

## **Fifth part: Interdisciplinary and Islamic studies**

(1) Noah Coburn:

### **“Hybrid Forms of Dispute Resolution and Access to Justice in Afghanistan: Conceptual Challenges, Opportunities and Concerns”**

While the growing interest in informal justice is an important step in understanding the various forms of access to justice in Afghanistan and elsewhere, the conceptual dichotomy between formal and informal justice misinterprets the actual hybrid nature of accessing justice that most Afghans experience currently. Hybridity in access to justice, as opposed to duality, appears on all levels of the justice system from the Constitution to the resolution of local land disputes. This hybridity helps many gain access to justice since it makes up for an underdeveloped formal system while offering a system that is both faster and more flexible than a purely state system. The flexible nature of the system, however, also raises important concerns about issues such as “forum shopping” – i.e. the phenomenon of parties of a dispute selecting differing conflict resolution mechanism thought most likely to produce a favorable result – and the protection of individual rights. Both academics and policy makers could help improve access to justice across the population by rethinking the frames that they use to think about how disputes are being resolved and justice issues are being addressed.