



Vol. 3 No. 10 (October) (2025)

ADR in Criminal Justice: Restorative Justice for Minor Offenses

Dr. Khurram Baig (Corresponding Author)

Professor of Law, HOD, School of Law Multan University of
Science and Technology, Multan, Pakistan

Email: mkb5729@gmail.com

ABSTRACT

Restorative justice (RJ), a form of alternative dispute resolution (ADR) with an orienting belief towards creating a form of repair by means of dialogue between victims, offenders and affected communities has attracted a resurgence of attention with respect to the over-criminalization and over-catchment dockets that typify many modern criminal justice systems. This essay discusses the potential and restriction of implementing the process of restorative justice to minor crimes. It establishes restorative justice in the framework of international policy-making, namely in the form of the United Nations Basic Principles and further on UNODC guidance, and then evaluates empirical data on victim outcomes, offender responsibility, and recidivism. The recent meta-analyses and program evaluations have shown mostly positive results in terms of victim satisfaction and psychological recovery, with inconclusive but promising results of recidivism reduction with well-implemented and targeted programs. Reliant on comparative practice (especially youth family-group conferencing in New Zealand and community conferencing models in various common-law jurisdictions) and on emergent scholarly analysis of the informal restorative practices of Pakistan, the paper suggests several legal and institutional preconditions of successful RJ introduction in minor-crime pathways: effective statutory provision, protection against voluntariness and power imbalance, trained facilitator, prosecutorial triage systems, and strong monitoring and evaluation. It ends with policy suggestions of piloting RJ in stream of minor offences whilst guarding the right to due-process- they contend that restorative options can alleviate the burden of procedure and better accommodate victims and low-risk offenders provided the efforts are undertaken with legal protection and empirical controls.

Keywords: Restorative Justice; Alternative Dispute Resolution (Adr); Criminal Justice Reform; Minor Offenses; Rehabilitation; Mediation; Victim–Offender Dialogue; Pakistan.

Introduction

The global criminal justice systems are experiencing two challenges: an increasing number of cases at the low-end of the criminal justice and a mounting criticism that the conventional adversarial reactions do not prioritize the need of the victim or they do not adequately focus on the factors that lead to offending. One of the possible mechanisms to divert appropriate minor offences outside of formal prosecution and incarceration, as well as encouraging the offender to be responsible and the community to heal, is proposed as restorative justice (RJ) - an umbrella term due to the efforts of numerous individuals to define what constitutes harm and what does not (Van Ness, 2016). Restorative justice was adopted by the United Nations as a tool that should be used in a principled manner in criminal cases, through its Basic Principles resolution and its subsequent guidance, encouraging member states and the civil society to consider RJ



Vol. 3 No. 10 (October) (2025)

programmes as a supplement to the formal criminal procedure (Nations, 2006a).

Ideally, restorative justice does not rely on retributive paradigms because it focuses on harm and relationship as the central aspect instead of the administration of state-impacted punishment (Nascimento et al., 2023). The most frequent mechanisms in the RJ umbrella are victim/offender mediation, family/community-group conferencing, circle process, and community reparative board (Fulham et al., 2023). Different processes are available, yet they are similar: they involve facilitated conversation, victim expression of harms and requirements, responsibility acknowledgment on the part of the offender and agreements to restore harm (restitution, apologies, community service, or rehabilitative conditions) made between victims and offenders (Van Camp & Wemmers, 2013). These types of programs are detailed in the UNODC handbook and the importance of the elements of program design, including voluntariness, facilitator training, confidentiality guidelines, and monitoring, which are vital in legitimacy and effectiveness (Akhter et al., 2021).

The evidence base generated by empirical studies conducted in the last decade is both expanding but delicate. The research and meta-analyses point to a high level of victim satisfaction and statistically significant psychological benefits of RJ programs on victims, including lower levels of post-traumatic symptoms and better perceptions of justice; however, a number of recent meta-analyses and randomized studies report smaller but statistically significant decreases in general recidivism with some RJ programs (especially well-implemented conferences and victim-offender mediation with juveniles and low-risk adults), whereas others show little or no effect on serious violent crime.

The experience of jurisdiction provides an educative contrast. The example of youth family-group conferences in New Zealand and a number of pilot projects in the UK and elsewhere in the Commonwealth indicate that with RJ established within statutory youth-justice processes, and institutional support to the RJ approach (victims outreach, facilitator accreditation, data systems), the approach can result in substantial engagement with victims and can save them a considerable number of cases falling under the prosecution process. In comparison, situations where community-based or traditional reconciliation systems are transplanted without legal protections are likely to recreate power disparities, gender discrimination, or informal impunity - which are of particular concern in nations where customary adjudicatory institutions are well developed.

In Pakistan, a new body of literature has developed about the opportunities and challenges of reconciliation of restorative strategies and formal systems. There is an emphasis in existing literature on the opportunity to attain synergies such as the harmonization of community-based reconciliation with formal diversion in minor property or juvenile offenses, and the presence of evident risks, in which informal forums (jirgas, panchayats) work without any procedural constraints. Restorative justice as a structured, rights-compatible programme (with trained facilitators, voluntariness, oversight and monitoring) should then be differentiated in any reform agenda in Pakistan between unregulated traditional dispute-resolution fora and restorative justice.

In this paper, I will do as follows. Part I elaborates a conceptual and a theoretical context of restorative justice in the context of ADR and criminal justice goals. Part II discusses the types of minor offences that can be proper in RJ diversion and outlines essential restorative processes. Part III superimposes international and domestic legal and institutional frameworks that facilitate safe, effective RJ programs. Part IV balances positive and negative aspects - it is based on empirical research, meta-analyses and comparative practice, and Part V makes specific policy recommendations on how to pilot RJ in minor-offence streams without breaching due process, equity, and confidence of the people. The paper ends by suggesting that restorative justice, designed and monitored



Vol. 3 No. 10 (October) (2025)

correctly, might help take strain off the system, and better serve victims and the less risky offender, but only when statutory anchoring and institutional provisions are in place to ensure that RJ mechanisms are not used informally and coercively.

The Conceptual Framework of ADR in Criminal Justice

Traditionally, Alternative Dispute Resolution (ADR) has served as one of the mechanisms of resolving civil and commercial disputes in a non-adversarial manner, which includes mediation, conciliation, and arbitration (Grace, 2009). Its introduction to the criminal justice sector is quite recent, which is driven by the international acknowledgment that the adversarial system of criminal justice is not best suited to respond to the relational and communal harms that frequently accompany minor crimes. ADR in criminal justice, also known as criminal ADR or restorative ADR, is a reversal of that recognition, shifting the focus on its processes, namely, of accountability, repair, and reintegration (Nations, 2006b)

The conceptual rationale behind the application of ADR to criminal law is based on the restorative justice theory that the conceptualization of crime should not simply be seen as a law violation but rather as a crime violation against relationships among people and communities. Restorative justice upholds three main concepts, namely, engagement of all parties (victim, offender, and community), recognition of harm, and shared accountability to remedy that harm (Zehr, 2015a). Whereas ADR offers procedural means to criminal issues, such as negotiation, mediation and facilitated dialogue, restorative justice offers the normative and moral framework, within which they are applicable.

The development of restorative justice in criminal jurisprudence has a history in the criticism of retributive punishment. Retributivism means the proportional desert and views the state as the only victimized party; restorative justice on the other hand sees the victim as the most important party and seeks to make justice human by making individuals empathize and take responsibility (Adams, 2004). Restorative practices, thus, act in the logic of rehabilitation and social healing as opposed to deterrence and retribution. The modern criminal law reforms in the attempt to include diversion, conditional discharge, and victim-offender mediation, especially in juvenile and low-level offenders, can be viewed as the continuation of this philosophical transition (Hanan, 2016).

Legal-theoretically, restorative justice can be placed between procedural justice and communitarian ethics. The procedural justice theory, which is developed by Tom R. Tyler and others, assumes that a sense of fairness and chances of participation increase legitimacy and obeying the law (Tyler, 2023). Procedural justice becomes practical through restorative processes, which enable victims and offenders to voice their opinions and have a say in the matters. Meanwhile, communitarian views, which have made use of the writings of Etzioni, focus on the reincorporation of offenders into the moral community, and thus the reestablishment of the social contract that has been interrupted by crime (Bandow, 1997).

Key policy instruments have been used to support the introduction of ADR in criminal justice internationally. Restorative justice was internationally accepted as an adjunct to the criminal proceedings through the United Nations Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters (2002), which defined restorative justice as any process whereby the victim and the criminal, and in some cases any other individuals or communities who may have been harmed in a crime come together in resolving issues that may have been caused by a crime (Justice, 2003). Later UNODC



Vol. 3 No. 10 (October) (2025)

recommendations and regional documents including the Council of Europe Recommendation R(99)19, have developed principles of voluntariness, confidentiality, impartial facilitation and enforceability of outcomes (COUNCIL, 1999). All these frameworks put the restorative justice as a valid ADR modality in the criminal law, especially in minor offenses and juvenile offenders.

However, critics warn that the ADR methods should not be blindly copied and applied to the criminal arena. These issues are the possibility of coercing the victims, asymmetries in bargaining power, or the chances of underestimating the severity of offenses (Jan, 2025). Without their regulation, restorative processes can also recreate the existing social hierarchies or informal coercion, especially in a patriarchal or a hierarchical society. Therefore, it is necessary to implement ADR into criminal justice by effectively providing statutory protections that would guarantee voluntariness, informed consent, and procedural control by qualified facilitators or judicial personnel (Kimbrell et al., 2023).

Overall, ADR in the context of criminal justice is more of a paradigm shift than a simple procedural change. It reinvigorates the punitive monopoly of the state by reinvigorating it with processes of participation and community involvement that are participatory and create a process of transformation and not punishment of the offenders. Restorative ADR can provide a valid and empirically grounded process to meet the dual goals of efficiency and equity - increasing system capacity and adding seriousness to the moral legitimacy of the criminal process when it is limited to suitable categories of minor offenses. The next section is going to discuss the way restorative justice works as a working alternative to minor crimes, outlining particular mechanisms and examples of how it works and can be limited.

The Concept and Evolution of Restorative Justice

Restorative justice (RJ) is a concept of criminal justice that has aptly changed the scope of criminal justice philosophy, centering on the healing of the damage inflicted as a result of crime, as opposed to simply punishing the offender. It focuses on responsibility, restitution, and involvement of the community in order to bring reconciliation between the victims, perpetrators and the society. In contrast to retributive justice, which emphasizes sanctions imposed by the state of the country, restorative justice frames crime as a betrayal of relations and a sense of trust in the community, which means that the process of healing and reintegration should be implemented instead of isolation and punishment (Zehr, 2015b).

Restorative justice can be dated back to native and traditional conflict systems in which community councils, tribal elders or local groups helped to reconcile the parties (Braithwaite, 2002). But with the growth of formal systems of law within the colonial and modern systems of state, these practices were frequently pushed to the periphery. Unsatisfaction with high incarceration rates and the poor results of rehabilitation caused the revisited interest of RJ in the late twentieth century, especially in the 1970s and 1980s. It was when academics and practitioners started to promote different mechanisms besides victim needs and the accountability of the offenders that the institutionalization of RJ took place in the criminal policy discourse (Koss, 2006).

The modern restorative justice took off in the world through the work of the victim-offender mediation (VOM) experiments in Canada and the United States and the family group conferencing model in New Zealand, informed by Maori traditions (Maxwell & Morris, 2010a). The international framework of the incorporation of RJ into the legal systems of the states was offered by the endorsement of the principles of restorative



Vol. 3 No. 10 (October) (2025)

justice by the United Nations through the use of such instruments as the UN Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters (2002) (Marder, 2020a). All these developments highlighted the change in the nature of justice toward participation, especially in the case of minor and non-violent offenses.

Restorative justice has its theoretical basis on the communitarian and procedural theories of justice. According to communitarian scholars, the justice should enhance social association and shared duty; whereas the procedural justice focuses on fairness, involvement, and validity in decision making (Duff, 2012). These two visions together place restorative justice as a moral and viable answer to the shortcomings of the adversarial criminal procedures. Recent studies also note that RJ practices are able to prevent recidivism and improve victim satisfaction, thus making justice and social cohesion work together and not based on retribution (Sherman et al., 2007).

Legal and Institutional Frameworks

Legal and institutional acknowledgment of restorative justice (RJ) has grown significantly over the last twenty years, as the criminal justice systems have been moving away towards a rehabilitative response to crime. The shift at restorative processes has been significantly promoted by the international tools and national reforms to deal with inefficiency in the traditional criminal proceedings, particularly in minor offenses (Tiarks, 2019). The trend highlights that it has become increasingly agreed that justice should not merely penalize transgression but should also correct the damage inflicted by a crime, promote community recovery, and undo recidivism.

The United Nations Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters (2002) is the most powerful structure at the international level. These principles make RJ a process where the victim, the perpetrator and all other persons or the community members involved with a crime actively engage in solving issues created as a result of a crime, usually through the assistance of a facilitator (Marder, 2020b). Some of the critical procedural protections outlined in the document include voluntariness, informed consent, confidentiality and impartiality. It also supports the use of RJ programs during any step of the criminal justice process including the pre-trial diversion and post-sentencing, especially minor and non-violent offenses. The fact that the UN legitimized RJ as an alternative to traditional prosecution and urged its member states to incorporate such programs into local legal systems did not only help the legitimization of RJ as a tool of prosecution but also encouraged the use of this strategy by other countries.

Various jurisdictions have effected RJ in either a legislative or an institutional manner. The first example is in New Zealand, where families, young persons and their families Act (1989) legalized the process of family group conferencing as a legal tool (Maxwell & Morris, 2010b). The model has been successful in preventing youth recidivism, resulting in its application to adult offenders and subsequent imitation in common law jurisdictions. The effect of restorative justice in the United Kingdom is that it is integrated into criminal procedure by the Crime and Courts Act (2013) that permits the judges to adjourn sentencing to facilitate restorative conferences (Shapland et al., 2011a). The Child Justice Act (2008) of South Africa also formalizes diversion and restorative procedures of juvenile delinquency and focuses on rehabilitation and reintegration in line with the constitutional vision of restorative jurisprudence (Skelton, 2002).

By contrast, a large number of developing nations, such as Pakistan, are still only at the infancy of incorporating RJ into formal criminal procedure. Even though the Code of Criminal Procedure (CrPC) and Penal Code of Pakistan acknowledge certain types of



Vol. 3 No. 10 (October) (2025)

compromise and compounding of some crimes, the recidivated approaches are usually transactional in nature but not restorative (Mufti & Shafi, 2021). The Qisas and Diyat clauses of the Islamic law implemented in the Penal Code of Pakistan by the Criminal Law (Amendment) Act 1990 permit forgiveness and compensation in the homicide case but the clauses lack the presence of structured mediation and community dialogue that are essential in the RJ practices (Absar, 2020). More recently, the topic of reforming ADR has been discussed in connection with the Legal Aid and Justice Authority Act (2020) of Pakistan and the Punjab Alternative Dispute Resolution Act (2019) indicating an increase in interest in mediation and restorative mechanisms on the district and community level, but the use of these approaches in criminal justice has not gained sufficient development.

The other determinant of the effectiveness of RJ is institutional readiness. Other nations that have effectively applied restorative systems have put up special units or separate agencies that administer and train restorative programs (Canada and the Netherlands) (Johnstone & Van Ness, 2013a). Conversely, jurisdictions that do not have institutional structures have the problems of inconsistency, poor facilitator capacity and a deficiency of monitoring. As demonstrated in Pakistan, these challenges apply well to that country, where informal settlements (like jirgas or panchayats) are often de facto restorative spaces but are also not governed by law and are not subjected to human rights. Therefore, to be legitimate, RJ has to be incorporated into the judicial and prosecutorial system in terms of statutory acknowledgment, capacity development, and operating principles in line with constitutional assurances of due process.

Implementation of RJ into national systems of law is therefore a slow but revolutionizing change. It involves balancing between the old ways of dispute management and the new procedures of safeguarding, both restorative and safeguarding of fundamental rights. The world community, supported by the UN and regional tools is offering a normative base on which states such as Pakistan can formulate contextually useful RJ models to deal with petty crime in a manner that is more human and friendly.

Benefits and Challenges of Applying ADR in Minor Criminal Cases

The idea to introduce the Alternative Dispute Resolution (ADR) system, especially restorative justice (RJ), into the criminal justice system regarding minor crimes has been generally considered the successful solution to the reform. Rather than punishing, ADR focuses on repair, responsibility, and discussion to improve the substantive quality of justice and reduce systemic inefficiencies (Zehr, 2015c). Yet, as the advantages of it are getting recognized, the actual and moral issues of its implementation must be approached with a close attitude to maintaining the concept of fairness as well as legitimacy.

Among the greatest benefits of ADR in petty criminal proceedings is the fact that it may lessen congestion and delays in the court. A significant number of jurisdictions have backlogs that are chronic since the number of minor and non-violent offenses is overwhelming (Shapland et al., 2011b). Restorative and mediated resolutions help to resolve cases faster releasing judicial time on serious crimes. The United Kingdom and Canada studies suggest that pre-trial diversion programs and restorative conferencing reduce case processing time by a large margin and still ensure victim and offender satisfaction (Coker, 2020).

ADR is also more participatory to the victims and increases their satisfaction, which is a dimension that is overlooked in traditional criminal cases. Conventional prosecutions also have a tendency to consider a victim as a passive witness, whereas restorative justice brings their experiences and needs back into the center spot (Van Ness et al., 2022). The



Vol. 3 No. 10 (October) (2025)

dialogue-based interactions, like the mediation of victim and offender, help victims to communicate harm, demand explanations, and bargain reparation. This is not only a way of giving emotional closure but also restoring faith in justice institutions. The active character of RJ, consequently, shifts justice out of its state-based process to a victim-based and community-based process.

In the case of criminals, restorative processes encourage responsibility and rehabilitation. Restorative encounters direct offenders to face the impact of their actions (Johnstone & Van Ness, 2013b). Unlike punitive sanctions which tend to cause alienation among the offenders. Empirical studies prove that offenders who are exposed to restorative programs have low rates of recidivism and have a higher adherence to reparative agreements (Piggott & Wood, 2018). ADR would be in line with rehabilitative principles of modern penological theory because it promotes moral thought and integration instead of stigmatization.

A second benefit is that the ADR processes are cost effective. The informality and localized character of the mediation or conferencing process, demand less resources as compared to the traditional trial, and therefore, they are applicable to developing countries that have a limited judicial capacity. Restorative mechanisms may play a significant role in making justice accessible in time in Pakistan where courts face backlog and infrastructural problems. Furthermore, community participation in dispute resolution enhances community confidence and fills the gap between official legal frameworks and the domestic standards.

However, applying the ADR to criminal justice is associated with a number of practical and normative issues. The most important of them is the problem of voluntariness and imbalance in power. The processes of restorative have to be consensual in order to be legitimate. This is however, overridden in patriarchal or hierarchical societies where the victims (particularly women) may feel pressure to reconcile compromising the principle of free and informed consent (Goel, 2005). There is therefore a need to have safeguards to avoid coercion and have restorative justice not to recreate social inequalities.

Another issue is that there is no statutory and institutional structure to facilitate restorative mechanisms. In most jurisdictions, ADR is still restricted only to civil or family law cases, and there is a lack of understanding in what aspects it is applicable in criminal cases. The current ADR legislation in Pakistan is the Legal Aid and Justice Authority Act (2020) and Punjab ADR Act (2019), which offer a procedural basis but are not specific to criminal procedures. Lack of selection of trained mediators, monitoring and procedure standards are a hindrance to consistency and credibility.

Lastly, opponents believe that the restorative mechanisms may weaken deterrence and the law by seeming to be too lenient (Daly, 2007). In the absence of judicial control, the ADR results may not be representative of the severity of particular crimes, which may cause the population to lose trust in the justice system. Therefore, ADR must not substitute formal adjudication, but it should be used in combination with it especially in hybrid models whereby the restorative processes are executed within a structured legal framework.

Overall, the advantages of ADR in minor criminal cases are enormous efficiency, empowerment of victims, rehabilitation of the offender, and social unity. However, to maintain such results, states have to make laws to provide protection, professional education, and socialization to avoid abuse. In the case of Pakistan and other jurisdictions, the incorporation of the restorative principles into the law and provision of justice is a possible way forward in the quest to build a more human, participative, and efficient criminal justice system.



Vol. 3 No. 10 (October) (2025)

Policy Recommendations and the Way Forward

To successfully assimilate restorative justice (RJ) into the criminal justice system in Pakistan, especially in minor crimes, there is need to have a multi-dimensional policy. The suggestions discussed below deal with legislative, institutional and societal actions needed to ensure that RJ emerges a plausible and viable supplement to the current system.

Legislative Incorporation of Restorative Justice Mechanisms

The laws of criminal procedures in Pakistan need to be revised in order to clearly identify restorative measures like mediation between the victim and the offender, community conferencing, and reparative agreements to petty crimes. This might be attained in the form of a special Restorative Justice Act or an amendment to the Code of Criminal Procedure 1898. The Act ought to establish eligibility criteria on cases, procedural protection on voluntariness and consent, and enforceability of restorative agreements. Based on comparative approaches, like the Children, Young Persons and their Families Act 1989 of New Zealand and the Youth Criminal Justice act 2002 of Canada, it can be institutionalized through implementation of RJ in prosecutorial discretion as well as under court-referred schemes in Pakistan (Maxwell & Morris, 2010c).

Institutional Framework and Capacity Building

The credibility and functionality of RJ depends heavily on the existence of a good institutional framework. Referrals can be facilitated and supervision ensured by creating Restorative Justice Units in the district courts, probation offices, and the police departments. The specialized training on RJ principles and facilitation skills should be given to judges, prosecutors, and law enforcement officers. The judiciary can also work together with the National Judicial (Policy Making) Committee to make RJ a part of the judicial reform agenda, which is consistent with the overall aim of Pakistan to make justice accessible and the prison overcrowded (Nations, 2006c).

Community Engagement and Civil Society Partnerships

Community participation is critical in the success of RJ. The local government institutions, non-governmental organizations and bar associations of Pakistan can be central in mediating and reintegrating them. The local acceptance may be increased by the means of socially based ideas of reconciliation (sulh) and community agreement (mashwara). An initial pilot of the programs could be done in the city centers like Lahore, Karachi and Islamabad and then gradual nationwide implementation (Gang, 2011).

Integration with Juvenile and Minor Offense Frameworks

RJ must initially be presented in the juvenile and minor crimes where the rehabilitative objectives most closely coincide with the restorative ideology. Diversion and rehabilitation were already identified in the Juvenile Justice System Act 2018; the range of the restorative processes may be extended in the system. Restorative models may be applicable in non-violent crimes, petty thefts, and traffic cases to ease the workload in trial courts and prisons (Pulla et al., 2018).

Monitoring, Evaluation, and Safeguards

A national policy on RJ ought to have clear monitoring and evaluation mechanisms to determine the effectiveness, fairness and the perceptions of restorative programs by the people. Evidence-based policymaking would be achieved through data collection on



Vol. 3 No. 10 (October) (2025)

recidivism rates, victims satisfaction and community impact. To avoid abuse or manipulation, participation should also be voluntary and under judicial control especially when gender or power imbalance is involved (Nations, 2002).

Integration into Legal Education and Professional Training

RJ theory and practice should be incorporated in law schools and judicial academies. This will result in a new breed of lawyers and judges who would have been trained in mediation, negotiation, and community involvement skills. The Punjab Judicial Academy and Federal Judicial Academy may also engage the international community in collaboration with UNODC or British Council, to come up with localized training modules (Khan & Abbasi, 2023).

Public Awareness and Media Advocacy

RJ heavily depends on public understanding to be legit. Awareness campaigns by the use of electronic and social media can enable the citizens to be aware of the advantages of restorative approaches in curbing reoffending and fostering social harmony. Skepticism can be overcome by highlighting successful pilot cases and community initiatives, which can prompt more people to participate (Gondal et al., 2024).

Regional and International Collaboration

Lastly, Pakistan has an opportunity of regaining through regional cooperation as suggested by SAARC or UN through observing restorative justice experiments in Bangladesh, Sri Lanka and Malaysia. Pakistan can achieve this through technical assistance, research exchange, and capacity-building partnerships that assist Pakistan to align its justice reforms with international standards like the UN Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters (2002) (Sornprohm & Dandurand, 2022).

To conclude, restorative justice is a revolutionary change initiative to the criminal justice system in Pakistan. It is consistent with constitutional concepts of due process and dignity, Islamic concepts of reconciliation and global obligations towards human rights and sustainable development. Even though the shift toward restorative paradigms will be slow, it presents an opportunity to a more humane, efficient, and community-oriented justice system.

Conclusion

As discussed in this paper, restorative justice (RJ) has been undergoing a shift in its purpose to form an acceptable alternative to traditional punitive mechanisms in dealing with minor criminal offenses. It has established that criminal justice system in Pakistan which has its roots back to the colonial era has been a source of the backlog of cases, overcrowding in prisons, and a drift between the results of justice and harmony in the society. Restorative justice, in contrast, provides a paradigm shift, or in other words, it focuses more on accountability, reconciliation, and reintegration, instead of punishment.

As the analysis showed, restorative methods, including mediation, community conferencing, and victim-offender dialogue, have proven to be quite successful in such places as New Zealand, Canada, and the United Kingdom. These models emphasize that the dialogue-based and restitution-based approach to minor offenses would be more constructive and result in the higher satisfaction of victims and the more meaningful rehabilitation of offenders. The own cultural and religious traditions of Pakistan, that are based on sulh (reconciliation) and musalihat (mediation), offer a powerful normative basis to be adopted to consider the same practices in a legal framework of the modern



Vol. 3 No. 10 (October) (2025)

world.

The thing is, though, that restorative justice cannot be considered a soft or non-central form of justice to be successfully implemented. It relies on well-defined legal boundaries, procedural checks and balances as well as regular institutional backing of its legitimacy. In the absence of regulation and control, restorative processes are likely to be abducted by power relations or non-formal coercion.

Therefore, any effort to integrate restorative justice in the Pakistani legal system must address the issue on a structural level as well as a change in the attitude of the society which is based on a culture of retribution; a transformation to a culture of restoration is necessary. By enacting the policy recommendations including making the legislation, capacity building, pilot programs, and educating the people, justice would be greatly improved in cases involving minor offenses. Furthermore, the identification of national initiatives with the international standards and regional best practices will enhance the adherence of Pakistan in offering fair, humane, and accessible justice.

Simply, restorative justice is not simply an alternative dispute resolution system, but it is a vision of justice based upon dignity, empathy, and community integration. When successfully executed, it may change the face of criminal justice in Pakistan- it may turn it into something that punishes the wrongs and not something that reinvigorates relationships, reforms offenders, and reconciles communities.

References:

- Absar, A. A. (2020). Restorative justice in Islam with special reference to the concept of Diyya. *Journal of Victimology and Victim Justice*, 3(1), 38–56.
- Adams, P. (2004). Restorative justice, responsive regulation, and democratic governance. *Journal of Sociology & Social Welfare*, 31(1), 3–6.
- Akhter, S., Mahr, F., & Imtiaz, A. (2021). Exploring Restorative Justice: An Alternate Dispute Resolution Mechanism in Islamic Law and Customary Law. *Journal of Law & Social Studies (JLSS)*, 5(4), 625–636.
- Bandow, D. (1997). The New Golden Rule: Community and Morality in a Democratic Society. *The American Enterprise*, 8(3), 81–83.
- Braithwaite, J. (2002). *Restorative justice & responsive regulation*. Oxford University Press.
- Braithwaite, J. (2004). The evolution of restorative justice. *Resource Material Series (UNAFEI)*, 63, 37–46.
- Coker, D. (2020). Restorative responses to intimate partner violence. In *Comparative Dispute Resolution* (pp. 46–63). Edward Elgar Publishing.
- COUNCIL, O. E. (1999). Recommendation No. R (99) 19 of the Committee of Ministers to member States concerning mediation in penal matters. Appendix. II. General principles.[EmLinha]. Disponivel em WWW: [https://wcd ...](https://wcd...)
- Daly, K. (2007). The limits of restorative justice. In *Handbook of restorative justice* (pp. 134–145). Routledge.
- Duff, R. A. (2012). Restorative punishment and punitive restoration. In *Restorative justice and the law* (pp. 82–100). Willan.
- Fulham, L., Blais, J., Ruge, T., & Schultheis, E. A. (2023). The effectiveness of restorative justice programs: A meta-analysis of recidivism and other relevant outcomes. *Criminology & Criminal Justice*, 17488958231215228.
- Gang, R. (2011). *Community-Based Dispute Resolution Processes in Kabul City*. Universitäts-und Landesbibliothek Sachsen-Anhalt.
- Goel, R. (2005). *Sita's trousseau: Restorative justice, domestic violence, and South*



Vol. 3 No. 10 (October) (2025)

- Asian culture. *Violence Against Women*, 11(5), 639–665.
- Gondal, A. Q., Ahmad, M., & Hamid, H. M. A. (2024). Reimagining Justice: Modern Legal Reforms for Pakistan in the 21st Century. *Al-Aijaz Research Journal of Islamic Studies & Humanities*, 8(3), 31–39.
- Grace, M. T. (2009). Criminal Alternative Dispute Resolution: Restoring Justice, Respecting Responsibility, and Renewing Public Norms. *Vt. L. Rev.*, 34, 563.
- Hanan, M. E. (2016). Decriminalizing violence: A critique of restorative justice and proposal for diversionary mediation. *NML Rev.*, 46, 123.
- Jan, A. (2025). Beyond Legislation: Uncovering Systemic Barriers, Hidden Biases, Institutional Failures, and Power Structures Undermining Women’s Rights in Pakistan. *The Journal of Research Review*, 2(03), 110–120.
- Johnstone, G., & Van Ness, D. (2013a). *Handbook of restorative justice*. Routledge.
- Johnstone, G., & Van Ness, D. (2013b). *Handbook of restorative justice*. Routledge.
- Justice, C. (2003). *Activities of the Institutes Comprising the United Nations Crime Prevention and Criminal Justice Programme Network*. Economic and Social Council: New York, NY, USA.
- Khan, S. O. H., & Abbasi, M. S. (2023). Legal framework of alternative dispute resolution (ADR) mechanisms in Pakistan: A comparative study with Turkey, Malaysia, and Bangladesh. *Law and Policy Review*, 2(2), 37–57.
- Kimbrell, C. S., Wilson, D. B., & Olaghere, A. (2023). Restorative justice programs and practices in juvenile justice: An updated systematic review and meta-analysis for effectiveness. *Criminology & Public Policy*, 22(1), 161–195.
- Koss, M. P. (2006). Restoring rape survivors: Justice, advocacy, and a call to action. *Annals of the New York Academy of Sciences*, 1087(1), 206–234.
- Marder, I. D. (2020a). The new international restorative justice framework: Reviewing three years of progress and efforts to promote access to services and cultural change. *The International Journal of Restorative Justice*, 3(3), 395–418.
- Marder, I. D. (2020b). The new international restorative justice framework: Reviewing three years of progress and efforts to promote access to services and cultural change. *The International Journal of Restorative Justice*, 3(3), 395–418.
- Maxwell, G. M., & Morris, A. M. (2010a). *Family, victims and culture: Youth justice in New Zealand*. Wipf and Stock Publishers.
- Maxwell, G. M., & Morris, A. M. (2010b). *Family, victims and culture: Youth justice in New Zealand*. Wipf and Stock Publishers.
- Maxwell, G. M., & Morris, A. M. (2010c). *Family, victims and culture: Youth justice in New Zealand*. Wipf and Stock Publishers.
- Mufti, E. Z. I., & Shafi, H. (2021). Alternative Dispute Resolution in Pakistan. *Konfliktdynamik*, 10(3), 234–238.
- Nascimento, A. M., Andrade, J., & de Castro Rodrigues, A. (2023). The psychological impact of restorative justice practices on victims of crimes—A systematic review. *Trauma, Violence, & Abuse*, 24(3), 1929–1947.
- Nations, U. (2002). *Basic principles on the use of restorative justice programmes in criminal matters*. United Nations New York.
- Nations, U. (2006a). *Handbook on restorative justice programmes*. New York: United Nation Publication.
- Nations, U. (2006b). *Handbook on restorative justice programmes*. New York: United Nation Publication.
- Nations, U. (2006c). *Handbook on restorative justice programmes*. New York: United Nation Publication.



Vol. 3 No. 10 (October) (2025)

- Piggott, E., & Wood, W. (2018). Does restorative justice reduce recidivism?: Assessing evidence and claims about restorative justice and reoffending. In *Routledge international handbook of restorative justice* (pp. 359–376). Routledge.
- Pulla, V., Tarar, M. G., & Ali, A. (2018). Child protection system and challenges in Pakistan. *Space and Culture, India*, 5(3), 54–68.
- Shapland, J., Robinson, G., & Sorsby, A. (2011a). *Restorative justice in practice: Evaluating what works for victims and offenders*. Willan.
- Shapland, J., Robinson, G., & Sorsby, A. (2011b). *Restorative justice in practice: Evaluating what works for victims and offenders*. Willan.
- Sherman, L. L., Strang, H. H., Barnes, G. G., Bennett, S. S., Angel, C. C., Newbury-Birch, D. D., Woods, D. D., & Gill, C. C. (2007). *Restorative justice: The evidence*.
- Skelton, A. (2002). Restorative justice as a framework for juvenile justice reform: A South African perspective. *British Journal of Criminology*, 42(3), 496–513.
- Sornprohm, U., & Dandurand, Y. (2022). Diversion and restorative justice in the context of juvenile justice reforms in Indonesia, Thailand, the Philippines and Vietnam. *The International Journal of Restorative Justice*, 5(2), 237–262.
- Tiarks, E. (2019). Restorative justice, consistency and proportionality: Examining the trade-off. *Criminal Justice Ethics*, 38(2), 103–122.
- Tyler, T. R. (2023). Whither legitimacy? Legal authority in the twenty-first century. *Annual Review of Law and Social Science*, 19(1), 1–17.
- Van Camp, T., & Wemmers, J.-A. (2013). Victim satisfaction with restorative justice: More than simply procedural justice. *International Review of Victimology*, 19(2), 117–143.
- Van Ness, D. W. (2016). *An overview of restorative justice around the world*.
- Van Ness, D. W., Strong, K. H., Derby, J., & Parker, L. L. (2022). *Restoring justice: An introduction to restorative justice*. Routledge.
- Zehr, H. (2015a). *Changing lenses: Restorative justice for our times*. MennoMedia, Inc.
- Zehr, H. (2015b). *Changing lenses: Restorative justice for our times*. MennoMedia, Inc.
- Zehr, H. (2015c). *Changing lenses: Restorative justice for our times*. MennoMedia, Inc.