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PERCEPTIONAL DIFFERENCES TOWARDS JARGA SYSTEM AMONG DIFFERENT AGE GROUPS: A QUANTITATIVE APPROACH

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Original Article

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Abstract

Pakistan is a multi-ethnic, multilingual, and culturally diversified country where different mechanisms of dispute resolutions are in practice. These different ethnic groups have systems of conflict resolutions parallel with formal mechanisms of justice like that of Panchayat, Jarga,and Faisalu. The purpose of the current study was to examine differences and similarities in perception towards the jarga system as a mechanism of conflict resolution, across different age groups. A quantitative survey technique was adopted for the present study. Data was collected through a questionnaire from a sample of 270 respondents in different union councils of tehsil Katlang, District Mardan, Khyber Pakhtunkhwa, Pakistan. The sampling strategy for the study was multi-staged-cluster sampling, where clusters of union councils and different age groups were made. Sample for different age groups was drawn from the population through a proportionate sampling technique. Results of the study show an overall positive perception of the Jarga system in nearly all the age groups. A majority, 80% of the respondents consider the jarga system as an effective mechanism of conflict prevention and resolution. However, our results of the independent sample T-test show statistically significant variations in perception towards the state court system across different age groups. The study findings are mostly in contrast to the contemporary literature on the subject and are therefore an important contribution to the sociological debate regarding different dispute resolution systems within the Pakistani society.

Keywords: Jarga system, Perception, Informal justice system, Khyber Pakhtunkhwa, Pakistan.

INTRODUCTION

State courts are considered the primary organizations for resolving disputes around the globe. However, different societies have substitute systems of conflict resolution, the vitality, viability affectivity, expertise, and legality of which could not be overruled (Yasin & Buniri, 2004). The formal organizations and advanced system of justice are not fully developed and stabilized, whereas the justice system of

informal institutions is still widely used in almost all parts of South Asia and Africa. 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% of the disputes are resolved through informal traditional and customary justice systems in the developing countries of the world (UNDP, 2006). In Afghanistan and the Pashtun areas of Pakistan, the informal justice system is commonly known as Jarga [Panchayat and Faisalu in Punjab and Sindh respectively].It is given preference and bestowed trust upon by many, due to its community-based nature of dispute resolution (Senier, 2006). The Afghanistan Ministry of Justice (2005) estimated that nearly 90% of the population support Jarga as a dispute resolution system.

However, there are concerns over the decisions made by informal justice mechanisms especially decisions regarding women and basic human rights that are largely considered discriminatory, biased, and against the standards of international human rights. Jarga system is also criticized for being patriarchal and making decisions against the interests of women. It is considered a "male-only" institution that is limited to only the elders of the community with no or very rare presentation of youth and females (Nojumi *et al.,* 2004). Keeping in view the lack of education among the rural residents, the bodies dominated by males are likely to make gender-biased decisions. Similarly, according to a report of the Center for Policy and Human Development (2007), the informal authorities of justice have certain doubtful consequences considering most of its decisions in favor of men and against women. With some negative aspects, the Jarga system has the advantage of time and cost-effectiveness, the acceptance of decisions by the parties involved, and the availability and reach of this system to even the remote areas (Wardak, 2004). Another major point of difference between the informal and state system of conflict resolution is that the Jarga system is guided by the principles of restorative justice that focuses on maintaining social cohesion within the social groups through the importance of apology and forgiveness (Smith, Ria & Kamawal, 2010). The principle of restorative justice has maintained peace and harmony among clans and tribes (Wardak, 2004; Ahmad *et al*., 2020).

Public support and perception towards a justice system had significant implications for the outcome of that system and the overall society. Positive attitude and support for a justice system are likely to produce better results (Bouckaert & Van de Walle, 2003). Likewise, when people consider a justice body as legitimate and effective, they are more likely to follow its directives, even in situations where they do not feel they would be punished for avoiding them (Tyler,2001). There are studies conducted on the effectiveness of different informal justice systems and people's perception towards them in different countries around the globe (Tyler 2001; Wardak 2004; Nojumi *et al.,* 2004). However, there is a dearth of academic literature on this issue in Pakistan and especially in Pashtun areas of Khyber Pakhtunkhwa province where the Jarga system is still in practice.

The present study is therefore an effort to fill this gap by confirming if there is no significant difference between the age groups regarding the fairness of the court and Jarga system in conflict resolution in the study area i.e., in Tehsil Katlang of district Mardan. Katlang is one of the four tehsils in district Mardan which is the second-largest district of Khyber Pakhtunkhwa province. According to the 2017 census, the total population of Tehsil Katlang is 343,144. Historically, Jarga system works in Tehsil Katlang parallel with the formal justice system in resolving disputes among the community members.

2. JARGA AND ITS FORMS

Before going to further delve upon the practices, processes, and perceptions about the Jarga system, we would like to introduce the concept. The term Jarga also written as Jirga (but locally does not pronounce with the sound "i", hence we will use it with "a") is the combination of two terms i.e., jar means say openly and Ga or Gah means place (Yousufzai & Gohar, 2005, p 63). Some writers like Faqir and Atta (2013) say that

Jarga is a Pashto term which means circle and is a unique social institution that subsists in Pashtuns society. Previous literature had confirmed that there have been conflict resolution systems nearly in every society of the world and is according to their cultural set-up (Wardak, 2003). Baxi and Gallanter (1979) and Moore (1985) discussed the importance of Panchayat, which is an important conflict resolution system in Indian society. Clark (1991) conducted a study in which he found Mediation Committees working to resolve regional and community disputes in China. Numerous researchers like Elphinstone (1992) and Olesen (1995) examined the significance of the Jirga system in Pakhtun communities of Baluchistan, Afghanistan, and also in Khyber Pakhtunkhwa. Jarga is an important informal dispute resolution system following the traditional rulemaking orders. A study conducted by Harris (1968), proposed that disputes must be comprehended and resolved in socially accepted patterns, thus the solution will then be satisfactory to the residents. The nature of disputes and the strategies for its resolution have been changed due to global development and modernization. Therefore, the Jarga function has been also faced with many modifications.

Jarga is a commonly practiced dispute resolution system among the members of the Pashtun ethnic group. The judges of the court are selected by the disputing parties in equal number from amongst the chiefs of honor (Faqir & Atta, 2013).Concerning its operating models and functioning, Jarga has been classified into four main types exercised in Pashtun areas of Pakistan and Afghanistan. The grand *Loya Jarga,*a local *Olasi Jarga,* the state-dominated *Sarkari Jarga, and Shakhsi or third party Jarga* (Shinwari, 2011; Yousufzai & Gohar, 2005). As the name suggests, *loya* Jarga is a large or big Jarga in terms of representation and geography. It is usually constituted for the national level issue or issue between tribes (Yousufzai & Gohar, 2005). Sarkari Jarga comes within the state surveillance and is formally ruled within 1901 Frontier Crimes Regulations (Shinwari, 2011). A *Sarkari Jarga* is held under the power of a Political Agent (PA), a senior public officer appointed by the governor of the province for a respective tribal team. He only calls a Jarga if both groups coincide to retain it. As stated by the FCR, the Political Agent in all the cases play the role of the jury, judge as well as executioner, and this clarifies the low-level acceptance of *Sarkari Jarga* (Shinwari, 2011) [FATA is now merged with Khyber Pakhtunkhwa however, administrative system is yet to be fully replaced]. Although similar Jarga is introduced in settled areas of Khyber Pakhtunkhwa as well like Dispute Resolution Councils (DRC) as Alternative Dispute Resolution (ADR) with the aim to give space to Jarga and reduce burden on the formal legal system (see Sani, Rehman, & Rasool, 2017). As the name indicates, an Olasi (or Wolasi) Jarga, is a form of Jarga conducted at the village or local level, where seniors of tribes meet to build a Jarga and talk about matters or issues that varies from domestic and family to inter-tribal disputes (Shinwari, 2011). Shakhsi or third party Jarga is formulated when dispute arises between two individuals or families. Both the parties nominate Jarga members or agree to the nomination of neutral members (Yousufzai & Gohar, 2005).

3. CRITICISMS ON JARGA SYSTEM

The history of conflicts is as long as the history of humans. Different regions and cultures have different conflict resolution systems. Pashtuns are practicing Jarga as a conflict resolution system for centuries (Zaman, Khan, & Naz, 2018; Ullah, 2020). The role of the Jarga system and the decisions made through it are always contested and debated in comparison to the formal justice system. There are some reservations on the role of Jarga in delivering equitable justice from international conventions and human rights activists (Orakzi, 2009). One of the main allegations on the Jarga system is that it violates women's rights and its decisions are mostly in favor of men, opposing women groups at the time of judgments, and enforcement of its rules and regulations (Shah, 2012). Due to awareness and changing ways of life among the people, the traditional justice systems are losing its importance and people usually choose formal mechanisms of dispute resolutions (Chaudhry, 2011).

During 2012 in Pakistan about 913 females were killed in the name of honor (HRCP, 2013), also 943 cases of honor killing were stated in the year 2011 (HRCP, 2012). Similarly, it was claimed by a local organization report that within the Sindh province of Pakistan about 714 persons in which 143 were male and 571 were female were killed in the name of honor and family violence (RDHR, 2013). Furthermore, according to the RDHR report (2013) in Sindh during 2011 approximately 115 males and 605 females were killed in the name of family conflicts and honor.

Across Pakistan, several hundred females are murdered for various reasons linked to numerous illustrations of 'honor' (Jasam, 2001). The reasons behind this murdering involve customs of tribes, avenging enemy, committing adultery, marriage against the desire of the family, rejecting to accept an arranged marriage, trying to get a divorce, religious misunderstandings, teasing (taano) by society members, settling liabilities, tribal or family conflicts, to undergo light sentence under legal law they cover up the murder by naming it as honor killing (Ali, 2001; Patel and Gadit, 2008; Alam, & Ali, 2013; Alam, Ali, Shah, & Jamal, 2014; Ullah, 2020).

In Khyber Pakhtunkhwa, the issues of honor killing are mostly decided through the Jarga system (Alam, & Ali, 2013). All the parties involved in a dispute brought in front of the Jarga accept its decisions in most of the cases (Hussain, 2006). The Karo-Kari is not viewed by the Jarga as a crime, rather in most cases as revenge by a person whose family was humiliated (Participatory Development Initiative (PDI), 2005). The Jarga virtually and legitimately supports the man who kills a woman to restore honor. Whereas in resolving the case of honor killing the Jarga does not consider the women as a victim who is murdered or released but the responsible parties are considered as victims (PDI, 2005). The current study is an attempt to analyze these claims (both supportive and opposing) made by different studies through quantifying the perception of the local people towards the operation of Jarga system in resolving community disputes.

4. MATERIAL AND METHODS

Epistemological foundations of our study are based on positivism, which stresses statistical tools and techniques for measuring reality that exists out there in the world (Bryman, 2016). We employed quantitative survey method in the current study. Quantitative methods are used to measure people's knowledge, attitude, and perception regarding certain phenomenon (Neuman, 2007). The current study intends to explore attitudinal and differences among different age groups towards the Jarga system. We collected data from respondents of different age groups (18 and above) in Tehsil Katlang of District Mardan. Katlang is one of the four tehsils in district Mardan which is the second-largest district of Khyber Pakhtunkhwa province (see above for population).

The sampling strategy for this survey was multi-staged cluster sampling. At the first stage, the clusters were determined for different union councils within tehsil Katlang, e.g., Union council Katlang 1, Union council Katlang 2, Katti Garhi, Alo, Qasmi, Charchur, Mian Khan, Babozai. In the next stage, each cluster was further divided into age groups like 18 to 29, 30 to 49, and 40 to 60, 50 to 64, and 65 and above years of age. In the third phase, the sample was drawn from each cluster of age groups using a stratified proportionate sampling technique.

Since the population in each union council was varying, the rule of thumb was used to determine the sample size for each Union council distinctively. The proportionate sample from each cluster of the union councils was randomly selected from different strata after determining the total population of the union councils. The total sample was drawn from the population using the Taro Yamane formula given below.

$n= N/1+N (e)^2$
n= sample size
N= total population
E= confidence interval
So, using the formula, we found our sample size as 270. Out of the total population, the sample size was 270 with a 90% confidence interval.

We used a structured questionnaire as a tool for data collection. The nature of the research questions and design required close-ended responses to analyze the perception of the general public regarding the Jarga system. We hired a team of enumerators for data collection. Enumerators were trained both in data collection and observing ethical consideration. We obtained informed consent verbally and assured the confidentiality of data and respondents' identity. Questionnaires were distributed among the respondents, literate respondents filled questionnaires by themselves. Respondents were accessed at their homes, streets, and places which were convenient to them for filling up the questionnaires. The data had been analyzed using IBM Statistics, commonly known as SPSS, which makes the analysis systematic (Bryman, 2008). Descriptive and inferential statistics like simple frequency distribution and independent sample T-test are used for data analysis.

5. RESULTS

This section contains a description of the results and discussion thereupon. The first table depicts the results about the priority of respondents among available options for taking their disputes. The second table shows the speedy and cost-effective nature of Jarga. The third, fourth, and fifth tables illustrate the main idea of the paper i.e., the comparison of the fairness of the formal and informal systems of dispute resolution through different age groups. The results are discussed as below:

Table 1 illustrates the respondent's inclination towards a form of the justice system in case of a dispute. The figure indicates that 65% of the respondents were of the opinion that they take their disputes to Jarga. On the other hand, only 28% of the participants were of the view that they take their disputes to state courts. It shows a strong trust among the respondents towards the Jarga system and in comparison to the state court system. According to Said, Funk & Kadayifci, (2002) majority of the people take their dispute to Jarga because it provides quick justice and it also aims to provide remuneration to the victims. In addition, Jarga is also considered as an Islamic approved system of dispute settlement by following payment for losses to sufferers, and issues of remission.

Table 1: Respondents practices for the resolution of their dispute

Where do you take the dispute?		
Categories	Frequency	Percent
State Court	75	27.6
Jarga	175	65.1
Local leaders (Khans or Maliks)	10	3.3
Mullah (s)/ Imam (s)	5	2.0
Other (specify)	5	2.0
Total	270	100.0

Table number two indicates that about 93% of the respondents strongly or somewhat agreed with the statement that the justice and dispute resolution system of Jarga is fast and affordable, whereas only 4% of the respondents disagreed. It indicates a positive and affirmative attitude of respondents towards the Jarga system. According to USAID (2008), the reason behind the acceptance of Jarga by the Pashtuns communities is the lengthy and costly administration of formal courts. The justice system of courts is viewed to be slow, deficient, high-priced, and unsatisfactory. Due to the high level of bribery and corruption, the formal justice system does not always provide speedy justice.

Table 2: Jarga as a speedy and less expensive mechanism of dispute resolution

Jarga is a speedy and less expensive mechanism of dispute resolution		
Categories	Frequency	Percent
Strongly agree	130	48.0
Somewhat agree	121	45.0
Somewhat disagree	10	3.7
Strongly disagree	1	.4
Don't know	8	3.0
Total	270	100.0

The cross tabulation below illustrates a comparison of respondent's perceptions regarding fairness between Jarga and court systems of justice according to their age groups. The table indicates that in all age groups, Jarga is considered very fair (56.6%) in comparison to court system (157%). The same table shows that court system is somewhat unfair and very unfair (41.4%) in comparison to informal Jarga system (11.5%) by respondents of all the age groups. The data in the table shows that majority of our respondents are having positive perception towards Jarga system instead of the state court system.

Table 3: Respondents' perception regarding the fairness of the Court and Jarga system according to their age

Level of Fairness	18 – 29 years		30 – 49 years		50 – 64 years		65 + years		Total	Total
	Court	Jarga	Court	Jarga	Court	Jarga	Court	Jarga	Court	Jarga
VF	16 (7.4)	63 (26.8)	11 (5.1)	37 (15.7)	5 (2.3)	32 (13.6)	2 (.9)	1 (.4)	42 (15.7)	153 (56.6)
SF	39 (18)	40 (17)	27 (12.4)	22 (9.4)	27 (12.4)	13 (5.5)	0	0	116 (42.9)	86 (31.9)
SU	27 (12.4)	10 (4.3)	16 (7.4)	9 (3.8)	11 (5.1)	3 (1.3)	0	2 (.9)	67 (24.9)	27 (10.2)
VU	26 (11.9)	1 (0.4)	5 (2.3)	1 (0.4)	5 (2.3)	1 (0.4)	0	0	45 (16.5)	4 (1.3)
Total	108 (49.8)	114 (48.5)	59 (27.2)	69 (29.4)	48 (22.1)	49 (20.9)	2 (.9)	3 (1.3)	270 (100)	270 (100)

Denotation: VF=very fair, SF=somewhat fair, SU=somewhat unfair, VU=very unfair

An independent sample t-test is used to test if the null hypothesis would be accepted. The null hypothesis for the study is that there is no significant difference with reference to the age group and perception of respondents about the fairness of the court system in conflict resolution. Alternatively, it means that variation in age group does not significantly influence participant's perception of fairness of court system installed in the study area. To apply t-test, the respondents are grouped into six comparing categories as shown below in the table. Among these six classes of groups, four are significantly different in perception while two shows no difference in means. The significant results are explained in the following paragraphs.

The findings depicted in the table below at group 1 show that these are significant as P value is smaller than .05 and the calculated t-value (2.17) is greater than the tabulated t-value (1.65). It reflects that both the age groups have different opinions about the fairness of court system regarding conflict resolution in the study area. It could be inferred from the results that

null hypothesis could not maintain itself therefore, is rejected and the alternate hypothesis which claims that there is a significant difference between the age group about their world view of the fairness of court system in conflict resolution is confirmed. We conclude that age significantly influence the perception of people as variation in age indicates to the variation in experience, exposure and knowledge of the respondents which are the main sources of perception development in addition to unique experiences.

Similarly, the above table at Group 3 shows significant results. The P value is smaller than .05 which portrays that the results are significant. In addition to P value, the calculated t-value is greater than the critical t-value which also reveals that there is a significant difference in the perception of respondents in both the age groups (see table above at Group3). On the basis of these results, we can claim the null hypothesis is rejected and the alternate hypothesis is accepted. At both these age groups, there is a significant difference in the perception of respondents with respect to the fairness of formal court system regarding conflict resolution.

In line with the above results, the table at Group 5 reveals significant results. The P value is .046 which is somehow smaller than .05; hence we can claim that the results are significant. Further, calculated t-value is bigger than critical t-value which confirms that there is a significant difference in means of both the groups. In light of the above results, we can conclude that the null hypothesis gives way to the alternate hypothesis. Hence null hypothesis is rejected and alternate hypothesis is accepted. There is a significant difference in the perception of the selected age groups on the subject of the fairness of court system regarding conflict resolution in the study area.

Similar significant results could be found regarding Group 6. The P value and calculated value show that the results are significant and there is difference in the means between the two selected groups. Therefore, null hypothesis which assumed that there is no significant difference between the groups is rejected and alternate hypothesis is accepted. We conclude that age is a significant social predictor and or source which can affect the perception and or world view of the respondents which is dominantly confirmed in the present study.

Table 4: **Perception of respondents regarding fairness of court system in conflict resolution**

Group 1			
Age groups	**N**	**T**	
18-29	108	2.17 (1.65)	P=.031
30-49	59		
Group 2			
18-29	108	1.57 (1.65)	P=.117
50-64	48		
Group 3			
18-29	108	2.15 (1.65)	P=.034
65 & above	2		
Group 4			
30-49	49	-.486 (1.65)	P=.629
50-64	48		
Group 5			
30-49	49	2.03 (1.67)	P=.046
65 & above	2		
Group 6			
50-64	48	2.31 (1.67)	P=.025
65 & above	2		

An independent sample t-test is used to investigate if null hypotheses would be accepted. The null hypotheses for the study are that there are no significant differences with reference to the age group and perception of respondents about fairness of Jarga system in conflict resolution. Alternatively, it means that variation in age group does not significantly influence participant's perception of fairness of Jarga system working in the selected study area. In order to apply t-test, the respondents are grouped into six comparing categories as shown in the table. Among these classes only one has significant results while the five groups have no significant difference in their world view of the fairness of Jarga system in conflict resolution. It could be deduced from the overall results presented in the table that Jarga system has almost the same status in the eyes of respondents of every age group. Hence, the all the null hypotheses except last one are accepted and the alternate hypotheses are rejected. Our results are in contradiction to the study of Wardak (2004), in which he stated that major characteristics of informal justice systems like Jarga are its male-dominant structure, decisions against the interests of women and decision based on the interest of the powerful. These characteristics are the reasons of its negative perception among the masses (Wardak, 2004).

Table 5: **Perception of respondents regarding fairness of Jarga system in conflict resolution**

Group 1			
Age groups	**N**	**T**	
18-29	114	-.641 (1.65)	P=.523
30-49	69		
Group 2			
18-29	114	.870 (1.65)	P=.386
50-64	49		
Group 3			
18-29	114	-1.898 (1.65)	P=.060
65 & above	3		
Group 4			
30-49	96	1.252 (1.65)	P=.213
50-64	49		
Group 5			
30-49	69	-1.539 (1.66)	P=.128
65 & above	3		
Group 6			
50-64	49	-2.031 (1.67)	P=.048
65 & above	3		

6. Discussion and Conclusion

The focus of our study was to elaborate similarities and differences in the perception of the general population regarding the Jarga system as a mechanism of dispute resolution in comparison to state court system. The study was conducted in tehsil Katlang of District Mardan which is a majorly a rural district with four tehsils and a population of 2.73 million. The study was conducted in twelve union councils of tehsil Katlang. The total population of tehsil Katlang is 343,144 (Pakistan Bureau of Statistics, 2017). While going to discuss our findings, it is important to mention that Katlang is a rural area and the findings of this study might

not be generalizable to other urban centers and contexts. We went to the field with some assumptions and hypotheses which were based on our general observations and previous studies (e.g. Wardak, 2004; Sherjan, 2010). We hypothesized an overall positive perception towards the state court system in comparison to the Jarga system among all age groups. We also hypothesized a positive attitude towards the Jarga system among the older age population in comparison to a negative perception among the youth.

However, our data shows that there are no statistically significant variations in perception towards Jarga system across different age groups, and there is an overall positive attitude towards Jarga system among the people in our study area. These findings are significant in the context that most of previous body of literature (e.g. (Bouckaert& Van de Walle, 2003; Shah, 2012; Chaudhry, 2011), presented a negative perception towards informal justice systems among the younger generations, while a positive attitude towards formal court system of dispute resolution. Our study is an important contribution where we reject the previous notions that with changes in life patterns, structure of society, increasing ratio of education and modernization, perception towards formal and informal justice mechanisms also changes. The possible reasons for the positive perception towards Jarga system across all age groups could be related to the study of Senier, (2006), who stated that Jarga system is trusted by the rural communities in Pashtun areas due to its community-based nature of dispute resolution.

These findings are consistent with the UNDP report of 2006, which stated that in developing countries nearly 80% of the disputes are settled through informal justice systems. Our data shows that 65.1% of the respondents stated that they will take their dispute to Jarga system while a significantly lower percentage of 27.6% of the respondents opted state court as the system of their choice for dispute resolution. Although, there is a slight difference in the percentage of UNDP and the current study which might be due to changing nature of the society in the face of modernization, globalization, and less support to informal indigenous institutions by the government. However, still dominant majority consider Jarga system as more cost effective system for dispute resolution in comparison to the formal justice system. Our findings are somehow different from Chaudhry's (2011), study which argued that with changing life patterns, people's perception is also changing towards informal justice systems and they now prioritize formal mechanisms of dispute resolutions.

Our findings are also significant with regard to highlighting differences in perception towards the state court as a system of dispute resolution among different age groups. The independent sample T-test on our null hypothesis for the study which states that there is no significant difference with reference to the age group and perception of respondents about the fairness of the court system in conflict resolution. To apply t-test, the respondents are grouped into six comparing categories. The test result shows that the null hypothesis is rejected and alternate hypothesis which claims differences in perception towards the fairness of state system of dispute resolution is accepted. For now, we know there are differences in perception towards the fairness across different age groups, however reasons of these differences are not known due to the descriptive nature of the current study. A future study could highlight these differences.

Our study has certain limitations, which the future studies may look into. We assumed that the rural context of the study area, along with the lengthy and time-consuming process of the state system of dispute resolutions could be the major contributing factors towards a positive attitude regarding Jarga system across all age groups. However, a future qualitative study could further explore the reasons and individual experiences and opinions about the positive attitude towards the Jarga system among all the age groups and reasons of variations in perception across different age groups towards state court system. Our study was also limited to only one tehsil of District Mardan and we therefore propose that a future study could include other areas and some urban parts to

compare its results and draw conclusions. Although we found an overall positive perception regarding Jarga system across people of all age groups, however it is important to mention that this perception is based on the comparison of Jarga with state court system. A future study could also explore the perception towards Jarga system and state court system separately, instead of comparing it with each other. In the present study, we considered the Jarga system as if it exists uniformly and with no different structure and form however, the literature indicates to different types of Jarga (see section on Jarga and its Forms above). Therefore, future study may also take specific Jarga into consideration while exploring its acceptability, processes, and role.

REFERENCES

Ahmad, N., Ali, S. R., & Bangash, A. K. Jadoon, M. A. (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.

Alam, J., & Ali, S. R. (2013). Honor: An Uncompromised Feature o fAfridi Tribe. *Journal of Law and Society*, *44*(63).

Alam, J., Ali, S. R., Shah, M., & Jamal, H. (2014). Feud: An Arena of Pakhtunwali and Violence among Pakhtun of Afridi Tribe. *FWU Journal of Social Sciences*, *8*(2), 37.

Ali, R. (2001). The Dark Side of 'Honour'. *ShirkatGah, URL: http: http://www. pk. boell. org/downloads/the_dark_side_of_honour. pdf*.

Baxi, U., & Galanter, M. (1979). Panchayat justice: an Indian experiment in legal access. *Access to justice*, *3*, 341-386.

Bouckaert, G., & Van de Walle, S. (2003).Comparing measures of citizen trust and user satisfaction as indicators of 'good governance': Difficulties in linking trust and satisfaction indicators. *International Review of Administrative Sciences*, *69*(3), 329-343.

Bryman, A. (2008). *Social research methods*.Oxford university press.3rdedn.

Bryman, A. (2016). Social research methods.Oxford university press.

Center for Policy and Human Development. (2007). Afghanistan Human Development Report 2007 (Bridging Modernity and Tradition: Rule of Law and the Search for Justice). United Nations Development Program. Islamabad, Pakistan: Army Press.

Chaudhry, G. M. (2011). Summary of 2011 amendments to the Frontier Crimes Regulation. *Fata reforms. org.< http://www. Fata reforms. org/summary-of-2011-amendments-to-the-frontier-crimes-regulation*.

Clarke, D. C. (1991).Dispute resolution in China. *J. Chinese L.*, *5*, 245.

Elphinstone, M. (1992). *An account of the Kingdom of Caubul* (Vol. 2). R. Bentley.

Faqir, K., & Atta, M. A. (2013). Jirga: a conflict resolution institution in Pukhtoon society. *Gomal University Journal of Research*, *29*(1).

Harris, M. (1968). The Rise of Anthropological Theory, New York: Thomas Y and Crowell.

HRCP.(2012). State of human rights in 2011.Available from http://www.hrcp-web.org/pdf/.HRCP.(2013). State of human rights in 2012.Available from http://hrcp-web.org/hrcpweb/wp-content/pdf/AR2012.pdf.http://siteresources.worldbank.org/INTLAWJUSTINST/Resources/EwaWojkowska.pdf

Hussain, M. (2006). Take my riches, give me justice: A contextual analysis of Pakistan's honor crimes legislation. *Harv.JL & Gender*, *29*, 223.

Jasam, S. (2001). *Honour Shame & Resistance*. ASR Publications.

Ministry of Justice. (2005). Justice for All: A Comprehensive Needs Analysis for Justice in Afghanistan. Kabul, Afghanistan: Government of the Islamic Republic of Afghanistan.

Moore, E. (1985). Conflict and Compromise: Justice in an Indian Village, New York:

Neuman, L. W. (2007). Social Research Methods, 6/E. Pearson Education India.
New York University Press.

Nojumi, N., Mazurana, D. E., & Stites, E. (2004). *Afghanistan's systems of justice: formal, traditional, and customary*. Feinstein International Famine Center, Tufts University.
Olesen, A. (1995). Islam and Politics in Afghanistan, Curzon: Surrey.

Orakzi, A. M. J. (2009). Situation in FATA: Causes, consequences and the way forward. *Policy Perspectives*, 27-45.

Participatory Development Initiative (PDI). (2005). Role of tribal Jarga in violence against women: A case study of karokari in sindh. Available from http://www.wluml.org/node/7342.

Patel, S., & Gadit, A. M. (2008).Karo-kari: a form of honour killing in pakistan. *Transcultural psychiatry*, *45* (4), 683-694.

Pakistan Bureau of Statistics. (2017). Provisional Summary Results of 6th Population and Housing Census, Islamabad: Pakistan Bureau of Statistics, Ministry of Statistics, Islamabad, Islamic Republic of Pakistan.

RDHR, (2013). Women killed under the allegation of karo-kari and domestic disputes in sindh 2012. Available from www.rdhrsindhpk.org.

Said, A. A., Funk, N. C. & Kadayifci, A. S. (2002).Islamic Approaches to Conflict Resolution and Peace. Abu Dhabi: The Emirates Center for Strategic Studies and Research.

Sani, M. S. S. N., Rehman, M., & Rasool, M. A. (2017).Report on 02 Days National Conference on Alternative Dispute Resolution.

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.

Senier, A. (2006).Rebuilding the judicial sector in Afghanistan: the role of customary law. *The Fletcher School Online Journal for issues related to Southwest Asia and Islamic Civilization*, 01-10.

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*.

Sherjan, H. (2010). No Short Cuts for Afghan Justice. Guardian.[Online]. Available: http://www.guardian.co.uk/commentisfree/2010/feb/10/short-cutswont- work-afghanistan/print. Accessed 7=10=10.

Shinwari, N. A. (2011). Understanding Jarga: Legality and Legitimacy in Pakistan's Federally Administered Tribal Areas. Islamabad: Community Appraisal and Motivation Program.

Smith, J., Rea, N., & Kamawal, S. A. (2010). The right to counsel as a safeguard of justice in Afghanistan: the contribution of the International Legal Foundation. *Int'l Rev. Red Cross*, *92*, 951.

Tyler, T. R. (2001). Obeying the law in America: procedural justice and the sense of fairness. *Issues of Democracy*, *6*(1), 16-21.

UNDP. (2006). Doing Justice: How informal justice systems can contribute. Available at:
University Press
USAID.(2008). Pakistan rule of law assessment. USAID, Pakistan. Available at, http://pdf.us aid.gov/pdf_docs/ PNADO130.pdf
Wardak, A. (2003). *Jarga—A Traditional Mechanism of Conflict Resolution in Afghanistan*.Pontypridd, UK: University of Glamorgan, Centre for Criminology.

Wardak, A. (2004). ''Building a Post-War Justice System in Afghanistan.'' Crime, Law, and Social Change 41:319–341.

Yasin, M., & Banuri, T. (Eds.). (2004). *The dispensation of justice in Pakistan*. Oxford University Press, USA.

Yousufzai, H. M., & Gohar, A. (2005). *Towards Understanding Pukhtoon Jirga: An Indigenous Way of Peace building and More...* Just Peace International.

Zaman, L., Khan, Q., & Naz, A. (2018). Critical Discourse Analysis: Jirga and its Survival in Pakistan. *Pakistan Journal of Criminology*, *10*(3).