



Shuar Indigenous Jurisdiction, Legal Pluralism, and Restorative Justice in Ecuador's Plurinational State

Jurisdicción indígena Shuar, pluralismo jurídico y justicia restaurativa en el Estado plurinacional de Ecuador

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Abstract

Introduction: Legal pluralism in Ecuador recognizes Indigenous jurisdiction but remains marked by tensions between Shuar community justice and the ordinary justice system, particularly in the southeastern Amazon. **Objective:** To examine the legitimacy, scope, and effectiveness of Shuar Indigenous jurisdiction within the legal pluralism of Ecuador's plurinational State. **Methodology:** A qualitative, interpretive single-case study was conducted using purposive sampling. An interview was held with a Shuar knowledge keeper, and 22 documents (18 scholarly articles and 4 legal or regulatory instruments) were reviewed. Thematic content analysis was undertaken through triangulation. **Results:** Shuar jurisdiction demonstrates internal legitimacy, distinctive procedures, and restorative effectiveness; however, its external effectiveness is constrained by the absence of coordinating legislation, jurisdictional conflicts, and ethnocentric interpretations. **Conclusion:** Shuar legitimacy predates the State and does not constitute a State-granted concession; nevertheless, its effectiveness depends on intercultural coordination rules, cultural expert evidence, and judicial training to overcome the gap between constitutional recognition and its effective implementation.

Resumen

Introducción: El pluralismo jurídico en Ecuador reconoce la jurisdicción indígena, pero enfrenta tensiones entre la justicia comunitaria Shuar y la ordinaria, en especial en la Amazonía suroriental. **Objetivo:** Analizar la legitimidad, los alcances y la eficacia de la jurisdicción indígena Shuar dentro del pluralismo jurídico del Estado plurinacional ecuatoriano. **Metodología:** Estudio cualitativo, interpretativo y de caso único, con muestreo intencional. Se entrevistó a un sabio Shuar y se revisaron 22 documentos (18 artículos científicos y 4 normativos). Se aplicó análisis temático de contenido con triangulación. **Resultados:** La jurisdicción Shuar posee legitimidad interna, procedimientos propios y eficacia restaurativa, pero su eficacia externa es limitada por la ausencia de una ley de coordinación, conflictos de competencia y lecturas etnocéntricas. **Conclusión:** La legitimidad Shuar es preexistente y no una concesión estatal; sin embargo, su eficacia depende de reglas de coordinación intercultural, peritaje cultural y formación judicial, para superar la brecha entre reconocimiento constitucional y práctica real.

Introduction

Legal pluralism now occupies a central place in critical legal thought in Latin America because it challenges the notion that the State monopolizes the production of all valid norms within its territory. In contrast to monism, which reduces law to written legislation, this approach advocates the coexistence of multiple normative orders and calls for new criteria to understand their interaction (Wolkmer, 2023). Along similar lines, comparative analyses of Chilean constituent processes warn that the selection of the categories through which legal scholarship designates Indigenous justice conditions its recognition (Becerra Valdivia, 2023). Equally relevant, examinations of Indigenous normative orders in transboundary settings caution that States in the region must respond to restitution claims through a pluralist rationale (Ochoa Jiménez, 2022).

In the constitutional sphere, countries in the region have recognized Indigenous peoples as holders of collective rights, with their own jurisdictions and spaces for participation. The proceduralization of these claims has progressed slowly, as studies indicate that Indigenous peoples demand effective avenues of redress in the face of projects affecting their territories (Eichler & Mora Navarro, 2023). This shift has not been uniform, as the case law of Andean courts displays varying degrees of openness to intercultural legal pluralism (Bagni et al., 2024). Theory has reformulated the categories of public law to account for the plurinational State, a political form encompassing diverse nations (Charney & Nunez, 2024). Comparative studies of Ecuador and Bolivia show that the declaration of plurinationality coexists with decisions that prioritize growth over

collective rights (Maag, 2025), while pluralist constitutionalism reveals differences between collective and individual rights (Gómez-Pellón, 2024).

Against this backdrop, the Ecuadorian case encapsulates these ambivalences. The 2008 Constitution defines the country as a plurinational and intercultural State and grants the authorities of Indigenous communes, communities, peoples, and nationalities the power to exercise jurisdictional functions within their territories, in accordance with their own law (Asamblea Constituyente, 2008). Legal scholarship examines the legal nature of the multiethnic State and maintains that its realization requires substantive equity (Escobar-Torres et al., 2024). Nevertheless, precedents concerning the declination of jurisdiction between ordinary and Indigenous justice reveal still-uncertain rules, with dispersed decisions that complicate their application (Pinos Jaén et al., 2026). The overlap of judicial functions in Indigenous territories and the absence of coordination regulations exacerbate this situation (Ilaquiche Licata et al., 2024), despite the human rights framework requiring intercultural interpretation (Moreno Salazar, 2023).

Accordingly, the Shuar nationality, located in Ecuador's southeastern Amazon, illustrates this tension between recognition and practice. Its normative order rests on a worldview that links the individual to the family, the community, nature, and the spiritual realm, and organizes social life according to the ideal of fullness referred to as Tarimiat Pujustin (Real-López et al., 2025). Studies of its territory show that the defense of forests and water against extractive expansion permeates its mechanisms of justice and community organization (Villacres Parco & Cujilema Tenezaca, 2025). Recent ethnographic research further indicates that religious conversion and official medicine have transformed traditional healing practices without entirely displacing the authority of shamanic knowledge or the normative force of dreams and natural signs (Tym, 2022).

Against this backdrop, Shuar justice follows a dual course. The country recognizes its jurisdiction, yet judges are unfamiliar with its scope, decline jurisdiction without uniform criteria, or prosecute authorities for their decisions. The problem is concentrated in the Shuar territories of the southeastern Amazon, where community justice, ordinary justice, and extractive capital coexist. Its causes include the absence of a coordination law, the monocultural training of judges, and ethnocentric interpretations that reduce Indigenous law to folklore. The ideal situation is one of pluralism based on equal status and epistemic respect. The research addresses the problem through the voice of a Shuar sage, the literature, and the body of legal norms, guided by two questions: what characteristics define Shuar jurisdiction and what barriers limit it? And what criteria enable intercultural coordination on an equal footing?

A study in this regard would contribute to Latin American legal knowledge by providing empirical content to a constitutional category that legal scholarship has addressed primarily on paper. It would also contribute to judicial policy by offering criteria for

resolving jurisdictional conflicts based on the lived experience of an Amazonian nationality. Academically, it enriches the debate on pluralism by placing the accounts of knowledge holders at the center and correcting external interpretations that have distorted Indigenous practices. The objective of the research was to analyze the legitimacy, scope, and effectiveness of Shuar Indigenous jurisdiction within the legal pluralism of the Ecuadorian plurinational State.

Methodology

In accordance with the problem posed, the study adopted a qualitative approach with an interpretive scope, aimed at understanding Shuar Indigenous jurisdiction through the meanings that its bearers attribute to their practices. This methodological choice is justified because the research object requires capturing symbolic, historical, and community dimensions that quantitative designs cannot register with the required depth. The interpretive scope also made it possible to connect the sage's account with the categories of legal pluralism and decolonial epistemology, without forcing the data into frameworks alien to the Shuar worldview. Within this framework, the research was conceived as a single-case study, with the unit of analysis focused on the Shuar nationality and conducted in the territories of Ecuador's southeastern Amazon, a setting in which community and ordinary justice coexist under permanent tension.

Participant selection followed purposive sampling based on the criterion of cultural relevance. The informant was a recognized sage of the Shuar nationality, Nantu Narankas, who was involved in community conflict-resolution processes and in the transmission of ancestral knowledge. His participation was based on informed consent, granted verbally and in writing, with explicit authorization to use his identity and accounts for academic purposes.

The selection of this primary source enabled access to living knowledge regarding traditional procedures, legitimate authorities, sanctions, and reparative rituals. The study likewise engaged the academic community through a literature review; thus, the sample combined the depth of individual testimony with the breadth of the specialized documentary corpus on Indigenous justice and legal pluralism.

The primary data collection instrument consisted of a semi-structured interview, developed on the basis of the literature on Indigenous justice and the gaps identified in the preliminary assessment. The guide covered six dimensions: customary conflict-resolution procedures; authorities and roles within the community structure; sanctions and reparation mechanisms; values and cosmological referents; the relationship with the ordinary justice system; and expectations regarding the plurinational State. The dialogue with the wise elder lasted approximately two hours, was conducted in Spanish while allowing for the use of Shuar terms, and was audio-recorded and transcribed

verbatim. To ensure the credibility of the material, the participant reviewed the transcript and confirmed the meaning of his statements, thereby incorporating a participant validation strategy into the study.

The literature review followed a search protocol across the Scopus, Web of Science, SciELO, Redalyc, Dialnet, and Google Scholar databases, using the descriptors Indigenous jurisdiction, legal pluralism, Indigenous justice, restorative justice, Shuar nationality, and worldview, combined in Spanish and English. Following the initial search, duplicate removal, and the review of titles and abstracts, the corpus consisted of 22 documents, of which 18 were scientific articles published between 2022 and 2026 and 4 were normative instruments, including Convention No. 169 of the International Labour Organization (ILO) and two judgments of the Constitutional Court of Ecuador. Each source underwent a quality assessment based on methodological clarity and traceability.

The analysis employed thematic content analysis, using a hybrid coding approach that combined predefined and emergent categories. The initial categories were derived from the theoretical framework: cosmological foundations of Shuar law; practices, authorities, and procedures; restorative rationality; normative recognition and interjurisdictional coordination; and barriers to full exercise. Cycles of reading, coding, and clustering of meanings were applied to both the interview transcript and the documentary corpus, with records maintained in analytical matrices.

The triangulation technique integrated three sources: the testimony of the wise elder, the scientific literature, and the normative framework. This comparison made it possible to contrast the practical relevance of the categories with their doctrinal and jurisprudential treatment, thereby supporting the final interpretation, which was formulated with respect for Shuar epistemology and vigilance against all forms of ethnocentric reductionism.

The research complied with the ethical safeguards applicable to studies involving Indigenous peoples. Informed consent was obtained prior to the interview, following an explanation of the study's academic purposes, the intended use of the accounts, and the participant's right to withdraw from the study at any time. The wise elder authorized the publication of his identity and testimonies, a decision that was documented and respected throughout the process.

The study also ensured fidelity in translating Shuar terms that lack an exact equivalent in Spanish, providing explanatory glosses within the text. Regarding rigor, credibility was supported by the participant's review of the transcript, transferability by a thick description of the context, and confirmability by the documentary record of each analytical decision, available for external audit.

Results

The documentary search yielded a final corpus of 22 documents, predominantly studies situated in the Ecuadorian context, including 16 works examining national realities, one analyzing Peru's peasant patrols, and another addressing the international circulation of *sumak kawsay*, together with the four regulatory instruments described. The temporal distribution reveals increasing scholarly output, with one article published in 2022, one in 2023, six in 2024, six in 2025, and four in 2026, confirming the vitality of the debate on Indigenous jurisdiction in the recent period. The thematic analysis grouped the findings into four axes: practices and authorities of Shuar justice; cosmological foundations; legal recognition and interjurisdictional coordination; and barriers, judicialization, and contributions to the plurinational State. These axes structure the findings presented below and address the research questions.

The first axis shows that Shuar justice applies a comprehensive normative system, with its own procedures, authorities, and sanctions. The account provided by the elder described the traditional resolution of conflicts through direct dialogue between the affected families, mediated by senior relatives and highly respected individuals, whose authority rests on experience and community respect. With the establishment of Shuar centers and associations, the role of the trustee emerged; this figure currently facilitates mediation and represents the community without abandoning the underlying restorative logic. The studies reviewed are consistent with this testimony, as they describe assemblies, councils of elders, and community offices as authorities in Chimborazo and Otavalo (Pomaina Pillamunga et al., 2024; Navarro-Bolaños et al., 2024), and highlight the role of rituals and memory in preserving ancestral wisdom (Cuji-Quinlle et al., 2025).

Regarding the second axis, it situates worldview as the epistemic foundation of Shuar law. The testimony confirmed that community decisions attend to signs that tradition recognizes as carriers of meaning, such as dreams, the behavior of certain birds, the states of water, and the designs of forest spirits. The myth of Nunkui, which the literature interprets as the core of an Amazonian epistemology, teaches that the *chakra* and the beings inhabiting it require reciprocity and care; thus, legal norms and ecological norms constitute a single unity (Vergetaki-Peirasmaki, 2026). Along these lines, the examination of the circulation of *sumak kawsay* in Western academia warns against its compartmentalization and erasure (Léglise, (2022). Circulation of concepts, compartmentalisation and erasures in Western academic circles: *Sumak kawsay/buen vivir* and translanguaging. *Journal of Multicultural Discourses*, 17(4), 284–297. <https://doi.org/10.1080/17447143.2023.2204840>, 2022), while the analysis of *buen vivir* as a worldview that imposes limits on growth reaffirms its character as an alternative horizon (Richter, 2025).

On the other hand, the third axis synthesizes the international and jurisprudential support for Shuar jurisdiction, based on Article 171 of the Constitution. Convention 169 requires States to consider customary law within national legislation and to respect Indigenous methods of sanction (OIL, 1989). The United Nations Declaration on the Rights of Indigenous Peoples guarantees the right to maintain institutions, customs, and legal procedures (Naciones Unidas, 2007). Jurisprudence further established as rules the judgment in the La Cocha case, which reserved crimes against life for the ordinary justice system and required shared procedural guarantees (Corte Constitucional del Ecuador, 2014); Judgment No. 112-14-JH/21, issued in the habeas corpus case involving Waorani individuals, ordered intercultural dialogue and the consideration of Indigenous jurisdiction in proceedings concerning liberty (Corte Constitucional del Ecuador, 2021).

With regard to the fourth axis, jurisdictional conflicts are identified as the most sensitive aspect of the relationship between jurisdictions. The literature agrees that the absence of an organic coordination law results in fragmented decisions, whereby judges declare jurisdiction without applying a uniform test and Indigenous authorities face the encroachment of parallel criminal proceedings (Mullo Cepeda & Moreno Albuja, 2025). Precedents concerning declination of jurisdiction demonstrate progress, as the Constitutional Court required ordinary judges to assess the defendant's community membership before continuing proceedings, although its practical implementation remains inconsistent (Llanganate Pilamunga & Cárdenas Paredes, 2026). Along these lines, the guarantee of the Indigenous natural judge requires a prior assessment of identity, custom, and territory, without which the prosecution of an Indigenous person through the ordinary justice system is unconstitutional (Figueroa-Ayovi & Morales-Castro, 2024). Consequently, coordination requires currently nonexistent protocols for interinstitutional communication (Masaquiza Masaquiz & Masaquiza Masaquiza, 2025).

Likewise, case studies reveal an everyday interlegality that official rules fail to capture. In the community of Mercedes Cadena, Guamote, families resolve their conflicts through a combination of Indigenous law, community mediation, and recourse to the ordinary justice system, depending on the nature of the problem and their trust in each forum (Zambrano-Ortega & Rodríguez-Caguana, 2025).

In Chimborazo, Indigenous justice is framed as a State human rights obligation, with blurred boundaries in cases of violence, thereby requiring the construction of bridges between the two systems (Guerrero-López et al., 2024). Intercultural habeas corpus, analyzed on the basis of the detention of Waorani individuals, confirms that consideration of Indigenous jurisdiction transforms liberty-related proceedings (Chamba Paucar, 2025). Shuar testimony similarly indicates that, when a serious conflict arises, the community activates its authorities and only subsequently turns to the State.

In light of these findings, persistent barriers constitute the fifth focus. The case of a Shuar community shows that violations of women's sexual and reproductive integrity

end up before State institutions without intercultural support, resulting in revictimization and disregard for their own sanctioning mechanisms (Jerves-Vivar y Flores-Idrovo, 2023). The analysis of Ecuadorian legal pluralism confirms that constitutional recognition does not prevent the practical undervaluation of Indigenous law or the colonization of its spaces by criminal-law logic (Hidalgo Cajo et al., 2024). This is compounded by the persistence of ethnocentric interpretations, in which the principle of interculturality has yet to permeate judicial culture despite its constitutional status (Córdova-Corella & Aguilar-Martínez, 2024). The Shuar elder summarized this with a compelling image: the State listens to the community only after the conflict escalates, arriving with forms rather than dialogue.

Overall, the findings converge on a two-sided interpretation. On the one hand, Shuar jurisdiction displays internal legitimacy, normative density, and restorative effectiveness, as its procedures repair harm, restore community harmony, and reintegrate offenders through collective work, compensation, and rituals. On the other hand, its external effectiveness depends on a currently nonexistent institutional framework comprising coordination rules, cultural expert assessments, and intercultural training for justice operators.

The Peruvian experience of the rondas campesinas, with its coordination mechanisms between communal and ordinary justice, provides a useful reference for establishing this institutional bridge (Ruíz Isla, 2026). Moreover, orality operates as a form of community heritage requiring legal protection and translation into public policies, as demonstrated by the study on the intangible heritage of Indigenous communities (Pomaina Pillamunga et al., 2026).

Discussion

The study finds that worldview constitutes an epistemic foundation of Shuar law, such that norms and procedures are comprehensible only within its symbolic framework. Chicaiza Ronquillo (2025) reaches a similar conclusion in studying the Zápara nationality, placing the relationship with Pachamama and cultural resistance at the foundation of its normative order. This convergence transcends national boundaries, as Baffero et al. (2024) demonstrate that Aymara justice in Bolivia has a restorative nature grounded in community reciprocity, while Flores (2023), in the Maya case, describes a collective form of reasoning in which ritual, emotion, and memory resolve conflict. In relation to these studies, the present research contributes the specificity of Tarimiat Pujustin as a criterion of totality and shows that a cosmological foundation does not preclude the institutional adaptation of community justice.

Likewise, another finding maintains that Shuar justice prioritizes harm reparation, reconciliation between families, and the reintegration of the offender, thereby

departing from conventional punitive logic. [Mendoza-Armijos et al. \(2023\)](#) support this interpretation by presenting restorative justice as a viable alternative to punitive inefficiency and prison overcrowding in the region. [Eiras Nordenstahl \(2025\)](#) concurs, documenting restorative practices in Indigenous American communities that yield superior outcomes in terms of social cohesion. From a critical perspective, [Asadullah et al. \(2023\)](#) warn that Indigenous justice systems and restorative justice converge in their aims but differ in their foundations, since the former does not need to derive its legitimacy from Western theories of forgiveness. This warning is pertinent to the present study, which recognizes the restorative nature of Shuar law while emphasizing the need to avoid its subsumption into the vocabulary of Western criminal law.

In relation to the above, the research also found that the constitutional recognition of Indigenous jurisdiction coexists with asymmetries that deprive the equality of jurisdictions of substantive content. [Supe Guashco and Jaramillo León \(2024\)](#) identify this paradox in Ecuador, as the absence of regulations governing coordination generates recurrent conflicts between judges and Indigenous authorities.

This situation is replicated beyond the country, given that [Aguas and Nahuelpan \(2019\)](#) show that the implementation of Convention 169 in neoliberal Chile recognized rights without redistributing power, producing effects of subordinated inclusion. [Leiva \(2014\)](#) adds an institutional nuance by documenting that Mapuche institutions move from their own legal system toward state consultation within narrow margins. Taken together, the literature confirms the study's conclusion that the Ecuadorian problem is not the absence of recognition, but rather the lack of rules capable of providing operational substance to that recognition.

Against this backdrop, the undervaluation and judicialization of Indigenous practices stand out, with aggravated effects on women. [Cevallos Vivar \(2024\)](#) supports this finding from the Ecuadorian Amazon, where extractivism intensifies violence against Kichwa women and deprives them of the means sustaining their resistance. [Hidalgo Cajo et al. \(2025\)](#) partially concur, presenting Indigenous women as agents of change within Ecuadorian legal pluralism, although they acknowledge their tensions with patriarchal structures. The sharpest divergence arises in Chile, where [Alvez-Marín et al. \(2025\)](#) document tensions between Indigenous customary law and women's rights in case law concerning the Ley Pascua, thereby showing that legal pluralism may operate against vulnerable groups. In response to this risk, the research values the growing participation of Shuar women in the administration of justice as a condition of legitimacy.

Moreover, another finding asserts that coordination requires clear rules concerning jurisdiction, declination, and communication among systems. [Girón-Ontaneda et al. \(2024\)](#) substantiate this conclusion through the case of Agato, Imbabura, where Indigenous jurisdiction depends on the judge's goodwill rather than on a stable protocol. [Quiñones Huatangari et al. \(2026\)](#) provide empirical support for this claim, as

computational analysis of the records of Peruvian rondas reveals internal justice routines with admissibility criteria that the State could recognize without institutional dispossession. Luna Mora and Toro Garzón (2022) add an evidentiary dimension, indicating that customary law requires rules for assessing evidence that are compatible with its sources of conviction. The present study concurs with all three studies and specifies the Shuar requirement that every coordination rule must begin with respect for the síndico and the councils.

In another analytical dimension, Shuar justice is linked to territorial defense and socio-environmental healing. Aparicio Wilhelmi (2024) supports this interpretation from the perspective of comparative Latin American law by connecting collective rights, the rights of nature, and the defense of the commons within a post-individualist roadmap. Sieder (2025) corroborates this approach with evidence of Indigenous and Afro-descendant socio-legal mobilization, which combines litigation, direct action, and local autonomies to defend ancestral territories. Berros (2024) adds the caveat that the rights of nature and land ownership may come into conflict; therefore, the legal translation of cosmologies requires caution. The present study concurs with the first two and adopts the caution advanced by the third, since Shuar justice protects the forest because its cosmology conceives it as a subject.

Equally importantly, the present study posits that the effectiveness of Shuar jurisdiction determines the depth of the plurinational State, since without genuine autonomy, the constitutional declaration remains rhetorical. Silva et al. (2023) defend this thesis in Bolivia, where social emancipation depends on the strength of Indigenous movements and their capacity to contest the content of institutions. Barbosa and Rosset (2024) extend the demonstration to Latin America as a whole through a mapping of peasant and Indigenous autonomies ranging from everyday resistance to the construction of parallel institutions. Urzúa-Bravo & Esper-Castro (2026) provide the Chilean contrast, in which the Az Mapu of the Liquiñe Valley functions as an autonomous legal system, although its recognition is hindered by the absence of a plurinational framework. The shared lesson supports the study's conclusion that jurisdictional autonomy is a permanent exercise of peoples.

In line with the foregoing, intercultural dialogue is formulated as a methodological requirement rather than a rhetorical gesture. Céspedes López and Calvo Céspedes (2025) substantiate this requirement through cultural expert evidence, which introduces Indigenous worldviews and normative systems into judicial proceedings and serves as a bridge between diverse rationalities. León Ortiz (2025) elevates the argument to the level of the decolonization of original rights in Mexico, maintaining that recognition requires restoring to peoples the capacity to define the content and scope of their norms. Both studies concur with the central conclusion of the present work, which indicates that pluralism of equal standing requires State officials to learn to listen

before deciding, through instruments such as cultural expert evidence, institutional translation, and the presence of the authorities themselves in proceedings affecting them.

In light of these findings, it is appropriate to candidly acknowledge the study's limitations. The in-depth interview was based on a single informant; consequently, the portrayal of Shuar jurisdiction reflects an authoritative voice, but not the full range of territorial and generational variations within the nationality. Although systematic in its criteria, the literature review did not include grey literature or documents in languages other than Spanish and English, and its corpus privileged Ibero-American journals. The normative analysis examined the judgments through official summaries and doctrinal studies, without undertaking a comprehensive hermeneutic analysis of each case file. These constraints do not compromise the interpretive validity of the study, although they limit its transferability, as the conclusions describe trends and criteria rather than providing an exhaustive inventory of Shuar legal practice in each of its communities.

Building on the foregoing, the future research agenda offers specific avenues. A first pathway involves expanding the sample of knowledge holders through studies comparing justice practices among Shuar communities in Morona Santiago, Zamora Chinchipe, and Pastaza, while incorporating the perspectives of women and young people.

Another important area is the longitudinal analysis of case law concerning the declination of jurisdiction, including monitoring the actual implementation of judgment 112-14-JH/21 in Amazonian courts. Equally important, research requires mixed-methods designs to measure restorative effectiveness in relation to recidivism and victim satisfaction. This should be complemented by the study of public policies on coordination and cultural expert evidence, together with collaborative methodologies led by Indigenous peoples, capable of placing Indigenous voices at the center of legal knowledge production.

Conclusions

The study achieved its objective by analyzing the legitimacy, scope, and effectiveness of Shuar Indigenous jurisdiction within the legal pluralism of the Ecuadorian plurinational State. Based on 22 documents and the testimony of a Shuar elder, the research organized its findings into four thematic axes and addressed the research questions posed. The data reveal a fully developed normative system, with legitimate authorities, distinct procedures, and restorative sanctions; robust normative support in Convention No. 169, the United Nations Declaration, and constitutional jurisprudence; and effectiveness constrained by the absence of coordination rules, cultural undervaluation,

and the judicialization of authorities. Thus, the system's internal legitimacy contrasts with its restricted external effectiveness.

Accordingly, the legitimacy of Shuar jurisdiction does not derive from a State concession, but from the pre-existence of the nationality and the continuing validity of its worldview, a criterion reaffirmed by the constitutional bloc. Its scope encompasses the resolution of internal conflicts through its own procedures, subject to jurisprudential limits in serious crimes and with human rights as a shared horizon. Effectiveness, by contrast, depends on external factors such as the lack of coordination, jurisdictional conflicts, and ethnocentric interpretations. The study's contribution lies in placing the voices of Shuar knowledge holders alongside the academic and normative corpus, thereby offering a replicable analytical model for other nationalities and a critical resource against interpretations that reduce Indigenous law to folkloric custom.

In view of the foregoing, the implications of this study extend to judicial policy, academia, and Shuar organizations. The Consejo de la Judicatura and the Judicial Function require coordination protocols establishing explicit rules for declining jurisdiction, registering proceedings involving Indigenous persons, and mandating cultural expert assessments in cases affecting them. Universities need to incorporate Indigenous legal epistemology into the education of lawyers and judges through courses and research led by Indigenous knowledge holders.

Community organizations, in turn, may document their procedures and sanctions in internal regulations compatible with their oral traditions in order to facilitate dialogue with state institutions. As a final recommendation, the study proposes piloting intercultural courts in the southeastern Amazon, with the participation of Shuar authorities, periodic evaluation, and strict respect for Tarimiat Pujustin as a criterion for living well.

About

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