

The Politics of Legal Pluralism: Navigating Custom, Religion, and State Law in Multicultural Societies

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The objective of this article is to examine the political dynamics of legal pluralism by exploring how customary, religious, and state legal systems intersect in multicultural societies. This study adopts a narrative review methodology grounded in a descriptive analytical approach. Sources were collected from academic publications, peer-reviewed journals, and monographs published between 2018 and 2024, covering law, political science, anthropology, and sociology. The analysis involved identifying patterns and thematic discussions related to the coexistence and contestations among different legal orders. Key topics investigated include the historical evolution of legal pluralism, comparative state engagement with multiple legal frameworks, and the intersections of custom and religion with statutory law. The review reveals that legal pluralism is deeply influenced by colonial legacies, postcolonial nation-building, and the pursuit of inclusive governance. States navigate diverse strategies of integration, accommodation, and hybrid legal structures to manage conflicting or overlapping authorities. Common challenges include conflicts of jurisdiction, forum shopping, gender inequities, and human rights tensions affecting women, minorities, and LGBTQ+ communities. Despite these complications, legal pluralism can serve as a vehicle for cultural recognition and legal innovation, provided that careful oversight and inclusive policy processes are adopted. The evidence underscores that legal pluralism is a dynamic and politically charged phenomenon, reflecting broader debates over power, legitimacy, and social cohesion. Effective governance of multiple legal orders requires balancing respect for communal autonomy with the imperative to uphold universal rights. Future trajectories will likely hinge on the ability of policymakers, legal actors, and communities to craft context-sensitive reforms that enhance both diversity and equity.

Keywords: legal pluralism, multiculturalism, customary law, religious law, state sovereignty, governance

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1. Introduction

Legal pluralism, broadly defined, refers to the coexistence of multiple legal systems within a single geographic, political, or social space. These systems may include state law, customary norms, religious doctrines, and informal mechanisms of dispute resolution. In many contemporary societies, especially

those marked by cultural and ethnic diversity, legal pluralism emerges not as an anomaly but as a normative feature of governance and social order. As globalization accelerates transnational flows of people, ideas, and institutions, the visibility and complexity of legal pluralism have increased, prompting critical reassessment of the assumptions that underpin monistic models of law and sovereignty. Rather than viewing the



state as the sole source of legitimate law, legal pluralism acknowledges the layered and negotiated nature of legal authority in multicultural societies.

Recent scholarly debates reveal deep tensions between the ideal of state sovereignty and the practical realities of legal diversity. In many postcolonial and pluralistic societies, state legal systems must contend with longstanding customary and religious laws that continue to regulate everyday life. This interplay often produces conflicts over legal jurisdiction, recognition, and enforcement. For instance, in Indonesia, the coexistence of adat (customary law) and Islamic law within the framework of national legislation reflects ongoing struggles over legal legitimacy and governance, particularly in regions like Aceh where local authorities seek to assert greater autonomy over legal matters (Sagala, 2022). In other contexts, such as Australia, Islamic family law practices coexist informally with secular law, giving rise to debates about legal accommodation and social integration (Blanch, 2023). These examples illustrate how legal pluralism challenges the unitary conception of law associated with the modern nation-state.

A related axis of contention centers on the balance between individual rights and communal traditions. Advocates of legal pluralism often argue that recognition of customary and religious legal systems is essential for cultural autonomy and social justice. However, critics warn that such recognition may entrench hierarchical norms, particularly with regard to gender and minority rights. In Turkey, for example, the emergence of unofficial Islamist legal frameworks under the Erdogan regime has raised concerns about the erosion of secular protections and the normalization of practices such as child marriage (Yilmaz, 2021). Similarly, in Bolivia, indigenous legal practices have been valorized as expressions of self-determination, yet they also generate friction with state law when perceived to contravene national or international human rights norms (Doyle, 2021). These tensions reflect a broader dilemma: how can legal systems respect cultural diversity without compromising the universality of rights?

The objective of this article is to explore the political dynamics of legal pluralism by examining the interaction of customary, religious, and state legal systems in multicultural societies. Rather than treating legal pluralism as a purely normative or juridical concept, the

focus here is on its political implications—how legal orders are recognized, negotiated, and contested within the broader structures of state power and social governance. By analyzing the underlying tensions, accommodations, and asymmetries that shape plural legal systems, the article seeks to contribute to a more nuanced understanding of legal governance in culturally heterogeneous settings.

To achieve this objective, a narrative review method has been employed, grounded in a descriptive analytical approach. Unlike systematic reviews that rely on strict inclusion criteria and meta-analytical techniques, the narrative review allows for a more interpretive and integrative reading of the literature. It facilitates the mapping of conceptual debates, identification of thematic patterns, and critical engagement with key case studies. The descriptive analysis enables a detailed examination of how legal pluralism manifests in different cultural, political, and institutional contexts, drawing from interdisciplinary sources in law, anthropology, sociology, and political theory. This approach is particularly well-suited to the study of legal pluralism, as it acknowledges the situated, evolving, and often contested nature of legal authority in multicultural societies.

2. Methodology

This article employs a scientific narrative review methodology grounded in a descriptive analysis approach to explore the political and legal dimensions of legal pluralism within multicultural societies. The narrative review format was selected for its suitability in synthesizing diverse theoretical frameworks, legal case studies, and interdisciplinary debates without the constraints of systematic inclusion criteria. Rather than focusing on quantitative metrics or experimental outcomes, this review prioritizes thematic depth and conceptual clarity, aiming to map the complexities of legal pluralism through a qualitative lens. The descriptive analysis method guided the organization and interpretation of sources, allowing for the extraction of recurring themes, critical tensions, and illustrative contrasts across different sociopolitical contexts. The narrative approach facilitated a flexible, yet scholarly, exploration of legal pluralism as a dynamic and contested terrain, especially where state law, religious doctrines, and customary traditions interact.

The literature analyzed in this review was selected from academic publications, peer-reviewed journals, and scholarly monographs published between 2018 and 2024, with a primary emphasis on interdisciplinary sources in law, political science, anthropology, and sociology. The selection process was guided by relevance to three core dimensions of legal pluralism: the coexistence and interaction of legal systems, the political implications of legal diversity, and the societal outcomes of such legal arrangements. Particular attention was paid to studies that addressed legal pluralism in relation to gender justice, indigenous rights, religious authority, and state sovereignty. Major databases such as JSTOR, Scopus, Web of Science, HeinOnline, and Google Scholar were used to identify pertinent literature. Search terms included “legal pluralism,” “customary law,” “religious law and state,” “multicultural legal systems,” “plural legal orders,” and “politics of legal recognition.” Only English-language sources were included to maintain consistency in legal terminology and conceptual discourse.

Once the relevant literature was gathered, it was reviewed in detail and thematically coded based on recurring issues and conceptual frameworks. Themes that emerged across multiple studies included the contested nature of legal authority, the politics of recognition and exclusion, the instrumentalization of customary and religious laws by political elites, and the role of legal pluralism in either empowering or marginalizing minority communities. The analysis was informed by foundational theoretical works as well as recent empirical case studies from various jurisdictions including Nigeria, India, South Africa, Indonesia, and Canada. Where available, legal documents, policy papers, and judgments were also integrated to support contextual interpretation. The goal was to identify not only the structural characteristics of plural legal systems but also the political dynamics that shape their evolution and legitimacy. This approach enabled a critical synthesis of the literature and produced a multi-layered understanding of how legal pluralism operates across different sociocultural and institutional contexts.

3. Theoretical and Conceptual Foundations

The concept of legal pluralism has undergone significant evolution since its early formulations. At its core, legal pluralism denotes the existence of multiple legal orders within the same socio-political space. Scholars often

distinguish between strong and weak forms of legal pluralism. Strong legal pluralism acknowledges that non-state legal systems exist independently of the state and derive legitimacy from distinct normative sources. In contrast, weak legal pluralism refers to situations where the state formally recognizes or integrates non-state legal norms, but retains ultimate legal authority. For example, Boaventura de Sousa Santos conceptualized legal pluralism as a field of “interlegality,” where legal meanings are shaped by interactions across different normative systems (Araújo, 2024). John Griffiths, a foundational figure in the field, critiqued state-centric views of law and argued that most societies are legally pluralistic in practice, even when official discourse suggests otherwise (Cotterrell, 2019).

Legal pluralism is not simply a descriptive account of multiple legal systems; it is deeply entangled with the politics of recognition, legitimacy, and power. From a multiculturalist perspective, legal pluralism is often framed as a means of accommodating diversity and protecting cultural rights. This view emphasizes the importance of recognizing community-based legal practices, particularly in contexts involving indigenous peoples, religious minorities, or postcolonial societies. For instance, in Latin America, scholars have argued that legal pluralism offers a framework for rethinking justice and democratic inclusion, particularly where indigenous communities seek legal recognition within national legal frameworks (Wolkmer, 2023). However, as many critics note, multicultural accommodation can sometimes mask underlying power asymmetries, especially when the state retains the ability to determine the scope and legitimacy of non-state laws (Canihac, 2020).

Postcolonial theory provides another crucial lens for understanding legal pluralism. Colonial regimes frequently used legal pluralism as a tool of governance, selectively recognizing customary laws while subordinating them to imperial legal frameworks. This practice often distorted local legal traditions and embedded hierarchical legal orders that persist into the present. Lauren Benton has shown how empires relied on jurisdictional politics to manage legal diversity, using flexible arrangements of legal authority to maintain control over diverse populations (Benton, 2020). In contemporary postcolonial states, the legacy of this legal fragmentation continues to shape the politics of law, particularly where state-building projects attempt to

consolidate legal authority while negotiating local legitimacy (Tamanaha, 2021). In this regard, postcolonial legal pluralism is both a historical artifact and a contemporary political challenge.

Legal anthropology contributes a rich body of scholarship that examines how law operates in lived social contexts. Rather than focusing solely on formal legal systems, anthropologists explore how people navigate multiple normative orders in everyday life. This approach reveals the informal and dynamic nature of legal practice, highlighting how individuals engage in “forum shopping,” reinterpret norms, or resist legal authority. For instance, in Ukraine, the interaction between formal legal reforms and political pluralism has produced a fragmented legal landscape in which law-making itself becomes a site of political contestation (Didych, 2021). Similarly, in Indonesia, debates about vaccine policy through the lens of Islamic law illustrate how legal pluralism extends into contemporary bioethical and governance issues (Itmam, 2022). These insights emphasize that legal pluralism is not a static arrangement but a process shaped by negotiation, adaptation, and power struggles.

The political dimensions of legal pluralism are particularly salient when considering issues of legitimacy and authority. Legal systems are not merely repositories of rules; they are institutions that command obedience, confer status, and regulate conflict. The question of which legal orders are recognized—and by whom—is inherently political. As Croce and Goldoni argue, legal pluralism involves competing “juristic points of view” that reflect broader ideological and institutional commitments (Croce & Goldoni, 2020). Recognition of non-state legal systems may empower marginalized communities, but it can also entrench social hierarchies or fragment legal authority. In the European context, debates about constitutional pluralism have raised questions about the balance between national sovereignty and supranational legal integration, particularly in times of political crisis (Canihac, 2021). These debates illustrate that legal pluralism cannot be understood apart from the broader political configurations in which it operates.

The study of legal pluralism thus requires a multidimensional theoretical framework that incorporates insights from legal theory, anthropology, political science, and postcolonial studies. It must

account for both the normative aspirations of legal recognition and the material realities of power and exclusion. Scholars such as Sally Engle Merry have emphasized the importance of tracing how global legal norms are translated into local contexts, often through complex processes of interpretation and adaptation. This “vernacularization” of law illustrates how legal pluralism functions not only as a structure of governance but also as a cultural and symbolic system through which people understand and navigate their worlds. Taken together, these theoretical perspectives provide a foundation for analyzing the political dynamics of legal pluralism in multicultural societies—a project to which this article now turns.

4. Historical and Comparative Overview

The concept of legal pluralism cannot be divorced from its historical foundations in colonial governance and postcolonial state formation. During the colonial era, imperial authorities encountered a multiplicity of legal systems in the territories they occupied, many of which were deeply embedded in local customs, religious teachings, and communal dispute-resolution practices. Rather than eradicating these systems entirely, colonial powers often co-opted them into a stratified legal hierarchy that served to maintain order and facilitate administrative control. This policy, commonly referred to as indirect rule, allowed for the conditional recognition of customary and religious laws, provided they did not challenge colonial sovereignty or economic interests. In this way, colonial legal pluralism was a calculated political tool that preserved local normative orders while subordinating them to the interests of empire. As Lauren Benton explains, empires used jurisdictional politics to manipulate and reconfigure legal boundaries, creating patchworks of legal authority that reinforced imperial domination rather than legal equality (Benton, 2020).

In the aftermath of decolonization, many newly independent states inherited these plural legal structures. Rather than dismantling them, postcolonial governments often retained aspects of legal pluralism as part of their nation-building projects. Yet this inheritance was far from neutral. The colonial legacy of hierarchical legal systems meant that customary and religious laws were often reified in ways that did not reflect their pre-colonial flexibility or adaptability. As

noted by Benda-Beckmann and Turner, postcolonial legal systems often froze living traditions into rigid categories, transforming dynamic norms into formalized codes that could be managed by the state (Benda-Beckmann & Turner, 2020). The result was a form of legal pluralism that, while appearing to honor tradition, frequently distorted it for bureaucratic and political purposes.

India offers a prominent example of how legal pluralism evolved in a postcolonial context. At independence, India adopted a secular constitution that nonetheless preserved the right of religious communities to manage their own personal laws, particularly in areas such as marriage, divorce, and inheritance. Hindu, Muslim, Christian, and Parsi personal laws operate alongside the Indian Civil Code, producing a complex legal mosaic that reflects the country's multicultural ethos. While this arrangement has been praised for its accommodation of religious diversity, it has also been criticized for institutionalizing legal inequality. Debates over the Uniform Civil Code highlight the persistent tension between legal unification and religious autonomy. As Daniels notes, the coexistence of multiple personal law regimes in India presents a moral and legal dilemma when community norms conflict with constitutional principles of equality and justice (Daniels, 2020).

In Nigeria, legal pluralism manifests through the concurrent operation of state law, customary law, and Islamic Sharia law. Nigeria's federal structure and cultural diversity have made the accommodation of different legal traditions a political necessity. However, this has also created zones of legal ambiguity and contestation. In northern Nigeria, the adoption of Sharia criminal codes alongside secular statutes has sparked national debates about the role of religion in governance and the compatibility of religious punishments with constitutional protections. According to Doyle, this plural legal arrangement reflects a broader struggle over identity, legitimacy, and the postcolonial state's capacity to manage religious diversity (Doyle, 2021). Customary law, meanwhile, varies across ethnic groups and often governs land tenure, family matters, and local governance. The Nigerian experience illustrates both the resilience of local legal traditions and the political volatility that can accompany their formal recognition. Indonesia provides another instructive case of legal pluralism shaped by colonial legacies and postcolonial

governance. Dutch colonial authorities preserved indigenous adat law as a subordinate system under colonial rule, and post-independence Indonesia continued to recognize adat in matters such as land rights and cultural practices. In addition, Islamic law holds formal jurisdiction over family matters for Muslim citizens, creating a dual-track legal system within the broader national framework. Sagala notes that Aceh province, in particular, exercises a high degree of legal autonomy under Indonesia's special autonomy laws, including the implementation of Sharia-based regulations (Sagala, 2022). These legal arrangements exemplify how religious and customary laws are selectively integrated into state structures, often reflecting local political pressures and historical path dependencies.

In South Africa, legal pluralism is enshrined in the post-apartheid constitutional framework, which affirms the right of communities to practice their cultural and religious traditions. Customary law is formally recognized in areas such as marriage, succession, and traditional leadership, although it must conform to constitutional values, including gender equality and non-discrimination. This conditional recognition aims to balance respect for cultural identity with the imperatives of a liberal constitutional order. However, as Cotterrell explains, the translation of customary norms into state law often requires the simplification or codification of complex, unwritten traditions, raising concerns about authenticity and representation (Cotterrell, 2019).

Canada's approach to legal pluralism is shaped by its history of settler colonialism and its evolving relationship with Indigenous peoples. Legal pluralism in Canada is increasingly framed in terms of Indigenous legal resurgence and the recognition of Indigenous jurisdiction. While the Canadian legal system historically marginalized Indigenous laws, recent legal and political developments have sought to restore these traditions as part of reconciliation efforts. The recognition of Indigenous legal orders in cases such as *Delgamuukw* and *Tsilhqot'in* reflects an emerging pluralist vision of law, one that seeks to reconfigure the relationship between the state and Indigenous nations. However, as Lefkowitz cautions, the institutionalization of Indigenous law within state structures may risk co-optation or dilution of its foundational principles (Lefkowitz, 2020).

Across these diverse contexts, certain patterns emerge. First, legal pluralism is often a product of historical compromise, reflecting the interplay of colonial imposition and local resistance. Second, the formal recognition of non-state legal systems frequently serves as both a mechanism of inclusion and a source of inequality, depending on how recognition is structured and operationalized. Third, the state's role is crucial in mediating the boundaries between legal systems, often through processes of selective incorporation, regulation, or suppression. Finally, the dynamics of legal pluralism are deeply political, shaped by contests over identity, legitimacy, and authority.

Despite these commonalities, divergences are also significant. In some countries, such as India and Indonesia, legal pluralism is institutionally entrenched and linked to religious identity. In others, like Canada and South Africa, pluralism is increasingly framed in terms of cultural rights and constitutional accommodation. In Nigeria, the presence of parallel criminal jurisdictions illustrates a more contentious form of legal coexistence, one that can undermine legal certainty and human rights protections. These variations highlight the importance of context in shaping the forms and consequences of legal pluralism.

5. Intersections of Custom, Religion, and State Law

The coexistence and interaction of customary, religious, and state legal systems create a complex legal ecology that influences various dimensions of social life. These legal orders do not operate in isolation; rather, they intersect in ways that produce hybrid practices, overlapping jurisdictions, and normative tensions. Nowhere is this more evident than in the domain of family law, where legal pluralism often has the most immediate and intimate effects on individuals and communities.

Marriage, inheritance, and child custody are key areas where customary and religious norms frequently diverge from state law. In India, for example, Muslim personal law governs marriage and divorce for adherents of Islam, while Hindu law applies to the majority population. These personal laws often reflect patriarchal values that clash with constitutional guarantees of gender equality. Daniels argues that the continued application of religiously derived personal laws in democratic societies creates a “moral paradox”

where the state tolerates inequality under the guise of respecting diversity (Daniels, 2020). In Indonesia, Islamic courts oversee family disputes among Muslims, while civil courts handle such matters for non-Muslims, reinforcing religious boundaries in the legal system (Nugroho, 2021b). While such arrangements promote cultural autonomy, they can also result in differential access to justice and rights depending on one's community affiliation.

Inheritance practices further illustrate the complexities of legal pluralism. Customary inheritance systems in many African and Asian societies prioritize patrilineal succession, often excluding women from property rights. Although national constitutions may guarantee gender equality, the enforcement of these rights is often uneven, especially in rural areas where customary norms prevail. In Nigeria, for instance, court decisions have sometimes upheld discriminatory inheritance customs on the basis that they are integral to local tradition, while in other cases they have been struck down as unconstitutional (Doyle, 2021). Such legal inconsistencies underscore the challenges of harmonizing state law with customary practices.

Criminal law presents a more contentious arena for legal pluralism, particularly where alternative justice systems impose penalties that deviate from state-sanctioned norms. In regions of Nigeria where Sharia criminal codes are in effect, punishments such as amputation, flogging, and stoning are legally sanctioned for certain offenses. These practices have been widely criticized by human rights organizations as incompatible with international legal standards. Nevertheless, they enjoy local support and are seen by many as legitimate expressions of religious law. Doyle highlights the role of community endorsement in sustaining such legal norms, even when they conflict with national and international legal principles (Doyle, 2021).

In some cases, alternative justice mechanisms offer more accessible and culturally resonant forms of dispute resolution. In Bolivia, indigenous community justice systems provide forums for resolving conflicts based on local values and restorative principles. Doyle observes that these systems often emphasize reconciliation over punishment, contrasting with the adversarial nature of state legal proceedings (Doyle, 2021). However, the incorporation of these systems into national legal frameworks raises questions about oversight,

consistency, and compatibility with universal human rights.

Gender rights remain one of the most contentious issues in legal pluralism. Critics argue that the recognition of customary and religious laws can entrench patriarchal norms and undermine women's rights. In Turkey, the increasing influence of Islamist legal doctrines has led to the informal normalization of practices such as child marriage, often justified through religious rhetoric (Yilmaz, 2021). Similarly, in many customary legal systems, women's testimony may carry less weight, and their access to divorce, inheritance, and custody rights is limited. Tamanaha notes that such tensions are particularly acute in postcolonial states where the legitimacy of traditional norms is invoked to resist perceived cultural imperialism from the West (Tamanaha, 2021).

Efforts to accommodate legal diversity within state structures often involve legal reforms, codification, or the creation of hybrid legal institutions. For example, South Africa's Recognition of Customary Marriages Act attempts to bridge the gap between customary norms and constitutional values by requiring registration and granting equal rights to spouses. This kind of legal engineering reflects an attempt to preserve cultural practices while ensuring compliance with national legal standards. However, as Croce and Goldoni argue, such reforms often necessitate a reinterpretation or simplification of complex normative systems, raising concerns about the loss of local agency and nuance (Croce & Goldoni, 2020).

The political implications of legal accommodations are profound. On one hand, recognizing non-state legal systems can enhance legitimacy, promote social cohesion, and address historical injustices. On the other, it may also fragment legal authority, undermine the rule of law, and perpetuate inequality. Bezrukova emphasizes the role of legal pluralism in political representation, arguing that legal recognition is often tied to broader struggles for inclusion and voice in governance (Bezrukova, 2024). Yet as Lefkowitz warns, incorporating plural legal systems into the state framework without addressing underlying power imbalances risks reinforcing existing hierarchies (Lefkowitz, 2020).

Ultimately, the intersection of custom, religion, and state law reflects a broader negotiation over authority,

identity, and justice in multicultural societies. Legal pluralism is not merely a legal arrangement; it is a political field in which competing visions of law, morality, and belonging are contested and reimagined.

6. Challenges and Controversies in Legal Pluralism

Despite the normative appeal of legal pluralism as a framework for embracing cultural diversity and enhancing legal accessibility, it is fraught with practical, political, and ethical challenges. One of the central issues in plural legal systems is the persistent conflict of laws. When different legal orders claim jurisdiction over the same subject matter—such as marriage, inheritance, or criminal behavior—citizens may face contradictory obligations or outcomes depending on which system they engage. This is particularly evident in contexts like Nigeria, where both state and Sharia criminal laws operate in parallel, often producing divergent rulings for similar offenses depending on religious affiliation or regional jurisdiction (Doyle, 2021). Such overlapping authority structures lead to legal uncertainty and can weaken public trust in formal institutions.

Closely related to this is the phenomenon of forum shopping, where individuals or groups strategically choose between legal systems to obtain the most favorable outcomes. While this can sometimes empower marginalized actors, it can also reinforce social inequities. For instance, in India, litigants may alternate between secular courts and religious forums based on anticipated advantages in personal law matters. Daniels points out that this strategic navigation may disproportionately favor men in patriarchal communities, who exploit religious norms to avoid obligations mandated by secular law (Daniels, 2020). In Indonesia, where both Islamic and adat legal principles coexist under state supervision, forum shopping often results in inconsistent rulings and selective enforcement, complicating the legal landscape further (Nugroho, 2021b). Such jurisdictional ambiguity not only erodes the coherence of legal systems but also hampers judicial accountability and standardization.

Human rights tensions represent another major point of controversy in legal pluralism, particularly where non-state legal orders operate according to norms that diverge from international or constitutional rights frameworks. This is especially pronounced in issues affecting minorities, women, and LGBTQ+ communities.

In Turkey, the rise of unofficial Islamist laws under the Erdogan administration has been associated with the normalization of child marriages and restrictions on women's mobility and autonomy (Yilmaz, 2021). These practices, while legitimized within certain religious narratives, starkly contradict internationally accepted standards of gender equality and child protection. In customary legal systems across parts of Africa and Asia, women are frequently disadvantaged in inheritance, divorce, and custody proceedings. Even where constitutional provisions exist to protect women's rights, they are often overridden by local authorities invoking traditional norms. Tamanaha emphasizes that such tensions are common in postcolonial societies where the assertion of cultural sovereignty is sometimes used to deflect external critiques of discriminatory practices (Tamanaha, 2021).

LGBTQ+ rights are particularly vulnerable in plural legal systems that integrate conservative religious or customary laws. In jurisdictions where same-sex relationships are criminalized under Sharia law or condemned by traditional councils, individuals face both legal penalties and social exclusion. These legal frameworks often escape international scrutiny due to their informal status or their grounding in "cultural relativism." Croce and Goldoni argue that when plural legal systems are framed as expressions of cultural autonomy, they can become shields for discriminatory practices that would otherwise be unacceptable in formal state law (Croce & Goldoni, 2020). The challenge, then, lies in reconciling respect for legal diversity with the imperative to uphold universal human rights—a task complicated by the political sensitivities surrounding identity, religion, and tradition.

The role of the state in either recognizing or suppressing non-state legal orders is central to these debates. While pluralism is often described as a bottom-up phenomenon driven by community norms, it is in fact deeply shaped by state policies and legal frameworks. In some cases, the state actively supports legal pluralism through constitutional recognition or statutory accommodation. In South Africa, for example, the constitution permits customary law provided it aligns with the Bill of Rights, thereby creating a system of conditional pluralism that seeks to protect both cultural identity and individual freedoms (Cotterrell, 2019). In other contexts, however, the state selectively endorses certain legal orders while

delegitimizing others. In Indonesia, the state supports Islamic family law courts but often marginalizes indigenous justice systems unless they can be subsumed within national legal development goals (Nugroho, 2021a).

This selective recognition raises concerns about the instrumentalization of legal pluralism for political purposes. Canihac warns that pluralism can be employed as a tool of ethno-political control, wherein dominant groups reinforce their authority by co-opting traditional leaders or religious institutions to serve state interests (Canihac, 2020). In authoritarian or semi-authoritarian contexts, state-sanctioned pluralism can mask the suppression of dissenting legal traditions or minority voices. Lefkowitz highlights that such strategies often erode the independence of non-state legal actors, turning them into extensions of state power rather than autonomous sources of justice (Lefkowitz, 2020). Furthermore, the incorporation of non-state laws into formal legal codes may strip them of their contextual flexibility and responsiveness, reducing them to rigid statutory forms that no longer reflect community practices (Benda-Beckmann & Turner, 2020).

Finally, critics argue that legal pluralism may contribute to legal fragmentation, particularly in states already struggling with weak institutions or divided political identities. Instead of promoting social harmony, plural legal systems may entrench divisions and foster legal enclaves governed by incompatible norms. Doyle notes that in Bolivia, competing indigenous and state legal systems sometimes produce contradictory rulings, leading to confusion and dissatisfaction among litigants (Doyle, 2021). Similarly, in parts of Eastern Europe, as Didych reports, political pluralism and legislative decentralization have led to conflicting legal reforms that undermine rule-of-law principles (Didych, 2021). In such cases, legal pluralism becomes a symptom of political disintegration rather than a strategy for inclusive governance.

While legal pluralism is often championed as a path toward multicultural justice, it remains a contested and politically charged terrain. Its promises of inclusion, accessibility, and cultural recognition are frequently undercut by challenges related to legal inconsistency, human rights violations, state manipulation, and institutional fragmentation. Understanding these challenges is essential for crafting governance models

that harness the benefits of legal diversity while mitigating its risks.

7. Governance, Policy, and Legal Reform

Efforts to govern legal pluralism have taken various forms, ranging from legal integration and accommodation to more nuanced models of regulation and empowerment. These approaches reflect a continuum of strategies that seek to either unify diverse legal systems under a single framework or allow for their coexistence within a broader legal order. The key challenge is to strike a balance between preserving cultural autonomy and ensuring legal coherence and rights protection.

One common model of legal governance is formal integration, in which non-state legal systems are incorporated into the state framework through legislative recognition and institutional mechanisms. This approach is evident in India, where religious personal laws are codified and administered by official courts. However, as Daniels explains, codification often results in the rigidification of community norms, leading to outcomes that may not reflect the evolving practices or internal diversity of those traditions (Daniels, 2020). A similar pattern is visible in South Africa, where customary law is formally recognized but must conform to constitutional standards, including gender equality and non-discrimination. This model offers legal certainty and oversight, but may also limit the organic development of traditional legal systems (Cotterrell, 2019).

An alternative strategy involves legal accommodation, where the state allows parallel legal systems to operate with a degree of autonomy while retaining ultimate supervisory authority. In Canada, Indigenous legal orders are increasingly being acknowledged as part of a broader process of reconciliation and decolonization. Lefkowitz points out that this approach offers a path toward legal empowerment, but warns that meaningful pluralism requires more than symbolic recognition; it must include resources, capacity-building, and respect for Indigenous legal epistemologies (Lefkowitz, 2020). Similar efforts are underway in Latin America, where indigenous community justice systems are granted jurisdiction over local disputes, particularly in areas like land tenure and cultural preservation (Wolkmer, 2023).

Hybrid tribunals and community courts offer yet another model for managing legal diversity. These institutions are designed to blend elements of customary, religious, and state law in a way that promotes accessibility and cultural legitimacy. In Indonesia, for example, local dispute resolution forums often integrate adat principles with state legal norms, providing a culturally resonant form of justice that is more accessible than formal courts (Nugroho, 2021b). Araújo describes such institutions as sites of “co-presence,” where multiple legal logics interact and negotiate legitimacy in real time (Araújo, 2024). However, hybrid forums also face challenges, including potential bias, lack of formal training, and difficulties in ensuring due process.

Policy-making in plural legal contexts should therefore focus on developing governance models that are context-sensitive, rights-oriented, and institutionally coherent. First, states must invest in legal literacy and education to ensure that citizens understand their rights and options across different legal systems. Second, mechanisms for oversight and accountability should be established to monitor the operation of non-state legal forums, especially in relation to vulnerable populations. Third, legal reform should be participatory, involving not only state actors but also community leaders, religious authorities, women’s groups, and civil society organizations. This inclusive approach can help ensure that legal pluralism reflects genuine community values rather than elite interests.

The future trajectory of legal pluralism will likely depend on how states navigate the interplay between cultural recognition and legal standardization. In an increasingly interconnected world, legal systems must accommodate diversity while ensuring fairness, transparency, and equality. As Canihac observes, the legitimacy of plural legal arrangements rests not only on their cultural authenticity but also on their capacity to deliver justice in ways that are perceived as fair by all stakeholders (Canihac, 2021). Policymakers must therefore move beyond binary oppositions of tradition versus modernity, and instead envision pluralism as a dynamic process of legal innovation and negotiation.

In conclusion, governance of legal pluralism requires careful calibration—neither reducing all laws to a single state-centric model, nor abandoning the state’s responsibility to uphold human rights and social cohesion. By embracing legal hybridity and fostering

participatory legal development, multicultural societies can harness the potential of pluralism to enhance justice, inclusion, and democratic legitimacy.

8. Conclusion

Legal pluralism embodies a complex intersection of custom, religion, and state law that reflects both the richness and the challenges inherent in multicultural societies. It emerges from historical legacies that have shaped and reshaped legal orders through processes of colonial imposition, postcolonial nation-building, and ongoing sociopolitical negotiation. Rather than existing as a static constellation of separate legal regimes, legal pluralism operates dynamically, manifesting in varied forms that range from formally recognized personal law systems to unofficial communal norms that govern everyday life. At the heart of this phenomenon lies the tension between asserting cultural autonomy and ensuring broader principles of fairness, rights, and social cohesion.

States navigate this terrain with differing approaches, from formal integration of non-state laws into national frameworks to more flexible strategies of accommodation or even the establishment of hybrid legal forums. In many instances, these responses are shaped by geopolitical pressures, ideological positions, and domestic priorities related to identity, governance, and economic development. While some governments view legal pluralism as an opportunity to affirm cultural heritage and local self-governance, others perceive it as a threat to national unity and the universality of certain constitutional protections. This duality underscores the inherently political nature of legal pluralism and illustrates how its practice can either empower communities or reinforce existing social inequities.

Within legal pluralist contexts, issues of gender, minority rights, and religious freedoms often become focal points of controversy. By permitting multiple legal pathways, societies sometimes enable individuals to forum shop for rulings that favor entrenched norms or vested interests. When cultural traditions challenge constitutional guarantees, states are forced to confront deeply held beliefs while upholding commitments to human rights. Such encounters reveal that legal pluralism is not merely about reconciling parallel sets of rules; it also involves ethical considerations of dignity, equality, and the preservation of communal identities.

The political stakes of legal pluralism extend to broader questions of legitimacy and governance. Authority is not a monolithic construct but a shared and contested realm where the state's jurisdiction intersects with religious institutions, tribal councils, and community leaders. These intersections can open spaces for collaborative policymaking or exacerbate factional disputes and jurisdictional ambiguities. In certain contexts, the state may attempt to co-opt customary or religious leaders, thereby diluting their autonomy. Elsewhere, communities leverage their legal traditions to resist central control and advocate for decentralized governance. Consequently, legal pluralism can serve as a lens to understand how power is distributed and contested within a society.

Critical debates also address whether legal pluralism contributes to fragmentation or promotes inclusivity. On one side, pluralistic arrangements can reinforce identity-based enclaves, limit intergroup dialogue, and complicate consistent rule enforcement. On the other, they can protect cultural specificity and allow communities to uphold moral values they consider integral to their social fabric. Whether legal pluralism accentuates division or fosters reconciliation often depends on the broader political climate, the institutional capacity for oversight, and the willingness of stakeholders to engage in meaningful reform.

Looking toward the future, the evolution of legal pluralism will likely be shaped by global trends such as increased migration, digital technology, and the growing influence of transnational legal norms. As societies become more diverse, frameworks for legal pluralism may become even more relevant for addressing the needs of multicultural populations. Yet these frameworks will also confront heightened scrutiny, particularly regarding the compatibility of certain customary or religious norms with globally recognized rights and freedoms. Policymakers, scholars, and community leaders thus face the enduring challenge of designing legal institutions that accommodate diversity without undermining core principles of justice and equality.

Ultimately, legal pluralism stands as a testament to the complexity of law in human societies. Its multifaceted nature demands rigorous, context-sensitive analysis that goes beyond simplistic dichotomies of tradition versus modernity. By acknowledging the interplay of history,

culture, power, and governance, it becomes possible to appreciate legal pluralism not merely as a set of coexisting legal regimes, but as an evolving political and social process. In embracing the potential for more inclusive and flexible legal solutions, stakeholders must remain vigilant about the ethical and practical dilemmas that arise whenever multiple bodies of law intersect. Through ongoing dialogue, targeted reforms, and principled policy-making, the politics of legal pluralism can be harnessed to create more just and cohesive multicultural societies.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

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