

LEGAL DISPUTES IN NATURAL RESOURCE GOVERNANCE: POWER RELATIONS AND COMMUNITY ACCESS TO JUSTICE

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ABSTRACT

This research examines legal conflicts arising from natural resource exploitation, with a focus on the structural dimensions of law and community access to justice. Employing a qualitative library research method, this study analyses legal documents, court decisions, and regulatory frameworks that govern mining and forestry sectors. The findings reveal that legal structures are fundamentally oriented toward protecting investment and capital, thereby marginalising local communities. Permit processes lack transparency, environmental impact assessments are procedurally weak, and land acquisition mechanisms disregard traditional rights. Community access to justice is obstructed by high litigation costs, complex evidentiary procedures, legal ignorance, imbalanced mediation, prolonged court processes, and intimidation by corporations and state apparatus. Court decisions often fail to deliver substantive justice, as judges tend to prioritise procedural formalities over social realities. Even when communities win their cases, execution of judgments is frequently obstructed by corporate legal tactics. The study concludes that law in natural resource exploitation functions primarily as a tool for legitimising power and perpetuating inequality. Fundamental reform of legal structures and judicial practices is necessary to achieve substantive justice for affected communities. This research contributes to critical legal studies on natural resource governance.

Keywords: Natural resource exploitation, legal conflict, access to justice, corporate power, structural inequality, environmental law, community rights.

INTRODUCTION

Natural resources occupy a central position in the economic structure of various countries. The mining industry is one of the important sectors in Indonesia's economy that has long played a role in increasing state revenue and supporting development in various regions (Santoso et al., 2024). Mineral wealth, forests, water, and fossil energy have become the backbone of development, particularly for developing countries that rely on the extractive sector. Natural resource exploitation activities are often presented as a way out of structural poverty and economic backwardness. However, natural resource management practices in many regions demonstrate a reality that is far from expectations. Environmental problems encompass

various adverse impacts arising from human activities on environmental conditions (Handayani & Darmawan, 2022). Greed, institutional weaknesses, and political interests often transform natural resource exploitation into a trigger for prolonged conflict (Weimert & Kaiser, 2024). These conflicts not infrequently involve various actors, ranging from transnational corporations, central government, local governments, to local communities whose rights are neglected. Among these actors, understanding of the environment is still not evenly distributed (Rahmawati et al., 2023). Tensions between economic interests and the protection of human rights form the primary basis for the emergence of legal disputes in this sector. Studies on legal conflicts resulting from natural resource exploitation become highly relevant to expose the structures of injustice constructed through procedural mechanisms that are legally valid yet substantially flawed.

Many organizations still prioritize the measurement of economic and financial performance, while sustainability aspects, such as resource usage efficiency, have not been measured optimally (Mardikaningsih & Wardoyo, 2024). The involvement of large corporations in natural resource exploitation is often colored by legal practices that disadvantage surrounding communities. Work agreements and contracts of work signed between the government and foreign investors in past eras contained clauses that were very burdensome for the state. Maximum rights of control granted to private parties resulted in communities losing access to land and forests that they had inhabited for generations (Hartati et al., 2024). Non-transparent licensing processes and the lack of public participation aggravated this condition. Ross (2003) refers to this phenomenon as the resource curse paradox, wherein countries with vast natural wealth precisely experience conflict and development slowdowns. Positive law in various countries recognizes the right of communities to be involved in decision-making, but its implementation is frequently neglected. In practice, existing legal procedures instead become tools of legitimacy for extractive projects that damage the environment and social life.

A further consequence of the process of legalizing natural resource exploitation is the emergence of various cases disputed in court. Communities sue the government and corporations on the grounds of constitutional rights violations. These cases do not only concern land compensation, but also ecosystem destruction, water pollution, and the loss of traditional livelihoods. Along the way, the judicial process frequently fails to side with vulnerable communities. Corporations have greater access to skilled lawyers and expert witnesses, whereas communities rely only on limited legal aid. Bebbington et al. (2008) observed that such conflicts form patterns of resistance that influence local and national political dynamics. It is not uncommon for court decisions to reinforce corporate positions, thereby creating skepticism toward the prevailing legal system.

Tensions between positive law and substantive justice are the primary characteristic of natural resource conflicts. Law is often positioned as a neutral mechanism, but in reality, law can become a tool for reproducing power imbalances (Zulkarnain, 2023). When laws and regulations only protect investment interests, the protection of communities and the environment becomes secondary. This is particularly evident in the mining and forestry

sectors, where business permits are granted without adequate assessments of social and ecological impacts. After permits are issued, communities only then realize that their rights have been sold without consent. Appeal processes and other legal remedies are available, but these avenues often take a long time and incur high costs. Thus, access to justice becomes a commodity accessible only to those with sufficient financial resources.

Conflicts of this nature are not isolated local issues, but rather part of global dynamics related to natural resource governance. The World Bank and other international financial institutions encourage regulatory reforms to attract investment, but this pressure often restricts space for regulations that favor social justice. Globally, the business world faces strong pressure from the international community to apply sustainability principles across all operational activities (Kurniawan et al., 2024). Sustainable development perspectives have begun to be introduced, but their implementation is often trapped in rhetoric without meaningful practical translation (Peter, 2022). The concept of sustainability today is no longer merely related to compliance with environmental rules, but has also become an important part of conveying information to the public (Essa & Mardikaningsih, 2021). In every case, the root problems indicate that weaknesses in national legal frameworks and oversight mechanisms create loopholes for recurring conflicts. Studying legal conflicts in natural resource exploitation requires a comprehensive understanding of the legal structure that shapes the relations between state, market, and society. Approaches to this reality must consider how law operates in unequal social conditions and how various actors interpret and utilize the law to achieve their respective goals.

Legal conflicts arising from natural resource exploitation invariably stem from two main forms of tension. First, the tension between the state's right to control natural resources and individual or community rights to enjoy the benefits of that wealth. The state, through constitutional provisions, claims supreme power over minerals, forests, and water. When the state grants concessions to private parties, social consequences are frequently ignored. Affected communities lose land, water sources, and forest areas that have been their source of livelihood. Civil lawsuits filed by communities generally focus on procedural defects in permit issuance and violations of environmental precautionary principles. However, these lawsuits often fail at the court level because judges pay greater attention to the formal aspects of licensing rather than the real impacts on citizens. In other cases, environmental pollution resulting from mining operations gives rise to civil and criminal legal claims, but proving damages and causal relationships poses a major obstacle. The absence of legal instruments that clearly regulate corporate liability for ecological damage makes it difficult for communities to obtain justice. Therefore, understanding community behavior becomes an important foundation for formulating environmental policies that align with real conditions, are easy to implement, and can run sustainably (Djaelani & Radjawane, 2024).

Second, the issue of weak law enforcement causes natural resource conflicts to recur in similar patterns. The implementation of laws and regulations in the environmental field still faces various obstacles, particularly in the enforcement process (Nuraini et al., 2021). Environmental

protection regulations are indeed available in various statutes, but oversight and sanctions against violations are minimal. Regulatory agencies lack personnel, funds, and authority to conduct effective enforcement. Corporations with robust legal risk management know how to evade criminal charges. They compile formalistic environmental reports, lobby legislative bodies, and rely on legal consultants who understand regulatory loopholes. On the other hand, mediation and negotiation procedures between companies and communities mandated by law frequently stall due to an unequal bargaining position. Companies offer small compensation, while communities demand complete environmental restoration or the withdrawal of operations. In such situations, conflicts do not find resolution at the negotiation table, but instead spill over into protest actions that risk causing violence.

Climate change and global environmental degradation bring world attention to sustainable natural resource management. In recent decades, environmental damage has increasingly become a global problem requiring innovative and sustainable solutions (Nuraini et al., 2022). Large-scale exploitation of coal, oil, gas, and other minerals has been proven to contribute to carbon emissions that accelerate global warming. Natural resource-producing countries face pressure from the international community to halt extractive projects, but economic realities make them hesitant to close industries that generate substantial revenue. Indonesia, as a country with abundant natural wealth, finds itself in a difficult position. Research shows that every year forest areas shrink alongside the expansion of mines and palm oil plantations. Legal conflicts occurring in these areas are not merely a matter of justice for local residents, but also concern the sustainability of ecosystems that serve as life support for millions of people. When forests are cleared and rivers polluted, the ecological chain is disrupted, subsequently affecting food security and clean water availability. Thus, the study of legal conflicts becomes vital to drive more transparent policy changes and protect community rights.

This study aims to elaborate and analyze the legal structure that forms conflict patterns between extractive corporations, governments, and local communities, as well as to identify factors hindering community access to justice in natural resource dispute resolutions. The theoretical contribution of this research is to construct a conceptual framework on how law, under conditions of social inequality, operates not as an instrument of justice, but rather as a tool for consolidating power. From a practical standpoint, the results of this study can serve as input for formulating natural resource governance policies that prioritize community rights protection and environmental sustainability. This study also fills a gap in the existing literature by offering a critical analysis of various real cases in the mining and forestry sectors.

METHODS

This study uses a qualitative approach with a literature review or library research method. Within the realm of qualitative research, a literature review is positioned as a valid and systematic data collection strategy, where the researcher acts as the key instrument who conducts searching, categorizing, and interpreting written materials.

This approach differs from field research that relies on interviews or observations, as the primary data sources consist of documents already available in the public domain. The documents in question include statutory regulations, court decisions, policy reports, journal articles, and textbooks relevant to the topic of legal conflicts in natural resource exploitation. As articulated by Bowen (2009), document analysis is a systematic procedure for reviewing and evaluating documents, which demands that the researcher not merely read, but also unpack meanings, production contexts, and power relations underlying the creation of a document. In this study, all documents are treated as data laden with interests and ideology, making the interpretation process an indispensable part of the analysis. This approach enables the researcher to understand how law operates in unequal social practices, without needing to be physically present at conflict sites.

To ensure depth and analytical rigor, this study applies qualitative content analysis techniques as formulated by Hsieh and Shannon (2005). The three approaches they propose conventional content analysis, directed content analysis, and summative content analysis—are used interchangeably depending on the nature of the data encountered. Conventional content analysis is applied to describe legal conflict phenomena as revealed in primary documents, without first imposing specific theoretical categories. Meanwhile, directed content analysis is used to test preliminary findings against theoretical frameworks regarding ecological justice and access to justice. Furthermore, summative content analysis plays a role in identifying the frequency of specific keywords that indicate patterns of power relations within legal texts. The analytical procedure is carried out through the stages of data reduction, data display, and drawing conclusions, while strictly adhering to principles of transparency and interpretive consistency. The validity of findings is maintained through source triangulation techniques namely by comparing information across various document types as well as through re-checking analyzed materials. Thus, this study produces not only a description of legal conflicts, but also offers a critical understanding of how legal structures shape and are shaped by conflicts of interest in natural resource management.

RESULTS AND DISCUSSION

Legal Structure and Conflicts of Interest in Natural Resource Exploitation

The legal structure governing the exploitation of natural resources in many developing countries is built upon a foundation that is fundamentally biased toward investment interests and economic growth. The constitution and its derivative regulations state that natural resources are controlled by the state and used for the greatest prosperity of the people. However, this constitutional formulation is often translated into policies that are extremely permissive in granting permits to private parties. Licensing processes that fail to adequately involve local communities serve as the primary entry point for conflicts of

interest. When the state grants mining or forestry concessions to corporations, the state essentially sells off access to resources that have long served as the livelihood of local communities (Salako, 2020). The legal structure positions corporations as subjects with extensive rights, while local communities are reduced to objects whose presence is recognized only through minimal, meaningless consultation procedures. Environmental law should not merely be used to regulate society, but also needs to serve as a means to increase the public's role in preserving environmental sustainability and collective health (Herisasono et al., 2021). This condition signifies that the law is not neutral; rather, it is the product of tugs-of-war between dominant political and economic forces. Law is created to provide certainty for investors, not to protect citizens from the negative impacts of resource exploitation.

Investment legislation serves as the main instrument constructing power relations in natural resource management. Investment laws offer guarantees of legal protection and business certainty for both foreign and domestic investors. These guarantees include licensing conveniences, non-discriminatory treatment, and protection against nationalization or expropriation. These clauses are actually mechanisms for transferring control over natural resources from the public to private hands. In practice, corporations that have obtained preliminary permits proceed to draft feasibility studies and environmental impact assessments. Unfortunately, these documents often fail to reflect realities on the ground because they are prepared by hired consultants producing made-to-order reports, without incorporating local knowledge possessed by communities. As a result, permits are issued despite community rejection and ignored recommendations from expert teams (Bosch & Gupta, 2022). Such a legal structure makes conflicts of interest inevitable, as the law has already taken the side of capital power. Every effort made by communities to oppose permit issuance is countered by arguments that procedures were followed and decisions were made in accordance with regulations.

Conflicts of interest in the extractive sector are further deepened by overlapping authority among government agencies. The ministry of energy and mineral resources issues mining business permits, the ministry of forestry manages forest areas, and local governments possess autonomy in granting local permits. This condition creates opportunities for corporations to play one agency against another to gain advantages. A company can obtain a mining permit in a protected forest area under the pretext that the permit from the ministry of forestry can be arranged later. When disputes arise, each agency shifts responsibility, making it difficult for communities to establish legally accountable parties. This becomes a profitable game for corporations because they can continue operations while legal processes drag on. At the local level, village heads or regents are often under pressure to approve extractive projects due to lucrative revenue-sharing promises. These patronage relationships prevent the law from functioning as a set of rules binding all parties equally. Instead, the law becomes a tool for local and national elites to maintain access to abundant natural resource rents.

One of the most critical points in the extractive legal structure is the mechanism for relinquishing rights to land and forest areas. Laws on land acquisition for development in the public interest regulate that citizens' property rights can be revoked with compensation. However, the definition of "public interest" under the law is extremely broad, encompassing mining projects, plantations, and energy infrastructure. This broad definition causes communities to lose rights to land inherited over dozens of generations with compensation that is often not commensurate with the land's economic and cultural value (Pasamai & Salle, 2024). Independent appraisal teams appointed by the government tend to use low market price standards, ignoring the social and historical value of the disputed land. Communities that reject compensation are met with threats of forced eviction by security forces. Court efforts pursued by communities frequently end in defeat because judges maintain that the project went through valid procedures. This legal structure reinforces that the protection of citizens' property rights sits below the protection of investment interests. The conflict of interest in this case is openly visible, as the law blatantly prioritizes one interest group over another.

Work contracts or contracts of work that serve as the legal basis for extractive corporate operations contain clauses that are often detrimental to the state and society. These contracts were signed in past eras when the government's bargaining position was weak and knowledge of long-term consequences was limited. Clauses regarding marketing obligations, financial stabilization, and international dispute resolution serve as clear examples of how the legal structure restricts state flexibility to protect its citizens. Through dispute resolution clauses in international arbitration, communities cannot sue corporations in national courts; instead, they must face expensive and unfamiliar foreign processes. This creates a deep chasm between legal structure and substantive justice. Communities whose rights are violated lack access to the same forum as corporations (Talus et al., 2024). Meanwhile, financial stabilization clauses guarantee that corporations receive constant fiscal treatment despite regulatory changes in the host country. This hinders government efforts to adjust policies to the evolving needs of society. Thus, contracts of work become corporate fortresses that are difficult for communities—and even the state itself—to penetrate.

The extractive legal structure also exhibits corporate protection mechanisms through criminal provisions concerning insults to authorities and public disorder. Corporations can utilize criminal articles to silence critical environmental activists. Several cases show that community leaders opposing mining are arrested and tried on charges of treason or incitement. This demonstrates that the law functions not only in a civil capacity, but also as a repressive tool used to suppress resistance against resource exploitation. When corporations face resistance, they do not hesitate to use criminal avenues to criminalize their opponents. This practice of criminalization turns legal conflicts into security conflicts, where communities who should be protected by law become targets of enforcement instead. The legal structure reveals its authoritarian face serving the interests of power

rather than justice. Communities that dare to speak out face the risk of losing their freedom, while corporations damaging the environment continue operating undisturbed. This disparity in legal protection stands as proof of how structural the conflicts embedded within natural resource governance truly are. Law is not neutral and cannot possibly be neutral in situations where one party possesses vastly greater power than the other.

In the judicial realm, conflicts of interest emerge because judges and prosecutors, as law enforcement officials, are not detached from the same power networks as corporations and government officials. The appointment and promotion of judges are often influenced by proximity to executive or legislative circles invested in extractive projects. Court decisions expected to protect communities often disappoint because judges interpret laws narrowly and procedurally (Natsir et al., 2024). For example, in lawsuits regarding procedural defects in licensing, judges tend to examine document formalities without investigating whether public participation processes truly occurred honestly. Consequently, even when communities present evidence that they were never consulted, judges still rule that the permit is formally valid. This pattern confirms that the judiciary becomes part of the structure maintaining the status quo, rather than a tool to dismantle injustice. Corporations are aware of this and are therefore not overly concerned when facing community lawsuits. They trust that the judicial system will ultimately side with them—a belief that is frequently proven right, further entrenching public distrust toward judicial institutions.

Conflicts of interest are also evident in policies regarding environmental impact assessments required as a condition for permit issuance. Environmental impact assessments mandated for corporations should serve as a tool to protect the environment and communities. In practice, however, these documents are often prepared hastily, merely fulfilling administrative obligations without adequate substance. Communities invited to public consultation processes receive information engineered to conceal potential hazards. Not infrequently, communities discover the full impact of mining operations only after rivers are polluted or forests are cleared. At that point, legal lawsuits filed by communities are met with arguments that they had previously approved the environmental documents. This is the irony of a legal structure that should protect, but instead burdens communities with proof of consent given under pressure. Substantive weaknesses in environmental impact assessments remain a core issue rarely brought to court because judges tend not to interfere with technical assessments made by authorized officials—even though those technical assessments often originate from unverified data. This situation illustrates how law works alongside state administration to perpetuate resource exploitation.

Another pattern of conflict of interest can be seen in regulations regarding indigenous peoples' rights. Laws recognize the existence of indigenous communities and their traditional rights over forests and land, but this recognition remains purely normative without clear implementation mechanisms. To obtain formal recognition, indigenous communities must endure a long, complex verification process, whereas corporations can acquire permits in a much shorter timeframe. As a result, when corporations enter

customary territories, indigenous communities often have not completed their rights recognition process. In civil disputes, judges face difficulties determining whether an area constitutes customary land or valid state land available for concessions. Because the burden of proof rests on indigenous communities, and written evidence is often unavailable, courts lean toward favoring corporations that possess complete documentation. This legal structure indirectly negates the existence of indigenous communities as lawful owners of natural resources—despite a long history showing that indigenous communities managed forests and rivers sustainably long before the existence of the state and corporations. This negation represents the most fundamental form of conflict of interest, as it concerns the legal recognition of a social group's existence within the national legal framework. Without strong recognition, indigenous communities lack proper legal standing to fight giant corporations in courtrooms.

The inability of the law to resolve conflicts justly is also rooted in sectoral and fragmented dispute resolution mechanisms. Mining disputes are resolved under mining laws, forestry disputes under forestry laws, and land disputes under agrarian laws. These three legal regimes possess their own logics and objectives, which are often mutually contradictory. Corporations can exploit this lack of synchronization by selecting the forum most advantageous to them, while communities are forced to shuttle between agencies at great financial and physical expense. No single institution possesses comprehensive authority to address natural resource conflicts holistically from upstream to downstream. This is a structural loophole that makes conflicts of interest a permanent feature of resource governance. Fragmented resolutions create low legal certainty and high injustice. Even determined communities often give up after years of processing without meaningful results. Corporations benefit from this system because the time and money required to pursue all legal avenues exhaust community resources.

In the policy realm, conflicts of interest can be observed in the contradiction between promises of sustainable development and the reality of expanding deforestation. Various countries have ratified international environmental conventions, but these commitments have not altered domestic legal structures that continue to prioritize resource extraction. Regulations on reclamation and post-mining activities, for instance, are rarely executed properly due to weak oversight and overly lenient sanctions. Corporations prefer paying small fines rather than carrying out environmental restoration, which incurs significantly higher costs. In this context, the law loses its preventive function and transforms into a sort of additional tax for corporations. Communities living around post-mining areas are left to deal with giant pits, acid water, and land that is no longer productive. They can no longer farm or obtain clean water, while corporations move on to new locations with fresh permits. This cycle repeats endlessly because the legal structure continues to accommodate capital mobility without adequate accountability. The destruction left behind becomes a public burden that should have been borne by business operators. This is a form of intergenerational injustice permitted by law because the law fails to strictly regulate

intertemporal corporate obligations.

Another weakness in the legal structure is the absence of legally binding corporate social responsibility regulations. Historically, social responsibility has been understood as a voluntary program that cannot be enforced through courts. Consequently, corporate programs are often symbolic and fail to address the root problems of communities. When conflicts arise, corporations can claim they have provided aid in the form of schools, roads, or healthcare facilities as a manifestation of social responsibility. However, such assistance does not compensate for lost livelihoods and environmental damage. The law provides no mechanism for communities to demand corporate accountability for comprehensive negative impacts. Corporate responsibility remains limited to what is stipulated in agreements and statutory regulations—which, once again, regulate only technical operational aspects rather than broad social impacts. This gap strengthens the position of corporations and weakens that of communities in every negotiation and litigation. The law should force corporations to internalize the social and environmental costs they generate, but the existing structure shifts those costs onto communities and the state. This is why conflicts of interest between corporations and communities are consistently won by those with access to lawyers, scientists, and politicians.

The legal structure in natural resource exploitation is designed to accommodate capital interests while neglecting the protection of communities and the environment. Law serves as a tool of legitimacy for corporate takeovers of citizens' living spaces. Licensing processes, environmental impact assessments, land acquisitions, and dispute resolutions are mechanisms that have been interpreted procedurally without considering substantive justice. The unequal power relations between corporations and communities are not balanced by rules protecting the vulnerable, but are instead reinforced by rules favoring the powerful. This inequality is not a side defect; it is a fundamental part of the structure itself. To understand legal conflicts in resource extraction, we must acknowledge that law never operates in a vacuum. Law is always shaped by and works for specific social interests. In the case of natural resources, those interests belong to the ruling class with access to capital and political power. Thus, any analysis of legal conflicts must begin with the recognition that the legal structure is a battlefield of interests—and in that field, corporations are always equipped with better weaponry. Communities fighting through legal channels are fundamentally fighting against a system created to perpetuate their defeat.

Community Access to Justice in Natural Resource Disputes

Access to justice is a fundamental pillar in a constitutional state based on the rule of law. However, in natural resource disputes, this pillar often cracks or even collapses before affected communities. Normatively, every citizen possesses equal rights to bring their case to court and obtain a fair ruling. Yet reality demonstrates that this formal right does not automatically guarantee substantive access. Communities living around mining or forestry areas face various structural barriers when attempting to pursue legal channels. The first barrier is the exceptionally high cost of litigation (Harjiyatni & Koenthi, 2018). Competent

attorneys in environmental and mining law charge fees unaffordable for rural communities. The costs of expert witnesses, interpreters, transportation to distant courts, and other administrative fees accumulate into an overwhelmingly heavy burden. Large corporations possess unlimited funds to pay legal teams, expert witnesses from various disciplines, and litigation strategy consultants. This disparity in financial resources creates a severe imbalance in the courtroom.

The second barrier relates to the complexity of legal procedures that must be navigated. Civil cases concerning land or environmental disputes require highly technical evidence. Communities must present proof of land ownership, proof of damage, evidence of a causal relationship between corporate operations and the resulting damage, as well as proof of the extent of losses suffered. Each type of evidence carries its own formal rules. Ancestrally inherited land often lacks official title deeds, possessing only recognition letters from village heads or certificates from village elders. Such evidence holds weak evidentiary value in the eyes of judges. Meanwhile, corporations maintain complete archives comprising maps, licensing documents, survey reports, and highly convincing aerial photographs. This uneven evidentiary process acts as a tall wall obstructing communities from achieving justice. Although legal theory suggests that the burden of proof can be distributed proportionally, in practice, judges rarely apply this theory consistently. Cases decided in district courts reveal a pattern of outcomes heavily dominated by corporate victories.

Public ignorance regarding legal rights serves as another factor limiting access to justice. Many farmers and fishers in remote areas are unaware that they can sue corporations for environmental pollution. They are unfamiliar with terms like tort lawsuits or class action lawsuits. Legal information is not evenly distributed across rural hinterlands, whereas corporations maintain legal divisions monitoring every movement within communities. When river pollution or forest destruction occurs, residents tend to resign themselves to fate and only offer verbal protests to village officials. They do not realize that these protests can be converted into legal claims with the assistance of legal aid organizations (Raharusun, 2019). Non-environmental non-governmental organizations and legal aid institutions attempt to bridge this gap, but their reach and capacity remain limited. Not all villages affected by resource exploitation receive visits from activists or lawyers. Consequently, many rights violations are never recorded in court simply because communities themselves do not realize they are victims of unlawful acts. This constitutes the most basic and widespread form of failure in access.

Mediation and negotiation processes mandated as out-of-court dispute resolution efforts frequently become traps for communities. Corporations utilize mediation forums to pressure residents into accepting small compensation packages under the pretext of avoiding lengthy court proceedings. Appointed mediators typically originate from government agencies maintaining close ties with corporations. This condition turns mediation into an arena of inequality rather than an equal space for dialogue. Communities inexperienced in negotiating with corporate giants are easily intimidated by legal language and threats of litigation costs

outlined by corporate legal teams. The resulting agreements often prove deeply disadvantageous to communities, yet residents feel forced to sign due to time pressures and fear of judicial proceedings. In principle, mediation should prioritize voluntariness and mutual interest. In natural resource cases, this principle is neglected, as mediation becomes a mere formality before corporations resume operations. If mediation fails and communities take the matter to court, corporations claim that residents acted uncooperatively, thereby influencing judges' assessments regarding the good faith of the parties.

Another weakness in the judicial system is the lengthy duration of dispute resolution. Natural resource disputes can span years from the court of first instance to final appeal. As this process unfolds, corporations continue operating and inflicting further environmental damage. Communities must endure worsening conditions without certainty as to when justice will arrive. After a district court decision is rendered, corporations almost invariably file an appeal. The appeal process is followed by cassation and judicial review. Each level of court consumes an average of one to two years. Ultimately, even if communities win a case in district court, execution of the judgment is frequently stymied because the corporation has transferred assets or restructured the company (Conde et al., 2023). A ruling with binding legal force cannot be executed effectively without strong law enforcement support. This strikes a heavy blow to public trust in the judicial system. Communities feel that the law offers only false hope while their suffering remains real and continuous. Prolonged timelines and uncertain outcomes serve as major disincentives for communities to pursue their legal struggles.

Corporations also employ litigation strategies designed to exhaust communities. They raise various procedural objections, such as jurisdictional exceptions claiming the court lacks authority to hear the case or arguing that community claims suffer from formal defects. Each procedural objection consumes time and energy from communities lacking legal expertise. Corporate lawyers are well aware of procedural loopholes and use them to delay examinations of the merits. The ultimate goal is to force communities to surrender midway due to depleted funds and energy. In several instances, corporations also threaten residents with countersuits for defamation or other civil claims. These threats prove highly effective in terrifying rural residents who do not wish to be dragged into complex legal whirlwinds. This practice of litigation warfare demonstrates that corporations utilize law as an offensive weapon rather than merely a defensive tool. Communities initially acting as plaintiffs can find themselves turned into defendants in countersuits filed by corporations. This condition exacerbates access disparities, as communities must fight two battles simultaneously.

The role of lawyers and legal aid institutions becomes crucial in efforts to expand access to justice for communities. However, the number of lawyers willing to handle environmental cases pro bono remains strictly limited. Most attorneys prefer commercial cases that offer substantial compensation. Existing legal aid organizations are frequently overwhelmed by high request volumes across various regions. Operational funding limitations prevent them from visiting every conflict site and providing intensive assistance. As a result, many

communities are forced to face trials without adequate legal representation. In an adversarial court system, the presence of an attorney strongly dictates the quality of legal arguments and evidence presentation (Laksito & Bawono, 2024). Unrepresented communities will lose on technical grounds despite being substantively correct. Research conducted by Bebbington and colleagues demonstrates that social movements involving lawyers and academics achieve higher success rates in advocating for community rights. Therefore, the presence of state-funded public defenders should serve as a priority to guarantee equal access to justice for all citizens.

The quality of judicial decisions also factors into community access to justice. In documented cases, judges' rulings display a lack of understanding regarding environmental issues and indigenous rights. Judges frequently become trapped in legal formalities without examining the substantive justice values underlying disputes. They read statutes textually while ignoring the spirit of human rights protections embedded in the constitution. Such rulings not only harm litigants, but also erode the credibility of the judiciary as a whole. Communities reading or hearing about such decisions become increasingly convinced that the law does not side with them (Lestari, 2022). To resolve this issue, strengthening judicial capacity in environmental law and human rights is urgently required. Continuous training and education for judges on natural resource issues must become a key agenda for judicial institutions. Judges can no longer hide behind dry statutory articles without recognizing the social realities unfolding before them. Substantive justice demands that judges courageously step beyond legal texts to consider the impacts of their rulings on the lives of many people.

Government policy regarding legal aid further affects community access to justice. Legal aid legislation recognizes that low-income citizens hold rights to free legal assistance. However, implementation faces numerous obstacles. Budget allocations for legal aid remain minute compared to existing needs. The number of paralegals and attorneys registered as legal aid providers is disproportionate to the volume of cases requiring representation. Furthermore, procedures to obtain legal aid are often convoluted, demanding numerous documents that low-income citizens do not possess. They must prove economic hardship through poverty certificates issued by local neighborhood offices. This bureaucratic process serves as an additional hurdle for communities already facing distress. Ideally, legal aid should be delivered proactively—not waiting for communities to seek help, but reaching out directly to conflict sites. Passive legal aid delivery leaves many cases untouched while communities remain in states of helplessness. Reforms in legal aid policy are necessary to render access to justice real rather than a mere statutory promise.

Community access to justice is also obstructed by statutory limitation clauses. In civil law, claims must be filed within specific timeframes from the point an unlawful act becomes known. Communities that discover the full impact of natural resource exploitation only after many years are often confronted with the reality that statutes of limitations have expired. Corporations clever use this article to dismiss community lawsuits on procedural grounds. Yet environmental damage frequently manifests only after prolonged accumulation

(Purwendah et al., 2022). Groundwater contamination, for example, may only be detected after several years of mining operations. Communities lack the tools and technical knowledge to detect pollution early. Consequently, rigid application of limitation periods constitutes another form of injustice restricting community access to compensation. Judges should offer flexible interpretations of limitation periods in environmental cases, given the latent nature of damage that becomes known only over time. However, judicial practice shows that limitation arguments are frequently granted by judges, leaving case merits unexamined. This gap between living law and written law operates to the detriment of communities.

Beyond procedural and financial hurdles, communities face sociological barriers in the form of stigma and intimidation. In many areas, residents who dare to sue corporations are labeled as troublemakers or development obstructors. They face social pressure from neighbors, village officials, and even their own families. This pressure can manifest as physical threats, social ostracization, or revocation of access to public amenities. Corporations often collaborate with security forces to intimidate outspoken community leaders. Arrests and detentions of environmental activists occur across various regions under often baseless charges (Meyer, 2023). This atmosphere of fear renders communities reluctant to report cases to court. They choose silence and resignation over risking their personal freedom or physical safety. Justice can only be upheld when communities do not fear speaking out, but within extractive realities, fear is part of daily life. The state's role in protecting human rights defenders becomes vital to transform atmospheres of intimidation into environments conducive to law enforcement. Unfortunately, activist protections often exist merely on paper, while on the ground they are left to face violence alone.

Public distrust toward the judicial system deepens when citizens observe that court decisions are never properly enforced. Execution processes for civil judgments on damages are complex and time-consuming. Corporations can file execution challenges or conceal assets to prevent seizure. Court bailiffs are frequently overwhelmed by corporate tactics backed by skilled legal counsel. Consequently, even when communities secure favorable rulings, they almost never actually receive compensation. This experience leads communities to view the judiciary as a waste of time and money. Over the long term, this distrust erodes the legitimacy of judicial institutions and the rule of law itself (Nikolaev, 2024). Communities losing trust will seek justice outside the system—through mass protests, blockades, or even violence. This represents a major risk to social and political stability. Therefore, judgment enforcement must become a priority on par with trial proceedings. Without effective execution, access to justice remains a futile formality that deepens existing social wounds.

Community access to justice in natural resource disputes is never simple or linear. Communities must navigate a gauntlet of obstacles constructed by legal structures, judicial procedures, and corporate power. Litigation costs, evidentiary complexities, legal unfamiliarity, imbalanced mediations, lengthy proceedings, litigation warfare strategies, legal aid limitations, judicial decision quality, limitation periods, as well as intimidation and stigma all operate together to close the doors of justice to communities. These barriers do not occur

by chance; rather, they are products of a system design that has not favored vulnerable groups from the outset. Corporations and political elites maintain interests in keeping access to justice difficult, as ease of access would threaten the smooth exploitation of natural resources that feed their profits. Communities seeking to fight for their rights must possess heightened awareness, knowledge, and strong support to breach these walls. Throughout that struggle, they must often endure repeated failures before securing small victories. Yet every failure teaches them about system weaknesses and new ways to resist. Thus, access to justice in natural resource conflicts remains a long battlefield demanding extraordinary physical, mental, and financial endurance.

CONCLUSION

Legal conflicts in natural resource exploitation are structural and systemic in nature, rather than mere disputes between individuals or groups that can be resolved through ordinary legal mechanisms. The existing legal structure is designed with a primary orientation toward investment certainty and capital protection, thereby placing local communities in an extremely vulnerable position. Non-transparent licensing processes, environmental impact assessments that are substantively weak, and land acquisitions that disregard traditional rights reflect a structure biased in favor of corporations. Meanwhile, community access to justice is obstructed by various barriers, ranging from high litigation costs, complex evidentiary procedures, legal unfamiliarity, imbalanced mediations, and lengthy judicial processes to intimidation carried out by corporations and state apparatuses. The resulting court rulings often fail to reflect substantive justice because judges remain trapped in procedural formalities without digging into true principles of justice. Even when communities secure favorable court rulings, judgment execution is frequently stymied because corporations employ various legal tactics to evade obligations. Consequently, in the context of natural resource exploitation, the law does not function as an instrument of justice, but rather as a tool to legitimate power and perpetuate inequality. Justice can only be achieved if fundamental changes occur within the legal structure and judicial practices that have hitherto sided with corporations and political elites.

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