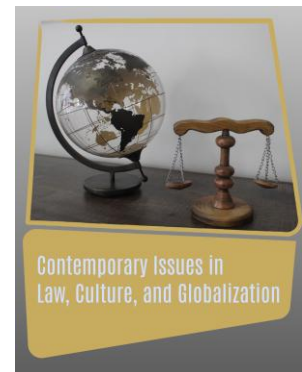




Legal Pluralism and Indigenous Cultural Rights: Recognition, Resistance, and Reform

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ABSTRACT

This study aimed to explore how legal professionals, policy actors, and civil society participants understand the recognition of Indigenous cultural rights within legally plural orders and how they interpret the tensions between state law, Indigenous normative systems, resistance practices, and reform pathways. This qualitative study was conducted in Tehran using semi-structured interviews with 24 purposively selected participants, including legal academics, lawyers, policy specialists, civil society actors, cultural-rights advocates, and judicial/legal practitioners. Participants were selected based on their professional familiarity with legal pluralism, cultural rights, minority protection, Indigenous peoples' rights, or comparative human rights law. Interviews continued until theoretical saturation was achieved. Data were collected through in-depth semi-structured interviews lasting approximately 45–75 minutes. All interviews were transcribed verbatim and analyzed using thematic analysis. NVivo software was used to organize transcripts, generate initial codes, compare patterns, and develop final categories. Analysis produced five main categories: conditional recognition of Indigenous cultural rights, resistance against state-centered legal authority, institutional friction in rights implementation, tensions between collective autonomy and individual human rights, and reform toward dialogic legal pluralism. Participants emphasized that recognition often remains symbolic when Indigenous legal traditions are translated into state-approved categories without genuine authority, resources, or procedural guarantees. Resistance was described not only as political protest but also as cultural continuity, community-based dispute resolution, strategic litigation, and refusal of assimilation. Participants also identified barriers including weak consultation, limited judicial understanding of customary law, evidentiary problems, and insufficient protection of land, language, and ritual practices. The study suggests that effective protection of Indigenous cultural rights requires moving beyond formal recognition toward participatory, accountable, and institutionally supported legal pluralism. Reform should include meaningful consultation, recognition of Indigenous juridical authority, culturally competent adjudication, safeguards for vulnerable members within communities, and mechanisms for shared governance.

Keywords: legal pluralism; Indigenous cultural rights; customary law; recognition; resistance; legal reform; human rights; qualitative research

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Introduction

Legal pluralism has become a central concept in socio-legal scholarship because it challenges the assumption that state law is the only valid source of normative authority. In classical legal centralism, law is treated as a unified system created, enforced,

and interpreted by the state. Legal pluralism, by contrast, recognizes that multiple normative orders may coexist within the same social field, including state law, customary law, religious norms, professional codes, community-based dispute mechanisms, transnational human rights standards, and Indigenous legal traditions. Griffiths (1986) famously criticized legal centralism and argued that social reality is marked by the coexistence of multiple normative systems. Merry (1988) further expanded this understanding by showing that legal pluralism is not limited to colonial or postcolonial settings but is present in most modern societies where formal and informal legal orders interact. Moore's (1973) concept of the semi-autonomous social field also remains important because it explains how social groups generate rules, induce compliance, and interact with wider state structures. In this sense, legal pluralism is not merely a technical legal arrangement; it is a sociological condition in which different communities produce and maintain normative meaning.

The question of Indigenous cultural rights brings legal pluralism into sharper focus. Indigenous peoples often possess legal traditions, spiritual relationships with land, kinship systems, dispute-resolution practices, ecological knowledge, languages, and cultural protocols that predate or exist independently of modern state law. International human rights law increasingly recognizes these collective dimensions. The United Nations Declaration on the Rights of Indigenous Peoples affirms rights to self-determination, cultural identity, traditional knowledge, lands, institutions, and juridical systems, while ILO Convention No. 169 emphasizes consultation, participation, self-identification, and respect for Indigenous customs and institutions (International Labour Organization, 1989; United Nations General Assembly, 2007). These instruments mark a significant movement away from assimilationist models of minority protection and toward recognition of Indigenous peoples as collective rights-bearing communities. However, the implementation of such recognition remains uneven and contested.

Recognition is one of the most debated concepts in Indigenous rights scholarship. On the one hand, recognition can provide legal visibility, constitutional protection, institutional access, and remedies against dispossession. Kymlicka (1995) argued that certain group-differentiated rights may be compatible with liberal democracy when they protect minority cultures from domination and support meaningful autonomy. Anaya (2004) similarly situated Indigenous peoples' rights within the broader development of international human rights law, emphasizing self-determination, equality, participation, and cultural survival. Borrows (2002, 2010) has argued that Indigenous legal traditions should not be treated as folklore or social custom but as living legal orders capable of contributing to constitutionalism and public law. From this perspective, recognition can be a vehicle for restoring legal agency and correcting historical exclusion.

On the other hand, recognition may reproduce domination when the state remains the ultimate authority that decides which Indigenous norms are acceptable, enforceable, or compatible with official legal categories. Coulthard (2014) criticized the "colonial politics of recognition," arguing that state-centered recognition may absorb Indigenous claims into colonial structures without transforming underlying relations of land, power, and sovereignty. In this critique, recognition becomes conditional: Indigenous law is acknowledged only when it is translated into forms that the state can administer, limit, and supervise. Tamanaha (2008) similarly warned that legal pluralism must be examined empirically rather than romanticized, because the relationship between different legal orders may involve hierarchy, conflict, competition, and unequal power. Therefore, the central question is not whether legal pluralism exists, but how plural legal orders are structured, whose authority is legitimized, and whose rights remain vulnerable.

Indigenous cultural rights are especially complex because they combine material, symbolic, institutional, and territorial dimensions. Culture is not limited to festivals, language, dress, or heritage. For many Indigenous communities, culture is embedded in land-based relations, intergenerational knowledge, environmental stewardship, sacred sites, collective memory, and customary governance. Thornberry (2002) emphasized that Indigenous rights are not reducible to ordinary minority rights because Indigenous peoples' claims often concern prior occupation, colonization, dispossession, and collective continuity.

Thus, protecting Indigenous cultural rights requires more than tolerance of difference; it requires institutional mechanisms that allow Indigenous communities to maintain and develop their own laws, authorities, educational practices, ecological knowledge, and cultural institutions.

A key tension concerns the relationship between collective rights and individual rights. Critics sometimes fear that recognition of customary or Indigenous law may undermine gender equality, children's rights, due process, or individual autonomy. This concern cannot be dismissed, especially where patriarchal or hierarchical interpretations of custom are used to silence vulnerable community members. However, socio-legal scholarship suggests that the solution is not to reject Indigenous law altogether, but to create accountable forms of pluralism that support both collective self-determination and internal rights protections. Sieder's work on Indigenous women and legal pluralism in Latin America shows that women may use both community norms and state rights discourse strategically to challenge domination within and outside their communities. Thus, Indigenous cultural rights should not be understood as static or anti-modern; they are often sites of internal debate, reinterpretation, and reform.

Resistance is another central dimension of legal pluralism. Indigenous communities do not merely wait for formal recognition by the state. They often maintain legal orders through everyday practices, oral traditions, community assemblies, ceremonies, land defense, strategic litigation, political mobilization, and cultural education. Resistance may take visible forms, such as protest against extractive projects, or quieter forms, such as preserving language, transmitting customary knowledge, or resolving disputes through community elders. De Sousa Santos (2002) described law as a field of struggle in which subaltern groups may mobilize alternative legalities against dominant legal systems. In Indigenous contexts, resistance often challenges both legal centralism and colonial histories of dispossession. It demonstrates that Indigenous cultural rights are not passive entitlements granted by the state, but actively defended social and legal practices.

The reform of legal systems in plural societies therefore requires a shift from symbolic recognition to dialogic and participatory governance. Formal constitutional or statutory recognition may be insufficient if courts lack cultural competence, administrative agencies ignore consultation duties, or Indigenous communities lack resources to exercise recognized rights. Reform must address procedures, institutions, education, jurisdiction, remedies, and accountability. Meaningful consultation and free, prior, and informed consent are especially important because many conflicts over Indigenous cultural rights arise from land use, development, environmental regulation, and resource extraction. Without participatory mechanisms, recognition may remain abstract while communities experience continued displacement or cultural erosion.

This study explores these issues through a qualitative investigation of how legal professionals, policy actors, and civil society participants in Tehran understand legal pluralism and Indigenous cultural rights. Although Tehran is not itself an Indigenous territorial site in the narrow international-law sense, it is a significant legal, academic, and policy center where debates on comparative law, minority rights, cultural diversity, human rights, and state authority are interpreted. By focusing on expert and professional perspectives, the study examines how legal pluralism is conceptualized in relation to recognition, resistance, and reform. The study is guided by the following research question: How do participants understand the possibilities and limitations of legal pluralism in protecting Indigenous cultural rights within contemporary legal orders?

The significance of the study lies in its attempt to connect theoretical debates with applied legal concerns. Much scholarship on Indigenous rights emphasizes international norms, constitutional recognition, or landmark judicial decisions. However, implementation also depends on how legal actors understand the legitimacy of non-state legal orders, the meaning of cultural rights, and the institutional requirements of pluralism. A qualitative approach is therefore appropriate because it allows participants to explain their interpretations, dilemmas, and reform priorities in their own words. The study contributes to legal

anthropology, human rights scholarship, and comparative legal studies by showing that recognition, resistance, and reform are not separate themes but interrelated processes within contested legal pluralism.

Methods and Materials

This study used a qualitative descriptive-interpretive design to explore participants' perceptions of legal pluralism and Indigenous cultural rights. A qualitative approach was selected because the study aimed to understand meanings, interpretations, tensions, and reform ideas rather than measure predetermined variables. The research focused on how legally informed participants conceptualized recognition, resistance, and reform in relation to Indigenous cultural rights.

The participants consisted of 24 individuals recruited in Tehran through purposive sampling. Inclusion criteria were: professional or academic familiarity with legal pluralism, Indigenous peoples' rights, cultural rights, minority rights, customary law, human rights law, comparative law, or socio-legal studies; at least five years of relevant professional or research experience; willingness to participate in an interview; and ability to provide informed consent. Participants included legal academics, human rights lawyers, policy experts, civil society actors, cultural-rights advocates, judicial/legal practitioners, and researchers. Sampling continued until theoretical saturation was reached. Saturation was observed after the twenty-first interview, when no substantially new codes emerged; three additional interviews were conducted to confirm the stability of the categories.

Data were collected through semi-structured interviews. This method was appropriate because it provided a consistent thematic structure while allowing participants to elaborate on their experiences and interpretations. The interview guide included questions about the meaning of legal pluralism, the status of Indigenous cultural rights, the limits of formal recognition, examples of resistance, institutional barriers, tensions between collective and individual rights, and possible reforms. Sample questions included: "How do you define legal pluralism in relation to Indigenous cultural rights?" "What are the main weaknesses of formal recognition?" "How do communities resist state-centered legal authority?" and "What reforms are necessary to make recognition meaningful?"

Interviews lasted between 45 and 75 minutes and were conducted in private settings convenient for participants. With participants' permission, interviews were audio-recorded and later transcribed verbatim. Field notes were written after each interview to document contextual observations, emerging ideas, and preliminary analytic reflections. Participants were assigned numerical codes to protect confidentiality.

Data were analyzed using thematic analysis based on the procedures proposed by Braun and Clarke (2006). The analysis involved repeated reading of transcripts, generation of initial codes, searching for patterns, reviewing provisional themes, defining and naming final categories, and producing a coherent analytic narrative. NVivo software was used to manage interview transcripts, organize codes, compare participant groups, and retrieve coded excerpts.

The analysis combined inductive and deductive elements. Deductively, the study was informed by concepts such as legal pluralism, recognition, resistance, cultural rights, consultation, and reform. Inductively, codes and categories were developed from participants' own language and interpretations. To enhance trustworthiness, the study used prolonged engagement with the data, peer debriefing, memo writing, constant comparison across interviews, and member checking with selected participants. Credibility, dependability, confirmability, and transferability were considered in accordance with qualitative trustworthiness principles (Lincoln & Guba, 1985). An audit trail was maintained, including interview guides, coding memos, category definitions, and analytic decisions.

Participation was voluntary, and all participants received information about the purpose of the study, confidentiality, the right to withdraw, and the use of anonymized quotations. Written informed consent was obtained before each interview.

Identifying information was removed from transcripts, and participants were referred to by codes such as P01, P02, and P03. Audio files and transcripts were stored securely and accessed only by the research team.

Findings

A total of 24 participants took part in the study. Thirteen participants were men (54.2%) and eleven were women (45.8%). Participants' ages ranged from 28 to 64 years, with most participants between 36 and 50 years old. Regarding education, 9 participants held a PhD degree (37.5%), 12 held a master's degree (50.0%), and 3 held a bachelor's degree or professional legal qualification (12.5%). In terms of professional background, 6 participants were legal academics (25.0%), 5 were human rights lawyers (20.8%), 4 were policy or public-administration experts (16.7%), 4 were civil society or NGO actors (16.7%), 3 were cultural-rights advocates or mediators (12.5%), and 2 were judicial/legal practitioners with experience in rights-related cases (8.3%). Professional experience ranged from 5 to 30 years; 6 participants had 5–10 years of experience (25.0%), 10 had 11–20 years (41.7%), and 8 had more than 20 years of experience (33.3%).

The first category reflected participants' view that legal recognition of Indigenous cultural rights often remains conditional, symbolic, and dependent on state approval. Participants distinguished between "recognition as visibility" and "recognition as authority." Recognition as visibility means that Indigenous communities, languages, rituals, or customs are mentioned in constitutional, statutory, or policy language. Recognition as authority means that Indigenous communities are able to exercise meaningful control over cultural institutions, legal procedures, land-based practices, and community governance. Most participants argued that modern legal systems are more comfortable with symbolic recognition than with jurisdictional pluralism. One participant stated, "The state may accept culture as heritage, but it does not easily accept culture as law" (P04). Another explained, "Recognition becomes safe when it is reduced to music, dress, or ceremony. It becomes controversial when it speaks about land, decision-making, or legal authority" (P11). Participants emphasized that Indigenous cultural rights are frequently translated into administrative categories that weaken their original meaning. For example, sacred sites may be treated as cultural property, customary law as informal mediation, and collective land relations as ordinary property claims. This translation can make rights legible to the state but may also distort Indigenous worldviews. As one participant noted, "The problem is not only non-recognition; sometimes recognition itself changes the thing it claims to protect" (P18).

The second category concerned resistance as a continuing response to legal centralism and cultural marginalization. Participants described resistance not only as protest but also as the everyday preservation of Indigenous legal identity. Resistance included maintaining customary dispute-resolution practices, transmitting language and oral histories, protecting sacred sites, organizing community assemblies, using international human rights discourse, and engaging in strategic litigation. Several participants emphasized that resistance should not be interpreted as opposition to law itself; rather, it is often opposition to the monopolization of law by the state. One participant observed, "Communities do not resist law; they resist being told that only one form of law exists" (P07). Another participant stated, "When a community continues its ceremonies, teaches its language, and resolves internal disputes through elders, that is also a legal act, even if the state does not call it law" (P15). Participants also noted that resistance is shaped by unequal power. Communities may lack financial resources, media access, expert lawyers, or institutional platforms. Therefore, resistance often depends on alliances with NGOs, academics, journalists, and international organizations. However, participants warned that external allies may unintentionally dominate community voices. As P22 explained, "Support is necessary, but sometimes NGOs speak instead of the community. Then resistance becomes another form of representation by outsiders."

The third category referred to practical barriers that prevent recognized rights from becoming effective. Participants identified courts, administrative agencies, development authorities, educational institutions, and local governance structures as sites of institutional friction. Even when cultural rights are formally acknowledged, officials may lack knowledge of Indigenous

law, dismiss oral evidence, require written documentation inconsistent with customary traditions, or treat collective claims as individual disputes. One participant stated, “Our institutions are trained to see documents, not relationships; they understand title deeds more easily than ancestral obligations” (P03). Another participant emphasized the evidentiary problem: “If a community says this mountain, river, or forest has legal and spiritual meaning, the court asks for proof in a language that the community’s law may not use” (P20). Participants also discussed consultation deficits. They argued that affected communities are often informed after decisions have already been made, especially in projects involving land, development, or environmental change. Such procedures reduce consultation to notification. According to P09, “Consultation without the possibility of changing the decision is not consultation; it is a ceremony of approval.” Participants therefore viewed procedural design as central to cultural rights. Without culturally competent procedures, translation support, expert testimony, community participation, and remedies, legal recognition remains fragile.

The fourth category concerned the internal tensions of legal pluralism. Participants supported Indigenous self-determination but also emphasized that pluralism must include safeguards for women, children, dissenting members, and vulnerable individuals within communities. They rejected both extremes: romanticizing custom as automatically just, and dismissing Indigenous law as inherently oppressive. Participants argued that all legal systems, including state law, religious law, and customary law, contain internal power relations. Therefore, the question is how to create mechanisms for accountability without reproducing colonial control. One participant explained, “The state often uses women’s rights as an excuse to control Indigenous law, while ignoring inequalities in its own legal system” (P13). Another stated, “Community autonomy should not mean that weaker voices inside the community disappear” (P06). Participants recommended internal review bodies, women’s participation in community decision-making, appeal mechanisms, rights education, and dialogue between Indigenous authorities and human rights institutions. They also emphasized that Indigenous legal traditions are not frozen in the past. As P17 said, “Custom is not a museum object. Communities debate, reinterpret, and reform their own norms.” This category showed that participants favored accountable pluralism: a model that respects collective authority while ensuring that cultural recognition does not become a shield for internal domination.

The fifth category focused on reform. Participants argued that the future of Indigenous cultural rights depends on moving from hierarchical recognition to dialogic legal pluralism. Dialogic legal pluralism means that state institutions and Indigenous legal orders interact through negotiation, mutual respect, shared authority, and institutionalized consultation. Participants proposed several reforms: legal recognition of Indigenous juridical institutions, culturally competent judicial training, consultation protocols, free, prior, and informed consent mechanisms, cultural impact assessments, inclusion of Indigenous experts in legal proceedings, community-controlled documentation of customary law, and educational reforms that present Indigenous law as law rather than folklore. One participant stated, “Reform must begin with legal education. If lawyers learn only state law, they will always see other legal orders as exceptions” (P01). Another participant emphasized shared governance: “The solution is not to place Indigenous law outside the state or completely inside the state. The solution is negotiated space where both legal orders have dignity” (P19). Participants also stressed that reform must include resources. Recognition without funding, legal aid, translation, institutional support, and community capacity-building was described as ineffective. As P24 noted, “A right without a budget is often only a sentence in a law.” Overall, this category indicated that meaningful reform requires legal, procedural, educational, and material transformation.

Discussion

The findings of this study show that participants understood legal pluralism not simply as the coexistence of different norms but as a field of power in which recognition, resistance, and reform are continuously negotiated. The first finding concerned conditional recognition. Participants argued that state legal systems often recognize Indigenous cultural rights in symbolic or

administrative terms while resisting deeper recognition of Indigenous jurisdiction, authority, and land-based legal relations. This finding aligns with Griffiths' (1986) critique of legal centralism and Merry's (1988) argument that plural legal orders are often structured by unequal power. Recognition may appear progressive, but it can become restrictive when the state determines which aspects of Indigenous law are acceptable. This is consistent with Coulthard's (2014) critique of the colonial politics of recognition, which suggests that recognition can reproduce domination when it leaves colonial authority intact. Similarly, Tamanaha (2008) emphasized that legal pluralism must be examined in terms of actual institutional relations, not merely normative celebration. The present findings support this position: participants did not reject recognition, but they distinguished between recognition as symbolic inclusion and recognition as authority-bearing pluralism. This distinction is important because Indigenous cultural rights are not limited to expressive culture; they include legal traditions, land relations, governance practices, and collective memory. The findings therefore suggest that recognition is meaningful only when it protects Indigenous peoples' capacity to maintain and develop their own institutions.

The second finding concerned resistance against state-centered legal authority. Participants described resistance as protest, cultural continuity, legal mobilization, and everyday maintenance of Indigenous legal identity. This expands the conventional understanding of resistance as direct political confrontation. In legally plural contexts, resistance may occur through community assemblies, oral transmission, ceremonies, dispute resolution, language preservation, and refusal to reduce Indigenous law to state categories. This finding is consistent with Moore's (1973) theory of semi-autonomous social fields, because Indigenous communities may generate and enforce norms even when state law does not fully recognize them. It also aligns with de Sousa Santos' (2002) view that law can be a terrain of struggle where marginalized groups mobilize alternative legalities. Borrows (2002, 2010) similarly argues that Indigenous legal traditions remain living sources of authority and reasoning. The participants' accounts show that resistance is not anti-legal; rather, it contests the state's monopoly over legality. However, the findings also indicate that resistance is constrained by unequal resources, institutional access, and representation. This supports scholarship emphasizing that Indigenous rights cannot be separated from histories of dispossession, marginalization, and political exclusion (Anaya, 2004; Thornberry, 2002).

The third finding identified institutional friction as a major barrier to the implementation of Indigenous cultural rights. Participants reported that courts and administrative agencies often require forms of evidence, documentation, and legal language that do not correspond to Indigenous legal traditions. This finding is important because it shifts attention from abstract recognition to procedural justice. A legal system may formally acknowledge cultural rights while still denying them through evidentiary rules, bureaucratic delay, lack of consultation, or narrow definitions of property and harm. International instruments such as UNDRIP and ILO Convention No. 169 emphasize participation, consultation, self-determination, and respect for Indigenous institutions (International Labour Organization, 1989; United Nations General Assembly, 2007). Yet participants suggested that consultation is often reduced to information-sharing after decisions have already been made. This confirms the gap between normative standards and institutional practice. The finding also supports legal-pluralist scholarship showing that state institutions frequently translate non-state norms into categories that make sense to officials but distort community meanings (Merry, 1988; Tamanaha, 2008). In the context of Indigenous cultural rights, this translation problem is especially serious because land, sacred sites, ecological duties, and ancestral obligations may not fit conventional legal categories. Reform must therefore address not only substantive rights but also procedures, evidence, interpretation, expert testimony, and institutional competence.

The fourth finding concerned tensions between collective autonomy and individual human rights. Participants rejected simplistic positions that either romanticize Indigenous customs or treat them as inherently incompatible with human rights. Instead, they supported accountable pluralism. This finding aligns with scholarship on Indigenous women and legal pluralism,

particularly studies showing that women may use both community norms and state rights frameworks to challenge injustice (Sieder, 2017). It also resonates with Kymlicka's (1995) distinction between external protections for minority groups and internal restrictions imposed on members. Participants emphasized that community autonomy is essential for cultural survival, but it should not silence women, children, dissenters, or vulnerable members. At the same time, they warned that states may instrumentalize individual rights discourse to weaken Indigenous self-determination while ignoring inequalities within state law itself. This tension demonstrates the need for institutional arrangements that support internal reform, community participation, and rights-compatible Indigenous governance. The findings suggest that Indigenous legal traditions should be understood as dynamic systems capable of reinterpretation. Therefore, the protection of individual rights and collective rights should not be framed as a zero-sum conflict; rather, both require participatory mechanisms, culturally legitimate accountability, and dialogue between Indigenous and human rights institutions.

The fifth finding focused on reform toward dialogic legal pluralism. Participants proposed legal education, judicial training, consultation protocols, free, prior, and informed consent mechanisms, cultural impact assessments, community-controlled documentation, and shared governance. These proposals are consistent with Borrows' (2010) argument that Indigenous legal traditions can contribute to constitutional orders and with Anaya's (2004) emphasis on self-determination and participatory rights. The findings also support the idea that legal pluralism must be institutionally designed rather than merely declared. Recognition without resources, procedures, and authority can become symbolic. Reform must therefore include material support, legal aid, translation, community capacity-building, and mechanisms for Indigenous participation in decision-making. This is also consistent with Lincoln and Guba's (1985) qualitative principle of contextual validity: institutions must understand rights within the lived realities of the communities concerned. In legal terms, dialogic pluralism requires movement away from hierarchical incorporation toward negotiated relations among legal orders. Such reform does not mean abandoning the state or romanticizing non-state law. Rather, it requires the state to share legal space, respect Indigenous juridical reasoning, and create safeguards for accountability and participation.

Overall, the study contributes to socio-legal scholarship by showing that participants conceptualized legal pluralism as a contested process rather than a settled legal condition. Recognition, resistance, and reform were not separate stages. Recognition may produce resistance when it is conditional or symbolic; resistance may generate reform by exposing institutional failures; and reform may reshape recognition by creating more dialogic forms of authority. The findings also suggest that Indigenous cultural rights require a broader understanding of culture as law, land, memory, language, governance, and relational obligation. This broader understanding challenges legal systems that reduce culture to heritage or identity. The study therefore supports a transformative approach to legal pluralism: one that recognizes Indigenous legal orders as living systems while ensuring rights-compatible accountability.

This study has several limitations. First, the participants were recruited in Tehran and consisted mainly of legal, academic, policy, and civil society actors. Therefore, the findings reflect expert and professional interpretations rather than direct ethnographic accounts from Indigenous communities. Second, the study relied on semi-structured interviews only; the inclusion of document analysis, court observations, community case studies, or participatory methods could have produced richer triangulation. Third, because Indigenous cultural rights are highly context-dependent, the findings should not be generalized to all Indigenous communities or legal systems. Fourth, the use of translated or conceptually mediated terminology may have influenced how participants discussed Indigenous law, customary law, minority rights, and cultural recognition.

Future studies should include direct participation of Indigenous community members, elders, women, youth, customary authorities, and local cultural institutions. Comparative research across different legal systems would also be valuable, especially studies comparing constitutional recognition, judicial enforcement, consultation mechanisms, and land-rights

protection. Future researchers should examine how Indigenous women and marginalized members within communities negotiate both collective rights and individual rights. Longitudinal research could also explore how recognition changes over time and whether reforms actually improve cultural survival, legal autonomy, and access to justice. Participatory and community-based research designs are especially recommended because they can reduce extractive research practices and support community ownership of knowledge.

Legal systems should move beyond symbolic recognition and develop practical mechanisms for Indigenous participation, consultation, and shared governance. Judges, lawyers, policymakers, and administrators need training in legal pluralism, Indigenous cultural rights, customary law, and culturally competent procedures. Governments should establish consultation protocols that allow affected communities to influence decisions before they are finalized. Legal aid, translation services, expert testimony, and cultural impact assessments should be made available in cases involving Indigenous rights. Reform should also support community-led documentation of legal traditions while respecting confidentiality and sacred knowledge. Finally, pluralism should include safeguards for vulnerable members within communities through participatory, culturally legitimate, and rights-compatible accountability mechanisms.

Conclusion

This study explored legal pluralism and Indigenous cultural rights through the themes of recognition, resistance, and reform. The findings show that formal recognition is insufficient when it remains symbolic, conditional, or dependent on state-centered categories. Participants emphasized that Indigenous cultural rights include not only language, heritage, and ritual but also land relations, legal traditions, customary governance, and collective self-determination. Resistance emerged as a central response to legal centralism and cultural marginalization, taking the form of protest, cultural continuity, community-based legal practice, and strategic rights mobilization. Institutional friction, including weak consultation, evidentiary barriers, limited judicial understanding, and administrative reductionism, was identified as a major obstacle to effective implementation. Participants also highlighted the need to balance collective autonomy with safeguards for individual rights.

The study concludes that meaningful protection of Indigenous cultural rights requires dialogic legal pluralism. Such pluralism must recognize Indigenous law as law, create institutional spaces for shared authority, and support procedures that are participatory, culturally competent, and accountable. Reform should therefore include consultation mechanisms, legal education, judicial training, community-controlled knowledge processes, cultural impact assessments, legal aid, and rights-compatible internal accountability. Legal pluralism becomes transformative only when it shifts from symbolic inclusion to substantive redistribution of authority, voice, and institutional power.

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Authors' Contributions

All authors equally contributed to this study.

Declaration of Interest

The authors of this article declared no conflict of interest.

Ethical Considerations

All ethical principles were adhered in conducting and writing this article.

Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

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