

Artigos originais

Indigenous justice in northeastern Brazil: notes on the Xokós people from Sergipe

Justiça indígena no nordeste brasileiro: notas sobre o povo Xokó de Sergipe



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Abstract: The present study aims to investigate how conflict resolution occurs in the Xokó Indigenous community, located in Porto da Folha, Sergipe. The research hypothesis is that, due to the influence of ancestral traditions in the daily life of the Xokó people, their conflict resolution procedures are mediated by ethnographic and mystical characteristics. The methodology is qualitative, adopting an exploratory and ethnographic approach, and employs participant observation and content analysis techniques for the production and interpretation of ethnographic data. The research findings reveal that both the concept of conflict and its resolution practices are deeply rooted in the community's traditions and beliefs, involving mystical and spiritual aspects. It is also concluded that disobedience to collective principles is perceived as a transgressive act

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against social organization and that, although dialogue is fundamental to conflict resolution, in some cases, sanctions such as temporary exclusion from the community and restrictions on participation in rituals become necessary.

Keywords: Indigenous communities. Community justice. Conflict resolution

Resumo: O presente trabalho tem como objetivo investigar de que maneira se dá a resolução de conflitos na comunidade indígena Xokó, situada em Porto da Folha, Sergipe. Tem-se como hipótese de pesquisa que, diante da influência das tradições ancestrais no dia-a-dia do povo Xokó, seus procedimentos de resolução de conflitos são intermediados por características etnográficas e místicas. A metodologia é de natureza qualitativa, parte de uma abordagem exploratória e etnográfica, e utiliza, para a produção e interpretação de dados etnográficos, as técnicas observação participante e análise de conteúdo. Os resultados da pesquisa revelam que tanto a ideia de conflito quanto suas práticas de resolução estão profundamente enraizadas nas tradições e crenças da comunidade, envolvendo aspectos místicos e espirituais. Conclui-se, ainda, que a desobediência aos princípios coletivos é vista como uma conduta transgressora à organização social e que, embora o diálogo seja fundamental para a sua resolução, em alguns casos, punições como a exclusão temporária da comunidade e o afastamento de rituais se fazem necessárias.

Palavras-chave: Comunidades indígenas. Justiça comunitária. Resolução de conflitos.

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1 Introduction

One of the pillars of modernity is the epistemological erasure of the original norms derived from the customs of non-white peoples. As a result, autochthonous organizational structures aimed at preserving social coexistence were only to be applied in contexts where European law – considered the ordinary legal framework – was silent (Weckmann, 1996). This process fostered a persistent imaginary within Latin American legal thought until the late twentieth century, reinforcing the notion that the legal model stemmed from a single source and was endowed with a consistent organizational structure (Griffiths, 1986). This imaginary was reflected in Latin American constitutionalism until the final decades of the twentieth century, sustaining the notion of legal monism and the centralization of jurisdictional activity within public authority (Tudela, 2011).

The present study is based on the research project “Indigenous justice practices in Sergipe: an analysis of the Xokó Indigenous Community in Porto da Folha/SE” – integrated into the project under CEP registration no. 69592623.2.0000.5371. Developed with PIBIC/CNPq and PROSUP/CAPES scholarships, this study aims to construct ethnographic data on the conflict resolution techniques adopted by the Xokó Indigenous Community, whose territory is located in Caiçara/Ilha de São Pedro, in Porto da Folha/SE.

The general objective of this study is to identify the ways in which members of the Xokó community develop techniques for resolving internal conflicts. Based on this premise, the research question is: how does the social organization process for resolving internal conflicts among members of the Xokó community take place?

The initial hypothesis suggests that, given the influence of ancestral traditions on the community's daily life, social control and conflict resolution practices intertwine Indigenous identity with mystical aspects.

Accordingly, this article is structured into two main sections. The first part adopts an exploratory perspective to address anthropological and legal theoretical frameworks regarding social organization and conflict resolution in Indigenous communities in Brazil and Latin America. The second part delves into the empirical dimension, analyzing the organization and conflict resolution procedures adopted within the Xokó Indigenous community.

The study employs a qualitative methodological approach. Initially, an exploratory method is applied to develop a general understanding of conflict resolution techniques in traditional communities, relying on a review of specialized literature and a reassessment of established ethnographies. Subsequently, the study transitions to a field research, utilizing participant observation as a data production technique. This approach presupposes a process of observing and listening, combined with information recording and interpretation (de Oliveira, 1996). Similarly, interviews are conducted to generate more specific data on conflict resolution procedures, targeting community leaders as key informants to gather experiential narratives (Xavier, 2017). Finally, the study applies Bardin's (1977) content analysis framework, in which data are interpreted through a systematic process of cataloging and organizing information, followed by thematic categorization and interpretation within the theoretical framework presented.

2 Comunitary justice through legal and anthropological interpretations

Initially, it is observed that there is a greater number of studies on Indigenous organizations and authorities dedicated to conflict resolution – both in the anthropological and legal fields – in countries where the percentage of Indigenous peoples within the national population is higher. This trend is evident in the Bolivian context, where the majority of the population identifies as belonging to or descending from Indigenous and Campesino groups (Bolivia,

2013). As a result, since the first decade of the 21st century, studies have been developed on the role of Indigenous authorities in the administration of justice (Quelca; Puerta, 2012; Osório, 2012).

Similarly, ethnographic studies conducted within Ecuadorian Indigenous communities have examined Indigenous councils of authorities, their composition, and the mechanisms through which they regulate internal order within their communities (Franco, 2012, 2017; Fernández, 2012; Lizán, 2012).

The development of such studies is linked to a growing movement in Latin America since the late twentieth century, aimed at reclaiming the legal cultures of autochthonous communities. This movement led to constitutionalist trends in several countries during the 1990s and culminated in the establishment of the plurinational state model within the framework of 21st-century constitutionalism, as observed in Bolivia and Ecuador (Fajardo, 2012).

The social organization dedicated to conflict resolution varies depending on the community. In Ecuador, Indigenous communities generally resolve conflicts through a council of authorities composed of trusted individuals who serve voluntarily and temporarily (Franco, 2017). In contrast, in Bolivia, communities typically centralize political and jurisdictional power within the same authority (Quelca; Puerta, 2012).

Regarding the characteristics of justice administration in Indigenous communities, it is observed that, in the Ecuadorian context, for instance, concepts such as crime, litigation, or justice are not applicable to matters addressed by community authorities. Instead, the primary concern is the restoration of the *kushukiy kawsay*, which has been disrupted by *llaki*⁴ (Fernández, 2012). The conflict resolution process involves five stages: (1) *Willachina*, the moment of becoming aware of the incident; (2) *Tapuykuna*, the investigative phase, in which the magnitude of the event is assessed; (3) *Chimbapurana*, representing the confrontation between the

⁴ The both terms refer to "peaceful life" and "disruption, conflict or illness", respectively.

parties involved in the community assembly; (4) *Killpichirina*, where sanctions are determined; and (5) *Pakta'china*, the execution phase, in which the sanction is carried out (Tibán; Ilaquiche, 2004).

In the Brazilian context, the majority of ethnographic studies focus on observing community-based jurisdictions that operate parallel to state authority, emerging as a consequence of the absence of public power in ensuring social organization (Oliveira, 2003). Such research builds upon the theoretical framework established by studies on *Pasárgada* Law conducted in the 1980s (Santos, 1980, 2014) and 1990s (Junqueira; Rodrigues, 1992). Over the years, these studies have detailed the procedures through which marginalized social groups living in the *Jacarezinho* slums, in the metropolitan region of Rio de Janeiro, organized public life, managed notarial services, and administered justice within the community.

Another example of this dynamic is observed in research on the social organization rules and justice administration in *quilombola* communities, conducted by the Extraordinary Secretariat for Racial Equality of the State of Maranhão. Studies analyzing eight *quilombola* communities in the state revealed that all had basic social coexistence rules and were organized into Residents' Associations, which aimed to resolve issues that violated community values through dialogical approaches (Maranhão, 2012).

It is essential to emphasize that, although the present study focuses on conflict resolution procedures, the range of rules present in these communities is not solely aimed at addressing disputes and imposing sanctions. Anthropological scholarship has long established – since Malinowski's (2015) observations in the Trobriand Islands – that community organizations have one or more normative frameworks endowed with coercive force, yet not necessarily linked to the existence of formal sanctions. Instead, these rules are followed due to the intrinsic need to uphold collective values.

An example of such rules can be observed in Codonho's (2014) research, in which, while studying the *Kumarumã* village of the *Galibi-Marwono* people in Amapá, Brazil, she identified a social distancing pattern among children from different family groups – known in native language as *hãs*. This behavior was not explicitly explained by community members, yet it created a spatial limitation that prevented children from interacting with those outside their family group, even in the absence of adult supervision.

Although this is not the primary focus of the present study, similar patterns of social organization can be observed within the Xokó community. Certain community rules are not necessarily designed to resolve conflicts but rather to structure social life based on shared values. One such example is the process of revealing political and religious leaders within the village – namely, the *cacique* – chief – and the *pajé* – shaman – which, in 2003, occurred through the *Ouricuri* ritual (Lima, 2024). This process demonstrates how sacred and ancestral knowledge legitimizes the occupation of leadership roles within the community.

Another relevant aspect was noted during fieldwork in the community, though it was not systematically investigated due to the absence of direct inquiries to informants. During the *Toré* – a traditional dance of the Xokó people – participants were consistently positioned according to a specific order. Even as movements and rotations shifted, a clear division among groups remained visible. These groups included community leaders, those identified as warriors, the remaining men, women, and, at certain moments, children. Although this study does not explore the anthropological significance of this division, it suggests the existence of social coexistence rules rooted in community values that underpin such structured interactions.

Therefore, the examination of conflict resolution processes in Indigenous communities reveals a diversity of practices and organizational structures shaped by distinct historical, sociological, cultural, and ancestral contexts. While studies conducted in Bolivia and Ecuador highlight the central role of Indigenous authorities

and tribal councils – reinforcing plurinationality as a pillar of 21st-century Latin American constitutionalism – researches in Brazil tends to focus on community-based jurisdictions, which emerge in response to the absence of state authority but also extend to traditional peoples and communities.

Based on this theoretical framework, the following chapter presents the ethnographic study conducted within the Xokó Indigenous community. This analysis includes a content analysis of the interviews, providing insights into the social and cultural dynamics involved in the conflict resolution processes within the village located on Caiçara/Ilha de São Pedro.

3 Conflict resolution among the Xokó people: ethnographic observations

At this stage, based on the semi-structured interviews, the study shifts its focus to field research, engaging, through dialogue, with the core of community conflict resolution practices. The interviews thus serve as data production techniques, employing a thematic and cross-sectional approach, which provides the foundation for content analysis.

In content analysis, as a technique for examining the data produced, the researcher must select, among the universe of documents, the ones capable of providing information on the problem investigated (Bardin, 1977, p. 97). This selection refers to the materials to be studied, which may include literature on the subject, excerpts from conversations, or a combination of both sources. The present study adopts this third approach, particularly aiming to establish, from an anthropological perspective, a dialogue between the particular/ethnographic – the observed reality – and the universal/theoretical (Peirano, 1995), grounding its interpretations in specialized literature.

The interview process with members of the Xokó Indigenous community on Ilha de São Pedro was conducted to identify the existence of Indigenous-specific conflict resolution mechanisms and to determine whether a jurisdictional manifestation – emanating from the collective – can be classified as community justice (Ricobom; Friggeri, 2019). Additionally, the study sought to examine the manner and criteria by which jurisdictional activities are distributed, the level of autonomy exercised by those entrusted with this function, and the techniques they employ in conflict resolution.

For this purpose, a flexible interview guide was initially structured, allowing for the introduction of new inquiries throughout the interviews, depending on the dynamics of the dialogue between interviewer and interviewee.

In this context, the interview consisted of seven questions aimed at understanding: (i) the interviewee's perception of what constitutes a community conflict; (ii) in cases where such conflicts arise, who is responsible for resolving them, which may lead to a follow-up on (iii) the step-by-step process of resolving these conflicts; (iv) whether those involved are heard during the decision-making process; (v) the most common resolutions applied in typical conflicts; (vi) the interviewee's perception of compliance with these decisions by the involved parties; and (vii) the interviewee's perspective on the role of dialogue between the parties and the community in the conflict resolution process.

Once the interview questions were pre-established, six members of the Xokó community were selected during the first visit to the Indigenous land of Caiçara/Ilha de São Pedro: Osório, 49 years old; Salete, 37 years old; Fátima, 43 years old; Emiliana, 38 years old; and Graciane, 62 years old. It is important to emphasize that the names and ages mentioned are fictitious to safeguard the identities and opinions of the interlocutors. This precaution ensures that they can contribute to the study with greater precision and detail.

With the interviewees' consent, their responses were recorded in audio files and subsequently underwent three stages of processing, as outlined by Maia (2020). The extracted data were: (i) transcribed to facilitate handling of the collected information; (ii) categorized, grouping responses that addressed similar topics under the same category; and (iii) subjected to the final stage of content analysis, which involves investigating, interpreting, and correlating the meanings derived from the discourse (Bardin, 1977).

The transcription process allowed for the identification of excerpts that, by focusing on the study's core theme, contributed directly to the research. Therefore, while preserving the context, the following fragments are direct excerpts from the interviewees' statements. Using content analysis techniques, four categories of analysis were systematically structured, as detailed in Table 1, each corresponding to one or more of the interview questions.

Table 1: systematization of data produced through interviews

Categories of Analysis	Interview Excerpts ⁵
1) The notion of conflict among members of the Xokó community is intrinsically linked to disobedience to what is collectively defined.	<p>"Rapaz, o que eu tenho como conflito aqui entre os membros da comunidade é... é... é a pessoa... é a pessoa ser o que é, vamos dizer, o indígena, e a gente perceber que tá negando, entendeu? Ou, se não, ele... ele desobedecer alguma decisão, que é... que foi decidida pelo povo. Então isso para, para mim, é como se fosse um conflito [...] E além disso, é você ter o desafio de combater a não entrada da droga, entendeu? [...] Então, querendo ou não, isso pode ser gerado um conflito, talvez de uma saída de um jovem, então também tem isso." (Osório, 49 years old, emphasis added).</p> <p>"Quando há divergência, assim... é os quereres, mas assim, que, é... é quando eu falei lá que... que o que deu certo exatamente é todo mundo olhar para uma mesma... para uma mesma direção. Eu acho que o conflito ele fala exatamente quando isso não ocorre, né? Quando eu quero que prevaleça a minha vontade, quando eu é... o meu... o meu vizinho quer que prevaleça a vontade dele, sem olhar para o bem de todos, o bem de todos, entendeu? Do conjunto de, de algo que seja benéfico para todos. Então, quando isso acontece, o conflito ocorre na comunidade, isso acontece muito, é muito recorrente, entendeu? [...] Então, o que provoca mais conflito na aldeia é exatamente essa divergência de querer, quando o querer não é para todos, é para particular, é bem particular" (Salete, 37 years old, emphasis added).</p>

⁵ To preserve the originality of the transcription, the excerpts are maintained on the original language of the interviewees, but, through the content analysis, some self-made translations are used to relate the excerpts with the theoretical framework.

2) The jurisdictional authority within the village is concentrated in three entities: the leaders, a tribal council, and the community assembly.

“Então, é, **a pessoa primeira, para resolver, é o cacique. A primeira pessoa para que... que todo mundo procura é o cacique, quando tem um problema desse, entendeu?** Aí o cacique não consegue resolver, aí o pajé, ele é um líder que é líder religioso, **só que nessas, quando o problema às vezes é muito grande, que o cacique sozinho não resolve, aí vai o cacique e o pajé. O cacique e o pajé não resolveu, aí eles convocam o conselho [...]**” (Salete, 37 years old, emphasis added).

“**O conselho ele... ele dá esse apoio ao cacique, né, enquanto liderança para tomar uma decisão, resolver algumas questões, problemas ou até para trazer algumas, alguns projetos para comunidade.** E aí o conselho também ele chama quando tem algum conflito, ele tenta resolver de forma interna [...]

(Emiliana, 28 years old, emphasis added).
“Rapaz, quando é uma... um... um caso muito, muito sério, a gente leva até a justiça. **O cacique primeiro, primeiro é o cacique [...]**” (Fátima, 43 years old, emphasis added).

“[...] **esse conselho, ele não é fixo, ele não é estático, assim ele, ele é um conselho que ele se forma de acordo com a necessidade da comunidade.** Então o cacique convoca alguns homens que a gente chama de conselho dos homens, né, que é muito preconceito de gênero aí, né, que só, só favorece os homens, é só os homens que podem resolver esses problemas. [...] **quando foge do controle dele, do cacique e do pajé, quando eles não conseguem resolver, aí eles convocam esses homens para tentar resolver, sabe?** Para tentar resolver o problema com esses homens, **convocam uns dez, vinte homens e tenta resolver aquele problema da melhor forma possível para que se possa estabelecer a ordem na comunidade [...]**” (Salete, 37 years old, emphasis added).

“[...] **Então (se) o cacique quiser forma com dez, é bom terminar em ímpar, entendeu? Porque tem umas decisões que é por voto,** porque se for, é, se for ímpar, quando se acaba de votar, já tem um vencedor, mas se for par, exemplo, aí o cacique que tem decidir se empatar [...] **Depois do conselho tribal, se a gente vê que tem que levar para a assembleia, o povo, a gente leva [...]**” (Osório, 49 years old, emphasis added)

<p>3) The procedure and sanctions applied in conflict resolution within the Xokó village are based on dialogue and the pursuit of restoring community order.</p>	<p>"[...] aí eles, chama logo os que estão errado, viu? Se vocês não me obedecer, eu faço outro jeito [...] faz uma reunião para tudo, explica tudinho o que é de fazer, o que não é, se você for, pegar minha ordem que eu... que eu disser a você, está bom, agora, se vocês continuar, nós tem que resolver [...]" (Graciane, 62 years old, emphasis added).</p> <p>"[...] Eles são ouvidos, são chamado a atenção, conta a sua versão, se for algum problema entre um com o outro, ou as 2 partes, e no final é dado um conselho, ou punição, ou algum, alguma chance, né, também." (Osório, 49 years old, emphasis added).</p> <p>"[...] aí tenta a primeira vez, segunda, se for, tem algumas situações que acaba tendo umas, algumas decisões mais pesadas, como pede para essa pessoa passar um tempo fora, tem, determina o prazo que o indígena vai ficar, vai ser penalizado [...]" (Emiliana, 28 years old, emphasis added).</p> <p>"[...] a tentativa de resolver o conflito é muito grande, entendeu? Eles são ouvidos, é, as partes são todas ouvidas, sabe? [...] Se foi muito sério, o sujeito vai para fora, se foi muito sério. É, aí se foi, se, por exemplo, se foi mediano, né, se foi mediano, aí você é suspenso do ritual do ouricuri [...] Aí é, mas um grave, mesmo, assim, aí é expulso da aldeia por um ano, dois anos, entendeu? Ninguém foi expulso determinado. [...] Aí se você trabalha na aldeia [...] pede a transferência, aí eu vou trabalhar num outro canto [...]" (Salete, 37 years old, emphasis added).</p>
<p>4) The community's perception of the outcomes achieved through community jurisdiction is that compliance with decisions is assured.</p>	<p>"Nem todos respeitam, mas quando é decidido, ele tem que respeitar a pulso, às vezes quebra, quebra, [...] aumenta a punição, é pior, entendeu? [...] Muita gente se aprumou, muita gente mudou o seu comportamento, para mim, depois de certos castigos [...]" (Osório, 49 years old, emphasis added).</p> <p>"[...] é muito importante esse diálogo, dar voz a essas pessoas, né? [...] embora a gente sabe assim, que vai prevalecer, né, a vontade da maioria, né? Se o conselho dos homens decidir que aquilo [...] tem que respeitar também, porque aí se você não respeitar essa, outra decisão é sair da aldeia, entendeu? Aí tem que respeitar, entendeu? Tem que sair do ouricuri, a pessoa tem que, é, tem que sair de lá, trabalhar fora, entendeu? Já aconteceu todos esses casos aqui que eu estou relatando para você, já aconteceu aqui na aldeia, todos eles já aconteceu aqui." (Salete, 37 years old, emphasis added).</p>

Source: self-made, 2024.

With this in mind, the interpretation of the categories begins. The first category, the notion of conflict among members of the Xokó community is intrinsically linked to disobedience to what is collectively defined aims to identify which behaviors are considered

transgressive or conflict-generating within the community. In this regard, it can be inferred that the detachment of Indigenous individuals – especially younger members – from their people's traditions is perceived by some community members as a genuine threat to the perpetuation of their culture (Lima, 2024). One interpretation of what constitutes a community conflict is, in Osório's words, "a person being who they are, let's say, an Indigenous individual, and us realizing that they are denying it" (Osório, 49 years old, interview conducted on September 8, 2024, our translation).

This concern regarding the notion of belonging and the preservation of Indigenous identity leads community members to associate cultural detachment with conflict. This circumstance is further evidenced and reinforced when considering the historical processes of territorial dispossession, cultural erasure, and subjugation imposed upon the Xokó people. These events, in turn, resulted in the prolonged loss of their linguistic matrix, rituals, traditional knowledge, and the ability to self-determine as Indigenous (Souza; Espinoza, 2023).

Therefore, there is a communal expectation regarding the youth of the village, particularly due to the responsibility assigned to them for transmitting the historical legacy of the Xokó people. From the perspective of the collective – especially its more experienced members – the life they enjoy today is the result of a past marked by arduous struggles for the recognition of their Indigenous identity, both internally and externally. It is therefore incumbent upon the younger generations to safeguard what has been built through the efforts of their ancestors and to honor their achievements (de Souza, 2011).

On the other hand, another concept of conflict adopted by the informants is the divergence of interests, as mentioned by Salete. This perspective reflects a fundamental characteristic of communal life – the notion of the common good – and the necessity, in her words, for "everyone to look in the same, in the same direction"

such that conflict arises “when the desire is not for everyone, but for an individual interest” (Salete, 37 years old, interview conducted on September 8, 2024, our translation).

A manifestation of this collectivism is the very structure of Indigenous justice, which, aimed at protecting communal interests, transcends the individual sphere by establishing rules on how to safeguard and uphold collective well-being. This is achieved through councils and tribal assemblies that ensure community participation in decision-making processes (Hernández, 2024).

Regarding the second category of analysis, which pertains to conflict resolution authority, it is inferred that, in the perception of the community members, the role of conflict mediator is attributed to two key figures: the cacique, the village’s political leader, who is responsible for handling a wide range of issues and bureaucratic matters related to the community, and the tribal council, composed of individuals selected by the cacique.

Regarding the selection of the cacique, it is essential to highlight that, in the experience of the Xokó people of Ilha de São Pedro, chieftaincy has not always been motivated by spirituality. The domination of Caiçara – an Indigenous territory located on the mainland portion of Porto da Folha – by the agrarian elite was built, among other factors, upon the deconstruction of Indigenous identity. Over the years, this process led to the erosion of traditional knowledge regarding social organization as an Indigenous community (Lima, 2024).

In this context, the tribal council played a fundamental role in the political restructuring of the community. At the time of the first occupation and reclamation of Caiçara, around 1979, the figures of the pajé and the cacique did not exist within the community, with the latter only being elected in 1983. Thus, leadership, the structuring of social coexistence rules, mediation, and conflict resolution were, until then, the sole responsibility of the council members (Oliveira, 2022).

Unlike in the past *cacicado*, when the political leader was elected through voting, similar to the process in a representative democracy, is now regarded as a supernatural power, a kind of gift bestowed by the *encantados* – the Xokó ancestors – through nature’s elemental forces. An example of this is the hawk, which, at Morro do Surubim—the sacred land of Ouricuri – revealed Bá as the *cacique da natureza* in 2003 (Lima, 2024).

Notwithstanding the functional distinction between the political leader and the religious leader, these spheres of authority operate jointly and, in some contexts, even overlap (Venancio, 2018). This dynamic is elucidated by the informants, who stated that “when the problem is sometimes too great for the cacique to resolve alone, then both the cacique and the pajé intervene” (Salete, 37 years old, interview conducted on September 8, 2024, our translation).

Alongside the conflict management carried out by the cacique, the presence of the tribal council is also noted. In contemporary times, the council no longer acts as a substitute but rather as a support mechanism for both the cacique and the pajé. This role is affirmed by Emiliana: “the council, it provides support to the cacique, right, as a leadership figure in making a decision” (Emiliana, 28 years old, interview conducted on September 8, 2024, our translation), meaning that when the community leaders alone are unable to resolve the conflict, the council intervenes to assist in the process.

Thus, the administration of justice – if it can indeed be classified as such – differs from the common justice system in multiple aspects. This distinction extends from the process of selecting its representative – rooted in Xokó tradition, ancestry, and spirituality – to the involvement of the people through a tribal council, which is not fixed but rather adapts according to the needs of each case. Consequently, the decisions rendered, whether by the cacique, the pajé, or the council, reflect the aspirations of the community and, as will be analyzed further, are respected by its members. This

respect stems from the fact that their authority originates and is consolidated through belief in and reverence for the legacy of the ancestors and the divine.

In the third category, the procedures and punishments applied in conflict resolution in the Xokó village are based on dialogue and the pursuit of restoring community order, the study proceeds with the objective of understanding the step-by-step process undertaken by the community until a decision is rendered and enforced. Therefore, the analysis focuses on the following aspects: (i) the presence of dialogue between the conflicting parties; (ii) the cultural foundations and operational mechanisms of the punishments; (iii) their gradation according to the severity of the transgression; and (iv) their limits.

Regarding the procedure followed by community jurisdiction, it is possible to delineate that, unlike ordinary justice, this process is not based on the formalism of a written norm but rather on informality, orality, and consensuality. Conflict resolution is thus conducted with the purpose of reconstructing social bonds (Dulce, 2019), moving away from the dichotomy of winner and loser in the face of a dispute.

Inherent to the objective of restoring balance within the community is what, in the state justice system, is referred to as the adversarial principle. However, in this context, it is understood as a means of providing the offender with the opportunity to engage in dialogue—that is, to present their version of events, comprehend the consequences of their actions, and commit before their people not to repeat them. This emphasis on dialogue is evidenced from Osório's perspective when he states: "They are heard, they are called to attention, they give their version, if there is a problem between one and the other [...] and in the end, advice is given, or a punishment, or some chance" (Osório, 49 years old, interview conducted on September 8, 2024, our translation). This statement reinforces the idea that the restoration of harmonious coexistence is prioritized.

From this perspective, three types of punishments were mentioned during the interviews: (i) reassignment to work positions outside the community, (ii) exclusion from the *Ouricuri*, and (iii) temporary separation from communal life. Given their deeper connection to Xokó traditions – which allows for a clearer understanding of why they are perceived as such – the study, from this point forward, focuses on the latter two forms of punishment.

The prohibition from participating in the *Ouricuri* is, according to the informants, imposed in cases of conflicts of moderate severity, meaning situations in which the harm inflicted upon the community is not excessively detrimental.

For the Xokó people, the *Ouricuri* represents, simultaneously, the manifestation of their indigenous ancestry, a space for acquiring traditional knowledge, and a sacred ritual that strengthens spirituality while invoking protection for their people (Lima, 2024). Additionally, it serves as a structuring element of daily life, as it “orders the structure of the perceptible world, since it contains the organization of the sacred, the mysterious, the intangible, that domain of indigenous life which the national society has not managed to control” (Mata, 1989, p. 181, our translation). “ordena a estrutura da vida perceptível, vez que contém a ordenação do sagrado, do misterioso, do intangível, daquele reduto da vida indígena que a sociedade nacional não conseguiu dominar” (Mata, 1989, p. 181).

Similarly, the *Toré* – a traditional Xokó dance – as well as ceremonial attire and body paintings, function as symbolic elements of group cohesion that, beyond serving as mechanisms of affirmation, distinguish the Xokó people from non-Indigenous society (Dantas, 1997). Consequently, the interpretation of exclusion from the *Ouricuri* as a corrective and punitive measure for individuals who violate communal norms or adopt behaviors detrimental to collective well-being derives from the significance attributed to this ritual, especially concerning the individual's self-affirmation as a Xokó Indigenous person. Therefore, restricting one's participation in it equates to restricting a part of their identity.

The expulsion of a community member, in this sense, constitutes the ultima ratio of punishment. Following the same rationale as exclusion from the Ouricuri, separating an individual from their community, from interactions with family and friends, and from indigenous practices and customs results in an identity disconnection. This, in itself, runs counter to the collective objective of strengthening and preserving their culture.

It is important to highlight that expulsion is imposed for a determined period, as interviewees indicated that no individual has ever been permanently expelled: “They are expelled from the village for one year, two years, you see? No one has been permanently expelled” (Salete, 37 years old, interview conducted on September 8, 2024, our translation).

Regarding the ability of Indigenous peoples to exercise their own jurisdiction, the 2007 United Nations Declaration on the Rights of Indigenous Peoples, while recognizing the right of traditional communities to maintain their institutional structures and, where applicable, their legal systems – thereby granting the collective and its leaders the autonomy to define individual responsibilities within the community – limits this jurisdictional power to the scope of human rights (UNIC, 2008).

Similarly, Article 9, Section I, of ILO Convention 169 establishes that Indigenous communities and traditional peoples must have their autonomy respected in determining their methods of sanctioning transgressions, provided that these methods remain compatible with the national legal framework (ILO, 1989). In adherence to the principle of national sovereignty and to ensure a greater concentration of jurisdictional authority within the State, this framework ultimately renders such Indigenous legal practices subsidiary, thereby restricting the autonomy of Indigenous authorities – and, consequently, of the Indigenous people themselves – in administering conflicts according to their ancestral traditions.

The interviewees emphasized that communal conflicts cannot be handled arbitrarily, as unreasonable judgments could lead to unjustifiable and disproportionate punishments or reprisals. It

is understood that behaviors subject to sanctions are those that disrupt the well-being of the community, given that the primary objective of community justice is to restore harmony and balance among its members. Accordingly, punishments serve as a means to encourage the offender to reflect and self-correct regarding the harm caused to themselves, their family, and their community (Miño & Santamaria, 2019).

From the transcribed interviews, it is possible to observe the deep connection between historical roots – as well as natural elements – and conflict resolution practices. From the community's perspective, the measures implemented have, with few exceptions, proven effective. According to Salete, failure to comply with a community decision results in an escalation of the punishment, as she explains: "if you do not respect this decision, the next one is to leave the village" (Salete, 37 years old, interview conducted on September 8, 2024, our translation). Another interviewee further reinforced the effectiveness of these measures, stating that "many people have straightened out, many have changed their behavior, in my view, after certain punishments" (Osório, 49 years old, interview conducted on September 8, 2024, our translation).

Since these practices are deeply rooted in Xokó culture, beliefs, and customs – and moreover, involve broad community participation, thus reflecting its collective interests – the conflict resolution mechanisms in the Xokó village on Ilha de São Pedro are highly valued by its members. By voluntarily submitting to them, individuals demonstrate a loyalty and trust that surpass mere social control, to which all individuals – Indigenous or non-Indigenous – are legally subject. Instead, they reveal a profound desire to belong and to fully embrace their Indigenous identity.

4 Conclusions

This study aims to identify the presence of conflict resolution techniques within the social organization of the Xokó Indigenous community in Porto da Folha/SE, with particular attention to the

driving factors behind this form of social control. In this regard, the study is based on the hypothesis that, given the value placed on the transmission of knowledge through ancestry and oral tradition, Indigenous practices of conflict resolution and social organization control are intrinsically linked to mystical aspects that trace back to the history and belief in Indigenous identity.

Based on the analysis conducted, the hypothesis is confirmed through the ethnographic data produced. Firstly, drawing from both the theoretical framework and the empirical data collected in the field, it is possible to assert that the Xokó people maintain a set of rules and objectives that govern their lives as members of a community. Likewise, certain behaviors are regarded as transgressive of social order and, therefore, harmful to the collective, as they undermine communal well-being. It is from these perceptions that notions of conflict are constructed within their reality.

It is observed that much of what is understood as conflict is associated with an individual's cultural detachment from the group's customs, traditions, and beliefs. Additionally, actions that disregard the collective well-being in favor of individual interests and disengagement from communal needs are also considered transgressive. These perceptions are not arbitrary; rather, they stem from a historical context in which the community lacked the freedom to express its Indigenous identity or organize itself according to its traditions and beliefs.

Secondly, as is natural in any society – Indigenous or otherwise – when confronted with conflict, strategies, techniques, and rules are devised to address or resolve disputes and discourage the recurrence of transgressive behavior. Therefore, it is evident that there exists a principled and procedural structure underlying conflict resolution within the Xokó Indigenous community.

As extensively discussed, both the *cacique* – chief – and the *pajé* – shaman – are believed to be divinely revealed, endowed with the gift, strength, and knowledge necessary to manage the

community and preserve its traditions. The primary responsibility for overseeing conflict resolution practices falls to the *cacique*. However, the *pajé* and the tribal council may also play a subsidiary role, particularly in cases where disputes are more complex and require broader deliberation.

Dialogue is a key element in the conflict resolution practices of the Xokó community. Interviewees indicated that those involved in disputes are given the opportunity to present their version of events. In cases of minor transgressions, advice and a second chance are provided to encourage behavioral change. However, in certain instances, even when dialogue is prioritized and cultural cohesion is sought, the application of punitive measures becomes necessary.

Sanctions such as exclusion from the *Ouricuri* ritual and the *Toré* dance, as well as the temporary expulsion of a community member, highlight the fundamental role of culture in the Xokó legal tradition. While, in the ordinary justice system, the most severe punishment involves the temporary deprivation of liberty, in the Xokó community, the deprivation relates to an essential aspect of individuality, restricting participation in cultural practices that reinforce Indigenous identity itself.

This arrangement takes on unique characteristics of Indigenous justice, from the divine revelation of the *cacique* and *pajé* to the collective participation of the community through the convening of the tribal council. The process culminates in a final decision, which does not necessarily entail a punitive measure – such action is only taken when deemed necessary, according to interviewees. Throughout the process, priority is given to dialogue, consensus, and the restoration of harmony among group members.

Future research could further explore the composition and role of the tribal council, as well as the involvement of Indigenous protection agencies and the ordinary justice system in conflict resolution processes. Examining the potential impacts of these external interventions on the autonomy of Indigenous jurisdictional practices would provide valuable insights into the broader dynamics of legal pluralism in Indigenous contexts.

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