



JIRGA IN AFGHANISTAN: ITS FUNCTIONS, CONTEMPORARY CHALLENGES, AND FUTURE PROSPECTS

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Abstract The Afghan "Jirga" system is considered one of the most ancient and well-respected institutions widely used for resolving civil and criminal disputes. The Jirga operates on a basic mechanism, which includes local customs and traditions. It offers swift, accessible, and affordable justice to the local communities. This paper aims to examine the Jirga, and its functions as a traditional mechanism for dispute resolution while identifying contemporary challenges, and evaluating their prospects in Afghanistan. The study seeks to provide insights into how the Jirga system can evolve to meet modern demands while preserving its cultural significance and effectiveness in local dispute resolution. The research adopts a non-doctrinal and library-based research methodology. The research used explanatory, descriptive, and analytical approaches. Non- doctrinal legal research

adopts an empirical approach, focusing on collecting and analysing data. It employs techniques such as surveys, interviews, observations, and statistical analysis to gain insights into the dynamics between law and society. In this part, some interviews were conducted with the Jirga professionals to collect data. The library-based research involves gathering, explaining, and analytically analysing existing academic and scholarly sources like textbooks, journal articles, authoritative reports, academic conferences, and scholarly databases. Despite its advantages, this paper identified a number of challenges with the Jirga such as human rights concerns, inclusivity, and some contradictions with Shariah provisions and Afghan statutory laws. This research is significant for policymakers, scholars, practitioners, and stakeholders interested in the integration of the traditional justice system with state governance and the promotion of peace and justice in Afghanistan.

Keywords

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