

## Article

# Negotiating justice beyond the state: Institutional effectiveness of the Tongtong system in sustainable community governance in the Philippines

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**Abstract:** This research examines the Tongtong system as a community-based Indigenous justice mechanism in the Philippines. A sequential mixed-methods design was employed, involving a quantitative survey of 455 respondents to assess perceptions of the effectiveness of the Tongtong system across three dimensions: Peaceful conflict resolution, observance of due process, and platform for grievance redress, followed by qualitative interviews and focus group discussions to explore its underlying mechanisms. Quantitative findings revealed that the Tongtong system was perceived as highly effective overall, particularly in promoting peaceful conflict resolution. Qualitative findings further showed that the system's effectiveness is grounded in four foundational elements: (1) elder authority, (2) normative values, (3) restorative practices, and (4) procedural neutrality. Elders were viewed as legitimate mediators due to their experience, moral authority, and collective community recognition. Participants likewise emphasized that accountability, humility, spiritual reverence, and *inayan* function as culturally embedded regulatory values that strengthen community discipline and social cohesion. Additional features such as neutrality, collaborative dialogue, and relationship repair further contribute to long-term community harmony. These findings support the assertion that the Tongtong system represents a viable, culturally embedded model of governance used to create sustainable social development through the enhancement of social cohesion, the facilitation of inclusive participation, and the generation of a resilient community. The findings also continue to lend credence to the argument that Indigenous justice systems be recognized as valid supplements to formal justice institutions, particularly in situations where culturally appropriate and accessible mechanisms are crucial for establishing effective governance.

**Keywords:** Indigenous justice systems; Tongtong; community-based governance; restorative justice; legal pluralism; social cohesion; cultural legitimacy; sustainable social development

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## 1. Introduction

When justice is appropriately carried out and recognized by society, it serves to help maintain social order, reinforce institutional credibility, and promote social cohesion [1–11]. In societies where there are different cultures represented, dispute resolution mechanisms will not only act as methods for settling disputes, but also serve as institutions for governance that shape and provide authority [12,13], facilitate trust [14], and aid in forming social identities [15,16]. Conflict resolution systems that are effective, especially those based on community norms, are an integral part of peace building and sustainable social stability; this is even more applicable when formal state justice systems are geographically and culturally distant or inaccessible for Indigenous peoples [17,18], especially where formal state justice systems remain geographically distant, culturally unfamiliar, and less accessible to Indigenous populations.

The coexistence of various normative systems in one social arena that is characterized by the simultaneous operation of both customary law and state law is

known as legal pluralism [3,16,18–20]. The body of legal pluralism literature explains that there exist diverse normative frameworks in society, and state legal systems do not always satisfy all of the needs of communities for resolving disputes [21–24].

Conversely, indigenous justice systems are integrated into the local community, providing culturally relevant and, therefore, accessible methods of resolving disputes [25]. Furthermore, empirical evidence indicates that community-driven conflict resolution systems are better at responding to local customs or norms and providing immediate and contextually relevant justice outcomes than formal legal systems [26].

The historical evolution of law in the Philippines shows there are different laws due to the effects of previous colonization and Indigenous customs [27–31]; this means that there are multiple systems of law at any given time. Before colonization, Indigenous people settled their disputes through mediation from their elders, using collective decision-making and customary norms to create connections among individuals to maintain a peaceful society. In spite of the legal changes due to colonization and post-colonization, Indigenous systems of resolving disputes have been able to coexist with the country's legal system by continuing to exist in communities across the country and being active forms of legal pluralism [32–34].

In addition, the 1987 Constitution of the Republic of the Philippines and the Indigenous Peoples' Rights Act (IPRA) recognize that customary law exists for Indigenous people and allows for legal pluralism to be recognized in the law of the country [3,35,36]. The systems of customary justice contribute in many ways to providing access to justice for Indigenous peoples and to inclusive governance that incorporates learning from previous encounters for sustainable social development [37–40].

In a legal sense, the Cordillera Administrative Region (CAR) in the Philippines represents a major location where Indigenous people have shown long-term and sustainable Indigenous governance/political structure [41–44]. Indigenous Peoples known collectively as Igorots have successfully retained their customary institutions for hundreds of years, despite many centuries of colonization and post-colonial transformation processes [45–49]. Councils of elders continue as the traditional custodians of customary law in the province of Benguet [50].

One of the core methods used within these traditional systems is through the use of Tongtong [51–53]. Tongtong is a deliberative forum, whereby conflicts are mediated by community elders through dialogue and consensus methods. The principles of restorative justice underpin the Tongtong system through a focus on healing relationships between the parties involved and community reintegration rather than adjudicating through an adversarial approach [54]. The possibility of systematically assessing the Tongtong system's effectiveness with clear empirical measurement has not yet been studied by academic communities, with the majority of existing research being descriptive or ethnographic in their nature and therefore offering little comparative or policy-relevant scholarship.

This research will define the effectiveness of the Tongtong system in terms of three operationally defined dimensions: (1) facilitating conflict resolution peacefully, (2) ensuring due process is followed in customary proceedings and (3) providing a mechanism for redressing grievances through a publicly accessible forum. These

dimensions represent both normative expectations regarding justice as well as functional governance outcomes of sustainable communities.

The identification and analysis of how Indigenous governance systems contribute to the overall success of community resilience, inclusion, and culturally based justice creates a significant gap in socio-legal scholarship and sustainable social development. Legal pluralism theory points to the existence of multiple legal orders [55,56], but there is limited empirical evidence of how customary forms of governance actually work [16,34].

To fill this gap, this study employs a Sequential Explanatory Design, as discussed by James et al. [57], Siddiqui et al. [58], and Fetters et al. [59], to combine quantitative measures of the effectiveness of the Tongtong process with qualitative community members' perceptions of its effectiveness. This approach will provide researchers with the tools necessary to gather empirical evidence of how Indigenous justice systems function as governance mechanisms within pluralistic legal systems.

This study is critical to the development of discourse regarding sustainable social development globally, Indigenous governance, and restorative justice, by demonstrating that culturally embedded institutions are effective in maintaining social order, providing legitimacy for social structures, and promoting community-based conflict resolution in pluralistic societies.

## **2. Theoretical framework**

This research study uses the theoretical frameworks of restorative justice and legal pluralism to help provide a structural and functional context for understanding Indigenous conflict resolution systems like Tongtong. Legal pluralism demonstrates how different normative orders, or sets of rules, can exist simultaneously within the same social field; restorative justice explains the ways disputes are settled through value-based and process-oriented mechanisms within the various Indigenous dispute resolution systems.

Legal pluralism serves as the primary structural foundation for this research by challenging the legal centralist belief that the state is the only legitimate source of law. Legal pluralism acknowledges the existence of multiple legal systems (state, customary, religious and Indigenous) co-existing in society at the same time [60–64]. Furthermore, Merry [65] argues that these multiple normative orders influence all individuals' perceptions of conflicts and how they choose to resolve those conflicts. Therefore, the law should be thought of as a culturally contingent and socially embedded phenomenon, not as a single united institutional system. As such, Indigenous justice systems are not located at the periphery or as informal extensions of state law, but rather they are considered “living law” that have their legitimacy rooted in the community and in cultural continuity.

Additionally, de Sousa Santos [66] has introduced the notion of “interlegality,” which is the process by which individuals move between different legal orders, including both state and customary forums, to find the most accessible, culturally appropriate, and effective way to resolve their disputes. Therefore, from a pluralist perspective, Indigenous legal systems derive their legitimacy from ancestral tradition, communal consensus, and socially recognized moral authority and do not exist in a

subordinate position to state authority [55,67–70]. This theory provides an important basis for recognizing Indigenous dispute resolution systems, such as Tongtong, as autonomous and yet relationally co-existing institutions within the larger pluralistic legal framework.

While legal pluralism provides the structural map, restorative justice provides the functional philosophy that explains how Indigenous systems resolve conflict. Restorative justice is a practical, philosophical expression of how Indigenous cultures resolve conflicts. Under the restorative justice paradigm, instead of regarding crime and conflict merely as violations of legal rules, we recognize that they result from disruptions in social relationships which require restoration [71]. This social repair of relationships from harm is at the heart of Zehr's [72] conceptualization of restorative justice: the focus is on "harm, obligation, and engagement." This contrasts with formal legal systems that tend to focus on punishment rather than community accountability and healing [73–75]. In Indigenous contexts, this philosophy of restorative justice is expressed through processes that bring about a harmonious relationship between all individuals within the community; primarily, this will occur through the reconciliation process, through apologies, and through making restitution.

Braithwaite [76] provides additional insight, through his theory of reintegrative shaming, into how Indigenous cultures hold offenders accountable: They hold offenders accountable to the community while simultaneously reintegrating them into the community, thereby ensuring that the relationship between the offender and the community (as well as other members of the offender's extended family) is preserved and that the offender does not suffer from long-term negative stigma. Llewellyn [77] further expands this relational approach to restorative justice by asserting that restorative justice is grounded in "relationality," and that achieving justice requires the restoration of social relationships and the restoration of balance within the community [78]. Restorative justice places great emphasis upon restorative dialogue, community participation, and moral transformation, as opposed to the adversarial and punitive disposition of the formal court system, thus making it an ideal philosophical framework for understanding Indigenous methods of dispute resolution based upon the principles of consensus, reconciliation, and social healing as opposed to the principles of incarceration or exclusion.

Legal Pluralism and Restorative Justice provide an integrated theoretical framework for this research. Legal pluralism refers to the coexistence and legitimacy of Indigenous justice systems within a broader state-based legal framework [79–81]. Restorative Justice provides an understanding of the internal logic or normative view which guides how Indigenous people resolve disputes [68,82–86]. Together, these two frameworks help to provide a complete understanding of Indigenous justice systems – not just as cultural-based alternatives to state law; but rather; as cohesive, community-based forms of legal orders that support social harmony through restorative and relational principles.

### **3. Materials and methods**

The study was informed by an explanatory sequential mixed-methods design that examined the effectiveness of the Tongtong Indigenous justice system in relation to Indigenous community governance. The design used two phases of data collection and analysis, with the first phase being the collection and analysis of quantitative data, followed by qualitative inquiry to explain and enhance understanding of statistical patterns. This approach allows for the interpretation of numerical findings alongside the lived experiences and social context of Indigenous communities [59,87–96]. As a result, the study was conducted over two integrated phases.

The quantitative phase measured community members' perceptions of Tongtong's effectiveness in relation to conflict resolution, procedural fairness, and grievance redress. The qualitative phase, guided by descriptive phenomenology, was done by "bracketing" the researcher's previous knowledge and experiences, and by focusing directly on the individual participant's description or account of their experience [97,98].

Drawing on Almaki [99], this study applies descriptive phenomenology as a methodological approach for understanding how individuals make meaning of their lived social experiences within naturalistic settings. The qualitative phase of the research explored how community members experienced, interpreted, and constructed meaning through the operation of Tongtong in actual dispute resolution settings. Because of this approach, descriptive phenomenological research can be used to generate a systematic description of lived experiences (of individuals) within their socio-cultural context. Part of the integration of qualitative findings was completed during the interpretation phase of data analysis, whereby qualitative findings provided insight into quantifiable trends, and thus were used to gain a more thorough understanding of Tongtong as a community-based Indigenous justice system.

#### **3.1. Study setting, population, and sampling**

This study focused on selected Indigenous communities in the Province of Benguet, Philippines where traditional knowledge still exists. These Indigenous Groups are Kankanaey, Ibaloy, Karao, Iwak and Kalanguya. The criteria for selecting these sites were based on consultations with the Indigenous leaders and local stakeholders to ensure that study areas reflect active customary governance practices. The quantitative phase used a stratified random sampling to select 455 total respondents using Yamane's formula to determine the proper selection of households based on household population data as reported by the Philippine Statistics Authority [100].

The qualitative phase used purposive selection of 23 key informants and 5 focus groups discussions. The participants were: elders, barangay officials, members of the *Lupong Tagapamayapa*, Indigenous Peoples Mandatory Representatives (IPMRs) and National Commission on Indigenous Peoples (NCIP) personnel. Selection focused on individuals directly involved in or knowledgeable about the Indigenous justice system.

### **3.2. Instruments and validation**

This research was carried out using two main tools: A very structured survey questionnaire and a semi-structured interview guide. The survey tool was validated by academic experts and representatives from Indigenous governmental structures to determine that it was clear, relevant, and would provide cultural-based information. Community validation sessions were also performed to ensure that the terminology used was contextually accurate; this helped refine the questionnaire. The pilot testing of the survey tool showed excellent internal consistency (Cronbach's  $\alpha = .926$ ), which indicates that it is a reliable instrument. Furthermore, the qualitative interview guide was enhanced by initial quantitative data so that the qualitative phase matched the quantitative phase.

### **3.3. Data collection procedures**

Data collection was conducted in 2 sequential phases. The first phase consisted of survey administration to determine how the Tongtong displays effectiveness in the following three areas: (1) peaceful resolution of conflict; (2) observance of due process; and (3) platform for addressing redress and grievances. The data collected were summarized through descriptive statistics to depict key relationships that assisted in the design of the qualitative phase. The second phase consisted of conducting in-depth interviews and focus groups. All interviews and focus groups were conducted using local cultural protocols, recorded with participant permission, and conducted in the appropriate language or with necessary translation.

### **3.4. Data analysis and integration**

Quantitative data were analyzed using descriptive statistics to determine overall and dimension-specific levels of perceived effectiveness. Qualitative data were analyzed using reflexive thematic analysis, as discussed by Braun and Clarke [101] and Roberts et al. [102], which allows themes to emerge from participants' accounts of their lived experiences. Integration of findings was done through joint interpretation, identifying areas of convergence and divergence between quantitative and qualitative results. This approach provided a more comprehensive understanding of how the Tongtong system functions within Indigenous community governance.

### **3.5. Reflexivity**

Throughout the study, the researcher was reflexive by critically examining her own position and assumptions in relation to the way they may have impacted on their collection of data and its interpretation. There was a strong focus on respecting Indigenous communities, respecting their existence and their own systems of knowing. As a result, in field notes and interpretation were being reviewed on an ongoing basis to ensure that conclusions drawn were based on the perspectives of the participants, not on the external assumptions of the researcher.

### **3.6. Ethical consideration**

The standards of ethics regarding the participation of Indigenous Peoples in research are governed by the Republic Act No. 8371 –Indigenous Peoples' Rights Act

and the National Commission on Indigenous Peoples' (NCIP) regulations. Free and Prior Informed Consent (FPIC) was obtained prior to data collection. Community members were consulted with regard to: the purpose; the implementation; and the potential contributions of the study, prior to conducting research; and the study participants were required to provide their informed consent for inclusion. Confidentiality, cultural sensitivity, and the right to withdraw were strictly observed throughout the research process. Through member check, the results were provided to each community to verify the accuracy of the information presented and to ensure the integrity of the culture of the people being researched.

## 4. Results

### 4.1. Quantitative findings

**Table 1** presents the ratings given by participants about how effective they perceive the Tongtong system is across three dimensions: 1) peaceful conflict resolution; 2) observance of due process; and 3) platform for addressing redress and grievances. The overall effectiveness rating of the Tongtong system was 4.39 on a Likert Scale (1 = not effective; 5 = very strongly effective). Rating for the dimension of resolving conflict peacefully was highest at 4.52 (very strongly effective), and observance of due process was rated comparatively lower but still considered as effective. Therefore, the respondents rated the Tongtong system to be quite high for each of the three dimensions evaluated.

Overall, participants believe that the Tongtong system is a highly successful mechanism to promote peace in the community and to resolve disputes in the community, particularly by supporting non-violent means of resolving disputes.

**Table 1.** Level of effectiveness of the Tongtong system.

| Items                                                                                                                                | Mean | Description |
|--------------------------------------------------------------------------------------------------------------------------------------|------|-------------|
| <b>A. Peaceful resolution of conflict</b>                                                                                            |      |             |
| 1. The Tongtong system:                                                                                                              |      |             |
| 2. Encourages parties to think freely and express their thoughts.                                                                    | 4.65 | VSE         |
| 3. Successfully promotes the positive transformation of offenders.                                                                   | 4.58 | VSE         |
| 4. Facilitates healing between parties.                                                                                              | 4.50 | VSE         |
| 5. Upholds the concept of <i>inayan/pit'dew/antatakot</i> to promote accountability.                                                 | 4.42 | VSE         |
| 6. Promotes that the compensation demanded by the victim is reasonable and within the means of the offender to avoid undue hardship. | 4.42 | VSE         |
| 7. Ensures that the offender fully compensates the victim for any stolen or damaged property.                                        | 4.40 | VSE         |
| 8. Encourages both parties to accept the result of the Tongtong.                                                                     | 4.63 | VSE         |
| 9. Promotes that all parties involved keep their agreements.                                                                         | 4.60 | VSE         |
| Total                                                                                                                                | 4.52 | VSE         |
| <b>B. Observance of due process</b>                                                                                                  |      |             |

**Table 1.** (Continued).

| Items                                                                                                                                | Mean                          | Description |
|--------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-------------|
| 1. The rules and procedures in handling disputes are followed.                                                                       | 4.44                          | VSE         |
| 2. All parties involved have a clear understanding of the process.                                                                   | 4.45                          | VSE         |
| 3. The accused is presumed innocent until proven guilty.                                                                             | 4.39                          | VSE         |
| 4. Complainants who cannot speak for themselves may appoint an immediate family member or a trusted person to present the complaint. | 4.37                          | VSE         |
| 5. An agreement or decision is made only after both parties have presented their sides.                                              | 4.61                          | VSE         |
| 6. The elders facilitating the resolution process are impartial and unbiased.                                                        | 4.45                          | VSE         |
| 7. There are chances to appeal or reconsider decisions that have been made.                                                          | 2.28                          | STE         |
| Total                                                                                                                                | 4.14                          | STE         |
| C. Platform for addressing redress and grievances                                                                                    |                               |             |
| 1. The Tongtong system protects the rights of indigenous communities to their ancestral land.                                        | 4.68                          | VSE         |
| 2. Tongtong elders actively participate in discussions and actions to protect the ancestral land from outside threats and intrusion. | 4.66                          | VSE         |
| 3. The Tongtong system helps in regulating the extraction of natural resources within the ancestral domain.                          | 4.48                          | VSE         |
| 4. The Tongtong system successfully resolves disputes related to land ownership.                                                     | 4.23                          | VSE         |
| 5. The Tongtong system ensures that natural resources like land, water, forests, and wildlife are used and managed responsibly.      | 4.28                          | VSE         |
| 6. The Tongtong system prevents conflicts from escalating by offering timely and efficient solutions.                                | 4.59                          | VSE         |
| 7. The Tongtong system ensures fair outcomes for those seeking resolution.                                                           | 4.57                          | VSE         |
| Total                                                                                                                                | 4.50                          | VSE         |
| Rall                                                                                                                                 | 4.39                          | VSE         |
| Norm:                                                                                                                                |                               |             |
| Range of Mean Values                                                                                                                 | Over-all Description          |             |
| 4.21 - 5.00                                                                                                                          | Very Strongly Effective (VSE) |             |
| 3.41 - 4.20                                                                                                                          | Strongly Effective (STE)      |             |
| 2.61 - 3.40                                                                                                                          | Moderately Effective (ME)     |             |
| 1.81 - 2.60                                                                                                                          | Slightly Effective (SLE)      |             |
| 1.00 - 1.80                                                                                                                          | Not Effective (NE)            |             |

## 4.2. Qualitative findings

The qualitative phase of the study followed and explained the results of the quantitative phase by investigating the underlying factors that contribute to the effectiveness of the Tongtong system in promoting peaceful ways of resolving conflicts. The qualitative phase examined the characteristics, practices and beliefs from the perspective of members of the communities and key stakeholders that affect the effectiveness of the Tongtong system. Findings from the interviews and focus groups revealed four interrelated themes that accounted for the effectiveness of the Tongtong system: (1) relational authority and elder-led governance; (2) culturally embedded norms and ethical frameworks; (3) restorative and transformative justice

process; and (4) procedural neutrality and normative mediation. The themes and codes on the effectiveness of the Tongtong system in achieving peaceful conflict resolution is found in **Table 2**.

**Table 2.** Themes and codes on the effectiveness of the Tongtong system in achieving peaceful conflict resolution.

| Themes                                           | Frequency | Codes                                                           | Interview sources                                           |
|--------------------------------------------------|-----------|-----------------------------------------------------------------|-------------------------------------------------------------|
| Relational authority and elder-led governance    | 4         | De-escalation of conflict or misunderstandings                  | (P1, P2, P3, P6)                                            |
|                                                  | 1         | Reduction of tension                                            | (P10)                                                       |
|                                                  | 8         | Profound respect for elders                                     | (P2, P5, P6, P7, P9, P11, P20, P23)                         |
|                                                  | 4         | Strong trust in elders                                          | (P3, P 9, P13, P14)                                         |
|                                                  | 5         | Wisdom and guidance of elders                                   | (P3, P4, P15, P21, P23)                                     |
| Culturally embedded norms and ethical frameworks | 13        | Communicate respectfully without raising voices                 | (P1, P2, P3, P4, P6, P8, P12, P14, P17, P18, P20, P22, P23) |
|                                                  | 6         | Humility                                                        | (P5, P8, P11, P18, P19, P22)                                |
|                                                  | 3         | Recognition of guilt                                            | (P8, P10, P19)                                              |
|                                                  | 6         | Spiritual reverence for God                                     | (P5, P16, P17, P18, P20, P22)                               |
|                                                  | 2         | Adherence to inayan                                             | (P5, P6)                                                    |
| Restorative and transformative justice process   | 3         | Non-retaliation following Tongtong                              | (P12, P19, P21)                                             |
|                                                  | 3         | Respect for cultural traditions                                 | (P9, P12, P16)                                              |
|                                                  | 5         | Strengthens relationships                                       | (P5, P7, P8, P9, P21)                                       |
|                                                  | 3         | Promotes personal growth and transformation                     | (P5, P7, P11)                                               |
|                                                  | 5         | Appointment of a moderator                                      | (P12, P13, P14, P17, P23)                                   |
| Procedural neutrality and normative mediation    | 4         | Experiential advises from elders                                | (P5, P13, P20)                                              |
|                                                  | 1         | Peaceful conflict resolution depends on the facilitator         | (P19)                                                       |
|                                                  | 1         | The elders offer suggestions to help parties reach a compromise | (P21)                                                       |

#### 4.2.1. Relational authority and elder-led governance

Elders are the main carriers of legitimacy and authority in the Tongtong system, thus are at the forefront of the mediation process. Elders act as mediators by relying on customary law, cultural knowledge, and collective memory to assist parties in reaching resolution through accountability, reconciliation, and restoring social harmony.

The explanatory qualitative phase reinforces the quantitative findings by identifying elder leadership as a key mechanism for effectiveness in the Tongtong system. Sixteen of twenty-three participants credited the success of Tongtong's use in resolving disputes to the authority of elders to de-escalate conflict and foster credibility in the process. Elders are not only a source of social legitimacy, they have moral legitimacy and are established in the culture.

Participants consistently framed elder authority as relational rather than institutional, emphasizing that legitimacy is derived less from formal designation and more from culturally recognized wisdom, lived experience, and communal trust.

Across the interview, elders were repeatedly portrayed not merely as mediators of disputes, but as custodians of social harmony whose presence stabilizes dialogue and prevents conflicts from escalating into long-term divisions within the community. Participants indicated that elders provide relationship based authority rather than authority from a formal institution. All four participants indicated that without the elder, there would likely be an inability to resolve disputes resulting in prolonged conflicts within the community, which will result in a gradual weakening of social cohesion. Elders, therefore, are viewed as being the structural anchor of the indigenous justice system.

Participant experiences reflect this role of elder:

“The Tongtong provides a peaceful way of resolving the community dispute so that individuals hold no grudges towards one another... elders ask why an individual committed a wrongful act... the elder also assists to cleanse the individual of the wrongful act so that the individual may start their new life.” (P6).

Participants further emphasized that elders perform important de-escalatory functions during mediation by redirecting emotionally charged interactions toward dialogue, reflection, and reconciliation.

Another participant referenced the de-escalatory functions of elders:

“Elders will calm participants in an argument. The argument will not escalate from discussion to yelling or hitting.” (P10).

The participants indicated that deference and respect for elders enhances the parties’ willingness to comply with and accept the resolution of disputes. The participants indicated that the authority of the elder is culturally based and acknowledged voluntarily. Compliance with decisions therefore appears to emerge not through coercive enforcement, but through shared recognition of the elders’ moral credibility and culturally embedded authority.

“When elders speak during a Tongtong, the people listen. Their words have weight and assist to keep order in the discussion.” (P5).

All of the above accounts support the fact that the elder provides a foundation, in both a moral and procedural sense, for the Tongtong system. Collectively, these findings suggest that elder-led governance within Tongtong operates as a relational mechanism of social regulation in which legitimacy, participation, and conflict resolution are sustained through communal trust, moral authority, and culturally grounded accountability.

#### **4.2.2. Culturally embedded norms and ethical frameworks**

The underlying theme of Tongtong is the values-based foundation through which the system maintains its effectiveness through deeply rooted socio-cultural/moral/spiritual norms that regulate actions both during and after the process of resolving the dispute. Rather than functioning solely through procedural rules, Tongtong appears to sustain compliance and legitimacy through collectively internalized ethical expectations that shape behavior, communication, and accountability within the community.

The values defined through empirical research were humility, accountability, spiritual reverence, adherence to *inayan*, non-retaliation after a settlement is reached, and respect for customary law. These collective values are a significant part of both

procedural conduct during the process of resolving disputes, as well as compliance after resolution. Participants consistently described these values not merely as abstract cultural ideas, but as everyday normative principles that actively guide interpersonal conduct and influence the willingness of disputants to participate sincerely in the mediation process. The importance of humility and accountability was consistently stressed by participants.

Elders continually remind both disputants at the beginning of Tongtong to conduct themselves with the proper disposition of humility and accountability:

“The elders advise both disputants to be humble before they begin Tongtong.” (P22).

Participants in this study identified reverence for spirituality as a key part of using Tongtong. Prayer supports the seriousness of an individual’s morals and maintains sincerity. Spiritual practices were consistently portrayed as mechanisms that reinforce honesty, reflection, and moral restraint during mediation, thereby strengthening the sincerity of the reconciliation process.

“We start with prayer in Tongtong... individuals are conscious of their words due to the presence of God in the interaction.” (P16).

The participants said that when there is divine witness, there is greater accountability:

“There are watching eyes from God... and you won’t do anything unjustly, because there are consequences.” (P17).

Using the principle of *inayan*, which is interwoven culturally into participants’ lives, is a hindrance to doing wrong. Participants frequently framed *inayan* as internalized form of moral regulation that extends beyond formal sanctions by linking individual behavior to broader social, moral, and spiritual consequences.

“Once you have broken a bond, *inayan* becomes a heavy burden... and you won’t be doing any forward movement in life.” (P6).

Ensuring that no retaliation happens, denotes finality and peace after the conclusion of the settlement. The absence of retaliation was repeatedly associated with the restoration of social balance and the preservation of long-term communal harmony following mediation.

“The outcome would be considered, and not be avenged on both sides.” (P12).

These values also lead to the expectation that communication will be done respectfully (i. e. no aggression or yelling). Participants mentioned that maintaining a calm and respectful tone while communicating is beyond being a matter of etiquette; it is ingrained in culture and intended to uphold the dignity of those involved in the interaction, thereby preventing emotional escalation during mediation. Respectful communication was therefore perceived not simply as procedural courtesy, but as a culturally embedded mechanism for preserving relational dignity and maintaining constructive dialogue throughout the conflict resolution process.

“It is required that we engage in respectful communication, without yelling, although at times we may become emotional.” (P19)

All of the norms and values noted by participants, as seen in use of Tongtong, is indicative of a morally controlled system that uses traditional beliefs and collective ethical expectations to sustain compliance. The findings suggest that the effectiveness of Tongtong is deeply anchored in culturally internalized moral frameworks that

reinforce accountability, relational harmony, and voluntary adherence to communal norms even beyond the formal conclusion of disputes.

#### **4.2.3. Restorative and transformative justice process**

This theme underscores that Tongtong acts as a form of restorative justice through its relational and developmental aspects. Tongtong is more than just a dispute resolution mechanism; Tongtong allows for restoration of relationships, empathy, and personal change as well. Participants consistently described the process as one that prioritizes reconciliation and relational repair rather than punishment allowing conflicts to become opportunities for reflection, emotional healing, and social reintegration.

Dialogue was identified by participants as a key element of reconnecting. Through open communication and guided mediation, disputants were encouraged to understand each other's experiences and perspectives, thereby reducing hostility and fostering mutual empathy. Participants learned from communication with each other:

“When you hear the other side, you start to understand the other person and your anger starts to disappear.” (P9).

Another participant commented on the importance of maintaining the relationship over time:

“One incident should not end a bond created over a long time and a relationship is more important than pride.” (P21).

These statements demonstrate that Tongtong can reclassify conflict as having the potential for repairing relationships rather than separating them. Rather than producing adversarial “winner-loser” outcomes, the process appears to encourage disputant to preserve long-standing social relationships and prioritize communal harmony over personal resentment or retaliation.

In addition, participants identified personal change as a result of the process. Through the guidance of elders, participants were encouraged to think about their actions, to accept responsibility, and to commit to making changes in their future actions. Participants repeatedly framed accountability not as externally imposed punishment, but as reflective and internally motivated process shaped by dialogue, communal expectations, and elder guidance.

“Tongtong changes a person. you reflect, admit mistakes, and try to become a better person.” (P11)

This transformation included a renewed sense of responsibility and social awareness once participants were reintegrated into the community. The findings therefore suggest that Tongtong facilitates not only the resolution of disputes but also the moral and relational transformation of individuals within the broader context of community life. As such, Tongtong functions as both a restorative and transformative justice system simultaneously.

#### **4.2.4. Procedural neutrality and normative mediation**

Neutrality is an essential element of the Tongtong system as it also determines the legitimacy and effectiveness of the process. Participants described fairness in terms of a procedural structure as well as through an ethical level of impartiality that results in trust and participation. Participants consistently associated procedural neutrality with the ability of the Tongtong system to create a safe and trustworthy environment

where disputants feel heard, respected, and fairly treated throughout the mediation process. Six participants cited that it was critical for the parties involved in the dispute to have a neutral moderator who is not connected with either of them.

“If the moderator is not neutral then the process will be ineffective... if they are neutral then both parties will feel safe to express their views.” (P14)

Being neutral helps to create an environment of openness, eliminating suspicion, and increasing acceptance of outcomes. Neutrality was therefore perceived not merely as procedural formality, but as a culturally expected form of ethical conduct that reinforces confidence in the legitimacy of the mediation process. Elders also use narrative mediation techniques to share previous resolutions to conflicts to create a reflective element in the dispute and encourage reconciliation.

Participants explained that elders occasionally draw from previous community experiences or ancestral lessons to guide disputants toward reflection and reconciliation. These narratives function as culturally grounded mechanisms for moral reflection and relational learning, enabling disputants to situate their conflicts within broader communal experiences and shared social values.

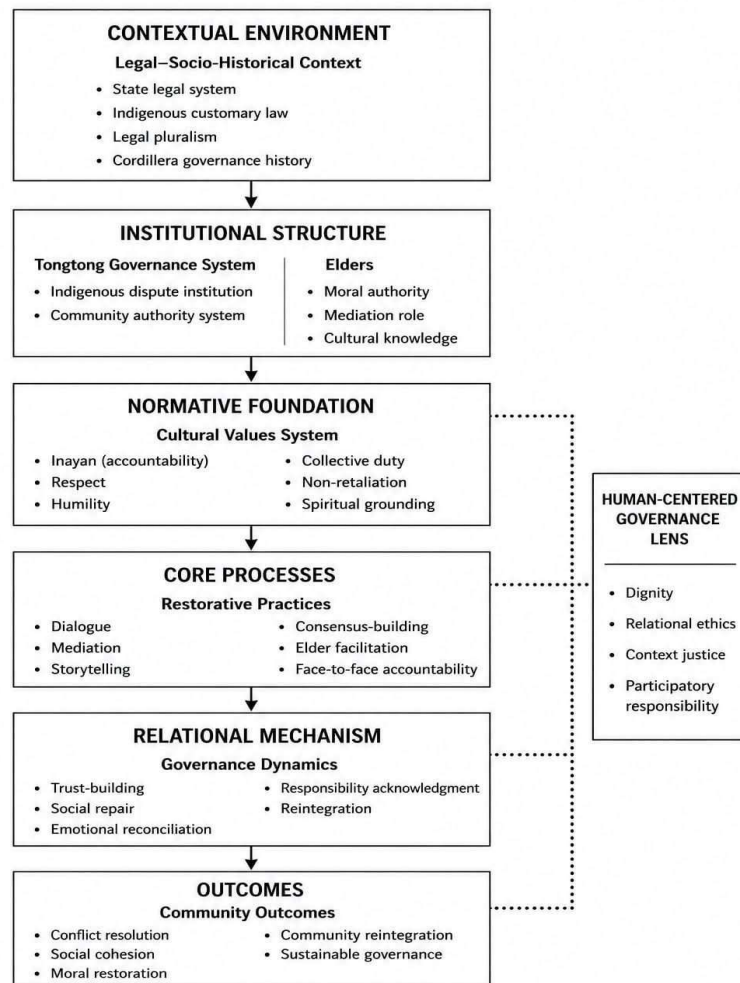
“The elders would often recall similar conflicts in the community, drawing parallel to the present situation. They would narrate how those involved in past disputes eventually reconciled after taking the time to listen to one another and accept guidance. They would also share how, overtime, both parties were able to rebuild their lives and even prosper. Hearing these stories helps the parties realize that conflicts can still be resolved peacefully, and that relationships can be restored when both sides are willing to understand each other. (P18)

“Elders share that conflicts have been resolved using Tongtong... it gives us hope that our conflict can be resolved.” (P20)

The stories elders tell are more pedagogical than coercive in nature, and enable disputants to reframe how they view the conflict in a more positive light and possibly lead to a peaceful resolution. Rather than imposing outcomes through authority alone, elders appear to use storytelling as a restorative communication strategy that promotes empathy, reflection, and voluntary reconciliation among disputants. In summary, the neutral aspect in Tongtong is both structurally as well as through moral storytelling, creating trust, dialogue, and constructive resolution.

## **5. Discussion**

The preceding section demonstrates that the effectiveness of the Tongtong system is not derived from a single procedural element, but from the interaction between cultural norms, relational authority, restorative processes, and community-based governance mechanism operating within a plural legal environment. To synthesize these interconnected dimensions and illustrate the theoretical relationships emerging from the findings, **Figure 1** presents the conceptual framework of the Tongtong system as a relational, restorative, and human-centered governance ecosystem.



**Figure 1.** Framework of the Tongtong system as a relational, restorative, and human-centered governance ecosystem within a plural legal context.

**Figure 1** illustrates how legal-historical conditions, Indigenous cultural norms, and community-based authority structures interact to shape restorative and relational governance processes within the Tongtong system.

At the institutional level, the framework highlights the central role of elders as culturally recognized mediators and custodians of communal legitimacy. Embedded cultural values such as *inayan*, humility, respect, collective responsibility, and spiritual accountability function as normative foundations guiding behaviour and dispute resolution. These values inform restorative processes including dialogue, storytelling, consensus-building, and reflective mediation, which collectively reinforce procedural legitimacy, trust, reconciliation, and social reintegration.

The framework further demonstrates how these relational governance mechanisms contribute to broader restorative and developmental outcomes, including peaceful conflict resolution, social cohesion, healing, and sustainable community governance. Positioned within a human-centered governance lens, the framework conceptualizes Tongtong as a culturally grounded and relationally embedded governance system that contributes to contemporary discussions on restorative justice, legal pluralism, and sustainable social development.

### **5.1. Integration of quantitative and qualitative findings**

The sequential explanatory mixed methods design enabled the qualitative findings to provide deeper interpretive insight into the strong quantitative perceptions regarding the effectiveness of the Tongtong system. While the quantitative phase established that respondents perceived Tongtong as highly effective in promoting peaceful conflict resolution, procedural fairness, and grievance redress, the qualitative narratives clarified the relational, cultural, and governance mechanisms underlying these perceptions.

The highest quantitative ratings were associated with peaceful conflict resolution ( $M = 4.52$ ), particularly indicators relating to free expression acceptance of outcomes, accountability, and maintenance of agreements. The qualitative findings suggest that these perceptions are strongly linked to restorative orientation of Tongtong, where disputes are approached not merely as legal disagreement but as disruptions in social relationships requiring reconciliation and relational repair. Participants consistently described the process as one that prioritizes dialogue, emotional de-escalation, collective reflection, and reintegration into the community rather than punitive sanctioning. The narratives further revealed that elders play a central role in redirecting disputes away from confrontation and toward restorative compromise, thereby reinforcing social harmony and long-term communal cohesion.

Similarly, the strong quantitative ratings associated with due process were further contextualized by participants' description of procedural neutrality, participatory dialogue, and culturally embedded accountability practices. Respondents perceived fairness not only through procedural order but also through the visible impartiality of elders, equal opportunity for disputants to speak, and collective community oversight during deliberations. The qualitative findings therefore demonstrate that procedural legitimacy within Tongtong is sustained through socially recognized norms of fairness and relational accountability rather than through formal bureaucratic enforcement alone.

At the same time, the comparatively lower mean score obtained by the item concerning opportunities to appeal or reconsider decisions ( $M = 2.28$ ) reveals a nuanced dimension within the procedural structure of the Tongtong system. While respondents generally perceived Tongtong as highly effective in ensuring fairness and peaceful conflict resolution, the limited availability of formal reconsideration mechanisms appears to reflect the community's preference for consensus-based finality and the immediate restoration of social harmony following mediation. Within Indigenous restorative process, prolonged disputes and repeated contestation of decisions are often viewed as disruptive to communal cohesion and relational balance. Consequently, the acceptance of final decisions functions not merely as procedural closure but also as a culturally embedded mechanism for preserving social stability and preventing the continuation of interpersonal conflict. At the same time, the findings indicate the absence of more formalized appeal structure may represent a procedural limitation when evaluated using formal due process standards commonly associated with state legal systems. This highlights an important tension within plural legal systems, where Indigenous restorative mechanisms prioritize relational closure

and communal harmony, while formal legal frameworks place greater emphasis on procedural review and institutional safeguards [103–106].

The integration of quantitative and qualitative findings demonstrates that the effectiveness of Tongtong is not solely procedural in nature but fundamentally relational, cultural and restorative. The qualitative findings explain how elder-led mediation, culturally embedded ethical systems, restorative communication practices, and collective accountability mechanisms communally underpin the strong quantitative perceptions associated with peaceful conflict resolution, procedural legitimacy, and community-based justice.

## **5.2. Tongtong as a relational and restorative governance system**

The findings demonstrate that the Tongtong system is widely perceived as an effective mechanism for peaceful conflict resolution, procedural fairness, and community-based grievance settlement. More importantly, its effectiveness extends beyond the immediate settlement of disputes and reflects its capacity to restore social harmony and preserve long-term communal relationships. Participants consistently emphasized that the process encourages reconciliation, reflection, accountability, and reintegration rather than punishment alone. In this sense, Tongtong functions not only as a dispute resolution mechanism but also as a relational governance institution rooted in restorative principles.

The study further found that the effectiveness of Tongtong is strongly associated with restorative justice values that prioritize healing, collective harmony, and the repair of damaged relationships. Rather than isolating offenders through adversarial procedures, the process encourages disputants to acknowledge wrongdoing, reflect on the consequences of their actions, and restore relationships within the community. This supports restorative justice scholarship which argues that justice is most sustainable when it focuses on relational repair, moral accountability, and reintegration rather than punitive enforcement alone [72,107–111].

Participants also described how Tongtong facilitates relational transformation by converting conflict into opportunities for reflection, reconciliation, and community healing. Such outcomes align with restorative justice literature emphasizing healing, accountability, reintegration, and the restoration of social balance as central objectives of justice systems [25,73,107,108,110,112,113]. The findings therefore suggest that the legitimacy of Tongtong is not solely based on decision-making authority, but also on its ability to sustain social cohesion and communal trust over time.

Furthermore, the study indicates that Tongtong contributes to social stability and collective resilience by transforming disputes into opportunities for strengthening communal relationships. By prioritizing healing over adversarialness, the system reinforces long-term social harmony and community solidarity [73,107,110,114,115]. Such characteristics position Indigenous justice systems as important contributors to sustainable social development and community well-being [116].

## **5.3. Cultural legitimacy and community-based justice**

The findings show that the long-term sustainability of the Tongtong system is closely tied to its institutional legitimacy, particularly the extent to which its

procedures, authority structures, and moral expectations are collectively recognized as socially and culturally legitimate within the Indigenous community. Unlike formal legal systems whose authority is primarily derived from codified law and state enforcement, legitimacy within Tongtong emerges from collective recognition, relational trust, and cultural continuity.

This finding strongly supports legal pluralism theory, which argues that multiple normative systems coexist within a single social arena and that authority is not exclusively monopolized by state law [16,55,64,65,117–121]. Within this context, Tongtong operates as a form of “living law,” where institutional authority is sustained through communal practice, social acceptance, and customary governance mechanisms. The findings therefore reinforce the view that Indigenous justice systems coexist alongside formal legal institutions while continuing to shape community-based dispute resolution processes.

The effectiveness of Tongtong is also associated with procedural consistency and socially recognized governance structures. Participants highlighted the importance of orderly dialogue, balanced participation, and elder-guided mediation in maintaining perceptions of fairness and legitimacy throughout the process. Such findings support arguments that customary institutions attain procedural legitimacy when their rules are clear, collectively accepted, and consistently implemented [122–125].

A significant component of this legitimacy rests on the role of elders. Participants consistently viewed elders as legitimate custodians of justice whose authority is grounded in moral credibility, life experience, wisdom, and communal trust rather than bureaucratic appointment. Their authority reflects a relational governance structure in which legitimacy is sustained through ethical leadership and social recognition. Existing scholarship similarly argues that Indigenous justice systems derive authority from moral legitimacy, communal acceptance, and cultural continuity rather than coercive enforcement [21,68,126–130].

The study likewise demonstrates that culturally embedded ethical norms serve as important foundations for governance effectiveness within Tongtong. Participants repeatedly identified humility, accountability, spiritual reverence, non-retaliation, and adherence to *inayan* as guiding principles that regulate behaviour during and after conflict resolution. These norms function as internalized psychosocial mechanisms that encourage self-regulation and preserve social harmony. This supports scholarship emphasizing that culturally embedded values are essential to long-term governance because they encourage individuals to behave according to collectively recognized moral expectations outside formal institutional control [52,126,131–134].

In particular, the principle of *inayan* illustrates how Indigenous moral systems integrate social, spiritual, and ethical accountability. By linking human actions to broader social and spiritual consequences, *inayan* expands the meaning of justice beyond formal legal procedures into everyday communal life. This finding aligns with literature emphasizing the importance of cosmological and ethical belief systems in strengthening collective responsibility and moral behaviour within Indigenous governance structures [135–138].

Spiritual practices such as prayer and appeals to divine witnessing further reinforce sincerity, honesty, and moral accountability during mediation. These spiritual dimensions are not peripheral to the process but are integral to the system’s

restorative orientation. Indigenous and decolonial governance scholarship increasingly argues that justice systems cannot be separated from broader cultural and cosmological worldviews [132,139–142]. Within Tongtong, therefore, justice is understood holistically as a process that restores legal, moral, social, and spiritual balance within the community.

#### **5.4. Communication, storytelling, and indigenous mediation practices**

The findings further reveal the importance of communication practices in sustaining procedural legitimacy and social trust within the Tongtong system. Participants consistently emphasized neutrality, respectful dialogue, and balanced facilitation as essential components of effective mediation. The structured appointment of moderators by elders and the expectation that participants communicate respectfully without hostility contribute to perceptions of fairness, transparency, and procedural trust. Such observations are consistent with mediation literature emphasizing neutrality, participation, and procedural fairness as critical factors influencing voluntary compliance and acceptance of outcomes [143–148].

Beyond neutrality, however, Tongtong incorporates culturally grounded communicative practices that distinguish it from many formal legal systems. Elders frequently utilize storytelling, references to previous disputes, and historical communal experiences to guide reflection and facilitate understanding among disputants. These narratives function not only as communication tools but also as mechanisms for moral instruction, knowledge transmission, and cultural continuity.

Participants described how storytelling allows current disputes to be interpreted within the broader context of collective experience and ancestral wisdom. By connecting present behaviour to historical situations and communal values, elders encourage empathy, reflection, and moral accountability among disputants. Existing scholarship similarly recognizes storytelling and oral narratives as important components of Indigenous justice systems because they reinforce social norms, strengthen communal memory, and promote restorative reflection [58,71,124,149–151].

These practices also align with restorative communication approaches that prioritize empathy-building, dialogue, and shared understanding over adversarial confrontation [111,152]. Rather than focusing solely on legal violations, storytelling within Tongtong helps disputants understand the relational consequences of their actions and encourages reconciliation within the broader community context. The findings therefore suggest that procedural legitimacy within Indigenous justice systems is sustained not only through neutrality and procedural order, but also through culturally meaningful forms of communication that reinforce collective identity and social cohesion.

#### **5.5. Transferability of indigenous governance principles across contexts**

While the Tongtong system is deeply rooted in the cultural traditions and social structures of Indigenous Cordilleran communities, the findings suggest that several of its underlying governance principles may hold broader relevance across diverse contexts. The study indicates that the effectiveness of Tongtong does not solely depend

on culturally specific rituals or procedures, but also on relational principles such as empathy, participatory dialogue, collective accountability, moral responsibility, restorative healing, and community-centered decision-making.

These findings suggest that Indigenous justice systems may provide important insights for alternative dispute resolution, restorative governance, and community-based peacebuilding initiatives in contexts where formal institutions are perceived as inaccessible, adversarial, or culturally disconnected. In particular, the emphasis on relational accountability and participatory mediation demonstrates how governance systems can maintain legitimacy through social trust and collective engagement rather than reliance solely on bureaucratic authority [17,18,40,84,86].

At the same time, the study does not suggest that Indigenous systems should be uniformly replicated across societies. Indigenous justice mechanisms are inherently shaped by distinct histories, cultural values, social structures, and cosmological beliefs. Their effectiveness is therefore closely connected to contextual legitimacy and communal acceptance. What may be transferable across contexts are not the exact procedures themselves, but the foundational principles underlying them.

Consequently, the findings support a principle-based adaptive approach to governance wherein communities identify locally meaningful mechanisms grounded in empathy, participation, social legitimacy, and restorative accountability [60,61,68,70]. Such an approach recognizes that while social contexts differ in culture and institutional complexity, the broader pursuit of relational harmony, mutual respect, and collective well-being remains widely relevant to sustainable governance.

## **5.6. Humanistic values, sustainable social development, and implications for governance**

The findings of this study demonstrate that Tongtong functions not only as a justice mechanism but also as a culturally grounded institution that contributes to sustainable community governance and long-term social development. By emphasizing reconciliation, collective responsibility, moral accountability, and relational repair, the system continuously regenerates social cohesion within the community.

The study therefore contributes to broader discussions on sustainable social development by illustrating how Indigenous justice systems strengthen communal trust, reinforce collective responsibility, and sustain culturally embedded forms of governance within plural legal environments. Rather than operating in opposition to formal legal systems, Tongtong demonstrates how Indigenous governance institutions can coexist alongside state mechanisms while addressing community needs through culturally legitimate processes.

The implications of this study extend beyond justice and governance policy. In contexts where formal institutions are perceived as inaccessible or culturally inappropriate, Indigenous justice systems may provide complementary pathways toward inclusive and socially sustainable development [17,27,116]. Supporting Indigenous governance structures should not be interpreted as replacing formal institutions, but rather as strengthening the complementary relationships that exist

within plural legal systems to improve access to justice, reinforce community resilience, and promote culturally responsive governance.

Within this broader framing, human-centered governance and management perspectives further reinforce the interpretation of Tongtong as a relationally embedded institution of social order. Contemporary scholarship conceptualizes governance systems as grounded in human dignity, relational accountability, and stakeholder-centered responsibility, where decision-making processes are embedded within ethical relationships and socially situated contexts rather than driven solely by procedural or institutional rationality [153–155]. Such perspectives emphasize that governance must be context-sensitive, participatory, and inclusive of lived experiences, particularly those of local and marginalized communities, thereby foregrounding trust, relationality, and collective engagement as essential foundations of legitimacy and social coordination. In this sense, governance is not merely the enforcement of rules but a continuing social process of sustaining mutual recognition, ethical responsibility, and shared meaning within communities.

The findings reinforce the importance of recognizing Indigenous justice systems not merely as traditional practices, but as dynamic governance institutions capable of contributing meaningfully to contemporary discussions on restorative justice, legal pluralism, social sustainability, and community-centered governance.

## **6. Conclusion**

The research shows that the Tongtong system is an effective method of Indigenous governance in a context where there are multiple legal systems that work alongside one another. This study is conducted using the lens of legal pluralism which shows that although formal state institutions are present within the province, they do not have an exclusive ability to provide justice; rather, justice is created by using culturally centric ways of resolving disputes through recognition from the community, through following customary norms and through traditional practices. The fact that the Tongtong system has proven to be effective is not based entirely on positive outcomes, but also on the interplay of procedures, authority established through relationships, cultural norms and the principles of restorative justice.

Governance established by elders as a key form of legitimacy also provides an example of how authority is socially constructed based upon moral authority, experience-based evaluation and communal trust rather than formal legal / rational structures. Through a pluralistic framework, elders perform as both mediators and custodians of customary law, and in doing so ensure the continuity and stability of Indigenous governance.

The Tongtong system is an example of a relational model of restorative justice that focuses on repairing the harms done to individuals and communities and restoring harmony and social ties through re-integrating individuals back into their community. Regulating behaviors such as humility, accountability, spiritual values, obedience to *inayan*, and non-retaliation, serve to internally regulate behaviors without having to go through formal processes. These norms show that justice is developed through shared moral and cosmological frameworks, rather than imposed externally through a legal process.

When examining functions of neutrality, participatory dialogue, and narrative mediation, these elements of restorative justice help build trust, promote empathy, and enable parties to rebuild the relationships which have been damaged due to the conflict. Through transforming conflicts into opportunities to reflect, reconcile and renew the community, Tongtong provides the basis for conflict resolution and rebuilding communities.

Finally, from a perspective of sustainable social development, the Tongtong system is a good example of how Indigenous governance systems provide support for social cohesion, resilience and ensure inclusive delivery of justice. Embedding legal processes within cultural meanings and relational structures provide long term stability and preserve the identity of the community and the social fabric of the community.

This study adds to scholarship on legal pluralism and restorative justice by showing empirical similarity between the two areas of scholarship in application to Indigenous governance contexts. Additionally, it demonstrates that diverse legal systems can coexist successfully and that restorative principles cannot simply be seen as alternative methods of providing justice, but rather as essential components of Indigenous law.

Finally, there are implications for Indigenous policy, with a focus on the need for greater recognition and support to develop Indigenous justice systems within broader frameworks of government, especially where mainstream systems are limited by factors such as accessibility to the system, cultural relevance, and trust.

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