

Research Article

Dynamics of Access to Justice for Marginalized Communities in Urban Green Space Utilization Conflicts During Ongoing Social and Environmental Transitions

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Abstract: Urban green-space conflicts have emerged as a significant challenge for marginalized communities, exacerbating existing social and environmental inequalities in cities undergoing rapid urbanization and environmental transitions. This study explores the dynamics of access to justice for marginalized groups in the context of urban green-space conflicts, focusing on the barriers they face and the enabling factors that improve their ability to access legal remedies. Through a socio-legal research design, data was collected using surveys, case reviews, and stakeholder interviews, which were analyzed to identify key physical, socio-economic, and institutional barriers that hinder equitable access to green spaces. Findings revealed that marginalized communities often experience physical barriers such as limited proximity to green spaces, socio-economic disparities that prevent them from accessing legal resources, and institutional constraints, including discriminatory urban planning policies. Despite these challenges, enabling factors such as legal aid networks, participatory forums, and inclusive urban planning policies emerged as crucial elements in improving access to justice for these communities. Moreover, the study examined the impact of social and environmental transitions, such as urbanization and climate change, on justice outcomes, showing that these transitions can either exacerbate or alleviate barriers depending on how policies are implemented. The study emphasizes the need for policy reforms that promote equity in urban planning and legal aid systems, ensuring that marginalized communities are included in decision-making processes. Future research should explore the impact of environmental justice policies in global contexts and investigate new legal frameworks to address the specific needs of vulnerable populations.

Keywords: Environmental Justice; Legal Remedies; Marginalized Communities; Urban Green-Space; Urban Planning

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1. Introduction

Urban green spaces (UGS) play a crucial role in enhancing the quality of life in cities by providing opportunities for physical exercise, mental relaxation, and social interaction, while also improving urban ecosystems and promoting sustainability (Kronenberg et al., 2023). However, the distribution and accessibility of these spaces are often inequitable, with marginalized communities such as low-income groups, people of color, and other vulnerable populations facing limited access. This inequality in the provision of urban green spaces contributes to significant health disparities and a reduced quality of life for these communities (Haque & Sharifi, 2024).

Conflicts over the utilization of urban green spaces frequently arise due to competing interests among different social groups, coupled with the inability of institutions to fairly allocate the benefits of these spaces (Lewartowska et al., 2024). In certain cases, such as in Lodz, Poland, the use of municipal green spaces for entertainment events has benefitted certain socio-economic groups at the expense of others, revealing the complexities involved in urban green-space conflicts (Lewartowska et al., 2024). Furthermore, the phenomenon of "green gentrification," in which wealthier residents move into previously lower-income areas

due to the development of green spaces, exacerbates existing racial and socio-economic inequalities in cities around the world, particularly in Europe and the United States (Johnston et al., 2023).

For marginalized communities, limited access to urban green spaces can result in adverse health outcomes, including reduced opportunities for physical activity, social interaction, and mental well-being (Kronenberg et al., 2023). Research from Detroit, Michigan, highlights the correlation between higher social vulnerability scores and lower availability of green spaces, underlining the need for targeted interventions to address these disparities (Haque & Sharifi, 2024). Moreover, marginalized communities often struggle to access justice in the context of environmental transitions. Environmental justice principles are frequently not fully integrated into national legislation, making it difficult for these communities to assert their rights to equitable access to green spaces (Wedyan et al., 2024). Systemic inequities and inadequate infrastructure further deepen the vulnerability of these communities to environmental harms, including the negative effects of climate change (Bates et al., 2024).

Urban green spaces (UGS) are integral to the physical and mental well-being of urban residents, contributing to social equity and fostering sustainable urban development (W. Lu et al., 2023). These spaces provide opportunities for recreation, environmental education, and community-building, making them essential for the overall health and resilience of cities. However, urbanization has led to challenges such as land use changes and reductions in green space availability, which disproportionately affect marginalized communities, exacerbating the inequitable distribution of these vital resources (Bao et al., 2023; Lu et al., 2023). This inequity in access to urban green spaces has profound implications for social and environmental justice, particularly for low-income individuals, people of color, and other vulnerable populations (Haase, 2024; Wu et al., 2020).

The significance of examining access to justice in urban green-space conflicts lies in the opportunity to promote more equitable outcomes during periods of urban development and social transitions. Unequal access to green spaces can lead to health disparities, as marginalized communities often experience reduced opportunities for outdoor activities and social interaction (Wolff et al., 2022). Additionally, these inequities may result in diminished access to vital environmental services such as air quality improvement, heat reduction, and enhanced biodiversity (Lu et al., 2024). Understanding the barriers that hinder equitable access and identifying the enabling factors that can foster more inclusive urban environments are critical for addressing these justice concerns.

Barriers to accessing green spaces are multifaceted and include physical, socio-economic, and institutional challenges (Kronenberg et al., 2023; Wolff et al., 2022). Physical barriers such as gated communities and limited infrastructure can restrict access, while socio-economic disparities often mean that marginalized communities are excluded from areas with adequate green space (Haase, 2024). Institutional constraints, including policies that prioritize commercial development over public green spaces, further contribute to these disparities (Biernacka & Kronenberg, 2018).

On the other hand, enabling factors that promote equitable access to green spaces include effective urban planning, community engagement, and policy reforms that prioritize social equity (Lu et al., 2024; Wu et al., 2020). Inclusive urban planning that takes into account the needs of marginalized groups can help overcome some of the barriers to green space accessibility. Additionally, community participation in the planning process ensures that the perspectives of those most affected by green-space inequities are considered (Wolff et al., 2022).

Social and environmental changes, such as rapid urbanization and policy shifts, can either exacerbate or mitigate access disparities. Urbanization often leads to the commercialization of green spaces, displacing marginalized communities and reducing their access to these areas (Haase, 2024). Conversely, policies that promote green infrastructure, urban regeneration, and environmental justice can contribute to more equitable access and improved outcomes for vulnerable groups (Lu et al., 2023). Therefore, understanding how these changes influence access to green spaces is essential for designing policies that ensure justice for marginalized communities.

The primary goal of this study is to explore the barriers and enabling factors for accessing justice in urban green-space conflicts and to understand how social and environmental changes affect this access. Specifically, the study aims to investigate the physical, personal, and institutional barriers that hinder equitable access to urban green spaces. These barriers can include socio-economic disparities, lack of infrastructure, and institutional policies that restrict access to green spaces (Biernacka & Kronenberg, 2018; Wu et al., 2020). Additionally, the study seeks to determine the factors that facilitate better access to green spaces, such as effective urban planning, community involvement, and policy reforms that prioritize equity (Haase, 2024; Wolff et al., 2022). Finally, the study aims to analyze how social and

environmental changes, such as urbanization and policy reforms, influence access to green spaces and the associated justice outcomes (Lu et al., 2023).

Key points to be explored include the physical barriers, socio-economic disparities, and institutional constraints that significantly limit access to urban green spaces (Biernacka & Kronenberg, 2018; Wolff et al., 2022). Moreover, the study will examine how effective urban planning, community engagement, and policies that address equity can enhance access to these spaces (Haase, 2024; Lu et al., 2024). Finally, it will investigate how rapid urbanization and policy reforms can either exacerbate or mitigate access disparities, depending on how these processes are managed (Lu et al., 2023).

2. Literature Review

Theoretical Frameworks on Access to Justice

Access to justice is a multifaceted concept that extends beyond the legal system, encompassing broader social justice issues. Theoretical frameworks that explore access to justice often emphasize the challenges faced by marginalized groups, particularly in urban environments. These frameworks provide a lens through which to understand the barriers preventing equitable access to legal systems and the broader implications for social inclusion (Durojaye et al., 2020; Larson, 2019). Access to justice involves not only the availability of legal mechanisms but also the social, economic, and institutional factors that influence how marginalized communities engage with these systems (Biernacka & Kronenberg, 2018). Such frameworks also highlight the intersectionality of legal barriers, where socio-economic disparities, systemic discrimination, and lack of resources further limit the ability of disadvantaged populations to seek and obtain justice (Haase, 2024; Johnston et al., 2023). By examining these barriers through a socio-legal lens, we can better understand the broader implications for promoting social inclusion and fairness in urban contexts.

One key perspective is Economic Theory, which focuses on the financial barriers to accessing legal services. High legal fees can make it difficult for low-income individuals to afford legal representation, thus limiting their ability to access justice (Oleinik, 2014). These financial constraints disproportionately affect marginalized groups, preventing them from fully participating in legal processes.

From a Critical Sociology perspective, the barriers to justice are not only economic but also social. This framework examines the symbolic power and labeling that can hinder marginalized groups' access to justice. Stigmatization, discrimination, and negative labeling by legal institutions can prevent individuals from asserting their rights, contributing to their exclusion from the justice system (Oleinik, 2014).

The Power Triad theory highlights access control as a form of domination, with legal systems acting as gatekeepers that reinforce the power of dominant social groups. In this view, marginalized communities face systemic barriers that prevent them from seeking justice, and legal institutions are often structured in ways that favor more privileged groups (Oleinik, 2014).

The Human Rights Perspective recognizes access to justice as a fundamental human right. This framework emphasizes the unique challenges faced by vulnerable groups, such as women and those living in informal settlements, who are often denied equal access to legal systems (Durojaye et al., 2020). These groups are frequently excluded from formal legal processes due to societal and institutional barriers.

Finally, Legal Empowerment advocates for providing marginalized communities with the legal education and support needed to navigate the justice system. Empowering individuals with the knowledge of their legal rights helps them assert their claims and challenge injustices (Durojaye et al., 2020). Initiatives like the Dullah Omar Institute have focused on strengthening legal capacity within communities to facilitate better access to justice.

Urban Green-Space Conflicts

Urban green spaces (UGS) are vital for environmental quality and public health, yet their allocation often leads to conflicts, particularly affecting low-income and marginalized populations. UGS contribute to the physical and mental well-being of urban residents, providing space for recreation, relaxation, and social interaction. However, the distribution of these spaces is frequently inequitable, with wealthier neighborhoods often having more access than disadvantaged communities (Kronenberg et al., 2023).

One of the primary conflicts in urban green-space allocation is Green Gentrification. Urban greening projects, such as the development of parks or green infrastructure, can increase property values and attract wealthier residents to previously low-income areas. This demographic shift often leads to the displacement of marginalized populations, exacerbating social and economic inequalities (Kronenberg et al., 2023). As green spaces become more desirable, lower-income residents may find themselves priced out of their neighborhoods.

Spatial Inequity is another key issue in urban green-space conflicts. The unequal distribution of green spaces means that marginalized communities often have limited access to these essential resources. Research shows that wealthier areas tend to have better access to well-maintained green spaces, while low-income neighborhoods suffer from underdeveloped or absent green areas, contributing to disparities in health and quality of life (Chen et al., 2023).

The Socioeconomic Impacts of green spaces are also significant. Green spaces in wealthier neighborhoods can increase property values, while those in lower-income areas may be underutilized or neglected. This uneven distribution exacerbates inequalities, with lower-income groups having less access to the environmental, social, and health benefits associated with urban green spaces (Xu et al., 2018).

Several Case Studies have illustrated these issues. In Munich, different urban growth scenarios show that higher housing demand places more pressure on green spaces, with less green space available in areas with higher demand for housing (Xu et al., 2018). In Nanjing, vulnerable groups such as the low-educated and elderly face unique challenges in accessing green spaces, highlighting the need for targeted urban planning to address the needs of these populations (Chen et al., 2023). In Hong Kong, private housing residents in lower-income, high-density areas have less green space coverage compared to public housing residents, further emphasizing spatial inequities (Wu et al., 2020).

To address these conflicts, several Strategies can be implemented. Affordable Housing Policies that integrate green infrastructure can prevent displacement while ensuring access to green spaces for low-income residents (Kronenberg et al., 2023). Additionally, Equitable Planning that prioritizes green space development in areas with lower accessibility can help reduce spatial inequities (Chen et al., 2023). Community Involvement in the planning and management of green spaces ensures that local needs are met, making green spaces more accessible and beneficial to all (Kronenberg et al., 2023).

Social and Environmental Transitions

Transitions in urban planning, environmental sustainability, and social changes play a crucial role in shaping access to justice, particularly for marginalized communities. As cities grow and evolve, the distribution and accessibility of urban green spaces can either promote or hinder equitable justice outcomes. Urban climate justice emphasizes the complex relationship between environmental sustainability, human vulnerability, and biodiversity loss, underscoring the need for integrated approaches that support eco-social justice (Steele et al., 2015). For example, rapid urbanization and climate change disproportionately affect the urban poor and marginalized groups, leading to heightened vulnerability to environmental degradation and limited access to essential resources such as green spaces and clean air (Johnston et al., 2023).

Social changes, such as those brought about by the COVID-19 pandemic, have exacerbated these inequities. During the pandemic, marginalized communities faced greater barriers to accessing healthcare and legal services, highlighting the need for inclusive policies that address these disparities (Powell, 2024). Moreover, legal empowerment and community engagement have become vital in ensuring that these communities can advocate for their rights and participate in decisions that affect their well-being (Durojaye et al., 2020). As environmental and social changes intersect, it becomes increasingly important to ensure that justice frameworks adapt to the needs of vulnerable groups, promoting a more just and equitable society.

Legal Frameworks and Barriers

Access to justice is enshrined as a fundamental human right under various international and regional legal instruments, yet significant barriers remain, particularly for marginalized communities such as women, persons with disabilities, and low-income groups (Naigaga, 2022). These barriers include financial, institutional, and systemic factors that prevent these groups from asserting their rights and accessing fair legal remedies. Financial constraints are one of the most significant barriers to justice, as marginalized communities often lack the resources to navigate complex legal systems. The cost of legal services, as well as the time required to pursue legal action, can be prohibitive for individuals in poverty (Carmona & Donald, 2015; Durojaye et al., 2020).

Institutional barriers also play a major role in hindering access to justice. Discriminatory practices within the justice system, such as bias in court proceedings and police misconduct, can prevent marginalized groups from receiving fair treatment (Naigaga, 2022). Additionally, physical barriers, such as inaccessible court buildings and a lack of assistive technologies for persons with disabilities, further impede access to justice (Kronenberg et al., 2023). These institutional and physical constraints exacerbate the exclusion of marginalized communities from the justice system, making it difficult for them to seek redress and protect their rights.

Systemic barriers are broader social and cultural factors that perpetuate inequality, such as gender biases, stereotypes, and limited educational opportunities. These factors can silence voices and restrict mobility, further marginalizing vulnerable groups and hindering their ability to seek justice (Larson, 2019). Legal empowerment initiatives, such as those provided by the Dullah Omar Institute, demonstrate the importance of training and awareness-raising efforts to overcome these barriers and ensure that vulnerable groups have access to justice (Durojaye et al., 2020).

3. Materials and Method

This study uses a socio-legal research design to explore barriers and enabling factors for accessing justice in urban green-space conflicts, focusing on marginalized communities. Data will be collected through surveys, case reviews, and stakeholder interviews. Surveys will assess the experiences of marginalized groups regarding green-space conflicts and their access to justice, while case reviews will analyze legal outcomes related to these conflicts. Stakeholder interviews will include community leaders, legal aid representatives, urban planners, and government officials to understand institutional and systemic factors. Purposive and stratified random sampling methods will be used to select participants and legal cases, and the data will be analyzed through both quantitative and qualitative methods to identify key trends, legal challenges, and thematic patterns affecting justice outcomes for marginalized communities.

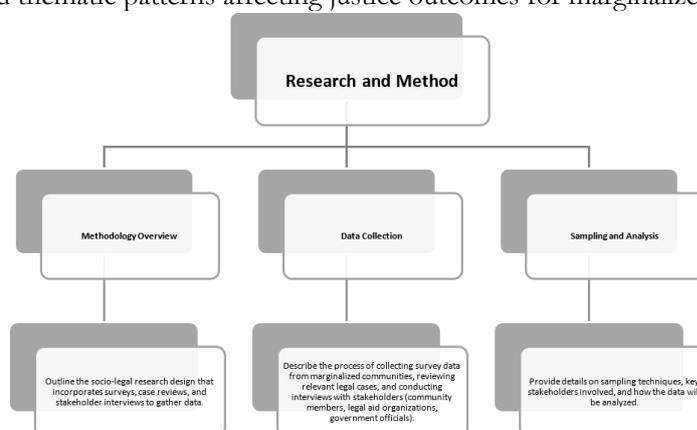


Figure 1. The structure of the Research Methodology Flowchart

Methodology Overview

This study adopts a socio-legal research design to explore the barriers and enabling factors for accessing justice in urban green-space conflicts, with a focus on marginalized communities. This design integrates qualitative methods such as surveys, case reviews, and stakeholder interviews to gather data. The socio-legal approach is essential for understanding how legal frameworks and social dynamics intersect to influence access to justice, especially in the context of environmental sustainability transitions and urbanization.

Data Collection

Data collection for this study will utilize three primary methods: surveys, case reviews, and stakeholder interviews. Surveys will be distributed to marginalized communities in urban areas, particularly those with limited access to green spaces, to gather information about their experiences with green-space conflicts, awareness of legal frameworks, and barriers to accessing justice. Additionally, the surveys will explore the level of community participation in urban planning and green-space utilization. Case reviews will involve analyzing relevant legal cases to understand how the justice system has addressed urban green-space conflicts, especially those involving marginalized groups, by examining judicial decisions and policy documents related to green spaces and justice. Stakeholder interviews will be conducted with key individuals, including community leaders, legal aid representatives, urban planners, and government officials, to gain insights into the institutional and systemic factors that affect access to justice and how policies address these challenges.

Sampling and Analysis

The study will use purposive sampling to target marginalized communities with limited access to urban green spaces. This ensures that the survey participants are directly impacted by the issue at hand. For the case review, a stratified random sampling method will be employed to select relevant legal cases across various types of green-space conflicts. Stakeholders for interviews will be selected based on their involvement in urban green-space policy, legal advocacy, and community engagement.

The key stakeholders involved in the study will include marginalized community members, legal aid organizations, urban planners, government officials responsible for green-

space policy, and environmental justice experts. These stakeholders are crucial for understanding both the challenges and opportunities for improving access to justice in the context of urban green-space conflicts.

The data collected from surveys will be analyzed quantitatively using statistical methods to identify trends and correlations regarding barriers to justice. The case review data will be analyzed qualitatively, with a focus on legal precedents, policy gaps, and institutional challenges that affect marginalized communities' access to green spaces. Interview data will be analyzed using thematic analysis to identify key patterns and themes related to the barriers and enabling factors for accessing justice. The analysis will focus on understanding how social, institutional, and physical barriers intersect to affect justice outcomes for marginalized groups.

4. Results and Discussion

The study found that marginalized communities face significant barriers to accessing justice in urban green-space conflicts, including physical distance from green spaces, socio-economic disparities, and institutional biases in urban planning and legal systems. These communities are often unable to afford legal services or navigate the complex legal processes involved in advocating for green spaces. However, enabling factors such as legal aid networks and participatory forums were found to improve access to justice by providing support and involving communities in urban planning decisions. Additionally, social and environmental transitions, such as the COVID-19 pandemic, exacerbated these barriers, while environmental sustainability initiatives have the potential to alleviate them by promoting inclusive urban development that prioritizes equitable access to green spaces for all communities.

Results

The study identified several key barriers that marginalized communities face in accessing justice in urban green-space conflicts. Physical barriers, such as the distance between marginalized communities and green spaces, were significant obstacles, as many green spaces are located in wealthier neighborhoods. Additionally, socio-economic disparities further hindered access, with lower-income communities often unable to afford the legal services or the time required to engage in legal battles over green-space conflicts. Institutional barriers also played a role, as legal systems and urban planning policies often prioritized commercial development over public green spaces, exacerbating inequalities in access for marginalized groups. Discriminatory practices within the justice system and the lack of inclusive policies also limited fair access to green spaces for these communities.

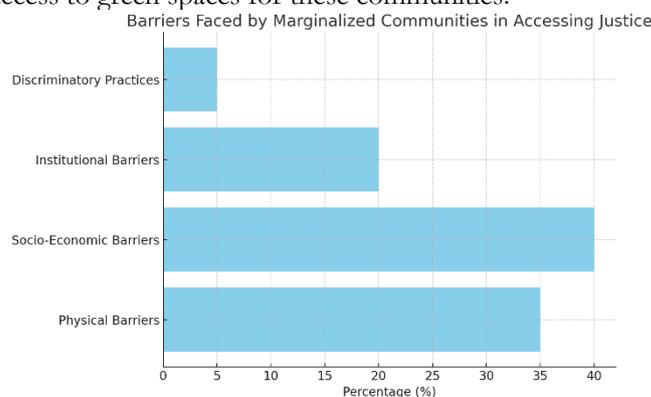


Figure 2. Barriers Faced by Marginalized Communities in Accessing Justice

Here is a bar chart depicting the barriers faced by marginalized communities in accessing justice in urban green-space conflicts. The chart illustrates the percentage of respondents identifying various barriers, including physical barriers (35%), socio-economic barriers (40%), institutional barriers (20%), and discriminatory practices (5%). These findings highlight the most significant obstacles in ensuring equitable access to green spaces and justice for marginalized communities.

Despite these challenges, several enabling factors were found to improve access to justice. Legal aid networks emerged as a key factor, providing marginalized groups with necessary legal resources and support to navigate the complex legal processes related to green-space conflicts. Participatory forums and community engagement also played a significant role in enhancing access to justice, as they allowed community members to voice their concerns and have a say in urban planning decisions, ensuring that green-space policies reflected their needs. Effective urban planning that prioritizes inclusivity and equity also contributed to improving access to green spaces, particularly when policies incorporated the needs of marginalized communities in the decision-making process.

Discussion

The barriers identified in this study align with existing research on urban justice and environmental sustainability, highlighting the significant challenges marginalized communities face in accessing both green spaces and legal justice. Physical and socio-economic barriers, in particular, are major contributors to inequities in access to green spaces, a key issue in urban justice discussions. Many green spaces are located in affluent areas, and marginalized communities are often excluded from these spaces, leading to disparities in health, social cohesion, and quality of life. The findings emphasize the importance of addressing these physical and socio-economic barriers through inclusive urban planning and policy reforms that ensure equitable distribution of green spaces across all urban areas.

Moreover, the role of legal aid networks and participatory forums in facilitating access to justice reflects broader discussions on the importance of legal empowerment and community engagement. As seen in the study, these enabling factors not only provide marginalized groups with the tools to navigate the legal system but also empower them to participate in decision-making processes that directly impact their lives. This participatory approach is crucial for ensuring that the needs of marginalized communities are reflected in urban policies and that they have the necessary resources to advocate for their rights effectively. Such empowerment is an essential component of a just urban transition, where social inclusion is prioritized.

Finally, the study's findings regarding the role of social and environmental transitions in exacerbating or alleviating barriers to justice underscore the complexity of urban green-space conflicts. The COVID-19 pandemic, for example, worsened existing inequities, limiting access to legal resources and exacerbating the exclusion of marginalized communities from vital green spaces. However, environmental sustainability initiatives, such as green infrastructure policies, have the potential to alleviate some of these barriers by integrating marginalized communities into urban planning and ensuring they have access to well-maintained public spaces. As cities transition to more sustainable futures, it is essential that these transitions are inclusive and that marginalized groups are not left behind in the process of urban renewal and development.

5. Comparison

The results of this study reveal a significant difference between inclusive socio-legal systems and traditional complaint-based systems, particularly in how they address the needs of marginalized communities in urban green-space conflicts. Traditional complaint-based systems tend to prioritize well-resourced actors, who often have the financial means and institutional support to navigate the legal processes effectively. These systems typically rely on individuals or groups filing complaints or lawsuits to address issues, which can be a significant barrier for marginalized communities lacking access to legal resources, time, and information. As a result, these systems often fail to provide equitable outcomes, reinforcing existing inequalities and excluding those who are most vulnerable.

In contrast, the inclusive systems identified in this study, such as legal aid networks and participatory forums, are more focused on empowering marginalized communities by providing them with the resources and support needed to participate in the legal process. These systems allow for a more active role in urban decision-making, ensuring that the voices of marginalized groups are heard and their needs are taken into account in the development of policies related to green-space allocation. Unlike traditional complaint-based systems, which can be adversarial and exclusionary, inclusive systems focus on collaboration, engagement, and community empowerment, promoting a more equitable distribution of green spaces and legal remedies.

The inclusivity of participatory legal aid systems, as observed in this study, offers a more accessible and effective means of achieving justice for marginalized communities. These systems break down traditional barriers by offering legal support that is tailored to the specific needs of vulnerable populations, such as low-income individuals, people of color, and those with disabilities. By contrast, more traditional, bureaucratic approaches can be restrictive and slow, often leaving marginalized groups at a disadvantage due to their inability to meet the procedural demands or afford the associated costs. The participatory approach not only enhances access to legal remedies but also fosters social inclusion, ensuring that urban sustainability transitions benefit all members of society, not just those with the resources to advocate for themselves.

6. Conclusion

This study explores the dynamics of access to justice for marginalized communities in urban green-space conflicts, highlighting the significant barriers they face. Key findings reveal that marginalized communities encounter physical, socio-economic, and institutional barriers that limit their access to green spaces and legal justice. These communities often struggle with limited legal resources, exclusion from decision-making processes, and discriminatory practices within urban planning and the justice system. However, enabling factors such as legal aid networks, participatory forums, and inclusive urban planning policies can improve access to justice. The role of social and environmental transitions, such as urbanization and climate change, is crucial in either exacerbating or alleviating these barriers, depending on how these transitions are managed.

The findings underscore the importance of integrating equity into urban planning and legal aid policies. Effective urban planning that prioritizes inclusivity and equity can help address the physical and socio-economic barriers to green-space access. Additionally, legal aid systems that empower marginalized communities through participatory forums and accessible legal support are critical in ensuring that these groups can assert their rights and engage in decision-making processes. The study suggests that urban transitions should incorporate environmental justice principles to ensure that sustainability efforts do not inadvertently exclude vulnerable populations, but rather promote equitable access to green spaces and resources.

Future research should explore new legal frameworks that specifically address the needs of marginalized communities in urban green-space conflicts, particularly in the context of rapid urbanization and environmental transitions. Investigating the impact of environmental justice policies in different global contexts could provide valuable insights into how various cities manage green-space conflicts and ensure equitable access. Further studies could also examine the effectiveness of legal empowerment initiatives in other regions, particularly in post-colonial or developing urban areas, to understand how legal aid and participatory governance models can be adapted and implemented globally.

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