

Civil Society and Access to Justice in Agrarian Conflict: The Role of Legal Aid Institutions (LBH) in the Sukahaji Case, Bandung City

Aji Rahmatullah ^{1*}; Najwa Auliya Syarifah ²; Muradi ³

^{1,2,3} University of Padjajaran, Bandung, Indonesia

*Correspondence : aji23001@mail.unpad.ac.id

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ABSTRACT

This study examines the role of the Bandung Legal Aid Institute (LBH Bandung) as a civil society actor in addressing the Sukahaji agrarian conflict in Bandung City, Indonesia. The research aims to analyze how legal aid institutions contribute to access to justice and democratic accountability within the context of structural land disputes. Employing a qualitative case study approach, data were collected through in-depth interviews with LBH Bandung and supported by document analysis. The analysis is guided by the framework of Corrothers and Suryatna, which conceptualizes the roles of civil society organizations in catalyzing systemic change, monitoring state governance, facilitating reconciliation between citizens and judicial institutions, and implementing service programs. The findings reveal that LBH Bandung performs a multidimensional role that extends beyond conventional legal representation. Through a combination of litigation and non-litigation strategies, LBH Bandung frames the Sukahaji case as a structural agrarian injustice, strengthens community legal awareness, and pressures state institutions to uphold principles of transparency, accountability, and legal certainty. In addition, service-oriented programs such as critical legal education, campaign training, and the Legal Aid Training Program (Kalabahu) demonstrate a long-term orientation toward community empowerment and sustainability. This study contributes to the literature on civil society and legal aid by demonstrating how legal aid institutions operate simultaneously as access-to-justice mechanisms and democratic actors within agrarian conflicts. The findings highlight the importance of civil society in balancing state power and protecting the rights of marginalized communities in Indonesia's democratic and legal landscape.

Keywords

Civil society, Legal aid institutions, Agrarian conflict, Access to justice, Legal advocacy.

Introduction

Civil society has become one of the central actors in the dynamics of modern democratic governance. In various academic traditions, civil society is understood as a sphere outside the formal apparatus of the state that encompasses religious organizations, mass-based organizations, professional associations, and non-governmental organizations (NGOs) that operate independently from government control (Mahardhani, 2020). Within democratic systems, civil society plays a strategic role as a countervailing force to state power, functioning both as a watchdog and a critical partner in the formulation and implementation of public policies (Putri & Riwanto, 2023; Rofin et al., 2023). In constitutional states, this role becomes particularly important as civil society organizations contribute to safeguarding public interests, promoting accountability, and strengthening democratic norms.

In Indonesia, the relevance of civil society is closely linked to the constitutional guarantee of access to justice. Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia affirms that every citizen has the right to legal protection, fair treatment, and legal certainty, including the right to legal aid. However, despite this normative guarantee, significant gaps persist in the realization of access to justice, particularly for economically disadvantaged groups, individuals with limited legal knowledge, and communities occupying marginalized social positions (Pos et al., 2025). These structural inequalities have long prevented vulnerable populations from effectively engaging with legal institutions and asserting their rights, both in litigation and non-litigation contexts (Nurul Azmi & Ubaidillah, 2024).

The issue of legal aid is therefore not merely technical, but deeply political and structural. Legal aid institutions emerged in Indonesia as part of a broader movement to challenge unequal power relations within the legal system and to ensure that justice is not reserved exclusively for those with economic or political capital. Legal aid movements were also shaped by responses to widespread human rights violations, including violence, discrimination, and arbitrary detention, positioning legal aid organizations as crucial actors in the consolidation of democracy and the protection of human rights (Nikhio et al., 2023). In democratic societies, equal access to legal protection constitutes a fundamental condition for the rule of law, and legal aid institutions play a vital role in monitoring the performance of judicial institutions and promoting transparency and accountability (Review, 2022).

One of the most prominent legal aid actors in Indonesia is the Indonesian Legal Aid Foundation (Yayasan Lembaga Bantuan Hukum Indonesia/YLBHI), a non-governmental organization established to promote law enforcement, democracy, and social justice. YLBHI and its regional branches consistently advocate for the rights of marginalized communities and challenge legal frameworks that are shaped by compromises with capital interests rather than public aspirations (Review, 2022). As part of this network, the Bandung Legal Aid Institute (LBH Bandung) operates in

West Java and has been actively involved in various structural cases, including labor disputes, environmental conflicts, and agrarian issues.

Agrarian conflict represents one of the most persistent and complex challenges in Indonesia's legal and governance landscape. Land disputes often involve overlapping claims, administrative irregularities, and power asymmetries between communities, private corporations, and state institutions. The Sukahaji land dispute in Bandung City exemplifies these dynamics. Residents who have occupied and utilized the land since the mid-1980s face competing claims from private actors holding land certificates issued by the National Land Agency (BPN), despite inconsistencies in administrative records and long-standing social control of the land. The conflict has escalated into criminalization, intimidation, and violence against residents, highlighting the vulnerability of marginalized communities within formal legal processes (Ridwansyah, n.d.; Muharam, 2025).

In this context, the involvement of LBH Bandung in the Sukahaji case illustrates the multifaceted role of civil society in agrarian conflicts. Drawing on the framework proposed by Corrothers and Suryatna (as cited in Gaffar, 2006), NGOs can perform four key roles: catalyzing systemic change, monitoring state governance, facilitating reconciliation between citizens and judicial institutions, and implementing service programs. While previous studies have extensively discussed legal aid as a mechanism for providing legal representation and improving access to justice, limited attention has been paid to how legal aid institutions simultaneously function as agents of systemic change and democratic accountability in agrarian conflicts, particularly at the local level.

This study addresses this gap by examining the role of LBH Bandung in the Sukahaji agrarian conflict through the analytical lens of Corrothers and Suryatna's framework. By focusing on how LBH Bandung combines litigation, non-litigation advocacy, legal education, and policy monitoring, this research seeks to contribute to a deeper understanding of civil society's role in balancing state power and protecting the rights of marginalized communities in Indonesia's democratic and legal landscape.

Method

This study employs a qualitative case study approach to examine the role of civil society, specifically the Bandung Legal Aid Institute (LBH Bandung), in addressing the Sukahaji agrarian conflict in Bandung City. A qualitative design was selected because it enables an in-depth exploration of social processes, power relations, and institutional practices that shape access to justice in complex legal and political contexts. The case study approach is particularly suitable for capturing the dynamics of a specific, context-bound phenomenon and for generating analytical insights into how legal aid institutions function as agents of systemic change, democratic accountability, and community empowerment.

The Sukahaji agrarian conflict was chosen as an instrumental case because it reflects broader structural problems in land governance, legal uncertainty, and the marginalization of vulnerable communities in Indonesia. By focusing on this case, the study seeks to understand not only the legal dimensions of the conflict, but also the strategic roles played by civil society actors in mediating relations between citizens and state institutions.

The research was conducted in Bandung City, West Java, with a specific focus on advocacy, campaigning, and networking activities carried out by LBH Bandung. Bandung was selected as the research site due to the active and sustained involvement of LBH Bandung in handling structural legal cases, particularly agrarian conflicts with significant social and political implications. The Sukahaji case represents one of the most prominent agrarian disputes in the city, involving prolonged land occupation by residents, competing claims by private actors, and contested administrative decisions by state institutions.

Participants in this study were selected using a purposive sampling technique, which is commonly applied in qualitative research to identify information-rich cases and informants who possess direct knowledge of the research phenomenon. Informants were chosen based on their institutional roles, involvement in the Sukahaji case, and capacity to provide in-depth insights into LBH Bandung's advocacy strategies.

The primary key informant was the Head of the Network and Campaign Division of LBH Bandung, who was directly involved in litigation, non-litigation advocacy, and community empowerment activities related to the Sukahaji case. This selection was based on the informant's comprehensive understanding of both the legal and strategic dimensions of LBH Bandung's intervention. The study prioritized depth of information and analytical relevance over the number of participants, consistent with qualitative case study principles.

Data were collected through in-depth semi-structured interviews and document analysis. Interviews were conducted to explore LBH Bandung's perspectives on the Sukahaji conflict, advocacy strategies, interactions with state institutions, and interpretations of their role as a civil society actor. Semi-structured interview guidelines were used to ensure consistency across interviews while allowing flexibility for probing emerging themes and clarifying complex issues.

In addition to interviews, the study utilized supporting documentation, including internal organizational reports, advocacy statements, case-related correspondence with state institutions, research permits, and photographic documentation obtained during the research process. Document analysis served to triangulate interview data and to contextualize LBH Bandung's actions within broader legal and institutional frameworks.

All interviews were recorded with the consent of participants and transcribed verbatim. Data were systematically organized and managed to facilitate rigorous

analysis. Data analysis was conducted using a thematic analysis approach. The analytical process involved several stages: initial familiarization with the data, open coding to identify recurring patterns and concepts, categorization of codes into broader themes, and interpretation of themes in relation to the research objectives and theoretical framework. The analysis was guided by the conceptual framework proposed by Corrothers and Suryatna, focusing on four analytical dimensions: catalyzing systemic change, monitoring state governance, facilitating reconciliation between citizens and judicial institutions, and implementing service programs. This analytical strategy enabled the study to move beyond descriptive accounts of LBH Bandung's activities toward a more interpretative understanding of how legal aid institutions operate as civil society actors within agrarian conflicts.

To ensure the rigor and credibility of the findings, several strategies were employed. Data triangulation was achieved by comparing interview data with documentary sources. Researcher reflexivity was maintained throughout the research process to acknowledge potential biases and to ensure that interpretations remained grounded in empirical data. The use of direct quotations and detailed contextual descriptions further enhances the transparency and trustworthiness of the analysis

Result and Discussion

1. Catalyzing Systemic Change through Strategic Legal Advocacy

The findings indicate that LBH Bandung plays a significant role in catalyzing systemic change by framing the Sukahaji agrarian conflict as a structural and strategic legal issue rather than an isolated land dispute. LBH Bandung interprets the conflict as part of broader patterns of agrarian injustice characterized by overlapping land certificates, administrative irregularities, and the marginalization of long-settled communities.

In this context, LBH Bandung does not limit its intervention to courtroom litigation. Instead, legal advocacy is combined with non-litigation strategies, including public campaigns, policy-oriented statements, and issue framing aimed at generating wider public awareness. These actions seek to reposition the Sukahaji case within a larger discourse on human rights violations and structural inequality in land governance.

Furthermore, LBH Bandung actively engages in legal empowerment and critical legal education for affected residents. Through community discussions and advocacy-oriented education, residents are encouraged to understand their legal position, articulate collective demands, and participate in advocacy processes. This approach reflects an orientation toward long-term systemic change by strengthening legal literacy and community agency beyond the immediate resolution of the case.

2. Monitoring State Institutions and Administrative Accountability

Another prominent finding concerns LBH Bandung's role in monitoring the implementation of state governance throughout the Sukahaji conflict. The data show that LBH Bandung consistently oversees the actions of state institutions, particularly those related to land administration and law enforcement.

LBH Bandung formally communicated with relevant agencies, including the National Land Agency (ATR/BPN) and local administrative offices, to request clarification regarding land status, certification history, and administrative procedures. These monitoring activities were not merely reactive, but constituted an ongoing effort to ensure that state institutions operated in accordance with principles of legal certainty, transparency, and accountability.

The findings also reveal that LBH Bandung applied institutional pressure when state actors appeared unresponsive or evasive. Through documentation, public statements, and continued advocacy, LBH Bandung sought to expose inconsistencies in administrative practices and to challenge opaque decision-making processes. This monitoring role positioned LBH Bandung as a watchdog actor that actively scrutinizes the exercise of state power in agrarian governance.

3. Facilitating Access to Justice and Reconciliation with Judicial Institutions

The study finds that LBH Bandung plays a crucial role in **facilitating access to justice** by bridging the gap between marginalized communities and judicial institutions. Many Sukahaji residents initially experienced fear, uncertainty, and limited understanding of legal procedures, particularly in the face of criminalization and civil litigation.

LBH Bandung provided comprehensive legal assistance through both civil and criminal legal processes. In the civil domain, LBH assisted residents in challenging land ownership claims, seeking protection against eviction, and contesting the validity of land certificates. In the criminal domain, LBH represented residents who were subjected to arrest, detention, and prosecution, including efforts to seek suspension of detention and to prepare legal defenses.

Beyond procedural representation, the findings highlight that LBH Bandung contributes to a broader process of legal reconciliation by restoring community confidence in legal institutions. Through continuous accompaniment and explanation of legal processes, residents became more willing to engage with judicial mechanisms and to assert their rights. This facilitative role extends the meaning of justice beyond procedural compliance toward substantive fairness.

4. Implementing Service Programs for Community Empowerment and Sustainability

The final theme concerns LBH Bandung's role in implementing service-oriented programs aimed at long-term community empowerment. The findings show that LBH Bandung views legal aid not solely as case handling, but as part of a sustained process of capacity building and knowledge regeneration.

Key initiatives include critical legal education programs, campaign training for affected communities, and the Legal Aid Training Program (Kalabahu). These programs are designed to equip participants with analytical, advocacy, and practical legal skills rooted in human rights principles. The Kalabahu program, in particular, integrates theoretical learning with experiential engagement through live-in activities and direct involvement in advocacy work.

These service programs reflect an institutional commitment to sustainability, emphasizing that the resolution of legal cases should be accompanied by the development of community resilience and participatory legal awareness. As such, LBH Bandung positions communities not as passive beneficiaries of legal aid, but as active agents in ongoing struggles for justice.

Overall, the findings demonstrate that LBH Bandung performs a multidimensional role in the Sukahaji agrarian conflict. Its interventions extend beyond legal representation to include systemic advocacy, institutional monitoring, facilitation of access to justice, and community empowerment. These thematic findings provide the empirical foundation for the subsequent discussion, which will examine how LBH Bandung's practices align with and extend existing theories of civil society, legal aid, and democratic governance.

This study demonstrates that the role of the Bandung Legal Aid Institute (LBH Bandung) in the Sukahaji agrarian conflict extends beyond conventional legal representation, positioning the institution as a key civil society actor within Indonesia's democratic and legal landscape. The findings corroborate existing scholarship that emphasizes civil society organizations as counterbalances to state power and as critical agents in promoting accountability and access to justice (Mahardhani, 2020; Putri & Riwanto, 2023; Rofin et al., 2023). However, this study advances the literature by illustrating how legal aid institutions operationalize these roles simultaneously at the levels of litigation, policy advocacy, and community empowerment within a single agrarian conflict.

The findings related to LBH Bandung's role in catalyzing systemic change align with studies that conceptualize legal aid institutions as agents of structural transformation rather than merely service providers (Nikhio et al., 2023; Review, 2022). By framing the Sukahaji conflict as a structural agrarian issue rooted in administrative irregularities and power asymmetries, LBH Bandung reflects what Gaffar (2006) describes, through Corrothers and Suryatna's framework, as the catalytic function of NGOs in democratic systems. This approach challenges the dominant perception of legal aid as reactive and case-bound, instead highlighting its proactive engagement in shaping public discourse and policy orientations.

Unlike previous research that largely focuses on legal aid as a mechanism to improve procedural access to justice (Firmansyah et al., 2022; Safitri et al., 2023), this study shows that LBH Bandung integrates litigation with non-litigation advocacy, legal education, and issue framing. This integration reinforces the argument that civil

society organizations can influence systemic change by transforming individual legal disputes into platforms for broader social critique and institutional reform.

The monitoring role performed by LBH Bandung reflects core principles of civil society engagement in democratic governance, particularly the function of overseeing state institutions to ensure transparency and accountability. Consistent with studies on state responsibility in legal aid provision (Putri & Riwanto, 2023; Maemanah, 2024), LBH Bandung's actions illustrate how civil society actors compensate for institutional weaknesses within the state apparatus. The engagement with ATR/BPN and local administrative bodies demonstrates a practical application of the principles of legal certainty, transparency, and accountability as outlined in Law Number 28 of 1999.

This finding also resonates with broader critiques of land governance in Indonesia, where administrative inconsistencies and overlapping land certificates frequently generate conflict and legal uncertainty (Achmad, 2020; Rio Rolando et al., 2024; Rere & Suardi, 2025). By actively documenting, questioning, and publicizing state practices, LBH Bandung reinforces the watchdog function of civil society described by Hadiwinata (2003), thereby strengthening democratic oversight in the context of agrarian governance.

The role of LBH Bandung in facilitating reconciliation between citizens and judicial institutions highlights a critical tension within Indonesia's legal system: the gap between formal legal procedures and substantive justice. As noted by Nurul Azmi and Ubaidillah (2024) and Pos et al. (2025), marginalized communities often face structural barriers that prevent meaningful engagement with legal processes. The findings of this study confirm that legal aid institutions mitigate these barriers not only through representation, but also through sustained accompaniment and legal education.

This study expands existing discussions on access to justice by demonstrating that reconciliation with judicial institutions involves restoring trust, confidence, and legal consciousness among affected communities. In the Sukahaji case, LBH Bandung's involvement enabled residents to navigate both civil and criminal proceedings, countering patterns of criminalization commonly observed in agrarian conflicts (Ridwansyah, n.d.; Muharam, 2025). This supports the argument advanced by Annastasyia Mukrimah Yusuf and Ma'ruf Hafidz (2024) that legal aid plays a transformative role in reshaping citizens' relationship with law enforcement and judicial institutions.

The implementation of service programs such as critical legal education, campaign training, and the Kalabahu program reflects a long-term orientation toward sustainability and empowerment. These findings are consistent with studies emphasizing that effective legal aid must move beyond short-term dispute resolution to foster participatory legal awareness and community resilience (Wagner et al., 2023; Ismaidar et al., 2025). By positioning communities as active agents rather

than passive recipients of assistance, LBH Bandung operationalizes a human rights-based approach to legal aid.

The Kalabahu program, in particular, exemplifies an innovative model of legal empowerment that integrates experiential learning with advocacy practice. This approach aligns with Syamsu (2000) and Praja (2009), who argue that civil society advocacy is most effective when it combines grassroots engagement with institutional critique. The findings suggest that such programs contribute to the regeneration of legal knowledge and advocacy capacity, ensuring that struggles for justice persist beyond the resolution of individual cases.

Overall, this study contributes to the literature on civil society, legal aid, and agrarian conflict by empirically demonstrating how legal aid institutions embody the multidimensional roles outlined by Corrothers and Suryatna within a localized conflict setting. While prior research has often examined these roles in isolation, this study shows how they intersect and reinforce one another in practice. The Sukahaji case thus provides empirical evidence that legal aid institutions function not only as access-to-justice mechanisms but also as democratic actors that challenge structural inequality and promote substantive justice in Indonesia

Conclusion

This study examined the role of the Bandung Legal Aid Institute (LBH Bandung) as a civil society actor in addressing the Sukahaji agrarian conflict in Bandung City. Drawing on the analytical framework of Corrothers and Suryatna, the findings demonstrate that LBH Bandung performs a multidimensional role that encompasses catalyzing systemic change, monitoring state administration, facilitating access to justice, and implementing service programs oriented toward long-term community empowerment. These roles illustrate that legal aid institutions function not merely as providers of legal representation, but as democratic actors actively engaged in confronting structural inequality and safeguarding the rights of marginalized communities.

Empirically, the Sukahaji case reveals how agrarian conflicts in Indonesia are deeply embedded in broader issues of administrative inconsistency, power asymmetry, and limited access to justice. LBH Bandung's intervention shows that combining litigation with non-litigation advocacy, legal education, and institutional monitoring can expand the meaning of justice beyond procedural formalism toward substantive and socially grounded outcomes. Through this integrated approach, legal aid becomes a mechanism for restoring community trust in legal institutions while simultaneously exerting pressure on the state to uphold principles of accountability, transparency, and legal certainty.

From a theoretical perspective, this study contributes to civil society and legal aid literature by operationalizing the framework of Corrothers and Suryatna within a concrete agrarian conflict setting. The findings extend existing scholarship by

demonstrating how the four roles of NGOs are not isolated functions, but mutually reinforcing practices enacted simultaneously in the field. In doing so, the study highlights the importance of viewing legal aid institutions as part of a broader ecosystem of democratic governance and social transformation.

Despite these contributions, this study is not without limitations. The research focuses on a single case and relies primarily on institutional perspectives from LBH Bandung, which may limit the generalizability of the findings. Future research could adopt comparative approaches across different regions or include broader community perspectives to further examine how civil society actors navigate agrarian conflicts in diverse socio-political contexts. Nonetheless, the findings of this study underscore the central role of legal aid institutions in strengthening access to justice and affirm the significance of civil society as a counterbalance to state power in Indonesia's democratic development.

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