

LEGAL PLURALISM AND SOCIAL IDENTITY: AN ANALYSIS OF STATE AND RELIGIOUS LAW INTERACTION IN LOCAL DISPUTE RESOLUTION IN INDONESIA AND PAKISTAN

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Abstract

This paper explores the dynamics of legal pluralism and its relationship with social identity through a comparative analysis of Indonesia and Pakistan. Both nations, while differing in historical and cultural trajectories, share a similar complexity in their legal systems where state law, religious law, and customary norms coexist and interact. Using a socio-legal perspective, this study examines how local dispute resolution mechanisms *adat law* in Indonesia and *jirga* in Pakistan reflect the broader interaction between state authority and community-based legitimacy. Findings indicate that legal pluralism in both countries is not merely a formal coexistence of legal systems but a reflection of social negotiation and identity construction. In Indonesia, *adat law* serves as a mechanism of social harmony and restorative justice, emphasizing consensus (*musyawarah*) and collective responsibility. In contrast, the *jirga* system in Pakistan manifests a patriarchal and hierarchical social order rooted in tribal codes of honor. Although often criticized for contradicting formal legal principles, both systems demonstrate the enduring role of localized justice and moral legitimacy within their respective societies. By comparing these contexts, this paper argues that understanding legal pluralism is essential for building inclusive legal frameworks that accommodate cultural diversity and strengthen community participation in justice delivery.

Keywords: *Legal Pluralism, Social Identity, Socio-Legal Studies, Adat Law, Jirga, Local Dispute Resolution, Indonesia, Pakistan.*

A. INTRODUCTION

Legal pluralism has emerged as a defining feature of many postcolonial societies (Mahmood et al., 2018), especially in countries such as Indonesia (Hariri & Babussalam, 2024) and Pakistan, where various legal systems coexist and interact. These systems comprising state law, religious law, and customary law each hold distinct sources of legitimacy and authority that reflect the historical, cultural, and moral foundations of their societies. The interplay among these legal orders extends beyond questions of institutional design; it embodies deeper negotiations of identity, power, and cultural meaning. In postcolonial contexts, where state-building has often been intertwined with the legacies of colonial governance and indigenous resistance, the persistence of plural legal systems demonstrates how communities adapt formal legal frameworks to align with local traditions and ethical worldviews (Adhikari, 2025). Examining legal pluralism thus provides valuable insight into how societies balance legal diversity with social cohesion, manage normative conflict, and preserve collective values amid rapid political and cultural change. It also reveals how law operates not merely as an instrument of governance, but as a living expression of social identity and moral order shaped by historical experiences and contemporary realities (Yan & Benhima, 2024).

Both Indonesia and Pakistan offer rich and contrasting examples for understanding the sociological dimensions of legal pluralism in Muslim-majority settings. Indonesia, as the world's largest Muslim-majority democracy, officially recognizes *adat* (customary law) as a living, dynamic system embedded in the everyday practices of local communities. Despite the dominance of state law, *adat* continues to play a crucial role in regulating issues such as inheritance, land ownership, marriage, and local dispute resolution, serving as a bridge between traditional authority and modern governance (Ullah et al., 2017). This coexistence reflects Indonesia's constitutional commitment to cultural diversity and decentralized governance. In

Pakistan, meanwhile, the legal order is shaped by the complex coexistence of Islamic law (*Sharia*), state legislation, and tribal customary law, often manifested through local councils known as *jirgas*. These *jirgas*, which predate colonial administration, continue to function as informal yet powerful institutions for resolving disputes and maintaining community order, particularly in rural and tribal regions (N. A. Shinwari, *Understanding Jirga*, 2011). While they offer accessible and culturally grounded justice, their practices also raise debates over gender equality, human rights, and state legitimacy. Together, the Indonesian and Pakistani experiences underscore that legal pluralism is not simply a structural phenomenon but a social process through which communities negotiate legitimacy, authority, and identity within complex historical and political landscapes (Rafiq & Afzal, 2025).

The coexistence of multiple legal systems, while reflective of cultural diversity and historical continuity, often gives rise to tensions between formal state institutions and community-based norms. In Indonesia, for instance, *adat* law decisions may at times contradict rulings issued by state courts, exposing the ambiguities that arise when customary authority intersects with national legal frameworks (Tamanaha, 2021). These conflicts frequently raise critical questions about the extent to which customary practices should be formally recognized, as well as the boundaries of local autonomy within a unified legal system. The challenge lies in reconciling community-based justice, which prioritizes social harmony and consensus, with the formal judiciary's emphasis on procedural uniformity and individual rights. In Pakistan, a similar tension emerges through the operation of the *jirga* system (Doyle, 2024). According to Ahmed and Khan (2024), while *jirgas* serve as culturally grounded forums for dispute resolution, they often contravene constitutional guarantees and overlook fundamental human rights, especially in matters concerning gender justice and personal autonomy. Nonetheless, despite these criticisms, local justice systems such as *adat* and *jirga* remain deeply embedded in the social fabric because they are accessible, efficient, and rooted in communal legitimacy. They represent not only alternative pathways for justice but also living expressions of cultural identity and collective morality that sustain social cohesion and reinforce traditional hierarchies of authority.

From a sociological standpoint, legal pluralism epitomizes the intersection between law and society, revealing how legal institutions are both shaped by and reflective of the cultural, moral, and political dynamics of their environments. Cotterrell (2017) emphasizes that law should not be viewed merely as a codified system of rules, but as a social institution continually redefined through human interaction and shared meaning. Law evolves as communities negotiate between the imperatives of formal structures and the realities of informal practices, ensuring that it remains responsive to changing moral and social conditions. In Indonesia and Pakistan, this dynamic interplay manifests through the constant negotiation between modernity and tradition, national authority and communal self-governance, and universal legal principles and locally grounded moral orders. Legal pluralism, therefore, is not a symptom of legal fragmentation but a reflection of social resilience a mechanism through which societies manage diversity, assert identity, and adapt justice to fit the contours of lived experience (Rahimi, 2024).

This paper seeks to contribute to the expanding body of scholarship that explores how plural legal systems operate as dynamic spaces where social identity, authority, and morality are continuously negotiated. By conducting a comparative analysis of Indonesia and Pakistan, the study underscores how local mechanisms of dispute resolution namely *adat* law and the *jirga* system mediate the complex relationship between law, culture, and community values. These institutions not only provide frameworks for conflict resolution but also function as cultural arenas in which collective identities are expressed and sustained. The paper argues that examining these plural forms of legality is vital to understanding how societies reconcile

diverse moral orders within unified political structures. Moreover, it contends that insights from such comparative inquiry can inform the design of inclusive legal reforms that recognize cultural diversity while remaining committed to universal principles of justice, human rights, and gender equality.

The discussion unfolds in several stages. The following section presents a comprehensive review of theoretical perspectives and prior research on legal pluralism and the sociological construction of legal identity. This review provides the conceptual grounding for understanding law as both a social institution and a site of cultural negotiation. The subsequent sections examine how *adat* and *jirga* function in practice within their respective national contexts, highlighting how they interact with state law and religious norms to shape patterns of governance, legitimacy, and social cohesion. The paper concludes with an analytical reflection on the broader implications of legal pluralism for contemporary law reform in multicultural societies, emphasizing the need to balance respect for local traditions with the pursuit of equality, justice, and inclusive citizenship.

B. LITERATURE REVIEW

1. Concept of Legal Pluralism

According to Swenson (2018), the concept of legal pluralism highlights the reality that multiple legal systems both state and non-state often coexist and interact within the same social context. This coexistence demonstrates that societies are governed not only by state-imposed rules but also by community-based norms, traditional authorities, and moral frameworks that shape people's everyday legal consciousness. The phenomenon of overlapping legal systems has become a central focus in the study of law and society, especially in postcolonial countries where colonial legacies continue to influence legal hierarchies and social relations. Swenson defines legal pluralism as "the existence of more than one legal order within a single social field," emphasizing that law cannot be confined to the formal institutions of the state (Anghie, 2023). Instead, it must be understood as a complex social phenomenon that operates within networks of meaning, belief, and cultural practice. By situating law in its broader sociocultural context, this approach challenges the Western-centric notion of law as a unitary, rational, and hierarchical system, suggesting instead that legal authority is diffuse and constantly negotiated across social spaces (Abbas et al., 2024).

Merry (1988) further refines this understanding by distinguishing between "weak" and "strong" forms of legal pluralism. Weak pluralism refers to situations where non-state law is acknowledged, yet regulated and subordinated under the authority of the state, while strong pluralism exists when multiple legal systems function autonomously within a society without direct state control. In many postcolonial nations, including Indonesia and Pakistan, both forms often coexist in practice. The state may officially recognize certain aspects of customary or religious law, but local communities frequently maintain their own systems of adjudication that operate according to communal values and social hierarchies. According to Mahmood, Khan, and Sarwar (2018), in Pakistan, the inefficiencies, corruption, and alienation associated with the formal legal system frequently drive marginalized groups to rely on alternative customary mechanisms such as *jirga*, which serve as accessible spaces for resolving disputes and negotiating issues of power, identity, and legitimacy. In this context, law functions not only as an instrument of state control but also as a means of resistance, social participation, and self-definition, reflecting the enduring relevance of community-based justice in shaping collective order and moral coherence.

2. Socio-Legal Theory and Identity Formation

From a sociological perspective, law and identity are deeply intertwined and mutually constitutive, each shaping and reinforcing the other through everyday social interactions. According to Cotterrell (2017), law does not merely function as a set of rules imposed by authority but serves as a reflection of the moral values, beliefs, and collective aspirations that define a community. In this sense, law operates as both a mirror and a mechanism of social order, maintaining cohesion by embodying shared understandings of justice and morality. Berger and Luckmann (2016) elaborate that through the process of habituation, repeated human actions gradually solidify into stable and predictable behavioral patterns. This repetition allows individuals to interpret, anticipate, and respond to their social environment in ways that produce a sense of order and continuity. Over time, these repeated actions may undergo institutionalization, transforming particular behaviors and norms into part of the collective reality perceived as objective and binding. In the legal realm, this process signifies that norms and legal principles are not only the products of formal legislation but also the outcomes of shared social experiences and collective agreements. Thus, law gains its legitimacy and meaning through ongoing social processes embedded in daily life, rather than being confined to codified statutes or judicial authority (Routh, 2022).

In multicultural and plural societies, however, this relationship between law and identity becomes significantly more complex as individuals simultaneously navigate multiple, and sometimes conflicting, normative systems that shape their social belonging and moral outlook (Mayer et al., 2024). Santos (2002) characterizes this phenomenon as “interlegality,” referring to the condition in which people operate within overlapping and intersecting legal orders that coexist in the same social space. This interconnection becomes visible in diverse societies like Indonesia and Pakistan, where people draw upon different legal frameworks depending on the nature of the issue at hand. For instance, a villager in Indonesia may rely on *adat* law for resolving family disputes, which emphasizes harmony and community consensus, while turning to state law for matters such as land registration or administrative recognition. Similarly, in Pakistan, tribal communities often seek justice through *jirgas* to maintain social equilibrium, even as they acknowledge the formal authority of state courts (Sukriono et al., 2025).

Legal pluralism, therefore, should be understood as a fluid and evolving social process rather than a fixed institutional arrangement. It is shaped by the continual negotiation and interaction between formal state mechanisms and informal customary systems, each influencing the other’s legitimacy and functional boundaries. As Turmudzi (2025) observes, in Indonesia, legal pluralism embodies the dynamic interplay between state and customary law, where both frameworks contribute to conflict resolution and governance at the local level. Complementing this, Inriani (2024) underscores that Indonesia’s legal structure develops through the interaction of power regimes, social practices, and cultural diversity, demonstrating that the legal system is not a static construct but a living, dialogical space constantly adapting to shifting social realities and collective identities.

3. Legal Pluralism in Indonesia

Hamida (2022) highlights that *adat* law constitutes an inseparable component of Indonesia’s broader legal framework, reflecting the nation’s deep historical and cultural roots. Characterized by its unwritten and community-based nature, *adat* law embodies a system of norms that are closely intertwined with religious beliefs, local traditions, and moral values that guide social behavior. Despite its informal character, *adat* law continues to exert a profound influence on Indonesia’s contemporary legal practices, especially in areas where community

ties and customary governance remain strong. Its institutional recognition dates back to the Dutch colonial period, when colonial administrators sought to codify indigenous customs as part of their strategy to govern local populations efficiently. This codification process, though rooted in colonial control, paradoxically ensured the preservation of local legal traditions (Manse, 2024). Consequently, Indonesia's legal landscape evolved into a pluralistic system in which state law, Islamic law, and *adat* law coexist and interact dynamically. Following independence, this plural identity was reaffirmed through Article 18B of the 1945 Constitution, which formally acknowledges the rights of traditional communities to practice their own customary laws and maintain indigenous institutions, provided that these do not contradict national unity and legal principles (Benda-Beckmann, 2022).

Henley (2008) further explores the resurgence of *adat* law in Indonesia during the post-Suharto reform era, emphasizing its reemergence as a tool for local empowerment and participatory governance in the context of democratization. He argues that *adat* law's revival reflects both a search for cultural authenticity and a response to the perceived shortcomings of the formal legal system. Within many communities, *adat* law remains central to the resolution of local disputes, emphasizing restorative justice, community harmony, and collective decision-making (*musyawarah*) rather than punitive measures. Unlike formal state courts, which prioritize procedural justice and individual rights, *adat* processes aim to restore moral equilibrium and social relationships within the community. However, this resurgence has also generated tensions with the national legal framework, particularly in matters concerning land ownership, gender equality, and religious conversion. These conflicts expose the ongoing negotiation between local autonomy and state authority, as well as the challenge of reconciling customary principles with modern legal standards and human rights norms. Thus, Indonesia's experience with *adat* law underscores that legal pluralism is not a static condition but a living, evolving process shaped by historical legacies, political transformations, and the continuous dialogue between tradition and modernity (Cohen et al., 2024).

4. Legal Pluralism in Pakistan

Pakistan's legal pluralism is a product of both its colonial inheritance and its strong Islamic orientation, resulting in a multifaceted and often internally contradictory legal framework. The coexistence of *Sharia* law, customary tribal law, and state law illustrates how historical and religious legacies continue to shape the country's legal and social institutions. Sartori and Shahar (2012) examine this dynamic in Muslim-majority societies, noting that the interaction between colonial legal systems, Islamic jurisprudence, and indigenous customs has produced hybrid structures that are complex, overlapping, and sometimes in tension with one another. In Pakistan, this interplay is particularly pronounced, as the state's formal legal institutions coexist uneasily with religious and tribal systems that maintain deep cultural legitimacy. One of the most visible and enduring expressions of this pluralism is the *jirga* system a traditional council of elders responsible for resolving disputes, maintaining order, and enforcing community norms in rural and tribal settings. The *jirga* emphasizes collective consensus, moral reconciliation, and the preservation of social harmony; however, it also reinforces patriarchal values and traditional hierarchies, especially in cases involving women and family matters (Ahmed & Khan, 2024). This dual nature makes the *jirga* both a source of communal cohesion and a site of contestation over gender and justice.

Despite persistent controversies, the *jirga* remains widely respected and actively utilized because it is perceived as accessible, efficient, and culturally resonant, especially in areas where the reach of the formal judiciary is limited. Many rural and marginalized communities view state courts as distant, corrupt, and procedurally burdensome, prompting reliance on traditional mechanisms of justice that align with local moral orders (N. A. Shinwari,

Understanding Jirga, 2011). The Pakistani state's stance toward the *jirga* has fluctuated over time, oscillating between suppression due to concerns about human rights violations and accommodation, recognizing its enduring relevance in community life. This ambivalence reflects deeper tensions between state-led modernization and the preservation of traditional authority. In recent years, reform efforts such as the introduction of Alternative Dispute Resolution (ADR) mechanisms have attempted to bridge the gap between formal and informal systems by incorporating traditional dispute resolution practices into legal frameworks (Khan & Laoutides, 2024). However, scholars caution that these initiatives risk institutionalizing the *jirga* without addressing fundamental inequalities related to gender, class, and representation. Consequently, Pakistan's legal pluralism continues to evolve as an arena of negotiation where competing conceptions of justice, authority, and legitimacy intersect, revealing the ongoing struggle to balance modern state law with deeply rooted customary and religious traditions (Gudeta Gerba et al., 2024).

5. Comparative Insights

Both Indonesia and Pakistan illustrate that legal pluralism extends far beyond the mere coexistence of multiple legal systems; rather, it represents a dynamic and evolving field of negotiation, contestation, and adaptation. In both countries, pluralism functions as a living process through which communities continuously reinterpret and redefine the boundaries between state authority, customary practice, and religious morality. Local legal systems such as *adat* in Indonesia and *jirga* in Pakistan embody this interaction, serving not only as mechanisms of dispute resolution but also as instruments for expressing collective identity, reinforcing social cohesion, and mediating relationships between citizens and the state (Ishfaq et al., 2024). These systems anchor law within the lived experiences of local communities, giving it cultural legitimacy and moral depth that formal institutions often lack. Through *adat* and *jirga*, communities assert their agency in defining justice on their own terms, thereby preserving traditions while responding to contemporary social and political pressures (McAreavey, 2022).

Despite these shared features, the trajectories of legal pluralism in Indonesia and Pakistan diverge in meaningful ways. Indonesia has developed a more inclusive and integrative model of pluralism, reinforced through constitutional recognition and formal engagement with customary institutions. This approach reflects the state's attempt to harmonize national unity with local diversity, ensuring that *adat* law remains an active component of governance and community life (Li-Ann, 2021). In contrast, Pakistan's pluralism remains marked by informality and resilience, existing alongside a state legal order that oscillates between tolerance and suppression. The *jirga* system persists as a culturally legitimate yet legally ambiguous institution, reflecting ongoing tensions between modernization and tradition. These contrasts underscore the importance of historical legacies, religious orientations, and political structures in shaping how pluralism functions in practice. Ultimately, both cases reveal that legal pluralism is not a static arrangement but a continuous process of negotiation, through which societies seek to balance the imperatives of justice, identity, and authority in an ever-changing social landscape (Ullah et al., 2025).

C. METHOD

This study employs a qualitative comparative approach grounded in socio-legal methodology. The goal is to understand how legal pluralism operates as a social phenomenon within two distinct national contexts, Indonesia and Pakistan. Rather than focusing solely on statutory or doctrinal analysis, the research emphasizes the social practices, cultural meanings, and community perceptions that give life to local legal orders. According to Cotterrell (2017),

socio-legal research seeks to explore law “as a form of social communication,” connecting legal norms to broader moral and cultural frameworks. This comparative approach allows for identifying similarities and contrasts in how plural legal systems function and how local institutions, such as *adat* councils and *jirgas*, mediate between state authority and community justice. The analysis draws on a combination of documentary review, secondary data, and interpretive analysis of existing case studies and scholarly works.

The study is based primarily on secondary data, including peer-reviewed journal articles, books, policy documents, and reports by human rights organizations. Sources were selected from reputable databases such as Scopus, JSTOR, and Google Scholar to ensure academic credibility. Key documents include legislative frameworks, such as Indonesia’s Constitution (1945) and laws recognizing *adat* communities, and Pakistan’s Alternative Dispute Resolution Act (2017) and reports on the *jirga* system by the Human Rights Commission of Pakistan (HRCP).

Khan, Mohamed, and Ullah (2025) compare the effectiveness of the Alternative Dispute Resolution (ADR) system, including *jirga*, with the formal legal system in the former Federally Administered Tribal Areas (FATA). The authors highlight that the ADR system demonstrates flexibility, cost-effectiveness, and cultural appropriateness, offering faster, community-centered solutions. However, the article also notes the presence of biases, human rights concerns, and challenges in law enforcement as significant issues. In contrast, the formal legal system ensures legal certainty and the protection of human rights but is constrained by high costs, procedural complexity, and limited access in remote areas. The article advocates for a hybrid model that integrates the cultural sensitivity of ADR with the rigor of the formal legal system to ensure justice.

The study applies an interpretive socio-legal framework, which views law as embedded in cultural and social relations (Geertz, 2008). This framework enables analysis beyond formal texts, focusing on how law is experienced and interpreted by communities. The comparative analysis is guided by three analytical dimensions:

1. Institutional Structure: examining the interaction between state, religious, and customary legal institutions;
2. Normative Legitimacy: exploring how local legal orders derive authority from cultural and moral values;
3. Social Function: analyzing how dispute resolution mechanisms contribute to community cohesion and identity formation.

The framework also draws on legal anthropology, emphasizing that law must be understood in its local context rather than through universal legal assumptions (Moore, 2000). This approach is particularly relevant for plural societies where state law coexists with deeply rooted cultural traditions.

D. RESULT AND DISCUSSION

1. The Nature of Local Justice Systems

Both Indonesia and Pakistan demonstrate that local justice systems, *adat* and *jirga*, emerge from deeply rooted cultural traditions that predate the modern state. They represent not only mechanisms for resolving disputes but also symbolic arenas where community identity, authority, and morality are performed. As Geertz (2008) observed, law in such contexts serves as a “cultural system,” reflecting the moral imagination of a society rather than merely enforcing written rules.

In Indonesia, *adat* law reflects the communal ethos of harmony (*rukun*) and collective responsibility. Local disputes such as land boundaries, inheritance, or family conflicts are typically resolved through deliberation (*musyawarah*) among elders. This process prioritizes

reconciliation and social cohesion over punishment or compensation. Adat justice is often described as restorative rather than retributive, emphasizing the restoration of moral order within the community (Ardhana & Puspitasari, 2023).

In Pakistan, the jirga system operates similarly as a community-based mechanism rooted in tribal traditions. A council of male elders convenes to deliberate on disputes, and its authority derives from customary codes of honor (pashtunwali), which emphasize respect, loyalty, and reparation. The jirga process is informal, yet its decisions carry binding moral force. It remains particularly prevalent in the Federally Administered Tribal Areas (FATA) and rural regions of Khyber Pakhtunkhwa.

Both systems thus illustrate legal pluralism in action, where law functions as a form of social order derived from communal values rather than state authority. Yet their persistence also exposes the tension between tradition and modernization, as both countries seek to harmonize local justice with national legal frameworks.

2. Legitimacy and Accessibility

The enduring strength of adat and jirga lies in their legitimacy and accessibility. In both contexts, state courts are often seen as distant, bureaucratic, and expensive. Local justice, by contrast, is immediate, familiar, and culturally embedded. Von Benda-Beckmann (2002) argues that local legal institutions sustain their legitimacy and authority because they correspond closely with the community's socially constructed understanding of justice in everyday life. Accordingly, the existence and acceptance of local legal norms are not determined solely by formal recognition from the state but are also reinforced through their resonance within societal practices and collective norms.

In Indonesia, adat institutions maintain legitimacy through their alignment with cultural values and religious principles. For example, adat councils often integrate Islamic norms in predominantly Muslim areas, creating a hybrid moral framework that blends religion, custom, and community ethics. In practice, adat rulings tend to prioritize forgiveness and restitution over legal sanction, especially in cases involving family or neighborly disputes. This approach reinforces social harmony and supports the collective identity of the community (Setiawan, 2023).

In Pakistan, the jirga system derives its legitimacy from its social authority rather than legal recognition. Despite being criticized by human rights organizations for gender bias and lack of procedural fairness (Ahmed and Khan, 2024), many rural communities still perceive jirgas as authentic and morally legitimate. The Pakistani state itself has adopted a pragmatic approach, oscillating between suppression and accommodation. For example, the Alternative Dispute Resolution Act formally introduced jirga-like mechanisms under judicial supervision, attempting to merge traditional authority with modern legality.

These examples show how legitimacy in plural systems is context-dependent; it is not determined solely by formal legality but by social trust, cultural resonance, and moral authority within the community.

3. Gender and Power Dynamics

While both adat and jirga promote community-based justice, they also reflect the power structures of their societies. In many cases, these institutions reinforce patriarchal norms and limit women's participation. In Indonesia, although some adat systems recognize the role of women, such as the Minangkabau matrilineal system in West Sumatra, others restrict women's voices in decision-making processes.

In Pakistan, jirgas have faced severe criticism for endorsing practices such as honor killings, forced marriages, and exchange of women (swara) as means of conflict settlement.

These outcomes underscore the tension between cultural legitimacy and human rights universality. The Pakistani government and civil society organizations have made attempts to reform or regulate jirgas, yet such reforms often meet resistance from tribal leaders who view them as threats to traditional autonomy.

From a sociological perspective, these gendered practices highlight how law functions as a site of power negotiation. Legal pluralism, therefore, cannot be viewed as neutral; it reflects underlying hierarchies of gender, class, and ethnicity. As Santos (2002) argues, the challenge is not to eradicate local legal orders but to democratize them, ensuring inclusivity and equal participation without destroying their cultural foundations.

4. State Recognition and Hybridization

Both Indonesia and Pakistan have made efforts to reconcile plural legal systems with state law. In Indonesia, adat is formally recognized through the 1945 Constitution (Article 18B) and various sectoral laws on land, forestry, and indigenous rights. However, this recognition is often conditional as adat law is valid only if it does not conflict with national law or “national interest”. Consequently, adat communities continue to struggle for full legal autonomy, particularly regarding land ownership and resource management. Afridi (2024) compares the effectiveness of the Alternative Dispute Resolution (ADR) system, including jirga, with the formal legal system in the former Federally Administered Tribal Areas (FATA). The author highlights that the ADR system demonstrates flexibility, cost-effectiveness, and cultural appropriateness, offering faster, community-focused solutions. However, the article also notes the presence of biases, human rights concerns, and challenges in law enforcement as significant issues. In contrast, the formal legal system ensures legal certainty and the protection of human rights but is constrained by high costs, procedural complexity, and limited access in remote areas. The article advocates for a hybrid model that integrates the cultural sensitivity of ADR with the rigor of the formal legal system to ensure justice.

While such hybridization can enhance access to justice, it also risks co-optation, as the state may instrumentalize traditional institutions for political purposes. This tension raises a broader question about the future of pluralism: should the state regulate local justice, or should it merely acknowledge and coexist with it?

5. Comparative Synthesis

The table below compares Indonesia’s adat law and Pakistan’s jirga system to illustrate how legal pluralism manifests within distinct sociocultural and historical contexts. Both frameworks operate as community-based mechanisms of justice that coexist alongside formal state institutions, yet they reflect different relationships between custom, religion, and governance. By examining their historical foundations, state recognition, modes of decision-making, and gender dynamics, the comparison reveals how each system embodies unique conceptions of authority and social order. This synthesis not only underscores shared principles of communal harmony and moral legitimacy but also highlights the divergent trajectories of plural legal traditions shaped by local identities and political histories.

Table 1. Comparing Indonesia and Pakistan reveals both convergence and divergence in how legal pluralism interacts with social identity.

Aspect	Indonesia (<i>Adat Law</i>)	Pakistan (<i>Jirga System</i>)
Historical Roots	Derived from precolonial customary norms codified under Dutch rule	Rooted in tribal traditions predating Islam and colonialism
Relation with Religion	Often hybridized with Islamic values	Strongly influenced by <i>Sharia</i> and tribal codes (<i>Pashtunwali</i>)

State Recognition	Formally recognized under the Constitution	Semi-recognized through ADR reforms
Decision-Making	Consensus-based (<i>musyawarah</i>), restorative justice	Elder-based deliberation, often hierarchical
Gender Dimension	Varied; some inclusivity (e.g., Minangkabau), but generally patriarchal	Strongly patriarchal; limited female participation
Core Function	Restoring harmony and balance	Upholding honor and social order

These differences illustrate that legal pluralism is not a fixed structure but a dynamic process that reflects each nation’s sociopolitical evolution. In both contexts, law operates as a cultural expression of identity, mediating between global norms and local realities. Ultimately, pluralism in Indonesia tends toward integration and coexistence, while in Pakistan it leans toward segmentation and autonomy. Yet both systems underscore the enduring relevance of local justice in maintaining social cohesion and cultural continuity.

E. CONCLUSION

This study has demonstrated that both Indonesia and Pakistan embody complex forms of legal pluralism that reflect the deep entanglement between law, culture, and social identity. In both societies, local justice systems *adat* in Indonesia and *jirga* in Pakistan function not merely as residual customs but as living institutions that continue to shape how communities understand justice, legitimacy, and authority. The analysis reveals that pluralism in these contexts operates as a social process of negotiation between state power and community autonomy. In Indonesia, *adat* law is formally recognized and often integrated with state and religious frameworks, reflecting an inclusive model of pluralism that seeks balance between modernity and tradition. In contrast, Pakistan’s *jirga* system operates largely outside formal legality, representing an autonomous and resilient pluralism rooted in tribal values and moral codes. However, both systems face critical challenges. They risk reinforcing social hierarchies, particularly regarding gender inequality and power concentration among male elites. These challenges highlight the ambivalent nature of local justice while it offers accessible and culturally meaningful dispute resolution, it may also perpetuate discriminatory practices. Thus, the key task is not to abolish local systems but to reform and democratize them, ensuring that pluralism serves both cultural integrity and universal principles of justice.

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