

Pakistan Journal of Society, Education and Language (PJSEL)

Journal Homepage: <https://pjsel.jehanf.com/index.php/journal> *ISSN*

2521-8123 (Print)
2523-1227 (Online)

Shakhsi Jarga and Peacebuilding in Pakhtun Society: A Grounded Theory Approach

Bilal Khan¹, Dr. Nizar Ahmad², Dr. Syed Hamid Ali Shah³, Dr. Syed Rashid Ali⁴

Original Article

1. MPhil Scholar, Abdul Wali Khan University Mardan.
Email: bilalkhansoc@gmail.com
2. Assistant Professor of Sociology, Bacha Khan University Charsadda.
Email: nizar@bkuc.edu.pk
3. Assistant Professor, Qaid e Azam College of Commerce, University of Peshawar.
Email: hamidqcc@uop.edu.pk
4. Associate Professor of Sociology, Abdul Wali Khan University Mardan.
Email: syedrashid@awkum.edu.pk

Keywords

Shakhsi Jarga, Pakhtun, Interpersonal conflicts, Grounded Theory, Peacebuilding, Mardan

Abstract

Jarga is a respected institution in Pakhtun society and has been kept in high regard by Pakhtuns all the way through their history. In Pakhtun society, majority of the interpersonal conflicts are transformed into peaceful relationship by the intervention of a sub-type of Jarga called Shakhsi Jarga. The present study examines how Shakhsi Jarga establishes the process of building peace between disputants. The current study, qualitative in nature, is designed with a constructionist paradigm. How Jarga plays its role in peacebuilding is explored through interviewing the people who are involved in the process such as Jargamar, Aliman, and disputants. A total number of 20 interviews and 5 FGDs were conducted in district Mardan. The study uses a grounded theory approach for data collection and analysis. Local Pakhtuns of Mardan consider Shakhsi Jarga as an integral part of their social structure, that works for the prevention of conflict on one hand while peacebuilding on another. The findings show that Shakhsi Jarga works for peacebuilding by healing the social wounds and re-establishing the social interaction and social relations that are damaged due disputes. Through this way, the social degradation caused by interpersonal conflicts like trust deficit and break-up of social relations is transformed into peaceful situation.

Introduction

Conflict is a natural part of society and can be found in almost every society in one form or the other. Definition of conflict is contested (Sahin, 2006), however, most of the scholars agreed upon that conflict is a situation where desires, personalities, and attitudes of individuals or groups diverge (Schellenberg, 1996). Conflicts in Pakhtun society can be found in various shapes such as terrorism (conflict between state and militants), sectarianism, inter-tribal and intra-tribal conflicts, blood feuds, revenge and family enmities, land disputes, and interpersonal conflicts over things of

mutual interest. It is a common saying among Pakhtun that conflicts revolve around *Zar, Zan, and Zameen* (wealth, women, and land). To speak about the nature of conflict, it can be between persons (interpersonal), intra and inter-communities (communal) and tribes over the matter of national interest (national). This reflects the intensity of conflicts in Pakhtun society, however, Pakhtun society is not always in conflicting situation because it has strong informal conflict resolution mechanisms built in their culture in the shape of *Jarga* as a conflict resolution institution (Ahmad, 2021) and ultimately building peace.

Around the globe, formal court system is the primary organization that provides mechanism for conflict resolution. However, the formal organizations and advanced system of justice are not fully developed and stabilized in developing countries, whereas the justice system of informal institutions is still widely used in almost all parts of South Asia and Africa. Different societies have substitute systems of conflict resolution, the strength, capability, affectivity, expertise, and legality of which could not be overruled (Yasin & Buniri, 2004). The reasons for practicing informal justice systems in developing countries include cost-effectiveness, flexibility, and its amenability with the local norms and values (Ministry of Justice, 2005). Nearly 80 percent of the disputes are resolved through informal traditional and customary justice systems in the developing countries of the world (UNDP, 2006). In Pakistan almost 75 percent disputes are resolved through informal justice system (Ahsan, 2008). The Pakhtun social organization offer a dynamic institution called *Jarga* which play an important role in the resolution of the aforesaid conflicts (Ahmad et al., 2020; Yousafzai & Gohar, 2012) and peacebuilding. The only informal and culturally woven way for the *Pakhtun* to deal with day-to-day issues and ensuring every day peace is through the *Jarga*, a council of elders, which follows the code of *Pakhtunwali* (Hassan, 2015).

Pakhtun society is ruled by an oral code known as *Pakhtunwali*, 'a bottom-up system', which establishes ideal standards of behavior and serves as a constant yardstick to measure normative or deviant behavior. *Pakhtunwali* is the general term for the code of conduct for *Pakhtun* and the specific term for the code of honour that guides that conduct (Zia, 2016). *Pakhtunwali* is an informal governing body that guides and regulates almost every aspect of *Pakhtun* life including interpersonal issues (Ahmad & Muhammad, 2019). This collection of unwritten rules is made up of various social customs, beliefs, and moral values that are passed down from generation to generation as part of the socialization process. Pakhtun *jarga* works under *Pakhtunwali* to maintain peace in Pakhtun society (Ahmad et al., 2022).

Jarga is a respected institution in *Pakhtun* culture and has been used as a conflict resolution and peacebuilding institution for centuries (Wardak, 2004). *Jarga* is a traditional dispute settlement mechanism that involves the collecting of community or tribal elders for deliberation over a conflict and finding a solution for a disputed issue and ensuring peace in the community (Ahmad, 2021). *Jarga* has the strength and capacity to deal with issues that arise between two parties, within families, and even at the national level (Ahmed & Yousaf, 2018; Barfield, 2008). There is a variation in the nature, scope and intensity of the conflict and correspondingly Pakhtun society provides different level of mechanisms to address these issues. For example, for interpersonal conflicts, *Shakhsi* (interpersonal) *Jarga* is convened while for communal issues *Ulas* (communal) *Jarga* is formed while the issues of National interests are handled through *Qaumi* (national) *Jarga* (Glatzer, 2008; Yousafzai & Gohar, 2012). Similarly, various studies have been conducted on and or highlighted the role of *Jarga* in general such as (Yousafzai & Gohar, 2012; Taj, 2011; Islam et al. 2013; Wardak, 2004; Glatzer, 2008; Ahmad, 2021; Alam, Ahmad & Bano, 2020; Babakhel, 2016;

Ahmad et al., 2013) however there is lack of literature on the role of *Shakhsi Jarga* in resolving interpersonal conflicts and building peaceful relationship between people in the Pakhtun community. The present study tries to fill this gap.

Research Methodology

The current study is qualitative in nature and we used the interpretive paradigm, by accepting that reality is socially constructed, which is a useful paradigm that allowed us to conduct a qualitative inquiry (Charmaz, 2017). The interpretive research, according to Gephart (2004), uncovers, describes, and theoretically interprets the actual meaning that people use in real-life situations. This type of research focuses on how people perceive and construct reality (Cresswell, 2015).

As outlined by scholars like Barth (1969) and Lindholm (1982), exploratory studies are conducted on issues that influence many aspects of the life of people. The current study investigates *Shakhsi Jarga* and its role in peacebuilding which is influencing the life of inhabitants. Therefore, it is studied in great detail while considering the local culture. Due to the socio-cultural background and because this is perhaps the first study in the area to our knowledge therefore, exploratory research is carried out. The study is conducted in district Mardan where some of the villages holding *Shakhsi Jarga* are purposively selected. District Mardan is the second most populous city (with above 2.3 million persons) of Khyber Pakhtunkhwa which is spread out over 1632 square kilometres area.

How *Shakhsi Jarga* plays its role in peacebuilding is explored through interviews and Focus Group Discussions (FGDs) with the people 'who are involved in the process' (Waters, 2004). Those participants are *Jargamars* (members of the council), religious scholars, and disputants. While collecting the data, it is felt that 20 interviews and 5 FGDs are sufficient to reach the point of saturation, as per the analogy devised by Glaser (1967) and Charmaz (1996). When conducting interviews, the laddering technique is used. This method had the advantage of allowing the respondents' behavior to be studied. This method involved asking the respondent a series of questions that were linked to previous responses, and so on (Veludo-de-Oliveira et al., 2006). All interviews are conducted in *Pukhto*, the local language, to make them easier to understand. With the participants permission interviews were recorded in a mobile phone. The audio interviews were carefully listened to and transliterated into *Pukhto* language by noting each sentence and determining its true meaning before being translated into English.

Data Analysis

Grounded theory is used to guide the analysis process in this study (Bryman, 2012). Data and analysis went hand in hand during the data collection process. The information gathered was analyzed using QDA Minor Light, qualitative data analysis software. According to grounded theory, the analysis is an inductive activity. It went through three stages of coding: a) initial coding (Charmaz, 2017), b) focused coding (Cresswell, 2015), and c) theoretical coding (Charmaz, 1996). During every phase of this study, research ethics, socio-cultural norms and values have always been taken into account.

Results and Discussion

Analyzing the role of *Shakhsi Jarga* in resolution of interpersonal conflicts, the study findings offer first the types of interpersonal conflicts in Pakhtun society and then the process and role of *Shakhsi Jarga* in resolution of interpersonal conflicts that leads to restoration of inter-personal relationships hence building peace at local level.

Nature and Sources of Interpersonal Conflicts in Pakhtun Society

According to Bao et al. (2016), interpersonal conflict is a clash between individuals who are unwilling or incapable of acting in accordance with each other's expectations. Different nature and sources of interpersonal conflicts were reported by participants which includes as conflict due to *Kody tavezona*, (magic and amulets) *Badloon* (Exchange marriage), Refusal from marriage after engagement, *Tor* (adultery), *Paighor* (Taunt), *Dukhmani* (Enmity), *Tarburthob* (agnatic rivalry), *Sharam* (Disgrace), *Wayash* (Distribution of land), *Polapaty* (Boundary of land), *Swara*, *Deran*, Disputes on money, Conflicts on loan, and or *Lara* (thoroughfare or way) etc. where each one is briefly explained.

Resolution of Interpersonal Conflicts in Pakhtun Society

It was noted that most of the participants were of the view that Pakhtun society is a collectivistic society mainly ruled by its unwritten code of life called *Pakhtunwali* which provides the mechanisms of conflict resolution and peacebuilding in the shape of Jirga. Participants pointed out that although they have access to the formal courts and legal mechanisms, however, people rarely opt for court due to various reasons such as high fee, hectic process, and delayed justice while the Jirga has been termed quick, low cost and easy to comprehend by parties at dispute. One of the participants said that:

“people who want to prolong their conflict which is in their favour or a party who have illegitimate claim take their cases to the court as the court can be misguided through hired lawyers and false evidence while the Jirga is comprised of local elders who mostly knows about the evidence and conduct their own investigation”.

Similarly, another participant pointed out that

“Our people are poor and ignorant for formal laws; they cannot afford the cost of legal justice and lengthy procedures while Jirga is locally available with no cost at all mostly”.

The interpersonal conflicts discussed above are handled through *Shakhsi Jarga*. Locals in the Mardan area describe *Shakhsi Jarga* as an essential component of their social structure, which works to prevent conflict and promote peacebuilding in the area. It has both judicial and executive powers, and it has a high level of legitimacy in the local culture (Mushtaq et al., 2016). It promotes equality, participation, and representation for individuals and families, as well as whoever is at odds. *Jarga* is the main conflict resolution body that facilitates communication between disputing parties in order to reach an agreement (Wardak, 2004; Taj, 2011).

“Jarga fawre insaf dy” (int.1 D1- 9-7-2021)

(*Jarga* is an immediate justice; *Jarga* justice saves time and resources)

“Jarga da kargano hum kha da” (intr. 6 D 5- 16-7-2021)

(Even the council of crows is better and of high regards)

Local *Pakhtuns* of Mardan consider *Shakhsi Jarga* as an integral part of their social structure, which works for the prevention of conflict on one hand while peacebuilding on another.

Constitution of *Shakhsi Jarga*

When conflict arises between two persons or families, in *Pakhtun* society, *Shakhsi Jarga* is formed to resolve their issue. In any of the conflicts, there is a scope in *Pakhtun* culture for initiation of peacebuilding process through *Shakhsi Jarga*. The *Shakhsi Jarga* constitutes with the consent of

the disputant parties. Either both the parties agree on one neutral *Jargamar* (member of the jarga) or appoint one each. *Jargamar*, in *Pakhtun* society, is usually known as *mashar*, refers to both an elder person and a person whose prestige is based on social position such as leadership, life experience, knowledge, wisdom etcetera. *Jarga* can proceed efficiently if the leadership is competent and well-versed in the *Jarga* context, have respect in the eyes of the community members in general and that of the disputant parties in particular. However, if *Jarga* is made up of incompetent people who use *Jarga* as a tool for their own personal gains it will fail. Balance, neutrality and credibility of the *Jargamar* is the backbone of the *Shakhsi Jarga* (Mushtaq et al., 2016). In this regard one of the participants said that:

“*Jargamar ba hujra jumat pass we*” (intr. 3 D 2- 10-7-20210)

(*Jargamar* must be well versed in the local culture including matters relevant to mosque (religion).

The understanding of and loyalty to the code of *Pakhtunwali* is considered to be another quality of a *Jargamar*. *Pakhtunwali* imposes a strict code of honesty, dignity, strong character, and the pursuit of justice for all on its adherents, among other things. As a result, a person who has better understanding of *Pakhtunwali* may be more effective *Jargamar* than the one who does not have.

“*Jergamar tajrubakar pakar de ao d Pukhto d qanoon na khabar pakar de*” (intr. 7 D 6- 20-7-2021)

(*Jargamar* must be experienced and accustomed to the code of *Pakhtunwali*).

In the context of *Pakhtunwali*, parties' worldviews are evaluated, and a cost-benefit analysis is conducted for each party to build an argument for peacebuilding.

“*Da pukhto khpla lar da che sok d pukhto na khabar we haga ba Jarga kawaly she*” (intr. 10 D 9-24-7-2021)

(*Pukhto* has its own ways and principles, those who are aware of such principles could act in *Jarga*).

In contrast it was noted that in contemporary *Pakhtun* society, such *Shakhsi Jirga* has also been witnessed where people without the above traditional qualities convened *Jirga* which mostly occurred in business or property dealing in the market place. Such *Jirgamars* takes money for resolution of conflicts. The local people termed such *Jirga* against the spirit of *Pakhtunwali* as they are mostly working for money or personal benefits. The local people have criticized them for taking money and favouring the party which gives them more money. The members mostly are not well versed with *Pakhtunwali* and have limited qualities described for a *Jirgamar* in the code of *Pakhtunwali*. Many participants said that such *Jirgamars* are found at property dealers shops and car venders places where they are seeking opportunities of interpersonal conflicts to intervene and get their fee not for resolution but for giving edge to their clients. These *Jirgas* can be successful to resolve the conflict however they may not be completely just and cannot be successful in ensure enduring peace through transformation of relationships.

Process of *Shakhsi Jarga*

Jarga starts its process through *Tiga* as soon as it is constituted. In the context of current study, there are three approaches of the initiation of peacebuilding process by *Shakhsi Jarga*. When one of the disputant parties approaches the *Jarga*, both the parties request the *Jarga* or the *Jarga* itself intervenes in the matter.

“*Che kala mong ta pata olage che jang khatarnak dy bia mong pakhpal myanz ta warzo*” (intr. 1 D 1- 9-7-2021)

(When we know that the situation is critical and the conflict can be seriously dangerous then we intervene without waiting for the parties to ask for intervention)

Tiga (Peacekeeping)

Tiga is an intriguing *Pakhtunwali* concept that means a ceasefire agreement reached through the intervention of *Shakhsi Jarga* in a conflict situation. This is a concept that allows for intervention before violence erupts. It prevents any party from acting violently by ensuring a peaceful resolution of the issue and addressing their concerns (Khattak, 2009). *Jarga* uses *Tiga* to prevent violence and the escalation of violent conflict. *Tiga*, as practiced by *Pakhtuns*, is similar to the modern concept of peacekeeping. They are sometimes asked not to speak negatively about one another, to refrain from visiting certain areas, to walk in and out of the area on separate paths, and to refrain from using disputed land, items, or anything else. It also requires both the conflicting parties to provide a guarantee, either in cash or in kind, which is confiscated as a fine if *Tiga* is violated (Yousafzai & Gohar, 2012).

“*Mong da juram noiat ta goro hum haghase zamant akhlo*” (intr. 5 D 4- 15-7-2021)

(We take guarantee according to the nature of the conflict)

Jarga holds meetings and conducts research during this ceasefire time, questioning many other relevant people about the issue in order to ensure that justice is served (Gohar, 2015).

“*Mong tre time wakhlo aw time sara sara da haghwe ghusa hm sarege*” (intr. 13 D 12- 27-7-2021)

(We try to take time from disputants and with the passage of time their anger dwindled and they feel calm)

Dialogue for Peace

The most important function of *Shakhsi Jarga* is the mediation. *Jargamar* as mediators help people who do not want to talk to each other because of a disagreement or animosity. The *Jarga* hears both the parties; they may appear together in front of the *Jarga* or may be heard separately in isolation. *Jarga* is an experienced neutral third party who can assist disputing parties in reaching an amicable agreement. A *Jargamar* facilitates the discussion, ensuring that each participant has an opportunity to express his or her viewpoints and put forward suggestions for resolving the conflict. The disputing parties determine what issue must be addressed and which solution best meet their requirements (Yousafzai & Gohar, 2004).

Mediation

Shakhsi Jarga is a structured dispute resolution process in which disputants meet with an impartial third party, the *Jargamar*, to identify issues, explore options, and clarify goals. The *Jargamar* facilitates face-to-face meetings between the parties in order to help them reach an amicable agreement. Parties reach an agreement in a free, voluntary, and informed manner. Mediation is a type of facilitated negotiation. The *Jargamar* acts as a process expert assisting the parties in negotiating efficiently and effectively. Mediation is a third-party intervention tool in which parties engage in a structured and peaceful dialogue to determine their own future course.

In *Jarga*, mediation as a third-party intervention tool is used at all stages of a conflict.

“Mong dwaro fareqano ta bar bar wayo da jang na sa na orregi, che cha jagare kare no da hagwe sa anjam dy”(intr. 11 D 10- 24-7-2021).

(We firmly reiterate to both the parties that conflict is not beneficial, look at to those who are in conflict and what is their future?).

Initially, the *Jarga* may hold separate sessions with the parties, but the ultimate goal is for the parties to sit face to face and discuss the issue in a peaceful manner.

“Mong che pa Jarga lar sho no yaw fareeq ta wayo che ta ghalte kary aw bal ta wayo che ta ghalte kary. Ao mung dasy hm kawo che yo fareeq ta wayo chy d hagh bal fareeq khbary/response dair kha wo ao hm dagha shan de bal ta wayo che d haghly dwaim fareeq response dair hoslamand wo” (intr. 3 D 2- 10-7-2021)

(When we meet one party, we (tactfully) condemn them for being wrong and similarly the other party is also purposefully informed that they are wrong. We also, in order to prepare them for peaceful resolution of the dispute, highlight to them that response of the other party was extremely positive and constructive).

Proceedings of *Jarga*

Usually, the proceedings of the *Jarga* are held in *Jumat*, *Hujra* or *Daaba*. Both the parties are given equal time to present their cases, and no discrimination is made on the basis of any factor. Mostly, in minor cases, the *Jarga* operation takes only a day or two, whereas in major cases, it may take weeks and months.

***Jarga* Justice**

Jarga may be faced with one of the two scenarios: *Haq*, which refers to the right to appeal, and *Waak*, which refers to submitting to authority (Atayee, 1979; Yousufzai & Gohar, 2005). In the case of *Haq*, the *Jarga* decision can be overturned by arguing against it or citing precedents. Each party has the right to appeal against the decision of the *Jarga* on merit. If one of the parties is unhappy with the decision and believes the *Jarga* did not do justice, they can use precedents and rules (*Narkh*) to argue their case and overturn it. However, in district Mardan, the use of *Haq* is rare and mostly *Jarga* gets *Waak* for deciding the dispute. In the case of *Waak*, the *Jarga* is given final authority over reaching to a decision and enforcing it among the conflicting parties. The parties in conflict delegate their authority or power of attorney to *Jargamar* for evaluation of the issue and reaching out to decision based on the code of *Pakhtunwali* (Zia, 2016; Wardak, 2004). *Jarga* can ask conflicting parties to deposit guarantee (*Zamana*) that can be confiscated later if one of the parties decides to withdraw from the *Jarga* (Yousafzai & Gohar, 2005), but this can also discourage conflicting parties from seeking *Jarga's* assistance. The elders make their decision based on customary practices, which mentions the *Narkh*.

“Da keli wowuza, kho d nerka me wuza” (intr. 7 D 6- 20-7-2021)

(You can leave the village, but not your traditions).

Jargamar uses various diplomatic tactics to encourage both parties and create a sense of goodwill towards each other while they try to find a common ground to decide the issue in a way that is acceptable to both the parties.

“Da jarge pa darogo ke sawab dy” (FGD. 1 D 13- 8-8-2021)

Sometime, even telling a lie by *Jargamar* during the process for reaching out to a peaceful resolution is not considered bad.

Jarga Decides Right and Wrong

One of the functions of *Shakhsi Jarga* is to decide *Warr* (right) and *Parr* (wrong), or who is right and who is wrong in a conflicting situation. According to Wardak (2003), *Jarga* justice is referred to as *Haq*, which means right and just. A person who is doing something wrong is referred to as *Na-Haq* (wrong). Peace and justice through the *Warr* and *Parr* or *Haq* and *Na-Haq* are decided through predefined ways in *Pakhtunwali*. When there is a disagreement in the community, people say, come to *Haq* to find out who is guilty or innocent.

“*Pakhtun da mulk qanoon ta sar na tetawe kho d Pukhto qanoon ta sar pa asana tetawe*” (FGD. 2 D 14- 10-8-2021)

(Usually, *Pakhtun* does not easily obey the formal laws of the land however; they comply with and respect their customary laws of *Pakhtunwali*).

“*Mong pa yaw fareq domra jurmana gdo che somra haga boj wry she*” (int.12 D 12- 26-7-20121)

(We, as *Jarga*, put as much fine as a party can bear).

Rogha-Jura

Rogha-Jura (reconciliation) refers to the process or practice of 'meetings and consultations' to resolve a conflict between parties (Shinwari, 2011; Taizi, 2007). It is similar to Broome's (2005) long-term peacebuilding concept. Through communicative process aided by *Shakhsi Jarga*, *Rogha* signifies the end of hostility, reconciling the differences, and bolstering of relationships. Similar to what Broome and Collier envisioned (2012), such a communicative dialogue process aids in the repair and transition of damaged relationships, trying to promote reconciliation and the formation of alliances that open up new possible directions for future cooperation.

“*Da jarge da roghe sara da dawaro fareeqo khpal khpalwan hum raze she*” (intr.1 D 1- 9-7-2021)
(With the reconciliation through *Jarga*, the relatives of the conflicting parties also agree with the decision).

The *Shakhsi Jarga* reunifies both disputing parties with honor and dignity, and the conflict resolution event is publicly celebrated by having the warring sides embrace one another.

Honor Restoration of Victims and End to Enmity

The main goal of *Shakhsi Jarga* is to restore the victim's honor, re-establish lost communication and relationships, and put an end to the conflict between the parties. *Jarga* restores the victim's honor by compensating him rather than trying to inflict physical punishment on the wrongdoer, which could lead to further violence.

Furthermore, *Rogha* is a promise of restoration of relationship and mutual coexistence, not just reconciliation.

“*Jarga faisla dase kawe che pa hage ke d izzat bahali kege*” (intr. 11 D 10- 24-7-2021)

(With the decision of *Jarga* the honour of victim is restored).

Restore *Gham-Khadi*

Gham denotes sadness, while *Khadi* refers to happiness. As a result, the combination of both events plays an important role in the lives of *Pakhtuns*. *Pakhtuns* are required to take part in *Gham-Khadi* events (Ahmad, 2010). *Gham-Khadi* is a term used by Aminah (2006) to describe gatherings commemorating death, marriage, birth, and other such events, as well as the emotions of sorrow (*Gham*) and joy (*Khadi*) that these events elicit. Individuals and families gather to share their joys and sorrows, and their presence or absence reflects their political and social status (Ahmad, 1980). These types of performances are a way of expressing and seeing solidarity, which leads to communal harmony. *Shakhsi Jarga* restores *Gham-Khadi* that was ended due to the interpersonal conflict. After such restoration of relationship, individuals and families start social gatherings to share their joys and sorrows.

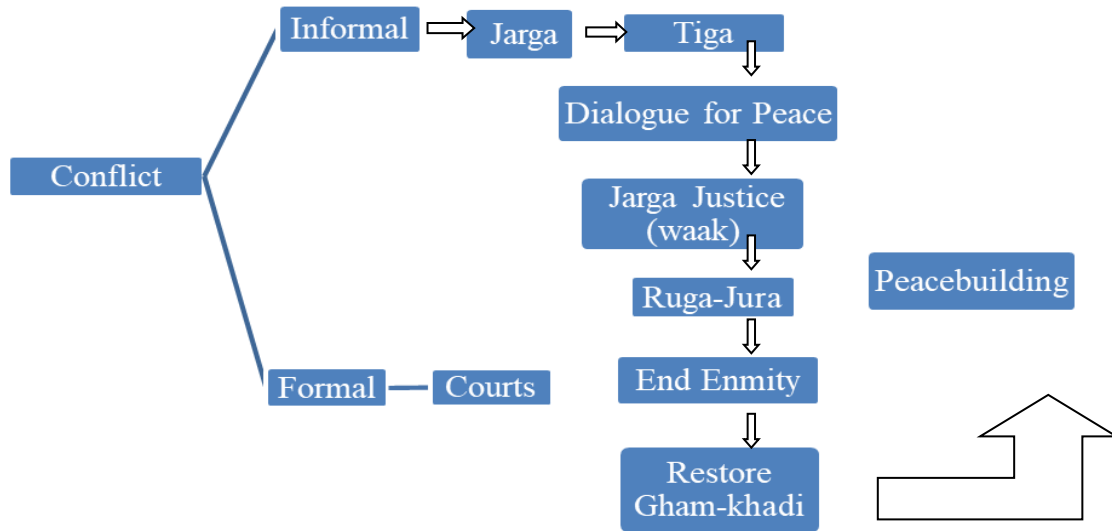


Figure 1: Indigenous Mechanism for Peacebuilding

Conclusion

In *Pukhtun* society, *Shakhsi Jarga* is a peacebuilding institution which decides cases based on compromise between the opposing parties. The main goal of *Shakhsi Jarga* is to re-establish the relationships between the conflicting parties as they were before the conflict. The *Shakhsi Jarga* listens to and examines the parties in order to determine the facts of the dispute. Following a thorough dialogue with the parties, the *Jaragmar* analyze the dispute while keeping the traditional, religious, socioeconomic, and geopolitical circumstances in mind. After thorough investigation, *Shakhsi Jarga* makes every possible effort to find an impartial and sufficient solution to the situation.

The primary goal of *Shakhsi Jarga* is to reconcile antagonistic parties, to calm down tempers, to strive for amity, to mediate between parties, to effect settlement, and to restore normalcy and peace in cases of dispute. The goal of *Shakhsi Jarga* is not only to determine guilt or inflict punishment, but also to resolve the matter between the parties and re-establish relations between

them. *Shakhsi Jarga* performs its role as mediator by facilitating the negotiation process between those who do not want to talk to each other due to a disagreement. The *Jarga* listens to both the parties and assist them in reaching to an agreement. It moderates the discussion and ensures that disputants have the opportunity to present their point of view including suggestions for solution of the issue. *Shakhsi Jarga* is culturally woven, socially useful and economically viable informal local justice system providing structure and mechanism for conflict resolution and peacebuilding in a Pakhtun society.

References

- Afridi, A. Q. (2003). "The hill tribes along the Durand Line." *Self Published, Peshawar*.
- Ahmad, N. (2021). Peacebuilding Mechanisms in Pakhtun Tribal Society of Pakistan: A Cultural Perspective. PhD Thesis submitted to the University of Peshawar.
- Ahmad, N., & Muhammad, N. (2019). Understanding Pakhtun Hujra (A Socio-Cultural Institute) and its Relevance to Peacebuilding. *Pakistan Journal of Criminology*, 11(2), 120-132.
- Ahmad, N., Ali, S. R., & Bangash, A. K. (2020). THE ROLE OF ANTI-TALIBAN LASHKAR (ARMED MILITIA) IN PREVENTION OF TERRORISM IN CONFLICT AFFECTED AREAS. *Pakistan Journal of Society, Education and Language (PJSEL)*, 6(1), 94-102.
- Ahmad, N., Mujahid, D., & Rani, T. (2022). Building Peace through Poetry in the Fragile Context of Erstwhile FATA. *Journal of Business and Social Review in Emerging Economies*, 8(1), 217-228.
- Ahmad, N., Ullah, F., Asad, A. Z., & Shah, S. (2013). Local Peace Committees: Potentials Contributing Factors in the Peace-building Process in Conflict-Affected Areas of Pakistan {A Case Study of Maidan,(Lower Dir) in the Province Khyber Pakhtunkhwa}. *Pakistan Journal of Criminology*, 5(2), 103.
- Ahmed, A. (2010). Women's Agency in Muslim Society. *The SAGE Handbook of Islamic Studies*, 22, 213.
- Ahmed, A. S. (1980). *Pukhtun economy and society: Traditional structure and economic development in a tribal society*. London: Routledge & Kegan Paul.
- Ahmed, Z. S., & Yousaf, F. (2018). Pashtun Jirgas, their potential in Pak-Afghan reconciliation and national reconstruction. *South Asia Research*, 38(1), 57-74.
- Ahsan, I. (2008). Panchayats and Jirgas (Lok Adalats): Alternative Dispute Resolution System in Pakistan. *Strengthening Governance through Access to Justice*, 27.
- Alam, F., Ahmad, 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.
- Alemie, A., & Mandefro, H. (2018). Roles of indigenous conflict resolution mechanisms for maintaining social solidarity and strengthening communities in Alefa district, North West of Ethiopia. *Journal of Indigenous Social Development*, 7(2).
- Atayee, I. (1979). A dictionary of the terminology of the Pashtun tribal customary law and usages. Kabul: The Academy of Sciences of Afghanistan.

- Bao, Y., Zhu, F., Hu, Y., & Cui, N. (2016). The research of interpersonal conflict and solution strategies. *Psychology*, 7(04), 541.
- Barfield, T. (2008). Culture and custom in nation-building: law in Afghanistan. *Me. L. Rev.*, 60, 347.
- Barkatullah & Sajid, A. I. (2013). Jirga System in *Pukhtun* Society: An Informal Mechanism for Dispute Resolution, *Pakistan Journal of Criminology*, Volume 5, No. 2, pp. 45 – 60
- Barth, F. (1969). "Pathan Identity and its Maintenance," in *idem* (ed.), *Ethnic Groups and Boundaries. The Social Organization of Culture Difference*, Little Brown. Boston.
- Broome, B.J. (2005). Building bridges across the Green Line: A guide to intercultural communication in Cyprus. Nicosia: United Nations Development Program. Available from <http://www.cy.undp.org/content/cyprus/en/home/library/actionforcooperationandtrust/buildingbridges/>
- Bryman, A. (2012). *Social research methods*. Oxford: Oxford University Press.
- Charmaz, K. (1996). The search for meanings – Grounded theory. In J. A. Smith, R. Harré, & L. Van Langenhove (Eds.), *Rethinking methods in psychology* (pp. 27–49). Sage Publications.
- Charmaz, K. (2017). The power of constructivist grounded theory for critical inquiry. *Qualitative Inquiry*, 23(1), 34–45. <https://doi.org/10.1177/1077800416657105>.
- Chaudhry, G. M. (2011). Summary of 2011 amendments to the Frontier Crimes Regulation. *Fatareforms.org*.< <http://www.fatareforms.org/summary-of-2011-amendments-to-the-frontier-crimes-regulation..>
- Coning, C. (2013). *Understanding Peacebuilding as Essentially Local. Stability: International Journal of Security and Development*. 2 (1): 6. doi:10.5334/sta.as <https://books.google.com.pk/books?id=jSfbDwAAQBAJ&pg=PA79&dq=Peacebuilding>
- Cresswell, J. W. (2015). *30 Essential Skills for the Qualitative Researcher*. Los Angeles: Sage.
- Galtung, J. (1975) *Peace: research, education, action: essays in peace research* (Copenhagen: Christian Ejlens Forlag).
- Galtung, J. (1990), Cultural Violence, *Journal of Peace Research*, 27(3), 291-305.
- Galtung, J. (1996). *Peace by peaceful means: Peace and conflict, development and civilization* (Vol. 14). Sage.
- Galtung, J., Fischer, D., & Fischer, D. (2013). *Johan Galtung: Pioneer of peace research* (Vol. 5). New York: Springer.
- Gephart, R.P. 2004. 'Qualitative research and the Academy of Management Journal.' *Academy of Management Journal* 47:454-462.
- Glaser, B., Strauss, A. (1967). *The Discovery of Grounded Theory: Strategies for Qualitative Research*. New York: Aldine Pub. Co.

- Hassan, M. S. (2015). Non-Violence, Islam and *Pukhtunwali*, *JRSP*, Vol. 52, No. 2, July-December, Retrieved from http://pu.edu.pk/images/journal/history/PDFFILES/17.%20Syed%20Minhaj%20ul%20Hassanv52_2_15.pdf on 9 July 2017
- Hawkins, J. (2009). 'The *Pukhtun* cultural code: *Pukhtunwali*.' *Australian defence force journal*: 16-27.
- Islam, F. Faqir, K. Atta, M. A. (2013), *Jarga: A Conflict Resolution Institution in Pakhtoon Society Gomal University Journal of Research*, 29(1), p87-95
- Kellermann, P. F. (1996). Interpersonal conflict management in group psychotherapy: An integrative perspective. *Group analysis*, 29(2), 257-275.
- Khattak, A. H., Khattak, K. U., & Zaheer, S. H. (2017). Security issues in Pakistan: Its solution in the light of Seerah. *Liberal Arts and Social Sciences International Journal (LASSIJ)* 2(1), 34-42.
- Khattak, D. (2009). *In Pakistan, Taliban Tearing apart a culture*, The Christian Science Monitor, Pakistan, retrieved from: <https://www.csmonitor.com/World/Asia-South-Central/2009/0814/p06s13-wosc.html>
- Khattak, W. S. R. (2010), *Introduction to Pukhtun Culture, A Collection of Essays*, University Publisher, Peshawar, Pakistan
- Khyber Pukhtunkhwa Police. (2014). <http://kppolice.gov.pk/drc/DRC.pdf>
- Lederach, J. P. & Appleby, R. S. (2010) Strategies of peace: Transforming conflict in a violent world, In: Lederach, J. P. & Appleby, R. S. (eds) *Strategic Peacebuilding An overview* (Oxford University Press), 19-44.
- Lindholm, C. (1982). *Generosity and jealousy: The Swat Pukhtun of Northern Pakistan*. New York: Columbia University Press.
- Ministry of Justice. (2005). *Justice for All: A Comprehensive Needs Analysis for Justice in Afghanistan*. Kabul, Afghanistan: Government of the Islamic Republic of Afghanistan.
- Mushtaq, A. Q., Yaqoob, U., & Javaid, M. U. (2016). Role of jirga in Pakhtoon society an analysis with, special reference to justice dispensation. *Journal of Punjab University Historical Society (JPUHS)*, 29(2), 11-19
- Naz, A. Khan, W. Daraz, U. Hussain, M. and Chaurdhery, H. (2012). The Relational Analyses of *Pukhtun* Social Organization (*Pukhtunwali*) and Women's Islamic Rights Relegation in Malakand Division, KPK Pakistan, *International Journal of Sociology and Anthropology* Vol. 4(3), pp. 63-73, March 2012
- Oleksiyenko, A. (2013). Organizational legitimacy of international research collaborations: Crossing boundaries in the Middle East. *Minerva*, 51, 49-69.
- Orakzai, S. B. (2011) Conflict in the Swat Valley of Pakistan: *Pukhtun* culture and peacebuilding theory-practice application, *Journal of Peacebuilding & Development*, 6(1), pp. 35-48.

- Peluso, N. L. (1993). Coercing conservation?: The politics of state resource control. *Global environmental change*, 3(2), 199-217.
- Rossier, M. K. (2011). *A review of practices and expert opinions: linking humanitarian action and peacebuilding*. Graduate Institute of International and Development Studies-CCDP.
- Şahin, A. , Emini, F. T. , & Ünsal Ö. (2006), Conflict Management Methods and Application in the Hospital Organization. *Selçuk University Institute of Social Sciences Journal*, s. 15/2006 p. 553-568.
- Sanaullah. (2020). Effectiveness of civilians' survival strategies: insights from the Taliban's insurgency (2007–09) in Swat Valley, Pakistan. *Global Change, Peace & Security*, 1-22.
- Schellenberg, J.A. (1996). *Conflict Resolution: Theory, Research and Practice*. New York: State University of New York Press.
- Shah, S. W. A. (2012). Political Reforms in the Federally Administered Tribal Areas of Pakistan (FATA): Will it End the Current Militancy?. *1617-5069*, 64.
- Spain, J. W. (1985). *The Pathan Borderland*. Karachi: Indus Publications.
- Spain, W. J. (1962). *The way of the Pathans*, R. Hale, London
- Taizi, S. (2007) *Jarga System in Tribal Life* (Peshawar: Area Study Centre University of Peshawar), p.1.
- Taj, F. (2011), *Taliban and Anti-Taliban*, Cambridge Scholar Publishers, UK
- Taj, F. and Ali, S. R. (2018). The Afghanistan and Pakistan conundrum: History and a likely future scenario with a focus on the Pashtun areas. In Pande, A. (Ed.). (2018). *Routledge Handbook of Contemporary Pakistan*. London: Routledge, <https://doi.org/10.4324/9781315696706>
- UNDP. (2006). *Doing Justice: How informal justice systems can contribute*. Available at: University Press
- Veludo-de-Oliveira, T. M., Ikeda, A. A., & Campomar, M. C. (2006). Discussing laddering application by the means-end chain theory. *The Qualitative Report*, 11(4), 626-642.
- Wardak, A. (2004). *Jarga: A Traditional Mechanism of Conflict Resolution in Afghanistan*. University of Glamorgan, UK.
- Waters, J. (2014). Snowball sampling: A cautionary tale involving a study of older drug users. *International Journal of Social Research Methodology*, 18(4), 367-380.
- Wazir, S. A. (2010). *The Role of Jarga in Conflict Resolution in Fata, a Case Study of North Waziristan Agency*. MA. Thesis. Pakistan Study Centre University of Peshawar.
- Yasin, M., & Banuri, T. (Eds.). (2004). *The dispensation of justice in Pakistan*. Oxford University Press, USA.

Yousaf, F. (2019), [Pakistan's "Tribal" Pashtuns, Their "Violent" Representation, and the Pashtun Tahafuz Movement](https://journals.sagepub.com/doi/full/10.1177/2158244019829546), Sage Open (Online), Vol. 9(1) retrieved from <https://journals.sagepub.com/doi/full/10.1177/2158244019829546>

Yousaf, F. (2021). Jirga, Its Role and Evolution in Pakistan's Pashtun "Tribal" Society. In *Clan and Tribal Perspectives on Social, Economic and Environmental Sustainability*. Emerald Publishing Limited.

Yousafzai, H. & Gohar A. (2004), *Towards Understanding PukhtunJarga*, Peshawar: Just Peace International, p.12

Yousafzai, H. & Gohar A. (2012). *Towards Understanding Pukhtun Jarga*, Lahore, Pakistan: Sang-e-Meel Publication.

Zia, A. (2016). Pushton Tribes, Frontier Regulations, and Conflict Resolution, *Peace Review: A Journal of Social Justice*, 28:230–237, Taylor & Francis Group, LLC



License [Pakistan Journal of Society, Education and Language \(PJSEL\)](#). This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY) 4.0 International.