

**RESEARCH PAPER****An Analysis of Jirga System and Perception of Local People: A Case Study of Bahadur Khan Village, Attock District, Pakistan****¹Samra Iqbal,* ²Dr. Waheed Iqbal Chaudhry**

1. PhD scholar, Department of Anthropology, Quaid-I-Azam University, Islamabad, Pakistan

2. Professor Department of Anthropology, Quaid-I-Azam University, Islamabad, Pakistan

***Corresponding Author:** samraiqbal1@gmail.com**ABSTRACT**

The aim of this study was to examine people's perceptions of the Jirga system. The study was conducted at Bahadur Khan Village, located in the Attock district of Punjab. A group of 10 respondents have been interviewed with the purpose to gather data. The qualitative approach has been used to analyse and interpret the gathered information. Finally, the data was subjected to thematic analysis in order to analyse and identify recurring themes. The findings indicate that the Jirga functions as an organization of society that facilitates the upholding and advancement of cultural values among the population as a whole. The general public is overwhelmingly in favor of the Jirga's sessions and the subsequent implementation of decisions due to their effectiveness and efficiency. People feel obligated to stick to the decisions of the Jirga, reinforced by the backing of the community. The Jirga has demonstrated its efficacy as a means of resolving societal issues and received widespread support through its decision-making processes.

KEYWORDS Formal Justice System, Informal Justice System, Jirga System, Legal Pluralism**Introduction**

Jirga denotes 'a gathering by group dialogue to resolve disputes or make decisions in a traditional way, 'without involving formal legal proceedings or without the presence of a judge or jury. According to the Pashto Descriptive Dictionary (1978: 1272). The often overlooked aspect is the potential of ancient rituals and practices to provide valuable insights for contemporary systems. The Pashtun Jirga is a foundation that, according to contemporary principles of governance, appears to have clearly gone beyond its usefulness. However, some argue that it still holds significant cultural and social value within Pashtun society (Yousufzai 2012; Faqir, 2013). It is an important institution in Pashtun culture, where decisions are made collectively and disputes are resolved through consensus. A well-respected elder or tribal leader frequently preside over the Jirga. It also appears to be related to the word "circle," but the word "Jirga" is also used in Persian, Turkish, and Mongolian to refer to a gathering of people. The word "Jirga" has different meanings in different cultures. In some cultures, it is used to describe a traditional assembly of tribal elders, while in others, it refers to a council or a court of justice. Overall, the word "Jirga" is a versatile term that signifies a communal gathering with various interpretations across different cultural contexts. Majlis is the name of the Jirga in Persian, Panchayat in Punjabi, and Jirga in Hindi. In all these cultures, Majlis, Panchayat, and Jirga serve as traditional forms of community decision-making and conflict resolution (Wardak 2003). Jirga's usually meet at a Hujra, community mosque, or field outside the village. Jirga participants sit in a circle. They discuss and resolve issues through consensus. This unchaired meeting, like the round-table conference, shows their love of democracy and equality. A Jirga is frequently used to settle conflicts peacefully between two families, two people, two villages, or two tribes. It serves as a platform for open dialogue and negotiation, with the goal of reaching a mutually agreeable resolution (Naz, Mahsud et al. 2017). In Pakistan, an informal system of justice is known by different names such as Jirga and panchayat. It operates outside of the formal legal system and is often used to resolve disputes within communities. It appears to have been discussed in legal and social circles recently. This dispute resolution technique

underpins village life in Bahadur Khan. Jirga is not new in Pakistan's tribal territory. It has a long history, dating back centuries. The Jirga is Pakistan's oldest and most established institution. Most of its history, constitution, and acts have been verbal. This is one of the institutions that support people's lives. The Jirga and the judicial system are the primary sources of the justice system in Pakistan society. In contrast, a complex judicial system includes both formal and informal justice systems, all of which demonstrate social justice. The different discourses that occurred on the social justice system that both system are adopted in different communities in Pakistan. Therefore, social scientist as anthropologist, sociologist and others researcher applied different theories, which interrelated with social justice. Because, the Jirga and the judicial system are viewed differently in society. When Jirga system is taken in the boarding sense that include an informal behaviors from the unwritten rules and laws which derived from customary characteristics through religious authorities and other respected community members. The important of social justice in Jirga system may be seen as playing vital role in rural area of Pakistan (Shinwari 2011). In which tribal forces commonly negotiate through dispute resolution In order to, Ghyathul -lughat defined Jirga as a wrestling ring or circle in which two parties compete for a reward, which is considered justice. Others deal with that the term "Jirga" derives from the Turk language, where it has a similar meaning (Mahmood, Ullah et al. 2018). It's also worth noting that a formal legal system was elitist, corrupt, and notorious for long delays. As a result, despite the fact that there is a distinction between these concepts, traditional institutions of informal justice such as Jirga, which have continued to be used in rural areas (Zaman, Khan et al. 2018). In relation to informal justice lies at the heart of tribal value. The informal legal system has a substantial presence of group interest. Because tribal societies have a strong belief system and emphasize the legal component of judicial decision-making. There are strong indications that the parties will reach an agreement. As a result, the parties have a better probability of accepting the judgment (Röder & Shinwari, 2015).

Furthermore, Jirga are frequently based on kinship, favoritism, or cultural standpoints; as a result, depending just on problem, these links can be large and powerful. Pakistan's tribal territories are still governed by a complex political system wherein authority pushed a power to recognize sharia and customs as part of its laws. For more than a century, tribal peoples in Pakistan, particularly the Pakhtoon and Baloch can be difficult to accept the situation (Bibi & Khan 2020). A series of multiple-choice questions were used to test a number of hypotheses. Interestingly, the data backed up the use of informal justice, such as the majority's belief that the informal justice system obtains rulings under politically aware (Ahmad & Von Wangenheim 2021). By providing direct justice services, the Jirga offers public access to justice. However, many people are oblivious that they have alternatives in the informal justice system (Advocate and Sajid 2013)

Demographic of Attock district and Bahadur khan village

Attock, historically known as Campbellpur, is a town on the Haro River, a bank of the Indus River, not far from Islamabad. The literary definition of Attock is mountain foot. Attock has a long and distinguished history. According to legend, King Akbar the Great recognized the strategic value of the location in 1581 and built the Attock Fort. When the Sikh and Durrani Afghans rose to power in the eighteenth century, the Mughal Empire crumbled. Attock was turned into a battleground for two factions. The district was formed in 1904 by combining Talagang tehsil from Jhelum district and Pindi Gheb, Fateh Jhung, and Attock tehsils from Rawalpindi district, putting an end to the Sikh-Durrani conflict. In 1978, the city was renamed Attock. According to history, Asoka, a Buddhist, and Akbar, a Muslim, both ruled over this site for a long time.

Bahadur Khan village

Bahadur Khan has a diverse population that includes people of all castes, different faiths, and religious sects. Bahadur Khan Village (Pind) is located on both sides of the Hazro

Hattian connection road, between national highway (N5) Tarbella and Ziaulhaq Shaheed road. Cheechian Village is the village closest to Bahadur Khan's. Hazro Hattian connects other settlements to Attock. The Entry Hazro-Hattian Road Bahadur Khan Pind Attock. Answers came from both men and women. The oldest responses were unusual, and the majority of them were between the ages of 40 and 50. The bulk of respondents had a middle- or metric-level education, while only a small percentage had a degree. The majority of respondents in Bahadur Khan Village earned between 21,000 and 30,000 Pakistani rupees per month, implying that their monthly take-home pay was greater than 30,000 Pakistani rupees. In particular, respondents in Bahadur Khan Village continue to live in tribal regions in extended families, indicating that this type of family structure still exists. The majority of respondents lived in joint family systems, whereas fewer lived in nuclear family systems. The responses came from numerous tribes, including the Malik Awan tribe, Taily, Syed, and others. The region's rich cultural legacy was highlighted by the multiplicity of tribal backgrounds. Gujarpatan Alizy, on the other hand, emigrated from Afghanistan, providing a new depth to the cultural tapestry.

The primary goal of the study is to investigate how people perceive the value of Jirga and the peace and harmony it brings. Additionally, it is important to investigate the role of Jirga in the process of conflict settlement within the local region. This work is groundbreaking in its specific research area. However, this study is going to use a qualitative research design, which will result in valuable insights for legislators and policymakers. However, this study fills a theoretical gap in the context of the study and adds to the body of existing literature.

Theoretical Framework

This study has been designed around the theory of legal pluralism. According to the theory of legal pluralism, a situation in which "two or more legal systems coexist in the same social field. It is not a matter of two different legal codes for people. But rather, the "customary" legal framework is a way of life that people should perceive and live to maintain social order. Whereas state legislation and jurisdiction imposed on the natives, which is legally recognized throughout the world and customary laws. Each theme contributes to the philosophy of legal pluralism (Merry, 1988).

Legal pluralism provides an important alternative paradigm since it has always sought to build cross-legal domains in which multiple normative systems can coexist in the same social space. Unlike previous pluralists, who had typically focused on conflicts within a single geographical area where official ethnic, tribal, institutional, or religious standards existed, the pluralist framework presented a diverse variety of overlapping jurisdictional assertions (Berman, 2009).

Pakistan is a multicultural nation where customary laws are frequently used since state law does not apply to most of the population and is not recognized locally and legal systems is not including tribal law, and Islamic. Due to a number of circumstances, including the shortcomings of the state-based judiciary and government, etc.

The theory of Legal Pluralism was chosen to examine disputes and their resolution from various perspectives. This theory applied to the current study as well, as long as the Informal Justice System and Alternate Dispute Resolution are considered. The scope of the research contributes to the philosophy of legal pluralism. The concept of legal plurality is the primary subject of empirical inquiry. However, the general view is that legal pluralism is a powerful assistance to conceptual analysis.

Literature review

This research study looked at a variety of studies that were done to identify the social justice system, which is followed by both the informal and formal justice systems. In the second chapter of the dissertation, the concept of informal and formal systems is discussed through various methods associated with the administration of justice across cultural boundaries. In the context of a literature review, whether formal or informal, are examined. The relationship between legal pluralism and the current study has been discussed in relation to how the theoretical perspective has changed over time. The main stakeholders in the establishment of informal law as a formal act of society's judiciary are how each is integrated in a systematic manner. In addition to a society's social, economic, and political roles were presented in this chapter. The final section of the chapter discusses existing literature related to the adaptation of indigenous Alternative Dispute Resolution Mechanisms, such as Jirga, in the cultural, historical, and legal context of the Subcontinent, particularly Pakistan. In order to do so, this study looked at related literature and theoretical ideas/principles or procedures, which assisted me in noticing what and how something had previously been done. Literatures were analyzed using a variety of social justice perspectives. This research also looked into specific measures for evaluating the informal justice system. A Jirga is a unique form composed of all men who are concerned about a specific issue, as well as other individuals who are respected for their negotiation and settlement abilities. In order to, Jirga system is arranged by man, in which women do not participate. In this sense, literature indicate that in formal justice system as Jirga are practiced in North-West Frontier Province of Pakistan in which decisions made by in tribal areas of, such as the Malakand Division, are legally binding if all parties involved agree (Alam et al., 2020).

The nature and causes of disputes, the Panchayat in India and the Jirga in Afghanistan are both informal conflict resolution mechanisms. Furthermore, all of these historical strategies for resolving disagreements are fundamentally opposed to how many problems are addressed in modern society (Ullah et al., 2021).

There is significant cross-cultural variation in how various societies handle disputes, but there are some similarities and subsequent transformations in resolutions. According to Roy's report on "Traditional Customary Laws and Indigenous Peoples in Asia," Indians used a council system for dispute resolution, as seen in Nagaland and Mizoram, where customary laws have been used as an effective alternative tool (Roy, 2005).

It also demonstrates that ancient Hindus used mediation for conflict resolution as early as the 15th century B.C. Faislo and Suleh are centuries-old self-regulatory bodies found primarily in rural and tribal areas of India. Tribal or community elders guide them (Rani, 2014).

Through practice in various subcultures of the subcontinent, alternative dispute resolution mechanisms became operational and active. The section that follows highlights and discusses the similarities and differences. Shahid argued that the word Panchayat derived from cast system which is based on cast system of Hinduism. In order to, the Panchayat take account of dispute, settlement and decision of judgment. Panchayat has been determined to be based on Biradari (ethnicity), and applications have reflected this (Shahid, 2012).

Similar "Faislo," like other words, can refer to civil disputes resolved through family systems, village communities, and larger Biradari or quam. Faislo is commonly used to settle matters involving life and death, as well as mass murders in tribal conflicts, in addition to civil disputes (Röder & Shinwari, 2015).

Anthropology investigates environmental stress, and place identification that how meanings are understood through symbolism and ritual in order to analyze conflict in contemporary thought. Depending on gender, a native language is communicated through verbal and nonverbal contact (Kyrou, Rubinstein, & Kurtz, 2008).

Conflict, which can result in a clash of interests among individuals and groups, has long been a feature of human society. As a result, disagreements are viewed as inevitable consequences of involvement, to the point where they become overt or obvious, posing a bigger threat to peace and harmony (Ahmed, Farooq, & Nazmeen 2023).

Material and Methods

The current study attempts to provide a thorough understanding of the link between two components of the phenomenon in the Jirga system in Bahadur Khan Village, Attock, Pakistan. Using qualitative methods, the research examines how the two components of the phenomenon relate to one another. If two different legal systems can coexist in the same society. The "customary" system law and the state rules of justice, which are seen as formal and informal, are not two independent sets of laws that control people. Data collected using a qualitative-methodology based on fieldwork observations, through in-depth interviews. The modified method offered a thorough method for obtaining qualitative information and insights, which allowed for a comprehensive analysis of the data. An interview schedule was utilized to collect data for this study from a sample of 30 respondents drawn from the village of Bahadur Khan in Attock. The respondents were community elders and females from tribes over the age of 40, both male and female. Thematic descriptions of all the collected data were drawn from the interviews. The interviews are also coded, and complete confidentiality is ensured for the privacy of the data. A conclusion has been drawn after the findings have been presented in unique categories for each category.

Jirga System

Jirga's purpose is to settle a disagreement by means of consensus in which both parties agree to abide by the decision reached. For all parties involved, the Jirga's decision is considered final and binding. Typically, an elder of the tribe is going to take over the proceedings and issue his judgment, which has a binding effect and is typically not subject to appeal, when resolving conflicts between individuals or tribes through Jirga. Scottish philosopher David Hume considers that custom provides a significant guiding force in the lives of humans. It is undeniable that Jirga offers a prompt, efficient, and cost-effective means of dispensing justice to the parties involved, in contrast to the current formal legal proceedings. Muhammad Azam Chaudhary argued that justice system of Pakistan practice according to cultures. He identified traditional norms that effect on justice system. In order to, the interplay between official and conventional practices of the court, as well as how power influence on morality in which position play a role in the judiciary that are all accurately shown in this book (Chaudhary, 1999).

Type of Jirga

Jirga's come in many different varieties among current tribes. The most noteworthy of these are:

Tribal Jirga

Tribal Jirga's are Jirga's that take place in tribal lands where tradition is the ruler. They are often used to settle disputes and make decisions within the community. They play a crucial role in maintaining peace and order within the tribal society.

An informal justice system can be evident in subgroups. Subgroups are associated with rural area where access of formal judicial system are not easy to practice. Therefore, the concept of informal justice has been extensively found for social justice. While most of social research on the subject, that the majority of people in rural regions accept Jirga system rather judicial systems. Because they belief formal justice system spent more time and spent more money (Kötter 2015) . The formal justice system intended to evolve into a legal system that applies to everyone and is guided by explicit principles. In addition, the formal dispute resolution system is managed by highly trained and specialized judges, who provide exceptional legal assistance (Beinlich 2022)

Shura or the Majlis Jirga

Both the Persian word Majlis and the Arabic word shura have meanings that are comparable to those of the Jirga. They all refer to a traditional assembly or council. Since 1978, the term "shura" has been used entirely to refer to councils at different levels among the mujahedeen and muhajireen in Pakistan, offering anti-communist activities an Islamic touch. It is a phrase that various extremist groups have used to justify their actions. Likewise, informal groups that are closer to them and participate in activities which are weaker sectors of society. Khandan, Muhalla and Biradari may be delivered with more approachable – such as informal judicial system (Shahid 2012). It's also important to look at how specific state policies have historically shaped norms and formal conflict resolution systems in post-colonial societies like India, Pakistan, and Bangladesh. They have repeatedly failed to achieve spiritual awakenings of public confidence and support in this regard (Shinwari 2015).

Cultural relativists assert that all social phenomena, including conflicts and their resolution, are culturally defined. Economic growth, according to social theory and philosophical perspectives, influences the nature of human interaction in the twenty-first century. In addition to, it is past time for different cultures to learn from one another and contribute to the development of a "global culture" that reflects the diversity of its constituents and shared by a large number of people. The Jirga is a conflict-resolution mechanism, which has a lot of potential to contribute in culture (Faqr and Atta 2013)

Locally / Community Jirga

An elder of a tribe organizes the local Jirga or shura to resolve local issues within the family, clan, sub-tribe, and tribe. The elder serves as a mediator and makes decisions based on traditional customs and values to promote harmony and unity within the community. This phrase was utilized in particular in the regional legislation of several tribal regions. As a result, while the concept of justice dispute resolution is not new in Asia's subcontinent, it has deep societal roots in the form of "Panchayat" and "Jirga." In a study, Iqbal discovered that rich heritage and culture have existed for a long time in various forms and manifestations in various regions of both India and Pakistan (Iqbal, 2016).

Because the different region was an integral part of Asia, where disputes were resolved through traditional alternative forums, in which the legal the court's decisions focus irrespective. In this regard, there were some circumstances where the system worked better, such as the shift to alternative dispute resolution in Pakistan's justice system, which is a common practice in South Asia to promote quick and effective access to justice (Rahman, 2014).

Ulusi or Qaumi / Tribal Jirga

An Ulasi Jirga is a gathering of the village's or community's elders, who represent each household. It is called to address issues like choosing a location for Bathak, such as communal property rights and the distribution of irrigation water, among other common

problems. Something like the people due to its effectiveness, particularly in areas where state laws did not exist or were absent (Khan, 2004). Jirga's and Panchayats were formed to settle minor community or regime disputes. The system also contributed significantly to the establishment and upkeep of peace and stability. Because of these qualities, until or unless the colonial power abolished the Panchayat spirit, which fully adopted their own body of law, in order to impose and reinforce their power by repressing the rural areas (Röder & Shinwari, 2015).

Different authors debated the role of Panchayat in conflict resolution contexts as Baxi and Gallanter (1979) and Moore (1985), Elphinstone (1992), Olesen (1995) and Gletzer (1998) also discussed on significance of Jirga system in Pakhtun. Jirga is a well-known council that deals with Shariat laws. Jirga is a centuries-old Pakhtoon tradition for resolving conflicts; informal justice systems exist in almost every culture. Pakhtoon from Pakistan and Afghanistan perform it. Originally, the Jirga was the only means of state-controlled administration of justice in tribal areas (Mahmood, Ullah et al. 2018).

Informal judicial systems are common all over the world, for the most part in developing countries. Settlement is a well-known type of informal justice that is central to conflict negotiated settlement and access to justice in the mainland In Pakistan (Zaman, Khan et al. 2018).

The Loyal or Massive Gathering Jirga

A Jirga type known as a "loyal Jirga" is referred to as a "grand assembly." A loyal Jirga is a large assembly that is typically called for important occasions like electing a new monarch, adopting a constitution, or debating crucial national political or emergency issues. A loyal Jirga is an important decision-making body in Afghanistan that plays a significant role in shaping the country's future. But Balochistan, Khyber Pakhtunkhwa, and FATA also have their own traditional Jirga's, which hold influence in decision-making processes. These traditional Jirga's often operate alongside formal government structures and serve as important sources of local governance. According to the Siegal and Beals school of thought, numerous studies have demonstrated that the effects of maladaptive results have an effect on social disputes. Relationships break down as a result of stresses, which are sensitive points within social groups. Due to stressors. When they used the term "stressors," they meant sociocultural factors. Despite the fact that the first school of thought considered conflict as a part of solid social structures, the second looked into conflict as a result of cultural change (LeVine, 1961).

The word "Jirga" refers to a gathering or consultation meant to reach a consensus on a problem's solution, according to the Pashto Descriptive Dictionary, 1978, p. 1272 (Atayee, 1979). The phrase is commonly used in different languages, including Persian and Dari. According to Ghyathul-Lughat (1871:119). The word derives from Jirga, also known as a wrestling ring or a circle. According to some researchers, the term "Jirga" derives from Turkish (Faiz-zad 1989: 5). It is reasonable to suppose that there is no controversy about the definition and usage of the word. Jirga is a kind of cultural expression that incorporates the Pashtun people's deeply embedded traditions, rituals, and internal cohesion, allowing them to solve social and individual difficulties in a collective environment. A modern scholar named Rafi has critically analyzed the centuries-old Jirga tradition and claims that it plays a crucial function in resolving disagreements in culture and society by delivering conclusive judgments (Faqr & Atta, 2013).

He argues that the Jirga tradition not only serves as a legal system but also fosters social cohesion and harmony. Its acceptance of a solid economic and social existence has led to this authority (Mehsud, 2004). As a result, it is more frequently and successfully employed as a conflict-resolution method among the Pashtuns.

“Jirga is a cultural expression of the Pashtuns' communal wisdom, which is contained in the Pashtunwali principles. The most remote place for resolving conflicts and establishing unity among fighting tribes The Jirga is often held in a neutral location, such as under a large tree or in a designated meeting area, where all parties can gather to discuss and negotiate their grievances” (Field notes, R -12).

According to Key informant that the majority of individuals are aware of how the Jirga functions. They find it to be quite easy to comprehend. When a problem occurs, the forum convenes. If there are multiple parties, then each party presents their case before witnesses are called. Witnesses are called to provide their testimonies, and the Jirga members make a decision based on the presented evidence. Shariah, or Islamic Law, as well as regional customs, serve as the basis for the process. When reaching a decision is difficult, the Jirga may require a side to swear an oath on the holy Quran, which is the greatest kind of promise for a Muslim. It is believed that individuals decline to swear an oath if they have any doubts about the matter at hand.

During FGD, a respondent viewed that The Jirga tradition, in my opinion, is a powerful tool for reducing social ills. It allows for inclusive decision-making and promotes community cohesion. Its importance to its owners, it may bring justice more quickly than a formal legal system. However, the Jirga tradition also has its limitations and may not always guarantee fair outcomes or protect the rights of all individuals involved. It is essential to carefully consider the potential consequences and drawbacks before relying solely on the Jirga system.

According to respondent that Pakistan's judicial system is complicated, time-consuming, and expensive, people with lower socioeconomic levels and fewer ties to the system find it less desirable. They are frequently denied access to justice. The Jirga procedure, on the other hand, remains simple and rapid. A Jirga can make a decision, which continues to be a viable option for individuals seeking fast settlement of issues.

Because people frequently run the Jirga system who are more interested in their own interests than the welfare of the community as a whole, it is not entirely traditional but rather influenced by personal agendas. It often leads to biased decisions and undermines the true essence of the Jirga system. Therefore, I firmly believe that a set of changes and an examination of the Jirga's operation are necessary to protect it from the ills of selfishness and special interest groups.

The majority of Jirga members are illiterate, which influences their decisions. Politics can have an impact on decisions in some circumstances. In these situations, political agendas may influence the decisions made by Jirga members. Occasionally, Jirga fails to carry out the decisions it makes. Similarly, there is no set criteria for the nomination of Jirga members, and members ask for money in exchange for favor with one party or another. In the past, Jirga members performed their duties without compensation, but in recent times, some have begun requesting survival, transportation, and pocket money (Field not R 19).

According to respondents, the current state of the Jirga system is unsatisfactory because its members are corrupt and incompatible, lowering trust in this informal conflict-resolution mechanism in Pakistan's tribal regions.

The conflict between the Awan and Mailk tribes started with an agricultural tract that Ghulam Mailk had rented from Fahad Awan for a period of three years at a defined rent price of PKR 150,000 per year. When Ghulam Mailk learned that the field tract had already been leased to another party, the argument intensified. Ghulam, however, postponed making the very last payment. One of the important sources claimed that Ghulam failed to pay the agreed-upon sum because he planned to keep the same-term contract renewed for an additional three years. Fahad, however, insisted on having the land given to him so he

could rent it to someone else or having the rent increased from PKR 150,000 to PKR 250,000 per year. The landlord was hesitant to agree to Fahad's demands because he felt it was unfair. He believed that Fahad was trying to take advantage of the situation and exploit him financially. Fahad did not agree to Ghulam's proposal. A conflict involves social interaction as well as the financial consequences for society. The kind of dispute resolution mechanism employed determines how conflict affects social interaction in society. The table below gives a brief summary of the social implications of the dispute by measuring the conflict's effects on social bonds. Additionally, it highlights the benefits of maintaining social ties with local actors who handle and resolve concerns.

Anees Iqbal, 20, studies in college. He is currently studying computer science. Anees' mother instructed him to go to his aunt's place on Saturday. He walked into his aunt's sister's home without knocking. He shocked his aunt's sister, but she greeted him and prepared delicious food for him. He thanked her for the dinner and spent the rest of the day catching up and talking about the good old days. But she was thinking that his cousin had unexpectedly arrived and Anees promised to visit more often and make sure to knock next time he came over. He followed the same routine the next time. Because she was alone at home, the girl had no idea what to do. The girl started shouting because she thought the guy was playing a trick on her. The girl's mother, who was in the neighborhood, hastily returned home to see what was wrong. When the girl's father and brother returned to their home, the mob gathered outside told them what had happened. Attempting to kill them is her brother. The accused young boy left the scene after determining that his senior cousin had evil intents, but the girl's brother made an effort to shoot dead his sister in front of the angry mob. The girl's father was relieved to hear his wife's explanation, as he had been concerned about the boy's intentions. The girl's father met the boy's father and started to exchange stories about his son and why he had insulted his cousin's honor. The problem was becoming embarrassing for both families and generating animosity between them. They then resolved to involve their elders in the resolution, but the girl's brother was unwilling to do so. He believed they should handle it on their own and find a solution without involving anyone else. He merely wanted to kill that boy to avenge his honor. In this condition, the elders and other local performers attempted to gather, but the girl's brother refused each time, stating that he would exact retribution on him. As a result of Anees father's behavior, which violated sociocultural standards, and to pay a fine of PKR 500,000 as well as an additional PKR 100,000 to be given to Batak as pledge money for not repeating the offense. Anees father was also required to issue a public apology.

Discussion

This paper investigated and evaluated the roles and effectiveness of various state and non-state local players in modern-day Bahadur Khan Villages. The findings reveal that modern-day Bahadur Khan Villages changed the challenging situations and influenced the method of resolution. Local elites in traditional organizations continue to play key roles in organizing and settling village conflicts in Bahadur Khan, notwithstanding state rules. They frequently utilize their power and influence to settle disagreements and impose decisions, which can result in biased conclusions. These skewed outcomes have the potential to exacerbate existing power disparities in the community. This is because social ties fostered by institutions (Kinship) and discussions held at village gatherings continue to strengthen relationships and collaborations between individuals and social groups. These relationships and collaborations play a significant role in shaping the social fabric of the community. They contribute to a sense of belonging and mutual support, fostering a strong sense of community identity. This strong sense of community identity helps to create a cohesive and inclusive society. It fosters a sense of unity and cooperation among its members. Social groups are also helping to restore the village's political and social structures. Within cultural and social contexts, such socioeconomic institutions determine and mold one's interactions as well as socialization patterns. Kinship is defined by Malinowski as having "its origins,

which are cultural instead of biological facts and which are usually individual" (Malinowski, 1930, p. 24). Many studies show that conflict's causes and resolution methods are deeply ingrained in every society's culture and history (Shinwari, 2015). This understanding is crucial for developing effective conflict resolution strategies. Understanding the cultural and historical factors that contribute to conflict can help in developing effective conflict resolution strategies. By recognizing the root causes of conflict and addressing them appropriately, conflict resolution can be achieved in a more efficient and sustainable manner. A landlord, Clan chief, Sardar, or elder faces a number of challenges. They put forth a lot of effort and endured a lot of pressure in an effort to win over followers from other ethnic groups in addition to their own. Here, everything is seen as a political issue. Court trials, police work, and handling disputes both inside and outside the community are just a few examples. Politics is deeply intertwined with every aspect of life. There is no escaping its influence. Politics is a fundamental part of society that shapes the decisions and actions of individuals and institutions. It affects everything from the economy to education, healthcare, and the environment. By participating in these life activities with community members, Kabila prevents competition and maintains control. The foundation of rural Pakistani society is Kabela and Khandan, where rules govern all interactions. These rules are deeply rooted in tradition and are passed down through generations, shaping the social dynamics and expectations of individuals within the community. Local community mediators ask questions, assess community recommendations, and then discuss the facts with their advisor, Imam Masjid, and Jirga leader to reach a consensus-based peace verdict. Elders gather and resolve micro disputes. In this way, the community mediators ensure harmony and justice within the local community. Ubink referred to Erin Stiles' book, "How to Manage a Marital Dispute: Legal Pluralism from the Ground Up in Zanzibar, Tanzania." She claims that "Islamic law and state-recognized institutions" illustrate legal plurality. She proposes doing comprehensive research on legal pluralism from the bottom up to learn how legal actors—both laypeople and institutional actors—perceive and approach the plural-legal system and various forms of authority, as well as what they consider the law and legally significant in marital disputes. How these perceptions and approaches shape the outcomes of marital disputes can have significant implications for both the individual's involved and the overall functioning of the legal system. The outcomes of marital disputes can have significant implications for both the individuals involved and the overall functioning of the legal system. These situations demonstrate the importance and value of Jirga as a supplement to the legal system. In light of what we've already discussed, non-state actors have a lot of power and authority. Fortunately, the official legal system acknowledges its value to the rural populace and cooperates to create a peaceful community. The formal legal system does take into account the decisions made by Jirga and may have questioned the Jirga actors about their reasoning. Some instances it was also found that in some instances, the court did ask both parties why they did not try to resolve it through Jirga. As a result, both systems work together for the good of society.

Conclusion

To conclude, Process pluralism was observed among the people of Village Bahadur Khan where Indigenous dispute resolution mechanism (IDRM) as well as justice delivery complement each other for effective dispute resolution mechanisms. The combination of these mechanisms ensures that conflicts are resolved in a fair and timely manner, leading to a more harmonious community. Additionally, it promotes trust and cooperation among community members. According to the findings, IDRM is more relevant and effective in disposing of justice. Because it is used to impose pressure on disputing parties, the mediation process may not be as effective or smooth. Without judges, the police would not have a fair and impartial decision-maker. Without a fair and impartial decision-maker, the justice system would lack credibility and trust. Without credibility and trust, the justice system would fail to effectively serve and protect society. The villagers are anxious about both the police and the Jirga head, leading to their use in conflicts to assert authority and

control. It also exerts pressure on other parties. The likelihood of local actors exploiting common people may be reduced if IDRM has legal legitimacy and begins to teach local actors because of the fear of state check and balance. This can help create a culture of respect for human rights as local actors become aware of the consequences of their actions and the importance of upholding the public interest. Additionally, the involvement of official legal venues and civil society organizations further strengthens the portrayal of human rights, ensuring that they are protected and promoted in a comprehensive and effective manner. In order to provide effective dispute resolution procedures, the justice system's systems, which include both dispute resolution and justice delivery, complement one another among the people of Bahadur pure Attock.

Reference

- Advocate, B. & Sajid, I. A. (2013). Jirga System in Pakhtun Society: An Informal Mechanism for Dispute Resolution." *Pakistan Journal of Criminology* 5(2), 45.
- Ahmad, J. & Wangenheim, G. V. (2021). Access to justice: An evaluation of the informal justice systems. *Liberal Arts and Social Sciences International Journal (LASSIJ)* 5(1), 228-244.
- Ahmed, J., Farooq, H. S., & Nazmeen, S. Indigenous (2023). Dispute Resolution Mechanism (IDRM) in Sindh: A Case Study of Sindhi Village. *UW Journal of Social Sciences* 5(1), 205-222. <https://uwjss.org.pk/index.php/ojs3/article/view/56>
- Alam, F., Ahmed, S., & Bano, A. (2020). Jirga and Dispensation of Social Welfare Services: A Case Study of Mohmand Tribal District, Pakistan. *Liberal Arts and Social Sciences International Journal (LASSIJ)* 4(1), 231-241.
- Beinlich, L. (2022). Access to Justice. *Elgar Encyclopedia of Human Rights*, Edward Elgar Publishing Limited.
- Bibi, H. & S. Khan (2020). The Perils of Jirga and the Miserable Plight of Women. *Review of Applied Management and Social Sciences* 3(2), 141-148.
- Chaudhary, M. A. (1999). *Justice in practice: legal ethnography of a Pakistani Punjabi village*: Oxford University Press, USA.
- Faqir, K., & Atta, M. A. (2013). Jirga: A Conflict Resolution Institution in Pukhtoon Society. *Gomal University Journal of Research* 29(1), 87-95.
- Iqbal, Z. (2016). *Justice: Islamic and Western Perspectives*: Kube Publishing Ltd.
- Khalid, F. (2014). *Traditional Mechanisms of Conflict Resolution: An Analysis of Jirga in Pukhtoon Society*. Proceedings of International Conference on Local Representation of Power in South Asia.
- Khan, A. M. (2021). Assessing the Role of Dispute Resolution Council (DRC) in Conflict Settlement (A study of district Swabi). *Pakistan Journal of Criminology* 13(3), 118-137.
- Khan, F. S. (2004). *Quest for justice: Judicial system in Pakistan*: Network Publications.
- Kötter, M. (2015). Better Access to Justice By Public Recognition of Non-State Justice Systems? *Justice Without the State Within the State* 2, 283-310.
- Kyrou, C. N., Rubinstein, R. A., & Kurtz, L. (2008). Culture and Conflict: An Anthropological Perspective. *Encyclopedia of Violence, Peace, and Conflict*, 2, (515-521): Elsevier.
- LeVine, R. A. (1961). Anthropology and the Study of Conflict: An Introduction. *Sage Publications* 5, 3-15.
- Mahmood, A., Ullah, S., & Ashfaq, S. (2018). The evolution of Jirga system: A conflict resolution mechanism in FATA. *Liberal Arts and Social Sciences International Journal (LASSIJ)* 2(1), 21-28.
- Mumtaz, Z., Salway, S., & Nykiforuk, C. (2013). The Role of Social Geography on Lady Health Workers' Mobility and Effectiveness in Pakistan. *Social science & medicine* 91, 48-57.

- Naz, A., Mahsud, N. K., & Khan, Q. (2017). Gender Representation (Women's Rights) in Islam and Pakhtun Code of Life (Pakhtunwali) in Pakistan. *Ma 'arif Research Journal (14)*, 1-16.
- Rahman, M. T. (2014). *Social Justice in Western and Islamic Thought: A Comparative Study of John Rawls's and Sayyid Qutb's Theories*. Scholars' Press.
- Rani, B. (2014). Sharia Courts as Informal Justice Institution in India. *International Journal of Humanities, Social Sciences and Education*, 1(9), 129-139.
- Röder, T. J., & Shinwari, N. A. (2015). Pakistan: Jirgas Dispensing Justice Without State Control *Non-State Justice Institutions and the Law*, (25-54): Springer.
- Roy, R. D. (2005). *Traditional customary laws and indigenous peoples in Asia: Minority Rights Group International London*.
- Shahid, U. (2012). *Inquest into justice of the Pakistani customary "Panchayat Justice System" in context of International Human Rights Law*. School of Advanced Study.
- Shinwari, N. A. (2011). *Understanding Jirga: Legality and legitimacy in Pakistan's Federally Administered Tribal Areas*. CAMP.
- Shinwari, N. A. (2015). *Understanding the Informal Justice System: Opportunities and Possibilities for Legal Pluralism in Pakistan*. CAMP.
- Taizi, S. (2007). *Jirga System in Tribal Life*. Area Study Center (Russia, China and Central Asia). University of Peshawar.
- Ullah, I. & Khan, M. A. (2021). Access to Justice: Comparative Study of Formal and Informal Dispute Resolution Mechanisms in District Swat, Pakistan. *Journal of Humanities, Social and Management Sciences (JHSMS) 2(2)*, 99-118.
- Usman, S., Saghir, A., & Mahmood, K. (2021). Identifying Root Causes of Conflicts at Farm Level and Conflicts Resolution Strategies in Punjab, Pakistan. *International Journal of Agricultural Extension 9(2)*, 193-200.
- Waldman, D. A., Vaulont, M. J., & Balven, R. M. (2021). The Role of Justice Perceptions in Formal and Informal University Technology Transfer. *Journal of Applied Psychology*, 107(8), 1397-1413.
- Wardak, A. (2003). *Jirga—A traditional mechanism of conflict resolution in Afghanistan*. Pontypridd, UK: University of Glamorgan, Centre for Criminology.
- Zaman, L., Khan, Q., & Naz, A. (2018). Critical Discourse Analysis: Jirga and its Survival in Pakistan. *Pakistan Journal of Criminology 10(3)*, 29-40.