

An Analytical of the Design Process of Special Economic Zone Governance in Indonesia

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ABSTRACT

Arun Lhoksumawe Special Economic Zone is an economic zone established as one of the economic growth centers of Aceh Province. In the planning, pre-operational, and operational processes, Arun Lhoksumawe Special Economic Zone still faces several significant problems. Therefore, the purpose of this qualitative research is to analyze the process of designing the governance of the Special Economic Zone. This analysis process is carried out through observation with secondary data from 2018 to 2019 as research support. The results of this study show that there are weaknesses in asset management that are not proportionally distributed so that collaboration and integration of assets are needed for the optimization of the Arun special economic zone. So, the results of this study can be used as evaluation material to optimize the Arun Lhoksumawe special economic zone.

Keywords : **Special Economic Zones; Interest Groups; Co-operation; Assets; Arun**

ABSTRAK

Kawasan Ekonomi Khusus Arun Lhoksumawe merupakan kawasan ekonomi yang dibentuk sebagai salah satu pusat pertumbuhan ekonomi Provinsi Aceh. Dalam proses perencanaan, pra operasional, dan operasional, Kawasan Ekonomi Khusus Arun Lhoksumawe masih menghadapi beberapa permasalahan signifikan. Oleh karena itu, tujuan dari penelitian kualitatif ini untuk menganalisis proses perancangan tata kelola Kawasan Ekonomi Khusus. Proses analisis ini dilakukan melalui observasi dengan data sekunder tahun 2018 sampai 2019 sebagai penunjang penelitian. Hasil penelitian ini menunjukkan adanya kelemahan dalam manajemen aset yang tidak terdistribusi secara proposional sehingga diperlukan kolaborasi dan integrasi aset untuk optimalisasi kawasan ekonomi khusus Arun. Maka, hasil penelitian ini dapat digunakan sebagai bahan evaluasi untuk mengoptimalkan kawasan ekonomi khusus di Arun.

Kata Kunci : **Kawasan Ekonomi Khusus; Kelompok Kepentingan; Kerjasama; Aset; Arun**

INTRODUCTION

Special Economic Zone (SEZ) management must adhere to a strong regulatory framework as the basis of good governance. This means that the concept of Good Governance should be the basis of SEZ management. (Kryukova et al., 2020). Asset management forms the basis of SEZ management. In this management, Collaborative Governance is needed, which comes from stakeholder collaboration. Collaborative Governance as a governing arrangement in which one or more public institutions directly involve non-state stakeholders in formal, consensus-oriented (Supriyanto et al., n.d.). There is a lot of research on SEZs, among others is to assess why some zone managing companies (ZMCs) are more successful in developing their special economic zones (SEZs) than others. In almost every part of Poland, there are winners and losers among SEZs. It suggests that the advantage of having a better zone location is relative, and other factors may play a role (Dorożyński et al., 2021). In addition to corporate governance in SEZs, there is research conducted by Shinta on identifying the initial conditions, facilitative leadership, institutional design, and analyzing the collaborative process and interim results in the development of SEZ (Durrety, 2024).

Research on SEZs is mostly on SEZ impact studies. Such studies include Lie et al. which investigates in SEZ tentang the influence of firm location on its performance mainly from two channels: selection effect and agglomeration effect (Li et al., 2021). Xi et al. research on the preferential policy in the SEZs reduces the entry barrier for firms and attracts a high proportion of inefficient firms entering with the selection effect (Xi et al., 2021). Research into the impact of the SEZ was conducted by Ronald et al. tentang to vary with local country-level characteristics which are intended to reflect the types of barriers SEZs supposedly mitigate, namely export costs, taxes, regulatory burdens, weak institutions, and barriers to imports (Davies & Mazhikeyev, 2019). None of the five previous studies have dealt with conflicts of interest in SEZ management, so that it becomes a novelty for this study. This research was conducted through the method used in this research is a qualitative method by looking at the relationship between stakeholders to the problems in the Arun SEZ.

Wang in his paper in the Journal of the London School of Economics defines SEZ as “contained geographic regions within countries a demarcated area of land used to encourage industry, manufacturing, and services for export, and are typically characterized by more liberal laws and economic policies than a country’s general economic laws” (Wan et al., 2014). SEZ in general is a certain area with special regulations in the fields of customs, taxation, licensing, immigration, and employment supported by detailed business activity arrangements and effective subzone arrangements. SEZ is also an area supported by modern infrastructure that is professionally managed by a management body. A modern SEZ consists of industrial, free trade, limited commercial, supporting utilities, and tourism.

Referring to Law Number 39 Year 2009 on Special Economic Zones, the definition of Special Economic Zone (SEZ) is an area with certain boundaries within the jurisdiction of the Unitary State of the Republic of Indonesia which is determined to carry out economic functions and obtain certain facilities. The function of SEZ is to conduct and develop business in the fields of trade, services, industry, mining and energy, transport, maritime and fisheries, post and telecommunications, tourism, and other fields. In accordance with this, SEZs consist of one or several Zones, including export processing, logistics, industry, technology development, tourism, and energy Zones whose activities can be aimed at exports and for domestic use. Basically, the SEZ concept is integrated, large-scale, mega

zones that can consist of ports, new towns, industrial, tourism, commercial, and utility areas. Within these areas, FTZs and EPZs can also be established. SEZ and export areas require direct access to sea and air transport facilities that directly lead to international trade.

The development of Special Economic Zones in Indonesia currently spends at least 20% of their time in dealing with conflict, this condition revealed that conflict management research mainly concentrates several areas such as the role of cultural differences in conflict, conflict management styles, conflict in the workplace, conflict and team performance and conflict management practices. According to them, the intellectual structure of conflict management is taking back the stage in conflict management research and it is not much highlighted in conflict management literature. Hence, this study is a contribution in that direction describing the conceptual conflict management model, and the conflict management process, various reasons for conflict in projects, frequently used conflict resolution techniques in projects and implementation of solutions in projects. Various reasons for project conflicts were identified using literature collected based on each reason and its frequency of occurrence in the gathered literature.

Similar techniques are used to find frequent use of conflict resolution techniques in projects. Based on the stipulation as referred to in Article 7 paragraph (4), the provincial government or regency or city government establishes a Business Entity to develop SEZs in accordance with the provisions of laws and regulations, and in article 13, the management of assets resulting from cooperation between the Government, local governments, and the private sector can be carried out in accordance with the analysis of economic and financial feasibility.

Problems related to the Arun SEZ Assets occurred during the delegation of the asset inventory (Ex PT Arun NGL assets) to the State Asset Management Agency (LMNA) which has entered the 7th stage with a total verification result of around 6000 assets or approximately 75% of the total assets. These assets include assets of the former PT Arun NGL employee housing complex, PT Arun NGL production facilities, and other supporting facilities. PT Arun NGL assets transferred to LMNA have not been given to the Aceh Provincial Government as provincial assets. These assets are included in the planning for the construction and development of the Arun SEZ. This problem of asset transfer ultimately hampers the operation of the Arun SEZ. The problems mentioned above indicate that the implementation of laws and regulations related to the management of Special Economic Zones and legislation on the State Treasury has not been synchronised to the detriment of the operations of the Arun Lhoksumawe SEZ.

RESEARCH METHOD

This research was conducted in Aceh Province through interview studies, observation and secondary data collection during 2018-2019. To analyse the governance problems of the Arun Lhokseumawe Special Economic Zone, it is necessary to analyse who are the groups involved in decision-making in the group model, so we must combine this concept with the concept of Stakeholder Analysis introduced by Start and Hovland (2004). Stakeholder Analysis is an analysis to look at identifying the involvement of groups in the process of making decisions and also their implementation and can also identify the relationship between these groups. In this Stakeholder Analysis, groups can be divided into several groups such as the private sector, government organisations, and community organisations. To see the role of these interest groups, we need the concept of Influence

Mapping to analyse them. In Influence Mapping according to Start and Hovland (2004) states that an analytical technique to determine the process of making decisions and also their implementation and can also identify the relationship between these groups. In this Stakeholder Analysis, groups can be divided into several groups such as the private sector, government organisations, and community organisations.

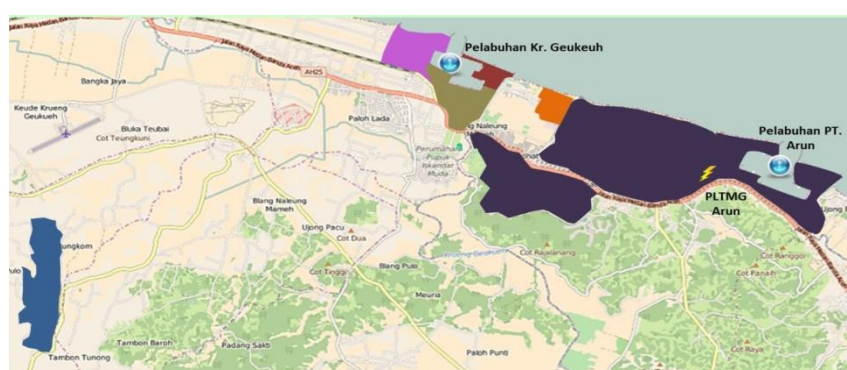
The stakeholders who were informants in this research were PT Perta Arun Gas (PT Pertamina Gas), Pelindo I, Iskandar Muda Fertilizer (PIM), Regional Development Company of Aceh (PDPA). By examining the Arun SEZ policy design through several factors, namely SEZ Governance or Management, Use of Assets and Infrastructure, SEZ Area Design, SEZ Problem Mapping. The following sub-sections explain these four stages. The object of this research is the conflict of interest among stakeholders in SEZ governance, especially the policy design issues of Arun SEZ.

RESULTS AND DISCUSSION

RESULTS

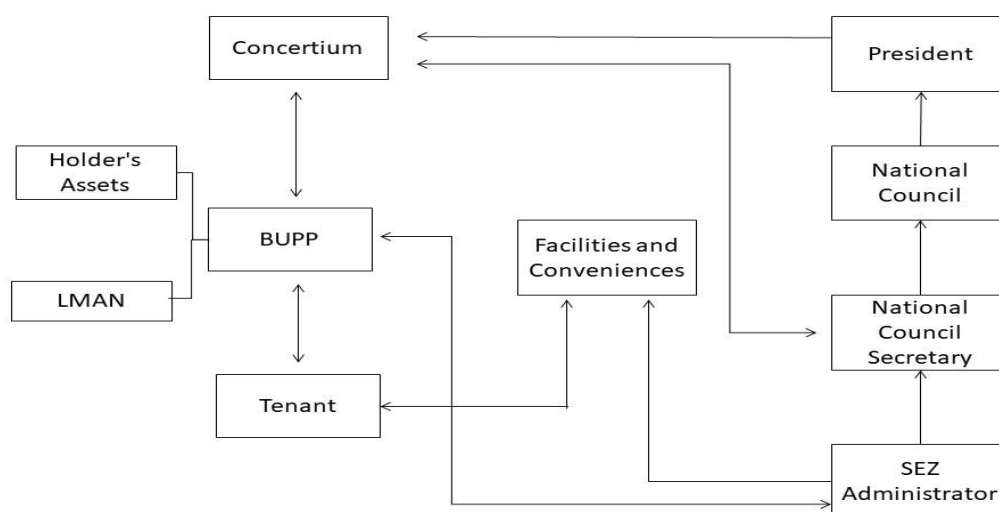
Planning and Governance or Management

The planning of Arun Lhokseumawe SEZ is managementally more complicated than other SEZs in Indonesia. This is due to the scheme of many stakeholders ranging from government agencies, non-structural institutions and State-Owned Enterprises and Regional-Owned Enterprises. In the Arun Lhokseumawe SEZ masterplan planning process, the stakeholders involved include the Agency for the Assessment and Application of Technology (BPPT) & the Indonesian Institute of Sciences (LIPI), the Aceh Provincial Development Planning Agency (Bappeda), the Aceh Investment and One-Stop Integrated Services Office (DPMPTSP Aceh), the Aceh Industry and Trade Office, and the Aceh Provincial Development Planning Agency (Bappeda).



Source: DPMPTSP Aceh

Figure 1. Arun SEZ Plan Picture



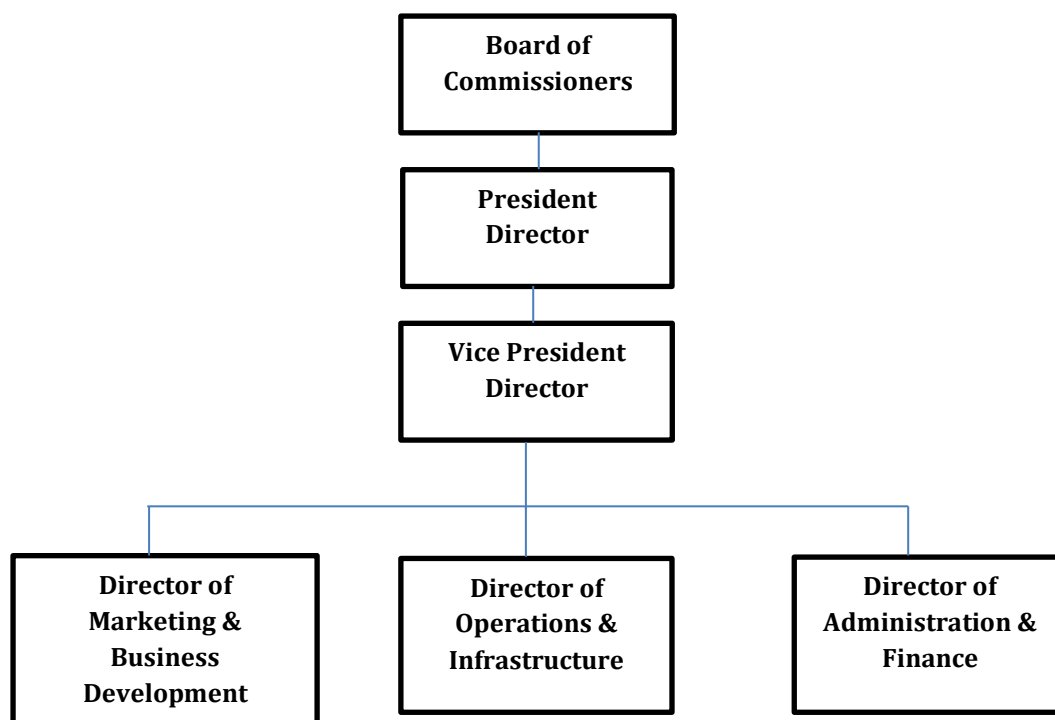
Source: Processed Data, 2019

Figure 2. Planning and Operational Flow of Arun SEZ

The initial planning of the SEZ began when the 2005-2009 BRR NAS-Nias document on spatial planning, strategic areas and industrial areas included the Arun area as a strategic industrial area. The results of this study were then discussed for 2 years (2010-2012) by Bappenas and Bappeda Aceh. The initial SEZ proposal was made by the Ministry of Industry on the basis that the proposed area already had industry in it. The SEZ proposal was then transferred to the Aceh Government on 12 October 2016. The change of proponent of the Arun SEZ occurred again when PLT Governor Soedarmo changed the proposal by placing BUMN as the proponent. The proposal was approved by the President through PP.No.5 concerning the Arun Lhoksumawe SEZ.

In the implementation of the Arun Lhokseumawe SEZ, the President established the Aceh Special Economic Council through Presidential Decree No.26/2017 with the Governor of Aceh as Chairperson, the Mayor of Lhokseumawe as Vice Chairperson I, and the Regent of North Aceh as Vice Chairperson II, the Presidential Decree specifically assigns the Aceh SEZ Council to form the composition and work procedures of the administrator who has the task of granting business licences or other permits, monitoring and controlling the operations of the Arun Lhokseumawe SEZ.

As the organiser of the development and manager of the Arun Lhokseumawe SEZ, a consortium between *PT Pertamina*, *Pupuk Iskandar Muda* (PIM), *Pelindo I*, and *Perusahaan Daerah Pembangunan Aceh* (PDPA) was formed. Some members of the consortium (PIM & PDPA) formed *PT Patriot Nusantara Aceh* (PATNA) as the Business Entity for Development and Management (BUPP).



Source: DPMPTSP Aceh, 2016

Figure 3. Organisational Structure BUPP Special Economic Zone Arun Lhokseumawe PT. Patriot Nusantara Aceh

Use of Assets and Infrastructure

Most of the assets of SEZ Arun Lhokseumawe are assets of PT Arun Natural Gas Liquefaction. the ex-PT Arun assets are still under the State Asset Management Agency abbreviated as LMAN (interview with Fathurrahman, 17 July 2018), these assets include assets of the former PT Arun NGL employee housing complex, PT Arun NGL production facilities, and other supporting facilities (djkn.kemenkeu, 2017). until now LMAN has not handed over all of these assets to BUPP PT PATNA. These asset problems occurred from the planning to the operational period of the SEZ (Syarifah, 18 Juli 2018). The assets in the Arun Lhokseumawe SEZ are used by the companies in the consortium to develop their respective business units.

Table 1. Arun Lhokseumawe SEZ Assets

No	Type Of Assets
1	Steam power plant
2	Port of Arun
3	Gas processing facility
4	PT Arun NGL former employee housing complex
5	Port of krueng geukueh

Source: Processed from various sources, 2020

SEZ Zone Design

Arun Lhokseumawe Special Economic Zone is designed for 5 zones, namely industrial zones, logistics zones, energy zones and export processing zones, and tourism zones, these zones have business plans including: Oil and gas and energy industry development, petrochemical industry, port and logistics, and agro-industry.

Table 2. Main Business Areas of SEZ Arun Lhokseumawe

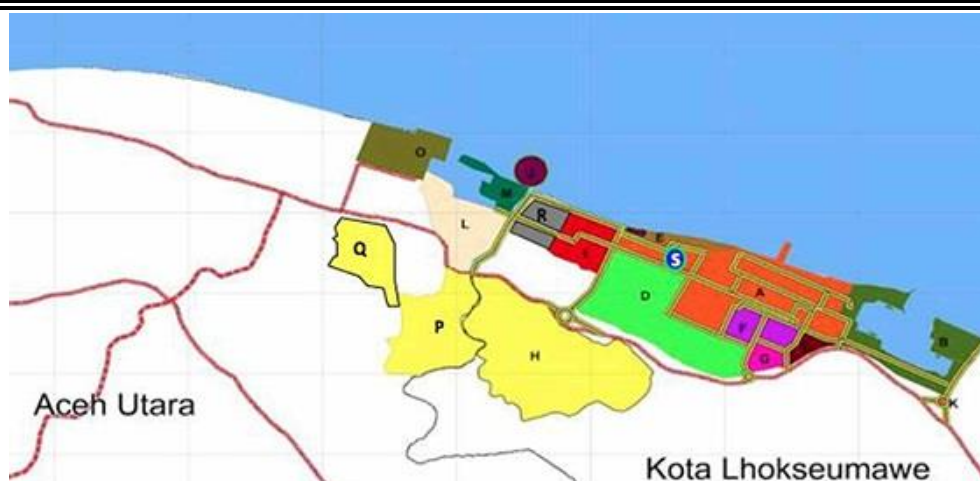
Nominator	Main Business Areas
PT Pertamina	industrial energy sector (Oil & Gas), facilities and supporting infrastructure: Regasification LNG, LNG Hub / Trading, LPG Hub / Trading, Mini LNG Plant power plant with developing environments friendly power plant or (clean energy solution provider).
Iskandar Muda Fertilizer (PIM)	a Cluster Industrial Petrochemical environmentally friendly consists of 9 (nine) new factory in the area PIM & AAF (DL), namely: Factory BPK, Fertilizer ZA, Ammonium sulfate, Sulfuric Acid, Acid Phosphate, and Purified Gypsum.
Pelindo I	the Logistics infrastructure to support inputs and outputs of oil & gas industry, petrochemical and agro industries, by upgrading infrastructure in ports and harbors international standard
Aceh Regional Development Company (PDPA)	the potential in agro industries and its derivatives as well as the development in the field of marine products.

Source: Processed from various sources, 2020

Table 3. Arun Lhokseumawe SEZ Business Plan

Problem Items	Problem Specification	Settlement Stage
Assets	The transfer of assets has not been completed	Negotiations with LAMN
Land Ownership	Uncompleted land acquisition	Negotiations with LAMN
Shareholder	Share participation of consortium members (BUPP)	Negotiations with the consortium members
incentive	income tax and customs duty deductions.	Negotiations with the Ministry of Finance

Source: Processed from various sources, 2020



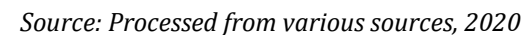
Source: Indonesia National Council for Special Economic Zones, 2020

Figure 1. Spatial Planning

DISCUSSION

Mapping of Arun SEZ Issues

The Arun SEZ problem is divided into two problems, the first related to the distribution of shares, and the second related to the distribution of assets. These problems began with the planning of the Arun SEZ, which did not involve all stakeholders, and the separation of political elites in Aceh Province. The problem became more complicated when SOEs and LMAN had high bargaining power regarding the operation of the Arun SEZ. The high bargaining power of SOEs and LMAN has weakened the Aceh Government's bargaining power. Decision-making related to the operation of the Arun SEZ involves SOEs rather than the Aceh government. What gives the Aceh government the ability to pressure the central government to give a large portion of shares to the Aceh government is the involvement of DPMPTSP Aceh as an administrator and the Aceh Development Regional Company (PDPA) as a member of the consortium. The Governor of Aceh is an actor who has a role in fighting for the majority share status for the Government of Aceh. This role was carried out by the Governor during the planning and establishment of the Arun SEZ, through lobbying to the Central Government. early planning The Aceh Government, which acted as the first proponent in the Arun SEZ proposal, will specifically get 51% of the Arun SEZ shares (Faturahman, 2016). The scheme failed when the proponent of the Arun SEZ changed to an SOE, the impact of the change in proponent, the Aceh Government received 25% of the total shares of the Arun SEZ. The governor as a pressure actor continued to lobby the central government. During the time of Governor Irwandi Yusuf, the lobbying got results, after President Joko Widodo approved an additional 21% share for the Aceh Government through the Aceh Oil and Gas Management Agency (BPMA) so that in aggregate the Aceh Government received 46% of shares in the management of the Arun Special Economic Zone (SEZ) (aceh.tribunnews.com, 2017).



The most complicated problem in the implementation of the Arun SEZ is the problem of assets. Land and asset control in the Arun Lhokseumawe Special Economic Zone (SEZ) is still under the control of the State Asset Management Agency (LMAN). investors who want to invest in the Arun SEZ area. In addition to having to take care of land use to the centre, namely to LMAN, the length of land use for investment is limited in time. Namely only given 15 years.



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Asset problems are the main obstacle to the development of Arun SEZ. There are two actors who have an important role in the Arun SEZ asset problem. The first actor is the Governor and the second actor is LMAN. The governor is the main actor of the Arun SEZ asset problem because of his role as a lobbyist. LMAN is the most powerful actor because it has high bargaining power. Legally, LMAN received delegation of authority from the Ministry of Finance to manage the former PT Arun NGL when the contract between the government and PT Arun NGL ended in 2014. The central government then revitalised the business under the umbrella of PT Perta Arun Gas (PAG), a joint venture whose business is 70% Pertamina and 30% Aceh Government, for the management of PT Arun NG assets, LMAN was appointed as the manager. Utilisation of the former PT Arun NGL can save Rp. 10 trillion compared to construction from scratch because most of the facilities are already available in the former PT Arun NGL area (aceh.tribunnews.com, 2017). Asset problems of the former PT Arun NGL occurred from the beginning of planning to the implementation of the Arun SEZ. The asset management pattern between the LMAN institution and the SEZ Area Management Agency is Business to Business (B to B), this happens because LMAN is a Public Service Agency (BLU). Asset issues become polemic when land use for investment is limited for 15 years, this decision hampers investment in KEK ARUN. LMAN has the authority to use the assets of KEK Arun including; Lease, Borrowing, Cooperation, Utilisation, Build-to-Sell, Build-Handover.

In resolving asset problematics, the Governor acts as a lobbying actor at the central and regional levels. The work mechanism of this lobbying actor is by lobbying the central government, namely (National SEZ Council, Ministry of Industry, BKPM, and Coordinating Ministry for Maritime Affairs and Investment. This actor's work pattern is through coordination meetings and working meetings on the Arun SEZ discussion, at the regional level, this actor builds a network of cooperation with local governments (Lhokseumawe City Government, North Aceh Regency Government). The asset problem has hampered the operation of the Arun SEZ. The Arun SEZ problem began to get a solution when the Governor as a lobbying can help the signing of a Memorandum of Understanding (MoU) of State Property Operational activities, between the State Asset Management Agency (LMAN) and PT Patriot Nusantara Aceh as the Arun SEZ Management and Development Business Entity (BUPP) so that it can operate after 1 year of the establishment of the Arun SEZ in 2017. In particular, the purpose of the Governor of Aceh in the Asset problem is an attempt to get the delegation of the assets of the former PT Arun NGL as a whole, this is a means of obtaining the authority to manage asset management for the purpose of attracting investment into the Arun SEZ.

Table 4. Government Stakeholder

No.	Stakeholder	Stakeholder Mapping			
		High Importance Low Influence	High Importance High Influence	Low Importance Low Influence	Low Importance High Influence
1	The Ministry of Economic Affairs (Dewan Nasional Special Economic Zone)		✓		
2	The Ministry of Industry Affairs (Kemenperin)				✓
3	State Asset Management Agency (LMAN)		✓		
4	Agency for the Assessment and Application of Technology (BPPT) & Indonesian Science Institute (LIPI)			✓	
5	The Governor of Aceh (Ketua Dewan SEZ Arun Lhoksumawe)		✓		
6	Regional Development Planning Agency (Bappeda) Province of Aceh.		✓		
7	Aceh Investment and One-Stop Integrated Service Office (DPMPTSP Aceh)		✓		
8	Aceh Industry and Trade Department		✓		
9	Government of Lhokseumawe City	✓			
10	government of North Aceh District	✓			

Source: processed from various sources, 2020

Table 5. Business Unit Stakeholders

No	Stakeholder	Stakeholder Mapping			
		High Importance Low Influence	High Importance High Influence	Low Importance Low Influence	Low Importance High Influence
1	PT Perta Arun Gas (PT Pertamina Gas)		✓		
2	Pelindo I		✓		
3	Iskandar Muda Fertilizer (PIM)		✓		
4	Regional Development Company of Aceh (PDPA)		✓		

Source: processed from various sources, 2020

CONCLUSION

Asset problems are the main obstacle to the development of Arun SEZ. There are two actors who have an important role in the Arun SEZ asset problem. The first actor is the Governor and the second actor is LMAN. The governor is the main actor of the Arun SEZ asset problem because of his role as a lobbyist. The Aceh Provincial Government and all

local governments (District/City) involved in the management of SEZ Arun have not been able to optimise smart negotiations in strengthening the capacity of SEZ Arun through the optimisation of assets owned by each stakeholder. The role of SOEs such as Pertamina has not been able to impact the business culture in SEZ Arun. The economic benefits of SEZ Arun for North Aceh, Lhoksumawe and the surrounding Aceh region have not been significant due to these internal problems. In resolving asset problematics, the Governor acts as a lobbying actor at the central and regional levels. The work mechanism of this lobbying actor is by lobbying the central government, namely (National SEZ Council, Ministry of Industry, BKPM, and Coordinating Ministry for Maritime Affairs and Investment

RECOMMENDATIONS

All stakeholders involved, both local governments, SOEs and BUMDs, must be able to build business collaboration through the development of a cooperation system that exposes the multiplayer effect that the existence of SEZ Arun is not only about Regional Original Revenue, but also employment and technology transfer through foreign investment in the mainstay sector.

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