

Abstract

The thesis focuses on the state approach coming from the western or Eurocentric, and so non-indigenous perspective, to corporal punishments imposed by indigenous justice, with a particular focus on Colombia, given that some indigenous communities located in Colombian territory still impose corporal punishments today. In this regard, the Nasa indigenous community, located in the Cauca and Cauca Valley regions in the southwest of Colombia, is examined, as corporal punishment consisting of fuate is still used within their justice system. This is a multidisciplinary research integrating both legal and anthropological perspectives. The objective of the research is, after the explanations of the theory based on legal pluralism and legal anthropology and after the analysis of the jurisprudence of the Constitutional Court of Colombia, supported with the literature of Anthropology of law and the interviews conducted with Nasa community members, to give the answer to the research question, which is the point of view of the state justice to the imposition of corporal sanctions in the indigenous justice. Within this object of study, the thesis analyzes how the indigenous justice works, with a focus on its application in the criminal field and, more specifically, on the use of corporal punishments. The distinction between indigenous and ordinary justice is explained, highlighting the nature and function of the special indigenous jurisdiction, its constitutional recognition and its integration within the Colombian legal system, in the context of the framework of the constitutional guarantee of ethnic and cultural diversity.

*The interaction between special indigenous jurisdiction and ordinary jurisdiction is examined, whose coexistence is possible thanks to the multiculturalism and legal pluralism characteristic of contemporary Colombian legislation. In this regard, the issue of the representation of indigenous justice in the media is addressed, specifically through the legal-anthropological analysis of the case presented in the television series *Desarmonización: la flecha del conflicto*. These thematic areas provide the necessary context to carry out the final analysis on the state perception of corporal punishment imposed by indigenous justice.*