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# Restorative Justice as an Alternative Dispute Resolution

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PAYAL MAZUMDAR<sup>1</sup>

## ABSTRACT

*The present article is not intended to argue up on the topic of pros and cons of it. It only attempts to give an overview about the topic and analyze the whole concept of it and find some solutions regarding it. When a crime is committed people are hurt no matter what kind of crime has been done, so every situation is unique but that doesn't mean people are alone, restorative justice can help. A new way to seek justice in a community is restorative justice as an alternative dispute resolution. Due to huge amount of pendency of cases in courts justice has often been delayed and solution of this problem can be done by alternative dispute resolution. The main motive regarding this article and behind the whole situation is to maintain the harmony between the dispute parties. It focuses more on holding people are accountable and in order to heal the harm. It is also focusing on future problem solving and offender accountability. It takes less time consuming then court proceedings and the facilitators and community members. It allows everyone to have a voice. The whole article focuses on the need of restorative justice as an alternative dispute resolution.*

When a crime is committed people are hurt no matter what kind of crime theft, vandalism, break and enter, harassment, intimidation, robbery, physical assault, homicide every situation is unique but that doesn't mean people are alone, restorative justice can help.

In today's criminal justice system of India, there are huge amount of pendency of cases in courts and therefore the justice has often been delayed and alternative dispute resolution system may provide a solution to this problems, its actual motive to restore the relationship between the dispute parties and maintain harmony between them. It is especially perfect tool of rendering in the criminal matters through restorative justice. As we know, that victim is the most important aspect of the whole process and interaction among the community is enhanced through various means. The role of the community in bringing justice and tries to interaction between offenders and victims. It is a problem solving approach in each case and also flexible

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<sup>1</sup> Author is a student at ITM University, Raipur, India

in practices.

A new way to seek justice in a community is restorative justice as an alternative dispute resolution. A restorative justice is a process where the victim, offender and community are involved in making things as right as possible. Due to dispute, the psychological needs of victims to restore have been hampered. Restorative justice is a process to hold them accountable, it's a tool people take turns answering a questions like what happened, what need arise, whose responsibility is it to meet those needs and how is that person going to it. It requires to someone to take responsibility to repair things as much as possible until never commit that harm again it isn't about feeling sorry it's about doing sorry.

It operates on theory of that punishing people for crime makes them stop it hugely expensive destructive to human spirit and worst of all it doesn't work. People are looking for another system fortunately there is one is called restorative justice it focuses less on punishing the crime and more on holding people are accountable and in order to heal the harm .

Restorative justice is based on who we really are and design to living community and to nurture and repair relationships. Where the normal system asks who did it, what rule is broken and how do we punish them, restorative justice asks what is the harm, who has been harmed, how do we repair it, here how it works all the stakeholders get a chance to be heard and facilitate to process that balance the needs of victims, offenders and the community.

Communities are those who are affected by the unacceptable behavior it is based on a philosophy or way of life that holds community healing and within community of restorative justice as crime is viewed as a breakdown of relationships rather than breaking the law. The process is not based on punishments but encourages dialogue and responsibilities for past behavior well focusing on future problem solving and offender accountability.

A community organization may recommend the process however before the process advance the offender can must take responsibility for his or her action and both parties must agree to take part in the process. In this process where the parties themselves are expected to formulate their own solution establish harmony and satisfy the needs of all parties.

Then the forum created the admissible safety it allows everyone to have a voice and it creates an opportunity to incorporate traditions, values and practices learn through oral teaching in the process, the parties involve to shape the outcome to address the accountability and healing it is confidential and less time consuming then court proceedings and the facilitators and community members. In the typical justice system we know today the offender be arrested, go to court and enter a plea this would be followed by facing punishment of jail, fines

appropriation and likely to carry criminal record. Victims of crime will have no say in the matter and are left to offend for themselves for own recovery they are left to clean up the damage and never get to deal with the root of the problem.

In the modern criminal justice system they claim the punishment fits the crime but when there are so few choices how is that possible. In cases such as vandalism offenders have actually sat in talking circle and gave reason of why they did, what they did listened to their victims point of view found out how much it cost to repair and how it make them feel . In most cases offenders took responsibility for their actions and made public apologies of and bringing issue to light in the community.

In restorative justice as an alternative dispute resolution it is actually the process where the offender and victim of the crime meet face to face under a structured guidance of mediator. It is important make the parties feel comfortable and safe. Especially mediation in today's time is very important it really helps to heal the pain and hurt which arises. The theory is not to punish the offenders but rather to guide them so they do not repeat it again and also there has been revenge does not restore the losses and damages of victims. Victim - Offenders Mediation is really a great approach to heal the crime and damage done by parties.

Its main focus is where crime is no longer viewed as wrongdoing against a remote and impartial state but against individuals - specific victims in specific contexts. It is reparation by the offenders to the victims or more broadly to the community. In this it empowers victims by providing them with a forum in which their voices are heard and respected.

There are many process and techniques under this like circles which are likely similar to victim- offender mediation, but apart from offender and victim, their family members and community members and government representatives are also part of it. Under this trained mediators guide and talk about how crime affected them. There are community justice committee and peacemaking circle are also there to solve the dispute in local community and generic problems in the community. In India the justice delivered by these bodies was accepted by all and the interest of the victims was considered supreme. The offenders were asked to compensate or restore the harm done to the victims in many cases.

At last in my conclusion I would like to say that it is a philosophy, which gives society a different way to look at crime and the criminal justice system and also it is healing the parties and communities but also there has been the rights of the victims are subject to certain risks like coercion to participate, threats to personal safety, offender- biased proceedings and lack of information about what to expect from proceedings. It is also seen as unsuccessful in

reducing rates of recidivism (and also even may increase the likelihood of reoffending for particular groups, such as juveniles and Indigenous persons); it also ignores the victims of crime and fails to recognize crime as a form of social conflict. So, there should be proper use of restorative justice as in victim-offender mediation should be done.

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