

Revival of Jirga through DRC with Special Emphasis on Sustainable Resolution of Conflict: With Reference To District Swabi-Kp Pakistan

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ABSTRACT

The present study was conducted to find out that whether the DRC had played any role in a revival of Jirga or not in District Swabi Khyber Pakhtunkhwa, Pakistan. A sample size of 302 of tehsil Swabi in the district Swabi was selected through the help of random table of simple random sampling method from total population 699 from selected tehsil "Tehsil Swabi" in District Swabi as universe of the study. A conceptual framework comprises of Dependent Variable "Revival of Jirga" and Independent variable "Conflict resolution on Sustainable basis". The data were analyzed through frequency and percentage distribution. . Moreover, dependent variable was indexed and cross tabulated with independent variable. Chi-square test statistics was applied to find out the relationship between dependent and independent variable correspondingly. The results reported a sustainable resolution of the conflict. Through DRC ($P=0.004$) compare to the Jirga, as the Jirga has no power to implement its decision ($P=0.003$) where the DRC has a legal protection ($P=0.000$), where you cannot avoid the DRC decision ($P=0.000$) and punishment ($P=0.002$). This was possible one to the involvement of both the parties ($P=0.001$) under legal protection ($P=0.000$). The study recommends making DRC more functional. Through covering more areas under a more improved blend of formal and informal conflict resolution mechanism i.e., that will help in the revival.

Keywords

Revival, Jirga, DRC, sustainable, resolution, conflict

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Introduction

All human society consist conflict. There are many institutions at formal and informal level to deal with it and resolving the dispute and conflict. In Pakhtun society 'Jirga' is the only institution which is established for resolving disputes. But with the passage of time this Jirga has changed its function and structure. That's why people oriented and search for other means of conflict resolution bodies and mechanism. I.e. mainly formal mechanism. But still the conflict resolution is a major problem in our society with the using of traditional mechanism for conflict resolution. In 2014, Department of Khyber Pakhtunkhwa Police initiated the Dispute Resolution Council (DRC), with the purpose of resolving the disputes and conflict, under the Umbrella of formal methods. Jerome and Joseph, (2004) depicts that for the accessible judicial system alternate Dispute Resolution is the most new and urgent need for alternatives like ADR. The term Alternate Dispute Resolution (ADR) is the alternative system for conflict resolution to the existing and current

judicial system. It is the alternate body of conflict resolution to the existing litigation system.

KP Police (2017) depicts that Dispute Resolution Council are more formal as compare to Jirga, furthermore it also follows the same principles of Jirga in resolving of disputes and conflict. In many ways it is also an informal body at the same time as like Jirga. Dispute Resolution Council (DRC) has resolved many cases of disputes and conflict after its establishment in more effective manner, therefore especially in Pakhtun Society it results and has gained its advantage. It mainly resolves the cases by its own mechanism of civil nature and local problems. The conflict settlement and how to create conducive and helpful environment between the disputing and conflicting parties for social development is the basic vision and objective of the Dispute Resolution Council (DRC). KP Police (2017) reported that in the last year 7179 little disputes were being resolved successfully by the Diputes Resolution Council in the province and 1465 cases forwarded to other relevant and legal forums for furhrter processing while 1742 cases are still

under process and waiting for final decision. 1308 cases resolved by DRC in Peshawar, 561 in Mardan, 235 in Nowshera, 251 cases in Charsada, 1133 in Swabi District, 778 in Kohat, 301 Karak, 659 in Hangu, 224 cases in Lakki Marwat. 16 cases in Tank, 261 in Swat, 150 in Buner, 73 in Upper Dir, 148 in Lower Dir, 421 cases in Chitral, 40 in Shangla, 18 cases in Torghar, only 3 in Kohistan, while 107 cases resolved in Abbottabad, 127 in Mansehra, 24 in Battagram, 199 cases in Bannu, and 142 cases are resolved in Di Khan By the Dispute Resolution Council (DRC). As people are now more oriented towards DRC, so it is being planned that at each and every sub division should have the centre of DRC and it will be established gradually in the whole province. It will be good news for those local people in provision of true justice and resolution of dispute at their doorsteps. It is considered as the most important approach to conflict resolution and mostly people believe in this approach because its structure is more formal and systematic as compared to Jirga. As despite and on the basis of its formal structure many people call it 'Jirga Revival' rather than using the same as Jirga process.

Kaminskiene et al (2014) examined that

Kaminskiene et al (2014) examined that in the process of conflict settlement sustainable resolution refers to ensure not only present but also future considerations of resolutions are taken. Addressing emotional and rational aspects of the issue during the process of conflict settlement is possible only through sustainable conflict resolution. The win-win situation is provided by this reconciliation. Sustainable resolutions refrain the parties from displeasure and anger and give them true sense of justice.

Bush and Folger (1994) views that sustainable resolution requires expertise and a lot of skills. That is why it is not an easy task. The parties are to be realized the long term antagonism and its effects. The mediator should realize them the gains of sustainably resolved conflicts, it requires a lot of preparation from the mediator

Radford (2000) says that sustainability of the outcomes is depended on the application of advanced approach and vision from the practitioner of conflict resolution. Sustainable agreement must be developed to address every aspect of the issue to identify assess and analyze

issues to frame skills and techniques by practitioner. The practitioner should have the ability to convince either side in antagonism to alter their perception in a positive manner. Temporary end to antagonism not always guaranteed permanent solution.

Sustainable conflicts resolution has the following aspects:

▪ ***Confidentiality and privacy:***

Civil cases consist of private and confidential details of the concerned parties. An unpleasant task is to disclose the private matter in front of the group of mediators. Thus pleasant and sustainable decision is made only through by provided privacy and confidentiality.

▪ ***Continuity and preservation of peaceful relationship:***

Peaceful relationship is maintained and repaired only through sustainable settlement. An acceptable agreement is made by corporation and true participation of the parties, adjusted by resolution of conflict. The grievances of the parties and probabilities of antagonism in the future can be eliminated by developing a good communication.

▪ ***Resolution to emotional aspect of antagonism:***

Clark (1989) reported that an apology in long held grievances is an emotional outcome in some disputes. Sometimes simple communication can resolve a dispute.

Through this simple communication better and long term understanding can be built among the concerned parties.

▪ ***Involvement of the parties in decision making process:***

In sustainable conflict resolution participation of the parties is crucial. In many cases involvement of the parties guaranteed no favor of one disputants and party over other. Parties should be allowed to decide and discuss the needs of both sides ensued sustainability is resolution.

▪ ***Speedy process of conflict resolution:***

Radford (2000) studied that the severity of antagonism is connected to cumbersome and lengthy processes. By reducing the cost and pace

of conflict resolution process sustainable resolution’s efficiency can be sustained.

To prevent future generation from indulging into antagonism and frustration the process of conflict resolution must be swift.

Materials and Methods:

The study was carried out in District Swabi Khyber Pukhtoonkhwah Pakistan. It has 4 tehsils, namely, Topi, Swabi, Razzar and Lahore. However data were collected from Tehsil Swabi. It is one of the major areas in the district from a number of perspective that includes the number disputes and its resolution. Because of this the total numbers of disputes resolved by DRC are also more than the other tehsils. The total population of the respondents of Tehsil Swabi was 699 while 302 sample size was selected as per Sekeran universal table of sample size.

A conceptual frame work was devised as shown in table 1 and questions were asked accordingly from respondents. The dependent variable (Revival of Jirga) was cross tabulated and indexed with independent variable (Sustainable Resolution of Conflict) to measure the association. Furthermore Chi-Square test statistics was used for bi-variate analyses which are follows.

$$\chi^2 = \sum_{i=1}^r \sum_{j=1}^c \frac{(O_{ij} - e_{ij})^2}{e_{ij}}$$

Σ = Total of “ith” row

J=1

Σj=1 Total of “jth” column

Independent variable	Dependent variable
Sustainable resolution of conflict	Revival of Jirga

***Table 1 Conceptual framework**

Results and Discussion

Table 2 describes about the frequency and percentage distribution of the sampled respondents. The 46.4% of the respondents disagreed with the given statement that people have not lost faith in Jirga while 45.5% of the respondents agreed that its true people have lost faith in Jirga and 8.3% of the respondents were uncertain or had no answer. Furthermore, 47.7% of the respondents disagreed decision made by Jirga is partial while 43.0% of the respondents agreed with the statement and 9.3% of the respondents had no answer. Similarly, majority 63.2% of the respondents agreed with the statement that there is a need to change the structure and function of Jirga while 27.8% disagreed and 8.9% were uncertain. These results are supported by KP Police, (2017).

Moreover, 71.5% of the respondents agreed with the statement that Jirga has no legal power while 17.9% of the respondents disagreed and 10.6% had no answer. Similarly, majority 66.2% of the respondents agreed with the statement that Jirga has been revived through DRC while 23.8% disagreed and 9.9% were uncertain. These results are supported by Afridi, (2003) and KP Police, (2017).

Furthermore 64.6% of the respondents agreed with the statement that DRC as an alternative of Jirga while 24.8% disagreed and 10.6 had no answer. Similarly, majority 48.0% agreed that it has a same structure as like Jirga while 42.1% disagreed and 9.9 % had no answer. On the other hand, 49.0 % agreed with the statement that it has also the same function as like Jirga while 42.1% disagreed and 9.9 had no answer. These results are supported by KP Police (2017).

Table- 2. Frequencies distribution and percentage of the respondents regarding revival of Jirga

S.No	DRC as a revival of Jirga	Yes	No	Uncertain	Total
1	People have lost faith in Jirga	137(45.4)	140(46.4)	25(8.3)	302(100.0)
2	The decisions made by Jirga are partial	130(43.0)	144(47.7)	28(9.3)	302(100.0)
3	There is a need to change the structure and functions of the Jirga	191(63.2)	84(27.8)	27(8.9)	302(100.0)
4	Jirga has no legal power	216(71.5)	54(17.9)	32(10.6)	302(100.0)
5	Jirga system has been revived through DRC	200(66.2)	72(23.8)	30(9.9)	302(100.0)
6	You consider DRC as an alternative of Jirga	195(64.6)	75(24.8)	32(10.6)	302(100.0)
7	DRC has the same structure as Jirga	145(48.0)	127(42.1)	30(9.9)	302(100.0)
8	DRC has the same functions as Jirga	148(49.0)	124(41.1)	30(9.9)	302(100.0)
9	You now believe more in DRC than Jirga	207(68.5)	68(22.5)	27(8.9)	302(100.0)

Note: Values in the table present frequency while in the parenthesis represents percentage (% age) of the respondents

Source: Field Survey, 2018

Tab-3 Association of DRC as a sustainable resolution of the conflict with revival of Jirga

Tab 4 disclosed a significant ($p=0.004$) association between Jirga decisions are not sustainable with the revival of Jirga. Similarly, a non significant ($p=0.032$) association was found between Jirga has no power to implement its decision in true sense with revival of Jirga. Furthermore, again significant ($p=0.001$) association was found between DRC has been made established to make decision on sustainable basis with revival of Jirga. While, on the other hand a strong and highly significant ($p=0.000$) association was delineated between DRC has a legal protection to implement its decisions with revival of Jirga. These results are supported by Radford (2000).

Moreover, a strong and highly signification ($p=0.000$) association was also found between you cannot avoid the DRC decisions with revival of

Jirga. While on the other, hand non significant ($p=0.027$) association was found between avoiding of DRC results legal punishment with revival of Jirga. Similarly, a significant ($p=0.005$) association was again found between DRC provides sustainable resolution and resolution to emotional aspect of antagonism with revival of Jirga. These results are supported by Radford (2000).

In addition to above, a significant ($p=0.001$) association was delineated between you think that involvement of the parties is necessary for decision making and sustainable resolution of the conflicts with revival of Jirga. While on the other hand, a strong and highly significant ($p=0.000$) association was found between decision making under legal protection made DRC as the most suitable body. These results are supported by Bush and Folger (1994).

Table 4. Association of DRC as a sustainable resolution of the conflict with revival of Jirga

S.No	Statement	Revival of Jirga			Chi-square P=value
		Yes	No	Uncertain	
1	Jirga decisions are not sustainable				$\chi^2=15.174$ (0.004)
	Yes	111(36.8)	50(16.6)	15(5.0)	
	No	43(14.2)	41(13.6)	16(5.3)	
	Uncertain	9(3.0)	12(4.0)	5(1.7)	
2	Jirga has no power to implement its decision in true sense				$\chi^2=10.566$ (0.032)
	Yes	109(36.1)	63(20.9)	16(5.3)	
	No	43(14.2)	26(8.6)	12(4.0)	
	Uncertain	11(3.6)	14(4.6)	8(2.6)	
3	DRC has been made established to make decision on sustainable basis				$\chi^2=18.971$ (0.001)
	Yes	121(40.1)	62(20.5)	15(5.0)	
	No	32(10.6)	26(8.6)	12(4.0)	
	Uncertain	10(3.3)	15(5.0)	9(3.0)	
4	DRC has a legal protection to implement its decisions				$\chi^2=31.123$ (0.000)
	Yes	127(42.1)	53(17.5)	14(4.6)	
	No	25(8.3)	37(12.3)	15(5.0)	
	Uncertain	11(3.6)	13(4.3)	7(2.3)	
5	You cannot avoid the DRC decisions				$\chi^2=31.982$ (0.000)
	Yes	125(41.4)	47(15.6)	17(5.6)	
	No	29(9.6)	36(11.9)	14(4.6)	
	Uncertain	9(3.0)	20(6.6)	5(1.7)	
6	Avoiding of DRC results legal punishment				$\chi^2=11.006$ (0.027)
	Yes	101(33.4)	56(18.5)	12(4.0)	
	No	39(12.9)	34(11.3)	16(5.3)	
	Uncertain	23(7.6)	13(4.3)	8(2.6)	

7	DRC provides sustainable resolution and resolution to emotional aspect of antagonism				
	Yes	113(37.4)	55(18.2)	14(4.6)	$\chi^2=15.040$ (0.005)
	No	33(10.9)	34(11.3)	14(4.6)	
	Uncertain	17(5.6)	14(4.6)	8(2.6)	
8	You think that involvement of the parties is necessary for decision making and sustainable resolution of the conflicts				
	Yes	117(38.7)	63(20.9)	12(4.0)	$\chi^2=19.514$ (0.001)
	No	34(11.3)	28(9.3)	18(6.0)	
	Uncertain	12(4.0)	12(4.0)	6(2.0)	
9	Decision making under legal protection made DRC as the most suitable body				
	Yes	118(39.1)	65(21.5)	16(5.3)	$\chi^2=24.442$ (0.000)
	No	41(13.6)	25(8.3)	11(3.6)	
	Uncertain	4(1.3)	13(4.3)	9(3.0)	
Note: Values in the table present frequency while in the parenthesis represents percentage (% age) of the respondents.					

Source: Field Survey, 2018

Conclusion

Jirga is one of the distinguished institutions practiced in Pakhtun society but it has changed its structure and functions with the passage of time. Most of the people still believe and have faith in Jirga and its impartiality. While on the other hand people thought that there is a need to change the structure and function of Jirga. Similarly, Jirga system has been revived through DRC and people believe more in DRC than Jirga because DRC is more speedy than Jirga and it resolve cases in 1-2 hearings. It allows both the parties to present their case directly without any need of lawyer or attorney. In DRC involvement of the parties is necessary for decision making and sustainable resolution of the conflicts. It made its decision in impartial ways without any political pressure. It's less biased than Jirga and its decisions are sustainable and it's actually made to make decision on sustainable basis. No one can deny the decision of DRC which leads to legal punishment. The study also unfolds the role of DRC in promotion of Jirga system in Pakhtun society. Moreover, it also points out those areas which were viewed socially unacceptable in a traditional Jirga system. Hence, the study will result in refining and improving the *Jirga* system.

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