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JUSTICE SYSTEM OF THE INDIGENOUS COMMUNITIES: PRACTICES, CHALLENGES AND IMPLICATIONS FOR MODERN JURISPRUDENCE

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ABSTRACT

This study examined Indigenous justice systems, focusing on traditional practices, challenges with national legal systems, and their potential contributions to justice policies. Using a qualitative design, it employed in-depth interviews with Indigenous elders to gather insights on customs, experiences, and conflict resolution. The findings indicate that Indigenous justice systems maintain cultural sovereignty through practices rooted in tradition, community healing, and cultural identity. However, they encounter challenges when dealing with national legal systems, such as lack of recognition, limited resources, and differences in procedures. Unlike the state's retributive model, Indigenous restorative justice emphasizes healing, accountability, and community-based solutions. This approach offers enlightening perspectives for creating more compassionate and culturally aware policies. The study concludes that Indigenous justice systems provide culturally grounded and relationship-focused alternatives to punitive models. These contribute to ongoing discussions about legal pluralism, cultural preservation, and justice reform that seek to link Indigenous traditions with state frameworks.

KEYWORDS: *Cultural sovereignty, legal pluralism, modern jurisprudence, restorative justice.*

INTRODUCTION

Justice means different things to different people. In many modern legal systems, it is often measured by punishment or by how strictly laws are followed. But for Indigenous communities, justice is something much deeper — it is about healing, restoring peace, and keeping the community whole.

For generations, Indigenous peoples have practiced their own ways of resolving conflicts, guided by respect, understanding, and shared responsibility. These justice systems reflect who they are as a people — their traditions, values, and deep connection to the land. They seek not to divide but to bring people back together after wrongdoing. However, these systems are often set aside or overshadowed by state laws that focus more on punishment than reconciliation.

In the Philippines, more than 110 Indigenous groups across 61 provinces continue to keep these traditions alive. Their justice practices remain an important part of community life, helping maintain harmony and identity. Yet, despite existing laws that recognize Indigenous rights, their systems of justice are still not fully understood or supported within the country's formal legal structure.
This study begins with the belief that Indigenous justice systems are living traditions
— sources of wisdom that continue to guide communities toward peace, fairness, and healing. By recognizing and valuing these systems, society can move toward a more inclusive and compassionate kind of justice — one that does not only punish, but also heals, restores, and unites.

LITERATURE REVIEW

Justice continues to evolve with changes in society, culture, and technology. Menon et al. (2023) introduced the concept of *legal hybridization*, which refers to the blending of traditional and modern legal practices in response to global interconnectedness. In the same way, Watson and Douglas (2021) emphasized the idea of *legal pluralism*, or the coexistence of multiple legal systems within a society. They argued that Indigenous forms of justice, which prioritize reconciliation and healing, offer meaningful alternatives to the punitive focus of Western legal systems.

Cunneen and Tauri (2019) likewise asserted that justice is not culturally neutral—it reflects the history and values of those who practice it. Whereas Western legal systems tend to emphasize retribution, Indigenous justice focuses on peace and the restoration of relationships. Similarly, Mensah (2024) and Setiawan (2023) demonstrated that modern legal systems often struggle to balance tradition with

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contemporary norms. Ali (2024) cautioned that the growing use of artificial intelligence in legal processes must remain transparent and accountable, noting that law should not lose its human and ethical dimension.

In the context of Indigenous justice, Ndarake (2024) highlighted that concepts of crime and justice depend on cultural definitions of right and wrong. Ablavsky and Allread (2023) further emphasized that Indigenous justice must be recognized not only as a cultural practice but as an expression of legal sovereignty. These scholars collectively suggest that Indigenous systems provide vital lessons on how law can promote balance, restoration, and community well-being.

In the Philippines, Indigenous communities maintain vibrant justice systems that reflect their identity, culture, and collective values. Barnes and Magdalena (2016) described the *Bodong* of the Kalinga as a peace pact founded on dialogue, respect, and consensus. Similar systems among the Ifugao, Tinguian, and Benguet peoples show that justice is viewed as a communal responsibility rather than an individual right.

Buendia et al. (2006) also observed that Indigenous governance structures—from the Ivatans in the north to the Maranaos in Mindanao—embody restorative and relationship-based approaches to resolving disputes. Candelaria (2018) and Ragandang (2018) explained that peacebuilding in Indigenous contexts links moral conduct with the preservation of community harmony. More recently, Basilio et al. (2024) and Solin et al. (2024) affirmed that Indigenous justice systems remain vital today, as they continue to strengthen cultural identity and promote lasting peace.

Across global and local studies, one idea stands out: justice is not a uniform concept but one shaped by culture and lived experience. While state legal systems emphasize structure and punishment, Indigenous systems focus on reconciliation, balance, and the healing of relationships. Although challenges remain in integrating traditional justice into formal law, Indigenous practices offer valuable insights into creating a more humane, inclusive, and culturally grounded approach to justice.

THEORETICAL / CONCEPTUAL FRAMEWORK

This study is guided by four key theories—Cultural Sovereignty, Restorative Justice, Legal Pluralism, and Decolonial Theory—which together explain how Indigenous justice systems coexist and interact with state laws.

Cultural Sovereignty (Deloria, 1996) asserts the right of Indigenous communities to govern themselves according to their customs and traditions, preserving cultural identity and self-determination. Restorative Justice (Zehr, 1990) emphasizes healing, reconciliation, and accountability rather than punishment—values deeply rooted in Indigenous practices. Legal Pluralism (Griffiths, 1986) recognizes the coexistence of multiple legal systems, affirming that Indigenous laws are as legitimate as state laws. Lastly, Decolonial Theory (Mignolo, 2007) critiques colonial influences that marginalized Indigenous governance and calls for reclaiming traditional justice systems within national frameworks.

Anchored on these theories, the study examines Indigenous justice practices, their challenges, and their potential contributions to modern jurisprudence. The framework is reinforced by international principles such as the UN Declaration on the Rights of Indigenous Peoples (2007) and ILO Convention No. 169 (1989), which uphold Indigenous peoples' right to sustain their legal institutions. By highlighting the harmony between cultural sovereignty and restorative justice, this study envisions a more inclusive and compassionate legal system that values both tradition and reform.

SIGNIFICANCE OF THE STUDY

This study holds significance for various sectors of society. For Indigenous communities, it affirms their traditional justice systems and promotes cultural preservation and self-determination. For legal institutions and policymakers, it offers insights for creating inclusive laws that integrate Indigenous and state justice systems. For government agencies, the findings serve as a guide in designing programs that respect Indigenous rights and promote restorative justice. For academia and researchers, it contributes to scholarship on legal pluralism and Indigenous governance. Finally, for the general public, the study fosters greater awareness, respect, and understanding of Indigenous culture and justice traditions.

OBJECTIVES OF THE STUDY

The study aimed to examine how Indigenous justice systems interact with modern legal frameworks, focusing on their role in promoting cultural sovereignty, restorative practices, and legal pluralism. Specifically, it sought to:

1. How do Indigenous justice systems uphold cultural sovereignty while coexisting with or conflicting with modern jurisprudence?
2. What are the key challenges faced by Indigenous justice systems in integrating with national legal frameworks, and how can these

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challenges be addressed?
3. How do Indigenous restorative justice practices differ with state retributive systems, and what potential do they hold for informing transformative justice policies?

METHODOLOGY

The descriptive method was used to determine the extent of lead; this study used a qualitative research design to gain a deeper understanding of the justice systems practiced within Indigenous communities. This approach focused on exploring people's lived experiences, perspectives, and social realities through non-numerical data such as interviews, observations, and personal narratives (Lim, 2025).

Research Design

This study utilized a qualitative research design to explore the justice systems of Indigenous communities. It focused on understanding lived experiences and social contexts through interviews, observations, and narratives (Lim, 2025). Community elders and leaders were interviewed to gain insights into traditional justice practices, the challenges they faced, and their interaction with national legal systems. The study emphasized how Indigenous justice promotes healing, restoration, and reconciliation rather than punishment, aiming to deepen understanding of justice that upholds cultural sovereignty and supports an inclusive legal framework.

Research Method

This study employed semi-structured interviews as a means of engaging with community elders, recognizing them as vital knowledge keepers. Open-ended questions encouraged the elders to share their stories, insights, and lived experiences in their own words. While an interview guide provided general direction, the conversations were intentionally flexible, allowing the dialogue to flow naturally and respectfully. This approach not only honored the wisdom of the elders but also ensured that their voices shaped the understanding of the research. The method generated rich, meaningful, and contextually grounded insights, making it especially appropriate for exploring the traditions, values, and challenges embedded within Indigenous justice systems.

Population of the Study

The study involved Indigenous Peoples Municipal Representatives (IPMRs) from Sudipen, Santol, Bagulin, and San Gabriel, La Union, including the Provincial IP Representative. These participants were chosen through purposive sampling for their leadership roles and deep knowledge of traditional justice practices. Most were elders aged 50 and above, though younger individuals were included if they had substantial experience or involvement in community justice. Only those with firsthand knowledge of Indigenous legal traditions were invited to ensure authentic and culturally grounded insights. Individuals without representative roles, Indigenous affiliation, or relevant experience were excluded. Throughout the process, participants were engaged with respect, recognizing their wisdom as part of their community's collective heritage.

Data Gathering Tools

The primary research tool used in the study was a researcher-created semi-structured interview guide, which aimed to investigate how cultural sovereignty in Indigenous justice systems challenged modern jurisprudence, the challenges that Indigenous communities faced when integrating their systems within national
frameworks, and how restorative justice in Indigenous communities could influence modern legal systems.

The questions in the Interview Guide were developed after reviewing books, articles, and legal documents such as the Indigenous Peoples Rights Act (IPRA). To ensure the questions were valid, experts in Indigenous law, anthropology, and social justice—such as legal scholars and Indigenous leaders—reviewed them. A pilot interview was also conducted with a small group of participants to check if the questions were clear and relevant. Based on feedback from the experts and pilot participants, the guide was improved before final use. This process helped ensure that the interviews collected reliable and useful information.

Data Gathering Procedures

The study followed a structured data-gathering process. Approval was first secured from the IP Regional Director, followed by consent from community leaders and participants. A pilot review was conducted to test and refine the interview guide before formal data collection. Key Informant Interviews (KII) were then held with the Provincial and Municipal Indigenous Peoples Mandatory Representatives (IPMRs) and selected community members. Participants were informed of the study's purpose, and data collection took place over one to two months during the dry season to ensure accessibility and participation.

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Treatment of Data

The data were analyzed in accordance with qualitative research methods. The data from Key Informant Interviews (KII) were transcribed and coded in order to identify key themes and patterns. Thematic analysis was used to organize these themes into categories that addressed the research questions, such as the challenges of integrating Indigenous justice systems into national legal frameworks and the impact of restorative justice on modern jurisprudence. To ensure accuracy and consistency, the data were processed using the Standard Operating Procedure (SOP), with a focus on understanding cultural sovereignty, traditional justice practices, and their implications for modern legal systems. The findings were interpreted using the emerging themes to identify significant insights and correlations.

Ethical Considerations

The study adhered to strict ethical standards to ensure participants' rights and well-being. Informed consent was obtained before interviews, and participants were briefed on the study's purpose, procedures, and their right to withdraw at any time. Anonymity and confidentiality were maintained, with all data securely stored. Participants could skip any questions they found uncomfortable. Cultural sensitivity guided the entire process, and appropriate ethical measures were observed when engaging with minors, women, senior citizens, or persons with disabilities to ensure respectful and inclusive participation.

RESULTS AND DISCUSSION

This section presents the key findings of the study based on the research questions. It discusses the main themes that emerged from participants' responses, supported by direct quotes and contextual insights. The analysis aims to provide a deeper understanding of Indigenous justice systems, their underlying principles, and how they interact with formal legal frameworks.

Research Question 1. How do indigenous justice systems uphold cultural sovereignty while coexisting with or conflicting with modern jurisprudence?

This section explores how indigenous justice systems maintain cultural sovereignty in the face of national legal frameworks. Based on participants' narratives, four major themes were identified: cultural identity and continuity, restorative and community-based justice, legal marginalization and structural barriers, and pathways for integration with formal systems. These themes highlight both the enduring strength of traditional practices and the ongoing tensions that arise when they intersect with state-imposed legal structures.

Cultural Identity and Continuity

The responses show that indigenous justice systems are deeply rooted in ancestral traditions. Phrases like "nakagisnan naming pamamaraan ng pagkamit ng hustisya" (KII-1) and "pamamaraang minana mula sa mga ninuno" (KII-2) emphasize how these systems are cultural treasures, passed down through generations. According to Eduardo and Gabriel (2021), such continuity helps maintain a collective sense of identity, supporting the view that these processes are not just legal mechanisms but carriers of cultural values.

The reiteration of indigenous justice practices across generations also functions as a powerful mode of resistance to cultural erasure, especially in post-colonial contexts where legal systems often mirror Western frameworks. The continuity becomes not merely a form of legal preservation, but a broader political and cultural assertion of identity and autonomy.

However, while continuity strengthens group identity, Fabra-Zamora (2022) warns that maintaining purely traditional processes can conflict with changing social realities. He argues that cultural practices must evolve and align in some way with national standards to have real impact. This concern is reflected in responses like "nagsisimula sa alam naming proseso" (KII-10), which affirm tradition, but also show a tension with expectations for documenting and formalizing decisions.

The gap between tradition and formal documentation is further complicated by generational divides within indigenous communities. Younger members, often educated in national legal systems, may challenge or reinterpret customary norms—leading to an internal debate on which version of justice should prevail.

Rehman (2024) suggests that indigenous jurisprudence embodies communal principles which contrast sharply with Western notions of individual rights. This aligns with participants' view that they follow traditions collectively, as opposed to seeking redress through individual litigation. Still, this communal approach may struggle within a state framework that values individual responsibility—raising questions about how genuine sovereignty can co-exist within modern legal institutions.

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This dissonance underlines a deeper ontological clash: whereas Western jurisprudence is rule-based and rights-focused, indigenous systems are more relational and duties-centered. Therefore, coexistence may require not just legal compromise, but epistemological openness to other ways of understanding justice.

Some scholars like Schmidt (2022) support the coexistence of cultural justice frameworks alongside state systems, arguing that such pluralism enriches society. They point out that indigenous laws offer moral guidance that formal laws may miss. But others, such as Pandya and Dave (2023), caution that pluralism may lead to confusion unless roles and limits are clearly defined, particularly when there is overlap between systems.

Indeed, the risk of legal ambiguity is real, particularly when conflicting interpretations of jurisdiction arise. Thus, legal pluralism must be carefully structured to ensure that cultural recognition does not inadvertently lead to procedural inconsistency or legal insecurity.

In addition, constitutional provisions in many countries recognize indigenous cultures, yet provide limited practical support. For example, in the Philippines' Indigenous Peoples Rights Act of 1997 (IPRA), customary laws are acknowledged but not always enforced. Participants' words, "tinuturuan ng kahalagahan ng tradisyon at batas" (KII-9), echo a gap between cultural acknowledgment in principle and implementation in practice.

This tension between symbolic recognition and operational neglect reflects a common pitfall in multicultural policy frameworks—where inclusion is celebrated rhetorically but underfunded or underenforced institutionally.

The theme of continuity is both a strength and a challenge. Upholding cultural identity through justice affirms sovereignty, but without practical bridges to formal systems, traditions may become symbolic rather than functional. The question remains: how can indigenous customs retain their authenticity while forming part of a justice system recognized in law?

This calls for a co-designed legal infrastructure, crafted with indigenous participation, that both legitimizes customary law and adapts it for contemporary governance. Without such integration, cultural sovereignty risks being a hollow term.

Restorative and Community-Based Justice

One of the most common threads in the responses is the focus on restoration rather than punishment. Statements like "magka-ayos kahit ang magka-away" (KII-1) and "restorative justice" (KII-2) highlight this approach. KII-6 clarifies that this often results in "nagkapatawaran, naiwasan lumala ang kaso," which points to practical results, fewer court referrals and quicker healing.

This process fosters social capital, where reconciliation contributes to long-term cohesion rather than just legal closure. In tightly knit communities, peace-building becomes both a social necessity and a moral obligation.

These findings reinforce what Pandya and Dave (2023) describe in their study of ADR (Alternative Dispute Resolution): community-based restorative approaches often bring faster and more satisfactory resolutions. They describe ADR as culturally appropriate mediation that restores peace and cohesion. This aligns well with local

practices where elders guide reconciliation, as seen in the data.

Permadi et al. (2024) also support restoration over retribution in land disputes involving indigenous groups. They found that customary processes lead to consensus and reduce social tension. This mirrors participants' descriptions of using elders and dialogue to address property or relational conflicts.

Such processes embody a deep understanding of justice not as zero-sum, but as a way to repair ruptured relationships, a concept that goes beyond legal resolution to include emotional and social healing.

However, some critics argue that restorative justice lacks deterrent force for serious or repeated offenders. Rehman (2024) points out that while it works well for minor conflicts, there may be insufficient accountability for major crimes.

KII-3 echoed this, noting that suspects sometimes "umapila," suspecting that formal systems are more enforceable. This suggests limitations where healing may not be matched by deterrence.

This limitation indicates the importance of hybrid models that retain indigenous practices but escalate serious cases to formal courts, maintaining cultural integrity while upholding legal protection.

Schmidt (2022) counters this by arguing that restoration doesn't eliminate accountability but shifts its framing from punishment to responsibility. In his framework, justice lies in repairing damage—social as well as moral. This aligns with quotes like "pagpapagaling

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at pagkakasundo sa komunidad" (KII-2).

However, shifting the frame of justice requires not only community support but also external validation. Without legal recognition, the moral authority of restorative resolutions may remain locally effective but nationally invisible.

Yet, cultural norms may clash with Western restorative ideals. Fabra-Zamora (2022) warns that what is restorative in one culture may be oppressive in another. The indigenous emphasis on community might suppress dissenting voices, especially in patriarchal or hierarchical structures.

This critique suggests the need to develop culturally grounded but reflexive frameworks: where communal harmony does not come at the cost of silencing vulnerable members such as women, youth, or dissenters.

Furthermore, indigenous restorative justice offers valuable alternatives to state retribution. It heals and rebuilds relationships. But it also requires safeguards, such as: community inclusion, clarity on accountability, and measures to prevent reinforcing existing social inequalities.

Without these safeguards, restorative mechanisms may unintentionally reproduce traditional power imbalances, undermining the very equity they aim to restore.

Legal Marginalization and Structural Barriers

Despite their strengths, indigenous systems face marginalization and challenges within formal legal frameworks. Respondents described this clearly: "hindi ito lubos na binibigyan ng saysay" (KII-1), "hindi po kinikilala" (KII-2), and anecdotes of appeals that undermine elders' decisions. These fit the concerns raised by Fabra-Zamora (2022), who notes that plural legal systems often place indigenous frameworks in subordinate
positions.

This marginalization reflects a structural hierarchy where state-recognized law is privileged, relegating indigenous norms to informal status—even when they effectively serve communities.

Eduardo and Gabriel (2021) add that marginalization weakens indigenous authority and shifts the burden of justice disproportionately onto formal courts. This is borne out in the stories about victims encountering delays and lack of support from the barangay or courts. The result: a loss of faith in indigenous pathways and greater reliance on formal law.

This dynamic not only erodes trust but can accelerate the erosion of indigenous legal knowledge, especially among youth who may increasingly view traditional systems as obsolete or inferior.

Permadi et al. (2024) show that while statutes like IPRA formally protect customary practices, implementation is sporadic. The absence of unified standards and clear enforcement rules leaves gaps. This mirrors community experiences of "not being accessible" ("mahirap po i-access") and not receiving acceptance from officials.

On the other hand, Schmidt (2022) points out legal pluralism can still empower Indigenous systems if supportive policies are in place, such as defined jurisdictional boundaries and dedicated resources. Unfortunately, without these, customary systems remain vulnerable and ad-hoc.

The absence of logistical and financial support transforms recognition into mere tokenism. It suggests that symbolic inclusion must be matched with administrative infrastructure and institutional partnerships.

Fabra-Zamora (2022) highlights that legal pluralism often creates "hierarchy of power," where state law trumps indigenous law. To avoid this, some experts suggest developing co-governance structures, such as councils or advisory committees, to formally accommodate traditions. Respondents' frustration about being "hindi binibigyan ng saysay" suggests there is still no meaningful space.

A key insight here is the need for power-sharing models: not simply recognition. Without co-governance, indigenous systems remain peripheral, consulted occasionally but excluded from real decision-making.

Conclusively, structural barriers reinforce marginalization. While laws may recognize indigenous justice, they do not always finance or integrate it. Without political will and legal clarity, cultural sovereignty in practice remains weak, not just symbolic. Sovereignty thus becomes a performative concept unless matched with institutional redesign that empowers indigenous justice both symbolically and substantively.

Pathways for Integration with Formal Systems

Many respondents talked about ways their justice systems already interface with the formal system. KII-5 says they "isinulat at sinubmit sa barangay," and KII-10 noted that barangay captains "pinirmahan" agreements. KII-6 described their system as "katuwang sa korte."

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These examples show how Indigenous mechanisms can be formalized through documentation and local government engagement.

Such examples reveal the potential for a hybrid legal culture, where both systems mutually reinforce rather than contradict one another. However, integration must be careful not to co-opt or dilute indigenous autonomy.

This corresponds to Pandya and Dave (2023), who highlight the role of ADR in complementing formal legal structures. They suggest institutions can formally endorse community agreements if transparent and consistent. Documenting agreements and involving local officials helps meet legal standards and promotes trust.

Permadi et al. (2024) argue that customary land dispute resolutions can serve as models. They encourage regional governments to adopt recognized mediation, ensuring Indigenous experts lead processes, then certifying outcomes for legal use. Respondents described similar processes where barangay involvement makes a difference.

Reskiani et al. (2022) propose a "contextual jurisprudence" where state law intentionally incorporates community norms. They emphasize that law should integrate cultural values rather than override them. Respondents' practice of "guided ng barangay official" shows how institutions can act as bridges, without replacing community authority.

These models offer not only procedural integration but also epistemic justice, recognizing different ways of knowing and resolving disputes.

However, there are barriers here. Fabra-Zamora (2022) warns that documentation must not obscure oral traditions, and ensuring transparency is key. The informal foundations of the systems risk being lost if they rely solely on written records.

This highlights the tension between the need for legal legitimacy and the risk of bureaucratizing a system that thrives on flexibility and oral consensus. In some areas, indigenous councils are recognized as informal tribunals. But their authority often lacks state support or official jurisdiction. This creates problems like a lack of funding or delays in recognition. Participants mentioned that local officials sometimes hesitate or doubt the validity of customary verdicts. Still, examples in the field show integration is possible if there are shared guidelines on jurisdiction, documentation, and appeals. Respondents suggested that "hindi para iwasan ang batas," but rather to work "kasabay ng national law." Their views echo those of scholars advocating for legal pluralism that is regulated and institutionalized, not random or contradictory.

As a gist, the challenge lies in institutionalizing pluralism in a way that respects legal diversity while ensuring equity, transparency, and procedural safeguards for all parties involved.

Research Question 2. What are the key challenges faced by indigenous justice systems in integrating with national legal frameworks, and how can these challenges be addressed?

This section presents the major challenges encountered by indigenous justice systems as they attempt to work alongside national legal structures. Six core themes emerged from the responses: lack of formal recognition, incompatibility with legal documentation, resource and capacity limitations, gaps in inter-system coordination, cultural and linguistic disconnects, and education and awareness gaps. These themes reflect the structural, procedural, and cultural barriers that must be addressed for meaningful and respectful integration.

Lack of Formal Recognition of Indigenous Justice Systems

A common theme that emerged was the limited recognition of Indigenous justice systems within formal state processes. Several participants shared experiences that emphasized how their practices were often ignored or considered informal. For instance, KII-1 stated that "hindi lahat tanggap ang pamamaraan ng restorative justice," reflecting a shared perception that even if a culturally rooted resolution is achieved, it still lacks weight in formal legal structures. KII-2 echoed this sentiment, saying, "kulang po sa pagkilala," particularly when Indigenous councils try to assert their decisions. KII-5 went further to point out that even though the IPRA law supposedly supports Indigenous autonomy, "nagdadalawang-isip kung pwedeng tanggapin yung desisyon ng konseho."

This finding supports the argument of Reed (2023), who wrote that Indigenous justice systems are often symbolically recognized but rarely given real authority in legal frameworks. Meanwhile, Villafuerte Philippsborn (2023) emphasized that for Indigenous justice to work in tandem with national laws, equal status must be granted in judicial processes, something clearly lacking in the Philippine context.

Such lack of parity reinforces a system of legal hierarchy, wherein Indigenous justice is tolerated but not fully trusted, rendering it subordinate. Without recognition of legitimacy, integration becomes rhetorical rather than transformative.

In contrast, Sumaguina (2000), who studied the Maranao community, found that while state law dominates in formal arenas, some local government units do informally consult with traditional leaders. This suggests that integration is not entirely absent but inconsistent. However, most participants in this study still felt that Indigenous processes remain peripheral and are only considered when convenient or symbolic.

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The challenge of recognition was not only about inclusion but about validation. KII-3 shared, "hindi na sana kailangang paabutin sa korte ang lahat," hinting that Indigenous resolution is more than enough in many cases. But this is not acknowledged in courts. KII-4 highlighted a structural problem: "hindi lubusang tanggap ang kasunduang ginawa sa pamamagitang pag-uusap." When Indigenous settlements lack legal validity, communities feel undermined and discouraged from pursuing their own methods of justice.

This delegitimization of community agreements can have broader social effects: weakening local authority, disrupting trust, and eventually displacing traditional leaders as agents of justice.

Watson and Douglas (2021) noted that unless the courts adopt Indigenous legal reasoning as part of their own decision-making, coexistence will remain symbolic rather than real. While legal pluralism is widely discussed (Fabra-Zamora, 2022), this theme highlights the real-world struggle for Indigenous justice systems to be accepted not just culturally but legally and institutionally.

The findings stress the urgency of moving from token recognition toward meaningful inclusion, where Indigenous justice systems are not only consulted, but institutionally empowered.

Incompatibility with Legal Documentation Requirements

Another key challenge raised was the difficulty in aligning Indigenous oral traditions with the written requirements of the formal justice system. KII-4 pointed out that "wala namang kasulatan dahil sapat na ang pag-uusap ng mga partido," emphasizing that in many Indigenous contexts, verbal agreements are deeply binding and respected. However, KII-6 highlighted the problem this creates: "sanay po kasi yung mga nakatatanda namin na salita lang, kwento-kwento, hindi po laging isinusulat." Unfortunately, courts and even barangay officials often require physical documentation as proof.

This clash between oral and written traditions is not unique to the Philippines. Sandu (2018), studying Roma communities in Romania, emphasized the same challenge: traditional dispute resolution depends heavily on storytelling and consensus, which are not formally documented. Similarly, Rio (2016) found that among the Panay Bukidnon, agreements were sealed through ritual and community presence rather than paper contracts.

This reflects a deep epistemological divide between text-based legal formalism and oral-based customary governance, each with its own logic, evidentiary standards, and cultural meanings.

KII-10 stressed how this creates practical obstacles: "kapag hindi po alam ng tao na pwedeng isumite sa barangay yung kasunduan, sayang po yung pagkakataon." Without proper documentation, a peaceful settlement may be rendered invalid. This was echoed by Setiawan (2023), who emphasized that when legal systems impose written standards without cultural flexibility, they exclude traditional systems by default, even if unintentionally.

Proposed solutions emerged from the respondents themselves. KII-10 recommended that "mas matutulungan kung alam ng barangay secretary ang dalawang sistema." Likewise, KII-6 suggested involving trained staff to assist elders: "magandang may mga staff na pwedeng tumulong… para maisulat nang maayos." These practical suggestions could bridge the gap between tradition and legal formality.

Meanwhile, a reappearing concern in the data is the vulnerability of indigenous justice decisions when elevated to higher courts. KII-1 shared, "Dapat hindi na lang verbal agreement. Dapat i-adopt ng mga community leaders and written agreement para ma-justify and mga napag-desisyonan during 'tung-tung' at hindi mabalewala kapag inakyat sa mas mataas na husgado." This reflects the recognition that while oral traditions embody cultural authenticity, they become weak in the eyes of formal institutions that require written records. The response illustrates the community's awareness that adopting written agreements would strengthen the credibility and durability of their justice processes.

Such initiatives highlight the potential of localized legal innovation, where bureaucratic procedures can be adapted to accommodate oral and relational forms of justice.

Ali (2024) argued that modern legal technology, such as AI-based legal transcription tools, could also be used to record oral agreements, thus honoring Indigenous processes while meeting state documentation needs. However, as Marwala

and Mpedi (2024) cautioned, technology must be used in culturally sensitive ways to ensure that it empowers rather than erases Indigenous voice.

The challenge is not just technological but also ethical. It ensures that tools designed to translate oral agreements into legal form do not strip them of their context, symbolism, or communal resonance.

Resource and Capacity Limitations

Many Indigenous councils, according to respondents, face serious limitations in terms of manpower, funding, and organizational support.

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KII-2 admitted that "limitado rin po ang resources at suporta," and KII-8 added, "wala pong bayad ang elders," highlighting that elders serve purely out of duty and cultural commitment. The burden on these elders is high, and without institutional support, sustaining their work becomes difficult.
The lack of compensation and logistical aid not only affects operational sustainability, yet also sends a symbolic message that Indigenous justice is not worthy of public investment.

KII-6 proposed a solution: "magandang may staff na pwedeng tumulong," suggesting that even minimal technical help could go a long way. The issue is not only about money, but also about logistics and sustainable manpower. KII-10 also observed that if these limitations are not addressed, opportunities for peaceful resolution may be lost: "sayang po yung pagkakataon na maayos ng tahimik ang problema."

Meanwhile, KII-3 emphasized, "Kailangan magkaroon ng evaluation at research ang NCIP regional office sa mga local na lokasyon ng mga IP para matugunan kung ano man ang kakulangan para sa mas maayos na pagpapatupad ng indigenous justice system at magabayan ang mga community leaders sa tamang pagdedesisyon." This response reveals the communities' call for systematic evaluation and assistance from NCIP, which stresses that leaders cannot fully carry out their responsibilities without sufficient resources, training, and oversight.

Amil (2024) highlighted similar findings in his review of SDG 16 implementation in the Philippines. While peace and justice are championed in theory, Indigenous-led efforts are rarely funded, placing communities at a disadvantage when participating in legal governance. Reed (2023) also warned that relying too heavily on volunteer elders creates burnout and reduces long-term sustainability.

In contrast, Montillo-Burton et al. (2007) documented cases in Northern Mindanao where local government collaboration with elders was successful, especially when barangays allocated small budgets for community peacekeeping efforts. This suggests that minor financial support, if institutionalized, can produce significant results.

Targeted micro-grants, logistical support, and honorarium schemes could help formalize Indigenous roles while respecting the cultural nature of their work. There is strong potential for public-private partnerships to support Indigenous justice mechanisms. As Agrawal et al. (2022) argued, innovations in legal informatics can empower local leaders with tools such as mobile platforms for documentation, training, and dispute monitoring. However, such tools must be made available in local languages and formats

suitable for community use. Technology, if designed inclusively, can help equalize access to justice while preserving local agency, especially in geographically isolated or digitally excluded communities.

Gaps in Inter-System Coordination and Mechanisms

A recurring theme was the absence of a clear, structured process to coordinate Indigenous and state justice systems. KII-2 admitted there is "kulang sa koordinasyon minsan," and KII-5 elaborated, "mas maganda kung meron tayong malinaw na guidelines kung paano maisasama yung Indigenous dispute resolution sa barangay justice system." This gap leads to misunderstandings and missed opportunities for collaboration. The lack of institutional clarity creates a liminal space where Indigenous practices operate informally, but without legal certainty or procedural safeguards.
KII-7 spoke about the lived impact of this challenge: "paano pagsasabayin ang dalawang sistema?" This question reflects the day-to-day friction that arises when there is no formal protocol for how Indigenous and state systems can support one another. Similarly, KII-10 suggested a solution: "kung matuturuan yung barangay secretary… mas matutulungan nilang gawing pormal yung Indigenous agreements."

Amil (2024) stressed that despite the Philippines' commitments under SDG 16, there is minimal guidance on how to operationalize legal pluralism at the barangay level. Tauri (2022) took a more critical view, arguing that many attempts at restorative justice integration tend to dilute Indigenous methods rather than empower them, due to poorly designed coordination models.

In contrast, See and Wilmsen (2022), working with island communities in the Philippines, documented successful co-governance mechanisms that used rotating liaison officers from both Indigenous and state institutions. This dual approach allowed better flow of information and greater mutual respect.

It can be noted that such models demonstrate the value of institutional intermediaries, liaison roles that serve not as overseers, but as cultural translators and facilitators of trust.

Reed (2023) recommends pilot-testing formal partnerships between IP councils and barangays, particularly on cases involving minor offenses, family matters, or land disputes. These hybrid systems can promote mutual learning and allow local adaptation. However, as Watson and Douglas (2021) caution, such mechanisms must not relegate Indigenous processes to the status of "alternative" or optional, they must be seen as equal and valid. Meanwhile, a genuine integration strategy would frame both systems as complementary pillars of justice, not one as subordinate to the other.

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EPRA International Journal of Research and Development (IJRD)
Volume: 10 | Issue: 11 | November 2025 - Peer Reviewed Journal

Cultural and Linguistic Disconnects

The theme of cultural and linguistic mismatch also emerged prominently. Respondents pointed out that some barangay or municipal-level officials are either unaware of, or uncomfortable with, Indigenous concepts of justice. KII-6 observed that "hindi rin naiintindihan ng iba yung ibig sabihin ng kapwa at dangal," terms that are central to Indigenous values. KII-9 emphasized that even if a decision is reached in line with tradition, "nahihirapan po kaming ipaliwanag sa legal na paraan." These statements reveal
a deeper epistemological dissonance, where even shared outcomes are not interpreted similarly due to differing worldviews.

This echoes the findings of Watson and Douglas (2021), who highlighted how Indigenous justice practices are often misunderstood because they operate through relational and spiritual logic rather than adversarial rules. Rio (2016) similarly noted that Panay Bukidnon rituals, which serve as binding legal acts in the community, are viewed by outsiders as merely cultural performances.

When legal systems are based on technical language, while Indigenous systems draw from metaphor, relational wisdom, and oral tradition, mutual intelligibility becomes strained. This gap leads to mistrust and legal exclusion, especially when elders are asked to "translate" community practices into formal legal categories.

KII-10 highlighted the communication gap: "wala po kasing nakakaintindi minsan, kahit gusto naming tumulong." Even if both sides have good intentions, the absence of cultural-linguistic mediation creates a barrier. KII-7 added, "hindi kami laging naiintindihan, kahit ipinaliwanag na," indicating frustration and a sense of marginalization.

Scholars such as Tauri (2022) and Setiawan (2023) argue that this kind of disconnect is not merely linguistic but cognitive. Western legal systems emphasize individual culpability, formal evidence, and punitive outcomes, whereas Indigenous systems emphasize communal repair, spiritual reconciliation, and moral balance.

Bridging these two paradigms requires more than translation, it requires intercultural legal education. Training programs for barangay officials, LGU representatives, and even public attorneys must include Indigenous justice literacy, not as an elective, but as an integrated competency.

As See and Wilmsen (2022) demonstrated in their participatory research in Visayas island communities, having trained cultural mediators who speak both the language of the state and the language of the tribe significantly improved collaboration and reduced case attrition. Their findings suggest that effective integration begins with the recognition of cultural-linguistic sovereignty.

Moreover, without culturally grounded interpretation, Indigenous justice systems will continue to be seen as "other," and their wisdom will remain marginalized in broader legal discourse.

Education and Awareness Gaps

The final theme identified was the lack of public and institutional education on Indigenous justice systems. KII-5 pointed out that "kulang din po talaga sa kaalaman," especially among the younger generation and barangay officials. KII-6 emphasized that "kahit IPRA na, marami pa rin ang hindi alam ang karapatan ng katutubo." This lack of knowledge weakens implementation and reduces the ability of Indigenous leaders to advocate for their systems within formal spaces.
Amil (2024) notes that despite the passage of IPRA in 1997, many of its provisions remain unknown or poorly understood by frontline implementers. The NCIP itself, according to Montillo-Burton et al. (2007), has often lacked the capacity to conduct

sustained education campaigns in rural and Indigenous-dominated barangays. KII-9 added a practical suggestion: "mas maganda po kung may orientation talaga yung mga opisyal tuwing nauupo." KII-7 noted that "hindi lang IP ang dapat matuto, pati mga opisyal." This reciprocal framing of education, both Indigenous communities learning the law, and state actors learning Indigenous practices, resonates with the recommendations of Reed (2023), who advocates for bi-directional legal education in multicultural democracies.

Awareness and education were again stressed by respondents. KII-5 explained, "Kailangan maituro ang kabuan ng IPRA law hind lang sana sa mga IP leaders Kundi marapat lamang na isiwalat sa mga paaralan at sa mga asembliya." The statement points to the limited understanding of the Indigenous Peoples' Rights Act (IPRA) within the broader community. Integrating IPRA education into schools and assemblies would expand knowledge beyond leaders, fostering collective participation and empowering younger generations to defend and uphold their rights.

Education gaps contribute to the invisibility of Indigenous systems. If young IP members are not taught about their own legal heritage, and if government actors are not trained to recognize it, then Indigenous justice becomes an artifact rather than a living system.

One strategy suggested in the literature is the institutionalization of Indigenous justice modules in the basic education and barangay-level governance training. Philippsborn (2023) suggests co-developing curricula with Indigenous leaders to ensure that representation is accurate, empowering, and contextually grounded.

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EPRA International Journal of Research and Development (IJRD)
Volume: 10 | Issue: 11 | November 2025 - Peer Reviewed Journal

Additionally, practical education through simulations, participatory storytelling, and legal shadowing of elders can also build capacity among the youth. As Agrawal et al. (2022) emphasized, experiential education is more effective in transmitting values-based systems like Indigenous justice, compared to textbook-based methods.

Without education, integration will remain aspirational. But with sustained learning programs, both systems can begin to evolve toward co-existence and mutual reinforcement.

Synthesis and Implications

The findings presented above reveal that the integration of Indigenous justice systems with national legal frameworks is constrained by multiple intersecting barriers: legal, institutional, cultural, and educational. These challenges reflect not simply administrative oversight, but deeper structural asymmetries in power, knowledge, and recognition.

The six themes such as lack of recognition, documentation incompatibility, resource limitations, coordination gaps, cultural-linguistic disconnects, and education deficits, emphasize that integration is not a matter of inclusion alone, but of transformation. The state must be willing to reconfigure its legal processes to accommodate and respect Indigenous epistemologies, not merely absorb them as symbolic add-ons.

Moreover, addressing these challenges requires systemic reforms: formal legal pluralism, budget allocation for Indigenous councils, institutional partnerships, cultural mediation, and education at both grassroots and bureaucratic levels. Only then can Indigenous justice systems move from the margins to the mainstream, not as subordinates, but as coequal stewards of justice in the Philippine legal landscape.

Research Question 3. How do indigenous restorative justice practices differ with state retributive systems, and what potential do they hold for informing transformative justice policies?

This section explores the key differences between indigenous restorative justice and state retributive systems, as well as the potential of traditional practices to inform new justice approaches. The discussion centers on five main themes: holistic and healing justice, community-centered resolution, systemic gaps and legal challenges, policy potential for transformative justice, and the limits of restorative justice in serious cases. These insights highlight both the strengths of indigenous systems and the areas where careful balance is needed.

Holistic and Healing Justice

Participants consistently emphasized the focus on healing rather than punishment in indigenous justice. One said, “Ang katutubong pamamaraan… naka-pukos sa ikababuti ng bawat Partido… restorative justice ay nagbibigay pag-asa… healing sa mental at emosyonal na aspeto” (KII-1). This clearly shows that justice in indigenous systems attends to emotional wellbeing alongside resolution.

Another respondent contrasted this with the state system: “…modernong pamamaraan… malayong mas-maproseso, magastos… lumalalim ang sakit at pighati” (KII-2). This highlights the criticism that state processes can prolong harm, which echoes Reed’s (2023) argument that punitive systems often deepen trauma rather than heal it.

Support for a healing-centered approach is found in Watson and Douglas (2021), who argue that Indigenous experiences show how justice can restore relationships and dignity. Yet critics such as Tauri (2022) caution that restorative methods must be carefully managed so they do not inadvertently ignore victims’ legal rights in pursuit of healing.

KII-6 offered another example: “…may mga ritwal kami, may kapatawaran… pagbabalik ng tiwala.” This suggests forgiveness is a collective process, not just a judgment. This mirrors holistic justice concepts in Rehman (2024), which emphasize social harmony.

This emphasis on relational restoration reflects a worldview where justice is inseparable from social cohesion. Unlike the individualistic orientation of the state system, the indigenous paradigm views harm as a disruption to community balance, thus requiring a communal path to repair.

However, balancing healing with accountability can be tricky. KII-3 noted that suspects may “tumatakas bago ‘tung-tung’, kaya mainam pa rin ang sistema ng batas”, suggesting that in serious cases, quick resolutions may leave wrongdoing unpunished. This supports the concerns by Pandya and Dave (2023), who noted that restorative justice is less effective for severe offenses.

Finally, indigenous practices offer a healing-oriented model that serves emotional, mental, and relational restoration. They show promise, but their application must be carefully designed to ensure real accountability, especially for serious harm.

This theme suggests that while holistic justice offers a powerful alternative to punitive approaches, its integration into formal systems demands context-specific protocols. Justice reforms must ensure that the emotional and cultural benefits of healing processes do not

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EPRA International Journal of Research and Development (IJRD)
Volume: 10 | Issue: 11 | November 2025 - Peer Reviewed Journal

come at the expense of procedural fairness and victim protection.

Community-Centered Resolution

A second strong theme is that justice should involve the community in meaningful ways. One respondent explained, "…mas mahalaga po 'yung pag-aayos, 'yung pagpapagaling… sa buong komunidad" (KII-2). This highlights a communal focus that contrasts with state systems focused on defendants and victims alone.

KII-5 illustrated this with a youth story: "…kinausap po siya ng mga nakatatanda, nag-sorry… sumali siya sa community service. Nagbago po siya." Community re-engagement is crucial. Similarly, KII-7 described a victim saying her piece and a wrongdoer apologizing in front of the council, "Malakas po yung impact", and the victim "Lumakas po yung loob nung babae." This creates social accountability.

See and Wilmsen (2022) found that community rituals reinforce bonds of trust, a finding echoed in indigenous traditions from Mindanao documented by Montillo-Burton et al. (2007). Yet Villafuerte Philippsborn (2023) warns that community morality can sometimes pressure offenders into conformity rather than true justice.

These findings illustrate that the indigenous approach emphasizes reintegration over exclusion. Through collective dialogue and moral guidance, community involvement not only deters reoffending but also validates the victim's experience. This builds a justice culture grounded in trust, rather than fear.

KII-8 shared that after traditional mediation, "bihira na pong umulit ng kasalanan," suggesting strong deterrent effects of community-led practices. This supports Rio (2016), who found community engagement in Jach'a Karangas in Bolivia cut repeat offences.

Despite everything, critics like Reed (2023) argue community-led processes must have safeguards. KII-5 summed this up cleanly: "…perfect justice can be growth, not fear." This balance of accountability and empathy shows potential for broader justice reform.

This theme reinforces the idea that genuine transformation requires participatory justice. However, mechanisms must be developed to ensure that collective processes do not silence dissenting voices, especially from vulnerable victims or minorities within the community.

Systemic Gaps and Legal Challenges

Participants shared that despite their benefits, indigenous justice systems often face resistance within the legal structure. KII-3 noted, "kahit may IPRA Law… hindi lahat
doon eh lubusang ino-honor sa korte." Similarly, KII-4 said, "…kinukwestyon pa rin ang mga desisyon sa korte." This demonstrates conflict between recognition and legal acceptance.

Fabra-Zamora (2022) described similar patterns in plural legal systems where state law holds ultimate authority. Reed (2023) supports this, saying transitional justice needs stronger legal integration. Respondents echoed this dilemma: KII-1 recognized that restorative justice feels right, but also said "…modernong pamamaraan… mas-maproseso", suggesting people default to the system they know is enforceable.

Yet others see collaboration as possible. KII-2 offered hope that state systems could learn from indigenous models to form "makatao" policies. This aligns with See and Wilmsen (2022), who documented collaborative juristic structures that allowed for cross-system validation.

Category	No. of Respondents
Indigenous Peoples Mandatory Representatives (IPMR) from Sudipen	**3**
Indigenous Peoples Mandatory Representatives (IPMR) from Santol	**2**
Indigenous Peoples Mandatory Representatives (IPMR) from Bagulin	**2**
Indigenous Peoples Mandatory Representatives (IPMR) from San Gabriel	**2**
Provincial Indigenous Peoples Mandatory Representative	**1**
TOTAL	**10**

CONCLUSION AND RECOMMENDATIONS

The study concluded that both Criminology administrators and faculty members in Tacloban City demonstrate strong leadership and conflict management practices, though at varying degrees. Administrators obtained higher overall ratings on the Leadership Practices Inventory (LPI), indicating that they "almost always" model effective leadership behaviors such as inspiring a shared vision, enabling others to act, and encouraging the heart, while faculty members were found to "very frequently" exhibit these same traits. In conflict management, collaborating and compromising emerged as the most preferred styles, reflecting a tendency among both groups to promote cooperation and constructive resolution. Statistical analyses using the Mann–Whitney U test confirmed significant differences between

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EPRA International Journal of Research and Development (IJRD)
Volume: 10 | Issue: 11 | November 2025 - Peer Reviewed Journal

the perceptions of administrators and faculty in all leadership and conflict dimensions, while Kendall's Tau-B correlation revealed a significant negative relationship between leadership and conflict management, suggesting that effective leadership reduces the likelihood of unresolved conflicts.

These findings affirm that leadership effectiveness and conflict management are interrelated and essential to maintaining institutional harmony. In response to these results, a Leadership Enhancement and Administrative Development (LEAD) Program was designed to strengthen leadership and conflict resolution capabilities through capacity-building seminars, teamwork activities, and continuous performance evaluation. It is therefore recommended that Criminology schools in Tacloban City adopt and institutionalize the LEAD Program as part of their professional development framework, encourage participatory governance, and promote open communication between administrators and faculty. Further studies are also recommended to explore other factors influencing leadership and conflict management, such as emotional intelligence and organizational culture, to sustain and enhance effective leadership practices in higher education institutions.

Conclusion

Based on the findings, the researcher has drawn the following
Conclusions:

1. Indigenous justice systems are rooted in ancestral values that honor healing, kinship,and collective accountability. More than just ways of resolving conflict, they are living expressions of cultural sovereignty and identity. Unlike state systems that often focus on punishment, Indigenous approaches view justice as relational, seeking to restore balance and harmony within the community. Yet, when placed alongside national legal institutions, these systems often struggle for space and recognition, facing systemic neglect and differences in procedure that create friction.
2. Bringing Indigenous justice into the formal legal system has not been easy. Structural and cultural barriers stand in the way, from the lack of institutional recognition and underfunding to the clash between oral traditions and written laws. Misunderstandings rooted in cultural bias further widen the gap. Overcoming these challenges calls for more than policy changes—it requires intentional reforms that respect Indigenous sovereignty, promote intercultural understanding, and build genuine partnerships between systems.
3. At the heart of Indigenous justice are restorative practices that center relationships, accountability, and community healing. These practices show us that justice can be about reconciliation and renewal, not just punishment. While not applicable to every case, they hold valuable lessons that can reshape state justice systems into something more inclusive, compassionate, and culturally responsive.
4. Recognizing and valuing Indigenous justice is not only about strengthening legal systems—it is about honoring culture, dignity, and humanity. By learning from these traditions, society can move closer to a vision of justice that heals as much as it holds accountable, and that balances fairness with compassion.

Recommendations

Based on the conclusions, the following are recommended:

1. Put Agreements into Writing

Verbal agreements, while meaningful within the community, should also be written down. This ensures that decisions made by IP leaders are not dismissed or invalidated when brought into the modern justice system, giving their words the respect they deserve. 2. Equip IP Leaders with Legal Tools

Training should be provided to Indigenous leaders on how to draft written agreements that meet legal standards. This will help preserve the spirit of their decisions while making sure these are recognized in formal courts.

3. Raise Awareness of IPRA

The NCIP should strengthen efforts to spread knowledge of the Indigenous Peoples Rights Act (IPRA) among local communities. When IP members fully understand their rights, they are better empowered to uphold their traditions and systems of justice. 4. Encourage More Research

Researchers should be encouraged to study and document Indigenous justice systems in depth. This will not only preserve these practices for future generations but also highlight the areas where support and improvement are most needed.

5. Foster Collaboration

Stronger partnerships should be built between Indigenous leaders, local governments, and judicial institutions. Such collaboration will reduce conflicts and create a justice system that respects both tradition and state law.

6. Provide Adequate Resources

Indigenous communities need proper funding, training, and facilities to sustain their justice systems. Giving them these resources ensures that their practices remain strong and continue to serve their people.

7. Promote Cultural Sensitivity

Judges, lawyers, and law enforcers should undergo cultural sensitivity training. Understanding Indigenous ways will prevent bias, reduce

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EPRA International Journal of Research and Development (IJRD)
Volume: 10 | Issue: 11 | November 2025 - Peer Reviewed Journal

misunderstandings, and build mutual respect.
8. Review and Reform Policies
Laws and policies should be revisited to close the gaps that make it difficult for Indigenous justice systems to be recognized. These reforms should uphold cultural sovereignty and affirm that legal pluralism is a strength, not a weakness.

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