



Protection of Local Community Rights in the Management of the Mandalika Special Economic Zone (KEK)

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Abstract

This research aims to analyze the protection of local community rights and regulatory harmonization in the management of Mandalika Special Economic Zone, regarding regulations that do not give adequate legal protection to local communities, the dispute that has arisen, and the benefits derived from the management of KEK Mandalika. The basis of this research is the protection of local community rights and the benefits derived from the management of the zone that also holds the status of Management Rights (HPL) as well as the National Strategic Project (PSN) in KEK Mandalika. This research employs an empirical legal method by collecting field data and using qualitative analysis. This research finds the fact that KEK Mandalika Management is more oriented towards investment interests and tends to weaken community rights. Regulations related to the KEK, HPL, and PSN do not strongly accommodate community protection and are more investment oriented, with only a limited number of provisions favoring the community, thereby failing to fully reflect the mandate of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. Therefore, harmonization among these regulations is necessary in order to provide stronger legal protection and greater public benefit. Therefore, there shall be regulatory harmonization among these regulations to give strong protection and provide greater public benefit.

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1. Introduction

In essence development is efforts that must be made done For realize objective nation, as loaded in Opening The 1945 Constitution of the Republic of Indonesia, namely advance welfare general. Development as effort For give welfare Of course No easy things For done. ^[1]

This is also as loaded in Article 33 Paragraph 3 of the 1945 Constitution, that " the earth, water and natural resources nature contained therein controlled by the state and used For as much as possible prosperity of the people".

In the era of government President Joko Widodo, appears idea about Project National Strategic (PSN), for speed up its speed development. Project National Strategic (PSN), is projects implemented by the Government, Regional Government, and/ or business entities that have characteristic strategic For improvement growth and equity development in frame increase welfare society and development area. Project This National Strategy (PSN) initiated For serve interest general, and capable bring

¹ Carunia Mulya Firdausy, *Policy Strategy for Improving Regional Original Income in National Development*, 1st Edition, Yayasan Pustaka Obor Indonesia, Jakarta, 2017, p. 7.

change For economy.

As for what is one of them Project National Strategic in Lombok, namely area economy special Mandalika or the Mandalika Special Economic Zone. Where is the Special Economic Zone in Mandalika? managed by PT Injourney Tourism Development Corporation Tourism (ITDC) and stipulated in PP No. 52 of 2014 on June 30, 2014 which then replaced by Regulation Government Number 40 of 2021 concerning Implementation of Special Economic Zones. With existence mandate this, then in a way ITDC officially has not quite enough answer For do management area Mandalika, where they are must focus For do development infrastructure tourism. ITDC now Already succeed make Moto Gp circuit of course is stage international, which even Already walk.

The Mandalika Special Economic Zone (KEK) also holds the status of land under Management Rights (HPL). The prevailing situation on the ground, or on the HPL land owned by ITDC, is that many local communities continue to occupy and utilize the land. This includes the presence of several permanent buildings in the area surrounding the HPL area of Tanjung Aan Beach and Merese Hill. The ITDC-owned HPL land is still being utilized by the community, such as planting corn, without ITDC's permission. This situation will likely lead to future legal issues and will likely be detrimental to the community, as their legal standing is very weak due to their rights and financial situation.

Then, on July 14, 2025, the stalls in the Tanjung Aan area were demolished, which naturally met with resistance from local residents.^[2] The demolition resulted in the loss of the local community's long-standing access to meet their basic needs. This demonstrates the weakness or suboptimal legal protection for the community, as they lost access to their businesses.^[3]

The demolition is clearly a conflict between the government and the local community, demonstrating the community's weak position. We cannot simply view this situation with blinders on. We must assess the government's actions to determine whether they comply with existing regulations. Furthermore, we must assess the community's activities to determine whether they violate the law. The government must respect the rights of local communities, especially those living near the coast. While the community must obey the law, they must also receive legal protection, including from arbitrary actions by government officials.

Therefore, this issue needs to be examined in relation to regulations, particularly Government Regulation No. 18 of 2021, which contains no legal protection for local communities. Furthermore, Government Regulation No. 40 of 2021 and several regulations related to the National Strategic Project (PSN) in the Mandalika Special Economic Zone (SPEC) are more investment-oriented, ignoring the public interest, and lacking clear legal protection for local communities.

Based on the description above, the author formulates the problem formulation, namely how to regulate the protection of local community rights in the management of National Strategic Projects (PSN) in the Mandalika Special Economic

Zone (KEK) and how to provide protection solutions in the management of National Strategic Projects (PSN) in the Mandalika Special Economic Zone (KEK). The purpose of the research is to find out how to protect local communities in the Mandalika Special Economic Zone (KEK) in the implementation of National Strategic Projects (PSN), with the status of Management Rights (HPL) land. Researchers hope study This have benefit in matter academic.

2. Research Methods

Study law empiris with approach statute *approach* Conceptual (*conceptual approach*) and Approach Sociological (*social approach*), as well as obtain source data from field through interview to ITDC, Local Community of Mandalika Special Economic Zone, Officers ITDC security, and BPN Central Lombok, after That analyzed so that Can withdrawn A conclusion.

3. Discussion

3.1. Regulations on the Protection of Local Community Rights in the Management of National Strategic Projects (PSN) in the Mandalika Special Economic Zone

Government Regulation Number 52 of 2014 establishes the Mandalika Special Economic Zone (SEZ) as a special economic zone to be managed by ITDC. The regulation explains that the Mandalika SEZ covers an area of 1,035.67 hectares and is located within Pujut District, Central Lombok Regency, West Nusa Tenggara Province. The SEZ is oriented towards tourism development. This regulation marked the beginning of PT *Injourney Tourism Development Corporation* (ITDC)'s authority to manage the Mandalika SEZ.^[4]

After the government established the Special Economic Zone (SEZ), which will be managed by PT Pengembangan Pariwisata Bali (now *Injourney Tourism Development Corporation Tourism*) through Government Regulation No. 52 of 2014 concerning the Mandalika SEZ, the government then issued Government Regulation No. 40 of 2021 concerning the Implementation of Special Economic Zones.^[5]

Government Regulation Number 40 of 2021 concerning Special Economic Zones (SEZs) includes an article that focuses on local communities. Article 9 of Government Regulation Number 40 of 2021 concerning Special Economic Zones states that SEZ business activities consist of creative industries and other economic activities involving local communities. In addition to Article 1, which mentions creative industries, Article 5 also emphasizes that within the SEZs, locations are provided for micro, small, and medium enterprises (MSMEs), and cooperatives, both as business actors and as supporting activities of companies within the SEZ. This regulation clearly supports MSMEs and local communities in growing their economies and creating jobs through the provision of business opportunities.^[6]

Then, protection for local communities in PP Number 40 of 2021 is also seen in Article 61, that in carrying out the duties of the KEK Administrator, it is carried out in accordance with good governance and general principles of good governance

² <https://share.google/YJLPWvDTjPxWmaVM>. Accessed Monday, November 17, 2025.

³ Rina Yulianti, *Legal Protection for Community Rights to Coastal Resources*, Scopindo, Surabaya, 2021, p. 5

⁴ State Gazette of the Republic of Indonesia, Regulations Government Number 52 of 2014 concerning the Mandalika Special Economic Zone.

⁵ Septira Putri Mulyana, *Optimization Legal Protection for Investors in the Mandalika Special Economic Zone (KEK) Following the Enactment of the Job Creation Law* Private Law Journal Vol. 5, no. 2, June 2025, p. 436.

⁶ State Gazette of the Republic of Indonesia, Regulations Government Number 40 of 2021 concerning Special Economic Zones, Article 9.

in accordance with the provisions of statutory regulations.^[7] This article actually covers a broad meaning of protection for local communities, because the general principles of good governance include many principles, namely:

1. Certainty law, with prioritize runway legislation
2. Benefits, the form of benefits must be considered between the interests of individuals, society, groups, government, and future generations.
3. Impartiality, no may discriminatory
4. Accuracy, all decisions taken must be considered carefully first
5. Do not abuse authority, may not use authority for personal gain
6. Transparency, society must have access to information
7. Interest general, must prioritize welfare general
8. Good service, must in accordance procedure.^[8]

Article 42 of Government Regulation Number 40 of 2021 concerning Special Economic Zones (SEZs) states that SEZs are National Strategic Projects (PSN). The development of SEZs as National Strategic Projects (PSNs) must comply with the provisions of laws and regulations concerning the acceleration of the implementation of National Strategic Projects (PSNs). The provisions for implementing Special Economic Zones (SEZs) as National Strategic Projects (PSNs) are regulated by the National Council.^[9]

Therefore, Government Regulation Number 40 of 2021 concerning Special Economic Zones (KEK) must address regulations regarding the acceleration of the implementation of National Strategic Projects (PSN). Regulations regarding the acceleration of the implementation of National Strategic Projects (PSN) have undergone several amendments, starting with Presidential Regulation No. 3 of 2016, Presidential Regulation No. 58 of 2017, Presidential Regulation No. 56 of 2018, and most recently Presidential Regulation No. 109 of 2020. In the latest amendment, namely Presidential Regulation No. 109 of 2020, an article was inserted between Articles 24 and 25, namely Article 24A. This article places a special position for the community, including local communities, in obtaining employment opportunities. The provisions of Article 24A state: that, in frame speed up growth economy national, Minister/ Head of Institution, Governor, and Regent /Mayor as guarantor answer Project National Strategy (PSN) prioritizes creation field Work in a way extensive and intensive.^[10] This means that middle Work local must prioritized, with so public specifically around Project National Strategic (PSN) can get benefit economy in a way direct with become power Work

In the reality management Project National Strategic Area (PSN) in the Mandalika Special Economic Zone (KEK) No walk smooth on the field. Based on results interview from father Teguh, the stall owner merchandise along with his house is very close with development that will be done in front Tanjung Aan beach, confirmed that Lots society that

does not agree on eviction stall traders conducted by ITDC including himself alone. What's more There is the issue that says that There is part the wall that will cover one access to beach Tanjung Aan in front stall his trade He even openly stated that tomorrow we would definitely hold a demonstration together with traders, MSMEs, local residents, and fishermen. Mr. Teguh was also furious with the eviction of traders' stalls carried out by ITDC, but then a businessman emerged who actually operated after the eviction, still within a 100-meter radius of the beach. He clearly stated that we, the local community, are always in a weak position. Mr. Teguh also stated that the stalls and homes he pointed to have clear legal rights and cannot be^[11] contested.

3.2. Solutions for Protecting Local Community Rights in the Management of National Strategic Projects (PSN) in the Mandalika Special Economic Zone

The solution to protecting the rights of local communities in the Mandalika Special Economic Zone (KEK) is, he believes, firstly, legal protection for existing cultivators. In land law, this priority right is indeed very worthy of being maintained, where there are times when priority or priority must be given. For example, poor farmers or long-standing cultivators should be entitled to priority rights to obtain ownership rights. Ter Haarr then divided prior rights, which are certainly correlated with priority rights, into three types. First, the prior rights of the person who first placed a forest clearing mark/cleared a plot of land. Second, someone who has cleared agricultural land that was granted to restore its fertility. Therefore, anyone who wants the land that has returned to fertility during the grant period must seek permission from the person who previously cultivated the land. Third, the prior rights of the owner of agricultural land adjacent to the uncleared land to provide the opportunity to clear the land. This shows that the owner of land adjacent to the uncleared land has a close relationship and is given priority opportunities, considering that they could clear the land adjacent to their own.^[12]

Second, by implementing the concept of *land reform* for corn farmers on HPL land in the Mandalika Special Economic Zone (KEK Mandalika). *Land reform* is often interpreted as a process of enabling people who work on land (farmers/cultivators) to own the land they need or receive legal protection for the land they utilize. According to Article 1 of Government Regulation Number 224 of 1961 concerning the Implementation of Land Distribution and Provision of Compensation, the objects of *land reform* are as follows:

1. Land beyond the maximum limit as referred to in Law Number 56 Prp of 1960 and land that falls to the state, because the owner violates the provisions of the law.
2. Land taken by the government because the owner lives outside the area, as referred to in Article 3 paragraph 5
3. Swapraja and former Swapraja lands that have been transferred to the state, as intended in the fourth Dictum

⁷ State Gazette of the Republic of Indonesia, Regulations Government Number 40 of 2021 concerning Special Economic Zones, Article 61.

⁸ Solechan, *General Principles of Good Government in Public Service*, Journal Administrative Law & Governance, Vol. 2, no. 3, 2015, p. 554

⁹ State Gazette of the Republic of Indonesia, Regulations Government Number 40 of 2021 concerning Special Economic Zones, Article 42

¹⁰ State Gazette of the Republic of Indonesia, Regulations President Number 109 of 2020 concerning Change Thirdly Above the Regulations President

Number 3 of 2016 Concerning Acceleration Implementation Project National Strategy, Article 24A.

¹¹ Interview Results with Mr. Teguh on Sunday, February 1, 2026 in the Mandalika Special Economic Zone (KEK) Area

¹² Halimah Ginting, *Legal Protection for Cultivators of State Land Decision Supreme Court of the Republic of Indonesia Case Civil Number 3420 K/PDT.G/2019/PN.CKR*, Thesis, Master of Law, Yogyakarta Islamic University, 2025, p. 45.

letter a of the Basic Agrarian Law

4. Other lands directly controlled by the state will be further confirmed by the Minister of Agrarian Affairs.^[13]

In this case, other lands controlled by the state, which were then controlled and cultivated by farmers for 20 years, could be the object of *land reform*. However, the problem is that the land in the Mandalika Special Economic Zone (KEK Mandalika) is HPL controlled by ITDC, not state land controlled directly by the state. Therefore, the lands in the Mandalika Special Economic Zone already have a legal management subject and are assigned functions by the state to ITDC. Therefore, the land cannot be the object of *land reform* and cannot be redistributed. Therefore, the only way is to evaluate the HPL and release it before redistributing it to the community.

Third, regulatory harmonization. In general, Government Regulation Number 40 of 2021 concerning Special Economic Zones (KEK) does provide several protections. First, regarding spatial planning protection, as seen in Article 5 letter a. Protection for community settlements is contained in Article 17 paragraph 2 letter a. Then, protection regarding local community land rights is contained in Article 8 paragraph 1 and Article 38 paragraph 1. Furthermore, there is protection for the community's environment, contained in Article 17 paragraph 2 letter d and Article 21 paragraph 2 letter e. Then there is also an Article that provides economic protection for local communities, which is contained in Article 9. And finally, protection for local communities through the Principles of Good Governance, as contained in Article 61 paragraph 1. However, in its implementation, PP Number 40 of 2021 concerning Special Economic Zones (KEK), still cannot accommodate protection for the rights of local communities, seeing situations such as the conditions of evictions that occurred at the stalls of traders and MSME business actors in Tanjung Aan, which clearly contradicts these provisions.

Furthermore, considering that the Mandalika Special Economic Zone (KEK) is land under Management Rights (HPL), Government Regulation Number 18 of 2021 needs to be discussed. This regulation does not explicitly regulate legal protection for indigenous and local communities. The lack of protection in Government Regulation Number 18 of 2021 weakens the position of these communities, who can be categorized or designated as land claimants without clear legal rights or illegally occupying the land. This is especially true when we are talking about indigenous and local communities, who often physically control land without certificates. Article 95 of Government Regulation Number 18 of 2021 clearly weakens physical control and strongly emphasizes that certificates are the most absolute proof. Article 95 of Government Regulation Number 18 of 2021 emphasizes that written evidence of former land rights is declared invalid, thereby indirectly reverting to state land. Furthermore, Article 96 of Government Regulation Number 18 of 2021 also tends to weaken communities, stating that former customary land owned by individuals must be registered within five years of the enactment of Government Regulation Number 18 of 2021. If it is not registered, it cannot be used as evidence, meaning the land becomes state

land. Therefore, in addition to not containing dispute resolution, the regulation of Government Regulation Number 18 of 2021 does not provide legal protection for local communities and also weakens their rights. This is despite the fact that local communities, especially in remote areas, do not all understand applicable laws.^[14] Therefore, Government Regulation No. 18 of 2021 concerning Management Rights, Apartment Buildings, and Land Registration, Government Regulation No. 40 of 2021 concerning the Implementation of Special Economic Zones, and regulations governing National Strategic Projects (PSN), must comply with the constitutional principles of the 1945 Constitution of the Republic of Indonesia, particularly Article 33 paragraph 3 and Law No. 5 of 1960 concerning Basic Agrarian Regulations.

4. Closing

4.1. Conclusion

Arrangement protection right society local in management Project National Strategic Area (PSN) in the Mandalika Special Economic Zone (KEK) is basically has arranged specifically in Government Regulation Number 40 of 2021 concerning Special Economic Zones (KEK), specifically Article 9 concerning empowerment of MSMEs and Article 61 management use principle good governance. Then creation field absorbing work power Work local through Article 24A of the Presidential Decree Number 109 of 2020 concerning Change Third on Change Regulation President Number 3 of 2016 concerning Acceleration Implementation Project National Strategic Project. However, the regulation on the protection of local community rights in this regulation is still not perfect in providing strong legal protection. This is because the regulation is still unbalanced because it is more investment-oriented, and does not fully comply with the mandate of Article 33 paragraph 3 of the 1945 Constitution. Solutions to protect local communities in the management of the Special Economic Zone (KEK) in Mandalika as a National Strategic Project (PSN) can be implemented by providing legal protection for existing cultivators, implementing the concept of land reform for corn farmers in the HPL KEK Mandalika and harmonizing regulations.

4.2. Suggestion

For government in make arrangement in the future must more see society especially public local, where they must get protection and also must involved specifically in matter development.

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