



Implementation of the Justice Principles in Control and Utilization of Land Rights (Study in Mandalika Kuta Special Economic Zone)

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Abstract

This study aims to find out and analyze the recognition and legal protection of community rights to land in the Mandalika Special Economic Zone, to see the application of the principle of justice in the use of land rights in special mandalika economic zones and find out what factors influence the application of the principle of justice on land for people in the Mandalika Special Economic Zone. This research qualifies as empirical legal research. In this study the approaches used are: Case Approach, Conceptual Approach and Statute Approach. The results of the study indicate that First: Recognition and legal protection of community rights to land in the Mandalika Special Economic Zone is by issuing a legal instrument in the form of PP No. 52 of 2014 concerning Mandalika Special Economic Zones and No. PePRES. 58 of 2017 Acceleration of the Implementation of the National Strategy Project. Second: The application of the principle of justice in the utilization of land rights in the special economic zone of the mandalika is not optimal, there are still many people who cannot use the area to carry out activities such as opening a culinary business, lodging and trading. The government prioritizes large investors and this is very contradictory to the constitution, especially Article 33 paragraph 3, which emphasizes the maximum prosperity of the people, not certain groups, who have deep pockets because of our natural resources. Third: Factors that influence the application of the principle of justice in the control of land rights for the community in the Mandalika Special Economic Zone are factors in the certainty of land rights, government arrogance factors, inheritance factors, Speculative Factors. Suggestions are addressed to the Central Lombok National Land Agency and to the community.

Keywords: Principles Justice; Mastery; Natural Resource

Introduction

Indonesia is a country blessed with abundant natural resources by the Almighty God, Indonesia has a vast land and sea that can be used to fulfill all kinds of human needs, one of the

natural resources is land. Humans in the development of their lives can not be separated from the need for land, humans come from the ground, live on the ground and will die in the soil.

Land and agrarian issues always accompany every development activity. This happens not only in Indonesia, but in most developing countries which are generally countries that have experienced colonialism. The agrarian problems that arise mainly stem from the problem of inequality in the structure of tenure, ownership, use and use of land and agrarian resources. This problem is more complex for countries that have abundant natural / agrarian resources and rely on it as a source of life.

As stated in the Opening of the 4th Alenia 1945 Constitution, it reads: "Then from that to form an Indonesian State government that protects the entire Indonesian nation and the entire Indonesian bloodshed and to promote public welfare, educate the nation's life and participate in carrying out world order based on the independence of eternal peace and social justice."¹

Because this is a mandate contained in the principle of control by the state as stated in Article 33 paragraph (3) of the 1945 Constitution which states: "The earth, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people.

Further explanation regarding the state's right to control is explained in Article 2 (Paragraphs 1 and 2) of Law No. 5 of 1960 concerning Agricultural Principles which reads: 1) On the basis of the provisions in Article 33 paragraph (3) of the Basic Law and matters referred to in article 1, the earth and water space, including natural resources contained therein at the highest level controlled by the State, as an organization of power of all the people. 2) The controlling rights of the State referred to in paragraph (1) of this article authorize:

- a. Regulate and organize allotment, use, availability and maintenance of the earth, water and space;
- b. Determine and regulate legal relations between people and earth, water and space;
- c. Determine and regulate legal relations between people and legal actions concerning the earth, water and space.²

Based on the explanation of the Article above, it is clear that the state functions only as a facilitator for the community in the use of rights to natural resources including land; the state has complete control over the direction of policies in the agrarian sector but does not mean absolute state power people's prosperity.

In the Constitution of the 1945 Constitution the fourth Amendment CHAPTER XA concerning Human Asai Rights in article 28 D paragraph (1), 28 G paragraph (1), 28 H paragraph (2), (4), 28 I paragraph (2), (4) and Article 28 J paragraph (2), states:
Article 28 D

- 1) Everyone has the right to recognition, guarantee, protection and fair legal certainty and equal treatment before the law.

¹Opening of the 1945 Constitution of the Republic of Indonesia in the 4th paragraph

² Arba, Indonesian Agrarian Law, Sinar Grafika, Fourth Prints, Jakarta, 2017,

Article 28 G

- 1) Everyone has the right to personal, family, honor, dignity and property protection under his authority, and has the right to security and protection from the threat of fear of doing something that is a human right.

Article 28H

- 2) Every person has the right to receive facilities and special treatment to obtain the same opportunities and benefits to achieve equality and justice.
- 4) Everyone has the right to have personal property rights and such ownership rights may not be taken arbitrarily by anyone.

Article 28I

- 2) Everyone has the right to be free from discriminatory treatment on any basis and has the right to receive protection against discriminatory treatment.
- 4) Protection, promotion, enforcement and fulfillment of human rights are the responsibility of the state, especially the government.

Article 28J

- 2) In carrying out their rights and freedoms, each person must submit to the restrictions stipulated by law with the sole purpose of guaranteeing recognition and respect for the rights and freedoms of others and to fulfill just demands in accordance with moral considerations, values religious values, security, and public order in a democratic society.

In Indonesia, the realization of the fulfillment of human rights, both economic, social and cultural rights and civil political rights, can actually be found in a number of legislation - invitations that exist. UU NO. 5/1960 concerning basic regulations on agrarian matters (which are more familiar with UUPA 1960) for example, have included a number of regulations which emphasize the need to be fulfilled the right to land for decent livelihoods for groups of people whose lives are very dependent on land.

Related to the above, the researchers took the initiative to conduct research in the special economic area of the Mandalika which is a large government project to improve the economy of the community. It is easy to understand, in the atmosphere of the increasing influx of tourists in the MandalikaKuta Special Economic Zone it has a positive impact on the income of its citizens; but behind that creates a variety of interests (local government, businessmen, and community members) that clash with each other. Especially because it relates to land, disputes or disputes over land rights and their use cannot be avoided. In the Special Economic Zone Mandalika, the interest that arises is the interests of investors and the government on the one hand is faced with the interests of citizens who often argue and experience problems in the field.

The government as the ruler has set a special economic zone of Mandalika to become a tourism area, so that the assets in the region naturally experience a high jump in economic value and this will attract all interested parties such as investors, local governments and surrounding communities. towards this phenomenon the community often becomes the loser, for example, there is often unilaterally taking community land by PT. ITDC as an extension of the government, the occurrence of inequality and injustice in the recruitment of workers around the area, does not

provide equal opportunities for small traders in an effort to improve microeconomics and the most common is uncertainty in terms of compensation for community land.

In this study, it focused on empirical legal research, which is one type of legal research that analyzes and reviews the workings of law in society and uses *Conceptual Approach, Statute Approach and Case Approach*.

Discussion

Recognition and Legal Protection of Community Rights to Land in the Mandalika Special Economic Zone.

Recognition and legal protection in the utilization of natural resources is the right of every citizen that must be guaranteed by the government in authority, the government is prohibited from acting arbitrarily against the existence of a community that has inhabited a land since hereditary ancestors. Recognition and protection are also contained in the prohibition on the practice of fraud, deprivation and prohibition of all acts that harm property including property rights of others.³

Land ownership by the community is a human right that is protected by international law and national law. In international law, this property is regulated in the Universal Declaration of Human Rights (UDHR), which in Article 17 paragraph and paragraph (2) states that: 1. Everyone has the right to own property both personally and together with others . 2. No one can be deprived of his property arbitrarily.

Land is one of the most vital sources of life for humans, both in its function as a means to make a living (supporting livelihoods) in various fields such as agriculture, plantations, livestock, fisheries, industry, and those used as a place to live with residence.

Juridical provisions governing the existence of land are contained in Law Number 5 of 1960 concerning Basic Agrarian Basic Regulations (hereinafter referred to as UUPA), which is the implementation of the provisions of Article 33 paragraph (3) of the 1945 Constitution which states that the earth and water and natural resources contained therein are controlled by the State and are used for the greatest prosperity of the people. The further manifestation of land law is widely spread in various other laws and regulations such as Government Regulation Number 40 of 1996 concerning Right to Cultivate, Right to Use Building, and Right to Use for Land; Minister of Agrarian Regulation / Head of National Land Agency Number 3 of 1999 concerning Delegation of Authority of Granting and Cancellation of Decision on Granting Rights to Land; and others.

In the agrarian scope, land is a part of the earth called the earth's surface. The land intended here is not regulating land in all its aspects, but only regulating one aspect, namely land in a juridical sense called rights. Land as part of the earth is mentioned in Article 4 paragraph (1) UUPA, namely "on the basis of the control rights of the state as referred to in Article 2, there are various types of rights on the surface of the earth called land, which can be given to and owned by people. people both alone and together with other people and legal entities."⁴

³Achamd Ali, Protection of Human Rights in Land Ownership, National Human Rights Commission, Jakarta, 2005, page. 14-15.

⁴Urip Santoso, 2005, Agrarian Law and Land Rights, First Book, Kencana, Jakarta.

The concept of land rights contained in national agrarian law divides land rights in two forms:⁵ 1. Primary land rights, namely rights to land that can be owned or controlled directly by a person or legal entity which has a long time and can be transferred to other people or their heirs such as Property Rights, Right to Cultivate, Right to Build, Right to Use. 2. Secondary land rights, namely temporary land rights such as mortgage rights, profit sharing business rights, hitching rights, and leasing rights to agricultural land.

One area that is in the spotlight related to legal protection is a special economic area of the mandalika located in Central Lombok Regency, this region has a very large and promising tourism potential, so investors are interested in investing in tourism, to facilitate this, the government sets the area became a special economic area with an area of 1,035.67 hectares where the land was obtained from land acquisition of local communities by providing compensation and relocation in accordance with the agreement so that investors felt comfortable investing.

The author argues that the great potential in the special mandalika economic region in Central Lombok Regency must provide great benefits to the surrounding community, the government should not make the community as a toy doll by ignoring community rights in the form of definite legal protection, they must protected from the invasion of investors who will manage the area Because so far community rights are often ignored for the needs of large capital investors, the presence of investors is something positive and not wrong, but it becomes wrong when their presence ignores rights and the interests of the surrounding community, so that the government as the mediator must seek equitable justice and can be enjoyed by all groups.

The form of recognition and protection of the community in utilizing the mandalika's special economic area is by issuing a number of laws and regulations as follows: 1. Indonesian Republican Government Regulation Number 52 of 2014 concerning the special economic zone of the mandalika.

The above rule is the initial milestone for providing legal certainty related to the certainty of the mandalika's special economic zone status, with the existence of a clear status, the government and the community feel safe in terms of utilizing the mandalika's special economic zone. In Article 1 the regulation reads: "With this Government Regulation, Mandalika Special Economic Zones are stipulated. Article 2 reads: "The Mandalika Special Economic Zone as referred to in Article 1 has an area of 1,035.67 ha (one thousand thirty five point sixty seven hectares) located within the Pujut District, Central Lombok Regency, West Nusa Tenggara Province.

Furthermore in Article 5 said: "The development, management and evaluation of the management of the Mandalika Special Economic Zone are carried out in accordance with the provisions of the legislation.

Based on the article above, the management and utilization of natural resources in this case is a special economic zone mandalika must refer to the applicable legal rules and not arbitrary so that it ignores small communities that inhabit the area for decades. 1. Presidential Regulation No. 58 of 2017 concerning the Acceleration of the Implementation of the National Strategy Project.

⁵Supriadi, 2007, *Agrarian Law*, Sinar Grafika, Jakarta.

In Article 21 Paragraph 1 reads: "Provision of land for national strategic projects is carried out by the central government, regional government and or business entities in accordance with the provisions of the applicable legislation.

Paragraph 2 reads: "Provision of land for national strategic projects is carried out by the central government, regional governments and / or business entities providing their land through the provisions of legislation in the field of land acquisition for development in the public interest using minimum time.

Based on the above provisions, it is very clear that in procuring land for national strategic interests must go through the applicable regulatory mechanisms.

However, in the opinion of the author the recognition and protection of the rights of the community in utilizing the mandalika special economic area in central Lombok regency is still not optimal and has many obstacles, there are still many injustices that occur when referring to the applicable laws and regulations.

One form of injustice by the government is that it does not provide an opportunity for the community to make certificates of land owned by them which they have controlled from generation to generation. The researcher conducted an interview with one of the people who had not received compensation, namely Haji Ahmad Bin Nursiwan, he said that:⁶ I occupied this land since I was born and until now, I have proof of cheek and do not have a certificate, if I want to make a certificate not given by ITDC, even BPNs don't want to make us even if we have submitted an application because they are working with ITDC ... "

Based on the interview above, it is clear that the ITDC does not provide freedom and justice to the community to obtain legal certainty in the form of ownership rights to land owned by the community, the authors assume that the ITDC intentionally did this by blocking all public access to obtain certificates with the purpose so that ITDC can buy or compensate community land at a cheap price, because if the land already has a certificate, it is feared it will become more expensive.

Next, the researcher conducted an interview with the village head of Kuta, Mr. Mirate. He said that⁷: "I strongly support investment activities in the Kuta village area, including MandalikaKuta Special Economic Zone. What I regret is that the ITDC seldom invites me to discuss matters related to the mandalika, even though their activities are still in the area that I lead, namely the village of Kuta, so far they have only come to the village office and have never been again and he hopes that the ITDC immediately provided adequate compensation to the community whose land had not been paid.

“Based on the interview with the head of the village above, the author concluded that the ITDC was less coordinating with the local authorities in this case the Kuta Village Chief, because after all the village head was one of the government officials in the government hierarchy system who was the front guard , the village head knew the ins and outs of the socio-cultural conditions of the community so it was very wrong when the ITDC did not coordinate intensely

⁶Interview with Haji Ahmad Bin Nursiwan, As a community that owns land in the special economic area of the Mandalika. January 6, 2019 10.00 WITA in Bunut Hamlet, Kute Village, District. Pujut, Central Lombok.

⁷Interview with Mr. Mirate, Head of Kute Village. March 17, 2019 9:00 WITA in the house of the village head in Kute village, Pujut District.

with the local village head. in another interview the village head also said that: the ITDC prohibits people from passing on the beach near the Novotel hotel, and even the hotel creates a fence around the beach to limit the movement of people to pass around the area and this makes people disappointed and angry ” Based on the information from the village head above, it shows a symptom of injustice in the use of human resources carried out by the government, this clearly violates Article 6 of the UUPA which says that land must have social functions, and ITDC actions that limit people's access to daily activities is contrary to Article 6 of UUPA.

Another portrait of injustice in the MandalikaKuta Special Economic Zone area is the absence of selling booths or selling booths for the surrounding community that are standard with financial or community capital, even if there are but rent prices that are very expensive and beyond the reach of the community so that people do not dare to rent the booth. this shows that the government is too prioritizing macroeconomics while for microeconomics it is not cared for, even though the sign of a country's economy is said to be healthy and balanced is when the macro and micro economies both experience balanced improvement and progress.

Application of Justice Principles in the Utilization of Land Rights in the Mandalika Special Economic Zone.

It has been previously explained that the UUPA is a basic rule for certain natural resources, even though the most prominent role in the UUPA is land issues. This priority by the UUPA may be because it considers that other natural resources are actually based on the land or the surface of the earth, it is not surprising then some circles consider that the UUPA is identical with the regulation of land law.⁸

Basically all rights that are paid for in the UUPA can be owned by legal entities, except for property rights that can only be owned by Indonesian Citizens and certain Legal Entities determined later in Government Regulations (Article 21 of the UUPA and Government Regulation No. 38 of 1963 concerning Appointment Legal Entities That Can Have Ownership of Land).

To realize justice desired by the 1960 Basic Agrarian Law, happiness for the entire Indonesian people, the state provided several channels of rights that could be utilized by all Indonesians. The rights referred to in the Basic Agrarian Law which are important are rights in the field of land law. However, then there is a problem, it turns out the Basic Agrarian Law does not only provide opportunities to individuals, in the meaning of the Indonesian people alone to control and manage natural resources in Indonesia. The state also provides opportunities to legal entities / corporations, even to foreign parties provided it is a legal entity established under Indonesian law. As a result, they do not get complete justice for their natural resources, in the sense that they cannot manage and utilize their natural resources directly. Although the mechanism established by this country aims to provide happiness for all the people of Indonesia.

If referring to the context of the use of natural resources in the special economic region of the mandalika, the government in this case has not applied the principle of justice in accordance with the prevailing laws and regulations, apilaila refers to the opinion of

⁸”That on the basis of the controlling rights of the state ... there are various types of rights on the surface of the earth, called land which can be given to and owned by people, both alone and together with other people and public bodies. The rights to the land give authority to use the land in question, as well as the body of the earth and water and the space above it is only needed for interests directly related to the use of the land ...” (Article 4 of the 1960 Basic Agrarian Law).

Jeremy Bentham where justice is when giving maximum benefit to many people, so in the context of the Mandalika special economic zone that benefits from large capital investors, many small investors and people who want to build facilities such as restaurants, small shops and so on are expelled by the ITDC as the area manager, even though the community has lived there hundreds of years and had evidence of land ownership which was quite historically strong even though authentically less recognized by positive law because it was common in Indonesian rural communities that most people did not have land certificates and this was not their fault but this is the fault of the government from the past who were unable to provide certainty in the land sector to ordinary people who did not understand what the certificate was and what the urgency was.

The absence of authentic evidence in small communities does not mean that it is the reason for the government to carry out *domeinverklaring* actions as happened in the colonial era. The government should take the active initiative in land certification instead of passively allowing the community land to not have a certificate. The government can take it for granted.

The following is an excerpt of my interview as a researcher with a resident in the special Mandalika economic area, Mr. Haji Sulame⁹: he said "I have lived here since I was around the 60s and this land belongs to my parents about 2 hectares, but after BTDC now its name ITDC sets this area into a special economy, a lot of our land is annexed, taken without our knowledge and we are expelled and banned from raising and cutting wood and so on our land, they argue that they have bought it from other parties even though we never sold it "

The statement above the researchers found was not only by Haji Sulame but other *amaqs* who were there like Akbar¹⁰, and others. Based on the interview with *Amaq Nursiwan*, he said that: "I own an area of 110 acres and has not been compensated by ITDC. In fact, my land was taken unilaterally by the ITDC, he said that it had been bought by other people even though I never sold the land to anyone.

Based on the interview above the researchers concluded that there were many community lands taken unilaterally by the ITDC and the community did not dare to fight because there were many officers who were ready to take action against the community, the community felt they had inhabited the land for many years and the land had never sold to anyone, but suddenly the ITDC suddenly came to be called LTDC which made maps of tourism areas and annexed community lands, some were compensated and some were not, some were expensive and some were cheap so conditions like this caused injustice in the community and the community feels condemned by the government.

On another occasion the researcher interviewed the village head of Kuta, Mr. Mirate, regarding the price of land around the village of Kuta, he said¹¹: "If the price of land around the village of Kuta is already very expensive, the land outside the special economic zone can reach 400 million and even 500 million per acre. Whereas in special economic zones, the ITDC only offers low prices of around 100 million per acre. In addition, he also said that the majority of workers in special economic zones were people from outside the region and only 12 percent came from the local area, this caused jealousy from the community there, even though they also had

⁹Interview with Mr. H. Sulame as a community that owns land in a special economic zone. January 6, 2019 at Seger Beach at 12.00 PM.

¹⁰Interview with Akbar as a community that owns land around the Special Economic Zone of Mandalika. In the hamlet of Gerantung, the village of Kuta, on January 17th. 10:00 a.m.

¹¹Interview with Mr. Mirate as head of the Kuta village. At 09.00 in Kuta Village, Pujut District on March 17, 2019.

skills for that and also for jobs in the field. security they feel there is no need to recruit people outside the area because local people are enough”.

Based on the interview above, the author concluded that the ITDC made injustices in the compensation of community land, because they wanted to buy at a low price while outside the special economic zone of the Mandalika alone the price was more expensive than other investors while in the area the price was cheaper ITDC also carried out injustices in recruiting workers because it ignored workers from the local area and prioritized people outside the region, so this disparity caused jealousy and a sense of injustice by the community.

Besides the names of interview researchers, it turns out that there are around 24 people whose land has not been compensated by ITDC. One of them is H. Ahmad Bin Nursiwan who said: "We have been bullied by the government, all the efforts we have done have not been ignored, in Lombok. no one can help us, we go to the sub-district, to the district, to the BPN, to the Province, to the DPR, to the police, to the army, all of us have contacted for help but no one wants to help, finally we forced to come directly to Jakarta met with President Jokowi to complain about our problem and he told us to make a boundary fence and signpost to mark our land and we went home to carry out the Jokowi order until we waited for compensation and after that the parties in Lombok did not dare bother us because they knew us facing President Jokowi.

Excerpts of the interview above show that in the utilization of natural resources, especially the Mandalika Kuta Special Economic Zone, there are many individuals and many parties involved want to take advantage of the situation and conditions of ordinary people, because the economic value in this area is so large that it attracts stakeholders and individuals to play there, finally the object of wronged is the lay people who live there. even they arrived in Jakarta to complain because according to them in Lombok there was no one who could be trusted.

Based on a series of my research and interviews as researchers related to the economic region of the Mandalika, I found a lot of injustice and cheating and even violations of law committed by the government in this case ITDC, they tried to make an image in the eyes of investors that they had controlled the land in MandalikaKuta Special Economic Zonelegally and have legal certainty and are safe to invest, but in fact there are many problems that occur such as a lot of community land being annexed, improper compensation, inappropriate relocation and many other problems.

Factors Affecting the Application of Justice Principles in the Control of Land Rights for Communities in the Mandalika Special Economic Zone.

Factors of Legislation

Material factors (substance) of a law or legislation play an important role in law enforcement. This means that in law or legislation itself must be contained and even constitute sine quanonconditio in it justice (justice). Because, after all, good law is a law in which the values of justice are contained.

After the author conducted a study related to the substance of the law governing the principle of fairness in the control of land rights in the special economic region of the Mandalika, the authors found a fact that there were no technical rules or mechanisms related to compensation or purchase of community land in this case is ITDC. this causes inequality and disparity in terms of compensation for community land, some are expensive and some are cheaper, making it difficult for the government to settle compensation. the government should hold a meeting or

dialogue with the community or representatives of the community to determine the compensation mechanism so that from the meeting a technical regulation in the form of a regional regulation or regulation will be specifically discussed about the mechanism of exemption or compensation for community land so that there is a clear reference by the government and the community in taking action or implementing actions in the field.

Factors of Implementing Apparatus

As it is known that the MandalikaKuta Special Economic Zone is an area that has tremendous investment value and prospects, this raises interest from various parties to obtain benefits or benefits from existing projects so that what is the main objective of natural resource use is to maximize the prosperity of the people is neglected, what happens is the interests of a handful of people and even the authorities.

Based on the interview of the author with one of the community namely Mr. Ahmad Nursiwan said that: "We have not trusted the government in Central Lombok, we have contacted all levels of government to ask for assistance such as the sub-district, district, provincial parties, parties The National Land Agency, the police, the army but there was no positive response so we were confused about where to ask for help, finally we faced directly to Jakarta to meet with President Jokowi accompanied by a lawyer."¹²

Efforts Made by the Community in Fighting for Recognition of Rights and Justice.

After the author conducted direct research in the village of Kuta in the Mandalika Special Economic Zone, the author found that there were several efforts made by the community to fight for rights and justice including:

1. Make legal efforts through litigation
Many people made legal efforts such as Mr. H. Sulame, who for almost 20 years struggled for his rights through the courts, from the PN level to cassation and he won because he had authentic evidence. But on the other hand there are many people who also make legal efforts and do not get clarity because they lack authentic evidence.
2. Demonstrations or demonstrations
Dozens of residents of Ujung lauk hamlet, and the hamlet hamlet of DesaKuta, Pujut Lombok District, were visiting the attic's DPRD office. The people's action at the people's representative office protested the ITDC decree asking former landowners at the special economic zone of the Mandalika Resort ring to vacate their existing houses. in the region.
3. Request assistance from the government and law enforcement officials in the area
Based on an interview with one of the communities, Mr. H. Nursiwan, he said that the community had asked for help or complained to all the government starting from the sub-district, regency, province, police and army. But there was no positive response, he said that all governments in Lombok only took advantage of the community and did not care about the suffering of the people¹³

¹²Results of interview with H. Nursiwan on January 6, 2019 in Ebonut Hamlet, Kuta Village.

¹³interview with H. Nursiwan. January 6, 2019 in Ebonut Hamlet, Kuta Village, Pujut District

4. Facing President Jokowi to Jakarta

The community not only faces the local government but also faces directly to Jakarta to meet President Jokowi. but by the president the community was told to make a boundary fence and make a plank of land identity. after that there was no news. all lines of government that were asked for help had no significant results.

5. Request the land to be purchased at a reasonable price

The community actually wants to sell the land they have but at the right price. on the other hand the government wants a low price. whereas based on the information from the author of the village head of Kuta, MrMirate, he said that the price of land outside the special economic zone has reached 400 to 500 million, while the government of land in special economic zones is cheaper than those outside the area, which is around 100 to 150 million, this is not accepted by the community whose land is within the special economic zone of the Mandalika.

Conclusion

Recognition and legal protection of community rights to land in the Mandalika Special Economic Zone is by issuing a legal instrument in the form of PP No. 52 of 2014 concerning Mandalika Special Economic Zones and No. Pepres. 58 of 2017 Acceleration of the Implementation of the National Strategy Project.

The application of the principle of justice in the utilization of land rights in the special economic zone of the mandalika is not optimal, there are still many people who cannot use the area to carry out activities such as opening a culinary business, lodging and trading. The government prioritizes large investors and this is very contradictory to the constitution, especially Article 33 paragraph 3, which emphasizes the maximum prosperity of the people, not certain groups, who have deep pockets because of our natural resources.

Factors that influence the application of the principle of justice in the control of land rights for the community in the Mandalika Special Economic Zone are the Regulatory Law, Factors of Implementing Officials, Speculators and Community Legal Culture Factors.

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