
RESTORATIVE JUSTICE AS AN ALTERNATIVE TO THE TRADITIONAL RETRIBUTIVE CRIMINAL JUSTICE SYSTEM

**Diab M. Al-Badayneh^{1*}, Hajar T. Nassar²,
Jamel Baccar³ and Mohammad A. Al Sharairi³**

¹ *Department of Security Studies, Graduate College, Police Academy, MOI, Qatar & IKCRJO,
Jordan*

² *AlBalqa Applied University, As-Salt, Jordan*

³ *Department of Law and Police Sciences, Police College, Police Academy, MOI, Qatar*

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Abstract

This paper describes the essence of restorative justice, its roots, definitions, underlying assumptions, principles, and practice. Moreover, it presents the fundamental components, features, and goals of programs. It also discusses the core elements, components, and differences between the retributive justice system and the restorative justice system, as well as the applications and methods of restorative justice processes in the criminal justice system. Restorative justice emerged in the 1970s and 1980s as an alternative to retributive justice, promoting respect, dialogue, and collaborative decision-making. Victims, offenders, social networks, justice agencies, and the community are all involved in addressing the consequences of criminal behaviour. Religious principles of reconciliation, restoration, and healing are central to many RJ programs, but promoters should avoid linking RJ too closely to faith, as it may cause discomfort for victims. Restorative justice builds relationships, resolves conflicts, and forms agreements tailored to cultural contexts and community needs. It challenges minimal involvement in sentencing to humanize victims and perpetrators. This study explores values promoting restorative justice, which aims to restore emotional and material losses through negotiation and problem-solving, incorporating forgiveness.

Keywords: restorative, traditional, alternative, victims, restore

1. Introduction

Gandhi once said, “Injustice anywhere is injustice everywhere”. Indeed, justice is the cornerstone of the ‘New World Order’ and we are all fighting for a better world together on the same planet. Regardless of gender, country, ethnicity, colour, or religion, we are all part of the same group and have the exact expectations and aspirations for living in equitable societies. Restorative justice (RJ) is an international concept utilized in criminal justice systems to resolve

* dbadayneh@gmail.com

conflicts in schools, prisons, and the health sector [1] Restorative justice, an alternative to criminal justice, promotes peaceful expression, tolerance, inclusiveness, respect for diversity, and responsible community practices, addressing social disorder and dissatisfaction with traditional justice systems. These processes involve individuals directly involved in the incident, allowing for a more direct and concrete approach. These programs are used in various contexts, including criminal matters, schools, and workplaces. Community involvement is widely accepted in many countries, particularly in developing countries where restorative justice practices are applied through traditional practices and customary law. However, the challenge lies in effectively mobilizing civil society while protecting victims' and offenders' rights. Restorative justice involves victims, offenders, social networks, justice agencies, and the community in addressing criminal behaviour's consequences, redressing harm, holding offenders accountable, and engaging the community in conflict resolution. It emphasizes relationship building, reconciliation, and agreements, adapting to cultural contexts and community needs. This process can transform relationships between the community and the justice system [2]. Restorative justice practices facilitate communication between victims and offenders, allowing victims to share their stories and negotiate reparations. Daly (2000) contrasts traditional justice, which focuses on offender punishment and treatment, with victims as witnesses to determine guilt or innocence [3].

The restorative justice movement challenges the minimal involvement of the community and victims in sentencing, aiming to humanize victims and perpetrators. It seeks reform models beyond Western state-level societies, focusing on the need for more direct involvement and addressing the inhumane nature of customary legal practices. The restorative justice movement incorporates customary practices involving the community, families, perpetrators, and victims in sentencing decisions [4].

2. Restorative justice: overview

Restorative justice is a philosophical and sociological approach that questions responsibility for the crime, punishment, restitution, and community interests. It explores compensation, punishment, and the ideal balance between communal harmony, social justice, and victim-offender reconciliation. The article reviews existing evidence but questions its effectiveness under limited conditions and whether victorious restorative justice can be scaled up for national reconciliation.

Restorative justice is a philosophical and sociological approach that explores the responsibility for the crime, punishment, restitution, and community interests. It explores compensation, punishment, and the ideal balance between communal harmony, social justice, and victim-offender reconciliation. The article reviews existing evidence but questions its effectiveness under limited conditions and whether victorious restorative justice can be scaled up for national reconciliation. Restorative justice is a philosophy that emphasizes the interplay between offender, victim, community, and government in crime and delinquency

cases. It involves redressing harm caused by an offense, holding offenders accountable, and promoting a safe community. This approach is typically applied to juvenile offenders, promoting competency development and avoiding further crime [5].

Restorative justice, founded by Umbreit, Zehr, and Braithwaite, aims to alter our perception of punishment for wrongdoing. Restorative justice procedures involve addressing the impact of crimes on victims, perpetrators, and society, promoting healing and reintegration of offenders through apologies, restitution, and acknowledgment of harm [6]. Restorative justice involves direct communication between victims and offenders, often facilitated by the affected community. It allows offenders to admit fault, offer compensation, and promote forgiveness, with the idealized four Rs: repair, restore, reconcile, and reintegrate [7].

2.1. Roots of the restorative justice

Restorative justice emerged as an alternative to retributive justice in the 1970s and 1980s, aiming to restore emotional and material losses suffered by victims through negotiation and problem-solving methods [5]. The restoration concept is found in Islam and other religious traditions, which encourage forgiveness. Indigenous justice processes have significantly influenced restorative justice by incorporating indigenous forms of justice into the formal response to crime through adaptations like conferences and circles. The 1970s restitution movement and 1980s victim rights movements exposed the criminal justice system's incomplete focus on offender punishment, leaving victims unaffected. Critics argue for inadequacies in its conceptual foundations, such as the prison abolition movement, religious critiques of retribution, and feminist scholars advocating for societal responses to crime based on values of harmony and felicity [8]. The law of Qisas, which serves as a basis for restorative justice, is compatible with restorative justice, as it allows victims to participate in sentencing and promotes forgiveness and reconciliation [9]. Restorative justice (RJ) originated from faith communities; their belief that justice was inextricably linked to healing and the process of making a people whole was based on their religious tradition and the Bible. For them, achieving justice meant putting one's differences with God and one another right. Today, many RJ programs are rooted in religious principles of reconciliation, restoration, and healing. Forgiveness and restoration are fundamental to RJ, focusing on making things right and restoring harmony. However, promoters must be cautious about linking RJ too closely with faith and religion, as some victims may feel uncomfortable dealing with such a philosophy. Victims should not be pressured to forgive, which may be interpreted as failure.

Restorative justice involves consensus-building among all parties involved in resolving wrongs and restoring justice, emphasizing the pain and suffering caused by crime. It empowers offenders to hold themselves accountable, recognize their role, and make amends, revolutionizing the legal system and combating social injustice [10]. Regardless of its shape, restorative justice should, in his view, bring all parties together in a democratic setting where everyone has

the freedom to express their opinions and listen to one another. Braithwaite says being in this setting will help people achieve more profound ideals like reconciliation and forgiveness [11].

2.2. Definitions

Restorative justice involves all parties restoring harm caused by a crime, focusing on outcomes and values rather than party involvement [Law School University of Wisconsin-Madison, <https://law.wisc.edu/fjr/rjp/justice.html>]. It encompasses terms like community justice, positive justice, and community justice, combining both categories [12, p. 88]. Restorative justice is a justice theory that focuses on repairing the harm caused by criminal behaviour through inclusive and cooperative processes [8, p. 1]. The UN Basic Principles on Restorative Justice Programs in Criminal Matters, endorsed by ECOSOC in 2002, defines restorative justice as involving the active participation of victims and offenders in crime resolution, with facilitators' assistance, resulting in a 'restorative outcome' with parties including victims, offenders, and affected community members [8].

Marshall (1999) defined RJ as a problem-solving approach to crime involving parties, the community, and statutory agencies in an active relationship [13]. Zehr (2002) defines collective action as involving all parties involved in a specific offense to collectively identify and address harms, needs, and obligations, aiming to heal and rectify the situation [14]. Restorative Justice (RJ), a societal approach aimed at healing and justice, is facing polarization among practitioners and victim advocates. The process, intended to focus on individual harm and accountability, has placed some victims at risk of emotional revictimization. Practitioners lack understanding of victim experiences and PTSD symptoms. RJ has become synonymous with forgiveness and reconciliation, creating deeper divisions in the field [15].

Restorative justice is a social movement promoting peaceful solutions to harm, problem-solving, and human rights violations involving victims, wrongdoers, and affected communities to rebuild relationships and maintain safety [Law School University of Wisconsin-Madison, <https://law.wisc.edu/fjr/rjp/justice.html>]. Walgrave and Bazemore define restorative justice as actions to repair the harm caused by a crime [16, p. 18]. However, according to Braithwaite. According to the text, restorative justice seeks to transform the legal system, not just the criminal justice system [17, p. 1]. Braithwaite believes that the application of restorative justice can help combat social injustice. Additionally, it states that 'whatever dimensions matter to the victims, offenders, and communities affected by the crime' characterizes the nature of the process [10, p. 23]. Reconciliation is a potential aspect of restorative justice but does not necessarily entail reconciliation [18].

2.3. Underlying assumptions

Restorative justice programs aim to repair victim harm, educate offenders about unacceptable behaviour, accept responsibility for actions, allow victims to express needs, and involve the community in reparation planning, with the community playing a crucial role in this process [2].

2.4. Restorative justice principles

Restorative justice practices include victim-offender mediation (VOM), healing circles (HC), victim assistance programs (VAP), and ex-offender assistance programs (OAP). VOM aims to balance the needs of victims and offenders with nearly 300 programs in the US. HC involves resolving harms from offender conduct with family, community, and government representatives [5].

1.1. Crime violates people and relationships. It affects criminals, communities, and individuals, resulting in responsibilities to address the issue. Restoring relationships within the community and making amends are both parts of restoration.

2.2. The community and victims are essential to the legal system. All parties engaged in a crime should be involved in its response, including the victim, the community, and the criminal, if they so desire.

3.3. The main goal of the legal system is to help victims and meet their needs. Therefore, it is imperative to consider the victim's perspective to address the harm caused by the crime effectively.

4.4. The secondary goal is to restore the community to the greatest extent feasible. All participants in the restorative justice process share the offender's accountability for their acts to the victims and the community.

5.5. Every human has value and dignity. Victims and offenders can move forward with dignity and respect, making every effort to reintegrate into society at large [6, p. 21].

2.5. Guiding principles of restorative practice

The six guiding principles of restorative practice are restoration, voluntarism, neutrality, safety, accessibility, and respect, according to the Restorative Justice Council (2016). This guarantees that repairing harm is the primary goal, that people participate voluntarily, and that the procedure is impartial, safe for speech, approachable, and courteous. Therefore, 'restorative practice' refers to ideas, actions, and methods that create and preserve wholesome bonds and a feeling of community to address issues and mend harm in the event of a conflict [Forgive and forget? (2015) Restorative Justice Council <https://restorativejustice.org.uk/blog/forgive-and-forget>].

2.6. Features of restorative justice programs

A restorative process requires four key elements: an identifiable victim, voluntary participation, an offender accepting responsibility, and non-coerced offender participation. It aims to create a non-adversarial environment that addresses the interests and needs of all parties involved. Restorative justice programs provide a flexible, individual-focused approach to crime, promoting equality, dignity, and societal harmony. They can be a viable substitute for the official criminal justice system, address root causes of conflict, and consider victims' needs and injuries. They help criminals understand their actions and accept responsibility, are adaptable to legal heritage, and can address various offenses. They are particularly effective in teaching young offenders new values and abilities. They also recognize the community's role in preventing and treating crime and social instability [2].

2.7. Fundamental components of restorative

There are three fundamental components of restorative justice.

1. Stakeholders: According to Marshall (1999), the society attacked by crime is not just the victim. Therefore, every member can be impacted by its ramifications, giving him the ability to take part in the response to the crime.

2. Participatory process: The foundation of restorative justice is dialogue among all stakeholders, including the victim, the offender, and the community. As a result, the setting should be welcoming and supportive of people speaking and expressing their emotions.

3. Restorative outcome: Restorative justice addresses the harm caused by a crime by alleviating the suffering of both the victim and society [10, pp. 22-23].

2.8. Components of restorative justice

Thus, according to Walgrave (2004), the components of restorative justice are as follows:

Harm: The primary goal of the restorative justice process should be to repair the damage caused by the crime rather than focusing on what should be done with the offender. This is because the focus of the judicial system should be on the harm inflicted by the crime.

Repair: Restorative justice should focus on healing the harm to achieve conciliatory outcomes through various techniques.

Fairness: Restorative justice aims to establish moral fairness and respect for legal rights and freedom beyond relationship restoration and damage repair to achieve justice [19, pp. 552-559].




Marshall does not maintain, in contrast to Walgrave, that repairing harm is the primary and essential outcome of a restorative justice procedure. Furthermore, they have differing views on whether or not all parties should participate. Marshall maintains that practices that exclude one party cannot be regarded as restorative.

However, Walgrave sees a way for the perpetrator to abstain from participation without detrimental effects on the restorative process. [19].

2.9. Core elements of restorative justice

As Table 1. shows, Restorative justice focuses on repairing harm and maintaining positive relationships, addressing the root causes of crime, and transforming unjust systems. It involves three interconnected concepts: encounter, repair, and transform, representing a journey towards well-being and wholeness for victims, offenders, and community members.

Table 1. Core Elements of Restorative Justice

Encounter	Repair	Transform
		
<p>Encounters are facilitated meetings that bring together people most affected by crime to determine how to repair harm, with three critical keys for effective participation.</p> <ul style="list-style-type: none"> • Before offenders can participate, they must take responsibility for • The justice process involves all stakeholders, including victims, offenders, and community members, who have a voice through safe, vulnerability-fostering meetings without judgment. 	<p>Restorative justice aims to address the unique needs of each stakeholder, as crime can cause harm to individuals, relationships, and communities.</p> <ul style="list-style-type: none"> • The victim’s need for healing. The victim sheals through the encounter and its outcomes. • The program aims to help offenders make amends to victims' community members while promoting relational health and safety through support from family and friends. 	<p>Restorative encounters foster transformation in victims and offenders, identifying root causes of crime and systemic issues, thereby addressing systemic and structural issues.</p> <p>Identifying and addressing systemic issues can lead to more equitable systems, healthier communities, and potential changes.</p>

Adapted from [Restorative Justice Exchange (RJE), Three Core Elements of Restorative Justice - 2024, <https://restorativejustice.org/what-is-restorative-justice/three-core-elements-of-restorative-justice/>; 20, pp. 5-6]

2.10. Restorative justice process

Restorative processes occur after guilt is resolved, either through conviction or the defendant admitting responsibility, and their results may impact the sentence, depending on relevant laws or regulations. Restorative justice processes

include victim-offender mediation, conferencing, and circles. The former involves a trained facilitator bringing together victims and offenders to discuss the crime, harm, and steps to make things right. The latter involves more parties, including family members, friends, and criminal justice system representatives. Offenders often make amends through apologizing, restitution, or community service, repairing harm through measures like apologies, financial payments, property returns, or community service [8]. A restorative process involves active participation from the victim, offender, and affected community members in resolving crimes, often with the help of a facilitator [2, p. 6]. RJ can be initiated at pre-trial, sentencing, and post-sentencing stages as a diversion from prosecution, an alternative to imprisonment, during imprisonment, or upon release. RJ is utilized in the UK at all stages of the criminal justice process, including on the street, out-of-court disposal, pre-sentence, community, or suspended sentences, and alongside custodial sentences.

According to Christie (1977), restorative justice is a process that addresses disputes between the victim, the offender, and the community as the original owners of the issue [21]. As shown in Figure 1, Restorative justice promotes dialogue between victims, offenders, and communities, addressing suffering and repairing broken relationships, unlike retributive justice, which enforces law-based punishments [22].

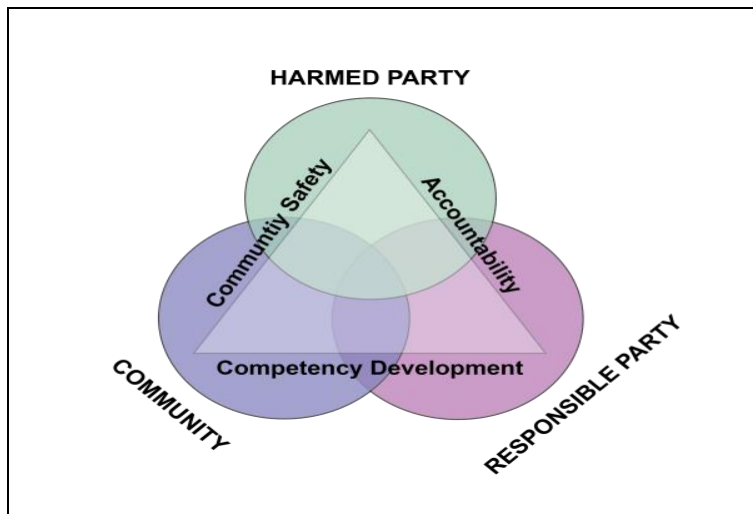


Figure 1. Restorative justice process [Law School University of Wisconsin-Madison, <https://law.wisc.edu/fjr/rjp/justice.html>, p.1]

Restorative justice is a unique approach to dealing with crime, focusing on the dehumanization experienced by individuals in the traditional criminal justice system. It examines the harmful impact of a crime and aims to repair it while holding the offender accountable. Restorative justice includes victims and survivors in the justice process, empowering them to participate more fully. The community plays a crucial role in establishing standards of conduct, holding offenders accountable, and providing support to repair the harm caused.

3. Differences between restorative justice and traditional criminal justice

As can be seen from Table 2, the restorative justice paradigm differs from contemporary retributive justice views, which view crime as lawbreaking and require punishment to repay the moral debt. Contemporary justice systems are adversarial, with punishment based on law, and often depicted as Lady Justice. Restorative justice views justice as healing, with a sentence length proportional to the crime's severity [20, pp. 4-6].

Table 2. Differences between the Retributive Justice System and the Restorative Justice System [14, p. 4; 14, p. 21].

Retributive Justice System	Restorative Justice System
Crime is a violation of the law and the state.	Crime is a violation of people and relationships.
Violations create guilt.	Violations create obligations.
Justice necessitates the state to assign guilt (punishment) and impose pain (guilt).	Justice involves the collaboration of victims, offenders, and community members in resolving issues.
Central focus: Offenders getting what they deserve.	The central focus is addressing the victim's needs and ensuring the offender is held accountable for their actions.
Questions: 1. What laws have been broken? 2. Who did it? 3. What do they deserve?	Questions: 1. Who has been hurt? 2. What are their needs? 3. Whose obligations are these?
Vertical	Holistic
Communication is rehearsed	Communication is fluid
Written statutory law, derived from rules and procedures, is a written record that separates powers.	Oral customary law is a learned way of life, often influenced by personal experiences and traditions.
Separation of powers	The spiritual realm is invoked through ceremonies and prayer.
Separation of church and state	Builds trusting relationships to promote resolution and healing
Argumentative and adversarial	Review the problem in its entirety and examine the contributing factors.
Fragmented approach to process and solutions. Isolated behaviour	The process is not time-bound, and long silences and patience are highly valued.
Time-oriented process	The process and problem-solving should be inclusive of all affected individuals.
Limits participants in the process and solutions	The process and problem-solving should be inclusive of all affected individuals.
Represented by strangers	Representation by extended family members
Focus on individual rights.	Focus on the victim and communal rights.
Punitive and removes offender	Customary sanctions used to restore victim-offender relationship

Table 2. Differences between the Retributive Justice System and the Restorative Justice System (*continued*)

Retributive Justice System	Restorative Justice System
Prescribes penalties by and for the state	Corrective, offenders are accountable and responsible for change
Right of the accused, especially against self-incrimination	Obligation of the accused to verbalize accountability
Vindication to society	Reparative obligation to victims and community, apology, and forgiveness
Focus on establishing blame and guilt.	The focus should be problem-solving, managing liabilities and obligations, and preparing for the future.
The stigma of crime permanent	The stigma of crime removable
There is no support or encouragement for repentance and forgiveness.	Possibilities for repentance and forgiveness
Dependence upon proxy professionals	Direct involvement by participants
The state's action directed towards the offender was ignored, leading to the offender remaining passive.	Both the victim and the offender are acknowledged in both the problem and the solution, with the victim's rights and needs acknowledged and the offender encouraged to take responsibility.
Offender accountability is the act of punishing an offender.	Offender accountability involves comprehending the consequences of an action and aiding in the decision to rectify the situation.
The offense is defined solely in legal terms, lacking moral, social, economic, and political dimensions.	Offense understood in whole context – moral, social, economic, political
'Debt' owed to the state and society	Debts/liability to victim recognized
The response centred on the offender's past conduct.	The response emphasized the detrimental effects of the offender's actions.
Imposing pain to punish and deter or prevent is a significant aspect of criminal behaviour.	Restitution is a process that aims to restore both parties, restoring their relationship and fostering reconciliation.
Conflict is often viewed as an individual vs. state issue, with the interpersonal nature of crime often obscured and repressed.	Crime is recognized as interpersonal conflict.
The state abstractly represents the community.	The community as a facilitator

Zehr explains that restorative justice differs from traditional criminal justice in its focus on addressing the needs, obligations, causes stakeholder involvement, and appropriate processes. While some argue that restorative justice may constitute punishment, it differs from the adversarial legal process or civil litigation and is influenced by different perspectives on punishment. According to Zehr, restorative justice differs from traditional criminal justice regarding its guiding questions. Restorative justice is defined differently by other people. However, Marshall describes it as a process in which persons involved in an

offense come together to decide how to deal with the offense's aftermath and future ramifications [10, p. 22].

Restorative justice is a diverse movement involving various theories and techniques to address crime and delinquency. Scholars like Clifford Dorn and Howard Zehr have attempted to summarize its principles, focusing on the importance of offender, victim, community, and government in crime and delinquency cases and providing an alternative perspective on crime and justice [9]. Zehr (2002) explains that restorative justice differs from traditional criminal justice in its guiding questions.

4. Restorative justice as an alternative to the traditional adversarial justice system

Restorative justice aims to hold perpetrators accountable while giving victims a voice, involving voluntary meetings and reading impact statements to reduce the risk of further harm or revictimization [Just Alternatives, Victim Impact Statement: Promising Victim-Centered Practices in Corrections, 2023, <https://justalternatives.org/victim-impact-statements-links-for-victim-survivors/>]. Restorative Justice (RJ) is an alternative to the traditional adversarial justice system, where a criminal defence lawyer represents an accused person, and a government prosecutor represents the public or state. Judges rule the court system and are adversarial due to the lawyers' contrasting interests and the need to put the directions of their clients ahead of their feelings and beliefs. RJ aims to remove the adversarial nature of the process and puts forward a model that seeks to restore balance in the community after a crime has been committed. The terms used to describe parties and events in RJ are changed to modify how participants view themselves, each other, and the process. In RJ, crime is seen as harming the victim, community, and offender, setting off a web of effects that puts things out of balance.

4.1. Restorative justice and as alternatives to detention

Overcrowding in prisons and unfavourable detention conditions are two of the most significant issues facing Prisons all over the world. There is much discussion about how to create and support alternatives to detention that could prevent possible violations of the core human rights values and guarantee benefits to society, such as lower maintenance costs for prisons, better opportunities for social rehabilitation, and decreased recidivism. Restorative justice offers a workable substitute for the punitive drive that leads to high rates of incarceration in many nations [23].

4.2. Restorative justice and as alternatives to incarceration

Addressing the harm that criminal behaviour causes to victims, offenders, and others by way of the responses that society and the criminal justice system

have to offer them is at the heart of restorative justice. These damages are terrible when paired with incarceration:

- The level of living for the families, the connections between the inmates and their children, and the inmates themselves are all impacted by incarceration.
- A jail term isolates and stigmatizes inmates from society and the resources that would otherwise enable them to stop committing crimes. Additionally, it might actively encourage criminal behaviour by exposing people to peers and antisocial values.
- The disproportionate number of immigrant inmates is another major issue concerning the prison population.
- This is discriminatory and will cause minority ethnic populations in society to become more and more isolated and marginalized. It prohibits prisoners from making amends to society and their victims for the harm they have caused.

Restorative methods like mediation and circles can significantly change prison culture, reducing violent responses and enhancing respect, responsibility, and relationships between convicts and staff. Prisons are encouraged to adopt these concepts and practices, promoting restorative practices in staff management, decision-making, and consultation. Restorative justice should be widely accessible, allowing victims and offenders to achieve respect and redemption. The offender's willingness to meet and communicate differently and their responsibility to ensure safety are crucial requirements [23].

4.3. Restorative justice and as alternatives to diversion from crime

Restorative justice can reduce crime rates by addressing family issues, promoting responsibility and respect through mediation and restorative circles, and addressing social exclusion and gang activity through restorative cities or communities. Additionally, integrating minority ethnic groups within communities can reduce foreign incarceration and promote a more harmonious environment.

4.4. Restorative justice and as alternatives to diversion from prosecution

When there is little accountability for crime and harm, the public may be sceptical about redirected prosecutions. Since they show genuine accountability and victim satisfaction, restorative procedures like mediation have been employed to evade punishment. This strategy can gain the trust and support of the general people.

4.5. Restorative justice as alternatives to diversion from custody

Before the sentence, agreements reached through restorative conferences to make amends and prevent future offenses can become court orders in some nations (like Northern Ireland). This implies that the agreements will be closely monitored, and if broken, the offender will be brought back before the judge. Eighty to ninety percent of victims say they are happy with their experience with

restorative justice and are not looking for more punishment. Because of this, courts now highly favour restorative justice, which has dramatically decreased the use of custody. Additionally, compared to other community sanctions, restorative agreements have far higher compliance rates. Post-sentence, restorative justice may also be utilized as a component of a community sanction. The public and judges have shown an interest in the victims' and offenders' participation in reparations [24].

The Council of Europe has accepted Recommendation CM/Rec (2018), a cutting-edge international legal instrument for restorative justice in criminal situations, aiming to improve victim and offender interventions, adhere to international justice standards, and alter institutional cultures [UNODC, Doha Declaration: Promoting A Culture of Lawfulness, Module 8: Restorative Justice, <https://www.unodc.org/e4j/en/crime-prevention-criminal-justice/module-8/index.html>].

4.6. Restorative justice as an alternative in violence case settlement

Restorative Justice (RJ) is a controversial approach to addressing gender violence, particularly in cases of domestic violence and sexual assault. RJ emphasizes the victim's role in addressing harm and reduces reoffending risk, particularly for interpersonal violence crimes. However, its applicability to sexual offenses is contentious due to ethical concerns and a lack of scientifically rigorous studies. In New Zealand, RJ has been part of the social fabric since 1989, with family group conferences for youth and community-managed programs for adult cases. Research from Australia, New Zealand, the United States, Israel, and Ireland has shown that RJ can have numerous benefits in cases of sexual violence, but implementing it requires a clearly defined evidence base. Future research should examine the impact of RJ at different stages and populations. The following fundamental principles guide restorative justice:

1. Ensure that the victim, perpetrator, and community organizations work together to resolve an event or crime. They collaborate to come up with a solution that is thought to be win-win (fair to all sides).
2. Assist players in taking accountability for the victim and assuming responsibility for not repeating his conduct.
3. The principle of holding those involved accountable to the victim rather than the government or the law.
4. Urge him to conclude his acts less officially than through court processes [25].
5. The focus is often on international developments in crime victims' compensation.
 1. While the concept of restorative justice has not been able to ensure that domestic violence would cease, it is nevertheless worthwhile to take into consideration for the following reasons:
 2. Conflict resolution involves all parties, aiming to mend harm, bring them together, encourage personal involvement, encourage offender learning from victims, and ultimately create a trusting society.

3. Individuals with marriage or blood relationships are more likely to engage in domestic abuse, leading to victims and their families suffering due to criminal punishment.

Aspects of the victim that were considered during the criminal act's commission are crucial for the case settlement process and the victims' pain relief, especially compensation [25].

According to Stephenson, Geller, and Brown, restorative justice comes in four forms. By weighing the interests of the criminal, the victim, and the community, each form aims to improve the criminal act. These are the fourth types of restorative justice:

1. Victim-offender mediation in criminal cases.

A procedure that helps the victim and the offender interact with one another in the hopes of agreeing with the support of an impartial third party.

2. Conferences for restoration.

It is almost identical to prison mediation, which only differs in that each party's family is present, the mediator facilitates the conversation, and the manuscript guides are there.

3. Conferences with family groups.

Families of the offender and the victim should develop a plan of action based on the details provided by the victim, the professional assistance provider, and the perpetrator. The action plan deals with the offender's repercussions and how to prevent it from happening again.

4. Meetings with community panels.

Community leaders, offenders, victims, and parents/families attended the conference to reach a consensus on correcting the mistake [UNODC, Doha Declaration: Promoting A Culture of Lawfulness, Module 8: Restorative Justice, <https://www.unodc.org/e4j/en/crime-prevention-criminal-justice/module-8/index.html>].

4.7. Restorative justice as an alternative penal mediation

Globally, mediation has become a popular alternative conflict resolution method due to the severity of litigants and the growing complexity of the law. It offers benefits in the administration of justice, such as reducing high-stress cases, enhancing decision-making processes, disincentivizing court litigants, and directing court litigants toward complex legal questions. Mediation is a popular alternative dispute-resolution method in the Arab World, particularly for family conflicts. Mediation offers 'win-win' solutions, expediting the resolution process and preserving peace and privacy. It adheres to Arabian society's tolerance, community, kinship, and reciprocal assistance values, which have influenced communal attitudes and behaviours. Penal mediation, also known as victim-offender mediation (VOM), is another type of extrajudicial alternative dispute resolution (ADR) used in certain circumstances, such as when law enforcement has consultation mechanisms or peace-making institutions [UNODC, Doha Declaration: Promoting A Culture of Lawfulness, Module 8: Restorative Justice,

<https://www.unodc.org/e4j/en/crime-prevention-criminal-justice/module-8/index.html>. (Table 3.)

Table 3. Penal Mediation Benefits for Victims, Perpetrators, Court and Community [25, p. 4]

Victims	Perpetrators	Court	Community
<ul style="list-style-type: none"> • Recognize and learn the perpetrator • Asking questions about the offender • Devoting feeling • Accepting an apology/repair/compensation. • Educate offenders about the consequences of their deeds. • Resolving conflicts. • Being part of the judicial process • Forgetting crimes 	<ul style="list-style-type: none"> • Has responsibility for their crimes. • -Knowing the result of his actions. • Apologize/offer repair/compensation • Self-examination 	<ul style="list-style-type: none"> • Learning how to live with the victims affected by crime • Creating a more realistic decision 	<ul style="list-style-type: none"> • Accepting an apology /repair/compensation from the offender. • Assist the victim and offender reintegration

The Council of Europe Recommendation for Mediation in Penal Matters includes several models of prison mediation in its explanatory memorandum.

These models included the following:

1. Community panels or courts
2. Customary moot in villages or tribes
3. Victim-offender mediation
4. Negotiating repatriation programs
5. Family and community group gatherings

(a) Informal mediation is a model criminal justice professionals use to facilitate settlements and drop the case if an agreement is reached.

(b) Traditional village moots, a community-based dispute resolution model, are prevalent in rural and less developed nations. They influence contemporary mediation programs and predate Western law.

(c). Reparation Programs negotiation aims to estimate damages or compensation for victims during courtroom examinations, focusing on material improvement planning and individual job savings for damages or compensation.

(d) Community panels or courts are a model that transfers cases from the legal system to a more informal, flexible society, often involving mediation or bargaining.

(e). Family and community group conferences, originating in Australia and New Zealand, involve community members, including offenders, victims, judges, police officers, and victim advocates, to provide comprehensive agreements that aid victims and prevent future issues [Council of Europe, Committee of Ministers, Recommendation N° R(99)19 of The Committee of Ministers to Member States concerning mediation in Penal Matters, 15 September 1999, http://www.antonioacasella.eu/restorative/CoE_R%2899%2919_mediation.pdf].

5. Discussion and conclusions

This paper explores restorative justice as an alternative to retributive justice, focusing on respect, dialogue, and collaborative decision-making. It highlights the importance of relationship building, reconciliation, and agreements, as well as adapting to cultural contexts and community needs. Restorative justice aims to restore victims' emotional and material losses through negotiation, problem-solving, forgiveness, challenging, and minimal involvement in sentencing.

Restorative justice assumes criminal activity is related to interpersonal relationships, allowing victims and communities to decide the offender's destiny. It replaces traditional penalties by holding offenders responsible for harm caused and promoting rehabilitation. Procedures vary based on offense severity, harm done, offender's personal and social standing, age, sex, family, education, and victim status. Goals include forgiveness, conciliation, and recompense. Restorative justice is seen as a model in comparative criminal justice systems.

Restorative justice, founded by Umbreit, Zehr, and Braithwaite, aims to change our perception of punishment for wrongdoing. It involves apologizing, restitution, and acknowledging harm, and promoting healing and reintegration of offenders into their communities. Restorative justice involves direct communication between victims and offenders, often facilitated by a community member. This environment allows offenders to admit fault, make amends, and offer financial or material compensation. The four Rs of restorative justice are repair, restore, reconcile, and reintegrate [7]. Restorative justice programs aim to repair harm, educate offenders, accept responsibility, allow victims to express needs, and involve the community in reparation planning [2]. Restorative justice practices, including victim-offender mediation, healing circles, and ex-offender assistance programs, aim to balance victim and offender needs, involving family, community, and government representatives [5]. A restorative process involves an identifiable victim, voluntary participation, offender acceptance of responsibility, and non-coerced offender participation to create a non-adversarial environment.

Restorative justice has three components: harm repair, repair, and fairness. The primary goal is to repair the harm caused by the crime, focusing on conciliation outcomes through various techniques. The process also aims to establish a sense of fairness and respect for legal rights and freedom to achieve

justice [19]. Zehr (2002) explains that restorative justice addresses the needs, obligations, causes of stakeholder involvement, and appropriate processes to address causes and rectify issues, unlike traditional criminal justice, which focuses on breaking laws and determining the offender's entitlement [6].

First used in pre-sentence preparation, restorative justice processes have since been adopted in various parts of the criminal justice system to address crime prevention and resolution issues. They have been adopted in New Zealand and England to address crime prevention and resolution issues. Prosecutors have more discretionary powers than courts; in some cases, they can refer cases to restorative processes. Judges can use restorative processes for pre-trial diversion and sentencing preparation, courts to divert cases from trial to probation, probation officers to help offenders apologize and make restitution during their sentences, and parole officers to address issues such as re-entry, workplace conflict and public safety. In New Zealand, the Parole Act 2002 emphasizes the importance of restorative justice outcomes in parole decisions. Restorative justice is also applied in schools to address disciplinary problems, student conflict, bullying, and juvenile offenses. Early formulations of restorative justice theory were developed to comply with corporate regulatory schemes and applied to societal disputes in post-conflict settings [8].

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