Panel 1

Establishing Culturally Relevant Fact and Opinion Evidence: A Dialogue between Forensic and Expert Social Anthropology and the Law

Convenors: James W. W. Rose, The University of Melbourne (james.rose@unimelb.edu.au); Mariana Monteiro de Matos, Max Planck Institute for Social Anthropology (monteirodematos@eth.mpg.de); Rusaslina Idrus, Universiti Malaya (rusaslina@um.edu.my)

Abstract: Legal professionals working in pluralistic intercultural jurisdictions regularly encounter three distinctive challenges when considering the evidence of culturally diverse parties. The first challenge is to identify and to brief appropriately qualified forensic investigators who are competent to discover culturally relevant fact evidence. The second challenge is to identify and to brief appropriately qualified expert witnesses who are competent to provide expert opinion and advice. The third challenge is to ensure that all parties to intercultural proceedings achieve equitable access to justice.

In response to these challenges, an expanding community of social anthropologists backed by the UK-based Royal Anthropological Institute, has developed a specialized branch of their field termed 'forensic and expert social anthropology' (FESA). FESA is specifically adapted to assist legal professionals in delivering integrated forensic investigative and expert opinion and advice services relevant to intercultural proceedings. FESA utilizes a body of legally coherent social scientific theory, methodology, and justice-oriented ethical standards geared towards cooperation between social anthropology and the law.

Accordingly, the panel convenors invite papers from legal professionals, social anthropologists, sociolegal scholars, as well as parties themselves, who are familiar with the challenges of establishing culturally relevant fact and opinion evidence in intercultural legal settings. The convenors are especially interested to hear from presenters based in either the Global North or South on the legal challenges of achieving equitable access to justice for parties who may be culturally marginalized within national populations. Such parties may include Indigenous and Afro-descendant peoples, peasants, the working poor, migrants, internally displaced persons, asylum seekers, and others.

Panel 2

Customary Law in Nontraditional Settings

Convenors: Sandra Joireman, sjoirema@richmond.edu and Janine Ubink, j.m.ubink@law.leidenuniv.nl

Abstract: Customary law is deeply rooted in societies, establishing norms of behavior and control over resources. It is often associated with rural areas in the Global South where it is administered by customary leaders to control access to land, water, and common property. However, the embedded practices of customary law are not limited to rural areas or control over natural resources. Wherever people migrate, they carry customary law with them in their family practices, traditions, and choices. Scholars have long been aware of the way that certain customary cultural practices, such as dowry and bride price, travel with people outside their home communities to urban areas and elsewhere; surviving through changed circumstances and increases in wealth, well-being, and education. Yet we also see customary legal practices in other settings: slum communities within and outside of urban areas, refugee camps, and cities in the Global North. In all these places we can see customary law practiced across generations and geographic (dis)location.

This panel seeks to highlight the places and spaces outside of traditional settings where we see customary law and practices. Papers are welcome that address:

- specific customary practices in nontraditional settings;
- the reasons people choose to bring customary law into these settings;
- the understandings and interpretations given to customary practices in nontraditional settings;
- the ways in which customary practices in nontraditional settings create new economic and political opportunities;
- hybridities and interlegalities resulting from the meeting of customary law and statute law in nontraditional settings;
- and other related contributions.

Panel 3

The Transformative Power of Legal Pluralism in the Urban Realm (?)

Convenors: Danielle Chevalier, *d.a.m.chevalier@law.leidenuniv.nl and* Vera Setijawati, v.w.setijawati@law.leidenuniv.nl, *Van Vollenhoven Institute for Law, Governance and Society, Leiden University*

Abstract: The UN estimates that since 2007 more than half of the world population lives in urban areas. Urbanization rates vary from 81% in high-income countries to 34% in low-income countries and are increasing across the globe (https://ourworldindata.org/urbanization). As UN Habitat formulates it: the future is urban (World Cities Report 2022 (unhabitat.org)).

Cities and city life host a myriad of ideas, norms, rules and directives, and are governed by a plurality of normative orders, both statist and non-statist. State legal orders range vertically from the local to regional to national to supra-national, and horizontally from family law to administrative law to corporate law and beyond. Non-state orders include customary law, religious law and other normative registers organizing social life. Land issues, life events, commercial enterprises and so forth are all in play in an urban realm densely populated by diverse people, and the plurality of normative orders convenes and conflicts in the state-market-citizen triangle of the urban (Carolien Jacobs, Danielle Chevalier & Michiel Stapper (2024) Legal pluralism in the urban realm: an introduction, Legal Pluralism and Critical Social Analysis, DOI: 10.1080/27706869.2024.2320000).

This panel invites contributions that take a legal pluralism lens to urban dynamics. The panel follows the theme of the conference and inquires after the transformative power of legal pluralism for the urban future, in the quest for a just city. The focus lies specifically with how the existence of multiple regulatory frames offer both challenges to and opportunities for the people carving out a life in the urban realm.

Panel 4

Legal temporalities and pluralism from the perspective of people's experiences of law

Convenors: Kwamou Eva Feukeu, feukeu@mpipriv.de, Anthony Diala

Abstract: Law and temporality are closely linked. Often, whoever influences the direction and meaning of time in legal issues dictates power dynamics. Recent problematisation of time by sociolegal scholars (e.g. Mawani 2014) has expanded the prescriptions and limitations of procedural law. Contemporary discussions in Europe focus on juridical time and time as a delineator of rights. In the global South, however, scholars have documented more than one archive of 'time' in law (Bidima 2004). State law, especially in the era of globalisation, occupies a timespace different from transnational agendas (Santos 2020). Here, time in law has multidimensionality because normative orders and scales of law are multiple. What the debate misses is a connection with those who experience law on the ground (Feukeu 2024). This Panel probes the relationships of legal users with time. How do legal users mobilise time? How do their relationships shape law's evolution? What are the temporalities of customary and religious laws? How does time help us understand the interaction of normative orders? We argue that sensitivity to the interplay of time and law illumines how legal pluralism, especially in its adaptive sense (Diala 2017, 2021), contributes to legal theory.

Topics are welcome around:

- The (re)invention of tradition, especially African and Asian indigenous rationalities.
- The boundaries of law and time in polychronic societies (with multiple conceptions of time).
- Postcolonial and decolonial approaches to legal temporalities.
- The duality of time in law during colonisation.
- Cultural conceptions of time – as a lived experience (Mbiti 1969).

Panel 5

Flowing Beyond Borders: Exploring Legal Pluralism in Water Governance across Indonesia and Asia

Convenor: Widya Tuslian, Van Vollenhoven Institute, Leiden Law School, w.n.tuslian@law.leidenuniv.nl.

Abstract: Water governance, akin to the fluidity of water itself, operates within dynamic and multifaceted contexts, impacting diverse societies and sectors. This complexity necessitates the intersection of various legal frameworks, leading to what is termed legal pluralism. In Indonesia, shaped by its rich cultural heritage and colonial history, legal pluralism deeply influences water administration. This panel seeks to delve into Indonesia's intricate water governance system, examining the legacy of colonialism and its ongoing influence on modern policies.

Furthermore, extending beyond Indonesia, the panel aims to explore legal pluralism in water governance across wider Asia. The region's diverse cultures, traditions, and legal systems present unique challenges and opportunities for effective water resource management. Through case studies from transboundary river basins like the Mekong, Indus, and Ganga-Brahmaputra-Meghna, the panel will highlight the complexities of navigating legal pluralism in managing shared water resources.

By examining the intersections between formal statutory law and customary practices, the panel will shed light on the nuances of legal pluralism in water governance. It will address challenges such as reconciling differing legal interpretations, negotiating water rights, and promoting cooperation among multiple stakeholders.

Ultimately, the panel aims to foster a deeper understanding of legal pluralism's role in shaping water governance practices across Indonesia and Asia. Through insightful analysis and robust discussion, it seeks to identify pathways toward equitable and sustainable solutions for managing shared water resources in the region.

Panel 6

Recognition of customary justice systems – a double edged sword

Convenors: Janine Ubink, j.m.ubink@law.leidenuniv.nl, Rebecca Monson, rebecca.monson@anu.edu.au

Abstract: The recognition of customary or indigenous justice systems and traditional authority structures can symbolize an equal relationship with state institutions and enhance protection of indigenous/customary communities and their rights to and authority over land in their territory. State recognition of non-state normative orderings, however, never entails a wholesale acceptance of these systems without conditions or exceptions. It is usually partial, conditional, and meant to make the customary order governable, subordinate, and in line with normative values of the state. Processes of recognition are thus intricately connected with questions of political power and sovereignty, control and subjugation, integration and exclusion. A role for the state in the recognition of customary law and (the determination of) indigenous / traditional leaders can also be an important part of the production of the state as a legitimate authority.

Decisions around the governance of legal pluralism are seldom based on 'a conversation among equals' (Gargarella 2022), but mostly result from a situation where state authorities, laws, and courts determine the breadth, scope, and validity of customary law and indigenous claims to authority. The neutral term recognition – which seems to imply wholesale acceptance of existing norms and structures – masks state limitations, intervention, regulation, and reform, and will inevitably entail a reordering and transformation of authority and power.

National and international law increasingly provide protection to indigenous groups. However, to benefit from such protection requires indigenous groups to fulfill criteria established by 'the other', usually the post-colonial or settler state or the international community, and to accept a position within a larger nation state rather than continue their fight for sovereignty and full authority over their land in accordance with their own legal and administrative structures. Often, to be recognized as an indigenous community requires proof of a continued traditional way of life, leading to unhelpful results where indigenous groups who are trying to reclaim lands that have been appropriated by invading settlers or the (colonial / post-colonial) state do not qualify as indigenous group because they don't have any lands they still administer and use in the traditional way. In other cases, indigenous groups are granted access to natural resources but only for traditional forms of economic activity such as hunting or fishing with traditional methods and gear. This 'jamming into categories' of indigenous groups is also connected to regional differences and the global movement of international law norms and concepts.

Recognition – of indigenous communities, of local leaders – also brings up questions of representation. Studies point to the complexity of identifying who comprise the community and who can legitimately represent it. Particularly when community representation is connected to decision-making regarding valuable resources (land, extractive resources) leadership and representation are hotly contested. Who can take decisions on behalf of these communities, who do outside actors (governmental agencies, judges, companies) accept or designate as such? And

how does leadership recognition impact elite formation and existing social hierarchies? Which people and groups get included and excluded in the process?

In this panel, we bring together stories on trajectories of and struggles around recognition and underlying questions of community identification and representation. We'd like to bring out possible advantages and positive stories around recognition, as well as the 'violence' (after Watson 2012) of state recognition, the jamming into categories and state supremacy claims that indigenous people are confronted with to qualify for certain protections and levels of autonomy, and alternative claims and strategies of indigenous groups to protect their authority and lands.

Panel 7

Rights, Conflict, and Justice: Engaging with Legal pluralism in Asia

Convenors: Sulistyowati Irianto; Masami Mori Tachibana; Pampa Mukherjee

Abstract: Culture, norms, colonization, social and economic history, have all played crucial roles in shaping many parts of Asian society. These factors have played an important role in contemporary Asia where customary norms and practices are intertwined with the evolving statutory laws. In this context, often conflicts arise, and rights get redefined. These changes and evolving scenarios raise a pertinent question regarding justice, especially, "justice for whom?"

Legal pluralism has shown connectivity between international and country specific laws in various countries. This is especially interesting for the post-colonial countries of Asia whose statutory legal systems have been significant influenced by international laws. However, these statutory laws undergo a process of "translation," adapting to the history of customary practices and norms. Such translation is more contentious in the space where livelihoods are intertwined with social, cultural, religious and other customary practices and norms. K. Benda-Beckmann further explains the context when international law is linked to specific issues, especially regarding religion, environment, social, and gender justice in certain countries (K. Benda-Beckmann, 2022). Therefore, there are spatial features in legal pluralism discourse that need to be understood and analyzed.

Way back in 1974, French philosopher Henri Lefebvre engaged with the production of space, especially the social production of space that deals with a triad of space, namely spatial practice (or perceived space), representation of space (or conceived space), and representational space (or lived space). This triad provides a perspective to unpack how customary practice and statutory laws interact, confront, and negotiate to shape and reshape the society.
This panel welcomes a diverse range of papers that demonstrate how statutory laws interact with customary laws, including how international legal processes enter the territory of states. This can be observed in a variety of thematic issues such as human rights, environmental justice, gender justice, politics and democracy and even in rights and justice associated with livelihoods and food systems. In this panel, we intend to engage with these aspects of legal pluralism discourses shaping the political, social, and economic narratives in contemporary Asia.

Panelists include: Sulistyowati Irianto; Masami Mori Tachibana; Pampa Mukherjee; Amalendu Jyotishi; Nazrul Haque; Theresia Dyah Wirastri

Panel 8

Improving local justice, challenging court legitimacy? The case of "hybrid justice institutions"

Convenor: Wiebke Wiesigel, w.wiesigel@law.leidenuniv.nl

Abstract: Though local customary or religious justice institutions in the Global South have often been lauded for their accessibility, they have also been criticised for discrimination based on gender, age, social class or religion (cf. Johnson 2018; McInerney and Ubink 2011). Aiming to improve the justice delivered in rural areas, legal development and state actors regularly make the case for different models of "hybrid justice institutions" that combine the accessibility of customary or religious courts with the legal standards and coercive apparatus of the state (cf. Clark and Stephens 2011; Dinda 2017; Kerrigan et al. 2012; Ubink and Mnisi Weeks 2017).

In a legal pluralist setting, justice institutions shop for disputes and compete for financial, material, and symbolic resources (K. von Benda-Beckmann 1981). The courts therefore must make themselves navigate multiple ideologies and practices of justice and networks of social actors. Though the hybridity may be an opportunity to improve the justice delivered, it can also challenge institutional legitimacy as courts need to contend with sometimes-conflicting expectations from the state and religious or traditional leadership.

Taking this tension as starting point, this panel focuses on the legitimacy of different forms of local hybrid justice institutions. It welcomes papers that discuss how such institutions negotiate their legitimacy, be it towards disputants, other state or customary dispute resolution forums, the judicial administration, and traditional or religious leaders.

Panel 9

Administration of Health

Convenor: Markus Weilenmann, Office for Conflict Research, Zurich-Ruschlikon, Switzerland, markusweile@conflictresearch.ch

Abstact: The multifaceted experiences with the corona pandemic led to a rise in our awareness of the overwhelming impacts of the global health administration on regional, local or community-based norms and philosophies of health care. International organizations such as the World Health Organization (WHO) or international scientific unions such as the council for international organizations of medical sciences (CIOMS) or the international union of psychological science (IUPS) turned out to become important triggers for the globalisation of the Euro-American psyche, which is increasingly overrunning local understandings of anorexia, posttraumatic stress disorder, schizophrenia, depression or long covid symptoms. Vertical integration is the catchword of the day. With this panel, I want to rely on a legal pluralistic perspective and to focus on the multifaceted ways the international health administration streamlines local variations of health concepts such as body philosophies or concepts of the soul by a neoliberal understanding of health management. Legal pluralistic analyses help putting such processes upside down and help reconstructing the long chain of law production that hides the various and powerful interests at stake.

Panel 10:

Pluralism, Colonial Modernities and Aboriginal/Indigenous Subjectivity

Convenor: Brendan Loizou, University of Sydney, bloi8385@uni.sydney.edu.au

Abstract: There has been a shift in the colonial settler modernities that have impacted Aboriginal/Indigenous (A/I) peoples across the globe. This can be seen in recent observations such as by Margaret Davies, who points out that:

> "Suffice to say that any pluralised understanding of law cannot ignore the diversity of subjects in their multiple, embodied, overlapping and contested social sphere because the subject is both the creator and transmitter of law" (M. Davis Law Unlimited 2017 p7)

This draws attention to the plight of the A/I 'subject' and attempts by them to 'transmit' their law. Has the modern nation state completely quelled and stifled the law of the A/I subject?
Against this statement, it becomes clear that the current challenges facing A/I require an understanding of the diversity of 'laws' (customs) which have not been recognised nor supported by the modern state. The question whether the modern state authority is competent to engage with the nature of pluralism has yet to be properly examined and analysed. Leading to an evaluation of pluralism to support the diversity of A/I societies.

Panel 11:

Protestant law and state law in the Global South

Convenors: *Prof. Dr. René Pahud de Mortanges, Fribourg University/Switzerland (*rene.pahuddemortanges@unifr.ch*)* and *Prof. Dr. Leon van den Broeke, TUU/VU Amsterdam/The Netherlands* (cvandenbroeke@tukampen.nl)

Abstract: Protestant canon law has spread around the world, starting in Switzerland and the Netherlands. In the course of migration and colonisation, it also gained a foothold in the countries of the Global South. There it came into contact with state law, which, depending on the prevailing religion and political concept, had and still have a different approach to it. Whether one belongs to a state religion or a minority religion and whether the state takes a pro- or anti-religious approach not only has an influence on the life and visibility of churches, but also, for example, on their constitution and the organisation of their offices. A legal pluralistic approach therefore makes the transnational comparison of church law systems particularly valuable and fruitful.

Panel 12

The Dynamics of Customary (Adat) Law and Its Relations towards the Religious Law, National (State) Law and International Law in Preserving and Protecting the Constitutional Rights of Indigenous People

Convenors**:** Asosiasi Pengajar Hukum Adat (APHA) Indonesia (Indonesian Adat Law Teachers Association), apha.sekretariat@gmail.com (cc. laksanto@gmail.com; rina.yulianti@trunojoyo.ac.id)

Abstract: The existence of indigenous peoples in various parts of the world with all its dynamics and challenges continues to encourage the international community to produce various frameworks and norms to strengthen the protection and recognition of indigenous peoples. However, it cannot be denied that the conception and regulation of indigenous peoples in the international legal framework continues to experience dynamic developments that require countries to make adjustments in their domestic laws. Although many studies on indigenous peoples have been prepared, the implementation, recognition and protection of their laws both at home and abroad have not been fully fulfilled. In Indonesia, for example, until now there is no specific and comprehensive legal instrument on Indigenous Peoples that can provide clear guidance on their recognition and protection, so there are still debates that have implications for the recognition and implementation of legal protection of indigenous peoples. With regard to the above, APHA Indonesia in this panel needs to discuss the direction and existence of indigenous peoples and the application of customary (adat) law in various aspects and their relationship to religious law, national (state) law, and international law, such as the issue of state responsibility for the existence of indigenous peoples and their natural resources or ulayat rights, including the fulfilment of the rights of women and children of indigenous peoples, the development of customary (adat) economic law, aspects of customary (Adat) justice and legal politics of fulfilling the rights of indigenous peoples and others.

Panelists include: Prof. Dr. St. Laksanto Utomo, SH., M.Hum.; *Prof. Dr. Dr.* Rr. *Catharina Dewi* Wulansari, Ph.D, SH, MH, SE, MM.; *Prof. Dr.* Anak Agung Istri *Ari Atu Dewi*, SH., MH.; Dr. Rina Yulianti, SH., MH.

Panel 13:
Legal Pluralism, Frontiers of Knowledge, and Other Fields

Convenor: Tine Suartina, BRIN – Research Center for Society and Culture, t.suartina@hotmail.com

Abstract: As a result of societal and global processes, the relevance of the concept and reality of legal pluralism has grown in the contemporary context. To come to a comprehensive understanding of the empirical reality of legal pluralism, several other disciplines must be taken into account to understand the relationship with issues such as politics, the environment, formal authority (governance), and so on. The perspective can no longer be comprehended in and of itself from a restricted or limited legal aspect because, unavoidably, there are several facets, including non-legal aspects, that can lead to or influence contemporary legal pluralism. This circumstance establishes a new form or foundation of legal pluralism knowledge.

The lens of frontiers and interdisciplinary studies is essentially helpful to see new and expanded juxtapositions of legal pluralism empirically by openly considering other areas or aspects. Benefits can come from a better ability to explain social phenomena and complexities in terms of plural legal systems that were not available in the past. The direction may consider the discipline's parallel connections to other fields along with various leveling including local, national, and transnational dimensions.

We invite papers on legal pluralism that examine and explore the context, application, evolution, and linkages with any factors or areas. The presented papers will serve to provide valuable insights into the conception, development, and evolution of contemporary legal pluralism through various stages. This panel aims to provide innovative perspectives on today's legal pluralism.

Panel 14

Legal pluralism in land management in the Democratic Republic of Congo: an inclusive and participatory approach to peaceful cohabitation between cultural communities in rural areas

Convenor: prof Arnold Nyaluma Mulago, Official University of Bukavu, Legal, political and administrative sciences, cesaire.cebany@gmail.com

Abstract: Legal pluralism is a reality in the DRC. The DRC is characterized by the coexistence of several legal systems (state law, customary law, religious law). However, only State law is recognized and legitimate in land management. Official recognition of legal pluralism is necessary to include the socio-cultural realities of the country. An inclusive and participatory approach is essential, including consultation with all the stakeholders concerned: customary authorities, civil society organizations and local population. Legal pluralism can contribute to the consolidation of peace, justice, and social cohesion. This requires a framework for conflict management that is more inclusive and more respectful of cultural diversity, building a more peaceful and just society in the DRC.

There are several challenges to this approach: Financial, material, human and technical resources; Coordination between the various forms of justice and their facilitators; Difficulty for some actors to recognize the legitimacy of non-state legal systems; Weak institutional capacity to implement legal pluralism; Insecurity and political instability in certain regions of the country.

This panel aims to address the opportunities and challenges around a Legal pluralism approach in land management in the Democratic Republic of Congo**,** but also welcomes papers on similar topics in other jurisdictions.

Panelists include: NYALUMA MULAGO Arnold, Professor, PhD in Legal Sciences; BAFUNYEMPAKA NYALUMYA Césaire, Lawyer, Social and Intercultural Mediator, Master's degree; AKONKWA NFIZI Emmanuel, Researcher in Sociology of Conflicts and Peace Education, Master's degree.

Panel 15

Science and Technology Studies and Legal Pluralism

Convenor: Bertram Turner (turner@eth.mpg.de) Max Planck Institute for Social Anthropology

Abstract: While science and the law are often mutually reinforcing domains, scientific and technological change is challenging legal orders and legal institutions on a broad front. This panel aims to further explore the concept of Legal Pluralism (LP) as an analytical tool in the field of Science and Technology Studies (STS). Currently, the study of law and STS (L-STS) concentrates primarily on the law of the state and institutions of global governance. A more sophisticated look at complex legal configurations is needed. The panel seeks empirical and theoretical contributions as to the ways that law, science, and technology intersect in plural legal configurations and how they are linked with processes of law production at various scales. Differentiated global spaces are interconnected through law and science and technology co-production, as when mutually reinforcing technology and law are expanding across the planet. New models of ordering in health, food safety, energy, security, nature conservation, communication, digitalization (AI) and transport rely heavily on technoscience and the normativity it produces integrating plural legal configurations.

We invite topics across a broad range of interests:

Development; land, ocean and water management; food safety; security and territorial control; risk; policing, forensics; mapping (zoning, urban deregulation); technologies of knowledge transfer, knowledge co-production; quantification and data indexing; taxonomies and legal measurement; digitalization and AI, technical assistance and more.

Panel 16

Legal pluralism and Earth laws in a more-than-human world

Convenor: Helen Dancer, University of Sussex (H.E.Dancer@sussex.ac.uk)

Abstract: From legal personhood and rights of nature, to multispecies normativities, ecocide, the well-being of future generations and environmental human rights, a new wave of activism is producing legal reform for climate justice, the protection of biodiversity, human and planetary health. Such developments have been galvanised through dynamic, fluid and transnational networks of activists, Indigenous Peoples, judges, lawyers, scientists, community actors, artists and philosophers, who approach the issues from a variety of ontological, ethical, disciplinary and practical perspectives. Normative contestations among this plurality of knowledges and actors, and processes of interlegality, are resulting in hybrid legal forms and paradigm shifts in law and practice at various scales.

The aim of this panel is to explore the theoretical, creative and practical insights that legal pluralism scholars can offer in this highly dynamic area of legal change. Papers are encouraged on a variety of issues and geographical contexts: from rivers, forests and mountains, to animals, Indigenous Peoples' cosmologies, artificial intelligence and intergenerational relationships. They might for example, explore how, in any given context, interlegality across different scales of law, custom, cosmology, scientific and legal theories, or multispecies relationships have shaped the outcomes of legal cases or the development of legislation. To what extent are new developments in Earth laws serving to decolonise relationships between people and the state, and between human and nonhuman? What does empirical research tell us about how these legal innovations are working in practice at local, national and international scales? How is legal pluralism studies developing in this transdisciplinary space?

Panel 17

Gender Construction in Indigenous Communities from The Perspective of Legal Pluralism

Convenor: Lidwina Inge Nurtjahyo, Faculty of Law, Universitas Indonesia, lidwina.nurtjahyo@gmail.com

Abstract: This panel presents the results of observing gender construction in indigenous communities and its various consequences. The problems discussed range from the issue of indigenous women's access to land and distribution of natural resource products, the meaning and protection of indigenous women's intellectual property rights, including discussions regarding women's participation in decision making regarding natural resource conflicts or access to enjoyment of natural resources.

This panel is also open to discussions regarding the experiences of women in indigenous communities in terms of involvement in decision making related to cases of sexual violence. This discussion uses the lens of legal anthropology, specifically the study of legal pluralism.

Keywords: gender construction in indigenous communities, gender and legal pluralism, women and public participation, women access

Panelists include: Tine Suartina, Research Center for Society and Culture National Research and Innovation Agency/BRIN; Nadya Demadevina, HuMA; Lidwina Inge Nurtjahyo, Faculty of Law, Universitas Indonesia

Panel 18

Resource struggles in the peri-urban: a legal pluralism perspective

Convenors: Dik Roth (dik.roth@wur.nl), with Vishal Narain (vishalnarain@mdi.ac.in)

Abstract: The world is rapidly urbanizing. Currently around 55% of the world's population lives in urban areas, and urbanization is continuing at a high pace. Urbanization deeply transforms surrounding (previously) rural areas and their populations in several ways. The spatial expansion basic to the process, often accompanied by land speculation, rising land prices and various forms of dispossession, radically changes pre-existing livelihoods, agricultural practices and forms of social organization. A growing urban need for water may lead to forms of appropriation of surface and groundwater far beyond urban administrative boundaries. Farmer-managed irrigation systems may suffer a gradual infrastructural and institutional breakdown. "Commons" such as wetlands important for fisheries and the ecosystem may be drained, polluted by industrial waste dumping, disappear and become privatized.

There are good reasons to research and analyse processes of urbanization from a legal pluralism perspective, and to focus such research on the dynamic character of the peri-urban. The term "peri-urban" refers to "the coming together and intermixing of the urban and the rural, implying the potential for the emergence of wholly new forms of social, economic, and environmental interaction that are no longer accommodated by these received categories" (Leaf 2011: 528; see Narain and Roth 2022). Because of its dynamism, the peri-urban escapes all attempts at spatial fixation. If it can be defined in spatial terms at all, then primarily as a site of growing administrative, institutional and normative complexity. It is here that pre-existing, locally embedded socio-political institutions, normative orders and property arrangements pertaining to land, water and other parts of nature interact, often problematically, with newly created administrative arrangements, authorities and normative orders that come with expanding cities, urban growth regions, and related administrative re-arrangements.

In this panel proposal *Resource struggles in the peri-urban: the role of legal pluralism*, we intend to focus on precisely these dynamic "peri-urban" spaces and the processes of "becoming urban" (Leaf 2011) that are transforming them. Attention to the role of legal pluralism enriches and deepens the scientific analysis of the interactions between such multiple forms of ordering and their authorizing institutions, the potential contradictions, frictions and conflicts between them and, last but not least, peoples' (societies'; communities') options and strategies to navigate them in ways that seem to best serve their interests. Engagement with the role of law and legal pluralism, however, does not exclude the more murky dimensions of resource access and control, such as land speculation, corruption, forms of dispossession, including the exertion of power and violence.

We aim for contributions that are strongly based in empirical peri-urban research worldwide, inspired theoretically by (combinations of) social or legal anthropology, political ecology, critical development studies, studies of (land and water; nature) commons, provided they clearly engage with issues of multiple normative ordering in theorization, field data and analysis.

It is our intention to work towards a special issue or special section for *Legal Pluralism and Critical Social Analysis*, based on panel contributions and additional papers.

Panel 19

Author meets Readers of *According to Aboriginal Law* ...

Convenor: Agnes Schreiner, University of Amsterdam, a.t.m.schreiner@uva.nl

Abstract: Agnes Schreiner, from the University of Amsterdam, The Netherlands and specialized in social and cultural legal studies, has just before the pandemic finished the bilingual book *According to Aboriginal Law ... /Volgens Aboriginal recht ...* (May 2019). The core question is what do Australian indigenous people mean when they address law. In order to approach this topic, she uses concepts and ideas beyond regular legal anthropology, such as the Gestalt Switch, the mnemotechnics of the analogy, the art of appearing and disappearing. In this panel she hopes for a vivid exchange of ideas and research results with fellow colleagues in the fields of the legal anthropology in general and in that of the Australian Indigenous Peoples Studies in particular.

She found a reader in Ad Borsboom, the author of a short review in the Oceania Newsletter No. 95, September 2019. Borsboom concludes: "This book is an intellectual challenging and inspiring piece of work. It combines a thorough knowledge of both Legal Anthropology and Anthropology in general with accurate analytic observations of films, documentaries and exhibitions. It pictures the almost two incompatible perceptions of relation to land in particular and of cultural ways of thinking in general. The very last sentence of the book says it all: "the ultimate consequence that a legal (Western) system wanting to offer space within it ranks to Aboriginal law will not know what it invites. But perhaps a book like this will be a valuable contribution to overcome the biggest hurdles."

This author meets reader session invites readers for a discussion on this book. The author can provide readers with the manuscript.

Panel 20

Round Table: Transformative Power of teaching customary law (new style)

Convenors: Rikardo Simarmata, Tody S.J. Utama (Gadjah Mada University Yogyakarta) and Jacqueline Vel, Adriaan Bedner (Van Vollenhoven Institute, Leiden Law School, Leiden University). Email organizers: t.s.j.utama@law.leidenuniv.nl and j.a.c.vel@law.leidenuniv.nl

Abstract: Customary law is often associated with traditional communities whose members live in relative isolation from the world, but in present-day multi-cultural societies it has become a mix of traditions and articulates with state and religious law. Customary (living) law is an important element of local legal pluralism that contributes to how people regulate their local societies, but also how they deal with threats to their livelihoods imposed by forces outside their own communities. Defense against problems caused by climate change, environmental destruction, geo-political tensions and violent conflict calls for effective legal tools, also at the local level of villages and city neighborhoods. These new global challenges create a situation in which customary rules might only be relevant or effective if adjusted to the changing circumstances.

This round table invites participants for a discussion on new ways of teaching about customary law and local legal pluralism. As the title of the conference promises, the papers will present results of research on "the transformative power of legal pluralism". What would be the translations of insights of such research to legal education?

The organizers of this round table are involved in a Project on Innovation of Teaching Customary Law (PINTAL) at Law Schools in Indonesia. Up to the present nearly all customary law courses are taught in a doctrinal way that resonates the colonial origin of the lawyer's version of customary law. Meanwhile law graduates need to be well-prepared for their professional careers in the modern setting of legal pluralism.

We invite participants to reflect on education innovations concerning customary law, for example addressing how to teach about:

- Customary law embedded in legal pluralism as living law,
- (new) customary defense mechanisms against new global challenges, and
- The shape of articulation between customary law and the national state legal system?

The round table seeks contributions that stimulate international comparisons. We invite you to write a one-page explanation on your proposal for innovating teaching customary law in preparation for this round table.

Panel 21

Religious family laws and legal pluralities

Convenor: Waheeda Amien (University of Cape Town) (waheeda.amien@uct.ac.za)

Countries are governed either by so-called secular laws or one or other religious (and/or customary) laws. Where secular law is the governing legal system, religious laws tend to operate within communities, with or without official state recognition. In these circumstances, religious bodies regulate the religious personal and family laws within their communities. Many also establish religious-based arbitration forums to manage disputes, especially within the personal and family law arenas. Where a religious law is the predominant legal system within a country, divergent or alternative interpretations of that religious law and other religious laws may be unofficially operative in the country's communities. Pluralism therefore manifests through official (state) and unofficial (non-state) laws permeating societies.

This panel seeks to explore multiple themes relating to religious family laws including: The relationship between state and non-state laws and their implications for the fundamental rights of marginalised members within religious communities such as women's rights, children's rights, and the rights of LGBTQI+ people. How the management and implementation of religious-based arbitration forums affect individual and group rights? And the challenges that arise from the lived experiences of those located within religious-based communities, whether they are state regulated or not.

Papers are invited to address the above and other related themes.