Pembangunan Kereta Cepat Jakarta-Bandung Dalam Perspektif Kritis Environmentalisme.”

	Presidential Regulation No. 93 of 2021.	principles of legality and legal certainty.
Utilisation of state financial resources	Government support was provided through adjustments to the financing policy for the national strategic project.	Necessitates administrative accountability and effective oversight of the use of public funds.
Financing restructuring	Financing restructuring was undertaken as part of the project's completion process.	Requires evaluation based on the principles of accountability and prudence in state financial management.
Institutional oversight	Oversight was exercised by institutions authorised under applicable legislation.	Reflects the operation of the checks and balances mechanism within public administration.
Government accountability	The government amended the regulatory framework to ensure the continuity of the project.	Constitutes an element of constitutional accountability in the implementation of national strategic projects.

Source: Authors' Interpretation (2026)

The findings indicate that the implementation of the Jakarta–Bandung High-Speed Rail (KCJB) project was accompanied by several changes in its financing governance, which were subsequently accommodated through regulatory amendments, particularly the enactment of Presidential Regulation No. 93 of 2021. These amendments primarily concerned the project's financing mechanism, the assignment of state-owned enterprises, and the provision of government support to facilitate project completion.

The study further finds that these regulatory adjustments created a greater need for robust mechanisms of administrative accountability, considering that the KCJB is a national strategic project involving the use of public resources, state-owned enterprises, and government policies with direct implications for state finances. Accordingly, the analysis focuses on how the legal system regulates governmental accountability for policy amendments introduced during the implementation of the project. In a state governed by the rule of law, every governmental action must not only be founded upon lawful authority but must also be subject to administrative and constitutional accountability. The principle of accountability constitutes one of the fundamental pillars of good governance. It forms an integral component of the General Principles of Good Governance (Asas-Asas Umum Pemerintahan yang Baik/AUPB) as stipulated in Law No. 30 of 2014 on Government Administration.

Within the context of the KCJB project, the amendment of the financing policy through Presidential Regulation No. 93 of 2021 demonstrates the government's exercise of administrative authority to adjust the regulatory

framework in response to developments during project implementation. From the perspective of administrative law, such action is permissible provided that it is undertaken pursuant to lawful authority, pursues a legitimate objective, and complies with the principles of legality, proportionality, and accountability. Accordingly, the principal legal issue does not lie in the existence of regulatory amendments themselves, but rather in whether those amendments were introduced through legally accountable procedures while maintaining legal certainty for all stakeholders involved in the project.

Based on the financing governance and the management of state financial resources, the findings indicate that revisions to the project's financing mechanism were adopted in response to the evolving circumstances of project implementation.²⁶ From the perspectives of administrative law and public finance law, government financial support for national strategic projects constitutes a form of public policy that must comply with the principle of prudential governance, requiring state financial resources to be managed in a prudent, efficient, transparent, and accountable manner.²⁷

Changes to the financing scheme should therefore not be regarded merely as economic decisions but also as administrative actions carrying significant legal consequences because they involve the allocation and management of public resources. Consequently, every amendment to the financing policy must rest upon a clear legal basis, be supported by rational administrative justifications, and remain subject to public accountability through the oversight mechanisms established within Indonesia's constitutional system. This approach demonstrates that the legality of public policy is determined not only by the existence of regulations governing project financing but also by the quality of the regulatory governance underpinning those regulatory amendments.

The study further finds that the KCJB project has been subject to scrutiny by various state oversight institutions in relation to both financial management and public administration. From the perspective of administrative law, the existence of oversight mechanisms represents a logical consequence of the principle of checks and balances in public governance. Nevertheless, this study does not seek to determine the validity of allegations of irregularities circulating in the public domain. The determination of corruption offenses or state financial losses falls within the authority of institutions legally mandated to conduct such assessments. It may only be established through applicable legal procedures, including audits conducted by competent oversight bodies or final and binding judicial decisions.

²⁶ Rahmat Ilyas, "Time Value of Money Dalam Perspektif Hukum Islam," *AL-ADALAH* 14, no. 1 (2017): 157–180, <https://doi.org/10.24042/adalah.v14i1.1991>.

²⁷ Surahman et al., "Administrative Justice in the Perspective of Islamic Legal Philosophy: A Comparative Study of Ethical Legitimacy and Bureaucratic Rationality," *Jurnal Ilmiah MIZANI* 12, no. 02 (2025): 751–769, <http://dx.doi.org/10.29300/mzn.v12i2.8991>.

Accordingly, this study focuses instead on evaluating the effectiveness of the legal framework governing administrative and financial oversight mechanisms applicable to national strategic projects. From this perspective, the existence of an effective oversight system constitutes an essential indicator of accountability in the exercise of governmental authority and contributes to strengthening public trust in public administration.

Beyond administrative accountability, the formulation of the KCJB policy must also be understood within the framework of constitutional accountability, which requires the government to justify every strategic policy before the public in accordance with constitutional principles. This concept recognises the government not merely as a policy-maker but also as an institution responsible for ensuring that every decision remains consistent with the rule of law and the principles of constitutional democracy.

In this regard, the regulatory amendments adopted during the implementation of the KCJB project reflect governmental efforts to ensure the continuity of strategic infrastructure development. However, constitutional accountability requires that every such amendment be accompanied by transparency, adequate legal justification, and effective accountability mechanisms enabling public oversight of the government's exercise of authority. Accordingly, the legitimacy of a national strategic project depends not only on its successful completion but also on the government's ability to uphold legal accountability throughout the entire decision-making process.

The findings of this study are consistent with those of Giantara,²⁸ who demonstrated that the KCJB project involves complex economic and financing implications. However, whereas their study focused primarily on economic and financial feasibility, the present study positions changes in the financing mechanism within the broader framework of administrative accountability, emphasising that such changes must comply with the principles of legality and accountability in the management of state financial resources. The findings also reinforce the conclusions of Marantika et al. regarding the existence of investment risks associated with the KCJB project.²⁹ Nevertheless, this study demonstrates that these risks are not merely economic in nature but also possess significant legal dimensions, as every amendment to the project's financing policy must be supported by a clear legal basis and remain subject to administrative oversight mechanisms.

The findings demonstrate that the governance of financing for national strategic projects should not be evaluated solely in terms of economic efficiency or project completion. Rather, it must also be assessed based on the quality of administrative accountability and compliance with the principles of the rule of

²⁸ Giantara, "Analisis Ekonomi Dan Finansial Kereta Cepat Jakarta – Bandung."

²⁹ Marantika et al., "Analisis Risiko Investasi Proyek Kereta Cepat Jakarta-Bandung."

law. By integrating the concepts of administrative accountability, constitutional accountability, and regulatory governance, this study contributes to the development of administrative law scholarship concerning governmental accountability mechanisms in the implementation of strategic infrastructure projects. This perspective extends the existing literature beyond conventional evaluations of public policy performance toward a comprehensive analysis of the legal legitimacy of public governance.

Legal Implications for the Governance of National Strategic Infrastructure

Building upon the findings of the previous analyses, this study synthesises the broader legal implications arising from the formulation of the Jakarta–Bandung High-Speed Rail (KCJB) policy. The synthesis demonstrates how key issues identified throughout the study, including regulatory amendments, the exercise of governmental authority, financing governance, and public participation, extend beyond the KCJB project and provide normative guidance for strengthening the governance of future national strategic infrastructure projects. The resulting implications for administrative law and infrastructure governance are presented in Table 4.

Table 4. Legal Implications of the Research Findings for National Strategic Infrastructure Governance

Research Findings	Implications for Administrative Law	Contribution to Infrastructure Governance
Regulatory amendments during project implementation	Highlights the importance of maintaining legal certainty and regulatory consistency	Strengthens regulatory governance in strategic infrastructure projects
Exercise of governmental authority	Administrative discretion must comply with the principle of legality and the General Principles of Good Governance (AUPB)	Promotes accountable governmental decision-making
Project financing management	Requires effective oversight and accountability mechanisms	Strengthens accountability in the management of state finances
Public participation and transparency	Constitutes an essential component of the legal legitimacy of public policy	Enhances public trust in government

Source: Authors' interpretation (2026)

Based on Table 4, the findings demonstrate that the legal legitimacy of the Jakarta–Bandung High-Speed Rail (KCJB) policy formulation cannot be separated from the overall governance of national strategic infrastructure

projects. The analysis of the legal basis for policy formulation, regulatory amendments, the implementation of the General Principles of Good Governance (AUPB), and administrative accountability mechanisms indicates that the legitimacy of a strategic infrastructure project depends not only on the successful completion of physical development but also on the quality of the decision-making process underpinning the policy.

The study further finds that policy adjustments made during project implementation underscore the importance of a legal system capable of maintaining an appropriate balance between governmental flexibility in decision-making and legal certainty for all stakeholders. Consequently, the governance of national strategic projects requires a legal framework that not only enables the government to respond to the evolving demands of infrastructure development but also ensures that every policy amendment remains consistent with the principles of the rule of law.

Strategic infrastructure development constitutes an integral part of the government's responsibility to promote public welfare. Nevertheless, within a state governed by the rule of law, every development policy must derive its legitimacy from a policy formulation process that complies with the principles of legality, legal certainty, accountability, and the protection of the public interest.

The findings indicate that the formulation and subsequent amendment of the KCJB policy reflect the close relationship between infrastructure development policies and administrative law. Accordingly, the success of a national strategic project should not be assessed solely on the basis of economic performance or physical completion but also on the quality of its legal governance. This perspective broadens the understanding that the legitimacy of public policy depends fundamentally on whether the decision-making process complies with the principles of the rule of law.

According to Endang Sutrisno,³⁰ the principle of legality constitutes the cornerstone of administrative law because every governmental action must be based upon authority conferred by legislation. In addition, effective social development requires strong alignment between legal frameworks and public policy goals. Legal rigidity, political interference, and inconsistent enforcement are major obstacles to policy effectiveness. In contrast, integrated legal and policy mechanisms contribute to better governance, economic stability, and social welfare. Consequently, regulatory amendments introduced during the implementation of the KCJB project should not be evaluated solely according to their effectiveness in addressing project-related challenges but also according to their conformity with the legal basis of governmental authority, the procedures

³⁰ Endang Sutrisno, "The Relationship Between Law and Public Policy in Social Development," *Journal of Law and Social Politics* 3, no. 1 (2025): 28–37, <https://doi.org/10.59261/jlsp.v3i1.58>.

governing regulatory enactment, and the objectives underlying the delegation of that authority. Baldwin et al. also argue that regulatory governance encompasses not only the formulation of regulations but also the quality of governmental decision-making, policy consistency, inter-institutional coordination, and the capacity of regulatory systems to adapt to changing circumstances without compromising legal certainty.³¹ Then, Ridwan HR (2023) explain that accountability in administrative law constitutes a direct consequence of the exercise of governmental authority. The broader the authority exercised by public officials, the greater the corresponding obligation to establish effective oversight and accountability mechanisms.³²

The findings also have broader implications for the formulation of strategic infrastructure policies in Indonesia. The experience of the KCJB policy demonstrates that national strategic projects require stronger integration between development policy and the administrative law framework. Accordingly, reforms in strategic infrastructure governance should focus on: (1) strengthening the quality of preliminary studies as the basis for administrative decision-making; (2) improving regulatory consistency to ensure that policy amendments continue to provide legal certainty; (3) enhancing public participation mechanisms throughout the policy formulation process; (4) improving transparency and accountability in project financing; and (5) optimising institutional oversight as part of the constitutional system of checks and balances. Such reforms are expected to reinforce the legal legitimacy of national strategic infrastructure projects while improving the quality of public governance in Indonesia.

This study makes a theoretical contribution by developing an analytical framework that integrates public policy formulation theory with the principles of administrative law, regulatory governance, and constitutional accountability to evaluate the legality of strategic infrastructure policies. Unlike previous studies, which have primarily assessed project success from economic, investment, or policy implementation perspectives, this study demonstrates that the legitimacy of public policy depends not only on the effectiveness of policy outcomes but also on whether the policy formulation process complies with the principles of legality, legal certainty, the General Principles of Good Governance (AUPB), and administrative accountability.

From a practical perspective, the findings suggest that the formulation of strategic infrastructure policies in Indonesia should strengthen regulatory governance, enhance transparency and meaningful public participation, and

³¹ Robert Baldwin, Martin Cave, and Martin Lodge, *Understanding Regulation: Theory, Strategy, and Practice* (Oxford university press, 2011).

³² Rachel Griffin, "Public and Private Power in Social Media Governance: Multistakeholderism, the Rule of Law and Democratic Accountability," *Transnational Legal Theory* 14, no. 1 (January 2, 2023): 46–89, <https://doi.org/10.1080/20414005.2023.2203538>.

ensure that every exercise of governmental authority remains legally accountable. In this way, strategic infrastructure development should pursue not only development targets but also the strengthening of the rule of law, good governance, and constitutional governance in public administration.

CONCLUSION

This study demonstrates that the legitimacy of the Jakarta–Bandung High-Speed Rail (KCJB) policy formulation cannot be assessed solely on the basis of the project's physical completion or its anticipated economic benefits but must also be evaluated according to its conformity with the principles of administrative law. The findings indicate that the formulation and subsequent amendment of the KCJB policy were supported by formal legal authority through Presidential Regulation No. 107 of 2015 and Presidential Regulation No. 93 of 2021. Nevertheless, the policy formulation process still requires further strengthening in terms of legal certainty, regulatory consistency, compliance with the General Principles of Good Governance (*Asas-Asas Umum Pemerintahan yang Baik/AUPB*), transparency, accountability, and regulatory governance, particularly with respect to amendments to the project's financing mechanism, the exercise of administrative authority, and oversight mechanisms governing national strategic projects. These findings demonstrate that the legality of public policy is determined not merely by the existence of a formal legal basis but also by the quality of the policy formulation process in ensuring compliance with the principles of the rule of law, administrative legality, and constitutional accountability.

From a theoretical perspective, this study contributes to the development of administrative law scholarship by integrating public policy formulation theory, the General Principles of Good Governance (*AUPB*), regulatory governance, and constitutional accountability into a unified analytical framework for evaluating the legal legitimacy of national strategic infrastructure policies. This approach extends the existing literature, which has predominantly focused on policy effectiveness and implementation outcomes, by emphasising the quality of the policy formulation process as a fundamental prerequisite for achieving good governance. From a practical perspective, the findings suggest that the formulation of strategic infrastructure policies in Indonesia should be supported by more transparent decision-making processes, comprehensive preliminary assessments, meaningful public participation, and effective accountability and oversight mechanisms. Strengthening these elements is expected to enhance the legal legitimacy of public policy while reinforcing public trust in government administration.

This study is subject to several limitations. As a normative legal study, it focuses primarily on the analysis of legislation, legal doctrine, and official

government documents and therefore does not examine policy implementation through empirical evidence or the perspectives of stakeholders involved in the implementation of the project. Accordingly, future research is encouraged to adopt socio-legal or mixed-methods approaches that integrate normative legal analysis with empirical investigation in order to evaluate the practical application of administrative law principles in the implementation of national strategic projects. In addition, comparative studies examining the legal governance of high-speed rail projects across different jurisdictions would further enrich the development of legal governance models for strategic infrastructure development in Indonesia.

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IP: Conceptualisation, methodology, investigation, data collection, formal analysis, and writing—original draft. MTH: Conceptualisation, validation, supervision, and writing—review and editing. MS: Methodology, validation, supervision, and writing—review and editing. All authors contributed to the critical revision of the manuscript, approved the final version, and agreed to be accountable for the integrity of the work.

AI USAGE STATEMENT

Artificial Intelligence (AI) tools were used solely for supportive purposes, including language editing, grammar checking, and improving the clarity and readability of the manuscript. AI tools were not used to generate the core research ideas, conduct substantive legal analysis, interpret the findings, or formulate scholarly conclusions. All intellectual contributions, analyses, interpretations, and conclusions remain the responsibility of the authors. The authors have reviewed and verified the final content and accept full responsibility for its originality, accuracy, and academic integrity. AI tools are not credited as authors or contributors, in accordance with established ethical standards in academic publishing.

CONFLICT OF INTEREST

The authors declare that they have no known financial, professional, personal, or institutional conflicts of interest that could have influenced the research, analysis, interpretation, or publication of this article.

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