Restorative Justice

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Abstract

Restorative Justice has merged as an important intervention strategy in order to control the crime rate, as well as the recidivism rate in the society. In previous times, the criminal justice system used to punish the offenders according to the punishment of the laws broken by them. The harm caused to the society, community or the victim was not accounted in it. However, the restorative justice highlighted the importance of making amendments for the damages and suffering of the victims by letting the two parties discuss and resolve their issues. The literature in the field has proved through evidence that restorative justice interventions are effective for bringing a positive change in society. The restorative justice interventions are being utilized in different parts of the world, in order to make the criminal justice system better and the society more progressive.

Restorative Justice

Introduction

Restorative justice is one of the most important priorities of the criminal justice system of the United States of America. Restorative justice is actually a theory of the justice system which beliefs to culminate the harm caused by the crime to the victims, and provide them the opportunity of having a dialogue with the offender. The proponents of the restorative justice theory are of the view that when a crime is committed in the society, it does not only break the law and regulations of the society; however, it also accuses harm to the victims. In previous times, the criminal justice system only focused on punishing the offender, according to the severity of the offense committed by the offender. However, in the 1960s, the human rights activists and the researchers in the field of criminal justice system highlighted the point that the justice system should take the steps to make the offenders pay for the harm caused to the victims. It does not mean that the offender should be punished or should pay the monetary amount in order to pay for the harm; however, it should be left on the two parties to decide the matter. The only role of the criminal justice system in this regard is to provide a peaceful atmosphere to the two parties to discuss and decide the matter because it is quite necessary that the offenders make amends of the harm caused to the society or the victim. The researchers, as well as the criminal justice authorities, believe that the restorative justice application not only makes amends for the harm caused to the victim or community but also brings positive changes in the personality of the offender while motivating them not to commit any crime in future. Restorative justice interventions may have been an important source of making the amendments of the wrongdoings caused by the offenders, as the evidence-based studies stress the effectiveness of the utilization of such strategies for the betterment of the society.

Literature Review

Bulatović Aleksandra authored an article in 2015, which was entitled as "Restorative justice and the relationship of perpetrator and victim of crime." The author of the research article is of the view that the restorative justice theory has provided a new foundation to society. The criminological discourse has highlighted the fact that apart from the offender being punished for breaking the law, he/ she should also be held responsible for the social reaction caused due to the crime. The author has also shed light on the point that society has worked over the principles and understanding of traditional crime, for a major part of human history. The criminal justice system used to punish the offenders according to the severity of the crimes while keeping in view the laws broken by the offender. The criminal justice system became satisfied after playing its part. On the other hand, the victims of the crime did not get any compensation for their harm, and the offenders repeat their crimes, after completing their punishments (Aleksandra, 2015).

Aleksandra (2015) has highlighted in her article that the restorative justice pays more attention to compensate the harm of the victims, by letting the offenders and victims meet each other and talk about the suffering of the victims. She is of the view that it is the best possible solution of crime resolution and provides the opportunity to the offenders to analyze the impact of their criminal actions and avoid such action in the future as well. Moreover, society can only make progress when it punishes the wrongdoers while compensating for the harm caused to the victims or the community (Aleksandra, 2015).

Ayee conducted a research study in the year 2016, which was entitled as “Restorative justice and political forgiveness: a comparative study of truth and reconciliation commissions.” The author of the research article is of the view that during the democratic shifts or the civil conflicts, in different countries of the world, the general population was exposed to the human rights abuse, as well as violence, which caused them severe psychological and social stress and trauma. In previous times, the criminal justice system used to punish such people according to the severity of their crimes. However, modern society believes in paying back to the society and community who has suffered at the hands of the offender, according to the mutually decided conditions. The author has highlighted that there are truth and reconciliation commission in different countries of the world, who are responsible for assessing the civil conflict as well as the harm caused to the society due to the democratic transition. The author utilized qualitative as well as quantitative techniques in order to analyze the impact and working of the reconciliation commissions (Ayee, 2016).

The author has explored the reconciliatory democratization paradigm, in order to examine the complex situation and interaction of the political elements, which affect the democratic consolidation process of the counties which utilize the reconciliation commissions to make their society better and progressive. The author of the research article concluded that the reconciliation commissions play an important role in culminating the human rights abuse and violation and ensure the fact that such abuses do not take place in future (Ayee, 2016).

Calhoun conducted a research study in the year 2013, which was entitled as “Introducing restorative justice: re-visioning responses to wrongdoing: restorative justice asks us to re-vision how we define wrongdoing and the processes we use to the right the wrong.” The author explored the history of restorative justice in the article and has shared the details that the criminal justice system only started paying heed to the concepts of rehabilitation and deterrence in the 1960s. It was due to the efforts of the human rights activists that the criminal justice system accepted the fact that punishing the criminal and offenders was not the only motive of the department; however, it was also responsible for making them realize their mistake and not repeat it in future (Calhoun, 2013).

In previous times, the rate of recidivism was quite high because there were no restorative justice modifications, which could rehabilitate the offenders. The author has shared the point of view that it is very important to assess the crime and wrongdoings committed by the offender, in order to provide equal compensation to the victims. Moreover, the offenders should be made to pay for the damages of the victim in the way victims want it, so the offenders realize the consequences of their action and restrain from them in future (Calhoun, 2013). The offenders would be able to repent over their actions, which would become a great motivation for them to lead their future life in a constructive manner and not get involved in criminal activities.

Kennedy, Tuliao, Flower, Tibbs, and McChargue, jointly authored a research article in the year 2019, which was entitled as “Long-term effectiveness of a brief restorative justice intervention.” The high recidivism rate in the United States of America has always been the point of concern for the criminal justice authorities. Although the criminals are provided with the rehabilitation services and deterrence, however, according to the claim of the authors, most of the offenders return to the prisons, within a period of five years of completing their initial punishment (Kennedy et al., 2019).

The restorative justice interventions have always been claimed to make a huge difference in the recidivism rate. The authors of this research conducted the study, in order to check the effectiveness of the restorative justice interventions. The researchers studied the intervention as well as the control group. The intervention group as provided with restorative justice interventions, while the controlled group was presented with the usual treatment. The participants of the two groups were studied for a period of two to six years. The results of the research study revealed that the recidivism rate in the control group was much higher than the recidivism rate of the intervention group. In addition to it, the researchers also conducted the qualitative analysis, which highlighted that the offenders in the intervention group were able to develop empathic understanding and lead their lives rightfully (Kennedy et al., 2019). The researchers through their study have provided the evidence that restorative justice intervention plays an important role in controlling the recidivism rate as well as motivating the offenders not to repeat their crime, while leading their lives by abiding the laws.

Latimer, Dowden, and Muise, collectively authored a research article in the year 2005, which was entitled "The effectiveness of restorative justice practices: A meta-analysis.” Restorative justice is a new concept to society, as compared to traditional criminal justice interventions. So, there has been extensive research about the topic, in order to find evidence of the effectiveness of restorative justice interventions in society. The researchers conducted a secondary research study which was based on the synthesis of the already existing literature in the field. The authors utilized Meta-analytical techniques, in order to analyze the effectiveness of restorative justice practices. The authors selected the research studies which compared the non-restorative traditional approaches to the restorative justice programs in the criminal behavior, for the purpose of collecting the data (Latimer, Dowden, & Muise, 2005).

The authors of the research study particularly considered three elements, in order to assess the effectiveness of the restorative justice interventions. The researchers assessed restitution compliance, victim satisfaction as well as the satisfaction of the offender and recidivism, which highlighted the fact that restorative justice intervention is actually effective practices, for the sake of improving the society. One of the most important things highlighted by the authors in the research article is that the existing literature about the topic depicts a little bit biasness toward the concept of restorative justice, therefore, there is a need for conducting more, as well as refined research about the topic in the future (Latimer, Dowden, & Muise, 2005).

Leonard and Kenny coauthored a research article in the year 2011, which was entitled as “Measuring the effectiveness of restorative justice practices in the Republic of Ireland through a meta-analysis of functionalist exchange.” The concept of restorative justice is comparatively new for society than the traditional criminal justice system. Moreover, there have been enough evidences in the research about the effectiveness of the restorative justice interventions, so all the countries of the world are trying to incorporate them into their practice, in order to get favorable results (Leonard, & Kenny, 2011).

This particular research study focused on assessing the effectiveness of the restorative justice intervention in Ireland, by utilizing the Meta-analysis model of functionalist exchange. The researchers collected the data for the research study from the conferencing event across Ireland about the matter. The purpose of the research study was to explore the fact that if the restorative justice interventions help the offenders to become the functional units of the society, by avoiding conflict and not ruining the peace of the society. The research study highlighted that the participation of the offenders in the restorative events made them realize the functionalist role and its importance in society (Leonard, & Kenny, 2011).

Conclusion

Restorative justice interventions are one of the most important parts of modern criminal justice, which have proved their effectiveness over the course of years, on the traditional criminal justice interventions. The evidence-based, studies, as well as the Meta-analysis conducted to analyze the effectiveness of the restorative justice interventions have highlighted the efficacy of the concept. The research in the field has also highlighted the fact that restorative justice interventions are effectively playing their role in controlling the recidivism rate in the United States of America, which would help the society to decrease the crime rate to the lowest level if it is not able to eradicate crime from the society altogether.

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