



**RESEARCH PAPER**

**Factors influencing the Effectiveness of Dispute Resolution Council in Khyber Pakhtunkhwa-Pakistan**

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**ABSTRACT**

Current study examined the factors affecting the effectiveness of dispute resolution council (DRC) in Khyber Pakhtunkhwa, Pakistan. Reason behind the study was the scarcity of literature on the mentioned subject. To achieve study objectives, data were collected through questionnaire (from 95 DRC beneficiaries) and focus group discussions (20 DRC members). Results were analyzed using frequencies, percentages, and thematic analysis. Results revealed that the council is working well by resolving the money borrowing and property related issues mainly. Mass level awareness about DRC, budget allocation, training and cooperation, official enforcement of the decisions, and set time frame for decisions were identified as the major influencing factors. The study concluded that consideration of the influencing factors can largely enhance the effectiveness of DRC in the study area. Therefore, the police department must take into account the findings of this study to further improve the effectiveness of DRC.

**KEYWORDS** Dispute Resolution Council, Effectiveness, Khyber Pakhtunkhwa

**Introduction**

Dispute resolution refers to the process of handling conflicts, disagreements, or misunderstandings which is required for the peace and harmony in a community, society, and nation (Khan et al., 2022b). This peace is further required for the political, social, and economic development of a country (Manzoor et al., 2020). Therefore, some type of mechanism exists in every society to resolve disputes and it can be seen throughout the mankind history (). According to the social scientists, the main reason behind the disputes is the absence of formal and informal avenues. The absence of such avenues results in the misuse of power, lawlessness and criminality. Hence, mechanism for dispute resolution is important to maintain the peace and harmony in a society (Hussain 2019).

The developing countries like Pakistan has also a justice system primarily comprised of the legal nature of formal courts (Madani et al., 2013; Braithwaite and Gohar, 2014; Khan et al., 2022b). However, the system has been proved to be time consuming, expensive and tiresome (Shinwari, 2019). Moreover, the legal framework of the country has been adopted from the foreign countries mainly which cannot serve locally in an efficient and effective manner (Iaria, 2011; Roder, 2019; Hussain, 2019). Hence, the adoption of local system was necessary to address the local issues in an efficient and less time consuming manner (Roder, 2019; Khan et al., 2022a).

**Literature Review**

Looking to the need of the local justice system, Pakistan has made an effort while (Ramzan et al., 2016; Tnveer, 2017; Sani et al., 2017; Idris, 2018) adopting DRC in 2014 to

serve the justice locally (Khan et al., 2022b). The council has been established by the provincial police department to deal with the local petty issues so that the people may find inexpensive, affordable, flexible, transparent, less time consuming, less tired some and local justice system (Manzoor et al., 2020). The system was launched in the Khyber Pakhtunkhwa province and is currently operating. It is a mechanism of disputes resolution involving member from the police department and community of the various professions thus comprising a diversity (Khan et al., 2022a). The dispute resolution was taken according to the social and cultural values and norms of the respective society (Khan et al., 2022b). DRC is the alternate mechanism for dispute resolution found by the people on their door step. This is very Various studies has been conducted to highlight the functioning and effectiveness of the council in the province (Khan, 2017; Shah, 2019; Manzoor et al., 2020; Khan et al., 2022a; Khan et al., 2022b). All these studies have focused on the functionality, mechanism and effectiveness of the DRC. However, none of the study has captured the factors which can influence the effectiveness of the council. Moreover, the already conducted studies have also not covered the types or nature of the disputes dealt by the council and the major reasons behind the non-resolved cases.

**Material and Methods**

**Study Site**

The study was conducted in Pakistan’s Khyber Pakhtunkhwa province (Figure-1). The province is located at the north-west of the country with an area of 101,741 sq. km. the reason behind the selection of the province is associated with the volatile socio-politico nature from the last few decades. Majority of the population of the province is Pakhtun. The province has been subjected to wars since 1979 till the recent “war of terror”. All these events badly affected the province and thus the various systems like land and revenue department etc. are not streamlined which has resulted in various forms of disputes in the communities. To tackle the mentored situation, the police department of the province, initiated DRC mechanism, to solve petty disputes at police station level and thus attain social harmony, and peace along with the affordable and flexible justice at the door step to people.

**Sampling Technique and Sample Size**

Current research study has adopted a multi-stage sampling technique which has been largely used in the field of social sciences (Naz et al., 2018; Naz and Khan, 2018; Naz et al., 2020), thus providing ample justification to be used in this study. In the first stage of sampling, two districts i.e. Mardan and Charsadda, were selected followed by one tehsil from each district making a total of 2 tehsils. In the third stage, two Police Stations from each tehsil has been selected making a total of 4 police stations. In the fourth and last stage of sampling, five respondents each from DRC officials were randomly selected from the selected four police station thus 10 DRC members from each district. Similarly, a total of 95 DRC beneficiaries as sampled respondents of the study (Table-1) were selected from the mentioned Police Stations through Yamane (1967) formula as mentioned follow;

$n=N/(1+Ne^2).....1$

Whereas;

n= corrected sample size,

N = population size, and

e = Margin of error

e = 0.10 based on the research condition in the current research study.

Putting the values of  $N=2032$ ,  $e=0.10$  in the equation 3.1 as follow.

$$n=2032/(1+2032(0.10)^2)$$

$$n=2032/21.32$$

$$n=95.30$$

$$n=95$$

**Table 1**  
**Sample size distribution among the selected police stations**

Districts	Police stations	Referred cases to DRC	Sampled cases/DRC beneficiaries
Mardan	City police station Mardan	1400	56
	Ghari Kapoora police station	120	06
Charsadda	City police station Charsadda	312	15
	Tangi Police station	200	18
Total number of cases		2032	95

### Data Collection

The current study has adopted mixed method of research using both the quantitative and qualitative data. This form of research method has been largely used in the literature (Naz et al., 2022a; Naz et al., 2022b; Naz et al., 2021) especially in the field of social sciences. Therefore, the current study also used this method. Quantitative data was collected through questionnaire from DRC beneficiaries in the respective districts, while the qualitative data were collected through focus group discussions from DRC members. A total of four focus group discussions one in each police station has been conducted based on the specific objectives of the study. The main focus was on the finding of influencing factors for the effectiveness of DRC.

### Data Analysis

The collected data were entered in Statistical Package for Social Sciences (SPSS) version 20 and were subjected to analysis. Frequencies and percentages were primarily used for quantitative data analysis, while thematic analysis has been used for qualitative data analysis.

### Results and Discussion

#### Socio-economic Characteristics of the Respondents

Data regarding socioeconomic characteristics of the respondents like age, schooling years, and monthly income has been presented in Table 2. Data show that mean age was 48.77 years with minimum of 27 years and maximum of 73 years. The mean schooling years was 9.98 years with maximum of 16 years education. Average monthly income of the respondents was PKR 53736.84/- with PKR 17, 000/- minimum and PKR 200, 000/- maximum.

**Table 2**  
**Descriptive statistics of respondents' age, schooling years, and monthly income**

Variables	Minimum	Maximum	Mean	Std. Deviation
Age	27	73	48.77	9.948
Schooling Years	0	16	9.98	5.485
Monthly Income	17000	200000	53736.84	30631.721

### Types of Disputes

Data in Table 3 show the information related to the dispute types in the study area. It has been found that agricultural land (7%), property (34%), family issues (15%), and money borrowing (44%) were the main types of disputes in the study area.

**Table 3**  
**Details regarding the type of dispute encountered by the respondents**

Types of dispute	Frequency	Percentage
Agricultural land	07	07
Property	32	34
Family issues	14	15
Money borrowing	42	44
Total	95	100

### Disputes resolved through DRC

The details about resolved cases through DRC are presented in table 4. A total of 60% respondents' cases have been resolved through DRC, while 40% respondents' cases have not been resolved through DRC due to various reasons. Among the various types of disputes, property issues was the most resolved (62%), followed by money borrowing (60%), agricultural land (57%), and family issues (57%).

**Table 4**  
**Details of disputes resolution through DRC**

Types of dispute	Resolved		Not resolved	
	Frequency	Percentage	Frequency	Percentage
Agricultural land	04	57	03	43
Property	20	62	12	38
Family issues	08	57	06	43
Money borrowing	25	60	17	40
Total	57	60	38	40

### Reasons behind non-resolved Cases through DRC

It has been acknowledged from the survey data that DRC had solved many cases in the time frame of 2017-18 in the study area. However, there were also some cases (40%) which were not resolved under the DRC forum. Main reasons behind the non-resolved cases were DRC decision was not acceptable to the opponent (40%), the decision was not accepted by both the parties (26%), and the perceived biasness of DRC members (34%).

**Table 5**  
**Reasons of not resolved cases under the DRC forum in the study area**

Reasons	Frequency	Percent
DRC decision was not accepted by the opponent	15	40
Decision was not acceptable to both the parties	10	26
Perceived biasness of DRC members	13	34
Total	38	100

## **Factors influencing the effectiveness of DRC**

The key informant interviews have identified various factors which can positively influence the effectiveness of DRC in the study area. These factors included mass level awareness about DRC, Separate budget allocation for DRC, training and collaboration among DRC members, arrangements for the official enforcement of DRC decisions, and set time frame for DRC decisions. These factors are described as follow;

### **Mass Level Awareness about DRC**

Disputes are common in societies and especially in traditional societies since immemorial. However, the attempt made in the last decade in the form of DRC is important to handle the disputes locally and in an effective way. However, most of the people in the study area are not informed about the DRC and its functioning. Therefore, people feel reluctance and mostly prefer to resolve their issues through formal courts which is lengthy, expensive and tedious way. In this regard, most of the DRC were of the opinion that for the improved efficiency and effectiveness of DRC, it is required that people must be educated about DRC, its mechanism and importance towards justice provision. One of the DRC member expressed his views as follow;

“People must be aware about the DRC and it can be done by the government help. For this, the use of media is important whether it is electronic media or print media or both. The purpose can be achieved by the use of media as it can bring mass level awareness and hence, people will tend to opt DRC more for their disputes which can in turn save the time and resources of government and people”.

The elder community members of DRC were of the opinion that Television and Radio level announcements must be made for the mass level awareness of DRC. Similarly, one of the police department official member of the DRC pointed out that the use of social media like Facebook use for the said purpose is important as the young generation are using social media more as compared to electronic forms of media and through this the mass level awareness about DRC can be easily achieved.

“The use of media for DRC awareness can build trust of the community” (Police department, DRC member”).

### **Budget Allocation**

The DRC members pointed out that there is no separate budget allocation for DRC which largely affect the operations and functionality of the council. The absence of budget limited the DRC to effectively function and thus the limited resources mainly create hurdles in the disputes resolutions in various forms. In this case, one of the DRC member reported that;

“The limited financial availability for DRC negatively affect the DRC efficiency as the members can't visit frequently the dispute parties”.

“The separate budget allocation for DRC can streamline the DRC activities and thus can increase its effectiveness” (Official community member of DRC).

“Budget allocation for DRC can lead to resolve cases in less time” (Police department DRC member).

## **Training and Cooperation**

Training is an important component to improve the job efficiency. It has been pointed out by the DRC members that they have not been provided with any type of training. Therefore, to improve the effectiveness of DRC training must be provided to the DRC members so that they can be equipped with the skills to tackle any kind of issues during the disputes resolutions. The training factor can equip members to the various techniques which are required under the specific situations and which can bring successful results.

“DRC members need certain type of training so that they may resolve the disputes in a manner in which no party feel biasness and so a final and timely agreement between the parties may be achieved” (Community official member of DRC).

The factor of Cooperation between the police and community DRC members can account towards the effectiveness of DRC. The cooperation is key for the improved functionality and resolving disputes in less time and effectively. One of the community DRC member expressed his views as;

“Currently we are having low levels of cooperation which needs to be improved if we want to improve the effectiveness of DRC”.

Police department officials were also of the view that increased level of cooperation can led to the effectiveness of DRC and in this regard certain concrete measures are required.

## **Official Enforcement of the Decisions**

The DRC decisions have no official enforcement. If both the parties reached to an agreement then the decision pertained otherwise not. In this regard, the community members were of the view that certain measures are required to enforce the decision so that the disputes may not arise in the future and the formal courts involvement may not arise. However, some police department members were contrary to this opinion that the official enforcement factor will led to the negative effect on the effectiveness of DRC. However, majority were of the view that official enforcement factor can led towards the effectiveness of DRC.

“The official enforcement of the decision will bound both the parties to accept the decision and thus the dispute will be resolved. However, currently no enforcement factor is negatively affecting the DRC functionality and the involvement of official courts are still high thus the main purpose of DRC is still not fulfilled” (Community member, DRC).

## **Set Time Frame for Dispute Resolution**

The set time frame factor for each case in DRC can largely improve its efficiency and can led towards the improved effectiveness level. Most of the DRC members were of the opinion that the set time frame for disputes solution are important. In this regard, one of the police department DRC member said;

“Every case in DRC must have a set time frame according to the nature of he case. In this way, the members will try to solve within the set time frame the case and thus it can improve the effectiveness of the council at a large scale”.

The community members were also of the opinion that the time frame factor is important which can guide us to track our performances and solve the dispute within the given time. This way the DRC will work effectively and can focus on the cases more efficiently.

Current study assessed the factors influencing the effectiveness of DRC in Khyber Pakhtunkhwa-Pakistan. The study was primarily conducted in the two districts of the province i.e. Mardan and Charsadda. The study has followed a mixed method approach and data were collected from 95 DRC beneficiaries and 20 DRC members. It was found that most of the respondents were middle age, literate and from lower middle income group. Most of the disputes were related to money borrowing (44%) followed by property (43%). It shows that the financial and property disputes are common in the area. The property disputes stemmed from the lack of property rights system in the study area. In this regard, literature showed that DRC has been primarily established to deal the local issues which includes property and financial matter issues (Shaukatullah, 2014; Khan et al., 2022). However, the already available literature has not addressed the types of disputes covered by DRC. Hence, this research is unique in this regard as well. Other types of disputes included agricultural land and family issues as well. However, their occurrence did not outnumber the other issues like property and money borrowing.

A total of 60% respondents' cases have been resolved through DRC, while 40% respondents' cases have not been resolved through DRC due to various reasons. The results implied that although majority of the cases have been resolved through DRC but still less than half of the referred cases have not been resolved through DRC. Therefore, the DRC must not only more efficiently deal the cases but also made efforts to deal with the constraints due to which the cases have not been resolved under the forum. Literature in this regard shows that DRC is working well in the various districts of the province and majority of the cases referred to DRC have been resolved (Manzoor et al., 2020; Khan et al., 2022a; Kahn et al., 2022b). Among the various types of disputes, property issues was the most resolved (62%), followed by money borrowing (60%), agricultural land (57%), and family issues (57%).

It has been acknowledged from the survey data that DRC had solved many cases in the time frame of 2017-18 in the study area. However, there were also some cases (40%) which were not resolved under the DRC forum. Main reasons behind the non-resolved cases were DRC decision was not acceptable to the opponent (40%), the decision was not accepted by both the parties (26%), and the perceived biasness of DRC members (34%).

In the case of factors influencing effectiveness of DRC in the study area, various factors have been identified through thematic analysis. These factors included mass level awareness about DRC, budget allocation, training and cooperation, official enforcement of the decisions, and set time frame for disputes resolutions. Mass level awareness about DRC can positively influence effectiveness of DRC because the more the people know about the system the more they will approach to resolve their issues and can avail the timely, and affordable justice. Moreover, mass level awareness can led to trust building in the community which is required for the improved functioning of the council. Moreover, for the attainment of mass level awareness, the council members suggested print, electronic, and social media. These techniques are largely used for mass level awareness and has been proved effective in the literature (Manzoor et al., 2020; Khan et al., 2022b). Moreover, Manzoor et al., (2020) in a study conducted in the province suggested that DRC must be massively introduced so that more number of people may be benefited from the council.

Budget allocation has been identified as the important determinant under the said subject. The possible explanation to this factor includes that the various tasks in the council have financial requirements. However, there is no separate budget for the council and thus there is very limited financial assistance for the various tasks which badly affect the functioning and effectiveness of the council. The financial limitations further affect the council activities and thus timely and effective measures cannot be taken. Hence, the financial independence of the council by separate budget allocation can largely improve the effectiveness of the council. The same fact has been endorsed by Manzoor et al., (2020) and pointed out that for the increased efficiency of DRC, financial capital is required.

Training and cooperation being another important influencing factor has been required for the improved efficiency of the council. The mechanism behind this factor involves the skills equipment by the council members which can be utilized for the timely and effective disputes resolution. Moreover, increased level of cooperation can led towards the smooth service delivery system and thus can largely improve the DRC effectiveness. The same fact has been endorsed in the literature that for the improved efficiency of DRC, the technical and institutional capacity of the council may be improved (Manzoor et al., 2020)

DRC has been working in a manner that there is no official enforcement of the decision which somehow led to the non-resolution of dispute and the cases may be taken to the formal courts. The DRC members pointed out that the official enforcement of the council decision can enhance its effectiveness. Because in this way the cases will be permanently resolved and the parties will not access to formal courts. In this way, the time and resources of the formal courts will be saved. Literature in this regard, a study conducted by Khan et al., (2022b) pointed out that due to the fear of no official enforcement of the DRC decision, community or parties do not prefer the council as it can be challenged. Hence, there must be the official enforcement of the decision.

Set time frame for case resolution under DRC has been pointed out as the important influencing factor towards enhanced level of effectiveness. DRC has been working in a manner currently where there is no set time frame for case resolution. So, the set time frame for each case can led to streamline the activities of the council and the efficient utilization of time resources for cases. In this way, the effectiveness of DRC can be enhanced. The same fact has been suggested by Khan et al., (2022b) that DRC must resolve cases in minimum duration so that people and council resources may be saved and improved efficiency of the council may be achieved.

## **Conclusions**

The current study was conducted to identify the factors influencing the effectiveness of DRC in Khyber Pakhtunkhwa, Pakistan. On the basis of findings of the study, it was concluded that the DRC is working well in the province as majority of the cases have been resolved. These cases were primarily related to property and money borrowing issues. However, still some cases were not resolved by the council which requires the more effective and efficient system. In this regard, the various factors have been identified which can largely improve the effectiveness of the council. These factors included mass level awareness about DRC, budget allocation, training and cooperation, official enforcement of the decisions, and set time frame for disputes resolutions.

## **Recommendations**

On the basis of the study findings, it has been recommended that DRC must take into account the inclusion of the identified factors like mass level awareness about DRC, budget allocation, training and cooperation, official enforcement of the decisions, and set time frame for disputes resolutions so that an effective system may be established and more people may be benefited from the justice system. Moreover, for the mass level awareness, social media, print and electronic media can be used.



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