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Tourism Development and Coastal Access: Assessing the Legal Protection of Local Fishing Communities in Mandalika

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Abstract

The transformation of coastal areas into tourism destinations can affect traditional fishing communities whose livelihoods depend on continued access to beaches and marine resources. In Mandalika, large-scale tourism development has increased pressure on coastal spaces and raised questions concerning the balance between tourism investment and local livelihood rights. This article examines the legal protection of fishing communities affected by tourism development in Mandalika, Central Lombok. Using normative juridical research and policy analysis, the study evaluates coastal governance, tourism zoning, land and marine resource regulation, and community participation. The article argues that tourism development should not effectively privatize or restrict traditional coastal access without adequate legal justification and safeguards. Fishing communities should be recognized as legitimate stakeholders whose livelihoods must be considered in spatial planning and tourism licensing. The study proposes a coastal tourism justice framework incorporating access rights, participatory planning, livelihood protection, compensation where necessary, and benefit-sharing mechanisms. The framework further requires transparent monitoring of tourism projects and accessible remedies for affected communities. Protecting coastal access is not only an environmental concern but also a matter of distributive and procedural justice. The article concludes that Mandalika's tourism development should integrate local livelihood rights into destination governance to ensure that investment contributes to inclusive rather than exclusionary coastal development.

[*Transformasi wilayah pesisir menjadi destinasi wisata dapat memengaruhi masyarakat nelayan tradisional yang mata pencahariannya bergantung pada akses berkelanjutan ke pantai dan sumber daya laut. Di Mandalika, pembangunan pariwisata skala besar telah meningkatkan tekanan pada ruang pesisir dan menimbulkan pertanyaan mengenai keseimbangan antara investasi pariwisata dan hak mata pencaharian lokal. Artikel ini mengkaji perlindungan hukum masyarakat nelayan yang terdampak pembangunan pariwisata di Mandalika, Lombok Tengah. Dengan menggunakan penelitian* *yuridis normatif dan analisis kebijakan, studi ini mengevaluasi tata kelola pesisir, zonasi pariwisata, regulasi lahan dan sumber daya laut, serta partisipasi masyarakat. Artikel ini berpendapat bahwa pembangunan pariwisata seharusnya tidak secara efektif memprivatisasi atau membatasi akses pesisir tradisional tanpa justifikasi dan perlindungan hukum yang memadai. Masyarakat nelayan harus diakui sebagai pemangku kepentingan yang sah yang mata pencahariannya harus dipertimbangkan dalam perencanaan tata ruang dan perizinan pariwisata. Studi ini mengusulkan kerangka kerja keadilan pariwisata pesisir yang mencakup hak akses, perencanaan partisipatif, perlindungan mata pencaharian, kompensasi jika diperlukan, dan mekanisme pembagian manfaat. Kerangka kerja ini selanjutnya mensyaratkan pemantauan proyek pariwisata yang transparan dan solusi yang mudah diakses bagi masyarakat yang terdampak. Melindungi akses pesisir bukan hanya masalah lingkungan tetapi juga masalah keadilan distributif dan prosedural. Artikel ini menyimpulkan bahwa pengembangan pariwisata Mandalika harus mengintegrasikan hak-hak mata pencaharian lokal ke dalam tata kelola destinasi untuk memastikan bahwa investasi berkontribusi pada pembangunan pesisir yang inklusif, bukan eksklusif.*]

Keywords: Mandalika, fishing communities, coastal access, tourism development, livelihood rights

Introduction

Mandalika has emerged as one of Indonesia's most significant tourism investment areas following its designation as a Special Economic Zone under Government Regulation No. 52 of 2014. The development agenda seeks to transform Central Lombok into an internationally competitive destination through tourism infrastructure, accommodation, recreation facilities, and major events. From a development perspective, the project promises investment, employment, infrastructure improvement, and regional economic growth. Yet the transformation of a coastal landscape into a high-value tourism destination also changes the social and spatial relationships through which local communities access land and marine resources. This is particularly consequential for fishing households whose livelihoods depend not simply on formal ownership of land but on practical access to beaches, boat-landing locations, nearshore waters, routes to fishing grounds, and supporting coastal spaces. Research on Mandalika has already identified land-related disputes and difficulties in reconciling tourism development with community interests, suggesting that the central legal issue extends beyond whether development has received formal authorization (Sibuea 2021; Rasyid and Darumurti 2021).

The importance of coastal access becomes clearer when fishing is understood as a livelihood system rather than an isolated occupation. Small-scale fisheries depend on interconnected spaces, including fishing grounds, beaches, landing sites, storage areas, transportation routes, and household spaces used for processing and marketing. Restrictions on one component can therefore affect the viability of the entire livelihood system. Research on Indonesian small-scale fisheries demonstrates that coastal communities remain strongly dependent on marine resources and that livelihood vulnerability increases where access to those resources becomes uncertain (Stacey et al. 2019). The relationship between fishing and tourism is consequently not automatically one of substitution. Tourism may provide alternative income, but it can also increase competition over coastal land and resources. Fabinyi (2020) shows that the transition from fishing toward tourism is strongly mediated by land tenure and social relations, meaning that tourism's benefits and costs depend on who controls coastal assets and who possesses the capacity to enter emerging tourism markets.

Previous studies concerning Mandalika reinforce this concern. Research on community readiness found that residents of Kuta Mandalika were experiencing a transition toward a tourism-based society but were not yet fully prepared to participate in the tourism industry, particularly in terms of skills and economic capacity (Azizurrohman et al. 2022). This finding challenges an assumption frequently embedded in tourism development policy: that local communities will automatically benefit from increased tourism activity. Economic participation requires access to capital, skills, networks, markets, and physical spaces. Without these conditions, communities may bear the costs of tourism while receiving only limited benefits. More recent work on collaborative governance similarly identifies community participation, regulatory support, and equitable access to resources as important components of sustainable tourism governance in Mandalika, while warning that top-down policy processes can marginalize local voices (Imran and Wijaya 2025).

The problem is particularly significant because coastal access has both public and livelihood dimensions. Indonesian constitutional law recognizes the importance of natural resources for public welfare, while Law No. 27 of 2007 concerning the Management of Coastal Areas and Small Islands, as amended by subsequent legislation, establishes a framework for coastal planning, utilization, supervision, and control. The Constitutional Court's decision in Case No. 3/PUU-VIII/2010 is especially important because it rejected a regulatory approach that could transform coastal waters into exclusive commercial spaces without sufficient protection for coastal communities. The Court emphasized the importance of fishermen's participation and access to coastal resources and recognized that restrictions on fishermen's participation and access could raise constitutional concerns. This jurisprudence provides a significant normative basis for assessing tourism development where coastal commercialization may interfere with traditional fishing activities.

This article therefore addresses a question that differs from a conventional assessment of tourism investment: to what extent does Indonesian law protect the practical coastal access required by local fishing communities when coastal areas are transformed into tourism destinations? The argument advanced here is that formal legality of land acquisition or tourism licensing cannot by itself resolve the issue. Where tourism development materially restricts access to fishing grounds, landing areas, or livelihood-supporting coastal spaces, authorities must assess the consequences for community livelihoods and ensure that restrictions are justified, proportionate, participatory, and accompanied by appropriate safeguards. The article develops this argument through an analysis of coastal access as a livelihood right, the relationship between spatial planning and tourism investment, the limits of compensation-centered approaches, and the institutional mechanisms required to establish a more just model of coastal tourism governance in Mandalika.

Literature Review and Theoretical Framework

The theoretical foundation of this article is environmental and distributive justice. Environmental justice is not limited to the equitable distribution of environmental benefits and burdens; it also encompasses recognition and participation. Schlosberg (2004) argues that environmental justice should be understood through interconnected dimensions of distribution, recognition, participation, and capabilities. This framework is particularly useful for Mandalika because fishing communities may experience tourism development not only through material losses but also through diminished recognition of their historical relationship with coastal space. A development model that recognizes beaches primarily as tourism assets can overlook their simultaneous function as working landscapes for fishers. Distributive justice therefore requires attention to who receives tourism-generated benefits and who bears restrictions on coastal access, while recognition requires authorities to treat fishing communities as legitimate rights-bearing actors rather than obstacles to investment.

A second theoretical foundation is the concept of livelihood security. Livelihoods are composed of assets, capabilities, institutions, and access to resources rather than being reducible to formal employment. For coastal communities, access to marine and shoreline resources is an important livelihood asset. Fabinyi (2020) demonstrates that land tenure plays a decisive role in shaping the costs and benefits of livelihood transitions from fishing to tourism. Where local residents retain secure tenure and access to productive spaces, tourism may generate complementary opportunities. Conversely, where tourism development transfers control over valuable coastal assets to external actors, local communities can become dependent on low-value employment or informal economic activities. This perspective suggests that the relevant legal question is not simply whether fishers own land but whether they retain sufficient access to the spatial and ecological resources necessary to sustain their livelihoods.

A third framework is procedural justice. Participation is meaningful only when affected communities receive adequate information, can express objections, possess opportunities to influence decisions, and have access to remedies. Reed (2008) emphasizes that stakeholder participation can improve environmental governance when participation is genuinely integrated into decision-making rather than being treated as a symbolic consultation. This is particularly important in coastal development because technical planning processes may not capture the full social meaning of fishing grounds, landing sites, customary routes, or seasonal resource use. A participatory framework therefore recognizes local knowledge as a source of evidence relevant to development planning.

A fourth framework is rights-based coastal governance. Indonesian coastal governance has historically involved tensions between state control, commercial utilization, conservation, and community access. Halim et al. (2020) demonstrate that Indonesia possesses longstanding traditions of territorial and community-based fisheries management and argue that contemporary fisheries management rights can draw from these institutional traditions. Their analysis is significant because it shows that fishing access need not be understood as an unregulated privilege. It can instead be structured through community responsibilities, conservation obligations, and clearly defined management arrangements. Such a model offers an alternative to the binary assumption that coastal areas must either be fully open or exclusively controlled by the state or private actors.

Methods

This study employs normative juridical research combined with policy and institutional analysis. The normative approach examines the legal rules governing coastal areas, tourism development, land acquisition, spatial planning, fisheries, public participation, and community rights. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law No. 5 of 1960 concerning Basic Agrarian Principles, Law No. 10 of 2009 concerning Tourism, Law No. 26 of 2007 concerning Spatial Planning, Law No. 27 of 2007 concerning the Management of Coastal Areas and Small Islands, Law No. 30 of 2014 concerning Government Administration, Law No. 2 of 2012 concerning Land Acquisition for Development in the Public Interest, Government Regulation No. 52 of 2014 concerning the Mandalika Special Economic Zone, and relevant amendments to Indonesia's investment and coastal regulatory framework. The analysis also considers Constitutional Court Decision No. 3/PUU-VIII/2010 because of its significance for coastal community participation and access.

Secondary materials consist of peer-reviewed journal articles and scholarly publications concerning coastal governance, fishing livelihoods, tourism development, land tenure, environmental justice, participatory governance, and the Mandalika Special Economic Zone. The study prioritizes sources published no later than 2025. The analysis is conducted through statutory interpretation, conceptual analysis, and contextual comparison between legal norms and findings reported in existing empirical and doctrinal research. Particular attention is given to whether existing legal arrangements adequately protect practical access to coastal resources and whether procedural safeguards are capable of preventing livelihood displacement.

The study does not claim to provide original ethnographic findings from fishing communities in Mandalika. Instead, it constructs a legal and governance analysis based on existing literature and publicly available legal materials. This limitation is important because the article's purpose is to evaluate the normative adequacy of the existing framework rather than to quantify the socioeconomic condition of individual households. The analytical approach nevertheless allows the article to identify structural legal problems that may arise when tourism zoning, land acquisition, coastal management, and investment governance intersect.

Results and Discussion

1. Coastal Access as a Livelihood Interest Rather Than Merely a Question of Physical Space

The central finding is that coastal access should be treated as a substantive livelihood interest rather than merely a question of physical access to public beaches. Fishing communities depend on a network of coastal spaces that together sustain their economic activities. A fishing household may require access to a landing location, a route between its residence and the shoreline, space to maintain equipment, access to nearshore fishing grounds, and the ability to move boats and catches. If any of these connections is disrupted, the resulting harm may exceed the apparent spatial limitation. A tourism project may technically leave a section of beach open to the public while nevertheless making fishing practically impossible through restricted operating hours, security controls, construction barriers, congestion, or the removal of traditional landing facilities. The legal assessment must therefore examine functional access rather than simply measuring whether a physical pathway remains available.

This functional approach is supported by research on coastal livelihood vulnerability. Stacey et al. (2019) demonstrate that Indonesian coastal livelihood initiatives must account for the structural dependence of fishing communities on marine resources and the different vulnerabilities experienced by households within those communities. Similarly, research in the Anambas Archipelago found that fishers were more vulnerable than ecotourism operators because of their stronger dependence on coastal resources and exposure to resource and environmental shocks (Mutaqin et al. 2021). Tourism development that removes or constrains resource access can therefore increase vulnerability even where alternative employment opportunities are theoretically available.

This distinction has direct implications for Mandalika. The legal protection of fishing communities should not depend exclusively on proof of individual land ownership. A fisher may not possess a formal title to the beach from which boats are launched, yet the space may remain essential to the person's livelihood. Indonesian coastal governance recognizes public and communal dimensions of coastal resources, while constitutional jurisprudence has emphasized the need to protect fishermen from exclusionary coastal management. The Constitutional Court's reasoning in Decision No. 3/PUU-VIII/2010 is therefore particularly relevant because it recognizes that coastal management cannot ignore the interests and participation of fishermen whose livelihoods depend on coastal and marine areas.

The broader implication is that tourism licensing and spatial planning should incorporate a "livelihood access test." Before approving coastal tourism infrastructure, authorities should identify fishing routes, landing locations, nearshore fishing grounds, storage and processing areas, and other spaces necessary for local fishing activities. The test should assess whether a proposed project would materially reduce the functionality of those spaces. If it would, the authority should require redesign, alternative access arrangements, mitigation, or compensation depending on the circumstances. Such a framework would move the legal analysis from formal ownership toward the protection of livelihood capabilities.

2. Tourism Zoning and the Risk of Functional Coastal Exclusion

Tourism zoning can create exclusion without formally declaring a coastal area private. Zoning determines what activities may occur in particular spaces, who can use them, at what times, and under what conditions. A coastal area designated for hotels, recreation, events, security zones, or tourism infrastructure may remain formally within the public domain while becoming practically inaccessible to traditional users. This distinction is crucial because legal exclusion can occur through regulation and spatial design as well as through ownership transfer. The problem is consequently not simply whether a tourism company "owns" the coast but whether the regulatory structure permits one use to displace another without adequate justification.

Research on coastal governance in Indonesia shows that regulatory fragmentation and weak coordination can undermine community engagement. Nugraha et al. (2023) find that integrated coastal management has a substantial legal basis but continues to face problems involving institutional coordination, implementation gaps, and insufficient community involvement. Their findings are particularly relevant to tourism zones because coastal decisions frequently involve multiple authorities responsible for spatial planning, tourism, fisheries, environmental protection, and investment. Without coordination, each institution may consider only its own regulatory mandate while overlooking the cumulative consequences for coastal livelihoods.

The Mandalika case illustrates why zoning should be evaluated through a spatial justice lens. The establishment of a tourism zone can increase the economic value of land and coastal space, but this increased value may simultaneously intensify competition over access. Research concerning land control in Mandalika has identified legal and distributive tensions surrounding the recognition and utilization of community land rights (Mandala and Zubaidi 2019). Other research has documented conflicts between residents and development authorities in the process of Mandalika's transformation, demonstrating that spatial development can become a source of contestation when communities perceive that their interests have not been adequately accommodated.

A justice-based zoning model should therefore distinguish between tourism intensity and livelihood sensitivity. Not every coastal space should be regulated identically. Areas with high dependence on fishing livelihoods should receive stronger access safeguards, particularly where alternative fishing locations are unavailable or economically impractical. Zoning should also identify protected community access corridors, landing areas, and working waterfronts. These spaces should be treated as components of tourism planning rather than residual areas left over after investment requirements have been satisfied. Such an approach would allow tourism and fisheries to coexist spatially rather than assuming that tourism development necessarily requires the progressive elimination of fishing activities.

3. Land Acquisition, Compensation, and the Limits of Monetary Remedies

A further finding is that compensation cannot by itself resolve the loss of coastal access. Indonesian land acquisition law provides procedures for acquiring land for specified public purposes and requires compensation to affected rights holders. However, monetary compensation is most effective where the principal loss is an identifiable property interest that can reasonably be replaced through financial payment. Fishing livelihoods are more complicated because their value is distributed across land, marine resources, social networks, customary practices, and access relationships. Losing a beach access point may therefore generate consequences that cannot be adequately captured through the market value of a parcel of land.

Sibuea's analysis of tourism Special Economic Zones found that land acquisition in Mandalika and Tanjung Kelayang generated land conflicts and required prolonged negotiations concerning compensation. The study demonstrates that the formal classification of tourism development as a public-interest activity does not automatically eliminate disputes over land and community interests (Sibuea 2021). This is important because legal designation can establish the authority to acquire land while leaving unresolved the substantive question of whether affected livelihoods have been adequately protected.

Research on coastal tourism elsewhere in Indonesia provides a useful comparative perspective. In Pangandaran, tourism expansion has created economic opportunities but has also raised concerns that tourism benefits may bypass fishing communities and place additional pressure on coastal resources. Local development research therefore emphasizes the importance of ensuring that tourism does not undermine the ecological and economic foundations of fisheries (Permana et al. 2022). Similarly, research on tourism-based alternative livelihoods in small-island communities demonstrates that tourism can diversify income but requires institutional arrangements enabling local communities to actually access tourism opportunities (Pratama et al. 2021).

The appropriate response is to supplement compensation with livelihood restoration. Where tourism development restricts fishing access, authorities should assess whether alternative landing sites are physically viable, whether transportation costs increase, whether fishing time becomes longer, and whether new restrictions reduce household income. If alternative livelihoods are proposed, they should be assessed for feasibility rather than assumed to be equivalent to fishing. A fish vendor, boat operator, tourism guide, or hospitality worker may generate income, but the transition can involve new risks, skills requirements, capital costs, and dependency on seasonal tourism demand. Justice therefore requires restoration of livelihood capability, not simply payment for an asset.

4. Participation, Recognition, and Community Bargaining Power

The fourth finding concerns participation. Tourism planning processes frequently describe local communities as stakeholders, but stakeholder status does not necessarily translate into bargaining power. A community may be invited to meetings while having little capacity to alter project design, negotiate access arrangements, or challenge decisions. Procedural justice therefore requires more than consultation. It requires meaningful influence over decisions that directly affect livelihood resources.

Research on the Mandalika community indicates that residents have been exposed to rapid tourism transformation without necessarily possessing equal capacity to enter the tourism economy (Azizurrohman et al. 2022). This creates an important asymmetry. Investors may possess capital, technical expertise, legal representation, and access to government institutions, while local fishers may have limited resources for participating in complex administrative procedures. A formally equal consultation process may therefore produce substantively unequal outcomes.

The concept of co-governance provides a more appropriate institutional model. Research on Indonesian fisheries demonstrates that traditional marine tenure and community-based management can coexist with contemporary fisheries management systems when rights and responsibilities are clearly structured (Halim et al. 2020). Similarly, studies of indigenous and customary coastal governance demonstrate that local communities may possess sophisticated systems regulating access to marine resources and protecting ecological functions (Kadir et al. 2021).

For Mandalika, co-governance could involve a permanent coastal stakeholder forum composed of fishing representatives, village authorities, tourism operators, local government, environmental agencies, fisheries authorities, and civil society organizations. The forum should not be merely advisory. It should have a defined role in reviewing tourism zoning, monitoring access arrangements, identifying livelihood impacts, and evaluating complaints. Such institutionalization would transform participation from a one-time licensing event into a continuing governance relationship.

Recognition also matters because communities may understand coastal spaces through social and cultural relationships that are not captured by formal cadastral maps. Studies of Indonesian coastal communities demonstrate that local and customary practices can structure access to marine resources and support conservation (Kadir et al. 2021; Laksmi and Dewi 2022). Recognition of such arrangements does not necessarily mean granting absolute private ownership. Rather, it means acknowledging existing patterns of use and governance when determining whether a tourism project will interfere with community rights and responsibilities.

5. Toward a Coastal Tourism Justice Framework for Mandalika

The preceding analysis supports a shift from an investment-centered model toward coastal tourism justice. The first principle should be continued access. Tourism development should not eliminate established fishing access unless the restriction is legally justified, environmentally or socially necessary, and accompanied by viable alternatives. Access should be assessed functionally, including landing sites, routes, nearshore waters, equipment areas, and seasonal fishing spaces. The second principle should be meaningful participation. Communities must receive information sufficiently early to influence planning rather than being consulted after major decisions have become irreversible. This approach is consistent with broader scholarship emphasizing that effective coastal governance depends upon community engagement and institutional coordination (Nugraha et al. 2023).

The third principle should be livelihood protection. Environmental and social assessments should identify how tourism development may affect household income, fishing time, access costs, food security, and employment patterns. Where restrictions are unavoidable, mitigation should be designed around livelihood restoration rather than simply financial compensation. The fourth principle should be benefit sharing. Local communities should receive identifiable economic benefits from tourism through local procurement, employment opportunities, community enterprises, access to tourism markets, and revenue-sharing arrangements where legally and institutionally feasible. Evidence from Indonesian coastal tourism demonstrates that tourism can support local livelihoods when communities possess meaningful access to tourism opportunities rather than merely serving as low-paid labor (Pratama et al. 2021; Azizurrohman et al. 2022).

The fifth principle should be accountability. Tourism operators and public authorities should be subject to transparent monitoring concerning coastal access, environmental impacts, and compliance with community safeguards. Complaints should be recorded, investigated, and resolved through accessible mechanisms. Where disputes concern administrative decisions, affected communities should have access to administrative and judicial remedies. This is particularly important because coastal governance involves unequal bargaining power. A rights-based system must therefore provide institutional mechanisms capable of correcting decisions that disproportionately burden fishing communities.

Finally, the framework should recognize that tourism and fisheries are not necessarily mutually exclusive sectors. The conflict emerges when one sector is granted priority without accounting for the spatial and livelihood requirements of the other. Research on community-based coastal management and tourism demonstrates that fishing and tourism can coexist when ecological resources, access rights, and economic benefits are institutionally coordinated (Hidayat 2012; Halim et al. 2020). The objective of Mandalika policy should consequently not be to convert a fishing landscape into a tourism landscape, but to construct a multifunctional coastal economy in which tourism investment operates within clearly defined social and ecological limits.

Conclusion

The development of tourism in Mandalika creates substantial economic opportunities but also raises a fundamental legal question concerning the continued access of local fishing communities to coastal resources. The analysis demonstrates that coastal access cannot be reduced to formal land ownership or the existence of publicly accessible beaches. For fishing communities, access encompasses landing locations, fishing routes, nearshore waters, equipment areas, and other spaces necessary to sustain livelihoods. Restricting these spaces can generate significant socioeconomic consequences even where a development project has obtained formal regulatory authorization. Indonesian constitutional principles, coastal legislation, land law, and Constitutional Court jurisprudence provide a legal foundation for recognizing the interests and participation of coastal communities.

The central weakness lies in the gap between formal legality and substantive livelihood protection. Land acquisition, zoning, and tourism licensing may establish the legal basis for development without adequately assessing whether communities retain meaningful access to the resources on which they depend. Compensation is similarly insufficient when the underlying loss involves livelihood systems that cannot be reconstructed through monetary payment alone. The appropriate legal response should therefore incorporate livelihood restoration, viable alternative access, participatory planning, and transparent assessment of cumulative social and spatial impacts.

Mandalika requires a governance model in which fishing communities are recognized as rights-bearing participants in coastal development rather than as passive recipients of tourism benefits. A coastal tourism justice framework based on continued access, meaningful participation, livelihood protection, benefit sharing, and effective remedies would provide a stronger basis for reconciling investment with community rights. Such a framework would not undermine tourism development; instead, it would improve its legitimacy and long-term sustainability by ensuring that the economic value generated by coastal tourism does not depend upon the disproportionate displacement of the communities whose livelihoods have historically been connected to the coast.

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