

Alternative Justice Using Religious Principles in Solving Domestic Violence of Muslim Family in Thailand

Isamon Jiamsawad¹ and Tanyatorn Insorn²

Abstract

The purpose of this research was to find the level of Muslim domestic violence and the pattern of alternative justice corresponding to religious principles to solve the problem of Muslim domestic violence in southern border areas in Thailand. This was qualitative research using in-depth interviews with 52 samples, including victims, close persons, the provincial Islamic council, and Thai-Muslim family role models. The research showed that the level of Muslim domestic violence in studied communities was divided into 3 levels: 1) extreme violence, namely physical abuse 2) conflict, namely a quarrel with non-physical abuse, and 3) the way the family encountered both internal and external problems that might lead to quarrel and domestic violence. For the pattern of alternative justice corresponding to religious principles, reconciliation approaches should be used by focusing on the justice processes of all sectors along with the community. Furthermore, the recommendation of this research was to promote knowledge and skills of family life and educate good values according to Islamic principles.

Keywords: *Alternative Justice, Domestic Violence, Community Justice, Muslim Family, Crime*

INTRODUCTION

The southern border areas are adjacent to Malaysia and include both Thai Buddhists and Thai Muslims. The Thai-Muslim population is 80% in the area. There are educational and cultural differences (Kunthamrong, 2022). Thai Muslims live their life according to the pattern specified in the Quran, which is the charter of life and pattern of compliance with the Prophet Muhammads' teaching. Those who have strong faith in religion practice religious activities seriously. Moreover, the provincial Islamic council is the center in the administration of religious organizations based on Islamic principles and the leading organization in developing Muslim society into a strong and united society of learning and goodness to seek peace and justice. One of the responsibilities is to be the center in the administration of Muslim organizations and mosques, to consider religious problems, reconcile family and succession disputes (Kunthamrong, 2022), as well as provide opinions to public and private sectors in matters related to Islam according to Islamic Organization Act. B. E. 2540, and monitor, support and promote the population in the area to live their life corresponding to Islam principles. Especially in promoting security in the family, the provincial Islamic council implements marriage registration (Nikah Certificate), training of religious principles, and reconciliation of family disputes, and so on (Islamic Organization Act 1997)

After receiving complaints filed to the provincial Islam council in the southern border area as being a mediator for family disputes or conflicts or being responsible for suggesting and finding solutions, it is found that there are complaints related to family conflicts such as intimate partner violence with constant increase in the rate of complaints (Laeheem & Boonprakarn, 2017). Currently, even though various agencies realize the significance and put efforts into solving the aforementioned problems, it is still difficult to solve the problem of domestic violence if there is no cooperation from all sectors. Thus, the researcher deems that alternative justice is a paradigm using non-violent approaches in solving conflicts and illegal acts and this leads to a "self-restorative goal". There are various restorative processes corresponding to Islamic principles. Therefore, the purpose of this research is to find the level of Muslim domestic violence and the pattern of alternative justice corresponding to the solution of Muslim domestic violence that is appropriate to social contexts and cultures of southern border areas in Thailand.

¹ Ph.D candidate of Faculty of Social Sciences and Humanities, Mahidol University, Nakhon Pathom, Thailand, Email: isamonjiamsawad@gmail.com

² Faculty of Social Sciences and Humanities, Mahidol University, Nakhon Pathom, Thailand, Email: tunyatorn.ins@mahidol.ac.th

LITERATURE REVIEW

Criminology Theories Related to Violence

The Social Bond Theory extremely influences humans' illegal behaviors. This theory was originated by Travis Hirschi in 1969. It believes that humans actually tend to commit crimes in the first place but they only control themselves. The reason why humans can control themselves and do not commit a crime is that they are afraid of losing their good relationships with people around them (Hirschi, 1969), including friends, family, siblings, neighbors, teachers, employers, etc. (Kornpaeng, 2019). Furthermore, Travis Hirschi mentions elements of the social bond influencing illegal behaviors, including 4 elements as follows;

- 1) Attachment: the way a person has an attachment or affection to others or has an interest in others' feelings. This attachment is a fundamental component causing a person to accept social values and norms. As a result, a person creates common sense to control oneself in order to be a decent person in society. Thus, an attachment is an emotional or affectionate element of a person's bond towards society (Khantee, 2015).
- 2) Commitment: the way a person is committed to living based on social decency, namely having education in order to engage in legal occupation and to be successful in life. This causes a person afraid of committing a crime because such a person is possibly unsuccessful in life. Therefore, commitment is a rational element of a person's bond towards society (Khantee, 2015).
- 3) Involvement: the way a person is involved in various social activities. This is the cause that a person is limited in time to commit a crime because most of the time is spent on social activities. Thus, involvement is an activity element of a person's bond towards society (Khantee, 2015).
- 4) Belief: acceptance of social values and norms as well as morals and ethics. This is because a person believes that the law is right and unable to be violated. For this reason, a person does not commit a crime. Violating social rules is against the intention and expectations of other people in society. For example, the way a child has an attachment to his parents is an acceptance and obedience of people who have status or roles based on social norms (Khantee, 2015).

The way a person has a social bond is considered good self-control. A person who has an attachment to family, school, and friends is likely not to use violence against family members or other people in society. A person will follow social rules, live their life based on social decency, and care about other people's feelings. So, they will not only do what they want but also consider other negative consequences of using violence, and will not use violence against family members or other people in society.

Alternative Justice

The concept of alternative justice is developed along with creating various measures with different names by integrating between assumption endorsing concepts and measures used in procedures and civil and criminal sanctions, namely Alternative Dispute Resolutions or ADRs, Community-Base Correction, Noncustodial Treatment of Offender, Diversion from Custodial, Alternatives to Incarceration, Alternatives to Prison, Non-Institutional Treatment of Offender, and Informal Justice. Subsequently, a new concept is created and also considered alternative justice, namely Restorative Justice, Community Justice, and Intermediate Sanction. Regardless of the names of criminal alternative justice as mentioned previously, their purpose is to be measures of treatment for different types of offenders, whether it be treatment, support of involvement, monitoring, and guidance in compliance with these measures (Thawichaikan, 2015).

The Conceptual Framework Used in Strengthening the Community to Prevent Domestic Violence

Encouraging the community to prevent domestic violence according to the public health conceptual framework in primary prevention is to prevent domestic violence before it happens by eliminating causes or preventing risk factors related to domestic violence (Chamberlain, 2008; Shepard, 2008). This is absolutely significant prevention in reducing or eliminating domestic violence from society by focusing on strengthening contributors existing in the community and the community's capability (Gunmintra, 2019; Nintachan et al., 2011).

Encouraging the community to prevent domestic violence helps the community become aware and change its various aspects such as myths about men and women, rights of children and women, etc., to the extent that people in the community cooperate in preventing domestic violence. These changes include the stage of behavioral change (Prochaska, DiClemente, & Norcross, 1992).

Strategies encouraging the community to change in each stage to prevent domestic violence at the primary level aim at contributors in the community. Groups in a community are especially important to identifying risk factors and preventive factors in the community and developing the contributors of the community so as to strengthen the community to prevent or end domestic violence (Green & Haines, 2002). What is important to consider in encouraging the community is to enhance the community's capability, including enhancing capabilities of both official and unofficial organizations in both public and private sectors as well as contributors in the community to have a role in preventing or reducing possible domestic violence and strengthening unofficial social networks (Bernard, 2007; Mancini et al., 2006; Sabol et al., 2004).

METHODOLOGY

This qualitative research includes document research and an in-depth interview. The methodology is as follows;

Research Design

Document Research

This is to research information related to Muslim domestic violence from textbooks, articles, documents, research reports, theses, and the internet. Moreover, this is to research situations of Muslim domestic violence appearing in news and other sources.

In-Depth Interview

There are 4 groups of key informants, including victims, close persons, the provincial Islamic council, and Thai-Muslim family role models.

Samples and Sample Selection Method

This research determines the criteria for selecting research participants. There are 52 participants selected by quota, including;

Victims

This group includes victims who used to ask for help or make complaints to the provincial Islamic council or community council or those who are indirectly affected by domestic violence. This research is conducted in southern border provinces including Songkhla, Pattani, Yala, and Narathiwat, selecting 2 people from each province; there is a total of 8 people.

Close Persons

This group includes religious leaders who are close to families in the community and used to help or solve the problem of domestic violence. These people are respected by people and have a role in the community. This research is conducted in southern border provinces, including Songkhla, Pattani, Yala, and Narathiwat, selecting 5 people from each province; there is a total of 20 people.

The Provincial Islamic Council

This group includes the provincial Islamic council or officers in the provincial Islamic council who used to help complainants or those who ask for help from the provincial Islamic council, which is the center of the administration of religious organizations. This research is conducted in southern border provinces, including Songkhla, Pattani, Yala, and Narathiwat, selecting 5 people from each province; there is a total of 20 people.

Family Role Model

This group includes good Muslim families that are considered role models by the provincial Islamic council. This research is conducted in southern border provinces, including Songkhla, Pattani, Yala, and Narathiwat, selecting 1 family from each province; there is a total of 4 families.

Research Tool

The tool used in this qualitative research is an in-depth interview to acquire in-depth data on studied matters. Question structures are designed to be consistent with research purposes by including contents related to behaviors and causes of Muslim domestic violence. There are 3 issues used in the interview as follows;

Table 1 Questions in the in-depth interview

Question	Content
Part 1 Physical violence	Questions were selected from violent behavior assessment by integrating contents from risk assessment tools or risk screening forms and assessments of domestic violence of the Social Surveillance and Warning Center, Office of Social Development and Human Security Standard, Office of the Permanent Secretary Ministry of Social Development and Human Security.
Part 2 Verbal violence	21 questions were selected from Nakapreecha's thesis (2010) and Netprapai's thesis (2010).
Part 3 Mental violence	Questions were selected from violent behavior assessment and observation of the undercover researcher. This reflected attitudes towards the definition of violence which is divided into physical, mental, and emotional violence.

Data Collecting

- 1) The researcher submitted the letter from the Faculty of Social Sciences and Humanities, Mahidol University to request assistance in collecting data from Muslim families to the provincial Islamic councils in Bangkok, Yala, Pattani, Narathiwat, and Songkhla which were responsible for providing samples to meet the specified characteristics and quantity.
- 2) The researcher arranged an appointment for a date, time, and place for interviewing samples.
- 3) Before starting the interview, the researcher would clarify the purpose and detail of the research and request cooperation from samples who were students to do a checklist and provide information in the interview. Then, the in-depth interview was conducted to acquire in-depth data on studied matters. The in-depth interview took 20-30 minutes/person.

Data Analysis

This research is qualitative research using a questionnaire and checklist as a tool for collecting in-depth data. After collecting data from samples, the data was analyzed in context and content by adjusting to personal characteristics in order to be applied in interpreting data into descriptive research to be consistent and valid according to specified purpose leading to understanding, conclusion, and discussion of results of the research.

In this research, the researcher applied for human research ethics approval according to regulations specified by the university in order to meet universal standards and be accurate according to processes before collecting the data. This is because for data collection in this research, in addition to conducting in-depth interviews with those who are close to Muslim families, the researcher needs to conduct in-depth interviews with families involved with domestic violence. Therefore, it is necessary to require careful consideration from the Human Research Ethics Committee on questions and interview issues in order to not cause any effect on key informants, especially interviewed families.

Results

The Level of Muslim Domestic Violence

The research revealed that the level of Muslim domestic violence in the studied community can be divided into 3 levels: extreme violence, conflict, and family encountering both internal and external problems. For the family with extreme violence, physical abuse is used to cause injury. For the family with conflict, family members have

conflicts and fight with each other frequently but there is no physical abuse. For the family with both internal and external problems, the family does not show any sign of violence, but can possibly lead to quarrels and violent acts among members eventually.

Furthermore, the research revealed that physical abuse and verbal abuse are commonly used in families living in poor communities with crowded neighborhoods. Some areas include rented houses in which a large number of members live in a family. At the same time, these are hardly found in other communities.

Solutions For Muslim Domestic Violence Problem

The research revealed that for patterns and procedures for solving Muslim domestic violence, reconciliation approaches should be used in the community. The community council shall call them to talk and the Imam shall be also involved in the discussion to suggest solutions. Those who are involved in the reconciliation processes include the community president, community secretary, community leader, and religious leader. Patterns and procedures of reconciliation used in practice are as follows;

- 1) Receive complaints and primarily inquire about disputes
- 2) Contact the complainants to inquire about disputes
- 3) Call both parties to talk in order to reach a conclusion
- 4) Reconciliation approaches
 - Start with reading Surah Al-Fatihah and Duah
 - The mediator introduces himself, clarifies his responsibilities and requests consent from both parties to allow him to be the mediator.
 - Say thank you to both parties for accepting reconciliation on the appointed date and time.
 - Use Islamic doctrine in reconciliation and cite goodness and sanction based on the context of such dispute.
 - The mediator shall act as a mediator seriously.
 - Primary rules are specified clearly so as to be followed by both parties.
- 5) The place used for reconciliation should be a specific and secure room so that the reconciliation can be conducted in a friendly atmosphere.
- 6) Separate the parties to investigate the truth or inconsistent answer.

After finishing reconciliation, it is found that in case of successful reconciliation, the statement shall be recorded and signed by the mediator, the president of the provincial Islamic council, and both parties along with the witness. In case of unsuccessful reconciliation, the officer shall issue a certificate/conciliation letter and then shall note that this reconciliation is unsuccessful at the end of the letter. Then, the mediator shall distribute and not continue the case. If the parties are unsatisfied, they can transfer the case to the court.

DISCUSSION

According to the results, families encountering domestic violence in studied communities can be divided into 3 levels, namely extreme violence, conflict, and family encountering both internal and external problems that may lead to violence eventually. For the family with extreme violence, the family is considered relatively poor and the house is located in a crowded neighborhood, or some are rented houses with a large number of members living in the house. This is consistent with the scope of domestic violence in which the Ministry of Public Health stated that domestic violence includes physical and mental, social, economic, and sexual abuse (Kovindha, 2007; Intarajit & Karinchai, 1999). Furthermore, this is consistent with the research indicating that domestic violence is the manner of physical and mental abuse among family members, and is commonly found in poor families with debt burdens. Family members rarely do activities together. The communication pattern is risky to cause conflict (Center for the Protection of Children's Rights Foundation, n.d.; Kongsakon & Chotivitayatharakorn, 2018; Kongsakon, 2008; Laeheem & Boonprakarn, 2017).

The research revealed that reconciliation approaches should be initially used in solving Muslim domestic. If the reconciliation is unsuccessful, the court process should be used in the next step. This assessment results indicate the development of preventing Muslim domestic violence with participative implementation which is cooperation between the researcher and the community leader as well as people, both inside and outside the community. This is effective in terms of preventing domestic violence in the community because there are more changes in target groups' behaviors in terms of prevention (Bograd & Mederos, 1999; Gunmintra, 2019; L'Abate, 1990; Nintachan et al., 2011). The conclusion is consistent with the concept used in strengthening the community to prevent domestic violence citing approaches to cope with problems in the community. After having the information about the problem, it is the community's intervention at each level by designing intervention approaches to develop target groups that should focus on promoting interpersonal capabilities and mechanisms at a personal level and relevant personal level (Chamberlain, 2008; Green & Haines, 2002; Shepard, 2008; Matanboon, 2013; Mancini et al., 2006; Sabol et al., 2004), such as providing integrated intervention activities in the community to be appropriate in the area with long-term execution. Intervention activities are appropriate and people in the community are also cooperative in solving problems (Nintachan et al., 2011).

Furthermore, this corresponds to the Social Control Theory to Social Bonding Theory which is considered the most accepted theory in the criminology field. The essence of the theory is that "a person having attachment to social organizations or groups, including family, school, and friends, are likely not to commit a crime" (Hirschi, 1969). Criminal behavior is a result of a weakened or destroyed bond towards social institutions. Therefore, domestic violence is a result of the weakened connection between family and society. The more social bond or social institution bond is high, the more a person can restrain violence or does not commit a crime. In other words, the way the community supports reconciliation with the family with domestic violence can restrain a crime.

CONCLUSION AND RECOMMENDATION

This research aims to analyze the level of domestic violence in southern border provinces in order to obtain appropriate patterns in applying alternative justice to solve the problem of Thai-Muslim domestic violence. Alternative justice focusing on reconciliation and cooperation from the community council, the religious leader, and people in the community by cooperating with the provincial Islamic council along with promoting understanding and empowering women's rights is used as an appropriate alternative to solve domestic violence.

The recommendation of this research is to emphasize the justice processes of all sectors along with the community. The provincial Islamic council, community council, and religious organization are involved in reconciliation together with the community along with developing activities promoting knowledge, empowering women, enhancing skills of family life, and educating good values for marriage according to Islamic principles designed by the religious leader and community. Moreover, there should be additional activities to build good relationships within the family and promotion of family role model status with non-domestic violence.

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