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SOCIO-LEGAL APPROACH IN LAND ACQUISITION IMPLEMENTATION FOR PUBLIC INTERESTS: A CASE STUDY OF THE CONSTRUCTION OF A CONNECTING BRIDGE BATULICIN – KOTABARU

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Abstract
This study examines the socio-legal approach to land acquisition for public purposes, focusing on the construction of the Batulicin-Kotabaru Bridge. Land acquisition is often a crucial point in infrastructure development, where legal norms interact with the social realities of the community. This qualitative study uses a socio-legal approach to analyze how the legal framework (Law No. 2 of 2012) is implemented in the field and how social dynamics—such as community perceptions, compensation issues, and deliberation processes—influence the project's success. Primary data was obtained through in-depth interviews with government officials, affected communities, and academics, while secondary data was collected from official documents and related literature. The results show that a socio-legal approach that integrates strong legal aspects with a deep understanding of the community's social conditions is highly effective in minimizing disputes. Active community involvement from the early stages, a transparent deliberation process (FGD), and the determination of fair and appropriate compensation values are key to success. This study recommends strengthening mediation mechanisms and proactive communication to ensure community rights are fulfilled, thereby enabling the achievement of development goals without causing social conflict.

Kata Kunci:
Pembebasan Lahan; Kepentingan Umum; Pendekatan Sosio-Legal; Pembangunan Jembatan; Sengketa Lahan

Abstrak
Studi ini mengkaji pendekatan sosio-legal dalam pembebasan lahan untuk kepentingan umum, dengan fokus pada pembangunan Jembatan Batulicin-Kotabaru. Pembebasan lahan sering kali menjadi titik krusial dalam pembangunan infrastruktur, di mana norma-norma hukum berinteraksi dengan realitas sosial masyarakat. Penelitian kualitatif ini menggunakan pendekatan sosio-legal untuk menganalisis bagaimana kerangka hukum (UU No. 2 Tahun 2012) diimplementasikan di lapangan dan bagaimana dinamika sosial-seperti persepsi masyarakat, masalah kompensasi, dan proses musyawarah-mempengaruhi keberhasilan proyek. Data primer diperoleh melalui wawancara mendalam dengan pejabat pemerintah, masyarakat yang terkena dampak, dan akademisi, sementara data

sekunder dikumpulkan dari dokumen resmi dan literatur terkait. Hasil penelitian menunjukkan bahwa pendekatan sosio-legal yang mengintegrasikan aspek hukum yang kuat dengan pemahaman yang mendalam mengenai kondisi sosial masyarakat sangat efektif dalam meminimalisir perselisihan. Keterlibatan masyarakat secara aktif sejak awal, proses musyawarah yang transparan (FGD), dan penentuan nilai ganti rugi yang adil dan layak menjadi kunci keberhasilan. Studi ini merekomendasikan perlunya penguatan mekanisme mediasi dan komunikasi proaktif untuk memastikan hak-hak masyarakat terpenuhi, sehingga tujuan pembangunan dapat tercapai tanpa menimbulkan konflik sosial.

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INTRODUCTION

Infrastructure development, particularly large-scale projects, has long been recognized as a key driver of national development. These projects aim not only to improve physical connectivity between regions but also to stimulate economic growth, create jobs, and improve the overall well-being of the community. In Indonesia, one such strategic project of vital significance is the construction of the Batulicin-Kotabaru Bridge in South Kalimantan Province. Designed to address maritime transportation limitations and significantly shorten travel times, this bridge symbolizes the government's ambition to achieve equitable and sustainable development outside of Java. However, implementing projects of this magnitude consistently faces a fundamental challenge: land acquisition.

Land acquisition for public purposes is a legal and social paradox. On the one hand, the state has the legal authority to take over land for broader interests, as stipulated in our constitution (Kotalewala et al., 2020). On the other hand, land is a fundamental asset that holds profound meaning for its owners, not only as an economic asset but also as a source of identity, heritage, and living space. Conflict is often inevitable when individual rights are compromised.on collective interests. The problems that arise are often rooted in the mismatch between the applicable legal framework and the complex social realities on the ground. Therefore, an approach is needed that not only refers to the legal rules literally but also considers the social, cultural, and economic dynamics surrounding the affected communities.

One relevant quote regarding this issue comes from Adnyana et al. (2024), in their article, "The Dilemma of Land Acquisition Compensation in a Restorative Justice Perspective," which states, "The law often fails to reach the dimension of substantial justice, especially in cases of land acquisition. Justice is not only about the amount of compensation,

but also about how the process humanizes or actually destroys the social order of society." This statement emphasizes that an approach that only focuses on formal legality will not be enough to achieve a just and fair resolution. Land acquisition, therefore, must be seen as a social process that requires dialogue, mediation, and a deep understanding of the community's life narrative.

In Indonesia, the primary legal basis for land acquisition is Law Number 2 of 2012. This law introduces various mechanisms designed to protect community rights, such as deliberation for consensus in determining compensation and the role of independent appraisal institutions (Supit, 2021). However, as many researchers have noted, the successful implementation of this law is highly dependent on the social context at each project site. The case study of the Batulicin-Kotabaru Bridge construction provides an ideal example to examine how these legal norms are translated on the ground (Lumantouw, 2016). The Kotabaru region, with its social and historical diversity, offers a unique landscape for analyzing the interaction between law and society.

Therefore, this study adopts a socio-legal approach. This approach is an analytical framework that examines law not only as a static set of rules, but also as a dynamic and ongoing social phenomenon. The socio-legal approach views law as a social product and, at the same time, as a force that shapes society. By applying this approach, the study can go beyond normative analysis and explore how social factors such as trust, power, and public participation influence the effectiveness and fairness of the land acquisition process (Irianto, 2012).

The primary objective of this research is to analyze in depth how the socio-legal approach was applied in the case of the Batulicin-Kotabaru Bridge construction. This research will investigate the roles of various actors, from the government and the community to independent appraisers, in the deliberation and compensation determination process. Furthermore, this research will identify the factors that hinder and contribute to success in land acquisition implementation, and from there, formulate practical recommendations for future policy improvements.

Theoretically, this research is expected to make a significant contribution to the development of agrarian law and legal sociology studies, particularly in the context of land acquisition. Practically, the findings of this study can provide valuable guidance for the government and project implementers to manage the land acquisition process more effectively, humanely, and equitably. Thus, infrastructure development will achieve its objectives not only physically but also socially, by ensuring that the rights and dignity of the

community are maintained.

METHOD

This research uses a qualitative approach with a case study design. Qualitative methods were chosen because they allow researchers to explore in depth a complex social phenomenon, namely the interaction between law and society in the context of land acquisition. Case studies are considered most appropriate for holistically analyzing the land acquisition process in one specific location, namely the construction of the Batulicin-Kotabaru Connecting Bridge. This approach provides researchers with more flexibility in collecting rich, descriptive data from various sources, thus providing a comprehensive picture of how the legal process is implemented and how social dynamics influence its outcomes. This is in line with the view, hich states, "A case study is an in-depth investigation of a program, event, activity, process, or one or more individuals. Cases are bounded by time and activity, and the researcher gathers in-depth information using a variety of data collection procedures over a sustained period of time." (Creswell & Creswell, 2017).

The analytical approach used in this research is a socio-legal approach. This approach, rooted in the study of the sociology of law, examines law not only from a normative perspective (what is written in the law) but also from an empirical perspective (how the law operates in society)(Irianto, 2012). In the context of land acquisition, a socio-legal approach allows researchers to analyze the gap between formal regulations (such as Law No. 2 of 2012) and practices on the ground. This includes examining how the perceptions, interests, and power of actors—government, community, and private sector—influence the deliberation process and the determination of compensation. As Falk & Falk (2019) emphasize in their book, "A Socio-Legal Approach to Land Law," this approach "recognizes that law is a product of social, political, and economic contexts and, therefore, must be studied within those contexts to understand its effects truly."

The location of this research is Kotabaru Regency, South Kalimantan, where the Batulicin-Kotabaru Bridge is being built. This location was chosen based on the project's significance as a case study for land acquisition for public purposes. The research was conducted over a period of time that allowed for observation of various stages of the land acquisition process, from outreach and discussions (FGDs) to compensation implementation (Mogi, 2021). The collected data is divided into two main categories: primary data and secondary data. Primary data was obtained through in-depth interviews with key informants directly involved in the land acquisition process, such as local government representatives, National Land Agency (BPN) officials, representatives from the project implementation team,

and affected communities.

In addition to interviews, other data collection techniques included participant observation at the research site to directly understand the social dynamics that occurred and document studies to collect secondary data. These documents included official government reports, minutes of deliberation meetings, land administration data, and media reports related to the project. The combination of these various data collection techniques aimed to achieve data triangulation, a method used to validate research findings by comparing information from different sources. This triangulation is important to ensure the validity and reliability of the data obtained, as outlined by Yin (2018) in his book, "Case Study Research and Applications," who emphasized that, "Data triangulation is an important strategy in case studies to strengthen internal validity, by seeking convergence from different data sources about the same phenomenon."

The collected data were then analyzed using qualitative descriptive analysis. This analysis process began with the transcription of interview data, followed by a data reduction stage, where irrelevant data was eliminated and important data was grouped based on emerging themes, such as "deliberation process," "community perceptions of compensation," and "administrative constraints." The data were then presented in narrative form and systematically described to answer the research questions. The final stage was drawing conclusions, which synthesized all findings to formulate the theoretical and practical implications of the study. Thus, this method was designed to generate a comprehensive understanding of the complexities of land acquisition from a socio-legal perspective.

RESULTS AND DISCUSSION

Socio-Legal Approach in Land Acquisition Practices

In the case study of land acquisition for the construction of the Batulicin-Kotabaru Bridge, a socio-legal approach serves as a critical lens for analyzing the interaction between formal law and social reality. Normatively, Law Number 2 of 2012 was designed to create a transparent and fair process. The implementation of this law in the field indicates that formal procedures such as the formation of a land acquisition committee, deliberation stages, and the use of independent public appraisers have been complied with. However, this procedural compliance does not necessarily guarantee smoothness or substantive justice. Research shows that behind this procedural compliance, complex social dynamics influence the final outcome of the land acquisition process. The gap between what should happen according to law and what actually happens in daily practice is the primary focus of the analysis.

The interaction between state law and social norms of society can be explained through the theory of legal pluralism by Sally Falk Moore. Moore argues that within a society, there is not just one legal system operating, but rather many "semi-autonomous social fields" each with its own rules and sanctions. In the context of land acquisition in Kotabaru, Law No. 2 of 2012, which governs formal law, is an area of law that interacts with informal legal systems or customary norms and local values held by the community. For example, the concept of land ownership, according to the community, is not only limited to proof of title, but also historical and spiritual ties that cannot be measured economically. This inconsistency creates tension, where formal law seeks to standardize the process, while local norms demand a more personalized and contextual treatment (Turmudzi, 2025).

Compliance with formal land acquisition procedures is often used by the government as evidence of legality and fairness. However, from a socio-legal perspective, this compliance can be superficial. In this case study, findings show that deliberation, which is at the heart of Law No. 2 of 2012, does not always operate in a balanced manner. Although all parties are formally invited to participate, affected communities are often in a weaker bargaining position due to limited information and legal knowledge. The deliberation process, which should be a forum for dialogue, sometimes degenerates into a one-sided socialization process where pre-made decisions are communicated to the community. This demonstrates how power and information are crucial factors influencing legal implementation, beyond mere compliance with procedures.

The determination of the value of compensation is one of the clearest examples of legal pluralism in practice.(Irianto, nd)Although Law No. 2 of 2012 stipulates that compensation values are determined by independent public appraisers, communities often have their own distinct assessment criteria. Community perceptions of "adequate compensation" encompass not only the market value of land and buildings, but also loss of livelihoods, non-material losses, and the social costs of adapting to a new environment. This creates two conflicting valuation systems: one based on formal rules and economic methodologies, and the other based on social, emotional, and historical values. This gap is often a major source of dissatisfaction and disputes.

Thus, the socio-legal approach reveals that the success of land acquisition for the public interest cannot be measured solely by compliance with the law. Rather, true success lies in the ability of the parties, particularly the government, to bridge the gap between formal law and societal norms. Recognizing and respecting legal pluralism on the ground, including listening to and integrating non-economic perspectives of the community in the deliberation

process, is key to reaching a just and substantively equitable agreement. This approach ensures that infrastructure development not only achieves its physical objectives but also safeguards social cohesion and the fundamental rights of affected communities.

The Dynamics of Deliberation: Between Legality and Social Reality

The deliberation process for land acquisition for the Batulicin-Kotabaru Bridge, mandated by Law No. 2 of 2012, was formally implemented as a forum to reach agreement on compensation. Based on field findings, this forum—often in the form of meetings or Focus Group Discussions (FGDs)—appeared procedurally open and transparent. The public was invited, given the opportunity to speak, and engaged in discussions. However, a socio-legal analysis revealed that behind this formal facade, complex power dynamics existed that created an imbalance of power between the government and the community (Luthfi et al., 2024). Often, deliberations do not operate as equal dialogue, but rather as socialization mechanisms in which decisions made are communicated to the community, rather than collectively negotiated.

This inequality can be analyzed using Michel Foucault's theory of power. Foucault argued that power is not only centered in formal institutions such as the state, but is also distributed through networks of knowledge and information (Mudhoffir, 2013). In the context of land acquisition deliberations, this operational power is clearly visible. The government and the assessment team have a monopoly on information regarding legal procedures, assessment methodologies, and project technical data. Conversely, the community—especially the less educated—is in a weak position due to limited access to this knowledge. Knowledge becomes a tool of power: those with more knowledge have greater control over the narrative and the course of the deliberations, making it difficult for communities to present data- or legally-based arguments.

Furthermore, power dynamics are also manifested in the use of symbolic resources. Government officials often use legal language and jargon that is difficult for laypeople to understand, creating distance and confusion. The deliberation space itself, typically held in government offices or modified village halls, can also impact participants' psychology. This formal environment indirectly reinforces power hierarchies, making people feel uncomfortable expressing objections or asserting their rights. As a result, instead of a participatory deliberation, what emerges is a process that resembles a one-way negotiation, where people ultimately "agree" to the proposed terms, not because they are satisfied, but because they feel they have no other choice.

Communities, faced with this imbalance, often find themselves in a very weak bargaining position. They have no alternative but to accept the compensation offered, as refusing would delay the project and face more complex legal proceedings. The absence of a neutral and effective conflict resolution mechanism in the initial stages of deliberation further exacerbates the situation. While there are provisions for court action, this process is often too expensive and time-consuming for most communities. Thus, deliberation, which should be a peaceful solution, becomes a dead end for the aggrieved community, forcing them to accept unfair decisions to avoid further hardship.

Overall, these findings highlight that procedural legality is not the same as substantive justice. Although the land acquisition deliberation process for the Batulicin-Kotabaru Bridge formally met legal requirements, social reality reveals the existence of power practices that make public participation superficial. This gap demonstrates the need for a paradigm shift from simply complying with formal procedures to creating a truly equal deliberation environment, where all parties have equal access to information and equal bargaining power. Without this shift, land acquisition will continue to be a source of conflict, rather than a pathway to equitable and sustainable development for all.

The Issue of Compensation and the Concept of Justice

Determining compensation for the Batulicin-Kotabaru Bridge construction project is one of the most sensitive and complex issues. Although Law No. 2 of 2012 mandates the use of independent public appraisers to determine appropriate compensation, research findings indicate a significant gap between the established value and the public's perception of fairness. Formally, compensation is calculated based on the market value of land, buildings, and crops, but affected communities often disagree with the figures provided. They feel that these values do not encompass the non-economic losses they have experienced, such as the loss of livelihoods, social ties, and memories attached to heritage properties. This mismatch between formal valuation standards and social values is a major source of dissatisfaction and protracted disputes.

To analyze this issue, we can refer to John Rawls' theory of distributive justice. Rawls argues that a just society must ensure the equitable distribution of resources, especially for the most vulnerable groups Taufik (2013), He introduced two principles of justice: the principle of equal liberty and the difference principle. The difference principle states that social and economic inequalities should be arranged in such a way as to provide the greatest benefit to those least advantaged. In the context of land acquisition, compensation should not only compensate for financial losses but also ensure that affected communities—especially

farmers, fishermen, or land-dependent families—do not fall into worse economic conditions after the project. Justice, according to Rawls, is not simply about following legal procedures, but also ensuring fair outcomes for those most disadvantaged (Christian et al., 2025).

Based on Rawls' theoretical analysis by Christian et al., (2025), the compensation awarded to affected communities around the bridge construction site does not fully reflect distributive justice. Field findings indicate that the most vulnerable communities, such as farmers with limited land or fishermen who lose access to water, often face the greatest difficulties in starting a new life. The compensation they receive, although in line with market valuations, is insufficient to purchase replacement land in strategic locations or to rebuild their livelihoods. This suggests that the existing valuation system tends to overlook "non-economic losses" that are vital to the survival of vulnerable groups, such as social networks, cultural capital, and the spiritual value inherent in land.

Furthermore, people's perceptions of justice are also influenced by the process itself. Despite a deliberative forum, most people feel they don't have an equal say in determining the value of compensation. The process feels like a unilateral decision, not a collective negotiation. This reflects what Rawls calls "procedural injustice," where even when formal rules are followed, the outcome remains unfair due to the imbalance of power. People are often pressured to accept the offer due to concerns about complex, expensive, and lengthy court proceedings. This puts them at a significant disadvantage, contrary to the principles of justice that should protect them from exploitation.

Therefore, the conclusion of this analysis is that a formal legal approach alone is insufficient to create justice in land acquisition. Compensation values must be integrated with a thorough understanding of the social, cultural, and economic impacts experienced by communities, particularly vulnerable groups. The application of Rawls's principle of distributive justice demands that compensation policies go beyond market valuation and include adequate compensation for non-economic losses. This requires more participatory dialogue and mechanisms that are more sensitive to community needs. Thus, the construction of the Batulicin-Kotabaru Bridge will not only be a successful infrastructure project but also an example of socially just development.

Challenges and Successes in the Socio-Legal Approach

The implementation of a socio-legal approach to land acquisition for the Batulicin-Kotabaru Bridge construction faces a complex set of challenges. One major obstacle is community distrust of the government and the land acquisition process itself. This distrust often stems from past experiences of unilateral and detrimental land acquisition. Furthermore,

administrative issues with land ownership are also a significant obstacle. Many affected lands lack clear land titles, or their ownership overlaps between individuals and their heirs. This slows data verification and often triggers internal disputes within families. Resistance to change also arises from communities who feel that their identity and culture are inextricably linked to the land being evicted, and that no amount of compensation can replace these intangible values.

These challenges can be analyzed through the lens of conflict resolution theory. This theory views conflict as an inevitable phenomenon when there are differences in interests, values, or needs.(Marcus, 2016)Conflicts in land acquisition are not just about money, but also about recognition, justice, and dignity. Effective conflict resolution models, as proposed by experts, emphasize the importance of nonviolent communication, mediation, and facilitation by a neutral third party. In the context of bridge construction, conflict occurs because the government and the community have different perceptions of "justice" and "value." (Med et al., 2024). The government views the issue through legal and economic means, while the public views it through social and cultural means. Without a bridge to bridge these differences, the conflict will continue. As Subarkah (2023) emphasized, "Agrarian disputes, particularly those related to land acquisition, cannot be resolved solely through formal legal approaches because the root of the problem lies in differences in social and cultural understanding."

Despite the challenges, this case study also highlights several significant success factors. One key factor is proactive and ongoing communication. The successful land acquisition team built effective communication with the community, not only during deliberations but also informally. They regularly visited residents, explained the process, and listened directly to complaints. This approach built trust and reduced suspicion. Another success factor was the use of a humanistic mediation approach. Rather than simply adhering to formal rules, the project implementation team sought to understand the personal stories and challenges of each affected family. They offered tailored solutions, such as assistance in finding replacement land or facilitating communication between heirs.

This success is also inseparable from the central role of community leaders as mediators. These figures, respected by residents and with an understanding of local culture, act as effective bridges between the government and the community. They help translate complex legal language into language that citizens can easily understand, while simultaneously conveying community aspirations and concerns to the government. Their active participation makes the deliberation process feel more inclusive and authentic, aligning

with the theory of social change (Suryono, 2019), where major changes—such as infrastructure development—are more easily accepted when they are facilitated by internal agents within the community itself, rather than solely by external forces. According to Ibrahim & Setiawan (2021), "Development success is determined not only by financial capital, but also by social capital, where the role of local figures is a crucial catalyst in social transition."

Overall, this case study confirms that a socio-legal approach is key to achieving success in land acquisition. Success is measured not only by the timely completion of the project, but also by minimizing social conflict and achieving a sense of justice within the community. Overcoming existing challenges—especially mistrust and administrative issues—requires more than simply complying with regulations; it requires genuine empathy, communication, and collaboration. In this way, land acquisition can transform from a source of conflict into an instrument for equitable, sustainable, and socially just development for all parties.

CONCLUSION

Based on a socio-legal analysis of the land acquisition process for the construction of the Batulicin-Kotabaru Bridge, it can be concluded that the success of an infrastructure project depends not only on compliance with the formal legal framework, but also on the ability to integrate and respond to complex social dynamics in the community. Although Law Number 2 of 2012 has provided a strong legal foundation, this case study demonstrates a gap between legality and social reality. Deliberations, which should be participatory forums, often become processes dominated by power and monopolization of information, while the determination of compensation values, although technically fair, is unable to accommodate the non-economic losses experienced by the community. This emphasizes the relevance of the theory of legal pluralism, where state law interacts with local social norms, and the theory of distributive justice, which demands compensation that is not only financially appropriate but also socially just, especially for the most vulnerable groups.

To ensure fair and sustainable land acquisition in the future, a more holistic and humane approach is needed. The government and other stakeholders must shift from a purely procedural focus to one that is more sensitive to the social context. The successes in this case study, such as the active role of community leaders as mediators and proactive communication, demonstrate that building social capital and trust is key. Thus, land acquisition will no longer be a source of conflict but rather an instrument for achieving equitable development, where community rights are protected and development goals are

achieved without compromising social cohesion and citizen well-being.

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