

Legislative Legitimacy in Multicultural States: West Sumatra Province Law and Indigenous Peoples' Exclusion

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Abstract: This study examines the legislative legitimacy of Article 5 letter c of Law Number 17 of 2022 concerning West Sumatra Province following Constitutional Court Decision Number 97/PUU-XX/2022, focusing on whether the recognition of Minangkabau cultural identity through *adat basandi syara', syara' basandi Kitabullah* (ABS-SBK) reflects legitimate lawmaking while accommodating the recognition and participation of other Indigenous communities in a multicultural society. Employing an empirical juridical method, this study combines statutory, conceptual, comparative, and Islamic legal approaches with field research conducted in West Sumatra from January to April 2026. Primary data were collected through semi-structured interviews with Indigenous leaders, legislators, government officials, constitutional and Islamic law scholars, and civil society representatives, while secondary data included constitutional provisions, Law Number 17 of 2022, Constitutional Court decisions, legislative documents, Islamic legal literature, and international instruments concerning Indigenous Peoples' rights. The findings reveal that the Constitutional Court affirmed the constitutionality of Article 5 letter c as a recognition of regional cultural identity; however, the provision continues to raise substantive legitimacy concerns due to limited accommodation of other Indigenous identities, particularly the Mentawai Indigenous Peoples. The study concludes that legislative legitimacy in multicultural states requires not only constitutional recognition but also meaningful participation, legal pluralism, and protection of diverse cultural identities. As an academic contribution, this research develops an analytical framework connecting Indigenous rights, multicultural constitutionalism, and Islamic legal values to strengthen inclusive lawmaking and contribute to international comparative constitutional scholarship.

Keywords: Democratic Governance, Indigenous Participation, Legal Pluralism, Legislative Legitimacy, Multicultural Constitutionalism

1. Introduction

The recognition of cultural identity,¹ Indigenous Peoples' rights,² and legal diversity has become a crucial issue in contemporary constitutional governance,³ particularly in multicultural states where multiple social,⁴ cultural, and religious communities coexist within a single legal order. Indonesia represents one of the most diverse societies in the world, where customary institutions, local traditions, and religious values continue to influence legal and political arrangements.⁵ This complexity is evident in the enactment of Law Number 17 of 2022 concerning West Sumatra Province, particularly Article 5 letter c, which recognizes Minangkabau cultural identity through the philosophical principle of *adat basandi syara', syara' basandi Kitabullah* (ABS-SBK). This provision reflects the historical relationship between customary law and Islamic values in shaping regional identity and governance. However, the recognition of a dominant cultural identity within provincial legislation also generates important questions regarding inclusiveness, representation, and the protection of other Indigenous communities with different cultural systems. The issue became more significant after Constitutional Court Decision Number 97/PUU-XX/2022 rejected the judicial review petition against Article 5 letter c, confirming its constitutional validity. Nevertheless, constitutional approval does not automatically resolve broader concerns regarding substantive legislative legitimacy in a multicultural society. The central challenge is how legislation can recognize local cultural identity while ensuring equal recognition, participation, and protection for all Indigenous communities affected by legal decisions.

Previous studies on Indigenous Peoples' rights have extensively examined the relationship between state law, customary institutions, cultural recognition, and political participation in multicultural societies. Research has demonstrated that Indigenous communities often experience challenges in obtaining meaningful recognition within state legal systems, particularly when legislative processes are influenced by dominant political and cultural frameworks.⁶ Studies on Indigenous rights have emphasized the importance of participation, self-determination, and recognition of customary legal orders in achieving substantive justice for Indigenous communities.⁷ Other scholars have analyzed the role of multicultural constitutionalism in protecting Indigenous identities by arguing that legal recognition must be accompanied by institutional inclusion, democratic participation, and respect for cultural diversity.⁸ Research on Indigenous land rights, environmental justice, and cultural preservation has further revealed that formal recognition by the state does not necessarily eliminate structural exclusion experienced by Indigenous Peoples.⁹ Existing scholarship also highlights that the protection of Indigenous rights requires a balance between state authority, constitutional principles, and the autonomy of Indigenous

¹ Oliver Mutanga, "Rethinking Disability Through the Political Model of Disability: An Autoethnographic Study of the Tembo Mvura People in Zimbabwe," *Disability and Society* 41, no. 5 (2026): 1344–65, <https://doi.org/10.1080/09687599.2026.2629883>.

² Ana Maria Monsalve Cuartas et al., "The Role of Cultural Fire Values among the Arhuaco, Tikuna, Uitoto, Pijao, and Embera-Chamí Indigenous Peoples of Colombia in Promoting Sustainable Forest Governance," *Human Ecology* 53, no. 3 (2025): 453–66, <https://doi.org/10.1007/s10745-025-00618-5>.

³ Paul Chaney, "Cultural Genocide? Civil Society Perspectives on the Contemporary Human Rights Situation of Indigenous People in Bolivia: A Critical Analysis," *Journal of Civil Society* 21, no. 1 (2025): 41–65, <https://doi.org/10.1080/17448689.2024.2437579>.

⁴ Adithiya Diar and Amanda Dea Lestari, "The Legal Standing of the Anak Dalam Tribe in Initiating Class Action Lawsuits Regarding Land Disputes," *Jurnal Litigasi* 26, no. 2 (2025): 238–71, <https://doi.org/10.23969/litigasi.v26i2.29708>.

⁵ Pedro E Rodríguez et al., "Violence and Invisibility: A Collective Case Study on Suicide Among Emberá Indigenous Youth in the Colombian Pacific," *Frontiers in Education* 10 (2025), <https://doi.org/10.3389/educ.2025.1603754>.

⁶ Nerea Nicolás-Martínez et al., "Indigenous People and Sexual Health in Latin America and the Caribbean: A Scoping Review of Knowledge, Attitudes and Behaviours of Sexually Transmitted Infections," *International Journal of Sexual Health*, 2026, <https://doi.org/10.1080/19317611.2026.2663318>.

⁷ Mary Wicks et al., "Us and Them: Colonialism and Racism in Remote Aboriginal Healthcare Discourse," *Ethnic and Racial Studies* 49, no. 1 (2026): 3–27, <https://doi.org/10.1080/01419870.2024.2396989>.

⁸ Laura Correa Ochoa, "Racial Economies: Black and Indigenous Politics and the Making of the Colombian Left, 1930–1948," *HAHR - Hispanic American Historical Review* 106, no. 1 (2026): 55–87, <https://doi.org/10.1215/00182168-12203109>.

⁹ Simon Kieser, "Critical Reflections on the Development of the Gunma Declaration on Heritage Ecosystems: Challenges, Contradictions, and Opportunities for Indigenous Peoples," *International Journal of Cultural Property* 33 (2026), <https://doi.org/10.1017/S0940739126100332>.

communities.¹⁰ However, previous studies have paid limited attention to the relationship between Indigenous rights and legislative legitimacy, particularly regarding how legislation represents diverse Indigenous communities within multicultural societies. Furthermore, empirical studies examining Indigenous participation in legislative formation and the accommodation of Indigenous perspectives within lawmaking processes remain insufficient.¹¹ Therefore, further research is needed to understand how legislative processes can achieve legitimacy through the integration of Indigenous participation, legal pluralism, and constitutional recognition.

The evaluation of previous studies indicates that existing scholarship has provided valuable contributions to understanding cultural identity, customary law, and constitutional recognition in West Sumatra. However, these studies tend to approach the issue from a single perspective, emphasizing either the legitimacy of Minangkabau cultural identity or the constitutional permissibility of regional legal arrangements. Such approaches are important but insufficient to explain the broader dimensions of legislative legitimacy in a multicultural society. Legislative legitimacy requires not only formal compliance with constitutional procedures but also substantive considerations of participation, representation, and recognition of diverse communities. Previous studies on multicultural constitutionalism and Indigenous rights demonstrate that cultural recognition without meaningful participation may reproduce exclusion within democratic institutions. Nevertheless, these theoretical perspectives have rarely been applied to analyze the formation and judicial review of provincial legislation in Indonesia. This study positions itself by examining Article 5 letter c of Law Number 17 of 2022 as a case that reflects the tension between cultural preservation and inclusive constitutional governance. By integrating constitutional law, legal pluralism, Indigenous rights, and Islamic legal values, this research extends previous discussions beyond the question of whether cultural recognition is legally valid. Instead, it evaluates whether such recognition produces legitimate and inclusive lawmaking. This positioning allows the study to contribute a more comprehensive understanding of legislative legitimacy in culturally diverse societies.

This study addresses two main questions: how does Article 5 letter c of Law Number 17 of 2022 achieve legislative legitimacy following Constitutional Court Decision Number 97/PUU-XX/2022, and to what extent does the provision accommodate the recognition and participation of diverse Indigenous communities in West Sumatra? This study argues that although the recognition of Minangkabau cultural identity through the principle of *adat basandi syara', syara' basandi Kitabullah* has constitutional legitimacy, legislative legitimacy requires broader democratic justification through meaningful participation, legal pluralism, and protection of Indigenous diversity. The objective of this research is to analyze the relationship between cultural recognition, constitutional legitimacy, Indigenous participation, and Islamic legal values in provincial lawmaking. Through an empirical juridical approach, this study examines both legal texts and social experiences surrounding the formation and interpretation of Article 5 letter c. The research further argues that the West Sumatra case provides important lessons for multicultural states facing similar challenges in reconciling majority cultural recognition with minority rights protection. Academically, this study contributes to international debates on legislative legitimacy, Indigenous rights, and multicultural constitutionalism by proposing an analytical framework for evaluating whether legislation can achieve democratic legitimacy while respecting cultural diversity.

2. Method

This study employed an empirical juridical research method combining doctrinal legal analysis and qualitative field research to examine the legislative legitimacy of Article 5 letter c of Law Number 17 of 2022 concerning West Sumatra Province following Constitutional Court Decision Number 97/PUU-XX/2022. The research was conducted in West Sumatra from March to April 2025 using statutory,

¹⁰ Tesfaye Gedecho Genalle and Catherine Ndinda, "Geechchumma, Faaci'e, and Gondooro: Tripartit Indigenous Peacebuilding Rituals of the Gede'o, South Ethiopia," *Social Sciences and Humanities Open* 13 (2026), <https://doi.org/10.1016/j.ssaho.2026.102836>.

¹¹ Patricia Kennedy and Maria Pierce, "Minority Women Incarcerated: The Vulnerabilities of Traveller Women in the Irish Criminal Justice System," *Race and Justice* 15, no. 3 (2025): 408–27, <https://doi.org/10.1177/21533687231151699>.

conceptual, comparative, and Islamic legal approaches. The statutory approach analyzed the constitutional basis, legislative formulation, and judicial reasoning concerning the recognition of Minangkabau cultural identity through the principle of *adat basandi syara', syara' basandi Kitabullah* (ABS-SBK). The field research explored the perspectives of relevant actors regarding cultural recognition, Indigenous participation, and legislative legitimacy. Participants were selected through purposive sampling based on their expertise and involvement in customary governance, legislative processes, Indigenous rights, and Islamic law. The study involved 28 participants consisting of six Indigenous customary leaders (*ninik mamak*), five representatives of Indigenous organizations, five legislators, four government officials, four constitutional law scholars, two Islamic law scholars, and two civil society representatives. Primary data were collected through semi-structured interviews using an interview guide focusing on legislative participation, constitutional recognition, legal pluralism, and Islamic values of justice (*'adl*), consultation (*shūrā*), and public benefit (*maṣlaḥah*). Interviews lasted 60–90 minutes and were conducted directly by the principal researcher with participants' consent. Secondary data included constitutional provisions, Law Number 17 of 2022, Constitutional Court Decision Number 97/PUU-XX/2022, legislative documents, Islamic legal literature, and international instruments concerning Indigenous Peoples' rights.

The collected data were analyzed through qualitative thematic analysis integrated with doctrinal legal interpretation. Interview data were manually processed through data reduction, coding, categorization, and interpretation to identify themes related to legislative legitimacy, Indigenous recognition, multicultural constitutionalism, legal pluralism, and Islamic legal values. Legal documents were analyzed through statutory interpretation, constitutional interpretation, comparative legal analysis, and Islamic legal reasoning to assess the relationship between formal legislative validity and substantive legitimacy. The analysis was guided by the frameworks of multicultural constitutionalism, Indigenous rights, legal pluralism, and Islamic legal principles to evaluate justice, consultation, equality, and public benefit in lawmaking. Methodological rigor was maintained through source triangulation by comparing interview findings with legal documents and judicial decisions, method triangulation through the integration of empirical and doctrinal analysis, member checking with selected participants, and peer debriefing with legal scholars. Reliability was strengthened through consistent analytical procedures and documentation of the research process, while validity was ensured through prolonged engagement, verification of sources, and continuous comparison between empirical findings, constitutional norms, Islamic principles, and international standards. Ethical considerations included informed consent, confidentiality, anonymization of participant identities, and voluntary participation. These procedures provided a transparent and replicable methodology for evaluating legislative legitimacy in multicultural societies.

3. Result and Discussion

3.1. Constitutional Recognition of Minangkabau Identity and the Legislative Legitimacy

Constitutional Recognition of Minangkabau Identity and the Legislative Legitimacy

The formulation of Article 5 letter c of Law Number 17 of 2022 concerning West Sumatra Province was closely associated with the state's recognition of Minangkabau cultural identity as an essential characteristic of the region. Analysis of legislative documents, academic manuscripts, and official discussions surrounding the regulation indicates that the inclusion of the principle of *adat basandi syara', syara' basandi Kitabullah* (ABS-SBK) was intended to represent the historical relationship between customary traditions and Islamic values within Minangkabau society. The legislative materials demonstrate that this recognition was constructed as an effort to preserve local cultural heritage while positioning regional identity within Indonesia's constitutional framework. The formulation emphasized the historical role of customary institutions, social values, and religious traditions in shaping the collective identity of West Sumatra. The provision was presented as a cultural acknowledgment rather than the establishment of a separate legal system outside the national constitutional order. However, the document analysis also indicates that the construction of provincial identity was primarily based on the historical narrative of Minangkabau society, while the existence and representation of other Indigenous

communities within the province received comparatively limited attention. This condition illustrates the complexity of defining regional identity in an area characterized by cultural diversity and multiple Indigenous traditions.

Interviews with legislators and officials of the West Sumatra Provincial Government indicate that the inclusion of ABS-SBK was understood as an expression of respect for Minangkabau history, customary traditions, and religious values. Respondents explained that the principle represents a social philosophy that has influenced various aspects of community life, including moral values, social relations, and customary governance. Legislators emphasized that the provision was intended to recognize local wisdom and historical identity rather than transform regional legislation into a religious legal system. Government officials similarly considered ABS-SBK a cultural foundation that reflects the relationship between customary practices and Islamic values developed within Minangkabau society. Several respondents stated that the recognition was important for maintaining cultural continuity amid social change and modernization. Nevertheless, interviews also revealed awareness that West Sumatra consists of diverse Indigenous communities with different cultural backgrounds, customary institutions, and historical experiences. Some respondents acknowledged that regional identity formation requires consideration of these differences to ensure that cultural recognition does not represent only one community's historical narrative. These perspectives demonstrate that ABS-SBK is widely viewed as an important cultural symbol, while its legal recognition requires sensitivity toward the broader diversity of Indigenous identities within the province.

Constitutional Court Decision Number 97/PUU-XX/2022 confirmed that the recognition of regional cultural identity was compatible with constitutional principles. The Court's reasoning positioned the recognition of Minangkabau cultural characteristics within the framework of the Unitary State of the Republic of Indonesia, Pancasila, and constitutional guarantees concerning cultural diversity. The judicial analysis emphasized that regional identity does not contradict national unity as long as it functions as an expression of cultural heritage within the constitutional system. The decision recognized that Indonesia's decentralization framework allows regions to maintain distinctive cultural characteristics while remaining integrated within national constitutional values. The legal analysis demonstrates that the constitutional review primarily examined the compatibility of cultural recognition with principles of equality, unity, and constitutional order.¹² The Court's reasoning provided legal confirmation regarding the legitimacy of acknowledging local identity in regional legislation. However, the judicial examination focused mainly on constitutional validity and did not extensively address broader questions regarding Indigenous representation, participatory inclusion,¹³ and the accommodation of diverse cultural communities during legislative formation. This distinction highlights the difference between constitutional recognition and the broader assessment of substantive legislative legitimacy in multicultural societies.

The relationship between cultural recognition and legislative legitimacy reflects two interconnected but distinct dimensions within the formation of regional law.¹⁴ Documentary analysis confirms that the legislative process fulfilled formal requirements through institutional procedures,¹⁵ parliamentary deliberation, and constitutional mechanisms.¹⁶ However, interviews with Indigenous representatives, academics,¹⁷ and civil society actors indicate that formal validity alone does not fully address concerns

¹² Goddy Uwa Osimen, Basil Osayin Daudu, and Felix Chidozie, "Political Exclusion and the Quest for Self-Determination in Southeastern Nigeria," *African Renaissance* 22, no. 1 (2025): 169–92, <https://doi.org/10.31920/2516-5305/2025/22n1a8>.

¹³ Shani Friedman, "The Law of the Sea Goes Digital—Indigenous Peoples' 'Right to Exclude' Their Traditional Knowledge from the Digital Sphere," *Ocean Development and International Law* 56, no. 1 (2025): 88–99, <https://doi.org/10.1080/00908320.2024.2446572>.

¹⁴ Paul Chaney, "Critical Analysis of Civil Society Organisations' Perspectives on the Contemporary Human Rights Situation of Indigenous Peoples in Nepal," *Journal of Asian and African Studies* 61, no. 4 (2026): 2794–2813, <https://doi.org/10.1177/00219096251357302>.

¹⁵ Denisse Sepúlveda and Camila Pérez, "Mapuche People in Academia: Challenging Narratives About Displaced Indigenous Identities," *Human Arenas* 8, no. 1 (2025): 170–87, <https://doi.org/10.1007/s42087-022-00308-4>.

¹⁶ Mai Yoshida, "Indigenous Peoples as 'Non-Movers': Immobility, Space, and Survivance Among the Pinatubo Aeta in the Philippines," *Critical Sociology*, 2026, <https://doi.org/10.1177/08969205261457896>.

¹⁷ Ezgi Canpolat et al., "Understanding Vulnerability to the Coal Transition in Indonesia: Implications for Policy, People, and Communities," *Extractive Industries and Society* 28 (2026), <https://doi.org/10.1016/j.exis.2026.101961>.

regarding inclusive representation.¹⁸ Several participants acknowledged the importance of recognizing Minangkabau cultural heritage but emphasized that legislation concerning regional identity should also consider the perspectives of other Indigenous communities affected by the legal framework.¹⁹ The data indicate that legislative legitimacy depends not only on compliance with legal procedures but also on the extent to which diverse communities perceive themselves as represented within the lawmaking process. The recognition of cultural identity becomes more legitimate when accompanied by opportunities for participation and dialogue among different social groups.²⁰ Therefore, the assessment of regional legislation requires attention to both institutional procedures and the social realities of communities whose identities are shaped by legal arrangements.²¹ This relationship demonstrates that cultural recognition and democratic inclusion must operate together to strengthen public acceptance of legislation in culturally diverse societies.

Interviews with Indigenous representatives and academics reveal that the recognition of Minangkabau cultural identity is generally considered important for preserving historical heritage, but broader acknowledgment of other Indigenous communities remains necessary. Respondents emphasized that communities within West Sumatra possess distinct cultural systems, customary practices, and historical experiences that contribute to the province's overall diversity. The concern expressed by participants was not rejection of Minangkabau identity but the need to ensure that other Indigenous identities are also visible within regional governance and legal discourse. Academic participants highlighted that cultural identity within a multicultural province should be understood as a plural construction involving multiple traditions rather than a single dominant narrative. Indigenous representatives similarly emphasized that recognition should provide equal space for different communities to maintain their cultural existence and participate in decisions affecting their collective interests. These perspectives demonstrate that inclusive cultural recognition requires mechanisms capable of accommodating diverse Indigenous experiences. The results indicate that regional identity formation must balance appreciation of historical traditions with acknowledgment of cultural plurality. Such an approach is essential to ensure that legal recognition strengthens social cohesion rather than unintentionally creating divisions among communities.

Overall, the recognition of Minangkabau identity through Article 5 letter c of Law Number 17 of 2022 possesses constitutional legitimacy but requires an inclusive approach to prevent the marginalization of other Indigenous communities. The research demonstrates that cultural recognition represents an important mechanism for preserving regional heritage, yet legislative legitimacy in multicultural societies requires broader consideration of participation,²² representation, and equality. Exclusion does not necessarily occur through direct denial of Indigenous existence but may emerge through limited representational spaces and insufficient accommodation of diverse cultural perspectives. Therefore, sustainable legislative legitimacy depends on the ability of legal institutions to combine cultural recognition with meaningful inclusion of all communities affected by legal decisions.²³ The West Sumatra experience illustrates that protecting local identity and respecting Indigenous diversity should be developed as complementary objectives within democratic constitutional governance.

¹⁸ Rika Saraswati, "Indigenous Women in the Draft Law of Indigenous Peoples: An Approach Based on Legal Neutrality and Pancasila Values," *Masalah-Masalah Hukum* 54, no. 3 (2025): 409–30, <https://doi.org/10.14710/mmh.54.3.2025.409-430>.

¹⁹ Javier Orozco-Ospino, Gloria Florez-Yepes, and Luis Diaz-Mueque, "Governance of Protected Areas Based on Effectiveness and Justice Criteria: A Qualitative Study with Artificial Intelligence-Assisted Coding," *Sustainability (Switzerland)* 17, no. 19 (2025), <https://doi.org/10.3390/su17198734>.

²⁰ Tyron R Love and C Michael Hall, "The Marginalisation of Māori Academics," *AlterNative* 22, no. 2 (2026): 510–18, <https://doi.org/10.1177/11771801251409097>.

²¹ Paul Chaney et al., "Civil Society Organisations' Perspectives on the Contemporary Human Rights Situation of Indigenous Peoples in Bangladesh: A Critical Analysis," *International Journal on Minority and Group Rights*, 2025, <https://doi.org/10.1163/15718115-bja10229>.

²² Karen Hughes and Catriona Elder, "Agency, the Family and the Patriarchal State in Archival Documentation of Australian Second World War Brides," *Gender and History* 37, no. 1 (2025): 299–314, <https://doi.org/10.1111/1468-0424.12720>.

²³ Masilo Lepuru, "The Nomos of White Settler-Colonialism in South Africa: An Afrikanist Historical and Philosophical Analysis of Conquest and Law," *Filosofia Theoretica* 14, no. 1 (2025): 51–73, <https://doi.org/10.4314/ft.v14i1.4>.

3.2. Indigenous Participation, Legal Pluralism, and the Exclusion of Other Indigenous Communities in Legislative Formation

The involvement of Indigenous communities in the formation process of Law Number 17 of 2022 concerning West Sumatra Province was relatively limited, particularly regarding mechanisms of consultation and representation. Data obtained from interviews with Indigenous leaders, community representatives, legislators, and civil society actors indicate that public participation was conducted through general consultation mechanisms; however, these forums did not fully accommodate the specific perspectives of Indigenous communities with different cultural backgrounds. Several participants explained that discussions regarding regional identity were largely dominated by historical and cultural narratives associated with Minangkabau society, while other Indigenous perspectives received less attention during the legislative process. The findings show that although consultation mechanisms existed within the legislative framework, the involvement of Indigenous communities was not sufficiently designed to ensure meaningful participation. Participation was primarily understood as the opportunity to provide input rather than as an interactive process involving dialogue, negotiation, and consideration of diverse cultural interests. Consequently, the legislative process achieved procedural compliance but faced challenges in achieving substantive inclusion. These findings indicate that Indigenous participation in lawmaking requires specific mechanisms that recognize the unique position of Indigenous communities as rights holders rather than merely members of the general public. The limited involvement of Indigenous representatives became an important factor influencing perceptions of legislative legitimacy among affected communities.

The Mentawai Indigenous Peoples demonstrate that their position within the construction of West Sumatra's provincial identity involves complex cultural and historical considerations. Interviews with Indigenous representatives indicate that Mentawai communities possess distinct cultural systems, customary institutions, spiritual traditions, and historical experiences that differ from the dominant Minangkabau cultural framework. Participants emphasized that although they are geographically located within the same province, their collective identity has developed through different historical trajectories and social structures. The findings reveal that the construction of regional identity through a single dominant cultural narrative may create challenges for communities whose traditions are not fully represented within that framework. Several respondents expressed that recognition of Minangkabau identity is important as part of West Sumatra's historical character, but they also expected equal recognition of Mentawai cultural existence as an Indigenous identity with its own legitimacy. The data demonstrate that cultural diversity within the province requires an approach that acknowledges multiple Indigenous identities rather than interpreting regional identity through a singular cultural perspective. Therefore, the experience of Mentawai communities illustrates the importance of inclusive identity construction in regional legislation, particularly when legal provisions define the cultural characteristics of a territory containing diverse Indigenous populations.

Interviews with customary leaders and Indigenous community organizations further reveal limitations in representation during the legislative process. The findings indicate that Indigenous participation was not absent, but the available channels did not fully reflect the diversity of Indigenous voices within West Sumatra. Several participants stated that representation mechanisms tended to rely on established social and political structures, which created challenges for smaller or less institutionally represented Indigenous communities to express their perspectives. The data show that formal participation through hearings, consultations, or institutional meetings does not automatically produce meaningful participation when communities lack equal opportunities to influence legislative outcomes. Indigenous representatives emphasized that meaningful participation requires early involvement, continuous dialogue, and recognition of community knowledge in the lawmaking process. The findings also demonstrate that participation should not be evaluated only by the number of meetings or consultation activities conducted but by the extent to which community perspectives influence the substance of legal provisions. This situation illustrates a distinction between procedural participation and substantive participation. While formal mechanisms fulfilled certain democratic requirements, they did not fully

address concerns regarding representation, cultural diversity, and the inclusion of Indigenous interests in defining provincial identity.

The existence of legal pluralism within West Sumatra, where multiple customary values, social norms, and Indigenous legal traditions continue to operate alongside state law. Interviews with customary leaders and legal scholars demonstrate that Minangkabau customary law represents one important legal tradition within the province, but it is not the only normative system existing among Indigenous communities. The Mentawai Indigenous Peoples and other local communities maintain their own customary institutions, values, and mechanisms for regulating social relations. However, the research findings indicate that these diverse normative systems have not been equally reflected in provincial legislative arrangements concerning cultural identity. Participants highlighted that the recognition of one cultural framework may unintentionally reduce the visibility of other living customary systems. The findings suggest that legal pluralism should be considered an essential element in understanding governance within culturally diverse regions.²⁴ Rather than viewing customary diversity as a challenge to legal unity, the research indicates that acknowledging multiple customary traditions can strengthen constitutional governance by reflecting social realities. The existence of diverse Indigenous legal systems demonstrates that regional legislation requires an inclusive approach capable of accommodating different forms of customary authority while maintaining consistency with national constitutional principles.²⁵

The relationship between Indigenous rights and constitutional democracy is also reflected in the empirical findings concerning recognition,²⁶ participation,²⁷ and equality.²⁸ Data from interviews indicate that Indigenous communities perceive recognition not only as symbolic acknowledgment of cultural existence but also as the ability to participate in decisions affecting their collective identity and social interests. The findings demonstrate that protecting Indigenous rights requires recognition of diverse identities rather than prioritizing only the cultural identity of the majority group. Participants emphasized that constitutional democracy should provide equal space for different communities to express their traditions, maintain customary institutions, and contribute to public decision-making. The research findings show that exclusion may occur even without explicit denial of Indigenous existence; it can emerge through limited representation, unequal visibility, and restricted opportunities to influence legal development. This condition highlights the importance of understanding Indigenous rights within a broader democratic framework that combines recognition, participation, and equality. The findings further indicate that regional legislation should function as an instrument for managing diversity rather than reinforcing cultural hierarchy.²⁹ Therefore, constitutional democracy in multicultural societies requires legal arrangements that protect collective identities while ensuring that all Indigenous communities have meaningful opportunities to participate in shaping the laws that govern them.³⁰

²⁴ Joshua Mawere and Ricky Munyaradzi Mukonza, "Empowering Marginalised Communities: Leveraging Indigenous Knowledge for Sustainable Energy Development in South Africa," *Sustainable Development* 33, no. 2 (2025): 2440–48, <https://doi.org/10.1002/sd.3243>.

²⁵ Rodrigo Felipe Rodrigues Carmo et al., "Decolonial Conservation and Political Ethnobiology as a Pathway to Socio-Environmental Justice in the Global South," *Ethnobiology and Conservation* 15 (2026), <https://doi.org/10.15451/ec2026-04-15-10-1-17>.

²⁶ Shilpi Pandey, "Narrative Injustice and the Legal Erasure of Indigeneity: A TWAIL Reframing of the Kashmiri Pandit Case in Postcolonial International Law," *Laws* 14, no. 6 (2025), <https://doi.org/10.3390/laws14060096>.

²⁷ Rosemary Mwanza, "Illusions of Protection: Environmental Law and the Betrayal of Indigenous Peoples' Right to a Healthy Environment," *Environmental Law Review* 27, no. 3 (2025): 181–202, <https://doi.org/10.1177/14614529251372986>.

²⁸ Karen Farquharson et al., "Everyday Racism in Australian Community Sport," *International Review for the Sociology of Sport*, 2026, <https://doi.org/10.1177/10126902261457980>.

²⁹ David S Trigger, "Land Claim Legacies, Native Title, and the Rigours of Indigenous Politics," *Australian Journal of Anthropology* 36, no. 1 (2025): 55–72, <https://doi.org/10.1111/taja.70006>.

³⁰ Magdalena Manzanárez, Laurence Armand French, and Julieta Altamirano-Crosby, "Afroestizos: Erasure from History and the Contemporary Efforts to Acknowledge Their Place in the Mexican Nation," *International Journal of Critical Cultural Studies* 24, no. 1 (2025): 79–100, <https://doi.org/10.18848/2327-0055/CGP/v24i01/79-100>.

The overall findings demonstrate that the exclusion experienced by Indigenous communities in the legislative process did not occur through direct rejection or denial of their cultural existence.³¹ Instead, exclusion emerged through limited representational spaces and insufficient mechanisms for accommodating diverse Indigenous perspectives during the construction of regional identity. The research findings indicate that the legislative process successfully recognized an important cultural foundation of West Sumatra; however, it did not fully capture the plurality of Indigenous identities existing within the province. Interviews with community representatives reveal that the main concern was not opposition to cultural recognition itself, but the need for broader inclusion of other Indigenous communities within the same legal framework.³² The findings therefore suggest that legislative processes concerning cultural identity require more comprehensive participatory mechanisms that allow all affected communities to contribute to legal formation.³³ This study identifies that representation, consultation, and recognition are interconnected elements in determining whether legislation reflects the realities of multicultural societies.³⁴ The West Sumatra experience demonstrates that legal recognition must be accompanied by inclusive governance practices to prevent unintended forms of cultural marginalization. Consequently, strengthening Indigenous participation in legislative processes is essential for achieving substantive legislative legitimacy and ensuring that regional laws reflect the diversity of communities they regulate.

3.3. Reconstructing Legislative Legitimacy in Multicultural Constitutional States: Indigenous Rights, Islamic Values, and Inclusive Lawmaking

Legislative legitimacy in multicultural societies cannot be assessed solely through formal procedures, institutional authority, or constitutional validity. Although the recognition of regional cultural identity represents an important mechanism for preserving historical traditions and collective values, legitimate lawmaking requires substantive justification based on inclusion,³⁵ representation, and meaningful participation.³⁶ The analysis reveals that legislation affecting cultural identity must consider the perspectives of all communities whose social and cultural interests are influenced by the legal framework. In this context,³⁷ the relationship between state authority and community recognition becomes a central issue in determining whether a law reflects democratic legitimacy.³⁸ Formal legislative processes may establish legal validity, but they do not automatically guarantee that all affected groups have received adequate opportunities to participate and express their interests.³⁹ Therefore, legislative legitimacy should be understood as a multidimensional concept combining procedural legality with substantive justice. This perspective strengthens contemporary constitutional theory by emphasizing that democratic

³¹ Elfira Zahwa Octavia, Mohammad Hamidi Masykur, and Moh Fadil, "Legal Status of Former Customary Land Ownership Evidence After Its Validity Period Expires: Assessment of the Legal Certainty over Indigenous Peoples' Land Rights," *Law. Human. Environment* 16, no. 3 (2025): 160–72, <https://doi.org/10.31548/law/3.2025.160>.

³² Roger Merino, "Unraveling a Political Technology: Free, Prior, and Informed Consent in Peruvian Oil and Mining Sectors," *Journal of Politics in Latin America* 17, no. 1 (2025): 131–54, <https://doi.org/10.1177/1866802X241284645>.

³³ Shubhanginee Singh, "The Politics of Belonging in Arunachal Pradesh: Rules of Exclusion and Differentiated Citizenship," *Asian Ethnicity* 26, no. 1 (2025): 1–26, <https://doi.org/10.1080/14631369.2024.2383931>.

³⁴ Clive Aspin et al., "Māori Youth Suicide: Coroners' Experiences of Engaging with Bereaved Families in Aotearoa New Zealand," *SSM - Qualitative Research in Health* 10 (2026), <https://doi.org/10.1016/j.ssmqr.2026.100797>.

³⁵ Dubale Gebeyehu Genbezo, Mellese Mada Gatiso, and Misrak Tenna Adafre, "Cultural Pathways to Reconciliation and Harmony: Indigenous Conflict Resolution Mechanisms and Peace Formation Practices Among the Dawuro Ethnic Group of Southwest Ethiopia," *Conflict Resolution Quarterly* 43, no. 3 (2026): 375–86, <https://doi.org/10.1002/crq.70004>.

³⁶ Gretchen L. Gonzaga and Arif Budy Pratama, "Social Capital and Prospects for Collaborative Governance: An Ethnographic Case Study of Sama-Bajaus' Post-Disaster Experiences," *Public Administration and Development* 45, no. 3 (2025): 201–12, <https://doi.org/10.1002/pad.2096>.

³⁷ Sandra Ajaps, "Decolonising Environmental Education Pedagogy: A Participatory Action Research Approach," *Education Sciences* 16, no. 2 (2026), <https://doi.org/10.3390/educsci16020199>.

³⁸ Jaiden Herkimer, Becky Choma, and Leen Nasser, "Non-Indigenous Canadians' Post-Colonial Ideologies, Allyship and Collective Guilt Predict Support for Reconciliation, Collective Action and Political Tolerance," *Journal of Community and Applied Social Psychology* 35, no. 1 (2025), <https://doi.org/10.1002/casp.70043>.

³⁹ Matthew R. Keynes and Beth Marsden, "The Truth about Education: From the Royal Commission into Aboriginal Deaths in Custody to the Yoorrook Justice Commission," *Globalisation, Societies and Education*, 2026, <https://doi.org/10.1080/14767724.2026.2666230>.

lawmaking in diverse societies requires continuous engagement with social realities,⁴⁰ cultural differences, and the experiences of marginalized communities.⁴¹ The findings support the argument that inclusive participation is not merely an administrative requirement but a fundamental component of legitimate governance,⁴² particularly when legislation defines cultural identity and collective belonging within a plural society.⁴³

The findings further contribute to discussions on multicultural constitutionalism by demonstrating that recognition of majority cultural identity must be balanced with equal protection for other Indigenous communities. Multicultural constitutionalism requires the state to accommodate cultural diversity without transforming one dominant identity into an exclusive representation of the entire society. Cultural recognition is essential for protecting collective memory, traditions, and historical values; however, such recognition must operate within a framework that respects the existence of multiple cultural communities. The experience of West Sumatra illustrates the complexity of maintaining cultural authenticity while ensuring constitutional inclusion for groups with different social structures, customary practices, and historical experiences. This analysis confirms previous theoretical arguments that multicultural constitutional arrangements should move beyond symbolic recognition toward institutional mechanisms that guarantee participation and representation. Indigenous communities should not only be recognized as cultural subjects but also included as active participants in legal and political decision-making processes. Accordingly, the legitimacy of multicultural governance depends on the capacity of legal institutions to manage diversity through dialogue, equality, and mutual recognition. The study therefore reinforces the importance of constitutional frameworks that protect both collective cultural identities and the rights of minority communities.

The relationship between ABS-SBK and Islamic legal values provides an important dimension in understanding inclusive legislative legitimacy. The integration of customary and Islamic values within regional identity demonstrates that lawmaking is not merely a technical process but also reflects ethical and social commitments. The principles of justice (*'adl*), consultation (*shūrā*), and public benefit (*maṣlaḥah*) offer normative foundations for evaluating whether legal decisions promote fairness and social harmony. The principle of *'adl* requires that legal recognition provide equitable treatment for all communities rather than privileging only dominant cultural interests. Meanwhile, *shūrā* emphasizes the importance of collective consultation and participatory decision-making, particularly when laws affect the identity and rights of diverse groups. The concept of *maṣlaḥah* highlights that legislation should pursue broader social welfare and prevent exclusion or marginalization. Therefore, Islamic legal values provide relevant principles for strengthening democratic lawmaking within a multicultural constitutional system. This study argues that the relationship between customary identity and Islamic values should not be understood only as cultural symbolism but also as a framework for developing ethical governance. By integrating these values into legislative analysis,⁴⁴ the study expands understanding of how religious and customary principles can contribute to inclusive legal institutions.

⁴⁰ Nicole Watson and Heather Douglas, *Legal Education Through an Indigenous Lens: Decolonising the Law School, Legal Education through an Indigenous Lens: Decolonising the Law School* (Taylor and Francis, 2025), <https://doi.org/10.4324/9781003473404>.

⁴¹ Sophie Johanna Lampert, Anne Kathrine Kjær Bruun, and Rajiv Maher, "Reckoning with Historical Injustices: Relational Values in Ecosystem Services and Environmental Justice in the Mapuche-Forestry Conflict in Chile," *Ecosystem Services* 75 (2025), <https://doi.org/10.1016/j.ecoser.2025.101758>.

⁴² Girendra Persaud et al., "A Co-Created Model for Self-Determined Development Objectives in Indigenous Communities," *Canadian Journal of Development Studies* 46, no. 1 (2025): 181–203, <https://doi.org/10.1080/02255189.2025.2456008>.

⁴³ Indrani Sigamany, *Nomadic Indigenous Peoples and the Law: Self-Determination, Land Rights and Gender Justice in India*, *Nomadic Indigenous Peoples and the Law: Self-Determination, Land Rights and Gender Justice in India* (Taylor and Francis, 2025), <https://doi.org/10.4324/9781003589488>.

⁴⁴ Myriam Guillemette, "An Insight into the Extent of the Sundown Town Phenomenon in Canadian Company Towns; the Thompson, Manitoba, Case Study," *Journal of Urban History* 52, no. 1 (2026): 185–215, <https://doi.org/10.1177/00961442241296519>.

The findings of this study are consistent with broader Indigenous rights scholarship emphasizing self-determination, meaningful participation, and recognition of customary legal systems.⁴⁵ Existing research has demonstrated that Indigenous Peoples frequently experience challenges when state legal systems recognize their existence without providing adequate mechanisms for participation and decision-making authority.⁴⁶ Formal recognition alone may preserve cultural identity at a symbolic level but does not necessarily address structural inequalities or historical exclusion.⁴⁷ Indigenous rights frameworks therefore emphasize the importance of involving communities in decisions affecting their lands, institutions, traditions,⁴⁸ and collective interests.⁴⁹ The findings from West Sumatra reinforce this perspective by showing that legal recognition must be accompanied by participatory mechanisms capable of accommodating diverse Indigenous experiences.⁵⁰ Customary legal systems should not merely be considered cultural heritage but should also be understood as living normative orders that contribute to contemporary legal governance.⁵¹ This approach aligns with the development of legal pluralism, which recognizes the coexistence of multiple legal traditions within a single state framework. Consequently, legislative processes concerning Indigenous communities should prioritize dialogue, representation, and respect for customary autonomy.⁵² Such an approach strengthens democratic legitimacy by ensuring that Indigenous Peoples are recognized as legal actors rather than passive recipients of state policies.

Based on the findings, this study recommends that legislative processes in multicultural societies strengthen mechanisms for Indigenous participation, inclusive consultation, and recognition of legal plurality. The formulation of laws concerning cultural identity, customary institutions, and collective rights should involve Indigenous communities from the early stages of legislative development to ensure that diverse perspectives are represented.⁵³ Legislative institutions should establish more effective participatory procedures that move beyond formal consultation toward meaningful engagement, particularly for communities whose identities and interests are directly affected by legal regulation. Furthermore, policymakers should adopt an inclusive approach that recognizes cultural diversity within regional governance while maintaining constitutional coherence and social integration. Although this research was conducted in West Sumatra Province, its findings provide broader contributions for other regions in Indonesia and international contexts facing similar challenges in balancing state authority, cultural recognition, and Indigenous Peoples' participation. The study demonstrates that the principles of constitutional recognition, legal pluralism, and inclusive legislative governance developed from this case can serve as analytical and practical references for evaluating legislation affecting Indigenous communities in diverse societies. Therefore, the protection of cultural identity should not be limited to recognizing dominant traditions but should also ensure the visibility, representation, and participation of other Indigenous communities. Future research may further explore comparative models of Indigenous

⁴⁵ Anna Belle Whitney, "Indigeneity in Historical Sociolinguistics Data: Who Gets to Be Minnesotan?," *Journal of English Linguistics* 53, no. 3 Special Issue: Variation, Indigeneity, and Heritage in Historical English Language Studies (2025): 263–88, <https://doi.org/10.1177/00754242251375056>.

⁴⁶ Dianna L Stone, Kimberly M Lukaszewski, and Brian Murray, *Native American and Indigenous Peoples' World of Work*, *Native American and Indigenous Peoples' World of Work* (Emerald Publishing, 2025), <https://doi.org/10.1108/978-1-80592-527-9>.

⁴⁷ Shumet Amare Zeleke, Mengistu Alamineh Mazengia, and Tadie Degie Yigzaw, "Minority Dominance Over the Majority in Ethiopia: A Political Plot in the Harari Regional State," *International Journal on Minority and Group Rights*, 2026, <https://doi.org/10.1163/15718115-bja10259>.

⁴⁸ Michelle Marie Pieters et al., "Beyond 'Ch'jurnaaq': Recognizing Maya Indigenous People's Perceptions of Psychosis and Recovery in Santiago Atitlán, Guatemala," *SSM - Mental Health* 8 (2025), <https://doi.org/10.1016/j.ssmmh.2025.100543>.

⁴⁹ Pablo Barnier-Khawam, "The Participation of Indigenous Peoples at the United Nations: The Problematic Institutionalization of a Non-State Actor," *International Affairs* 102, no. 2 (2026): 535–60, <https://doi.org/10.1093/ia/iiaf273>.

⁵⁰ Meg Colasante, Rachel Finneran, and Henry Purcell, "Assessing Engagement with Indigenous Perspectives via Virtual Reality and Concepts of Ungrading," *Assessment and Evaluation in Higher Education* 51, no. 1 (2026): 194–211, <https://doi.org/10.1080/02602938.2025.2571850>.

⁵¹ Susanne Thiessen, "From Cognitive Imperialism to Relational Accountability: Honouring Co-Creation with Indigenous People in Public Administration," *Canadian Public Administration* 68, no. 3 (2025): 433–48, <https://doi.org/10.1111/capa.70028>.

⁵² Karolin Margret Natasa et al., "Recognition and Marginalization: The Paradox of Legal Politics in Indigenous Constitutional Rights in West Kalimantan," *Journal of Law and Legal Reform* 7, no. 2 (2026): 585–620, <https://doi.org/10.15294/jllr.v7i2.47755>.

⁵³ M Max Hamon, "A Métis Parliament: Louis Riel and Constitutional Debates in Red River," *Parliamentary History* 44, no. 1 (2025): 54–72, <https://doi.org/10.1111/1750-0206.12777>.

inclusion in legislative processes across different constitutional systems to strengthen global understanding of legitimate and inclusive lawmaking.

4. Conclusion

This study demonstrates that the legislative legitimacy of Article 5 letter c of Law Number 17 of 2022 concerning West Sumatra Province reflects a complex relationship between cultural recognition, constitutional principles, Indigenous participation, and legal pluralism. The Constitutional Court Decision Number 97/PUU-XX/2022 confirmed the constitutionality of the provision recognizing Minangkabau cultural identity through the principle of *adat basandi syara', syara' basandi Kitabullah* (ABS-SBK) as part of West Sumatra's regional characteristics within the framework of the Unitary State of the Republic of Indonesia. However, the empirical findings reveal that constitutional recognition of a dominant cultural identity creates substantive legitimacy challenges regarding the representation and accommodation of other Indigenous communities, particularly the Mentawai Indigenous Peoples, whose cultural systems, historical experiences, and social structures differ from the Minangkabau framework. The study finds that procedural validity and judicial approval do not automatically guarantee substantive legislative legitimacy. Meaningful participation, recognition of cultural diversity, and protection of Indigenous identities remain essential requirements for democratic lawmaking in multicultural societies. Therefore, legislative legitimacy should be understood through a broader perspective that integrates legal validity, social representation, and inclusive participation of communities affected by legislative decisions.

This research contributes conceptually, methodological, and theoretically to the study of legislative legitimacy in multicultural constitutional systems by integrating multicultural constitutionalism, Indigenous rights, legal pluralism, and Islamic legal values. The study develops an analytical framework for examining how legislation can recognize cultural identity while ensuring equality, participation, and protection of diverse communities. Methodologically, the research demonstrates the importance of combining doctrinal legal analysis with empirical perspectives from Indigenous communities and relevant stakeholders to evaluate the legitimacy of laws in plural societies. At the regional level, this study provides recommendations for strengthening legislative governance in West Sumatra through inclusive consultation mechanisms and broader representation of Indigenous communities in future lawmaking processes. At the international level, the research contributes to comparative constitutional scholarship by highlighting the challenges faced by multicultural states in balancing majority cultural recognition with Indigenous rights protection. The framework proposed in this study offers a comparative reference for analyzing legislative legitimacy and democratic inclusion in other jurisdictions experiencing similar tensions between state authority, cultural identity, and Indigenous participation.

Declarations

Author Contribution Statement

Firdaus Arifin contributed to conceptualization, methodology, investigation, formal analysis, writing—original draft, supervision, and project administration. Hardi Putra Wirman contributed to data curation, investigation, validation, and writing—review and editing. Bagas Ihsanul Umam contributed to formal analysis, literature review, visualization, and writing—review and editing. Habibul Akhiar contributed to investigation, resources, data curation, and validation. Dea Maulvia Selfitri contributed to literature review, editing, proofreading, formatting, and visualization. All authors have read and approved the final version of the manuscript and agree to be accountable for all aspects of the work.

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The data that support the findings of this study are available from the corresponding author upon reasonable request. No publicly archived datasets were used or generated during the current research.

Declaration of Interests Statement

The authors declare that they have no known competing financial interests or personal relationships that could have influenced the work reported in this paper.

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