



## **Restorative Justice in Practice: Analyzing the Application of Islamic and Western Restorative Mechanisms in Contemporary Legal Systems**

*Ayesha Javed*

*Research Scholar, Department of Islamic Studies, Fatima Jinnah Women University*

*Dr. Shahzadi Pakeeza*

*Chairperson, Department of Islamic Studies, Fatima Jinnah Women University, Rawalpindi*

### **Abstract**

*Practices of restorative justice are used to practically implement the idea of justice containing many aspects like healing, respect, collaborative decision making and social harmony. Every system requires a specific practice to be performed for the success of that system so restorative justice contain many practices like mediation, Arbitration, apology, forgiveness, Islah, compensation as alternative to punishment in Islam and Victim Offender Mediation, Family Group Conferencing, Peace-building circles and restoration panels to maintain harmony of society by providing justice.*

**Key Words:** *Practices, healing, respect, collaboration, Mediation, Arbitration, Apology, Forgiveness, Islah, Compensation, Victim Offender Mediation, Family Group Conferencing, Peace-Building circles, restoration panels, harmony*

### **Introduction**

Restorative justice is to provide equality to conflicting parties with maintaining community involvement, peace and harmony. These aims can be achieved when proper planning is done before conflict resolution so practices are introduced to efficiently perform justice in society. There are several practices that are presented in Quran for Muslims to follow like the practice of Sulh which contain conflicting parties to resolve issue by appointing a noble person as judge and both parties has to abide by the decision of him. The practice of forgiveness is readily promoted by Islam in Holy Quran and the best representation of this practice is found in the life of Prophet Muhammad ﷺ so Ummah of Prophet ﷺ perform this practice as a Sunnah of him ﷺ. Then the practice of Compensation is best in regard of healing process as the punishment of offender can never fulfill the loss caused to victim but giving something in return can heal the victim from that loss. The Practice of Islah can be used to change the thinking perspective which is really helpful for finding a way out of conflict. Other practices including in ADR are jirgas and other similar practices which are on small scale to resolve conflict without involving courts.

Some practices introduced by Western legal system are Victim Offender Mediation is a practice in which victim as well as offender are given equal right to talk and to be heard. Family Group Conferencing helps conflicting families to effectively resolve issue without involving external parties to complicate the issue. Then Peace-building Circles is also a way provide justice with the restoration of dignity and harmony. Neighborhood conflict resolution is same as family group conferencing. Same like other practices restorative panels are created as this system got development in many regions.

### **1.1. Sulh (Mediation) in the Form of Tahkim (Arbitration)**

Sulh was precedent in tribal society of pre-Islamic Arabs. Tribal leaders known as Sheikhs *soothsayers and healers and influential noblemen* plays a vital role in this process of problem-



solving. Their authority has given status to their decisions and tribes agree on their decision. This justice was highly ranked and respected than the customary law that should be on that stage.<sup>1</sup>

Before Islam came this method was precedent in many areas as this process was used to resolve the disputes. Methods like revenge or tribal arbitration were used by these people. Arbitration was kept same but Prophet Muhammad ﷺ removed some un-Islamic parts that contain humiliation. Peaceful agreements are strongly promoted by Islam as its importance is mentioned in Quran many times. As an Example, if there is issue between husband and wife two arbitrators are required to help them reconcile, said by Allah. Likewise, if a woman fears mistreatment or abandonment, these things can be dealt by peaceful Agreements between husband and wife. Negotiation is a way of encouraging people towards forgiveness and preservation of relationship that Islam values the most.<sup>2</sup>

### 1.1.1 Tahkim

*Root word:* the root word of tahkim is h-k-m, which means that disagreement will be solved by the help of another person. For this person the word “*hakam or muhakkam*” is used in English called arbitrator. This person is chosen by conflicting parties to settle the issue and they must abide by the decision made by arbitrator. This concept is itself present in Quran as Allah said in Surah An-Nisa:

فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا<sup>3</sup>

Allah mention the importance of Judge that He said “*until they make thee judge*” as no one should go against the decision of appointed judge. There would be no resistance in accepting the decision of judge.<sup>4</sup>

This verse is the best example to show the real importance of appointing arbitrator for any issue that can be resolved involving sulh.<sup>5</sup>

### 1.1.1.2 Tahkim in Fiqh

Tahkim as defined by scholars is the process in which two parties agree to choose third person to solve their conflict. This is the informal way to resolve issue and has been used by many societies in the history. Many of them hold the opinion that this idea was in practice if we go back in Ancient Greece. So tahkim also existed before Islam like the area called Arabian Peninsula. This can be traced by the fact that people appoint their tribal chiefs as arbitrator to resolve disputes between tribes. The example of it from pre- Islamic times is the battle between Abs and Fazara, the tribes present before Islam came, known as the Battle of Dahis and Al- Ghabra in which the arbitrator were Haram ibn Sinan and Al- Harith ibn Awf.<sup>6</sup> The main goal of these third parties was conciliation and maintenance of peace. Some arbitrator went to their peak for peace that they even

<sup>1</sup> Aseel Al-Ramahi, “Sulh: A Crucial Part of Islamic Arbitration,” *Law Society Economy Working Papers* (2008): 4.

<sup>2</sup> Sa’odah Ahmad, “Sulh: An Alternative Dispute Resolution And Amicable Settlement of Family Dispute,” *UMRAN Journal of Muslim Affairs* 1, no.1(2015): 1-2.

<sup>3</sup> Al-Quran, 4: 65

<sup>4</sup> Ali, Abdullah Yusuf, trans. “The Holy Quran: English Translation of the meanings and Commentary,” 230.

<sup>5</sup> Saidilyos Khakimov, “Arbitration (Tahkim) and Reconciliation (Sulh) in Islam as Alternative Dispute Resolution Mechanism,” *The Light Of Islam* 2020, no.4 (2020): 32.

<sup>6</sup> Khakimov, “Arbitration and Reconciliation in Islam as Alternative Dispute Resolution Mechanism,” 33.



use their own money to provide compensation so that dispute can be easily resolved and both parties would reach to peaceful agreement.<sup>7</sup>

After the advent of Islam, Prophet Muhammad ﷺ often acted as an arbitrator. The example of him ﷺ being arbitrator is the time before migration to Madina, when there was a dispute between Arab tribes and Jewish clans so he accepted an invitation in Yathrib to resolve issue with Justice. not only him ﷺ but also his companions used and supported this method of conflict resolution during the caliphate times. It is considered the most trusted way to develop peace and perfect conflict resolution.<sup>8</sup>

### 1.1.2 Meaning of Sulh

Root word: The word sulh come from the root s-l-h which means reconciliation or to make peace. This means to solve issue or disputes through negotiation and agreement including peace. The word Islah is usually used in Quran which means to bring order or to fix something through reconciliation.<sup>9</sup> Sulh means to end dispute through *compromise* like an agreement between two or more people to end dispute by using formula of offer and acceptance.<sup>10</sup>

Literal meaning: Sulh literally means “to end quarrel or dispute.” In Islam this term is used for “an agreement that is made due to conflict between two parties for the purpose of resolving disputes permanently.” Al-Nawawi gave the root words for Sulh which according to him is *sulh, Islah and Musalahah*. Al-Nawawi thought that all these root words have same meaning “to fix and to restore” but more commonly the word *sulh* is used. Sulh is like an offer and acceptance take place between two parties involving third party as facilitator which must be neutral.<sup>11</sup> Sulh is divided into two types by many scholars:

*Sulh Al-Ibra/ Al-Isqat*: If the rights either fully or partly are given up by complainant just like giving gifts then the Rules of gift-giving will be applied.

*Sulh al- Mu'awadah*: If something else is accepted by complainant for exchange of their rights just like a business transaction that is why business laws will be applied.

### 1.1.3 Authorities of Sulh from Quran

وَإِنْ طَائِفَتَانِ مِنَ الْمُؤْمِنِينَ اقْتَتَلُوا فَأَصْلِحُوا بَيْنَهُمَا فَإِنْ بَغَتْ إِحْدَاهُمَا عَلَى الْأُخْرَى فَقَاتِلُوا الَّتِي تَبْغِي  
حَتَّى تَفِيءَ إِلَى أَمْرِ اللَّهِ فَإِنْ فَاءَتْ فَأَصْلِحُوا بَيْنَهُمَا بِالْعَدْلِ وَأَقْسِطُوا إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ<sup>12</sup>

when two parties are in conflict, *make ye peace between them* until peace is maintained until limits created by Allah are not crossed .....*but if it complies, then make peace between them with justice, and be fair: for Allah loves those who are fair (and just).*”<sup>13</sup>

<sup>7</sup> Al-Ramahi, “Sulh: A Crucial Part of Islamic Arbitration,” 4.

<sup>8</sup> Khakimov, “Arbitration and Reconciliation in Islam as Alternative Dispute Resolution Mechanism,” 33.

<sup>9</sup> Ibid, 33.

<sup>10</sup> Muhammad Rafiqul Hoque, Muhammad Mustaqim, “The Paradoxical Use of the Term Sulh: An Analytical Study from Quranic Perspective,” *Ma'alim al-Quran wa al-Sunnah* 16, no.1 (2020): 8.

<sup>11</sup> Sa'odah Ahmad, “Sulh: An Alternative Dispute Resolution and Amicable Settlement of Family Dispute,” 2.

<sup>12</sup> Al-Quran, 49: 9

<sup>13</sup> Ali, Yusuf, trans. “The Holy Quran: English Translation,” 1590-1591.

﴿ لَا خَيْرَ فِي كَثِيرٍ مِّن نَّجْوَاهُمْ إِلَّا مَنْ أَمَرَ بِصَدَقَةٍ أَوْ مَعْرُوفٍ أَوْ إِصْلَاحٍ بَيْنَ النَّاسِ ۗ وَمَن يَفْعَلْ ذَلِكَ آتِبْغَاءَ

مَرْضَاتِ اللَّهِ فَسَوْفَ نُؤْتِيهِ أَجْرًا عَظِيمًا ۙ ۱۴<sup>14</sup>

*Charity, kindness and reconciliation in mankind* contain good tidings for those who seek the Will of Allah. The best reward is guaranteed by Allah Almighty for performer of these good deeds.<sup>15</sup>

These verses clearly mention the importance of reconciliation and conciliation for resolution of disputes. Verse 9 of surah Hujurat shows that disputes should be resolved with peace rather than overdoing punishments. Moreover, conflicts should be solved with justice and to emphasize its importance Allah mention that He will love those who will be just and fair. Similarly, the verse 114 of surah Nisa mentions that reconciliation among mankind is the command of Allah Almighty and for fulfilling Allah's command reward will be given.<sup>16</sup>

#### 1.1.4 Sulh in Marriages

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَأَبْعَثُوا حَكَمًا مِّنْ أَهْلِهِ ۖ وَحَكَمًا مِّنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّي اللَّهُ بَيْنَهُمَا ۖ إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا<sup>17</sup>

*“If ye fear a breach between them twain, appoint(two) arbiters, one from his family, and the other from hers; if they wish for peace, Allah will cause their reconciliation.....”<sup>18</sup>*

This verse talks about arbitrator who work as source of peace making among family and this arbitrator is not only from one family but both husband and wife can appoint arbitrator to settle issue. The choosing of two of them is because it can bring Justice if both of them want peace. In this matter Allah will help them fir reconciliation.

وَإِنْ أَمْرًا خَافَتْ مِنْ بَعْلِهَا نُشُورًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا ۗ وَالصُّلْحُ خَيْرٌ وَأُحْضِرَتِ الْأَنْفُسُ الشُّحَّ ۗ وَإِنْ تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا<sup>19</sup>

If husband and wife have an argument and wife fear that she will be treated with cruelty then they can *arrange an amicable settlement between themselves; and such settlement is best; men soul is greedy but if a wife do good and remain self-restrained* then disputes can be easily resolved. Allah is best knower of their deeds.<sup>20</sup>

In the matter where only woman wants peace as husband is indulging in injustice, then a settlement can be done and there would be no sin in arranging peaceful solution. This settlement is between themselves means no involvement of courts or authorities and this settlement is best in Sight of Allah. Sulh in marriages is the great source of resisting divorce as settlement of disputes are easily possible without taking the case to the higher level or to involve authorities in it. Sulh helps to save

<sup>14</sup> Al-Quran, 4: 114

<sup>15</sup> Ali, Yusuf, trans. “The Holy Quran: English Translation,” 252.

<sup>16</sup> Sa’odah Ahmad, “Sulh: An Alternative Dispute Resolution And Amicable Settlement of Family Dispute,” 4.

<sup>17</sup> Al-Quran, 4: 35

<sup>18</sup> Ali, Yusuf, trans. “The Holy Quran: English Translation,” 220.

<sup>19</sup> Al-Quran, 4: 128

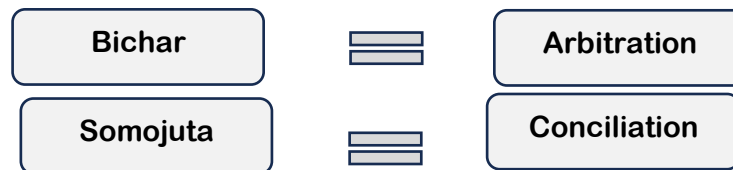
<sup>20</sup> Ali, Yusuf, trans. “The Holy Quran: English Translation,”256.



marriages and it promote understanding among husband and wife. They learn to live happily without considering the ups and downs of situations in life. The better understanding leads to better environment where peace establish. For Instance, if husband is ill or job less than a wife may give up her right of maintenance and this is the act of sacrifice by wife. This act helps to strengthen relationship while discourage divorce. This is the reason Sulh is preferred as a solution to avoid marital breakdown.<sup>21</sup>

### 1.1.5 Traditional Shalish in Bangladesh and Sulh

In Bangladesh there is a system which is non-governmental and a rural justice system known as Shalish. It was developed in past but is still very effective and quick way to get justice. in this system both parties gain victory and suffering and costs are reduced. This process starts with negotiation like by questioning both parties to gain knowledge of the facts. The process continues by the *Shalishkars*, who are the people involved for doing shalish, they suggest some solution which comes in final decision after asking opinions of both sides. There are two terms which is used to know the situation like *somojuta* means compromise or *bichar* means arbitration. Somojuta is informal if compared with bichar, bichar requires taking evidence, having witness to question them, argue and debate for final decision while somojuta is a process in which two parties sit together both of them are listened and then a mutual compromise is decided to maintain the relationship.<sup>22</sup>



These all things belong to same category of Sulh and it is informal. Its main goal is to repair relationships not just to apply legal rulings for justice. Justice in this system is same as sulh as it does not only focus on one party but it involves both parties to have mutual consent about decision of justice.<sup>23</sup>

### 1.1.6 Example

Sulh was practically implemented by Rozita Binti Mohd and Tengku who were the couple and divorced in 2018. They had children so problem for these children custody arose after divorce. Rozita, the wife, file custody case by claiming that she can better take care of her children as their father work far away from them so he will not be able to take proper care. So, they both attend Sulh session without lawyers and end up with mutual agreement. Court reviews their decision and finds out that children were not mature to choose the guardian for them. So, considering the welfare of children court granted custody to mother and declare the decision of Sulh as valid.<sup>24</sup>

<sup>21</sup> Sa'odah Ahmad, "Sulh: An Alternative Dispute Resolution And Amicable Settlement of Family Dispute," 5.

<sup>22</sup> Rafiqul Hoque, Mustaqim, "The Paradoxical Use of the Term Sulh: An Analytical Study from Quranic Perspective," 8-9.

<sup>23</sup> Ibid, 9.

<sup>24</sup> Ahmad Mukhlis Mansor, "Legal Framework and Implementation of Mediation In Child Custody Disputes at the Syariah court of Malaysia," *Darulfunun Ilahiyat* 35, no.1 (2024): 131-132, <https://doi.org/10.26650/di.2024.35.3.1430075>

## 1.2. Forgiveness (‘Afw)

In Restorative Justice forgiveness is important for both Victim and Offender well-being. As Zehr says “*Forgiveness is letting go of the power the offence and the offender have over a person. It means no longer letting that offence and offender dominate.... Real forgiveness, then, is an act of empowerment and healing. It allows one to move from victim to survivor.*”

Trudy Govier has an opinion that bitterness of the crime and its memory stays, but can be removed through forgiveness which let us move on. According to Martha Minow forgiveness develop thought in victim to choose different path, a path that does not copy the harm to affect victim but reflects better values. Forgiveness is the best practice as it is a tool for overcoming anger and desire of revenge. Fred Luskin opines that after forgiving the feeling of peace can be enjoyed in the present moment. Desmond Tutu said that if anyone want to remove pain of the memory of offence then forgiveness is the main component for it. If this pain remains then it can ruin over lives. Research shows that for a victim to feel safe and less vengeful forgiveness is the major element not only for victim but also for offender that he can reunite with his family and community.<sup>25</sup>

### 1.2.1 Moving Forward Through Forgiveness

Letting go of resentment or anger is forgiveness and according to research forgiveness has benefit for not only offender but also the victim. It can lead to peace, tranquility, less desire for revenge and most important healing. Apology most often happen if compared to forgiveness. According to Braithwaite two things can be seen in case of forgiveness:

1. Forgiveness can be applicable in different forms but those dramatic moments of forgiveness are rare.
2. Many victims whether they not truly forgive, but they are satisfied with peaceful agreement or civil relationship. This is known as *civility* means being polite without being close to that person.<sup>26</sup>

Forgiveness let a person to think on moving forward by thinking on what can be changed rather than thinking about the harm or what went wrong. This is a shift in emotional energy which is seen through forgiveness. This shift creates sense of unity and shared purpose even without spoken forgiveness. This shift can be seen that forgiveness can be powerful than restoring past. Furthermore, it helps people to move forward through showing small acts like smile, handshake or casual conversation. These small gestures can show bigger meanings and helpful for restoring relationship.<sup>27</sup>

### 1.2.2 The Power of Apology and Forgiveness in Restorative Justice

*Symbolic reparation* is very important part of restorative justice which includes an emotion or symbolic healing. These steps are involved in this regard.



<sup>25</sup> Ramizah Wan Muhammad, “Forgiveness and Restorative Justice in Islam and the West: A Comparative Analysis,” 280.

<sup>26</sup> Rossner, “Restorative Justice, anger, and the transformative energy of forgiveness,” 379.

<sup>27</sup> Ibid, 380.



This sequence is known to be the *core sequence* as called by researchers Retzinger and Scheff. This is the major aspect by which restorative justice is considered unique than other justice system.<sup>28</sup> Anger is not helpful as it can overwhelm participants and disproportionate for the process as it risks delegitimizing. The process can become destructive if anger is included in it.<sup>29</sup>

#### 1.2.2.1 Apology and Making Things Right

Healing is the main objective of restorative justice and apology and forgiveness plays a crucial part in it. Apology seems as a central part in making things feel restored. According to Tavuchis apology is a strange and delicate act as it is not able to undo what happened yet it can somehow help to make things better. The most important things for this strategy to work is that if both victim and offender come from the same background and share understanding of right and wrong.<sup>30</sup>

#### 1.2.3 Forgiveness in Islam Through the Lens of Restorative Justice

In Islam forgiveness is considered as a key part for conflict resolution and used as a best way to heal after harm. When victim chooses to forgive the offender then it is not only forgiveness but victim also wants to help offender to re-humanize. This is the real peace and healing by which not only the one who is hurt is healed also the one who cause the harm is healed. This is the strong foundation for reconciliation. In Islam there are many places in Quran in which importance of forgiveness is emphasized and make it a central value for peace building.<sup>31</sup>

#### 1.2.4 Quranic Perspective

Many Quranic verses clearly mention the significance of forgiveness. A verse found in Surah Baqarah 2: 263 clearly state the importance of forgiveness and it is considered as charity. This verse emphasizes the essence of forgiveness in Islam and also tells that forgiving others is better and superior to other acts of charity. Forgiveness does not show the weakness of person who is forgiving but it is considered as strength and virtue in Islam.<sup>32</sup> Other verses that show forgiveness as part of restorative justice are given below.

وَالَّذِينَ يَجْتَنِبُونَ كَبِيرَ الْإِثْمِ وَالْفَوَاحِشَ وَإِذَا مَا غَضِبُوا هُمْ يَغْفِرُونَ<sup>33</sup>

People with goodness contain Avoiding of greater crimes and shameful deeds and they forgive even when they are angry<sup>34</sup>.

Forgiveness can erase a sin and that is the major task for Muslims in this world. So, people can try better to forgive rather than focusing on punishments. Moreover, it is one of the names of Allah Almighty that He is the Most-Forgiving. So, if a person forgive others Allah will cover up or erase the sins of that person. Controlling of anger is another attribute of people of faith who are practically performing the acts for pleasing Allah.<sup>35</sup>

<sup>28</sup> Ibid, 372.

<sup>29</sup> Ibid, 377-378.

<sup>30</sup> Ibid, 378.

<sup>31</sup> Lailatul Fitriyah, "Seeing Forgiveness in Quran through the Lens of Restorative Justice (Notre Dame Peace Conference 2015)," *Kroc Institute for International peace studies*, (2015): 1.

<sup>32</sup> Idara Al-Furqan, "Importance of Forgiveness in Islam," 8 may 2024, Importance of Forgiveness in Islam - Idara Alfurqan

<sup>33</sup> Al- Quran, 42: 37

<sup>34</sup> Ali, Yusuf, trans. "The Holy Quran: English Translation," 1487.

<sup>35</sup> Lailatul Fitriyah, "Seeing Forgiveness in Quran through the Lens of Restorative Justice," 2.

وَمَا خَلَقْنَا السَّمَوَاتِ وَالْأَرْضَ وَمَا بَيْنَهُمَا إِلَّا بِالْحَقِّ وَإِنَّ السَّاعَةَ لَأَتِيَةٌ فَاصْفَحِ الصَّفْحَ الْجَمِيلَ

We created not the heavens, the earth, and all between them, but for just ends. And the Hour is surely coming (when this will be manifest). So, overlook (any human faults) with gracious forgiveness.<sup>37</sup>

### 1.2.5. Description of Forgiveness in Quran

The types of forgiveness mentioned in Quran can be categorized into three categories which can explain the main themes of forgiveness mentioned by Allah Almighty. These are the consequences of the Allah Mercy.

#### 1.2.5.1 Forgiveness as a Quality of God

Allah Almighty has 99 names which contain His attributes and the attributes like Him cannot be found in any of His creation. One of His names is Al-Ghaffar means the Constant Forgiver, that shows the deep connection of forgiveness to nature of Allah. Other names that are related to it includes *Al-Afuww* (The One Who erases sins), *Al-Rahim* (The Merciful), *Al-Halim* (The Patient One), *Al-Tawwab* (The One Who accepts repentance).<sup>38</sup> Al-Ghafur, Al-Ghaffar, Al-Ghafir, these are also the names that are mentioned in Quran where Al-Ghafir means the Forgiver while the meaning of other two are more emphatic which indicates that Allah is Most Forgiving, Oft Forgiving.<sup>39</sup> If the God forgiveness is applied in our life then this forgiveness can be seen as

- The pure form of forgiveness that means a forgiveness which is free from personal interest or personal gain.
- It is so powerful forgiveness that it can be a source of human forgiveness that if someone adopt it, he would be forgiven for his sins.
- Allah shows His mercy to restore relationship with people who turn back to Him so, if people apply this type of forgiveness, then they would easily restore relationships.<sup>40</sup>

#### 1.2.5.2 Forgiveness as a duty of prophets

There are two kinds of forgiveness related to prophetic forgiveness. The first one is to forgive people in a situation when they reject the message and teachings of Allah which prophets brought to them. Allah Almighty command them to forgive others and it can be seen in the Quran and found in Surah Al-Imran verse 159 in which Allah mention to not to be harsh on them and if you are gentle with them then it is part of Allah Mercy on you. This verse further shows that if prophets were harsh on people, then they would run away from straight path. So, prophets are commanded to show mercy and forgive wrongdoers and also ask forgiveness from Allah for them. The second kind of forgiveness is specifically related to Prophet Muhammad ﷺ, that he forgives others and he will show this act of forgiveness in the Day of Judgement. That means Prophet Muhammad ﷺ will help believers on the Day of Judgement.<sup>41</sup>

<sup>36</sup> Al-Quran, 15:85

<sup>37</sup> Ali, Yusuf, trans. "The Holy Quran: English Translation," 726.

<sup>38</sup> Lailatul Fitriyah, "Seeing Forgiveness in Quran through the Lens of Restorative Justice," 3.

<sup>39</sup> Salman al-Ouda, "Allah is the Most Forgiving, Oft-Forgiving," *About Islam*, 11 July, 2024.

<sup>40</sup> Lailatul Fitriyah, "Seeing Forgiveness in Quran through the Lens of Restorative Justice," 4.

<sup>41</sup> Ibid, 4-5.



The examples of forgiveness are sighted in the life of Prophet ﷺ there are historical events when Prophet ﷺ forgave the people of Taif. When Prophet ﷺ went Taif to preach the message of Allah but the people of Taif mistreated him ﷺ, they hit him ﷺ with stones and abuse him ﷺ. Prophet Muhammad ﷺ left the city humiliated and wounded. Then he ﷺ took shelter under the tree where Angel Jibrael came and told that he was send by Allah to destroy the people of Taif. But, Prophet ﷺ pray to Allah Almighty for the forgiveness for these people of Taif and he said that they did these acts out of ignorance so Lord forgave them.<sup>42</sup>

### 1.2.5.3 Forgiveness as the noble act for ordinary people

The third category of forgiveness mentioned in Quran is about forgiving others in everyday life. Allah promote forgiveness by promising to give delightful reward for those who forgive. The verses of Quran Surah Al-Imran 3: 134 encourages people to forgive others and in return of this good act Allah will love them. This verse also shows that forgiving others is a hard task for human but contain fruitful reward. A conflict not only harm the rights of individuals but also harm the peace of society so, we can say that forgiveness restores both divine as well as social harmony.<sup>43</sup> In Islam forgiveness is also considered as *human morality (akhlaq al-nas)*. Islam promote forgiveness over revenge. Moreover, forgiving others can allow people to seek forgiveness form Allah Almighty for their own wrong doings in the afterlife and to improve relationship with people.<sup>44</sup>

### 1.2.6 Practical Implication

Ahistorical practice of forgiveness is mainly seen in the life of Holy Prophet ﷺ that in many occasions he forgave people like in Hudaibiya when eighty people attack him and Companions of Prophet ﷺ captured them, Prophet ﷺ release them back to their camps. Furthermore, in the case when Prophet ﷺ even forgave the murderer of Hazrat Hamza, a woman who chewed the liver of Hazrat Hamza after Wahshi murdered him. He ﷺ forgave both of them.<sup>45</sup>

The practice of forgiveness was not only prevailed in historical events only but it is implemented in today world. In Iran, a person name Bilal has killed eighteen years old Abdullah in Rayan town in Mazandaran which is the province of Iran. This case was held by court in which Qisas is required. The Victim family is also present there for death sentence of offender. But instead of its unusual thing happen, as Iran was the country which give death sentence more than any other country. The situation was changed when victim mother approaches offender and slapped on offender face but after that she decided to forgive Bilal. In this way the life of Bilal was spared and mothers of victim and offender hug each other while grieving that one has lost her child while others son has been saved.<sup>46</sup>

### 1.3. Compensation (Diyya) and Reparation

Quran and Sunnah are focused on the concept of giving Just treatment in every matter. Islam promotes goodness and prevents from evil and crimes. For this justice it contains punishments and

<sup>42</sup> Yoachim Agus Tridiatno, "Forgiveness in Islam: Promoting a Peaceful World," *Sunan Kalijaga: International Journal of Islamic civilization* 4, no.2 (2021): 118.

<sup>43</sup> Lailatul Fitriyah, "Seeing Forgiveness in Quran through the Lens of Restorative Justice," 6-7.

<sup>44</sup> Ramizah Wan Muhammad, "Forgiveness and restorative Justice in Islam and West: A comparative analysis," 287.

<sup>45</sup> Agus Tridiatno, "Forgiveness in Islam: Promoting a Peaceful World," 118.

<sup>46</sup> Absar Aftab Absar, "Restorative Justice in Islam with special reference to the concept of Diyya," *Journal of Victimology and Victim Justice* 3, no.1 (2020): 12.

more often use ideas which includes restorative Justice to not only bring justice but to repair the harm caused by criminal act. Diyyah is one of the best techniques to be used for repairing harm. The victim has a great role in this regard so to provide justice to victim and society compensation is the best practice to be applied.<sup>47</sup>

### 1.3.1 Compensation (Diyyah)

“Diyyah is the blood money. It is considered as the abstract form of retaliation (Qisas). Diyyah is the financial compensation paid by the offender to the victim or his legal heir against the homicide or battery resulted in bodily injuries.”<sup>48</sup> The concept of Diyya means paying money to a victim, a person who has been hurt, or a family of victim. This may be used when conditions for applying Qisas is not fulfilled. Diyya is often called blood money but as its name implies it shows bad image like in criminal use. For the restoration of justice diyya is a good example for helping victim. It is like restoration of balance in society after crime not buying someone life. In the system of Islamic Criminal Law, the offender is not just given punishment on the bases of doubt. For the implying of Diyya and Qisas offender must be found guilty in proper court or Qadi. Strong proof is required in trials like eyewitness or confession of offender.<sup>49</sup>

وَمَا كَانَ لِمُؤْمِنٍ أَنْ يَقْتُلَ مُؤْمِنًا إِلَّا خَطَأً وَمَنْ قَتَلَ مُؤْمِنًا خَطَأً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ إِلَّا أَنْ يَصَدَّقُوا<sup>50</sup>

This verse mentions no one is allowed to kill another Muslim but the exception like if someone done it by mistake then compensation is required to fulfill the loss of victims family.<sup>51</sup>

### 1.3.2 Reparation

Reparation is the term used for making up for wrong or harm this can be in form of giving money, support or helping victim. This is especially used in offense cases like war, torture or human rights violation. This is not a new technique but being used in international law for long time. Domestic criminal law uses this in some countries recently. It is used when there was a harm caused by people now, they want to repair that harm.<sup>52</sup>

### 1.3.3 Illustration

There was a man named Aziz Ahmed who had killed his friend by assuming or in ignorance that he was sleeping with his wife. After realization he confess his mistake and was ordered for death sentence. But he was not hanged as he paid nine thousand four hundred dollars to the family of his friend as payment of Diyya. The victim family accept it as they said to give this money to victim wife and she could open a cookware shop to make her both ends meet. This would compensate for the loss of victim wife and children and they will no longer feel bitter for their loss.<sup>53</sup>

<sup>47</sup> Aftab Absar, “Restorative Justice in Islam with special reference to the concept of Diyya,” 1-2.

<sup>48</sup> Salman Farooq, “The retributive Proportionality and Islamic Punishment of Diyyah,” *Al-Idah* 38, no.2 (2020): 41.

<sup>49</sup> Aftab Absar, “Restorative Justice in Islam with special reference to the concept of Diyya,” 6-7.

<sup>50</sup> Al-Quran, 4: 92

<sup>51</sup> Ali, Yusuf, trans. “The Holy Quran: English Translation,” 243.

<sup>52</sup> Kathleen Daly and Gitana Scifoni, “Reparation and Restoration,” *The Oxford Handbook of Crime and Criminal Justice* ed. Michael Tonry (USA, Oxford University Press:2012), 207-209.

<sup>53</sup> Absar Aftab Absar, “Restorative Justice in Islam with special reference to the concept of Diyya,” 12.



#### 1.4. Islah (reformation) and Conciliation (Muwada'a)

Islah in Islam is defined as the way of peacefully conflict resolution through mediation, forgiveness and compromise. The ideas used in present days of restorative justice also contain this method and hence is considered as idea of restorative justice in modern legal system.<sup>54</sup> The word reform means "a sense of reshaping for the sake of improving effectiveness."<sup>55</sup> Islah is the well-known way to peacefully resolve the matter openly and by involvement of community. The aim of Islah is not only on legal punishments but also to fix social relationship or to restore more balance. Islah is considered better than punishments, Qisas and Diyya and crimes that may harm social unity. This is the reason that restorative justice and Islah are interlinked and they share core values. Islah also emphasizes correction of mistakes and to encourage positivity after a criminal act.<sup>56</sup>

##### 1.4.1 Objectives of Islah

1. To correct the mistakes and repair damage.
2. To encourage offender for apology.
3. To engage criminal in activities resulting social harmony and moral development.

The main objective of Islah is known as *Islah al- khata* which means *the correction of mistakes* and repairing damages. This is the way to ask offender to admit the crime and to give chance to make things right in both aspects, material and morally. Islah can also be used to deal with interpersonal disputes, domestic issues etc. Islah is not used to spread injustice or as a cover for wrongdoers but it is a balance justice system for both person as well as society. This can be illustrated that if a teenager commits theft by stealing something then Islah can be performed by asking thief to give back the product or money to the owner and give chance to make him feel sorry for his act moreover, they he should take part in any community serving activity to stop him further proceed in that crime.<sup>57</sup>

##### 1.4.2 Conciliation

When there is a crime and to resolve the conflict negotiation and compromise is required then this type of conflict resolution is Conciliation. "The process of adjusting or settling disputes in a friendly manner through extra judicial means."<sup>58</sup> To avoid case to enter in trials, two parties are required to sit together and reach at a compromise. Quran also encourage people to peacefully resolve the dispute. This strategy allows conflicting parties to find a common ground without involvement of legal courts. This practice of restorative justice is approved by classical Islamic scholars like Imam Shafi as he says that Muwada is permissible, Umar Ibn al- Khattab opines that people should try to make peace (conciliation) until the exact judgement about case is revealed.<sup>59</sup>

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<sup>54</sup> Joko Budi Darmawan, Fendy Suhariadi and Suparto Widjojo, "Incorporating Islah Principles into Restorative Justice: Bridging Contemporary Legal Practice and Islamic Values," *MILRev: Metro Islamic Law Review* 4, no. 1 (2025): 269.

<sup>55</sup> Farhan A. Shah, "What is the concept of reform in Islam?" *open horizons*, 4 June, 2025, <https://www.openhorizons.org/what-is-the-concept-of-reform-in-islam.html>.

<sup>56</sup> Budi Darmawan, Suhariadi and Widjojo, "Incorporating Islah Principles into Restorative Justice," 273-274.

<sup>57</sup> *Ibid*, 274-276.

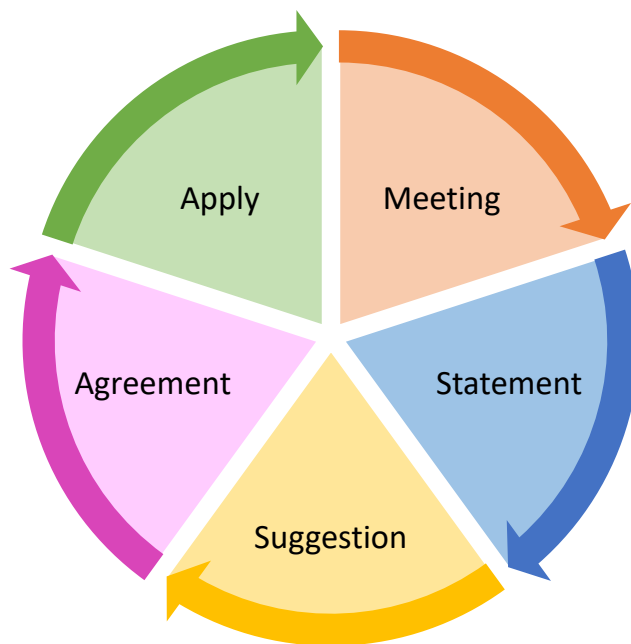
<sup>58</sup> The free Dictionary by Farlex, "conciliation," legal dictionary, 4 June 2025, [https://legal dictionary.thefreedictionary.com/conciliation](https://legal.dictionary.thefreedictionary.com/conciliation)

<sup>59</sup> Sunbal Islam Chaudhary, Usman Asghar, Muhammad Afzal, "Examining Restorative justice: Different Approaches in Islamic customary Law and International Practices," *Pakistan Islamicus* 4, no.2 (2024): 47.

### 1.4.3 Example of Islah

There was an organization named Aisiyyah which was a Muslim Indonesian Women organization. this organization has a conflict with another organization on the joint committee meeting of women for fundraising. The conflict arose because of funds as the X organization give proposal of fund raising through lottery and this proposal was accepted. Representative of Asiyiyah was busy in performing maghrib prayer at that time and her opinion was not considered at that time. Lottery is considered haram in Islam so she took stand against it and objected and requested to revise the decision. Committee said that it would not change its decision so representative said that Asiyiyah will not participate in this activity. By her strong stand because of religious ethics caused revision of the decision. In this regard she presented other ways of fundraising which will not contradict the religious values like fundraising through bazaar, short courses etc. and they gain full support. This firmness of Asiyiyah illustrate the conflict resolution through negotiation and reasoning without any compromise on basic and important religious values.<sup>60</sup>

### 1.4.4 Process of Conciliation



*Figure 2.1 showing a process of Conciliation*

In the process of conciliation, the people of conflicting parties choose to talk freely and without any external pressure. Both parties give their arguments on the situation and after that reach agreement that was accepted by both sides without further conflict. By the application of this

<sup>60</sup> Siti Syamsiyatun, "Conflicts and Islah strategy of muslim women organization- Case study of Aisiyyah in Intra and Inter-organizational Divergence" *Al-Jamiah: Journal of Islamic Studies* 58, no. 2 (2020): 377-379, doi: 10.14421/ajis.2020.582.355-390.



method, honesty is encouraged and flexibility can be seen which can create a cooperative environment.<sup>61</sup>

### 1.5. Practices of Restorative Justice and ADR

The practices of restorative justice vary according to area, custom and tradition of every country. many different restorative justice practices can be seen in Pakistan but differently applied in many regions of it. Like in rural areas of Pakistan, customary or traditional system is used for conflict resolution which may be called as Informal Courts system. The difference for application of the restorative practice in each is country is due to cultural traditions, history and community values. In spite of all these differences the main aim of restorative justice remains the same and that is to restore the harm and to repair the relationships.<sup>62</sup>

Specifically referring to Pakistan, *Jirgas* and *Panchayats* are the way usually carried out by rural citizens. This is the community-based gathering to help settle disagreements, bring people back together, and most important to deliver Justice. *Jirgas* are the gatherings that are led by community leaders and elders which is unofficial and through which they try to make a perfect deal of Justice. There are some shortcomings in this system but it is still in use so people try to add restorative practices like reconciliation and mediation in this system to make it fair. The process is same but it is given different names according to regions like in Sindh it is known as *Faislo*, in Punjab it is called *Panchayat* and in Khyber Pakhtunkhwa and Balochistan it is said to be *Jirga*. Moreover, it is not acceptable in Pakistan but also in India the *Panchayati Raj System* in rural India is another community-based system that supports restorative justice system. It has almost same procedure as Pakistani system of panchayat as it also requires elected village elders to solve the conflict and problem arising in community. Panchayat support voluntarily speaking, settlements and healing which is the main aim for peaceful environment.<sup>63</sup>

### 1.6. Victim Offender Mediation (VOM)

This practice of restorative justice is often presented as modern move and known as *emotionally intelligent Justice*. This is because VOM help to deal with emotional pain in the result of criminal act and this is the fact that other legal systems ignore. VOM is seen as better justice provider rather than only resolving conflict. VOM is a practice of restorative justice because it is linked with restorative justice in a way that it is also therapy for emotional wellbeing of whole society.<sup>64</sup>

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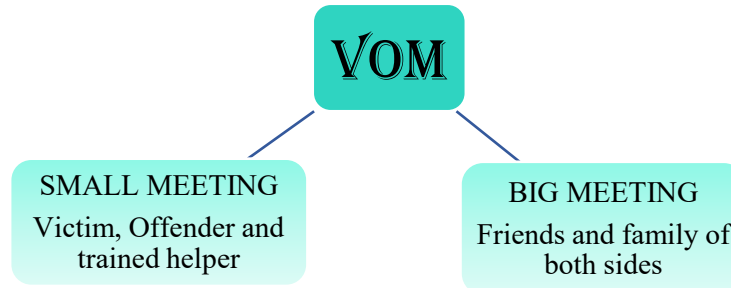
<sup>61</sup> Islam Chaudhary, Asghar and Afzal, "Examining Restorative justice," 47.

<sup>62</sup> Ibid, 50-51.

<sup>63</sup> Ibid, 51-52.

<sup>64</sup> Obelia Modjeska, "Victim-Offender Mediation," Accessed on June 6, 2025, 1.

### 1.6.1 Types of Meeting



*Figure showing types of VOM.*

VOM has many different names but same strategy of problem solving like in United States it is called as Victim-offender reconciliation, dispute resolutioner of community, family group conference and youth mediation.<sup>65</sup>

### 1.6.2 Aim of VOM

Victim-offender Mediation is a program created for victims to get chance for involvement in justice process. It not only solves problem fairly for victim but also offender can gain justice from this program. When offender and victim meet, they share how they feel and also plan for make-up of offence done by offender. They both end their conversation on final decision whether it is to say sorry, give money or to do community service which can be beneficial for society to be done by offender.<sup>66</sup>

This is decided by victim so that justice would be prevailed. The main goal of VOM is to help healing victim as well as giving offender a chance to learn, grow and to rejoin community with dignity. But the usage of VOM is limited to small crimes like theft and small conflicts. That is why it is usually used for young offenders to avoid them for going to court. These VOM programs are run by group of people who have no greed of any profit for conflict resolution instead they work for social harmony.<sup>67</sup>

### 1.6.3 Application

The example of its application can be seen as once a women steal some items from the store and was caught after that act. This case was brought before Restorative Justice Services so that problem can be solved without going in court. So, the meeting was set between her and a person who was owner of that store. First the meeting was individually set up for both of them when they agree to meet each other than official meeting was set. In this meeting victim explained the effect of theft

<sup>65</sup> Modjeska, "Victim-Offender Mediation," 4.

<sup>66</sup> Mark S. Umbreit, Robert B. Coates, "Restorative Justice through mediating Victim Offender Conflict," *Victim-Offender Mediation: An analysis of Programs in four states of the U.S.*, 1992, 43, <https://www.ojp.gov/pdffiles1/Digitization/140263NCJRS.pdf>

<sup>67</sup> Modjeska, "Victim-Offender Mediation," 3-4.



on his store and the staff. Then a woman gave apology letter in written form as well as by speaking. This apology was accepted by store owner.<sup>68</sup>

### 1.7. Family Group conferencing (FGC)

The family group conferencing can take place when a case is referred after youth court or police and it is set up by youth justice coordinator. There are certain situations for this type of conferencing. Like if a person is accused of offence but not yet arrested, if a young person is arrested and charged in youth court and if a court declare a young person guilty of offence. In these situations, the families of victim and offender are called for a meet up with the help of coordinator. The coordinator makes final decision which satisfy both parties.<sup>69</sup>

#### 1.7.1 Theories of FGC

It is also known as Family Group Decision Making (FGDM) in U.S. FGC spread widely as the time passes, so many different theories were developed due to its popularity.<sup>70</sup>

<b>Problem-solving Approach</b>	<b>Task Centered Approach</b>	<b>Focus on Solution</b>	<b>Strengthening perspective</b>	<b>FGC and Restorative Approach</b>
deals with the big problem by breaking it into small problems that help professionals to work efficiently and to deal with the issue creating effective results <sup>71</sup> .	Task of FGC is for families to create better solutions for their problems as they better know their conflict. FGC in this regard act as builder of self-confidence in families and to make them belief in ability of problem-solving. <sup>72</sup>	Families give their decisions on conflict resolution and this strategy strengthens ability to overcome the challenges of conflict. <sup>73</sup>	It is one of the best and strongest idea behind conferencing. As it gives direct power to the people involved in crime or affected by crime. <sup>74</sup> This perspective focus on the family ability as the conflict was resolved based	This theory requires an outsider, a professional, for conflict resolution in families. This professional work with families to stay in control of decisions. <sup>76</sup>

<sup>68</sup> Restorative Justice services, "Victim-Offender Case studies," Accessed on 11 June 2025, <https://rjs.ie/victimoffender-case-studies/>

<sup>69</sup> George Mousourakis, "Restorative Justice Conferencing in New Zealand: Theoretical foundations and practical implications," (2023): 9.

<sup>70</sup> The Right To Know Ltd., Family Group Conferencing and restorative practices-an evidence reviews (Leeds, UK: University of Oxford, 2016), 5-6, <https://www.education.ox.ac.uk/wp-content/uploads/2019/06/Family-Group-Conferencing-Summary-Leeds.pdf>

<sup>71</sup> Ibid, 5.

<sup>72</sup> Ibid, 5.

<sup>73</sup> Ibid, 6.

<sup>74</sup> Nathan Harris, "Evaluating the practice of restorative justice: the case of family group conferencing," *Repositioning restorative justice* (England, UK: Willan publishing, 2003), 5.

<sup>76</sup> RTK Ltd., "Family group conferencing and restorative practices," 6.



			on the positive qualities of both families. This is very helpful for families to be resilient and can better handle the situation in future. <sup>75</sup>	
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### 1.7.2 Aims of FGC

- **Empowerment**

To empower families for decision making. This idea is considered as the most important and strong idea as it gives power to the directly affected parties like criminal and a person affected by crime. Not only victim and offender but also the people close to them. These people help to fix the problem with victim and offender. These two families talk to each other and find a friendly solution for conflict. This idea was presented by Terry O Connell who was the first to bring conferencing in Australia he said that it is important to get together everyone who is affected by crime and work for positive outcomes. Victims power is more visible in conflict resolution but conferencing gives a chance to offender for taking of responsibility of the conflict.<sup>77</sup>

- **Restoration of Relationship**

To restore the relationship of both families in conflict. People thought that harm only affect victim but it has an impact on community on large scale. As restoration involves conflicting parties and a person who negotiate to resolve conflict and restoration of relationship is possible after that. The third person involved in conflict resolution focus on impact of crime and not on blaming or punishment of offender.<sup>78</sup>

- To reunite families as before the conflict. This means to make the relation between conflicting parties at peace and happy as before the conflict.

- To make them emotionally stable as conflict might affect the emotional wellbeing of conflicting parties. These aims explain the working of family group conferencing.<sup>79</sup>

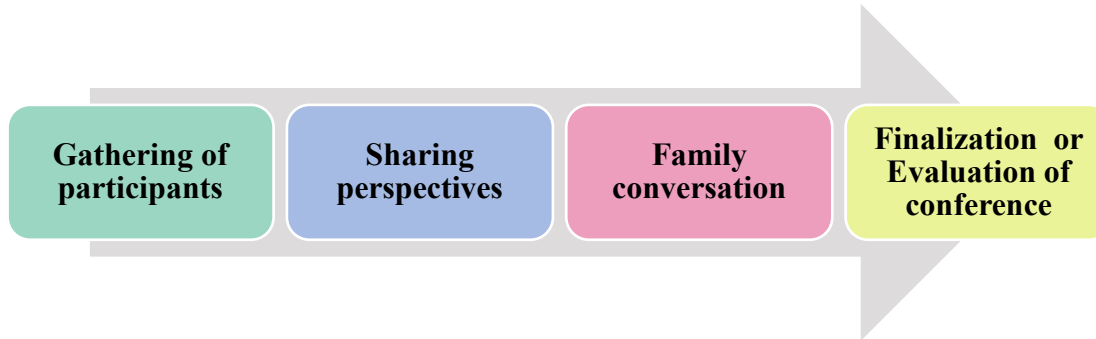
<sup>75</sup> RTK Ltd., “Family group conferencing and restorative practices,” 6.

<sup>77</sup> Harris, “Evaluating the practice of restorative justice: the case of family group conferencing,” 5-8.

<sup>78</sup> Ibid, 8-9.

<sup>79</sup> Ibid, 10-13.

### 1.7.3 Process of Conference



The first and foremost preparation for process of FGC is to collect information. then participants of conference who are connected or affected by offence are involved for continuation of the process. Both Families gather to share their perspective and a facilitator do justice by allowing every member to speak. Then facilitator is called to leave the room and allow only families to talk on the matter. After this step conference is followed up and final decision is made. This is the way that FGC allow everyone to engage in conflict resolution and justice is prevailed and it shows the real restorative justice practice.<sup>80</sup>

### 1.7.4 Case in Point

Giving practical example of restorative practice can easily demonstrate how to use the practice in daily life. Like in the case when two teenagers admit their offence and in reaction of this act justice system look initially for what victim wants. As offenders were teenager so someone from there suggested to set up a family group conference to solve issue. This conference includes victim, offender, families of both, and some community members. This conference was conducted by experienced officer who allow offender to explain what he had done. Then victim share his loss and explain how it could be repaired. Apology was asked by offender and promise was made for never be repeated. At the end all of them become satisfy and again live as a part of community.<sup>81</sup>

### 1.8. Peace-building circles

This strategy come into practice when an agreement between parties was broke and they are in a conflict. Here helpful way is peace-building circles which can resolve the issue by bringing people back together by letting them talk, understanding harm caused by conflict and at last help them heal.<sup>82</sup> The usage of peace-making circles is for the healing purpose. After that not only healing occur but also support for each other is also seen. It also helps to make respectful decisions and in honest way. So, these circles can be a source of trust building, proper communication and making of community. These circles are useful in families, schools, workplaces, courts, social services and neighborhood conflicts. It is not like the other justice system in which both conflicting parties just want to win argument but it focuses on equal hearing, equal speaking and respectful dialogue with

<sup>80</sup> Law Society Online Editorial, "Restorative Justice and Family Group Conferencing Explained," Law society online, 10 June 2025, <https://lawsocietyonline.com/restorative-justice-and-family-group-conferencing/>.

<sup>81</sup> T. Wachtel, "Family Group Conferencing: Restorative Justice in Practice," *Juvenile Justice journal* 1, no. 4 (1995): 1-2.

<sup>82</sup> Jeremiah Smith, "Peace-building circles," *Learning for Justice*, May 2023, <https://www.learningforjustice.org/magazine/toolkit-peace-building-circles>



personal growth. It focuses not only to change others but try to change ourselves for betterment and justice.<sup>83</sup>

### 1.8.1 Stages of Peace-Building Circles

This process has three stages by which correct circle is maintained.

#### 1.8.1.1 Before meeting

In the process of peace-building circle there must be a facilitator who work for uniting people for negotiation and he has talked with each person and ask them privately whether they want to join that circle or not. Then he made easier for them by explaining the whole detail of that process. This meeting not only allow victim and offender to participate but other members of community can also take part if they are willing to heal the harm caused. These externals are not given too many details about the process so that privacy of conflicting parties will not influence by their involvement. Then, facilitator choose wisely an area where this talk can be perceived with taking an object for talk. Everybody is given a great chance to express their opinion.<sup>84</sup> The area of talking requires at least three participants without tables between them. There may be placed some items which shows and remind people about peace, harmony, respect and honesty.<sup>85</sup>

#### 1.8.1.2 The Circle Meeting

This circle requires calm and respectful talk so for this purpose there are some rules for participating in this circle like, all people involved in circle should respect to the object used for talking. As this object allow only one person to talk at a time so other people will not interrupt the talking person. All people should deliver their statement by using I which shows that this is the personal review of the person upon the issue. Furthermore, everyone should be calm and polite while giving an opinion or having objection. No one is allowed to hurt other and if someone cannot control his anger he can step out for a while and then come back if wants.<sup>86</sup>

### 1.8.2 The circle goes through four steps

**First step** is to ask a question about scenario that what happened or what all the participants have seen? In this step everyone expresses their vision what they had seen and what were their emotion at that time. Everyone got a chance to speak without involvement of others. **Second step** that other participants clear their views by asking questions to the speaker. This step is taken to understand the situation and to know the impact of harm on the speaker that whether he see any law broken during this issue. **Third step** is the major step in which people suggest ways to heal the harm and protect the community from further crimes. This step requires full focus of participants for finding a solid solution which will not hurt any of the person if there is a suggestion which contain a harm to even a single person it is guided by any other suggestion. **Fourth step** contain the agree list that whether each and every person is agree with the decision or not. If all participants show positive answer on the decision, then it is allowed to be implemented but if any of them disagree on the

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<sup>83</sup> Kay Pranis, Barry Stuart, and Mark Wedge, *Peacemaking Circles: From Crime to Community* (St. Paul, MN: Living Justice Press, 2003), <https://www.rjssi.org/peace-making-circles> - :~:text=Peacemaking%20circles%20bring%20together%20individuals%20who%20want%20to,relationship%20development%2C%20and%20community%20building%20are%20desired%20outcomes.

<sup>84</sup> Jeremiah Smith, "Toolkit: Peace-building circles," *Learning for Justice*, May 2023.

<sup>85</sup> Kay Pranis, Barry Stuart, and Mark Wedge, *Peacemaking Circles: From Crime to Community* (St. Paul, MN: Living Justice Press, 2003).

<sup>86</sup> Jeremiah Smith, "Toolkit: Peace-building circles," *Learning for Justice*, May 2023.



solution then talk is continued until they reach the solution or they again plan to put a meeting to negotiate and find better solution.<sup>87</sup> The circle may require more than one meeting with many sessions until everyone agrees. It cannot be planned in hurry as it requires honesty and patience.<sup>88</sup>

### 1.8.3. Follow up

After finding the results everyone again set up a meeting to check the results of solution after making it into action. They check whether it brings good results or not. If the progress is not seen as imagined then participants are required to again set up a meeting to heal the harm. These new agreements overcome the previous shortcomings and make sure that every aspect of negativity is removed and positive sides can be seen.<sup>89</sup> The finishing of circle is accepted if goals of the group are fulfilled by people in a circle not by any outsider.<sup>90</sup>

### 1.8.4 Aims of Peace-Building Circles

- To remove negativity by spreading potential among people for positivity which is also helpful in rehabilitation.
- To show that humans are linked to each other and can be affected by every movement of a single person.
- To know the responsibility which every individual has for the society that is to help one another in every situation.
- To have knowledge about the fact that punishments cannot bring any positivity for victim and it would not heal or overcome the loss.
- It helps to maintain relationship and convert them from harsh to polite behavior.
- It gives every person a chance to deliver voice and idea.
- To resolve conflict in rehabilitative way and inspire offender to take responsibility rather than to deny the act.
- To develop a sense of individual personal growth not only to blame others for their acts.
- This will lead to emergence of leaders with broad spectrum of knowledge and wisdom.
- To find new ways of problem-solving and to develop new skills from people involved in circle.<sup>91</sup>

### 1.8.5 Example

Peace making circles can be developed in schools by interacting of teachers with student on this strategy. This can be taught at basic level that a circle is made by student and teachers by saying students to sit in a circle. Then, a teacher gives some talking thing to students so that one student speak at a time and other students listen to him. One topic is given to show the concern of each student and to work for the betterment. Talking piece is circulated and it will give every student a chance to express themselves. The goals for this conversation like response giving and giving

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<sup>87</sup> Ibid.

<sup>88</sup> Kay Pranis, Barry Stuart, and Mark Wedge, *Peacemaking Circles: From Crime to Community* (St. Paul, MN: Living Justice Press, 2003),

<sup>89</sup> Jeremiah Smith, "Toolkit: Peace-building circles," *Learning for Justice*, May 2023.

<sup>90</sup> Kay Pranis, Barry Stuart, and Mark Wedge, *Peacemaking Circles: From Crime to Community* (St. Paul, MN: Living Justice Press, 2003).

<sup>91</sup> SGI Community Resources, "Restorative Justice Training: Peace Circles- a guide to facilitating and utilizing peace circles," Accessed on 11 June 2025, 2-3.



peace education can be delivered efficiently with this process. This peace circle not only find a solution for the current problem but also provide opportunity to everyone to give reviews in this situation.<sup>92</sup>

### **1.8 Community Restorative Boards or Panels**

There are certain boards and panels that are specially working for restorative justice to put it into practice. These boards are comprised of representatives of community who are engaged with panels to take offender responsible for his actions and to take a way to overcome the pain caused by offender in such a way that is beneficial for community and society. They not only prevent the harm but also make sure that something is given back in return for the loss.<sup>93</sup> The proper process of these panels to work for criminal act is that these boards meet directly with offender. The offender then admits his crime and appropriate step is taken by boards to make up the harm caused by offender with involving him in any community service or causing him to work for public welfare.<sup>94</sup>

### **1.9. Neighborhood and Housing Conflict Resolution**

Neighborhood conflict can be of many kinds some of them may be listed as.

- 1. More than two party conflicts**

this type of neighborhood conflict includes not only two families but it may cause dispute in many relating families that are hurt by the negative actions. The mediator who is responsible for this conflict resolution requires knowledge about every family involved in conflict. When many families are involved, it becomes difficult to find out who is the main cause behind all the chaos.

- 2. Fight with weapons**

Neighborhood conflict may not only contain conversational conflicts but it may be worse than that. It might be a fight with knives, guns or any other physical fights that can cause a physical harm to one another. This violence leads to need for police intervention.

- 3. Religious conflict**

People living in neighborhood may be different in race, religion or ethnic culture. Sometimes they do not go well together and most often they judge one another in relations, color or any other social difference. Some might use religion as tool of superiority.

- 4. Long lasting trouble**

Sometimes the dispute is over a small issue but people do not agree which to accept the opinion of one another which can cause the small dispute to become a big trouble and this trouble would never end.

- 5. c**

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<sup>92</sup> Christina Parker, "Classroom peace circles: Teachers professional learning and implementation of restorative dialogue," *Teaching and Teacher Education* 95, no. 1 (2019): 103129, <https://doi.org/10.1016/j.tate.2019.103129>.

<sup>93</sup> Project Lift Service, "Putting Principles into Practice," Accessed on 11 June 2025, <https://projectliftservices.org/restorative-justice/restorative-justice-in-action/>

<sup>94</sup> Restorative Justice 101, "Restorative Practices," Accessed on 11 June 2025, <https://restorativejustice101.com/restorative-practices/>



Government agencies often try to help in conflict resolution but it is not certain that whether the involvement of these agencies is beneficial because sometimes people want to tease or punish their neighbors through government involvement.<sup>95</sup>

The disputes among neighborhood are seen as a serious issue and need settlement before it becomes worse. This can cause serious crimes while involving big community. For this purpose, the way that may be used for resolution is Community mediation which is easy to deal and handle the issue timely and effectively. This mediation is helpful as it is also a practice of restorative justice to deal justly without external involvement.<sup>96</sup>

### **1.11. Conclusion**

The practices of restorative justice are applicable and are currently in use of many different countries but the basic theme and aims are remained unchanged. These strategies of problem solving are put under restorative justice because every practice includes at least one aspect of restorative justice. Like in Sulh, agreement of both parties are crucial to reach the results and to gain welfare of society. In addition, sulh also emphasizes the role of third party which is known as healer in sulh but works same as required in restorative justice system. The system of sulh works for maintenance of peace. This is mentioned in Quran to give importance to this practice of restorative justice. after s4ulh another practice is mentioned which is forgiveness. It has a vital role and its application is seen in the life of Holy Prophetﷺ as he is the embodiment of peace and tranquility. So, forgiveness can bring positivity in the community and serve as a lesson for humanity. Forgiveness is aligned with Apology as everything works in steps so apology is the first step to make sure that offender is feeling guilty for his action then forgiveness is granted. Then there comes the restorative practice of diyya in which healing is the main aim to be achieved. For this purpose, blood money work best as hanging the offender can do nothing better for victim family but if compensation is paid for their better future. Restorative justice not only work for offender and victim but it also works for community so, Islah is considered as the practice of restorative justice. Islah and conciliation also work as adjusters in community to focus on results which is helpful in bringing positive outcomes for community on large. Other Justice system does not focus on fulfilling requirement of both victim and offender but restorative justice is distinct from other justice system on the bases of meeting that are arranged for victim and offender so that both of them are heard. Therefore, no injustice can be seen in restorative justice system. It works for the crime that are considered worse like killing and also beneficial for small conflicts. All these practices lead to peace among society and to prevent physical punishments which are just providing emotional peace not physical or community-based peace. Another aspect for its positivity is that it involves the people who are linked with offence whether are part of it or are affected by it. External authorities may affect the actual purpose of justice.

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<sup>95</sup> Harry Mika, "Mediating Neighborhood Conflict: Conceptual and Strategic Considerations," *Negotiation Journal* 3, no. 4 (1987): 401-402, DOI: 10.1111/j.1571-9979.

<sup>96</sup> Lesley Simmonds, "Resolving Conflict, the community; A case for Mediation?" *Crime prevention and Community Safety* 3(2001): 41, <https://doi.org/10.1057/palgrave.cpcs.8140097>



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