

**RESEARCH PAPER****Unveiling the Dynamics of the Jirga System in Pakistan: An In-Depth Analysis****¹ Taniya Ahmed*, ² Khurshid Ahmed, and ³ Muhammad Arif Khan**

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ABSTRACT

The Jirga system in Pakistan holds great significance as it manages support to the grieving and punishes wrongdoers. However, it violates constitutional laws and disregards fundamental human rights when settling conflicts. To comprehend the dynamics of a Jirga, extensive research must be conducted on such topics. The study is based upon two objectives which aimed at identifying the Jirga system's flows while resolving conflicts in various regions of Pakistan, and to gain insight into alternative dispute resolution (ADR) initiatives offered in various countries. The study employs a qualitative research methodology and collected data from various secondary sources. It was revealed that the Jirga is unjust and violates every human right. Meanwhile, (ADR) programs, focus on transparent and equitable conflict settlement while operating lawfully. The paper provided recommendations such as encouraging the Jirga system to be formally recognized by law with well-defined procedures that will allow it to handle disputes effectively and maintain societal stability.

Keywords:

Alternate Dispute Resolution (ADR), Communal Assembly, Customary Practices, Jirga System, Traditional Justice Mechanism, Victim-Offender Mediation

Introduction

"Peace cannot be retained by force; it can only be achieved through understanding" Albert Einstein

The traditional justice mechanisms in Pakistan, termed as Jirga, constitute informal systems deeply rooted in cultural heritage and passed down through generations (Hassan & Malik, 2020). Jirga denotes a gathering by group dialogue to resolve disputes or traditionally make decisions, 'without involving formal legal proceedings or without the presence of a judge or jury. The typically ignored component is the capacity of ancient rites and practices to offer useful insights into current systems. Such customary practices are recognized and valued by all the community's members. Jirga are established on customs, nonetheless, they function without particular legal structures that endorse their behaviors (Shinwari, 2015; Rizvi, 2021). The word "Jirga" includes various connotations across different cultural settings, demonstrating its adaptability. Although it retains etymological roots with the term "circle," its usage goes beyond linguistic bounds, finding a place in different languages such as; Persian, Turkish, and Mongolian languages to signify a gathering of people. The meaning of "Jirga" differs among cultures, with some equating it with a traditional gathering of tribal elders, while in other settings; it denotes a council or a court of justice.

In simplest terms, "Jirga" is a multidimensional phrase that represents a communal assembly with subtle meanings in different cultural contexts; such as it is known as "Majlis" in Persian, "Panchayat" in Punjabi, and "Jirga" in Hindi. All these Majlis, Panchayat, and Jirga are traditional forms of community decision-making and dispute resolution in various

cultures (Wardak, 2017). Jirga's are often held in common places such as a "Hujra," a community mosque, or an open field outside the village. Participants in the Jirga create a circle, indicating a communal and equitable mindset to talks. This unstructured gathering, resembling a roundtable conference, underscores their commitment to democratic principles and equality. The Jirga operates as a forum for dialogue and conflict resolution, aiming to achieve consensus among involved parties. It is commonly employed to peacefully resolve conflicts between families, individuals, villages, or tribes.

The essence of the Jirga lies in fostering open discussions and negotiations, with the overarching objective of reaching a resolution that is mutually acceptable to all parties involved (Naz et al., 2017). However, these traditional methods of resolving family disputes, relying on the determinations of Jirga, seem to conflict with the tenets of Islamic Law, contravene the constitutional laws of Pakistan, and undermine fundamental human rights (Hussain et al., 2023). Numerous individuals especially women have lost their lives as a result of enforcing judgments from tribal courts under practices such as Karo-Kari and Vanni, among others. In cases of honor, if a tribal Jirga issues a verdict declaring a girl as Kari, it is mandated that the girl be subjected to death. Recent statistics provided by the Aurat Foundation highlight that, as a result of tribal justice decisions on matters of Karo-Kari, 550 individuals have fallen victim to these practices. Appallingly, even in urban centers like Karachi, individuals face fatal consequences due to tribal rulings on Karo-Kari or allegations of illicit relationships (Hassan, 2021). The execution of these sentences is carried out by clan members or family representatives, resulting in the tragic loss of lives under the guise of honor.

It is a lamentable reality that the destiny of women and children in rural areas has been historically reliant on Jirga's. Issues ranging from minor incidents like a stolen goat to more serious disputes such as land conflicts are resolved by punishing the daughter of the implicated family. Regrettably, the punishment, in many instances, involves the orchestrated rape of the girl, or, in some cases, marrying a young girl off to an elderly man. The Mukhtaran Mai case is a high-profile case of gang rape that occurred in Pakistan in 2002 (Khan, 2011). She was gang-raped on the orders of a village council as punishment for her younger brother's alleged affair with a woman from a rival tribe. Despite facing immense pressure and threats, Mukhtaran Mai spoke out about her ordeal and fought for justice. Meanwhile, countless girls experience treatment akin to that endured by Mukhtaran Mai at the hands of the Jirga, yet they endure their suffering in silence, resigning them to accept it as their fate. In rural areas, girls are perceived as a form of collateral, subjected to compensation for crimes committed by others. In a tragic turn of events, a couple from Kohistan who had chosen to marry in Karachi of their own volition in September 2020 was murdered two months later in November at the orders of a Jirga. In a second example, a 15-year-old girl and a 17-year-old boy were claimed to have been electrocuted by their relatives in Karachi following Jirga directives (Sheikh, 2021). These are the most recent instances of the alarming verdicts of the illegal parallel judiciary system that exists throughout the country.

While Jirga's exhibit numerous imperfections, they have played a crucial role in upholding law and order in various regions. Despite instances revealing the flawed judgments of Jirga's, there are also cases where these assemblies have effectively and reasonably resolved disputes without issuing harsh rulings. Such as in May 2016, a grand Jirga convened at the farmhouse of a prominent chieftain in Shikarpur to address violent tribal clashes involving the Brohi-Kakepota, Bakhrani-Brohi, Sundhrani-Tunia, and Marfani-Brohi tribes. Renowned '*sardars*' and '*waderas*' from Shikarpur, Jacobabad, and Kandh-Kot districts, known for their expertise, justice, and impartiality in Jirga proceedings, played the role of conciliators. The Jirga successfully facilitated reconciliation among all the conflicting tribes. The conciliators attentively listened to statements and arguments from the disputing parties and their witnesses. In a matter of hours, the conciliators reached verdicts. Members

of the clashing tribes expressed satisfaction, with individuals who had been adversaries for years observed embracing each other and exchanging good wishes (Ali, R. 2021). Similarly, in another case, a 20-year-old bloody clash between the Mahar and Jatoh tribes, resulting in 150 lives lost on both sides and a 15-year-old deadly dispute between the Jatoh and Jagirani tribes, claiming 24 lives from both warring parties, were amicably settled through Jirga's in 2008 and 2015, respectively. With the intervention of their chieftains, these tribes have since been coexisting in villages with proximity, maintaining peaceful relations with each other. However, these are only a few cases that come to light that are rightly settled by these Jirga's. At large, many cases are decided discriminatorily by Jirga's, denying human rights.

Meanwhile, the Jirga system administers free and prompt justice to the people, with conciliators offering their services without charging any fees. These Jirga's have the potential to function as out-of-court settlements, providing swift and cost-free resolution to disputes, leaving both aggrieved parties satisfied. Opting for the Jirga over the criminal justice system can be advantageous for impoverished individuals who cannot afford legal expenses or a lengthy court process and seek a quick decision for their cases. However, it is vital to implement reforms in the Jirga system to address its flaws. These flaws can be corrected by providing guidance and knowledge to chieftains about various victim-offender mediation programs offered in various countries that have proven successful in resolving cases without violating any human rights laws. For that reason, the following article is designed to identify the flows in Jirga system while resolving disputes in various regions of Pakistan including Punjab, Sindh, and KPK. Besides it aims to explore the diverse programs utilized for the resolution of victim-offender disputes in other countries. By drawing insights from these offender-victim mediation programs, it seeks to identify improvements for the present situation of Jirga's in Pakistan, emphasizing the importance of learning rightful guidance through these successful international models.

Literature Review

The Jirga system is a distinctive dispute settlement mechanism that is mostly prevalent in rural and tribal areas of Pakistan. It has long been a source of interest for researchers, policymakers, and practitioners in Pakistan. To resolve disputes and maintain social order in their society, elders and community leaders meet and form this traditional style system. The Jirga system is discussed from a variety of angles in the extensive body of literature. Different academics and researchers have offered opposing theories and views that contribute to our complex understanding of Jirga's functions and potential goals. The unique aspect of the system is its reliance on collective wisdom, as elders and community leaders collaborate to resolve disputes and preserve a kind of justice deeply rooted in local traditions (Tamuly, 2016). This review of the literature aims to elucidate the different perspectives that have been held regarding the Jirga system by delving into the complex arguments surrounding it. Supporters differ on its applicability to different cultures, its capacity to resolve conflicts amicably, and its accessibility in places with weak official legal systems. Opponents, however, draw attention to the Jirga system's shortcomings in terms of accountability, transparency, and human rights, especially in marginalized communities. Such examination of the literature reveals the complexities that require further investigation in addition to highlighting the importance of the Jirga system in Pakistan's social fabric.

According to research conducted by Hussain (2017) with an emphasis on rural areas, the Jirga system is a useful tool for many impoverished and illiterate people because it settles disputes quickly and effectively when our formal legal institutions run into issues with being inaccessible to everyone. Khan's (2015) research, on the other hand, backs up these claims by offering concrete evidence of Jirga's efficiency in case settlement. Thus, the primary focus of attention is on how successful the Jirga system is at providing timely and easily accessible justice, particularly in impoverished communities.

Critics of this aspect have raised serious concerns, pointing to instances of bias, discrimination, and violations of human rights in the Jirga system, especially concerning women, minorities, and other vulnerable groups. Research conducted by Ahmad (2019) has drawn attention to these important issues, highlighting the inequalities and injustices that can occur within this Jirga system. Cases of discrimination and violations of human rights against marginalized people have led to demands for a thorough review of the system's operations (Amado, 2022). It was reported that in nearly all cases, the victim's family is pressured into accepting Jirga's settlements in which they are paid a couple of hundred thousand rupees as blood money. Thus, the abusers continue to hunt women with feudal impunity. In many circumstances, Jirga's mandates young girls to marry a man from the opposing group as compensation for misdeeds committed by any of their family members (Hassan, A. 2021). Every day, our newspaper is filled with stories about the terrible and brutal decisions made by this informal institution, which takes the lives of many men, particularly young women, in the name of honor. Thus hastily resolving disagreements or cases accomplishes nothing good; it merely causes more harm.

Numerous Jirga rulings are often impacted by local politicians, landowners, and other powerful and affluent residents. The Jirga members give these people a great deal of comfort when they transgress, and they regularly punish the poor, even when they are innocent. This demonstrates how the Jirga's decisions are unfair and solely aim to placate powerful people at the expense of weaker ones. Similar conclusions were drawn from Malik's (2018) research, which provided specifics regarding the urgent need for major modifications to the Jirga system to uphold the principles of justice, equity, and human rights. Researchers' criticisms of the Jirga system are exactly what is needed to justify a review and remedial action. The Jirga system must evolve to adhere to contemporary justice and human rights standards while still retaining its traditional significance (Alam et al., 2023).

Interestingly social justice and domestic conflicts have always been governed and handled by different local forums worldwide. These customs, which take the shape of Jirga's and Panchayats, have also existed for millennia in Pakistan (Tomaszewski, 2018). Contrary to Pakistan's current circumstances, many emerging nations view these forums as an integral part of their local institutions. Given this, it would be helpful to comprehend the roles played by Jirga's to better understand the ADR system in relation to our traditions and culture (Nawaz et al., 2014). Since usage and custom are the primary sources of law, it is a reality that the judicial system is based on customs and traditions. As such, the legal structure supporting the justice system must take into account customary rules (Rummel, 2020). Understanding Jirga legal standing is essential to discussing the informal conflict settlement process's methodology. Although this traditionally evolved institution has several excellent qualities, courts with normal jurisdiction generally do not accept rulings from Jirga's (Rizvi, 2021).

Meanwhile, these discoveries lay the groundwork for future investigations, inspiring academics and decision-makers to explore the complex dynamics affecting the Jirga in the face of changing legal, economic, and social standards. The following literature gives a detailed knowledge of the significance, advantages, and disadvantages of this system in Pakistan. Moreover, the dynamics of the Jirga system are changing in response to modernity and government interference, which emphasizes the value of ongoing study and discussion of this age-old method of resolving disputes present in our community.

Material and Methods

Pakistan's Jirga system possesses extreme significance because it is a judicial system that is in charge of punishing wrongdoers and giving relief to those who are grieving. Therefore, in-depth research on these subjects is necessary to understand both the advantages and disadvantages of such a system that has been prevalent in our society for

decades. For this reason, the present study uses a qualitative research methodology, and the source of data collection is based upon analyzing secondary sources such as books, articles, and news websites. The secondary research method entails re-utilizing qualitative data acquired through prior conducted research. Qualitative secondary analysis (QSA) is the application of qualitative data collected by another researcher or collected to address a different research question. It creates the opportunity to maximize data utility (Tate, 2018). The following study's main goal is to explore Jirga throughout Pakistan and comprehend how these Jirga's developed and delivered justice in various regions such as Sindh, Punjab, and KPK. The second goal of the research was to explore informal mechanisms for resolving conflicts across borders, and secondary sources proved to be exceptionally beneficial in this regard. All of the data were ultimately categorized into themes for greater comprehension; this was accomplished through thematic analysis, which generated the major themes.

Results and Discussion

Alternative Dispute Resolution at the National Level

The study's first objective which is to examine the different flows within Pakistan's Jirga system that are important to maintain social order and resolve conflicts among communities is the main goal of the research. It was revealed by the gathered data that in our country the Jirga lacks official legal support and it primarily depended upon informal judicial processes. This is concerning because there have been multiple reports of gender prejudices and cases of the Jirga system's actions disregarding human rights laws (Younis, 2017). This highlights the reality that effective justice delivery is not always ensured by merely being accessible to it. Notably, the Supreme Court declared Jirga's tactics unlawful, drawing attention to the fact that they are acting beyond the legal and constitutional boundaries (Mohyuddin, 2021). Therefore, the data for the study's primary aim, which is to ascertain the extent to which these proceedings violate fundamental human rights in different regions including Khyber Pakhtunkhwa KPK, Sindh, and Punjab, are obtained from a variety of scholarly articles and newspapers. For clarity, all the collected data is presented in border themes generated through Thematic Analysis. These themes included:

1) *Jirga's Ruling in Punjab* 2) *Jirga's Ruling in Sindh* 3) *Jirga's Ruling in KPK.*

Theme 01: Jirga's Ruling in Punjab

A case was reported in the Punjab region which explores a conflict that exists within a family and society. In this case, a husband requested the Jirga involvement to end his marriage through "Khula". Meanwhile, his wife filed for divorce and sought maintenance reimbursement in the family court. Owing to her father's illiteracy, the Watta-Satta system was used to arrange their marriage; where her uncle wed her husband's sister. Pakistan is home to the Watta-Satta custom, which violates people's will and human rights by nature (Nasir et al., 2015). This tradition put her marriage in great jeopardy and combined her problems with her uncle's marital problems. Adding to the complexity of their marriage was the fact that they were childless. Hence the wife was subjected to physical and psychological abuse and faced domestic violence by her husband including her in-laws due to which she decided to file a complaint with the family court, which infuriated her husband and also her in-laws. She reluctantly retracted the complaint from the family court under pressure from her family, and the matter was heard by Jirga instead. Such type of Jirga ruling forced both husband and wife to stay together for the sake of connections and the family's reputation, even though they both wanted to end their marriage. Hence this ruling allows the cycle of abuse faced by the wife to continue more often. This kind of judgment is against Islamic teachings that support separation in these situations and also violates the norms of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Nasir et al., 2015). This incident highlights how cultural norms and customs interact to shape the resolution of family disputes.

Theme 02: Jirga's Ruling in Sindh

In 2016, two brothers from Phul Village, Sindh, were instructed to seek forgiveness from their landlord while holding their shoes in their mouths and placing them at the feet of the landlord. The landowner is a member of Sindh's major political party, the Pakistan People's Party (PPP). According to media accounts, the two brothers, were on their way when their donkey cart collided with the vehicle of the landlord, causing minor damage. There have been rumors that the accident was caused by the landlord's driver, and the peasants were punished. Landlord henchmen initially beat the brothers and brought them to the landlord's Autaq (private residence), where they were both assaulted again. Landlord later convened a Jirga, an unlawful tribal judicial system, in which elders from the area were summoned to judge the problem. The members of the Jirga instructed the brothers to seek forgiveness from the landlord while clutching their shoes in their mouths (Asian Human Rights Commission, 2016). Such a system of tyranny perpetuates itself by instilling terror in the local population. The methods utilized include humiliation, torture, and inhumane treatment. The Jirga system, known for abusing the concept of justice through illegitimate decisions, can persist and grow because the State-sanctioned judicial procedure is lengthy, complex, expensive, and arbitrary.

Theme 03: Jirga's Ruling in KPK

On April 29, 2016, as a social media post featuring a charred corpse inside a burned vehicle went viral, the incident garnered media attention. In response to the concerns raised by the civil society, an inquiry was initiated. It was revealed that the picture was of a girl named Amber, a 16-year-old girl from Makol village near the town of Dunga Gali in the Abbottabad district of Khyber Pakhtunkhwa (KPK) province, who was tragically burned alive in an honor killing incident for assisting her friend in evading capture. Due to her assistance, her friend got married. Investigation revealed that Amber, the victim, was burned to death at the behest of a Jirga to teach the local females a lesson. To prevent 'love marriages' in the region, the Jirga determined that the helper girl must be punished to serve as an example for other young women (Asian Human Rights Commission, 2016). According to media accounts, after Amber was sentenced, the Jirga leader dispatched another Jirga member, to the victim's home on the same night, where the victim's mother was forced to hand over her daughter or risk having her entire family burned alive in their home. He then brought Amber to another house, where she was drugged and burned alive in a Suzuki van; her body was drenched in fuel and set ablaze in an attempt to prove that it was an accident. In an interview with the media, the murdered girl's father stated that he works hundreds of miles away from his hometown and that members of Jirga compelled him and his family members to hand over the girl otherwise they would be slain in honor of the village (Asian Human Rights Commission, 2016).

Amber's story also demonstrates the current situation of human rights in the country, where the government and its machinery are least interested in improving human rights. This is likewise an illustration of the worst situation for Pakistan's women. The case emphasizes the dilemma of women who face a lack of state protection and the rule of law. Honor killing becomes the norm when court and state institutions fail to protect the marginalized and weak, giving criminals the freedom to take the law into their own hands. Despite the passage of numerous women-friendly laws, the patriarchal worldview endures and is prevalent among legislators, many of whom are feudal lords themselves.

Alternative Dispute Resolution at the International Level

The second objective of the study is to explore and gain insight into similar victim-offender dispute resolution programs offered worldwide. It was found that many models are working to restore justice, solve crimes, and work as a mediators to solve disputes between victims and offenders. The main purpose of these programs is to bring together the

victim, the offender, and community members who were most impacted by the criminal act in a non-adversarial process to meet the needs of the victims and promote offender accountability to heal the harms caused by the crime (Bergseth & Bouffard, 2007). Several restorative justice models are described in the following section; all emphasizing community-based sanctions, employing informal procedures, and relying on consensus-based decision-making. Some of the most common programs usually related to restorative justice such as: "Mediation and Conflict-Resolution Programs", "Family Group Conferences", "Victim-Offender Mediation", "Circle Sentencing", "Neighborhood Justice Centers" and "Community Reparative Boards". Such programs focus on dialogue, accountability, and healing, providing opportunities for victims and offenders to address the impact of the misconduct and work toward resolution outside of the traditional criminal justice system. The establishment of such a program is based on a movement in the conceptual approach to the definition of crime, as well as a subsequent change in criminal justice policy that lays focus on reparation, mediation, and conciliation rather than punishment (Ratner, R.S, 2008). In these programs "Mediators" plays a major role and "Mediation" is the most prevalent form of "alternative dispute resolution" (ADR). Simply put, ADR refers to any type of conflict settlement that does not include going to court. It allows mediators to resolve disagreements and conflicts using a procedure that is best suited to the specific dispute or conflict. As a result, many ADR practitioners prefer to use the term "appropriate dispute resolution". ADR entails selecting or designing a process that is best suited to the specific dispute and the parties involved in it (Singh, 2015).

Meanwhile, Victim-offender mediation commonly known as (VOM) is essentially "dialogue-driven", in contrast to many other forms of mediation that is mostly "settlement driven". In victim-offender mediation, a completely new procedure based on a humanistic model of mediation is adopted, in contrast to other applications of mediation where the mediator would initially meet the parties during the joint mediation session (Lewis et al., 2015). Redefining the mediator's role from settlement-driven to dialogue and mutual aid-facilitating, setting up separate pre-mediation sessions with each party, establishing rapport and trust with the parties without taking sides, identifying each party's strengths, employing a non-directive style of mediation that fosters a safe space for dialogue and accessing participants' strengths, and acknowledging and utilizing the power of silence are all part of this model. In the majority of victim-offender mediations, a restitution agreement is signed. But the first conversation between the parties is more important than this agreement. For victims to heal and for the offender to gain victim empathy, which can result in reduced criminal conduct down the road, dialogue is essential in meeting the emotional and informational requirements of victims (Namuo, 2015).

According to research, ADR methods such as mediation and arbitration frequently result in settlement rates of more than 70% to 80%, demonstrating the efficiency and satisfaction gained through collaborative and non-adversarial tactics (Coben, 2021). These figures highlight the growing awareness of ADR as an effective method of settling issues outside of the traditional courts, resulting in timely and mutually beneficial outcomes for all parties involved. Many cases solved through alternative dispute resolution were solved in such a in which neither the victim nor the offender suffered a violation of human rights in the process of resolving conflicts. The following section provides cases that are categorized into themes. These themes included:

1) Case Study of ADR in USA 2) Case Study of ADR in India 3) Case Study of ADR in South Africa

Theme 01: Case Study of ADR in the USA

In a high-profile case, Amy Cooper and Christian Cooper's conflict was effectively handled via an alternative dispute resolution strategy. Amy Cooper, a white lady, falsely accused Christian Cooper, a Black man, of threatening her and her dog, resulting in a felony

charge of submitting a false police report (Shonk, K. 2023). The resolution was implemented on February 16, 2021, when the Manhattan District Attorney's Office adopted an alternate, restorative justice approach. Instead of following typical legal options, Amy Cooper took part in five therapy sessions aimed at investigating the influence of racial identities on individuals' lives. Her therapist described the sessions as a "moving experience," emphasizing the depth of the inquiry into racial bias and the significant lessons learned. The emphasis was on identifying and fighting racial bias, rather than simply penalizing the offender. Meanwhile, Christian Cooper, the aggrieved person, chose not to cooperate with the inquiry claiming that she had already suffered severe consequences, including the loss of her career and reputation. Some experts oppose that this resolution falls short of restorative justice principles; but it did save a lengthy legal struggle while also providing an opportunity for education and community healing (Shonk, K. 2023). The case is a noteworthy example of directing justice using these approaches that prioritize education and reconciliation above traditional punitive measures.

Theme 02: Case Study of ADR in India

A notable case that took place in Delhi involved a landlord-tenant dispute over overdue rent and property maintenance. The dispute was successfully resolved through alternative conflict resolution (ADR) techniques as opposed to the drawn-out legal process. The tenant's financial struggles during the COVID-19 lockdown led to the issue, which was settled in a mediation session sponsored by an impartial third party. The tenant's inability to make regular payments due to financial constraints brought on by the pandemic was uncovered by the mediator. The mediator approached the situation equitably and sympathetically, assisting both sides in resolving. Both sides committed to factoring in the challenges posed by the lockdown while determining the market rental rate. They were able to negotiate the complexities of the conflict and come to a friendly resolution thanks to their united efforts (Anand, 2020).

Selecting these alternative dispute resolution techniques over traditional court cases expedited the settlement process and saved both parties money and time. Additionally, both the landlord and the tenant saved a substantial amount of money on legal fees by circumventing the drawn-out judicial procedures. Furthermore, the landlord-tenant relationship has significantly improved, which embodies the humanitarian aspect of the resolution. Finally, this instance shows how successful alternative dispute resolution (ADR) can be in swiftly and peacefully resolving disputes, offering a helpful and considerate substitute for the burdensome legal system.

Theme 03: Case Study of ADR in South Africa

An interesting case from South Africa found that restorative justice, an alternative dispute resolution procedure, was an efficient way to handle criminal accusations against former policewoman Sarah John (Ngidi et al., 2023). Outside a grocery shop in April 2019, John accidentally pulled out her firearm instead of her Taser, seriously hurting Julie Hall. Hall eventually turned to restorative justice after suffering from PTSD and losing a portion of her spleen. The Prosecuting Attorney's Office lowered John's assault charges in response to Hall's request. According to the prosecutor's office, John acknowledged her mistake right away, offered assistance, and resigned, expressing regret in the process. Following his recovery, Hall pushed for a restorative justice program and received a \$2 million settlement. A crucial element of the resolution turned out to be Hall and John's willing participation in an in-person meeting with a mediator. With an emphasis on finding a solution outside of the traditional criminal justice system, restorative justice promoted recovery via reconciliation. According to the attorney, "This was a unique opportunity where the defendant immediately realized she had made a terrible mistake in shooting the victim, and both the defendant and victim reached places where they could see a resolution for this incident outside of the criminal justice process" (Ngidi et al., 2023). The successful resolution of this

case shows how restorative justice can offer significant and therapeutic resolutions for both victims and offenders, advancing the goal of collaborative and restorative justice.

The study's findings show that Alternative Dispute Resolution (ADR) or victim-offender mediation programs offered in other nations differ from Pakistan's Jirga method. According to the data it was revealed that Pakistan's Jirga system points to a reliance on extra-legal proceedings with little official legal backing. Reports of discriminatory behavior within the Jirga system highlight concerns over gender prejudice and human rights breaches stemming from this informal approach that is firmly ingrained in tradition. International dispute-resolving programs, on the other hand, such as those in the US, India, and South Africa, approach conflict resolution in a more systematic and institutionalized manner. A fair and transparent dispute settlement procedure is emphasized by these programs. These programs promote dialogue, responsibility, and healing of victims and both victims and offenders can cooperate to settle outside of the established criminal justice system. Furthermore, by keeping in mind all the data, it can be argued that concerns like property disputes, honor-based conflicts, divorce-related problems, and helping a friend to get married are more prevalent in Pakistani society. But neither the United States nor any other developed nation has these kinds of problems.

The Jirga members in Pakistan severely punish offenders and occasionally innocent victims; to stop such crimes from happening in our society but this does not imply that human rights must be violated to achieve that goal of stopping the crimes. Consequently, in light of these issues, the research emphasizes the necessity for Pakistan to reconsider and update its old-fashioned Jirga system, acknowledging its inadequacies in defending the rule of law and human rights. Pakistan should try to adopt elements from other successful dispute-resolution programs across the globe to move towards a more transparent and equitable conflict-resolution process that complies with international standards and values. The study's manifest disparities demonstrate how urgently changes must be implemented in the legal system of the nation to ensure basic human rights and attain justice for all.

Conclusion

The present study draws upon secondary research to identify the mechanisms through which the Jirga system resolves conflicts in different parts of Pakistan. The research aims to investigate and obtain insights into comparable victim-offender or alternative dispute resolution (ADR) programs that are provided in different nations. The results of this study highlighted a significant difference between the Jirga system in Pakistan and other alternative dispute resolution approaches that are employed around the world. It was found that the Jirga in Pakistan violates every human right and punishes both the victims and the offenders severely to stop tragedies like this from happening in our society. In the meanwhile, international ADR programs, including those available in the US, India, and South Africa, focus heavily on transparent and equitable conflict settlement while operating systematically and lawfully. They facilitate more humane and responsible communication between victims and offenders by encouraging conversation, accountability, and reconciliation. Ultimately, the paper contained achievable recommendations for enhancing the Jirga system, like putting in place comprehensive training courses to help Jirga members have a deeper understanding of human rights, conflict resolution, and legal concepts.

Recommendations

- Encourage the Jirga system to be formally recognized by law and supported by legislation. It ought to be applied as an extra layer of dispute resolution, with oversight and well-defined procedures.
- Provide Jirga members with gender sensitivity training so they can address gender prejudices within the framework.

- Promote adherence to international human rights conventions by the Jirga system to prevent breaches of human rights.
- Promote community awareness campaigns to sensitize people about their legal rights and the dangers of depending only on unofficial legal processes.
- Promote cooperation between the legal authorities and the Jirga system by creating a framework for information exchange and coordination.

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