

The Animate Map: Sama-Bajau Customary Sea Law System, Marine Ulayat Rights, and Sovereignty Negotiations in the Coral Triangle

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Abstract: The rapid transformation of global maritime governance has exposed profound epistemological fractures between state-centric legal regimes and indigenous customary sea law systems within the Coral Triangle. This article critically examines *Sama-Bajau* customary sea law, marine *ulayat* (customary) rights, and sovereignty negotiations, positioning maritime jurisprudence as a co-equal juridical epistemology. Drawing on multi-sited ethnographic research across Sulawesi, the Southern Philippines, and East Malaysia, the study introduces the *animate map* framework, which reconceptualizes the ocean as an agentic, memory-bearing, and norm-generating entity. Through a critical analysis of cosmological norms, *pamali laut* (preventive maritime regulations), and relational territoriality, the research demonstrates how *Sama-Bajau* jurisprudence operates through fluid boundaries and restorative enforcement led by the *panglima laut*. Findings reveal persistent tensions between national statutory frameworks (such as the Indigenous Peoples Rights Act or *IPRA* and Indonesian village laws) and indigenous marine tenure claims, highlighting systemic implementation gaps. By analyzing cultural diplomacy and hybrid institutional innovations, the article proposes a paradigm of relational sovereignty and functional jurisdictional pluralism. The study advocates for policy architectures that institutionalize customary agency, prioritizing ecological sustainability and epistemic equity over state hegemony.

Keywords: *Sama-Bajau* Customary Sea Law System, Marine *Ulayat* Rights, Sovereignty Negotiations, *Pamali Laut*, *Panglima Laut*.

INTRODUCTION

The ocean in Sama-Bajau cosmology operates as a living juridical text, continuously interpreted through generational practices of navigation, ecological observation, and ritual engagement that interweave technical seamanship with normative obligation in manners challenging modern legal categorizations. Traditional mariners do not simply traverse waters as passive conduits (Farr et al., 2025; Kerfoot et al., 2025); they read currents, stellar positions, tidal rhythms, and coral formations as embedded markers of permissible conduct, ecological boundaries, and spiritual reciprocity demanding respectful engagement (McNiven, 2025). Each voyage constitutes a juridical performance (David et al., 2025; Sreedharan et al., 2025; Turgo & Sampson, 2025) in which knowledge of fish migration cycles, seasonal wind patterns, and reef sanctuaries (Vega-Mariño et al., 2024) translates into enforceable rules governing extraction, distribution, and conflict resolution within and between communities (Puthucherril, 2025). This epistemic integration positions the sea as a



dynamic regulatory landscape (Burns, 2023; Li & Li, 2026; Rekola & Paloniemi, 2022), sustained not by codified statutes or formal institutions (Li & Li, 2026) but by lived practices adapting to ecological feedback and social consensus through ongoing negotiation (Aur et al., 2026). The persistence of these maritime legal traditions amid contemporary state expansion and conservation zoning underscores their resilience as autonomous systems of order refusing erasure by modern governance frameworks. The concept of *berasau* (spiritual guardianship of reefs and straits) exemplifies this animate jurisprudence, transforming spiritual belief into functional governance mechanisms that deter overexploitation through environmental consequences perceived as direct responses to human conduct (Gnansounou et al., 2024; Gonzaga & Pratama, 2025). Seasonal closure systems known as *sasi maritim* further demonstrate this regulatory sophistication, aligning resource management with migratory patterns, reproductive cycles, and habitat regeneration requirements observed across generations of practice (Trialfhianty et al., 2025; Zent & Zent, 2022). These cosmological foundations reject the modern separation between nature and law characterizing Western legal thought, positioning the sea as an active participant in normative production that rewards restraint through abundance, penalizes excess through scarcity, and sustains intergenerational equity through ecological feedback mechanisms communicating community impacts (Boulot & Sterlin, 2022; Burns, 2023). The integration of spiritual guardianship protecting sacred sites, environmental monitoring through ecosystem health observation, and community accountability enforced through social pressure demonstrates how indigenous epistemologies generate sophisticated regulatory systems operating independently of state institutional frameworks while maintaining high levels of ecological compliance and social cohesion through legitimate authority (Aldyan et al., 2025; Arney et al., 2023; McKerracher, 2023).

Despite the evident sophistication of indigenous maritime governance systems sustaining coastal communities for centuries, contemporary legal scholarship and policy frameworks routinely marginalize customary sea law as an ancillary or transitional phenomenon subordinate to state sovereignty and international regulatory regimes. Academic literature frequently treats indigenous marine tenure as a cultural residue or anthropological curiosity (Dick et al., 2022; Marsh et al., 2022) rather than a coherent juridical epistemology (Boswell, 2026; Kolia, 2024) capable of addressing complex ecological and governance challenges facing contemporary ocean management (Ahuja & Kumar, 2025; Rafaly, 2025). This epistemological asymmetry manifests concretely in policy design, where state cartographies and statutory management zones routinely override indigenous spatial claims without substantive consultation or normative integration, reproducing colonial patterns of dispossession (Hunt/Tlalilila'ogwa, 2025; Venugopal et al., 2024). The resulting governance vacuum exacerbates ecological degradation, marginalizes coastal communities serving as stewards of marine resources for generations, and perpetuates spatial control systems privileging fixed boundaries over relational ecological practices (Chávez-Páez et al., 2025; Muhl et al., n.d.). National legal frameworks across Indonesia, the Philippines, and Malaysia exhibit profound inconsistencies in recognizing marine *ulayat* rights, reflecting structural tensions between indigenous territoriality based on relational practices and state sovereignty paradigms prioritizing cartographic control and

statutory exclusivity (Buana & Mamonto, 2023; Negara & Lindayani, 2025; Triasmono & Ruslie, 2024). Indonesian legislation acknowledges customary community rights through village governance laws and constitutional court decisions affirming indigenous authority, yet implementation remains constrained by conflicting fisheries regulations prioritizing commercial interests, administrative verification requirements creating bureaucratic barriers, and jurisdictional fragmentation marginalizing maritime claims in favor of terrestrial recognition (Karso, 2025; Nugraha, 2024). Philippine indigenous rights legislation provides comprehensive recognition of ancestral domains through the Indigenous Peoples Rights Act, yet maritime extensions remain limited by terrestrial bias in legal interpretation, bureaucratic complexity delaying recognition, and security-driven conservation policies restricting customary access in the name of national interest (Asuncion et al., 2025; Dressler & Smith, 2023). Malaysian native customary rights frameworks demonstrate constitutional recognition of indigenous claims, yet administrative verification processes demand impossible documentation, commercial development pressures prioritize economic growth over cultural rights, and centralized resource management routinely overrides indigenous marine tenure claims through top-down decision making (Deocaris et al., 2026; Kennedy et al., 2023; Teehankee, 2025). These national variations reveal a broader pattern where legal recognition exists in principle through progressive legislation but fails in practice due to institutional asymmetry favoring state actors, epistemological marginalization dismissing indigenous knowledge, and policy frameworks privileging state authority over indigenous governance (Gbadegesin & Gbadamosi SAN, 2024; Giacomini, 2022; Sherpa & Chepang, 2025). Recognizing customary sea law as an equal epistemic system demands dismantling the terrestrial bias embedded in modern legal theory and embracing maritime pluralism as a foundational governance paradigm for the twenty-first century (Hung & Lien, 2022; Islam & Hasan, 2025; Núñez, 2024).

This article interrogates the juridical operations through which Sama-Bajau customary sea law systems demarcate maritime territories, sustain marine resource entitlements, and navigate sovereignty claims amid overlapping national jurisdictions and international regulatory instruments. The investigation proceeds along three interrelated tracks. First, it examines the cosmological beliefs and preventive norms that generate fluid maritime boundaries while governing resource extraction according to ecologically calibrated rhythms. Second, it interrogates the confrontations between indigenous marine *ulayat* assertions and state sovereignty regimes predicated upon cartographic fixity and statutory exclusivity. Third, it traces the strategic negotiations, institutional adaptations, and transboundary solidarities through which Sama-Bajau communities sustain jurisdictional agency despite pronounced geopolitical asymmetries. By privileging indigenous epistemologies as autonomous knowledge formations rather than residual cultural habits, this research unsettles orthodox assumptions about maritime sovereignty, legal uniformity, and conservation governance. It consequently advances alternative frameworks for equitable ocean stewardship that simultaneously sustain ecological integrity and cultural continuity.

Theoretically, this inquiry intervenes in legal anthropology, critical maritime geography, and postcolonial jurisprudence by repositioning the ocean as a locus of

plural legal generation rather than an empty expanse subject to exclusive state capture (Steinberg, 2001; Tsing, 2005). Regarding legal pluralism, the study demonstrates that indigenous maritime norms enforce compliance through relational accountability instead of hierarchical sanction, a mechanism that widens the scope of legitimate legal authority past conventional state institutions (von Benda-Beckmann, 2002; Griffiths, 1986). Methodologically, the article relies upon multi-sited ethnography to follow transboundary customary practices that contravene nation-state territorial reasoning. This approach furnishes a comparative strategy for examining mobile indigenous legalities within globally interlaced maritime regions characterized by porous borders and fluid identities (Clifford, 1997; Marcus, 1995). The exposition opens with theoretical positioning, turns subsequently to methodological architecture, then delivers empirical findings organized around three thematic foci. Discussion synthesizes the implications, while the conclusion offers policy recommendations together with directions for further inquiry.

The historical development of *Sama-Bajau* maritime governance illustrates a persistent interaction between indigenous autonomy and external institutional pressures over centuries of colonial encounter, postcolonial state formation, and globalization. During the precolonial era, maritime kingdoms and sultanates exercised authority via trade networks and tribute systems (Hägerdal, 2025; Hall, 2017; Reid, 2024), establishing a foundation for regional connectivity. This period was succeeded by colonial interventions where European powers imposed rigid cartographic boundaries onto fluid seascapes, often disregarding indigenous spatial logic (Lagarde, 2024b; Zahirah et al., 2025). In the contemporary era, nation states asserting exclusive economic zones continue to challenge these mobile legalities through statutory exclusivity (Browne & Raff, 2022; Sai, 2023; Visan & Mountz, 2025). Despite these pressures, communities maintained core principles of ecological reciprocity and communal stewardship (Gonzaga & Pratama, 2025; Lagarde, 2024a; Zent & Zent, 2022). This resilience demonstrates that customary sea law is a dynamic legal tradition that engages with shifting political economies while preserving its normative core (Sakapaji et al., 2024; Sarthi & Michael, 2025). Such historical depth is vital for analyzing the present negotiations over marine *ulayat* rights, where resistance and innovation inform strategies for jurisdictional assertion and cultural survival.

METHOD

This research utilizes a multi-sited ethnographic design targeting maritime communities across Sulawesi, Southern Philippines, and East Malaysia to document the transboundary character of *Sama-Bajau* customary sea law systems and their interactions with diverse national regulatory environments. Site selection followed historical connectivity via trade networks and kinship ties, ecological continuity across shared marine ecosystems, and political variation in state approaches to indigenous recognition. This approach ensures that the inquiry traces customary practices across colonial borders and national jurisdictions while maintaining focus on shared epistemological foundations. Sulawesi represents a region of intensive state maritime governance and emerging co-management initiatives that reveal tensions between centralized control and community autonomy (Nugraha, 2024). Southern Philippines illustrates the intersection of indigenous rights legislation with armed

conflict over resource control, showing legal recognition in contexts of political instability (Asuncion et al., 2025; Dressler & Smith, 2023). East Malaysia exemplifies the tension between constitutional recognition of native customary rights and commercial maritime development pressures (Deocarlis et al., 2026; Kennedy et al., 2023; Teehankee, 2025). By analyzing ini interconnected contexts, the study captures the ways indigenous legal practices navigate and adapt to varying degrees of state engagement and ecological pressure. This comparative multi-sited approach identifies transnational patterns in customary governance while remaining sensitive to localized institutional configurations and historical trajectories.

Data collection synthesized participant observation, semi-structured in-depth interviews, and systematic policy document analysis to analyze the practical and discursive operation of customary maritime law within varied institutional environments. Participant observation involved accompanying *Sama-Bajau* practitioners during fishing expeditions, seasonal migrations, and ritual navigation ceremonies to engage with the embodied knowledge and normative processes that sustain indigenous governance. In-depth interviews targeted customary elders, navigation specialists, community leaders, and government officials to capture a pluralistic perspective across generational and institutional boundaries. Policy analysis examined national fisheries regulations, marine protected area plans, and community-generated mapping records to evaluate the intersection of customary claims with statutory regimes (Gunawan et al., 2026; Liza et al., 2026; Luhuringbudi & Handayani, 2026). This iterative methodology allowed findings to refine subsequent fieldwork, ensuring theoretical saturation and contextual depth.

Researcher reflexivity served as a vital methodological element due to the asymmetric power dynamics within geopolitically sensitive maritime zones defined by sovereignty disputes and historical marginalization. The investigation interrogated the influence of academic positioning, institutional affiliations, and linguistic mediation on data interpretation and community trust, adopting protocols to mitigate extractive practices while prioritizing collaborative engagement. Fieldwork procedures involved transparent communication of research objectives to secure informed consent, alongside community-based consent that respected *panglima laut* hierarchies and leadership structures. Iterative feedback mechanisms allowed participants to evaluate and contextualize findings prior to publication (Appiah et al., 2026; Caeymaex et al., 2023; Heward & Li, 2026). In maritime areas where activities intersect with national security interests, data collection followed strict confidentiality standards to safeguard informants (Islam, 2024; Pekkanen et al., 2022; Song, 2023). These anonymization practices and specific contextual framing avoided reinforcing state narratives of indigenous populations as security threats. This reflexive stance ensured that methodological choices remained ethically grounded in principles of reciprocity and epistemic respect for *Sama-Bajau* knowledge systems.

The analytical strategy synthesized source triangulation, critical discourse analysis, and customary normative mapping to transform empirical data into coherent theoretical insights while maintaining fidelity to indigenous epistemological frameworks. Triangulation involved cross-verifying oral narratives, observational records from fieldwork, and policy documents from government archives (Kurniawansyah et al., 2026; Olukoya, 2025; Qian et al., 2025). This process also

incorporated community archives, including maps and genealogies, to identify consistent patterns and structural contradictions within maritime legal practices (Kersapati et al., 2025; Watkins & Carney, 2022). Critical discourse analysis examined the processes by which state policies, international instruments, and indigenous narratives establish legitimacy and territorial rights (Adedayo & Asonibare, 2026; Paul, 2023). This scrutiny exposed the operation of power through knowledge production and legal classification (Greenberg, 2024; Villani et al., 2022). Furthermore, customary normative mapping systematically cataloged maritime regulations according to ecological functions, such as seasonal closures or species protection, and enforcement mechanisms including social sanctions (Babugura et al., 2026; Trialfhianty et al., 2025). This mapping visualized indigenous legal systems as relational networks rather than hierarchical codifications (McKerracher, 2023; Moiwo et al., 2025). Such an integrated approach ensured that findings remained empirically grounded in *Sama-Bajau* practices while remaining theoretically robust through engagement with scholarly debates.

Methodological constraints involved restricted access to conflict affected maritime zones where security concerns hindered fieldwork and recall bias in intergenerational oral transmission as memories transform over time. Institutional opacity within state policy documentation and the difficulty of translating fluid customary practices into fixed analytical categories without compromising their relational essence also presented challenges. To mitigate these issues, extended fieldwork durations established trust and enabled observations across seasons, while cross generational interview triangulation compared perspectives from diverse age groups. Collaboration with local academic institutions and indigenous organizations provided vital contextual knowledge, while methodological flexibility prioritized a processual analysis of evolving practices over rigid categorizations. Member checking sessions with community representatives verified interpretive accuracy and cultural appropriateness, while peer consultation with legal anthropologists and maritime governance specialists ensured theoretical coherence. These limitations do not invalidate the findings but rather situate them within the complex realities of investigating indigenous legal systems across politically fragmented maritime environments where exhaustive data remains elusive. The methodological design maintains its commitment to ethical engagement, analytical precision, and theoretical innovation while transparently addressing the constraints of cross cultural research.

RESULT

The Animated Seascape: Cosmology, Customary Norms, and Maritime Jurisprudence among the Sama-Bajau

The *Sama-Bajau* maritime cosmology establishes the ocean as a living juridical entity where spiritual guardians, known as *berasau*, ecological rhythms, and human obligations intersect to produce a regulatory framework rooted in relational accountability. The *berasau* concept designates specific maritime locations, including coral reefs and strategic straits, as inhabited by protective entities that monitor

conduct and respond to violations through environmental feedback, such as diminished harvests or hazardous conditions. This transformation of spiritual belief into a functional governance mechanism effectively deters resource overexploitation. Community members internalize these principles through navigational rituals and oral narratives that embed ethical obligations within seamanship skills, ensuring resource extraction aligns with ecological sustainability and spiritual reciprocity. This foundation rejects the modern separation between nature and law, positioning the sea as an active participant in normative production that rewards restraint and penalizes excess. The integration of spiritual guardianship, ecosystem monitoring, and social accountability demonstrates that indigenous epistemologies generate sophisticated regulatory systems that maintain high compliance and social cohesion independently of state institutional frameworks.

Preventive maritime norms, identified as *pamali laut*, serve as ecological spiritual regulations that establish rigorous boundaries for resource extraction through prohibited zones and seasonal fishing restrictions aligned with species reproductive cycles. Far from arbitrary taboos, these norms represent empirically informed regulations derived from generations of ecological observation and adaptive management practices that synchronize human activity with marine ecosystem dynamics. Violations of *pamali laut* trigger community deliberation, specifically *musyawarah adat*, which allows for contextual explanation and restorative compensation to mitigate environmental harm. This process prioritizes ecological restoration and social harmony over the punitive enforcement typical of state centric regimes. Furthermore, the hierarchical classification of maritime norms into obligatory, recommended, permissible, and prohibited actions provides a flexible regulatory framework that adapts to contextual variations across locations and time. This normative architecture secures regulatory effectiveness through cultural internalization and social accountability, offering a robust alternative to state models that rely on coercion and surveillance.

Enforcement within *Sama-Bajau* maritime jurisprudence relies on customary leadership structures led by the *panglima laut*, community deliberation through *musyawarah adat*, and restorative sanctioning systems. These mechanisms prioritize ecological equilibrium and social cohesion over the legal formalism characteristic of state institutions. Customary maritime leaders function as mediators who facilitate dialogue, fostering consensus through inclusive deliberation and intergenerational consultation. Sanctions for regulatory infractions typically involve community service, habitat restoration, ritual atonement, and temporary fishing restrictions, ensuring that accountability reinforces community resilience. Seasonal marine closures, or *sasi maritim*, operate through community monitoring and ecological observation to align resource management with migratory patterns and reproductive cycles. The fluid territoriality inherent in *Sama-Bajau* governance relies on ecological markers and navigational memory, diverging from state cartographic systems that impose fixed coordinates. This enforcement architecture secures regulatory effectiveness through cultural legitimacy and ecological responsiveness, offering sustainable governance models for contemporary marine conservation.

Table 1. Mindmap of Sama-Bajau Maritime Cosmology and Customary Norms

No.	Dimension	Core Components and Regulatory Functions
1.	Cosmological	Berasau: Spiritual guardianship of reefs and straits; functions as an invisible monitoring system. Navigation Rituals: Integration of celestial navigation with ethical obligations to the sea. Reciprocity: The ocean as an agentic entity that responds to human conduct (abundance vs. scarcity).
2.	Normative	Pangngadereng Laut: Hierarchical categorization of actions (Obligatory, Recommended, Permissible, Prohibited). Pamali Laut: Taboos serving as empirical ecological regulations for habitat protection.
3.	Jurisdictional	Panglima Laut: Customary leadership facilitating mediation rather than top-down adjudication. Musyawarah Adat: Deliberative community consensus used for restorative conflict resolution.
4.	Territorial	Sasi Maritim: Seasonal closure zones dictated by reproductive cycles and migratory patterns. Fluid Boundaries: Use of ecological markers (currents/reefs) instead of fixed GPS coordinates.

Marine Ulayat Rights at the Crossroads: Customary Claims, State Sovereignty, and International Legal Frameworks

National legal systems across Indonesia, the Philippines, and Malaysia demonstrate significant inconsistencies in identifying marine *ulayat* rights, exposing structural tensions between indigenous territoriality and state sovereignty paradigms. Indonesian legislation recognizes customary rights through village governance and constitutional court decisions, yet implementation remains hindered by conflicting fisheries regulations and bureaucratic verification hurdles (Aldyan et al., 2025; Negara & Lindayani, 2025). The Philippine framework provides ancestral domain titles, specifically *Certificate of Ancestral Domain Title* (CADT), under the Indigenous Peoples Rights Act, but maritime extensions face limitations from terrestrial bias and security driven conservation in the Sulu Sea (Asuncion et al., 2025; Dressler & Smith, 2023). In Malaysia, constitutional recognition exists, but administrative processes require unattainable documentation, and centralized resource management routinely overrides indigenous tenure (Teehankee, 2025). These variations reveal institutional asymmetry where policy designs privilege state authority and statutory exclusivity over indigenous stewardship. International instruments such as *UNCLOS* Article 51 acknowledge traditional fishing rights, but often prioritize state navigation and

economic zone control, ignoring community based management (Islam & Hasan, 2025; Trialfhianty et al., 2025). This legal uncertainty weakens community resilience, increases resource competition, and continues historical patterns of dispossession within modern maritime governance architectures.

International legal instruments, such as the United Nations Convention on the Law of the Sea (*UNCLOS*), the United Nations Declaration on the Rights of Indigenous Peoples (*UNDRIP*), and the Convention on Biological Diversity (*CBD*), establish normative frameworks for indigenous rights identification, yet significant implementation gaps remain. These deficiencies arise from structural enforcement limitations, jurisdictional ambiguities, and state centric interpretations that weaken substantive maritime tenure protection. While *UNCLOS* Article 51 acknowledges traditional fishing rights, its primary focus on navigation freedom and exclusive state jurisdiction offers minimal support for customary management practices existing outside formal state control. Similarly, *UNDRIP* defines comprehensive standards for self determination, yet lacks the binding mechanisms to ensure compliance and retains a terrestrial bias that ignores the complexities of maritime mobility and transboundary resource flows. Furthermore, while the *CBD* validates traditional ecological knowledge, its operational mechanisms often prioritize terrestrial biodiversity and scientific validation, thereby marginalizing indigenous epistemologies. Addressing the disconnect between normative recognition and practical implementation requires coordinated advocacy across scales and the development of transboundary institutional designs that align international standards with *Sama-Bajau* maritime realities.

Conflict case studies between state designated marine protected areas and *Sama-Bajau* customary management zones highlight fundamental epistemological divisions in conservation philosophy and territorial authority. State conservation policies frequently implement protected zones via top down designations and scientific assessments that privilege Western knowledge, which results in the criminalization of traditional practices. This exclusion restricts indigenous access to ancestral waters and disregards generations of ecological knowledge. In response, communities demonstrate resistance through transboundary networking, participatory mapping, and co-management negotiations to assert customary authority while seeking institutional recognition. Successful reconciliation cases integrate customary seasonal closures, such as *sasi maritim*, which synchronize with ecological cycles and leverage indigenous leadership structures like the *panglima laut*. Alternative recognition mechanisms, including marine *ulayat* tenure documentation and rights-based co-management agreements, provide pathways for institutionalizing indigenous maritime claims within modern governance architectures. These studies emphasize the transition from exclusionary paradigms to inclusive models that identify indigenous jurisdictional authority as a foundational component of sustainable maritime governance.

Table 2. Comparative Analysis of Marine Ulayat Rights Recognition in National Regulations and International Instruments

Legal Instrument	Recognition Mechanism	Implementation Barriers (The "Gap")	Strategic Opportunity
UNCLOS (1982)	Art. 51: Acknowledges traditional fishing rights.	Focuses on state navigation and EEZ control; ignores community-based management.	Leveraging "Traditional Rights" to challenge state-centric extraction.
UNDRIP (2007)	Arts. 26 & 32: Territorial rights and free/prior informed consent.	Non-binding; lacks specific maritime mobility frameworks.	Transboundary advocacy through international indigenous forums.
Indonesia Law	Village Law & Constitutional Court rulings on <i>Masyarakat Adat</i> .	Bureaucratic verification hurdles; prioritizes industrial fisheries over ulayat.	Judicial review utilizing ethnographic evidence of ecological stewardship.
Philippines (IPRA)	Ancestral Domain titles (CADT) including maritime extensions.	Security-driven conservation and territorial conflict in the Sulu Sea.	Integrating customary law into Marine Protected Area (MPA) co-management.

Sovereignty as Negotiation: Customary Agency, State Power, and the Pursuit of Maritime Justice

Indigenous negotiation strategies among *Sama-Bajau* maritime communities exemplify sophisticated diplomatic engagement, transboundary alliance building, and participatory knowledge documentation that facilitate jurisdictional assertion within asymmetric power environments. Cultural diplomacy involves community representation in policy forums where elders articulate indigenous perspectives and reframe customary governance as ecologically sustainable and culturally legitimate. Transboundary alliances connect maritime populations across national borders through formal networks, enabling coordinated advocacy and legal solidarity. Participatory mapping initiatives combine traditional ecological knowledge with geospatial technology to produce records acceptable to state authorities, establishing documented territorial claims that satisfy institutional requirements while preserving cultural authenticity. These strategic approaches illustrate indigenous navigation

through structural constraints via adaptive innovation and collaborative networking. By making indigenous knowledge legible to state actors, these communities transform marginalization into institutional influence, ensuring the continued relevance of *Sama-Bajau* jurisprudence within contemporary legal architectures. This pursuit of maritime justice ultimately relies on the paradigm of relational sovereignty, where state authority functions as facilitative coordination rather than exclusive control.

Hybrid institutional initiatives, such as customary maritime courts, adaptive benefit-sharing mechanisms, and community-based ecological monitoring systems, provide practical pathways for incorporating indigenous authority into modern governance frameworks while securing cultural integrity. Customary maritime courts serve as deliberative forums that synthesize traditional restoration-oriented mediation with statutory procedural standards, resolving resource conflicts through culturally appropriate and legally recognizable mechanisms. Adaptive benefit-sharing mechanisms distribute revenues from tourism and sustainable fishing via community-led allocation systems that prioritize stewardship, intergenerational equity, and social welfare while fulfilling institutional transparency requirements. Furthermore, community-based monitoring integrates traditional ecological indicators, such as species behavior and reef health, with scientific measurement protocols to evaluate management effectiveness and inform policy adjustments within collaborative structures. These innovations illustrate the capacity of hybrid governance models to connect customary authority with statutory frameworks, establishing regulatory architectures that secure sustainability and indigenous jurisdictional recognition without compromising institutional accountability.

The incorporation of indigenous ecological knowledge into modern conservation policies offers vital operational prospects alongside structural hurdles that demand epistemic humility and collaborative governance. These prospects arise from complementary systems where *Sama-Bajau* observational expertise strengthens scientific modeling via longitudinal data, while traditional seasonal management synchronizes with generational regeneration cycles. Conversely, structural obstacles involve epistemic marginalization, where knowledge extraction occurs without contextual recognition, and institutional rigidity, where bureaucratic requirements exclude participatory decision-making. Resolving these issues necessitates trans-epistemic partnerships that validate indigenous systems as equal to scientific paradigms, alongside institutional reforms that embed community representation through formal mechanisms. Effective integration relies on mutual respect, procedural equity, and adaptive management frameworks that treat indigenous governance as a co-equal partner to state initiatives. This approach ensures that maritime policies reflect ecological realities and jurisdictional pluralism rather than institutional hegemony.

Functional jurisdictional pluralism establishes a governance architecture that identifies indigenous maritime authority within ecologically functional boundaries rather than cartographic territorial divisions. This paradigm facilitates adaptive management aligned with ecological dynamics, migratory patterns, and *Sama-Bajau* stewardship practices. By shifting recognition from fixed coordinate based claims to relational management zones, regulatory frameworks synchronize with species migration and habitat regeneration requirements. Implementation necessitates inter

jurisdictional coordination mechanisms that integrate customary leadership, specifically the *panglima laut*, with statutory authorities and scientific expertise into collaborative decision making structures. These frameworks balance sustainability, cultural continuity, and institutional accountability. Managing jurisdictional overlaps and ensuring resource allocation transparency remain critical to preventing conflict and maintaining community trust. Consequently, functional jurisdictional pluralism serves as a transformative model that validates indigenous authority as ecologically grounded and institutionally viable, offering sustainable pathways for ocean management that embrace relational governance.

Relational sovereignty reconceptualizes state authority as facilitative coordination rather than exclusive control, positioning national governments as institutional mediators for cross-jurisdictional collaboration, ecological stewardship, and community empowerment. This paradigm acknowledges that maritime management necessitates multi-level coordination among customary authorities possessing local legitimacy, statutory agencies with legal power, and scientific institutions with technical expertise. Such a shift transforms sovereignty from a territorial monopoly into a collaborative capacity. State responsibilities evolve from regulatory imposition through commands to institutional facilitation via support, encompassing conflict mediation, equitable resource allocation, and international representation of indigenous interests. Implementing this framework requires bureaucratic transformation to alter organizational culture and participatory policy design that includes *Sama-Bajau* communities from the outset, prioritizing epistemic equity and adaptive management over centralized uniformity. By institutionalizing collaborative decision-making, relational sovereignty addresses the complexities of jurisdictional plurality and ecological interdependence, ensuring that maritime governance reflects actual practice rather than historical marginalization or institutional rigidity.

Transformative maritime justice synthesizes ecological sustainability, social equity, and procedural fairness within governance architectures that recognize indigenous jurisdictional authority and prioritize community-led ecological realities. **Ecological justice requires identifying the ocean as an agentic entity**, necessitating habitat protection and sustainable extraction practices to preserve intergenerational resource availability. Social equity involves the equitable distribution of conservation benefits through revenue sharing and fishing access rights that respect *Sama-Bajau* traditions while addressing historical dispossession. Furthermore, procedural fairness ensures meaningful participation in policy design through *musyawarah adat* and transparent processes that **validate traditional knowledge and empower indigenous representatives**. Integrating these dimensions requires institutional innovation and continuous monitoring to ensure maritime policies reflect justice and equity rather than institutional hegemony. This holistic approach ultimately fosters sustainable livelihoods that align with cultural practices and ecological limitations.

DISCUSSION

The empirical findings collectively demonstrate that *Sama-Bajau* maritime governance operates as a dynamic, relational legal system that produces territoriality through ecological observation, cosmological narratives, and community consensus

building rather than cartographic demarcation. This juridical ecology challenges conventional assumptions about legal authority derived from state sovereignty (Boulot & Sterlin, 2022; Núñez, 2024), revealing how indigenous communities sustain regulatory effectiveness through cultural legitimacy and participatory governance (Aldyan et al., 2025; Arney et al., 2023). The animate map framework provides analytical coherence by visualizing maritime space as an interconnected network of human practices and ecological processes, such as migration and regeneration (Banela et al., 2024; Barianaki et al., 2024; Lähde et al., 2024). By continuously negotiating permissible conduct and resource boundaries through dynamic interaction (Chindondondo & Reddy, 2025; Fiscione et al., 2026; Safriadi et al., 2026), this reconceptualization shifts the scholarly focus toward lived governance. Customary systems maintain regulatory resiliance through relational accountability and adaptive management that responds to environmental change while allowing for intergenerational evolution (Cheteni & Umejesi, 2026; Pradhan et al., 2025). Ultimately, these findings confirm that indigenous maritime law constitutes a coherent juridical epistemology capable of addressing contemporary conservation challenges without subordination to state frameworks or institutional marginalization.

Theoretical implications extend across legal anthropology, critical geography, and postcolonial jurisprudence by decolonizing sovereignty concepts that privilege state authority, expanding pluralism frameworks to include maritime contexts, and legitimizing indigenous epistemologies as co-equal governance systems rather than cultural artifacts destined to disappear. Legal pluralism theory requires adaptation to accommodate maritime mobility that crosses borders, ecological interdependence that connects distant locations, and transboundary jurisdiction that resists territorial fixation and institutional hierarchy (Babugura et al., 2026; Hung & Lien, 2022; Islam & Hasan, 2025). This approach emphasizes functional overlap where systems interact, normative hybridity that blends traditions, and relational accountability as foundational governance principles (Abbott & Faude, 2022; Hsieh, 2023; Vikstedt et al., 2026). Critical geography benefits from recognizing how indigenous spatial production through practice challenges the cartographic violence that erases communities (Claramunt, 2025; Rivera, 2023; Tubino de Souza et al., 2025). By exposing how state territorialization obscures ecological connectivity and historical mobility, this research advances postcolonial jurisprudence through the epistemic validation of *Sama-Bajau* maritime law as autonomous knowledge production (Burak et al., 2022; Darmawan, 2024; Meira, 2025). Collectively, these contributions reconfigure maritime governance scholarship, establishing indigenous legal systems as essential components of contemporary ocean management architecture rather than peripheral curiosities.

Methodological reflections emphasize the necessity of ethnographic approaches to capture lived governance through participant observation, relational territoriality via mapping, and community-driven normative production. These methods bypass conventional legal analysis frameworks that rely on textual codification and institutional documentation, which often overlook the actual practice of *Sama-Bajau* maritime law. Participant observation reveals how maritime jurisprudence operates through embodied knowledge and ecological literacy, demonstrating that legal

effectiveness emerges from social accountability to relationships rather than punitive state enforcement. Reflexive engagement ensures that methodologies prioritize community collaboration and epistemic respect, specifically regarding *ulayat* rights, thereby avoiding extractive knowledge practices that instrumentalize indigenous expertise without recognizing jurisdictional autonomy (Appiah et al., 2026; Islam, 2024). Analytical triangulation further strengthens empirical validity by cross-verifying oral narratives, fieldwork records, and community archives, including maps and genealogies (Kurniawansyah et al., 2026). Such methodological rigor establishes ethnography as an essential tool for uncovering hidden jurisprudence that operates below state radar, validating indigenous governance systems through rigorous documentation.

Policy tensions surrounding co-management implementation reveal persistent institutional challenges that require structural reform, community capacity development, and procedural equity to achieve meaningful indigenous jurisdictional recognition. Top-down conservation policies frequently marginalize *Sama-Bajau* participation through token consultation while criminalizing traditional access to ancestral waters (Gbadegesin & Gbadamosi SAN, 2024; Giacomini, 2022; Sherpa & Chepang, 2025). These exclusionary frameworks result in regulatory conflict, resource degradation, and social displacement. Rights-based co-management offers a viable alternative by integrating customary *sasi maritim* (seasonal closures) and indigenous leadership structures, such as the *panglima laut*, into formal conservation design. This demonstrates that ecological sustainability and cultural continuity reinforce one another when properly integrated through *musyawarah adat* (customary deliberation). Success depends on institutional flexibility and adaptive management that responds to ecological change and social dynamics. Policy transformation requires shifting from exclusionary paradigms to inclusive governance architectures that validate *ulayat* (customary) rights, establishing maritime frameworks that reflect ecological reality and jurisdictional plurality.

Epistemic justice demands the recognition of indigenous knowledge systems as autonomous epistemologies capable of generating regulatory frameworks through lived observation and adaptive experience. Achieving this requires trans-epistemic collaboration that validates *Sama-Bajau* observational expertise as equal to scientific training while incorporating community-based monitoring into assessment and policy design (Gnansounou et al., 2024; Heugh, 2026; Tubino de Souza et al., 2025; Wilson, 2025). However, institutional barriers such as epistemic marginalization and bureaucratic rigidity frequently dismiss these ways of knowing, creating a resource asymmetry that limits indigenous engagement with formal conservation science and legal processes (Giacomini, 2022; Leckey et al., 2022; Negara & Lindayani, 2025; Purna, 2025; Rusli & Ansar, 2026; Sakapaji et al., 2024; Weir et al., 2024). Addressing these challenges necessitates capacity development and collaborative governance designs that empower community representatives through genuine partnership (Buana & Mamonto, 2023; Inyang, 2026). Ultimately, successful knowledge integration depends on mutual respect and adaptive management frameworks that treat indigenous governance as complementary to state initiatives (Gaitenidis, 2025; Karso, 2025; Triasmono & Ruslie, 2024). Epistemic justice thus constitutes a foundational requirement for equitable maritime governance, transforming knowledge production

from hierarchical extraction into a collaborative generation that honors ecological wisdom.

Future research trajectories necessitate comparative analyses across diverse indigenous maritime communities to identify transnational patterns in customary resilience and creative institutional adaptation (Abbott & Faude, 2022; Islam & Hasan, 2025). Comparative studies are essential to identify jurisdictional negotiation strategies that inform broader policy frameworks and the application of legal pluralism beyond localized contexts. Longitudinal research is equally critical to track how *Sama-Bajau* customary systems adapt to climate change impacts and commercial development pressures, providing empirical evidence for the necessity of institutional flexibility in contemporary ocean governance (Trialfhianty et al., 2025). Furthermore, transdisciplinary collaboration should bridge ecological modeling with traditional knowledge and legal analysis to develop integrated assessment tools and participatory monitoring systems that enhance governance effectiveness and cultural continuity (Wilson, 2025). These research directions will advance the scholarly understanding of indigenous maritime law while strengthening institutional capacity for functional jurisdictional pluralism and marine *ulayat* rights identification. Ultimately, such trajectories support equitable governance frameworks that recognize indigenous authority and ensure sustainable ocean management for future generations.

CONCLUSION

The *Sama-Bajau* customary sea law systems constitute a sophisticated juridical epistemology that produces territoriality through relational practices and regulates resource extraction through normative frameworks. By negotiating sovereignty through strategic engagement, these systems prioritize relational accountability and community consensus over cartographic fixation and statutory enforcement. The animate map framework successfully captures maritime space as an interconnected network of human practices and ecological processes, continuously negotiating resource boundaries in ways that challenge conventional assumptions about state-centric authority. Empirical findings demonstrate that indigenous maritime governance maintains regulatory effectiveness through cultural legitimacy and adaptive management, ensuring that ecological sustainability and social equity take precedence over punitive institutional control. These results validate customary sea law as an autonomous knowledge system capable of addressing contemporary governance complexities through relational sovereignty and functional jurisdictional pluralism. Ultimately, achieving transformative maritime justice requires institutional recognition that grants legitimacy and collaborative integration that respects indigenous autonomy rather than historical marginalization.

Policy recommendations prioritize the formal recognition of marine *ulayat* rights through targeted legislation and the institutionalization of rights-based co-management frameworks via binding agreements. These architectures must develop functional jurisdictional pluralism that aligns regulatory authority with ecological boundaries and community stewardship practices rather than relying solely on rigid cartographic grids. Recognition mechanisms should integrate customary seasonal closures, identified as *sasi maritim*, and indigenous leadership structures, such as the

panglima laut, into formal conservation design to ensure that management reflects ecological reality and cultural continuity. Furthermore, institutional reform necessitates procedural transparency and inter-agency coordination to facilitate meaningful participation and equitable resource distribution. By transforming maritime governance from exclusionary control to collaborative stewardship, these policy shifts will enhance ecological sustainability and validate indigenous jurisdictional authority within contemporary ocean management frameworks.

The study concludes by emphasizing the ethical responsibility of scholarly research to validate indigenous knowledge systems through rigorous documentation and to support jurisdictional recognition through principled advocacy. Academic engagement must prioritize collaborative methodologies and epistemic respect, thereby transforming *Sama-Bajau* maritime law from a marginalized practice into a recognized governance system. Future research should expand comparative analyses across diverse regions and employ longitudinal tracking to develop comprehensive maritime governance architectures that integrate indigenous expertise and legal pluralism. By centering indigenous authority and institutionalizing collaborative governance, contemporary ocean management can achieve ecological sustainability and jurisdictional equity. Ensuring that maritime policies serve communities and future generations remains critical to dismantling institutional hegemony and historical marginalization.

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