

17. Integrating Restorative Justice with Sustainability

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Abstract:

This research paper investigates how restorative justice can promote sustainability and prevent recidivism while prioritizing victim reparation and inclusion, focusing on its potential impact on achieving Sustainable Development Goal 16, which pertains to peace, justice, and inclusive institutions. The study employs secondary data collection to analyse existing literature, case studies, and relevant data sources to evaluate the efficacy of restorative justice methods. The findings indicated that restorative justice prioritizes victim-centered processes, offender accountability, and community engagement, which improved victim well-being and a reduction in recidivism rates. The methods of Encounter, Repair and Transform were identified as essential components for setting up meaningful communication between victims and offenders, addressing the inflicted harm, and promoting community reintegration. The research highlighted that justice aids equitable access to justice for all, including marginalized populations, while cultivating accountable and inclusive institutions. By addressing the root causes of crime and promoting social inclusion, Restorative justice contributes to sustainable peace and development. The study concluded that empirical evidence supports the notion that restorative justice practices can effectively meet the objectives of SDG 16, reinforcing the interconnectedness of justice, peace, and inclusion.

Keywords:

restorative justice, sustainability, recidivism, victim reparation, SDG 16, peace, Justice.

17.1 Introduction:

Restorative justice has arisen as a potential alternative to the conventional punitive practices models, but initiatives for its implementation and application into the system are not taken into account.

The growth of restorative justice has also boosted the level of datasets available that have proven results over restorative justice. These theories are backed with policies and recommendations on how they can be implemented into the existing criminal justice system.

This research advocates for strong reform and initiatives to bring down a transition which is more humanitarian and sustainable in nature and can heal by offering potential justice while addressing social impacts for its adoption in a global arena.

17.2 Research Methodology:

The research was conducted through qualitative approaches, which employ secondary data collection to analyse existing literature, case studies, and relevant data sources.

Firstly, data was collected to formulate a literature review for an in-depth understanding of the topic. Then, there was a systematic analysis of the data review, using the data collected from the literature review and other authorities, to arrive at the conclusive findings of this research. The most important aspect of this was the comparative analysis of different models and approaches that were used to address crime in different purviews.

Definitions:

Restorative justice is a broad concept, but the essence remains the same with the interpretation of various definitions, stressing its core principles to the maximum. These are the definitions which directly portray what restorative justice is:

“Crime is a violation of people and relationships. It creates obligations to make things right. Justice involves the victim, the offender, and the community in a search for solutions which promote repair, reconciliation, and reassurance.” (Zehr 1990, 181)

Restorative process, Definition: A restorative process is any process in which the victim and the offender and, where appropriate, any other individuals or community members affected by a crime participate together actively in the resolution of matters arising from the crime, generally with the help of a facilitator. (United Nations Office on Drugs and Crime 2006, 6)

A definition of restorative justice includes the following fundamental elements: “first, crime is viewed primarily as a conflict between individuals that results in injuries to victims, communities, and the offenders themselves; second, the aim of the criminal justice process should be to create peace in communities by reconciling the parties and repairing the injuries caused by the dispute; third, the criminal justice process should facilitate active participation by the victims, offenders, and their communities in order to find solutions to the conflict.” (Galaway and Hudson 1990, 2)

While exploring different definitions of restorative justice, this being linked into various concepts, these are the terms which could very closely relate to and describe restorative justice practices. “There are many terms that are used to describe the restorative justice movement. These include “communitarian justice,” “making amends,” “positive justice,” “relational justice,” “reparative justice,” “community justice,” and “restorative justice,” among others.” (Miers 2001, 88)

From this understanding, restorative justice is a set of practices and programs where it directly deals with the parties to the crime and the criminal behaviour which is committed by the parties while adhering to the core principles relating to the victim-centred approach, the offender’s accountability, and community engagement and reintegration.

“Sustainability is the integration of environmental health, social equity and economic vitality in order to create thriving, healthy, diverse and resilient communities for this generation and generations to come. The practice of sustainability recognizes how these issues are interconnected and requires a systems approach and an acknowledgement of complexity.” (UCLA 2016, 2)

The most authoritative definition of sustainability and its pertinence in accordance with the concept of justice among society through inclusiveness and social cohesion is what is being aimed at.

Here, integrating these two concepts together and how they co-relate is what the research is about. Let's look at the key principles of restorative justice and how these acts operate as anchors for the concept's essence.

17.3 Victim-Centered Approach:

Unlike conventional justice models, which focus on punishment for the violation of the law, restorative justice looks at crime as harm to individuals and relationships, prioritizing its core principles and psychological aspects of the crime. (Fox 2010).

Restorative justice is about healing (restorative) than hurting (Braithwaite 1990, 11).

The spirit of this would involve “Victim-Offender Reconciliation Programs (VORPs), which seek to meet the needs of crime victims while also holding offenders accountable for their actions, promoting reparation, reconciliation, and restitution. Both victims and offenders choose to participate, and the offender must accept accountability for the crime. These programs are predominantly run by government agencies or non-profit organizations and are confined to minor crimes. Direct face-to-face arrangements are preferred, letting victims voice their feelings and offenders accept accountability, although indirect mediation is available if direct contact is not feasible or preferred. Victims are sustained throughout the process, given a platform to discuss the effects of the offence, and incorporated in the development of restorative understandings.

17.4 Offenders Accountability:

Confrontation by the offender and accountability through these approaches can include restitution, community service, and other reparative sentences. In addressing victim and offender reintegration, they should include material, emotional, and spiritual support and assistance for producing the maximum attainable justice for the victim. The major types through which the approach is carried forward are listed below:

- (a) Victim-offender mediation
- (b) Community and family group conferencing
- (c) Circle sentencing
- (d) Peacemaking circles
- (e) Reparative probation and community boards and panels. (United Nations Office on Drugs and Crime 2006, 15)

Community Engagement:

A fundamental challenge for participatory justice is, however, to find ways to effectively mobilize the involvement of civil society, while at the same time protecting the rights and interests of victims and offenders. (United Nations Office on Drugs and Crime 2006, 6)

Encouraging participation between parties when there are strained relations or a commission of the offence is the challenge and needed aspect where the change has to occur.

17.5 Sustainable Development Goals:

The Sustainable Development Goals (SDGs) aim to transform our world. They are a call to action to end poverty and inequality, protect the planet, and ensure that all people enjoy health, justice, and prosperity. (World Health Organization 2024). Sustainable Development Goal 16 states, “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable, and inclusive institutions at all levels.” (United Nations 2024). Meanwhile, 16.3 seeks to promote the rule of law at the national and international levels and ensure equal access to justice for all. (Global Indicator Framework 2024). Overall, SDGs aim to transform specific parts of the judicial world and its system through new sets of ideas and scientific approaches; this is where the integration between justice and sustainability meets.

17.6 Cultures and History:

For years, indigenous peoples in Australia and Canada have partaken in informal sentencing in remote villages. Since the late 1990s, this practice has spread to cities through indigenous sentencing and circle courts. These transformations have made court procedures more culturally applicable and increased indigenous people and judicial administrations. (Marchetti and Daly 2004)

The Philippines' Barangay judicial system involves a locally elected Barangay captain and a peacekeeping committee; these elected persons mediate the conflicts. They are criticized for biases and corruptive manners, which can positively be tackled through training programs that have been executed for community leaders, particularly women, to serve as Barangay justice advocates. (Golub 2003)

Bangladesh's Shalish system also faces similar difficulties, such as unjust consequences, gender prejudice, corruption, and local elite rule. Reforms should address structural challenges and power differences in order to develop equitable restorative justice outcomes.

Customary law prioritises conciliation and the restoration of social duty between the victim and the offender. For example, in South-Eastern Nigeria and many regions of West Africa facilitate reconciliation through peer group interventions. (Stevens 2000)

With the provided data, it is evident that restorative justice practices have existed in the world for ages as different modes of practice in their own customs and cultures. Implementing this with cultural sensitivity and competence training can be provided for the

mediators or professionals who are involved in this sector. Bridging relationships between rural communities and integrating them with these practices by providing them knowledge and awareness on how this works can also be done to keep them inclusive with society as a whole. For this to be implemented, the local stakeholder's participation is necessary to bring all the members under one umbrella.

17.7 Rule of Law:

The goals will be achieved through the fulfilment of the objectives, which is promoting the rule of law at international and national levels, where everyone, irrespective of any discrimination, should be given equality before the law and equal protection under the law, as said by A.V. Dicey in the book "Law of the Constitution," as well as following the other two principles, which are supremacy of law and predominance of legal spirit.

17.7.1 Advancing community reintegration through preventing recidivism:

There are proven results that restorative justice has helped prevent recidivism; this was done through unique theories that help in studying this, which are social learning theory, labelling theory, metadata analysis, routine activities theory, etc.

This allows the offender to set him back again in the community as a member and not as an offender forever, which psychologically affects the offender to not re-offend even if there are minor impulses. This corrects the offender's motive to attack them positively, bringing that emotion and compassion out of them, which is lacking while committing an offence. In conclusion, recidivism is attained through involving psychological, sociological, and analytical aspects of crime or a criminal behavior which is set to happen.

“A key feature of most restorative justice approaches is their intent to consider the crime or conflict within a holistic framework and to identify and address the underlying causes of the event. Constructing an evaluation framework that measures the extent to which any restorative intervention is effective in addressing underlying problems is quite difficult and requires extensive follow-up work. This type of impact is less amenable to statistical analyses and requires a research design centered on information gathering from the parties involved in the restorative intervention.” (Banwo 2022) (Hayes 2005, 77-101)

Therefore, a framework, legislation, or guiding principle by the international institutions or the respective state should implement this according to their set of practices, which the state or the institution should adopt. Thus, here, community reintegration is done by preventing recidivism by adopting restorative justice models; by this, all these three concepts are co-related.

17.7.2 Encounter, Repair and Transform:

For setting up meaningful communication between the parties, this approach towards the crime is essential to tackle it in a sustainable way and help the victims claim the justice they are supposed to.

Encounter:

Arrangement of meetings between the parties of the crime happened, where the victims, offenders, family members, and their friends are set to be a part of these meetings. Participation in the meeting is voluntary for all the stakeholders, but it is an obligation on the offender to accept and take accountability for the actions done. This setup will be moderated by skilled mediators in order to meet the just solution, to retribute the victims to the greatest extent possible, and to open up the emotional and psychological aspects of the parties to understand the situation that happened. This won't be very subjective in nature. This is going to be dealt with in a proper framework with certain guidelines determining the moderation. The case will be analyzed deeply by the mediators, finding it possible solutions prior to preparation, then moderated according to the facts of the case.

Repair:

Repair, while correlating it to the restitution, will not only deal with financial restitution or payback; this is way more than that. As said, restorative justice is healing; it takes all multidimensional approaches to retribute the victim. Through victim-centered approaches and various other programs, this can be attained.

Transform:

This deals with the crime in a systematic, structural, or very practical manner where the basis of the crime is decided to analyses the offence committed. This helps us understand the grundnorm from where it started; this helps us to prevent recidivism and future crimes. (Restorative Justice 2024)

Socio-Economic factors:

The sociological factors overlap with policy-making and educational factors, which are the basis for the implementational segment. While transforming such theories to practicality, the economic factors are pitched into play where the financial constraints, resource allocation, and equity are stressed to be taken into consideration while proposing the formulation of a draft of the framework of the model, which is to be established. For this to happen smoothly and consistently, proper training and monitoring should be performed to meet the standards of quality across different sectors.

17.8 Institutions Promoting Restorative Justice:

The Restorative Justice Consortium is a network of institutions working to promote restorative practices and create conducive policy settings. This works through subcommittees concentrated on research, publicity, and training standards, with the Standards in Restorative Justice (SINRJ) group recreating a key role.

Mediation UK and the National Council for Social Concern are the two main bodies which advocate for the promotion and practice of restorative justice, a national body and charity organization, respectively, serving their purposes accordingly.

The mediation is done via victim-offender mediation setups and the establishment of FIRM (Forum for Initiatives in Mediation and Reparation). The charity is based on a tie with the Church of England, focusing mainly on crime-related offences. It started with probation service and later moved towards restorative justice with mediation groups.

Thus, local, national, and international bodies should work together to tackle these situations and promote restorative justice and the implementation of the same in their system as a new model of justice.

17.8.1 Integrating Restorative Justice with Social Policy Objectives:

Restorative justice aligns closely with more comprehensive state-based socio-political goals such as boosting community involvement, obligating personal responsibility, rousing partnerships, and accentuating consultation.

Its precepts, rooted in grounded practices with offenders and victims, emanate from practical knowledge rather than academic theory, making it innately aligned with evidence-based methods that highlight "what works."

While sometimes sensed as tolerant because of providing opportunities for offenders' reintegration, this is petitioning for greater demand in society, which also requires offenders to take accountability for their actions and personally apologizing to work for repairing damage by helping victims and engaging in behavioral reform.

Restorative justice offers a unique form of approach where the victim and their family members are involved in the process of restoring justice; this helps to create a resilient environment among both the offender and victim where the victim is provided with basic emotional and confidence, while the offender is set to be accepted by the stakeholders for the commission of a crime which prevents recidivism as well as transform the mindset of the offender from what he was to make him change his psychological thinking and the behavior of his own. (Marshall 2000)

17.8.2 Possible challenges that evaluate the effectiveness of restorative justice:

Bringing down potential professionals who work in judicial and justice models from conventional to restorative would be a difficult task because of the various restorative types of practices and the whole model itself. The differences in types of cases and the approaches taken would completely change from what it is.

The indicators that characterize the practices are recidivism rates, satisfaction levels, and procedural justice, while these are subjectively quantified to operate with mixed legislative and policy structures. With this, measuring the systematic enhancement levels of the community as a whole, within the family, and in closed circles still remains a challenge.

Finally, as discussed, financial demands and meetings would be the greatest possible challenges to implementing such practices into the justice system. (United Nations Office on Drugs and Crime 2006, 43)

17.8.3 Impact of Zero Tolerance policies:

This zero-tolerance policy prevents offences, but in the same case, it also doesn't consider the practical hassles that occur in an individual's life. Where the infractions are not met with apt/proportional punitive measures, any personal hardships or genuine reasons will never be taken into consideration at any cost. Also, tagging individuals and giving them a label of being "criminal" would not possibly deviate from their reflection of changing their mindset due to a lack of opportunity for redemption. (Fakhoury 2019)

17.9 Conclusion:

By integrating restorative practices into the mainstream, this research concludes by saying that it not only reduces the recidivism rates but also includes the rehabilitation outcomes, which brings a more inclusive and equitable justice system. Prioritizing sustainability and social cohesion build compassion and understanding in human beings. These results advocate for policy transitions that prefer restorative frameworks, providing a scalable and systematic retort to modern justice considerations while positively aligning with worldwide customs for justice reforms.

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