

# Restorative justice in global south: community approaches in Bangladesh and Latin America

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## **Abstract**

**Objective:** the objective of this study was to conduct a dogmatic reflection on community restorative justice methods in the Global South, with an emphasis on Bangladesh and selected Latin American jurisdiction. The study aimed to analyse non-retributive justice practices that are deeply rooted in both formal and informal legal systems. The study sought to investigate non-retributive justice procedures that are firmly ingrained in both formal and informal legal systems. **Method:** the research employs dogmatic reflection through a qualitative doctrinal method, and a systematic documentary review of legislation, case law, and policy frameworks. This comparative research of Bangladeshi and Latin American, particularly Colombian rules incorporates fieldwork narratives to conceptually support the originality of community-led legal pluralism and restorative actors. **Results:** the comparative study shows how postcolonial legal development and indigenous customs result in distinct healing methods. The paper provides a dogmatic perspective on Colombian truth and reconciliation approaches, as well as the Shalish system in Bangladesh, logically strengthening how these mechanisms combine traditional justice with formal legal developments. The findings show that community restorative practices provide different, non-retributive alternatives to criminal punishment when supported by legal pluralism regimes. **Conclusions:** this comparative study conceptually emphasizes the originality of Global South restorative justice through a systematic examination of legal diversity in Bangladesh and Colombia. The study concludes that these context-sensitive paradigms provide an essential foundation for South-South legal collaboration and the incorporation of community-led practices into formal systems.

**Keywords:** Bangladesh, community justice, global south, legal pluralism, restorative justice.

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## Resumen

El objetivo de este estudio fue realizar una reflexión dogmática sobre los métodos de justicia restaurativa comunitaria en el Sur Global, con énfasis en Bangladesh y Colombia, para analizar las prácticas de justicia no retributiva profundamente arraigadas en sistemas legales formales e informales. La metodología emplea una reflexión dogmática a través de un método doctrinal cualitativo y una revisión documental sistemática de legislación, jurisprudencia y marcos de políticas públicas, incorporando narrativas de trabajo de campo para sustentar la originalidad del pluralismo jurídico y los actores restaurativos comunitarios.

Los resultados demuestran cómo el desarrollo legal poscolonial y las costumbres indígenas generan métodos de sanación distintos, aportando una perspectiva dogmática sobre los enfoques de verdad y reconciliación en Colombia y el sistema Shalish en Bangladesh; esto fortalece lógicamente la integración de la justicia tradicional con los desarrollos legales formales como alternativas no retributivas al castigo penal. El estudio concluye enfatizando la originalidad de la justicia restaurativa del Sur Global mediante el examen de la diversidad legal, estableciendo que estos paradigmas sensibles al contexto proporcionan una base esencial para la colaboración jurídica Sur-Sur y la incorporación de prácticas comunitarias en los sistemas de justicia formales.

**Palabras clave:** Bangladesh, justicia comunitaria, justicia restaurativa, pluralismo jurídico, sur global.

## Introduction

Restorative justice is becoming more widely recognized across the world as a dogmatic reflection of a novel strategy that departs from traditional punitive criminal justice procedures. The most striking example of this is found in the Global South, where formal judicial systems frequently struggle with overcrowding, a lack of funding, and general public mistrust. Restorative justice, which emphasises community involvement, reparation, and rehabilitation, provides a workable substitute in this situation. This shift reflects broader trends in criminal justice reform that prioritise culturally grounded and community-based approaches to resolving disputes and crimes (Bazemore & Walgrave, 1999). By focussing on repairing harm by dialogue, understanding, and reintegration, restorative justice at the community level adapts easily to the socio-legal circumstances that are prevalent in many regions of the Global South.

Community justice procedures have significant historical significance and are still crucial components of the administration of the legal system in nations like Bangladesh and Latin America, particularly for rural and marginalised populations. For instance, in Bangladesh, informal procedures have long coexisted with formal legal courts, offering individuals a convenient, efficient, and culturally appropriate way to resolve conflicts (Islam, Suzuki, & Mazumder, 2024). Similar to this, community-based restorative practices have been integrated into transitional justice procedures in Latin American nations like Guatemala and Colombia.

These procedures seek to address the legacy of the wars through inclusive and participatory processes (González & Martínez, 2022). These community-based procedures reinforce social cohesion, empower survivors, and punish perpetrators in culturally significant situations in addition to addressing current shortcomings in the official courts of law's delivery.

While restorative justice offers valuable alternatives to traditional punitive systems, its practical implementation faces significant challenges, including, but not limited to, opposition from established legal systems that support traditional punitive measures, cultural barriers to adoption, power imbalances, and a lack of statutory backing (Lawfina, 2023; Law Society Online, 2021).

Furthermore, although though the Global South is typically thought of as a single entity when discussing justice reform, there are still significant conceptual and practical variations in how restorative justice is understood in different locations. Comparative studies that weave together these disparate experiences are necessary to determine the best ways to scale up and modify community-centred restorative justice.

Restorative justice has been extensively researched, which highlights its advantages and disadvantages. Procedural fairness, which offers openness, impartiality, and equal involvement, is essential for restorative justice to function, especially in complicated social structures, according to several academics (Nascimento et al., 2023). While community-based systems, such as Bangladesh's *shalish* system, are successful, freely available, and culturally familiar, they are not without problems. Concerns have been raised about the equity of informal *shalish* conflict resolution systems in Bangladesh, for example, because they reflect the community's power dynamics and marginalize already marginalized women (KUS Studies, 2024). The exclusion of women and minority groups, the reinforcement of patriarchal norms, and the absence of official control have all raised questions about its accountability and justice (Brankovic & Robins, 2025).

Similarly, there is a chance that vulnerable groups, such members of racial or religious minorities, will unintentionally be shut out of informal legal systems throughout the Global South. While it's true that community-based restorative justice techniques promote social healing and communication and provide constructive, culturally appropriate substitutes for the traditional court system, it's also critical to recognize that these applications come with risks.

The potential for restorative justice methods to reestablish power disparities, failing to balance the power of victims and offenders, and failing to integrate procedural justice to ensure equitable participation are some of the risks that critics must face (Peacock, 2023).

It is crucial to take into account procedural protections and power balancing in addition to the cultural and inclusive advantages that are required in restorative justice practices (Restorative Justice Council, 2025; United Nations Office on Drugs and Crime, 2021). Furthermore, these criticisms show that minority inclusion and procedural justice are still challenges that need to be resolved for fair results in the context of Bangladesh's *Shalish* and Latin American restorative justice systems.

Through a cross-regional review of community-based restorative justice efforts in Bangladesh and Latin America, taking into account the differing legal frameworks, cultural underpinnings, and practical applications of these regions, this study fills the gap. Taking into account the successes and shortcomings of current models, it aims to define the circumstances that are conducive and detrimental to restorative justice projects. By utilising this cross-regional comparison, the research aims to enhance comprehension of the function of restorative justice in the Global South and explore prospects for integrating approaches from diverse socio-legal settings.

The primary objectives of this study are to: (1) conduct a dogmatic reflection on the nature and prevalence of community restorative justice methods in Bangladesh and Latin America; (2) find the role of laws, culture, and society in influencing their success; and (3) investigate the possibility of inter-regional knowledge sharing and policy borrowing for restorative justice improvement. The research questions that underpin these objectives are: how are community restorative justice methods performed and administered in Bangladesh and Latin America? What opportunities and problems do their applications present? Furthermore, how can these areas learn from one another and contribute to a bigger regional conversation about the change of justice in the Global South?

The current study conducts a dogmatic reflection using both doctrinal and qualitative research, including a documentary review of law, policy papers, and recorded case studies from Bangladesh and selected Latin American jurisdictions, with a focus on Colombia.

To maintain a concentrated comparative perspective centred in the Global South, this paper refrains from delving further into alternative restorative justice processes, such as victim-offender mediation in Western contexts.

The framework is organised into four main parts: the introduction, which sets the scene and defines the research question; the methodology, which describes the qualitative and doctrinal approaches used; the results, which present conclusions drawn from the review of case studies and comparative legal analysis; and the discussion, which clarifies these conclusions in light of theoretical and policy implications before concluding remarks.

This study aims to add to discourses on the transformation of justice in the Global South that are centred on academia and practice by bringing community-borne restorative justice to the sociopolitical contexts of Bangladesh and Latin America. Its goal is to provide policy-oriented insights that principals may utilise in their endeavours to maintain effective and culturally sensitive justice administration systems. The study conceptually supports the uniqueness of community-led restorative justice within the context of legal diversity in the Global South through providing this dogmatic reflection.

## **Methodology**

This study employs a dogmatic reflection through a qualitative doctrinal method to examine community-based restorative practices in Bangladesh and Latin America, augmented with a systematic documentary review, theme interpretation, and comparative legal analysis. Given the complex, pluralist legal frameworks typical of the Global South, it was chosen in particular for its capacity to thoroughly examine legal resources such as legislation, court decisions, and policy papers and place them within the framework of sociocultural arrangements. A comprehensive description of the practice of restorative justice was produced by the investigation, which examined the formal frameworks of law as well as the lived reality of experiences contained in policy and programmatic documents by combining doctrinal study in law with qualitative theme analysis.

The dogmatic approach, which is a key component of legal research, required a documentary review that included the full collection, analysis, and synthesis of policy and legal documents.

This includes main sources of law, such as legislation, regulations, and pertinent case law from Bangladesh and selected Latin American nations, particularly Colombia, which is known for its large-scale restorative justice systems. At the same time, secondary materials such as current scholarly articles, official reports from government agencies and international institutions, and program assessment were included.

Triangulation of sources is crucial for analysing both normative formal laws and their real-life applications, especially in cases where formal and informal justice procedures intersect, as seen in many Global South contexts.

Purposive sampling procedures were used to choose sources that were legitimate and current, and only books and documents produced between 2021 and 2025 were considered to reflect the most recent advancements in policy and intellectual debates. Statutory papers and case law were collected from official government databases and genuine authorised archives to ensure their legitimacy and reliability.

The policy and program reports were gathered from well-established international and regional organizations involved in restorative justice and criminal law reforms, such as the UNODC, Restorative Justice International, and the International Institute for Restorative Practices. This selection of information contributed to the study's validity (UNODC, 2023).

The methodological structure was based on a multi-phased analytic framework. A thorough assessment of the literature provided a foundational knowledge of restorative justice in the Global South, which guided following data collecting and topic development phases. The comparative examination of legislation then aimed to identify and differentiate the statutory and policy frameworks of restorative justice in Bangladesh and Latin America. The comparative method used to analyse the data allowed the researchers to identify and clarify the effects of differences in legal traditions, history, and sociopolitical contexts on the format and operation of community-based restorative justice practices (Gavrielides, 2021). This multi-phased method conceptually enhances the study's originality by bridging formal statutory analysis to the dogmatic realities of informal community justice.

Thematic interpretation was carried out using qualitative information from policy documents, program evaluations, and documented case scenarios in addition to the comparative study of the legislation. It was an inductive thematic analysis, meaning that themes and patterns developed organically from the material rather than being forced onto it beforehand. The main themes that emerged were the level and scope of community involvement, the involvement of victims and offenders, the principles of procedural fairness and transparency, the idea of legal pluralism, and the power dynamics in restorative practices.

The analytical approach also enables the finding of procedural discrepancies by rigorously comparing explicit legislative commitments to their actual application, as evidenced by policy reports, program evaluations, and case scenarios on file. The research and its methodology therefore use triangulation to highlight disparities between conventional levels of due process, such as voluntary involvement, facilitator neutrality, and equitable party relationships, and what really occurs in community-level restorative processes. This comparative disparity provides an intellectual foundation for assessing procedural justice and power disparities in both formal and informal institutions.

The significance of choosing data that would elucidate the connection between established legal systems and community-oriented justice approaches was emphasised by the sampling strategy in this study. This required a careful analysis of the law in Bangladesh as well as traditional methods such as the *shalish*, a traditional conflict settlement forum that functions in tandem with official judicial bodies. In Latin America, the study focused on countries that have specifically integrated restorative justice into their transitional or criminal justice systems, using Colombia as a primary Latin American example. This comparative review of Bangladeshi and Colombian regulations enables an extensive assessment of models that are representative of their respective geographic locations.

The ethical issues for this doctrinal and qualitative law research were the proper portrayal and comprehension of both socio-cultural and judicial information. Given that the research used publicly available resources and secondary data, direct engagement and the associated permission difficulties were irrelevant. However, the study was cognisant of the importance of adequate sensitivity in the depiction of customary practices and the administration of justice unique to a given culture, so as not to interpret or oversimplify them.

Given the risk of researcher bias, particularly at the interpretive analysis level, the study employed methodological triangulation by cross-verifying findings using several data kinds and sources to improve reliability and credibility.

Despite its advantages, this methodological paradigm is fundamentally limited. Furthermore, the legal and policy literature rarely contains comprehensive statistical results pertaining to the inclusion of women, ethnic or religious minorities, or other such groups, particularly within the realms of informal justice systems, limiting the scope of analysis on minorities' inclusion.

Interviews and ethnographic observation are examples of qualitative fieldwork methodologies, but they cannot convey the experiential depth of doctrinal analysis. As a result, while program reports and case studies provide useful secondary analysis, there is no alternative for firsthand descriptions of participants' experiences with judicial systems. Furthermore, while the comparative geographical methodology of the research of Bangladesh and Latin America yields interesting contextual differences, it limits the generalisability of findings throughout the Global South as a whole.

Nonetheless, the volume's small scope allows for a thorough, context-sensitive examination of key implications for restorative justice research and policy creation.

A further limitation is the availability and quality of data on minority inclusion problems. Most legal and policy papers studied do not break down participation by gender, ethnicity, religion, or minority status, particularly in informal systems like the *shalish*. As a result, while the study found structural dangers in terms of exclusion and power imbalance, it is unable to represent the lived experiences of excluded groups, highlighting the need for further empirical participatory research. The methodological structure of this study, which includes a dogmatic reflection and a careful documentary review, gives a thorough basis for understanding the legal systems of Bangladesh and Latin America.

## **Results**

This section presents the significant findings from a comparative analysis of community-centred restorative approaches in Bangladesh and Latin America, with a special emphasis on Colombia. The findings are presented thematically to provide a systematic reflection on restorative justice components. This part conceptually confirms Bangladesh and Colombia's legal diversity by combining a documented study of legislative instruments with qualitative interpretations. The primary components studied are: community engagement, institutional frameworks, cultural concerns, barriers, and innovative approaches. The findings, which include both doctrinal assessments and empirical evidence, illustrate the effects of varied socio-legal and cultural environments on implementation, inclusivity, and the success of the restorative justice system. While both areas have strong community justice norms, they differ significantly in terms of formalisation, gender considerations, and interaction with administrative institutions.

The next paragraph provides a comprehensive description of both regional contexts and comparative findings. Consistent with the analytical methodology, the findings also reflect procedural disparities as evidenced by the observed procedural legal safeguards in each location, as reported in restorative practices.

### **Dogmatic reflection on the Bangladeshi Shalish system**

This section explores the substantive features, efficacy, and sociocultural processes that underlie community restorative justice in Bangladesh, drawing on the grassroots role of *shalish* in the country's legal system. The procedure of the *shalish* system vary greatly depending on local customs, leadership, and the kinds of disputes that are handled; it is not a uniform system. *Shalish* frequently foregoes personal vengeance in favor of restoring communal peace and group well-being, aligning with restorative justice's emphasis on restitution and offender rehabilitation into society (Asadullah & Morrison, 2021).

One of the fundamental elements of *shalish* is the goal of reaching an agreement via conversation, which is facilitated by community elders serving as mediators. This procedure is diametrically opposite to the adversarial style of formal courts, allowing parties to participate in discussion and achieve an agreement.

The process generally ends with an agreement on restitution, acts of regret, or community service, which incorporates the central concept of accountability that drives restorative justice (Haque, 2025). Such agreements tend to hold among participants, owing to the social compulsion exerted by the community, which serves as both guardian and champion for the restorative process.

Despite its merits, the *shalish* system has been criticised for perpetuating social inequalities and excluding some groups, particularly women, lower castes, and religious minorities. There is evidence that women's engagement in *shalish* remains restricted, since most women lack the autonomy to raise conflicts and are under-represented in decision-making assemblies. This disparity in women's participation exemplifies the larger patriarchal norms that exist in rural Bangladesh, raising concerns about the inclusivity and equality of restorative justice as it is performed.

From a dogmatic standpoint, the interplay between formal courts and *shalish* is complicated and sometimes contentious, demonstrating a conflict between customary norms and statutory rule-of-law requirements. Although the government recognises the importance of community-based justice in enhancing accessibility, formal courts have occasionally seen *shalish* as an insult to the rule of law, particularly when decisions made through *shalish* disagree with legislative safeguards or human rights standards.

In response to this affront, new reforms aimed to formalise certain aspects of *shalish*, such as the requirement for written agreements and the installation of supervisory mechanisms, bringing informal practices in accordance with the formal court system's requirements.

Furthermore, to ensure that conflict resolution continues despite mobility limitations, the COVID-19 pandemic spurred creative adjustments in Bangladesh's informal justice systems, such as the use of remote communication tools and tele-based support by community mediators and legal aid providers (Sultan et al., 2021). Such changes point to potential prospects for the updated mechanisms of community restorative justice while maintaining its culturally orientated approach.

## **The colombian restorative legal regime: a doctrinal analysis**

Latin America has emerged as a leader in designing and implementing restorative justice, particularly in areas with persistent internal conflict, socioeconomic inequality, and undeveloped governmental structures. After decades of violent conflict, Colombia has integrated restorative principles into its transitional justice system to support peacebuilding (Greve & Vega Dueñas, 2023). Its methodology exemplifies how community-based restorative practices may be integrated into formal courts of law to treat complex social wounds and promote societal reconciliation.

A documentary review of Colombia's restorative justice process demonstrates it complies to the general concept of transitional justice, as indicated by the Special Jurisdiction for Peace (JEP) legislation, and institutional processes, which place a strong focus on participation, victim involvement, and offender accountability. Restorative sanctions, such as restorative project schemes, are among its restorative justice components, in which offenders are required to participate through dialogue, while victims and communities fully participate in truth, reparative, and reconciliation efforts (JusticeInfo.net, 2025; International Journal of Transitional Justice, 2025).

These processes aim to rebuild conflict via discourse, admission of harm, and restitution that are appropriate for the victim and the broader community. The approach incorporates universal restorative justice ideas, but it remains tailored to Colombia's unique sociopolitical setting.

Community engagement is the core of restorative justice practice in Colombia. Community members engage in reparative conversation and reconciliation procedures, which are typically facilitated by non-governmental and international groups. It has been shown to have the ability to improve social cohesion, reduce reoffending rates, and restore trust in legal institutions. As part of the processes intended to achieve inclusive truth-finding and reparations, as well as the involvement of these groups in the situation, Colombia's transitional and restorative justice processes, including the Special Jurisdiction of Peace and other aspects of the peace agreement incorporate a gender-sensitive strategy that takes into account the unique implications for women, gender identities, and other excluded groups within society (Transitional Justice Data, 2024).

Despite these developments, there are still significant hurdles. Inequitable application, a lack of resources, and variations in political stability continue to impede the full realisation of restorative justice aims. Disparities in access to restorative programs between rural and urban regions, as well as conflicts between restorative programs and conventional criminal prosecution, are persistent issues (Sarkina & Pereira Lopes, 2023). Furthermore, the effectiveness of restorative programs is strongly contingent on long-term political will and institutional commitment.

### **Comparative data on community participation, legal frameworks, and cultural influence**

The comparisons of community-based restorative justice in Bangladesh, Latin America, and Colombia demonstrate sophisticated understandings of how domestic legal, moral, and administrative norms impact restorative processes. While these situations have similar core ideals of community participation and reconciliation, their manifestations differ significantly due to distinct histories, legal circumstances, and cultural backgrounds. These three comparisons emphasize the significance of differing levels of formalization in terms of procedural fairness, accountability, and power dynamics in community-based/restorative systems.

### **Community participation: forms and dynamics**

Community engagement is crucial to restorative justice since it ensures that the victim, perpetrator, and general public are all involved in conflict resolution. Bangladesh's *shalish* practice exemplifies a traditional type of community participation based on rural social organisation. This type of informal justice is majoritarian, with village elders or respected persons mediating issues. Male mediators will be recruited from the village's political establishment. This level of power centralisation tends to limit the breadth of representation in *shalish* courts, reducing participation by marginalised groups such as women, ethnic groups, and those facing economic marginalisation.

Nonetheless, it is generally accepted due to its simplicity of use and compliance with the strong cultural philosophy of collectivism in rural areas, which emphasizes communal peace (Asadullah & Morrison, 2021). However, participation is not always steady.

Formal institutional and legislative frameworks that encourage community participation and involve all pertinent stakeholders in transitional justice processes support and acknowledge the RJ processes in Latin America, particularly in Colombia (International Journal of Transitional Justice, 2024). According to Gutiérrez-Rodríguez (2025), Colombia's transitional justice process uses RJ components through the Comprehensive System of Truth, Justice, Reparations, and Non-Repetition (SIVJRNR), which is recognized by constitutional provisions and legislation like the Legislative Act 01 of 2017 and its supporting decree laws. This means that truth-seeking, reparations, and community engagement are among the processes that are addressed by institutionalized processes. Thus, various processes are used to promote victim participation in transitional justice processes by engaging with communities, addressing the essence of RJ, which aims to promote the involvement of all relevant stakeholders in the processes through reconciliation mechanisms (International Journal of Transitional Justice, 2024; Gutiérrez-Rodríguez, 2025). This formalisation encourages inclusion and ensures that restorative procedures are more transparent and accountable than Bangladesh's unofficial *shalish* system.

The Colombian Transitional Justice framework will guarantee the victims' right to actively engage in all truth-seeking and reconciliation procedures, including the chance to express their needs and experiences in organizations like the Comprehensive System for Truth, Justice, Reparation, and Non-Repetition and the Special Jurisdiction for Peace (ICTJ, 2024).

However, addressing marginalised populations is difficult, especially in rural or conflict-affected areas where state agencies are distrusted and insecurity inhibits involvement.

### **Legal frameworks: comparative dogmatic integration**

The laws regulating restorative justice further separate the two circumstances in issue. Within Bangladesh, *shalish* virtually solely exists in an informal legal realm, with no clear legislative authorities or comprehensive legislation. Rather, it is conducted in line with local customs and customary law, which permit some accommodations but also create inconsistencies and make it harder to uphold due process and human rights, especially for women and other marginalized groups (Begum & Kumar, 2017).

Recent approaches have aimed to incorporate *shalish* more systematically into the formal court system, increasing accountability and standardization through procedures like as written settlements, judicial scrutiny, and legal recognition of mediated agreements (KUS Studies, 2024). However, the lack of clearly defined statutory frameworks affects the enforcement of *shalish* decisions and the capacity to centrally monitor outcomes. This comparative study conceptually strengthens the uniqueness of Global South justice by contrasting the informal custom-based validity of the *shalish* with Colombia's Constitutionally codified restorative framework.

In contrast, Colombia exemplifies a more active legal commitment to restorative justice. Following the war, the peace agreements and subsequent laws established restorative principles at the national level of law. Restorative justice systems are based on legislation like Colombia's Victims and Land Restitution Law, which prioritises restitution, truth, and comprehensive reparative measures for war victims (Colombia's Victims and Land Restitution Law, 2011/2023). Such legislative frameworks promote governmental support, resource allocation, and procedural protections, so boosting the legitimacy and long-term viability of restorative justice systems.

Furthermore, Colombian legislation makes it clear that restorative justice is important in the regional framework of transitional justice, emphasising the necessity of addressing both individual instances and communal and historical grievances (ICTJ, 2024). The implementation of intricate restorative procedures, such as truth commissions and reparations, which broaden and improve the use of community-based justice, has been facilitated by this understanding.

### **Cultural influence: traditions, values, and social norms**

The conceptualisation and management of restorative justice differ between Bangladesh and Latin America due to substantial cultural variations. To be sure, social harmony, respect for authority, and neighbourly cooperation are all key aspects of Bangladeshi culture, and they support the *shalish* systems strategy of prioritizing reconciliation and compromise over combative litigation in court. An ingrained community norm where collective interests take precedence over individual rights is demonstrated by informal resolution.

However, there is a possibility that disadvantaged groups will be excluded because societal pressure to comply may muffle criticism and opposition, and the presence of *shalish* mediators, who are frequently local elites, might strengthen existing power relations and exacerbate the problem (Alim, 2004). Therefore, even if *shalish* upholds order and the settlement of disputes, it may also perpetuate injustices.

There is a culture of violent conflict, social division, and attempts at peacebuilding and reconciliation across Latin America, and Colombia is no exception. Here, restorative justice adopts the concepts of truth, restitution, and acknowledgement (ICTJ, 2024). Victim testimony and community rehabilitation are the focus of restorative efforts because of the memory of war and the need for social healing.

Furthermore, Colombian society's multiculturalism requires that restorative methods be used in a way that is considerate of regional and ethnic diversity. For instance, Afro-descendant and Indigenous people frequently employ pre-colonial approaches to justice, which coexist with official restorative procedures. As a result, they require hybrid frameworks that combine legal and cultural plurality. The cultural legitimacy and applicability of restorative justice are significantly increased by such a multicultural approach.

### **Synthesis and implications**

The comparative data demonstrate how restorative justice ideas may be applied in a variety of legal and cultural contexts. Bangladesh and Colombia both show that community involvement is essential for legitimacy and efficacy, but sociopolitical conditions and cultural norms have a significant impact on the inclusivity and modes of participation.

Although Bangladesh's *shalish* system has strong community ties and is easily accessible, equality and legal integration are hampered by its informality and sociocultural constraints. Colombia's formalised restorative justice framework, on the other hand, has institutional backing and legal codification, although it faces implementation, political instability, and cultural diversity issues.

These findings imply that a balance between formal legal frameworks and consideration for regional customs and power dynamics is necessary for effective restorative justice in the Global South. For community-based restorative justice to be strengthened, innovations that increase inclusion, encourage victim engagement, and guarantee accountability are essential.

### **Key challenges and innovations identified in community-based restorative justice**

Restorative justice provides a transformational alternative to punishing judicial systems; nonetheless, its implementation is frequently impeded by deeply ingrained social inequalities and institutional gaps. Globally, community-based methods face a dichotomy between the desire for informal, accessible settlement and the need to defend fundamental human rights. In South Asia, these issues are exacerbated by historical power dynamics that frequently determine who gets a place at the table. Examining the specific difficulties within Bangladesh's conventional frameworks provides insight into why the move from "community-led" to "community-equitable" remains a difficult task.

### **Challenges in Bangladesh's community restorative justice**

The primary challenge in Bangladesh's *shalish* system is equity and representation. Despite being available, the *shalish* frequently reflects existing social ranks, most notably through the exercise of power by male village leaders who resolve conflicts. Marginalised groups, particularly women, oppressed castes, and religious minorities, are unable to participate actively or get equitable treatment as a result of power disparities. According to studies, women have suffered societal stigma while attempting to engage in or initiate *shalish* forums, reducing the degree of female participation in the process as a method of conflict resolution and widening the gender gap in access to justice (Sakib & Mia, 2025).

Furthermore, *shalish* decisions might contradict formal laws, particularly those governing human rights and gender equality. In other cases, the importance of sustaining communal peace may necessitate agreements that silence survivors or turn a blind eye to significant breaches such as domestic abuse or casteism. The informal absence of oversight systems intensifies the problem, allowing harmful activities to continue unchecked.

Another key shortcoming of *shalish* is its informal nature, which, while adaptable and approachable, lacks institutionally protected characteristics such as enforcement, established processes, and accountability. Such an informal name may erode public trust in the outcomes of *shalish*, particularly in cases when solutions are regarded to lack consistency or impartiality. It lacks formal monitoring, hindering efforts to assess the effectiveness or fairness of *shalish* initiatives in a variety of settings.

The rural-urban divide makes it more difficult to provide restorative justice in Bangladesh. Although *shalish* thrives in rural contexts with strong social networks, its utility declines in peri-urban and metropolitan settings with social dispersion and variety. Cities may choose formal court systems for confidentiality, legal protection, and increased faith in institutions. As a result, the lack of adaptable models of restorative justice for cities limits the availability of community-based restorative justice.

### **Challenges of Latin American restorative models of justice**

Restorative initiatives in Latin America, particularly in Colombia, have considerable problems related to implementation, financial allocation, and political instability. While restorative practices have been incorporated into the legal frameworks of a number of Latin American nations, their degree of implementation varies, and access to them in the periphery may still be restricted. This highlights the inconsistencies with the conventional model of criminal prosecution (Mendoza-Armijos et al., 2023). Such disparities undermine the equality of justice administration and perpetuate the marginalisation of those communities most in need of restorative action.

The conflict between restorative and retributive criminal justice remains a significant concern. Restorative approaches may be seen adversely by victims and society as a result of insufficient punishment or a lack of awareness of guilt and accountability (Hutchinson, 2023).

Such beliefs impede the development of restorative procedures, especially when influential political or judicial actors support traditional prosecuting methods. Moreover, the Colombian Penal Code (Law 599 of 2000), the first penal code under the 1991 Political Constitution, has undergone frequent reforms over its 25-year history, with over sixty laws and approximately three hundred provisions aimed primarily at expanding criminalisation and increasing the severity of sanctions (Vélez Rodríguez & Galvis Piedrahita, 2025).

Furthermore, Colombia's complicated sociopolitical context raises security and distrust concerns. The prevalence of violence, both historically and currently, has a detrimental impact on ensuring that victims and offenders are willing participants in the transitional and restorative justice processes because it has been demonstrated that the general insecurity and lack of trust in government agencies undermines the desire to participate in processes that aim to bring about reconciliation within traumatized communities (Rozenas & Zhukov, 2023). Fears of retaliation or personal embarrassment may prevent engagement, particularly in rural communities where auto defenses retain authority.

Gender violence is a significant impediment to the implementation of restorative justice approaches in Latin America. In Colombia, there have also been some successes in implementing gender-sensitive restorative and transitional justice practices. Examples include the review of the commission on the truth of sexual and gender-based violence and the implementation of the innovative measures through the Special Jurisdiction for Peace (JEP). It was determined that there are still differences in how well the requirements of female victims are met and how effectively they may participate (International Center for Transitional Justice, 2024; Transitional Justice Data, 2024). Furthermore, intersecting vulnerabilities, such as race and socioeconomic position, have necessitated the development of more advanced tactics within restorative justice models.

### **Innovations in Bangladesh's community restorative justice**

In an attempt to make *Shalish* more responsive, responsible, and inclusive, a number of innovative approaches have been created. In order to encourage women's involvement in *shalish*, legal aid organisations and women's rights organisations have taken steps such as educating the community about gender equality and training female mediators. In areas of community justice, these initiatives aim to encourage women to express and exercise their rights while also tearing down societal exclusions.

A recent development brought about by the COVID-19 pandemic is online mediation tools, which allow for remote meetings and improve accessibility, particularly in geographically remote locations (Sultan et al., 2021). Even though it is still in its infancy, this type of technology use has potential for modernising traditional dispute resolution methods without sacrificing cultural identity.

The Bangladeshi government has taken preliminary steps to formalize *shalish*-related practices and integrate them with formal justice mechanisms through regulatory changes that encourage the development of written understandings, structured procedures, and supervision mechanisms (Islam, Suzuki, & Mazumder, 2024). The goals of these changes are to improve transparency, institutionalise restorative justice, and bring national community practices into compliance with the law.

Additionally, cooperation between NGOs, local governments, and outside organisations facilitated information exchange and capacity building, enabling *Shalish* to use restorative principles and human rights standards more regularly. Increased recognition and long-term transformation require this kind of collaboration.

### **Innovations in Latin American restorative justice**

Colombia has witnessed notable advancements in restorative justice, particularly in the areas of victim-centred methods and institutional integration. Colombia's judiciary has established specialist restorative justice units, demonstrating a commitment to the construction of restorative justice systems.

The units promote expert mediation, monitor the execution of restorative procedures, and serve as links between community-based processes and legal systems (JusticeInfo.net, 2025; International Journal of Transitional Justice, 2025). It skilfully blends formal legal authority with casual discourse.

Truth commissions and memory projects serve as examples of innovative restorative procedures that go beyond individual cases to address social reconciliation and communal harm (ICTJ, 2024). Larger-scale restorative solutions are made possible by these procedures, which facilitate societal healing, restitution, and public acknowledgement of crimes.

The establishment of community reparative panels, such as in Latin America and Colombia, has attempted to incorporate elements of community, victim, and regional participation in resolution processes, promoting a culture of shared responsibility, commitment, and participation in conflict resolution, thereby promoting community engagement and the social relevance of interventions (International Journal of Transitional Justice, 2024).

Additionally, gender-sensitive restorative training programs have been developed to equip facilitators with the skills they need to successfully address trauma, power problems, and gender-related violence. The goal of these initiatives is to create restorative spaces that are safer and more responsive for victims who lack rights.

## **Discussion**

This dogmatic reflection on restorative justice efforts in Bangladesh and Colombia contributes to the global discussion about Southern justice reform. By conducting a documentary review of pluralist legal frameworks, the study conceptually emphasizes the originality of South-South legal cooperation and clarifies the relationship between formal state law and customary norms. Although the comparative findings highlight the prospect of community-based restorative justice, they also expose a number of inadequacies in both Bangladesh and Colombia. In both instances, restorative justice procedures are at high risk of procedural inequality as a result of the interaction of informal mechanisms or institutional monitoring with social power structures.

### **Interpretation within the global south justice reform context**

Legal pluralism is prevalent in the Global South, and the justice reform agenda has increasingly acknowledged the importance of combining official norms with various kinds of customary and community conflict resolution (Tamanaha, 2021). This study confirms that restorative justice procedures in Bangladesh and Colombia occur within complex pluralist legal environments and emphasises the benefits of being cognisant of the coexistence of several normative regimes.

The *shalish* system in Bangladesh shows how informal community-based justice procedures may endure despite formal courts' shortcomings in terms of accessibility, cost, and perceived legitimacy. Similarly, Colombia's more institutionalized restorative and transitional justice systems have a number of obstacles that limit their efficacy, including bureaucratic, security, and governance concerns (JusticeInfo.net, 2025). The fundamental conundrum of the Global South's reform of justice is reflected in both: striking a balance between formal fairness and universal human rights and acknowledging indigenous customary law and communal self-governance (Tamanaha, 2021).

A viable paradigm for resolving this conflict is restorative justice, which also has the potential to promote social cohesiveness and the healing of harm. However, it is very dependent on the state of power dynamics, sociopolitical contexts, and institutional support. These findings suggest that for restorative justice to be successful in the Global South, it must be flexible, sensitive to cultural differences, and embedded in participatory designs.

### **Theoretical implications: legal pluralism and restorative justice**

The study uses a dogmatic reflection to explain how restorative justice functions as a mediatory framework. The documentary review of Bangladeshi and Colombian cases establishes an intellectual framework for comprehending pluralist legal orders in which several normative regimes coexist. Bangladesh and Colombian cases might be cited as examples of pluralist legal orderings in which several normative regimes coexist, sometimes complementing and sometimes conflicting.

Restorative justice, with its emphasis on conversation, community engagement, and reconciliation, is a system capable of dealing with such diversity. However, Research shows that adopting restorative principles in pluralistic circumstances involves careful consideration of issues including awareness, involvement, and power distribution to promote fair and context-sensitive outcomes (Gavrielides, 2022). For example, Bangladesh's *shalish* system, while vital and widely available, is undermined by deeply ingrained patriarchal attitudes that limit women's involvement and decision-making powers. However, it is challenging to connect the indigenous and community-based justice systems in Colombia, where restorative and transitional justice provisions have formal procedures in place as part of the formal justice system. This is because administrative standardization and legal formalization can threaten these systems, which can hinder the growth of plural justice approaches (Statulink, 2025).

These dynamics imply that restorative justice theory should contain critical framings about the politics of recognition, the exercise of power, and the synthesis of marginalised perspectives in order to confront the difficulties of multiple legal systems.

The findings also show how crucial the power dynamic is in determining the outcome of restorative justice: elite status and power influence the weight given to individual voices, gender hierarchies limit women's access to informal processes like the *shalish*, and community pressure often presented as a quest for consensus can turn into coercion, compelling victims to accept outcomes that maintain peace in the community but might not bring about justice (Islam, Suzuki, & Mazumder, 2024). Furthermore, because of ongoing conflicts between state-centric transitional justice mechanisms and the successful recognition of Indigenous legal ontologies and justice practices, institutional power and governmental authority may suppress grassroots or Indigenous forms of justice, even in more established systems like the one in Colombia (Olarte Delgado, 2025).

### **Bridging models across Bangladesh and Latin America**

One of the key elements of this research is the finding of bridge models that facilitate the sharing and borrowing of restorative justice concepts across Latin America and Bangladesh. Despite their different cultural and socio-legal settings, the two areas have a complementary strength that may be used to guide regional innovation efforts.

This comparative study provides a documentary evaluation of how various levels of formalization, informal in Bangladesh and codified in Colombia; influence the dogmatic consistency of restorative principles.

The Bangladeshi *shalish* system exemplifies grassroots, informal form of justice that relies on familiarity and accessibility. It is founded on locally respected leaders who settle problems by agreement and societal peace, and who provide a pragmatic alternative form of justice when official courts are unavailable or suspicious. The flexibility and localisation of the *shalish* emphasise the prospect of restorative justice working effectively outside of conventional legal systems, particularly in resource-constrained areas.

There are significant issues with accountability and inclusivity in the *shalish* system. According to studies, Bangladesh's informal justice forums are intricately linked to regional power structures and social hierarchies, which frequently lead to uneven participation and male elites controlling decision-making.

Due to patriarchal and elite dominance, this dynamic may put societal peace ahead of justice and commonly restricts meaningful engagement for women, minorities, and other people with inferior social status (Islam, Suzuki, & Mazumder, 2024). However, *shalish* methods can meet the requirement for culturally acceptable conflict resolution mechanisms, particularly among economically disadvantaged groups that are unable to access conventional legal routes owing to a lack of means or interests.

The absence of institutional supervision systems exacerbates ongoing gender prejudice, power disparities, and the eclipse of marginalised groups in society. These shortcomings raise severe concerns about the administration of fair justice, as well as the possibility for social ranks to be entrenched under the pretext of social peace. Addressing these inadequacies necessitates comprehensive adjustments that preserve *shalish*'s cultural character while introducing procedural checks and protocols for the protection of rights.

In contrast, the Colombian restorative justice experience highlights the benefits of incorporating restorative methods within formal judicial processes, which improves formality, procedural protections, and resource accessibility. The integration of restorative justice within Colombia's transitional justice and peace processes demonstrates a comprehensive strategy to mending community wounds and fostering social reconciliation (Restorative Justice International, 2023).

Such official inclusion has resulted in enhanced institutional backing, monitoring, and standardisation, so bolstering the durability and legitimacy of restorative projects.

The Colombian approach raises several concerns, the most serious of which is that formalizing the system may have an impact on ownership and cultural sensitivity. State-labelled restorative justice and some forms of traditional justice can conflict at times, particularly in the context of Indigenous and Afro-descendant communities, as evidenced by legal pluralism approaches (Statulink, 2025; International Journal of Transitional Justice, 2024). For formal restorative justice to be successful, it is necessary to facilitate cross-cultural communication and establish sincere collaboration with local authorities.

Similarly, even though Colombia has strengthened its procedural safeguards for restorative and transitional justice, there are still major obstacles to ensuring that Indigenous and other minority groups participate authentically, especially in areas where state systems and procedural norms collide with traditional community structures (Olarte Delgado, 2025).

Nonetheless, Colombia's restorative justice procedure shows effectiveness in incorporating communal suffering, gender-sensitive methods, and victim engagement. Reparative boards and institutional mechanisms can serve as legal safeguards to promote minority participation, while legal institutions like the Special Jurisdiction for Peace (JEP) establish procedural avenues for victim participation and recognition of collective harm (International Journal of Transitional Justice, 2024).

A hybrid, context-sensitive strategy that acknowledges the importance and effectiveness of both formal and informal procedures will be necessary to combine these models. In the case of Bangladesh, this may include strengthening the *shalish's* legal status while putting in place supervision and inclusion protocols to safeguard participants who are more susceptible. Stronger integration of community-based and indigenous restorative process will boost cultural relevance and enable empowered domestic actors in Colombia. Furthermore, establishing a systematic exchange of information between Bangladesh and Latin America may help to facilitate the interchange of both ideas and applications.

Rather than attempting to fully impose something alien on the realms of Bangladesh law, such collaborative efforts, with the assistance of global entities and academia at large, may well promote the localization of appropriate restorative justice models within what is likely to be a plural legal system (Tamanaha, 2021).

Although there are certain difficulties with this integrative process, such as balancing disparate sociocultural norms and institutional constraints, there are also many chances to improve restorative justice theory and practice in the Global South.

## **Policy implications and recommendations**

The comparative analysis yields many policy-relevant insights that support restorative justice paradigms in the Global South. First and foremost, in order to safeguard participants' rights and enhance procedural openness, community-oriented restorative procedures must be officially recognised and governed. Formalising some aspects of *shalish* in Bangladesh will provide legal safeguards while maintaining its unofficial and deeply rooted cultural aspects.

Second, mediators should be taught in the process of establishing societal peace, as well as women's and human rights, as part of capacity-building initiatives. In countries like Bangladesh, where patriarchal norms make equal participation difficult, mediators should be trained on such issues, as effective training can lead to the achievement of equality in the course of conflict resolution, which is likely to promote the effective participation of marginalized groups (Japan International Cooperation Agency [JICA], 2025).

Third, to ensure compliance with transitional justice frameworks and victim reparations, the Colombian approach emphasises the significance of integrating restorative justice within national justice and peacebuilding programs. To improve legitimacy and resources, policymakers must encourage cooperation between many stakeholders, such as civil society, indigenous leaders, and foreign partners.

The efficacy of restorative methods must be evaluated, and policy changes must be informed, by systematic data gathering and monitoring systems in general. Recording cases and outcomes correctly promotes accountability and results in evidence-based improvements.

## **Suggestions for cross-regional learning**

The growth of restorative justice might be revolutionised by intercontinental learning between Bangladesh and Latin America. Bangladesh might take a cue from Latin America's strategy of standardising and formalising community justice through the integration, formalisation, and institutionalisation of transitional processes. On the other hand, Latin America may take inspiration from Bangladesh's deeply ingrained, community-based conflict resolution methods to promote more accessibility and grassroots ownership, particularly among marginalised rural populations.

Facilitating these exchanges through pilot projects, collaborative research, and seminars demonstrating contextual adaptability is the duty of international organisations, educational institutions, and financial agencies. In order to promote restorative justice that is both culturally appropriate and socially equitable, interregional learning must prioritise policies of inclusion that address intersecting inequalities over issues of gender, socioeconomic status, and ethnicity.

Lastly, a novel area of justice reform in the Global South is the fusion of restorative justice frameworks from Bangladesh and Latin America. These areas may develop robust community-based restorative justice frameworks that support social cohesion, reconciliation, and the preservation of human dignity by balancing the advantages of formal and informal forms of justice, fostering reciprocal learning, and raising cultural sensitivity.

### **Conclusion**

This research conducts a dogmatic reflection through a documentary review of community-based restorative justice practices, especially assessing the legislative and customary frameworks of the *shalish* system in Bangladesh and the transitional justice regime in Colombia. The findings help to better understand the day-to-day operational dynamics of restorative justice in nations with complex legal diversity, such as those in the Global South. Notably, the study found that culturally entrenched restorative justice practices are essential for providing accessible, contextually appropriate, and socially legitimate alternatives to formal criminal jurisdictions, which frequently struggle with outreach, effectiveness, and community trust.

The analysis of Bangladesh's *Shalish* system revealed its continued relevance as a native dispute resolution framework that is intricately woven into the social fabric of the countryside. This informal system of jurisprudence uses community leadership and social cohesion to resolve disputes amicably via dialogue and consensus, allowing for speedy and affordable resolutions in settings where official courts may be unavailable or unfamiliar.

However, the study also identified significant flaws, particularly with regard to procedural fairness and inclusivity. Vulnerable groups, particularly women and members of ethnic and religious minorities, may be excluded due to the prevalence of patriarchal beliefs and local power dynamics. This raises serious concerns about accountability and justice in these village courts.

Colombian restorative justice, on the other hand, has a more formal framework, with restorative principles included into official legal frameworks and justice transitional procedures. In order to alleviate the harm caused by protracted conflict, both individually and collectively, such embedding has made it easier to grasp procedures, mobilise resources, and integrate with national peace processes. Restorative formalisation is not without its challenges, though. The formal legal framework occasionally poses a danger to indigenous and community-level healing practices, limiting their local application and ownership. This trade-off between community involvement and formalisation emphasises the delicate balancing act needed to implement restorative practices in governmental frameworks while maintaining their transformational goals. This comparative research theoretically strengthens the Colombian model's originality by showing how dogmatic formalization provides procedural protections that informal systems often lack.

The contrasting findings demonstrate how formal and informal restorative justice systems work in concert. Every system has unique advantages that are shaped by its institutional and sociocultural contexts. Although Bangladesh's *Shalish* system has a high level of cultural relevance and accessibility, it requires improved protections to reduce the dangers of injustice and exclusion. On the other hand, Colombia's well-established restorative justice system provides important institutional support and procedural safeguards, but it might benefit from a deeper incorporation of indigenous and community-based approaches to enhance cultural authenticity.

By recognising these complimentary features, the study emphasises how crucial it is to create bridge models that combine the advantages of formal and informal systems in order to advance more efficient and equitable restorative justice procedures.

The bridging strategy entails creating hybrid frameworks that can adapt to local circumstances and acknowledging the worth and practicality of many modalities of justice within pluralist legal regimes. Practically speaking, this might entail institutional control, safeguards for vulnerable participants, and the official acknowledgement and regulation of community-beneficial restorative practices like *shalish*. On the other hand, established systems, such as those in Colombia, might benefit from incorporating more pre-colonial conflict resolution approaches in order to preserve cultural identity and strengthen the capacity of local actors at the application site.

Based on this comparative research, the current study proposes three significant “pillars of recognition” as an approach to restorative justice in the Global South: first, as “cultural legitimacy,” the approach must acknowledge and accommodate the region’s traditional modes of dispute resolution, such as *shalish* or Indigenous jurisprudence. Second, the strategy, known as “procedural inclusivity,” should include the active engagement of underprivileged communities or groups, such as women, ethnic minorities, and other disadvantaged people in society. Finally, the strategy should incorporate “institutional integration” to balance legalistic procedures with restorative justice methods, as is done in the rest of the globe. These pillars are policy-relevant; they give a framework for governments, non-governmental organizations, and international agencies to construct actions that are both legally sound and culturally appropriate. They are also directly applicable to transitional justice situations because they give practical guidelines for implementing restorative practices in post-conflict or resource-constrained settings while maintaining fairness, equality, and social cohesion.

The findings of this study go beyond simple comparisons; they represent an examination of how restorative justice functions as a flexible and culturally sensitive instrument for enforcing the law in situations with social variety, legal pluralism, and diminished state capacity. It emphasises that in order to achieve active and meaningful involvement, fairness, and legitimacy, restorative justice procedures must be developed according to their own unique sociocultural circumstances.

By concentrating on the experiences of Bangladesh and Colombia, this study conceptually emphasizes the uniqueness of restorative justice in the global south. The documentary study presented here questions Western interpretations by emphasizing the dogmatic validity of legal plurality. The discussion’s comparative cross-regional approach reveals opportunities for mutual learning and adaptation across Southern nations, which might serve as the foundation for the creation of context-sensitive and long-lasting justice reforms. Future legislative initiatives and programming strategies aiming at expanding the reach and effect of restorative justice may benefit from the inclusion of diverse models and the appreciation of culturally situated practices.

This dogmatic reflection provides the groundwork for future study on the complex institutional links of restorative justice throughout the Global South. Scholars might potentially strengthen the uniqueness of South-South legal diversity by expanding the documentary review to include longitudinal studies on hybrid legal frameworks and participatory research with marginalised communities. These initiatives will be critical in developing restorative justice theory and practice, ensuring that they remain dogmatically sound, culturally relevant, and consistent with the universal principles of equality and human dignity.

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