

ADR

Modern Trend and Best Practices

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ADR: Modern Trend and Best Practices

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CHAPTER-6

Darul Qaza as an Alternative Dispute Resolution Mechanism: Evaluating its Influence on Access to Justice

*Dr. Naseem Ahmad**

Abstract

Darul Qaza is a concept of Islamic law that aims to provide a fast, cheap, and amicable way of settling civil disputes among Muslims, based on the principles of justice, fairness, and equity derived from the Quran and Hadith. Darul Qaza has a long history that dates back to the time of the Prophet Muhammad (peace be upon him) and the Rashidun Caliphs, who acted as arbitrators and judges in various conflicts among their companions and followers. Darul Qaza has been established in different parts of the world, especially in countries with large Muslim populations, such as India, Pakistan, Bangladesh, Malaysia, and Indonesia. Darul Qaza operates as a parallel or complementary system to the state's judicial system, and usually deals with matters related to family, inheritance, contracts, and other non-criminal issues. Darul Qaza has been praised for its efficiency, accessibility, and flexibility, as well as its ability to uphold Islamic values and harmony within the Muslim community. However, Darul Qaza has also faced some challenges and criticisms, such as its legal status, its compatibility with human rights norms, its gender bias, and its quality of adjudication. This paper aims to explore the concept of Darul Qaza, its historical development, its structure and functions, its advantages and disadvantages, and its future prospects.

Key words: *Justice, equity, adjudication, settlement, dispute.*

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The editor is an Assistant Professor in the School of Law at Lovely Professional University, Phagwara, Punjab. She began her legal education at The Law School, University of Jammu, Jammu, where she completed her B.A.LL.B. Following this foundational step, she furthered her academic endeavours by pursuing LL.M. at the Faculty of Law, Jamia Millia Islamia, New Delhi. The editor completed her Ph.D. from the Department of Law at Aligarh Muslim University, Aligarh. In addition to her specialization in Family Law and Human Rights, her areas of research extend to Women and Children's Rights, Alternative Dispute Resolution (ADR), and the intersection of Artificial Intelligence with the administration of justice. The editor has to her credit one authored book, two edited books and numerous research papers and articles in refereed journals across the country which shows her devotion towards research.

S. Irfan Haider Jafri

The editor completed his B.A. LL.B. from the Department of Law at Aligarh Muslim University, Aligarh. He, further completed his LL.M. from the same esteemed institution by specializing in Alternative Dispute Resolution (ADR), where delved into a critical aspect of law that emphasizes the importance of resolving disputes through non-adversarial means. Currently, he is engaged in the pursuit of a Ph.D. in criminal law from Aligarh Muslim University which demonstrates not only his commitment to academic excellence but also his dedication to deepening his understanding of a pivotal area within the legal domain. The editor's passion for research is evident in his diverse range of research papers covering various legal topics.

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