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Restorative Justice and Guarantees for Democratic Transition in Syria

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Abstract

Objectives: Restorative justice can serve as a key mechanism of transitional justice in Syria, aiming to ensure a smooth and sustainable transition. It operates within a balanced framework that seeks both security and stability, as well as the protection of victims' rights. However, it faces major challenges, including the lack of legal frameworks and the influence of sectarianism and extremism. This study first introduces the concept and foundations of restorative justice, then examines its role in balancing victims' rights with societal stability in Syria.

Method: The study adopts a descriptive and analytical approach to address the research problem. It begins with describing restorative justice and its theoretical foundations, then analyzes its potential to balance redress for victims with sustainable peacebuilding, while also examining the major challenges it faces in the Syrian context.

Results: The study demonstrates that restorative justice is an urgent necessity for achieving security and stability in Syria, as it plays a crucial role in balancing victims' rights with sustainable peacebuilding. However, the lack of legal frameworks to support restorative justice and the widespread presence of sectarian and extremist ideologies pose significant obstacles to its success. This calls for the adoption of a comprehensive participatory approach, including legislative and institutional reform, reparation programs, and rehabilitation initiatives.

Conclusion: The study concludes that awareness campaigns and programs are essential to promote the importance of restorative justice in building a culture of civil peace and ending conflict. It also recommends the adoption of reform, reparation, rehabilitation, and socioeconomic development programs to ensure the sustainability of peace in Syria.

Keywords: Restorative Justice; Reparation; Proper Transition; Transitional Justice; Rehabilitation; Victims.

العدالة التصالحية وضمانات الانتقال الديمقراطي في سوريا

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ملخّص

الأهداف: يمكن أن تفرض العدالة التصالحية نفسها اليوم كآلية من آليات العدالة الانتقالية في سوريا من اجل تحقيق الانتقال السليم والمستدام. تعمل العدالة التصالحية في سياق شامل ومتوازن يأخذ بعين الاعتبار الرغبة في تحقيق الأمن والاستقرار من جهة والرغبة في تعزيز حقوق الضحايا من جهة أخرى. ومع ذلك، غير أنها تواجه تحديات متعددة، مثل غياب الأطر القانونية لتفعيلها، واصطدامها بالطائفية والتعصب. عليه يتطرق الدراسة في محوره الأول إلى التعريف بنهج العدالة التصالحية وأهم ركائزها، ويتناول في محوره الثاني دور العدالة التصالحية في تحقيق التوازن بين حقوق الضحايا والاستقرار المجتمعي في سوريا.

المنهجية: استخدمت الدراسة في الإجابة على الإشكالية المنهج الوصفي والتحليلي، من خلال وصف العدالة التصالحية وأسسها النظرية، ثم الانتقال إلى تحليل مدى قدرة العدالة التصالحية على تحقيق التوازن بين إنصاف الضحايا وبناء السلم المستدام، مع تحليل أهم التحديات التي تواجهها في سوريا.

النتائج: بينت الدراسة أن العدالة التصالحية ضرورة ملحة لتحقيق الأمن والاستقرار في سوريا، لما لها من أهمية في تحقيق التوازن بين حقوق الضحايا وبناء السلم المستدام، لكن في غياب الأطر القانونية المدعمة للعدالة التصالحية وانتشار الفكر المتعصب والطائفي سيشكل عائقا أمام نجاحها ما يستدعي اعتماد مقاربة تشاركية شاملة تقوم على برامج أخرى كالإصلاح التشريعي والمؤسسي، جبر الضرر، وإعادة التأهيل.

الخلاصة: خلصت الدراسة إلى ضرورة إطلاق حملات وبرامج التوعية لنشر أهمية العدالة التصالحية في بناء ثقافة السلم الأهلي وانهاء الصراع، كما خلصت الدراسة إلى اعتماد برامج إصلاحية وجبر الضرر وإعادة التأهيل وبرامج اقتصادية وتنموية لضمان استدامة السلم في سوريا.

الكلمات المفتاحية: العدالة التصالحية، جبر الضرر، الانتقال السليم، العدالة الانتقالية، إعادة التأهيل، الضحايا.

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1. Introduction:

The Syrian crisis is considered one of the most complex crises of the 21st century due to the number of victims it has caused, which, according to the Office of the High Commissioner for Human Rights (OHCHR), reached 350,209 individuals between March 2011 and March 2021 (United Nation 2022, :02). As a result of the structure of Syrian society, the multitude of actors involved in the conflict, and the presence of foreign powers supporting the Syrian regime, the Syrian uprising has persisted from March 2011 to December 2024. During this period, various types of weapons were used, and the population suffered from numerous forms of torture and human rights violations.

The fall of Bashar al-Assad's regime on December 8, 2024, and the establishment of the Syrian Salvation Government on December 10, 2024, marks a significant turning point in contemporary Syrian history. It represents the beginning of a new era of transformations that Syria will undergo in the future. The first of these transformations is the engagement in a transitional justice approach, utilizing both judicial and non-judicial mechanisms to achieve sustainable stability and social peace, followed by the transition to a phase of building state institutions on legitimate foundations that adhere to the rule of law.

Restorative justice today asserts itself in the Syrian context as both a goal and a means in any transitional justice process. The latter has recently become widely used to describe an approach that considers how to deal with the legacy of past violations and achieve justice without hindering peacebuilding and reconciliation efforts in societies emerging from conflict or striving to achieve democracy (Al-Saud 2015, :09). As defined by the United Nations, it is: "a set of mechanisms and processes related to the attempts made by society to understand and overcome the widespread abuses of the past in order to ensure accountability, establish justice, and achieve reconciliation" (Security Council of United Nation 2004, :06).

Restorative justice is a non-judicial mechanism for transitional justice that includes a range of processes such as mediation, reconciliation, and negotiation between lawyers, judges, and consultation on issuing judgments (United Nations 2002, :70). It thus refers to mechanisms and processes related to community efforts, including those of victims and offenders, to address violations that occurred during a specific period in order to overcome them, provide justice to the victims, and ultimately achieve national reconciliation.

2. General Framework of the Study:

2.1 Study Problem:

The title of this study, "Restorative Justice and Guarantees of Democratic Transition in Syria," was chosen in response to the urgent need to explore practical mechanisms for achieving an effective and sustainable democratic transition in Syria. This necessity arises from the unique complexities of the Syrian context, shaped by over a decade of conflict that has resulted in severe human rights violations, the disintegration of state institutions, and the erosion of trust among the various segments of society.

This study aims to address a central issue: to what extent can restorative justice contribute to balancing the rights and redress of victims with the assurance of social stability, which is a fundamental prerequisite for sustainable peace in Syria? This issue calls for alternatives to traditional punitive justice that are capable of accommodating the social, cultural, and political complexities involved, while still upholding victims' rights and combating impunity.

The intended audience for this study includes:

- Policymakers and future Syrian government bodies responsible for managing the post-conflict phase.
- Civil society institutions and local and international human rights organizations engaged in transitional justice and reconciliation efforts.
- Researchers and academics specializing in international law, human rights, and transitional justice.
- The Syrian society in all its diversity, including victims and their families, who seek justice, fairness, and the restoration of trust in state institutions.

Accordingly, this study aims to provide a scholarly and practical perspective on the role of restorative justice in supporting democratic transition in Syria by addressing the associated legal and social challenges and proposing viable solutions tailored to the complex Syrian reality.

2.2. Study Hypothesis:

This study is based on the central hypothesis that: "Adopting restorative justice as an alternative and integrated approach within the transitional justice process in Syria will effectively balance victim redress with the assurance of social stability, thereby enhancing the prospects for a successful democratic transition and sustainable peace."

This hypothesis rests on the belief that restorative justice is not merely a legal instrument for addressing violations but also a participatory societal process that empowers victims to express their suffering, encourages perpetrators to assume responsibility, and rebuilds trust within Syrian society. Consequently, the effectiveness of this approach depends on the availability of political will, the appropriateness of the legal framework, and society's readiness to accept reconciliation as a strategic option for the future.

The study seeks to test this hypothesis through an analysis of the theoretical framework of restorative justice and an assessment of its applicability within the Syrian context, drawing on comparative experiences from other post-conflict countries.

2.3. Research Questions:

This study seeks to answer a set of key questions derived from its main hypothesis, as follows:

- What role does restorative justice play in addressing the legacy of serious human rights violations committed during the Syrian crisis?
- How can a balance be achieved between the restorative justice approach and the requirements of legal accountability to ensure victims' rights and promote social reconciliation?
- What political and legal guarantees are necessary to ensure the effectiveness of restorative justice as a contributor to supporting democratic transition in Syria?
- What social and legal challenges impede the implementation of restorative justice in Syria, and how can these be overcome?
- To what extent can restorative justice contribute to building trust among Syrian societal components and enhancing stability and sustainable peace?

2.4. Study Objectives:

The study of restorative justice and the guarantees for democratic transition in Syria aims to introduce restorative justice and its key pillars as part of a broader process intended to guide society from conflict toward sustainable peace. It further aims to present reconciliation as a comprehensive and balanced mechanism for achieving equilibrium between victims' rights and social stability in Syria, in addition to addressing the legal and societal challenges faced by restorative justice and their implications for building a just, equitable, and sustainable society.

Accordingly, the study seeks to achieve the following objectives, aligned with its research questions:

- To analyze the role of restorative justice in addressing the serious human rights violations that occurred during the Syrian crisis by examining its mechanisms and comparing them with similar international experiences.
- To explore ways to balance restorative justice and legal accountability, ensuring victims' redress while upholding the principles of justice and supporting social reconciliation in Syria.
- To identify the political and legal guarantees necessary to create an enabling environment that allows restorative justice to effectively contribute to the democratic transition process, with a focus on the supporting legislative and institutional frameworks.

2.5. Study Significance:

The significance of this study stems from two main aspects: scientific importance and practical relevance, alongside clarifying the targeted audience, as detailed below:

2.5.1 Scientific Importance:

This study represents a novel academic contribution to the field of transitional justice by highlighting restorative justice as an alternative and complementary mechanism to traditional justice within the post-conflict context. It provides a theoretical and analytical framework for understanding how to balance victim redress with social stability. Furthermore, it

enriches the scholarly discourse on supporting democratic transitions in post-conflict countries, particularly in the complex social and political context of Syria.

2.5.2 Practical Relevance:

The practical value of this study lies in offering actionable proposals and recommendations for stakeholders in Syria, whether at the level of public policy or through the activation of reconciliation and reparations mechanisms. It also guides efforts to rebuild the Syrian state based on justice and the rule of law and supports decision-makers in adopting a sustainable, participatory approach that enhances the prospects for peace and peaceful coexistence among the country's diverse communities.

2.5.3 Target Audience:

This study targets a diverse group of stakeholders, including:

- Decision-makers and future governmental institutions in Syria.
- Civil society organizations and human rights institutions concerned with reconciliation and transitional justice.
- Academics and researchers specializing in law, human rights, and public policy.
- Syrian citizens affected by the conflict, particularly victims and their families, who seek justice, fairness, and reconciliation.

2.6. Study Limitations:

The study's limitations fall within two primary scopes:

2.6.1 Temporal Scope:

The study is limited to the period from 2011, marking the outbreak of the Syrian crisis, until December 2024, the date witnessing the fall of the Syrian regime and the formation of the new Salvation Government. This timeframe is selected to evaluate the role of restorative justice during the conflict and its aftermath, and its impact on the democratic transition process.

2.6.2 Geographical Scope:

The study is geographically confined to the Syrian Arab Republic, focusing on the political, social, and legal transformations experienced during the conflict. It also considers the multicultural and sectarian particularities of Syrian society, while referencing relevant international experiences for comparative purposes.

2.7 Determinants of the Study:

The absence of a legislative framework suited to the current phase Syria is undergoing, coupled with the transitional justice legislation still being in its early and incomplete stages, constitutes a significant limitation. Although there have been some reconciliation initiatives under the previous regime, these efforts fell short of meeting the Syrian people's aspirations due to their politicization and management by external parties, ultimately resulting in their failure. Furthermore, the scarcity of statistical and empirical studies on this specific subject creates difficulties in obtaining concrete evidence to support research that is applicable to the Syrian context.

Accordingly, the determinants of this study are shaped by several influential factors that form the framework for understanding and analyzing restorative justice and the guarantees of democratic transition in Syria, as follows:

- Social and Political Composition of Syria: The study is heavily influenced by the diversity of Syrian society in terms of sects, religions, and ethnicities, as well as the political complexities arising from the ongoing conflict. These factors affect the mechanisms for implementing restorative justice and its likelihood of success.
- Legal and Institutional Framework: The success of restorative justice depends on the existence of clear and robust legal frameworks and independent institutions capable of enforcing transitional justice, which poses a challenge given the absence of comprehensive legislation in Syria.
- Current Security and Political Conditions: The unstable security and political environment impacts the feasibility of implementing restorative justice mechanisms, especially in conflict-affected areas and regions with institutional weakness.
- Previous International Experiences: The study draws on the experiences of other countries in the fields of

restorative and transitional justice, aiming to benefit from their successes and failures to guide its application within the Syrian context.

2.8 Terms of the Study:

The key terms used in this study include:

- Restorative Justice: An alternative approach to traditional criminal justice that focuses on repairing the harm caused by a crime through the involvement of the victim, the offender, and the community in the justice process, with the goal of achieving reconciliation and social balance (Marshall 1999, :05).
- Transitional Justice: A set of legal, social, and political mechanisms designed to address serious human rights violations committed during periods of conflict or authoritarian rule, aiming to achieve reconciliation, accountability, justice, and the establishment of strong democratic state institutions (Multiple Authors 2022, :191).
- Truth and Reconciliation Commissions: The right to truth is a principle of international human rights law underpinning transitional justice. It is an inalienable and autonomous right connected to the state's duty to protect and guarantee human rights, conduct effective investigations, and ensure effective remedies and reparations (UN office of the Hight commissioner for Human Rights (OHCHR) 2014).
- Peace Circles Council: An approach based on the philosophy of diverting juvenile offenders from court or detention while maintaining their accountability for offenses committed. Its purpose is to balance the care needs and justice requirements for juvenile offenders. The council convenes with the juvenile's family members, the juvenile offender, specialists in justice and social care, and victims, with a coordinator leading the meeting to develop rehabilitative recommendations that also consider the needs of victims (United Nations Office on Drugs and Crime 2025).

3. Theoretical Framework and Literature Review:

3.1 Theoretical Framework:

The theoretical framework of the study establishes the scientific and intellectual foundation of the subject. Through this framework, the key concepts, principles, and theories utilized in the study are identified to facilitate a comprehensive understanding and analysis of the research topic. It also provides the conceptual and methodological basis upon which the study relies in addressing restorative justice and the guarantees for democratic transition in Syria.

3.2 The Concept of Restorative Justice:

One of the most significant factors that can affect the course of restorative justice and act as an obstacle to its implementation is the widespread belief that restorative justice encourages impunity and denies victims access to justice, necessitating the use of stricter measures to prevent crime. However, the reality is different. Restorative justice is a process that complements criminal justice, not a means to absolve perpetrators of responsibility or justify their actions. Rather, it is a process aimed at rehabilitating the perpetrator and preventing the recurrence of the crime. It also seeks to find solutions that restore balance between the rights of victims and the obligations of perpetrators, helping to repair the harm suffered by victims in a comprehensive and ongoing manner.

3.3 Definition of Restorative Justice:

The numerous failures of the traditional criminal justice model in combating crime, along with the widespread phenomenon of impunity, led to the emergence of the restorative justice approach as a remedy for several issues arising from these failures. These include the increasing expenditure on criminal justice systems, which contributed to the spread of bureaucracy that negatively impacted the results of conviction rates and recidivism, as well as the lack of truth regarding the violations committed by perpetrators, who were not compelled to acknowledge their actions threatening society or to take responsibility for them. Moreover, it failed to consider the needs of the victims (Eugene McLaughlin and others 2003, :01). As a result, many proponents of restorative justice argue that the traditional criminal justice model has proven ineffective in addressing the root causes of violations that affected the rights of victims or in building stable and secure communities.

Restorative Justice as an Alternative and Suitable Model in Post-Conflict Societies:

The concept of transitional justice is relative, as it raises many issues regarding its definition due to its variation over time and across different contexts. This is a result of the desire to create a balance between two conflicting objectives: peacebuilding and preventing impunity for human rights violators (Khawat 2014, :118). Transitional justice is characterized by multiple, complementary mechanisms, both judicial and non-judicial, which operate within an interconnected process that includes accountability, reparations, truth-telling, memory preservation, and institutional reform, ultimately leading to national reconciliation (Multiple Authors 2022, :191). Therefore, transitional justice is a comprehensive process aimed at achieving a balance between the demands of criminal justice and restorative justice in order to build a safe and stable society following a period of conflict or strife.

Restorative justice aims to propose an alternative philosophy to criminal justice, complementing it in post-conflict or post-war societies through a set of practices suited to resolving conflicts and the damages caused by the painful legacy of the past. It involves several actors: victims, offenders, witnesses, and the serious violations of victims' rights that occurred during a specific period. This is framed within a legal structure that focuses on determining legal responsibility and strengthens the rights of victims as active participants in the process, which generates a sense of satisfaction among victims and eliminates the causes of fear and crime within society, ultimately paving the way for secure and stable communities.

Many studies on restorative justice indicate that methods of conflict resolution through restorative means are still widespread today in tribal and simple societies, characterized by strong social ties and a religious and doctrinal influence, with a particularly strong presence in Islamic religion as one of the foundations of this tolerant faith. In these societies, disputes are resolved through a tribal council for arbitration and mediation, which determines punishment and compensation. Howard Zehr defines it as: "An approach that gives those involved in the crime an opportunity to identify the harm caused by it, meet the needs, and fulfill obligations, with the aim of addressing the harm and fostering social harmony" (Rognon and Howard 2013, :283-284).

Restorative Justice as a Societal Process and Framework of Values and Principles:

The basic principles for the use of restorative justice programs in criminal matters, as outlined in Economic and Social Council Resolution 2002/12, dated July 24, 2002 (United Nations 2002, :70), state that restorative justice programs refer to any reconciliatory process in which the victim, the perpetrator, or any other person affected by the crime participates in order to resolve the issues arising from the crime, with the assistance of any party who can facilitate this process in a fair and just manner.

While "Tony Marshall" considers restorative justice to be a comprehensive framework based on practical and future-oriented solutions, rather than being limited to traditional punishments, he defines it as: "The process that allows those involved in a crime to participate in finding solutions to its consequences and addressing its future effects" (Marshall 1999, :05). This definition suggests that restorative justice, as part of the transitional justice process, represents a societal procedure that enables those involved in a crime to participate in addressing its effects and dealing with its future repercussions through: opening channels of dialogue between various stakeholders, including victims, perpetrators, and members of society, to reach practical solutions, establishing and assuming responsibility for the perpetrators by having them acknowledge their actions and engage in overcoming them, as well as compensating the victims both materially and morally to repair their harm and create a balance between building societal peace and reconciliation between perpetrators and victims to prevent future violations.

While some consider that "restorative justice" originally refers to a range of community-based efforts to reshape the understanding of "the problem of crime" and reimagine the relationships between the offender, the victim, and society in a fundamental way (Eugene McLaughlin and others 2003, :09), from our perspective, it can be argued that the restorative justice approach is rooted in a set of values and principles upon which society is built. This approach emphasizes being a means of revealing the truth of violations and crimes, offering justice for victims, and repairing the harm done to them. It is not merely a ready-made model suitable for all societies and crises, but rather a community practice that brings together various actors and employs a range of tools and mechanisms.

These various and multiple definitions of restorative justice highlight the relativity of the concept and the difficulty of finding a comprehensive and definitive definition. This is primarily due to the fact that the restorative justice approach does not only focus on putting an end to serious violations of victims' rights, ensuring justice for them, and remedying their harm, but also contributes to providing community-based solutions for building sustainable peace based on social integration.

3.4 Forms of Restorative Justice:

The goal of incorporating the restorative justice approach as part of judicial systems at any stage of the criminal justice process is to provide appropriate treatment for all actors victims, perpetrators, and the local community. It ensures equality among all segments of society, respects human dignity, and enhances social cohesion. Restorative justice can be present within the context of criminal justice during the investigation phase conducted by the judicial police, during the presentation of the perpetrator before the public prosecutor or investigating judge, at the stage of issuing the verdict, or during the period following the issuance of the judgment (United Nations Office on Drugs and Crime 2025). In this context, restorative justice takes one of the following forms:

- **Mediation Between the Victim and the Perpetrator**: Al-Shukri defines criminal mediation as a mechanism that occurs between the victim and the perpetrator upon the suggestion of the public prosecution. Through this process, the criminal responsibility of the perpetrator is established, and they are required to compensate the victim for the unlawful behavior they committed (Al-Shukri 2011, :25). Thus, it can be considered a session between the victim and the perpetrator, with the presence of a third party who facilitates the session and seeks a way to hold the perpetrator accountable for their actions and repair the harm caused to the victim.
- **Reconciliation Deliberation Council**: This is a modern approach based on the philosophy of keeping juvenile offenders out of court or detention while holding them accountable for the crimes they have committed. This type of council emerged in New Zealand in 1989 and was supported by the Children and Young Persons' Well-being Act of 1989, aimed at balancing the care needs and justice requirements for juvenile offenders. The council convenes with the presence of the juvenile's family members, the juvenile offender, alongside specialists working in the fields of justice and social care, as well as the victims. The meeting is led by a coordinator tasked with providing recommendations to address the rehabilitative needs of the child, while considering the needs of the victims (United Nations Office on Drugs and Crime 2025). After the success of family reconciliation councils in juvenile justice, they were extended to include adult offenders, and these councils take the form of customary or community-based deliberative councils.
- **Victim Offender Dialogue Programs**: These programs refer to support mechanisms used when victims refrain from direct participation in the restorative process for various reasons, where a representative, such as advisors or local organizations, stands in for the victim to express their needs and views in the restorative process, while also facilitating communication with the offender (Braithwaite 2002, :75-77). A notable example of this program is the "Sycamore Tree Project" carried out by the Lebanese organization "Nasruto - Brotherhood of Prisons" within some prisons in Lebanon. The project aims to organize meetings between offenders and victims of other crimes to understand their feelings and the extent of the suffering experienced by victims, so that offenders acknowledge their responsibility for crimes they have committed against other victims, offer apologies, and work towards reconciliation.
- **Truth and Reconciliation Commissions**: The right to know the truth is one of the principles of international human rights law upon which transitional justice is based (UN office of the Hight commissioner for Human Rights (OHCHR) 2014, :05). The right to know the truth regarding serious human rights violations and grave breaches of human rights law is an inalienable and independent right. It is linked to the state's duty to protect and guarantee human rights, conduct effective investigations, and ensure adequate redress and compensation (United Nations 2025).

The primary tasks of truth and reconciliation commissions involve investigating and reporting on violations that occurred during a specific period in a country that suffered from conflict or authoritarian rule. The results of these commissions provide reliable data and sources that can be relied upon in the democratic transition process, by allowing victims or their families to learn the truth about the violations and ensuring the right to access justice in seeking compensation or paving the way for reconciliation.

3.5 Literature Review:

The study builds upon several previous works addressing restorative justice, although most of these have concentrated on experiences in other countries or on general legal aspects. Among these prior studies, the following are notable:

- A study by Majid Adel entitled "Rules of National Reconciliation in Transitional Phases: Application to the Situation in Egypt, 2013," published in *Yatafakkaroun* Journal, Issue 2 (2). This study examined the rules of national reconciliation during transitional periods, with a focus on Egypt. It emphasized the relationship between transitional justice and political reform, stressing the necessity of integrating social reconciliation with legal justice to ensure a stable democratic transition (Majid 2013, :86-87).
- A study by Qawi Bouhenia and Qouq Ali titled "Transitional Justice: Conflict Cases and Application Experiences in Arab Countries: Truth, Reconciliation, and Priorities for Civil Peace," published in 2016. This research discussed transitional justice experiences in several Arab and African countries, concluding that the success of such justice depends on the presence of supportive legislative environments, active community participation, and judicial independence. The South African experience was cited as an example demonstrating the effectiveness of truth and reconciliation commissions (Bouhenia and Ali 2016, :229).
- A doctoral thesis by Mustafa Zghayshi, titled "The Role of Good Governance in Realizing Transitional Justice," defended in 2020. The researcher provided an analysis of the role of good governance in actualizing transitional justice by reviewing the relationship between institutions and justice. The study concluded that the absence of governance standards and indicators in the post-conflict period poses a significant obstacle to implementing any effective restorative approach in countries that have suffered serious human rights violations (Zeghichi 2020, :270).

3.6 Distinctive Features of This Study Compared to Previous Research:

This study represents a legal and intellectual effort to fill a research gap by specifically applying the restorative justice approach to the Syrian context, with all its political, social, and sectarian complexities. It is distinguished by several aspects that make it a unique academic contribution, differing from previous studies in terms of content, methodology, and context, as outlined below:

- Specificity of the Syrian Context: This study directly focuses on the Syrian case, which has received limited scholarly attention within the framework of restorative justice as a mechanism to support democratic transition. It is among the first studies to attempt aligning this approach with Syria’s complex sectarian, political, and social composition.
- Integration of Restorative Justice within the Democratic Transition Process: The study goes beyond analyzing restorative justice solely as a theoretical or legal concept; it situates it within a broader framework related to democratic transition and sustainable peacebuilding. It offers a comprehensive vision of its role in national reconciliation and restoring trust in state institutions.
- Comparative and Integrated Analytical Methodology: The study employs a methodology combining theoretical and practical analysis by reviewing international experiences such as those of South Africa, New Zealand, and Lebanon and comparing them to the Syrian context. This approach aims to develop an applicable model that accounts for local particularities.
- Timeliness and Political Context Significance: Conducted during a critical period marked by profound political shifts following the fall of the Syrian regime and the establishment of a transitional government, the study’s relevance and practical significance are enhanced. Its findings and recommendations offer direct utility for policymakers and key stakeholders.

4. Methodology of the Study:

The methodology of the study constitutes the foundational pillar that defines the scientific and methodological framework of the research. A rigorous and multidimensional methodology was selected to suit the nature and complexities of the subject, with an emphasis on employing approaches that enable a comprehensive understanding of the reality and a precise analysis of the concepts and practices related to restorative justice.

4.1 Study's Approaches:

This study adopts a dual methodology combining descriptive and analytical approaches to provide a comprehensive understanding of restorative justice as a mechanism for democratic transition in Syria.

The descriptive approach was employed to systematically present the theoretical foundations of restorative justice by addressing its concept, origins, development, and various forms in post-conflict societies. It also clarified its legal and social pillars, positioning it as a non-judicial mechanism within the transitional justice framework.

Conversely, the analytical approach was utilized to examine Syria's legal and social environment and assess the feasibility of implementing restorative justice within the political transition process. This included analyzing relevant legal texts, diagnosing structural obstacles such as the absence of accountability, sectarian divisions, and legislative deficiencies. The study also incorporated comparative analysis by reviewing successful international experiences, notably the Truth and Reconciliation Commission in South Africa, to draw lessons applicable to the Syrian context.

The integration of these two methodologies enabled the study to move beyond theoretical discourse and address practically the capacity of restorative justice to balance victim reparation, national reconciliation, and the construction of sustainable peace in Syrian society post-conflict.

4.2. Study Area:

This study defines its temporal, geographical, and thematic scope in accordance with the nature of the research problem. The temporal scope covers the period from 2011 the year the Syrian crisis began until December 2024, marking a pivotal moment in the country's political trajectory following the fall of the Bashar al-Assad regime and the formation of the Syrian Salvation Government.

Geographically, the study focuses on the Syrian Arab Republic as the spatial framework that witnessed the conflict, its associated severe human rights violations, societal fragmentation, the multiplicity of conflict parties, and foreign interventions that have influenced the overall situation.

Thematically, the study concentrates on exploring the feasibility of adopting the restorative justice approach within the framework of transitional justice in Syria as a means to ensure a sound and sustainable democratic transition. This includes addressing the conflict's aftermath, reparations for victims, and fostering social reconciliation. Additionally, the scope encompasses an analysis of Syria's existing legal framework and its suitability for activating restorative justice mechanisms, alongside consideration of relevant international experiences to propose a realistic and applicable model for the Syrian context.

4.3. Data Collection:

The study's data collection relied on diverse qualitative sources, including theoretical references, legal texts, and international reports, aimed at building an integrated knowledge base on restorative justice and its role in guaranteeing democratic transition in Syria.

The data collection tools included:

- Official Documents and Legislation: Analysis of legal texts related to transitional and restorative justice, with emphasis on international standards concerning human rights and the rule of law.
- United Nations and International Reports: Utilization of reports from the Office of the High Commissioner for Human Rights, the United Nations, Amnesty International, and others documenting violations committed during the Syrian conflict and highlighting challenges related to justice and reconciliation.
- Academic Studies and Reference Books: Reliance on specialized literature in transitional justice, international law, and comparative country experiences to provide a solid theoretical and analytical background.

- Comparative International Experiences: Examination of restorative justice models from countries such as South Africa and Lebanon to extract best practices adaptable to the Syrian context.

Due to the absence of precise statistical databases on the Syrian conflict, the study employed qualitative analysis of events and insights drawn from available literature, consistent with the legal and human rights approach grounded in inference and critical analysis.

4.4. Study's Analytical Framework:

The analytical framework of this study is grounded in the concept of restorative justice within the broader system of transitional justice, serving as a conceptual and normative lens to understand the mechanisms for balancing victims' rights with the demands of social stability in the context of the Syrian conflict and its aftermath. This framework employs legal and social analytical tools to assess the effectiveness of restorative justice in addressing serious violations and achieving civil peace.

The framework is based on the following components:

- Analysis of the relationship between restorative justice and criminal justice, focusing on their complementarity and distinctions, to highlight restorative justice as a supplementary approach that does not negate accountability but emphasizes reconciliation, reparations, and prevention of recurrence.
- Examination of the roles of key actors in the restorative justice process victims, offenders, society, and state institutions with particular attention to their interactions and responsibilities in ensuring the success of this mechanism.
- Incorporation of comparative experiences, notably the Truth and Reconciliation Commission in South Africa, as a reference model to evaluate the feasibility of applying a similar approach in Syria, while taking into account cultural, political, and social differences.
- Deconstruction of structural obstacles such as the absence of an adequate legal framework, sectarianism, retaliatory mindsets, and weak state institutions, through analyzing how these factors impact the potential for implementing restorative justice.
- Integration of the rule of law concept as a fundamental element in achieving justice, rebuilding state institutions to safeguard human rights, prevent impunity, and restore trust between citizens and the state.

This analytical framework constitutes a methodological tool that facilitates exploring the possibilities of transforming restorative justice into an effective policy within Syria's democratic transition by combining legal, institutional, societal, and human dimensions.

5. Assumptions and Perceptions from an Analytical Perspective:

Assumptions and perceptions form the cornerstone for understanding the mechanisms of restorative justice and its role in addressing humanitarian and social crises, particularly in contexts marked by deep conflicts such as the Syrian crisis. This section of the study presents an in-depth analysis of the challenges and opportunities confronting the implementation of restorative justice in Syria. These assumptions arise from a nuanced understanding of the complex and intertwined realities involving past violations, the need to balance justice and reconciliation, and the imperative to ensure the sustainability of the democratic transition.

5.1 The Role of Restorative Justice in Achieving a Balance Between Victims' Rights and Societal Stability in Syria:

The Syrian Arab Republic is currently undergoing an early experience in the field of transitional justice, which necessitates the use of various legal and non-legal mechanisms to address the painful legacy of the conflict period, aiming at reconciliation and repairing the harm inflicted on the victims without exclusion or marginalization. However, the unique characteristics of Syrian society, which consists of ethnic groups, religions, sects, ideologies, and political movements (Al-Mubarak 2003, :28), require resorting to restorative justice as a suitable solution that complements traditional justice to ensure a smooth and sustainable democratic transition.

5.2 Restorative Justice as an Effective Mechanism for Addressing Violations and Providing Redress for Victims in Syria:

In the context of human rights, restorative justice can be seen as the appropriate mechanism to achieve a balance between the rights of victims and the restoration of social stability in Syria. In such complex cases characterized by severe human rights violations due to the conditions of conflict, restorative justice works to address these violations and provide redress for the harm inflicted on victims through a participatory approach based on the rule of law.

Restorative Justice as an Effective Mechanism for Addressing the Painful Violations of the Past in Syria:

Restorative justice processes vary from one country to another, but they can be part of judicial systems or independent from them. Restorative justice is not a fixed program but rather a complementary process to criminal justice systems. In this context, it involves a variety of flexible and suitable measures for criminal justice systems. The particularities of the society and the right of states to pursue offenders should be considered, as well as the imbalances in power and the cultural differences between the parties (United Nations 2002, :70).

In the context of restorative justice, the rule of law is both a right and a goal in itself. It is a right of the victims, as it contributes to the search for truth, determines the responsibility of the offenders, and ensures the right to appropriate redress for the victims. It is also a goal in that it works to enhance the capacity of post-conflict countries to rebuild their institutions, particularly security institutions, on sound foundations, and ensures fair and just investigations into violations.

However, the rule of law is not only understood as the development of legislation and its application to all individuals without discrimination, but also as the implementation of good governance principles, which require that all natural and legal persons be accountable before the law. It should reflect the needs of society and guarantee the right of every citizen to access justice (Al-Jubouri 2018, :125). The application of the rule of law within the framework of restorative justice as a necessity aimed at addressing the harm caused by violations in the post-conflict phase in Syria will undoubtedly strengthen the position of victims within various restorative justice processes, such as truth and reconciliation commissions and mediation.

The rule of law also obliges the state to conduct serious investigations to understand the causes of those violations and the perpetrators involved as part of the truth-finding process. This facilitates the work of truth and reconciliation commissions in searching for the truth about the violations, uncovering their causes, and identifying those responsible. It also enables the victims of serious human rights violations and grave breaches of international humanitarian law, or their families, to learn the truth about these violations, in addition to providing them with appropriate means of redress (United Nations 2006, :09). In this regard, Syria can draw from the experiences of countries that have gone before it, with South Africa's Truth and Reconciliation Commission following the apartheid era (1995-2002) being a pioneering example in seeking the truth about human rights violations driven by political and ethnic motives, committed between 1960 and 1994 (Koui and Koukouk 2016, :229). This experience contributed to the adoption of laws on reconciliation, accountability, and reparation in South Africa thereafter.

The mediation process between the victim and the offender takes the form of multiple and separate sessions initially, before transitioning into meetings between the two parties. At the outset, the session facilitator discusses the impact of the crime on both the offender and the victim individually and seeks a way to make the offender willing to take responsibility for the harm caused to the victim. This is followed by a meeting between the offender and the victim, or by involving other individuals in joint preparatory sessions for conversation and expanding the dialogue and consultation. The opportunity is then given for each party to express their feelings, tell their stories, and propose ways to repair the harm. These sessions conclude with agreements that include apologies, compensation for material and/or moral damage, and the restoration of rights and services to the victim. The fulfillment of the offender's commitments, as documented in the agreement, is then monitored (United Nations Office on Drugs and Crime 2025).

5.3 Restorative Justice as a Mechanism for Redressing the Harm of Syrian Victims:

Redressing the harm of victims and holding offenders accountable for their actions that caused harm to the victims is a priority in restorative justice. The redress must be adequate, effective, and immediate, ensuring the satisfaction of the

victims and their families. Restorative justice is closely linked to the issue of redress as it enhances justice and addresses severe violations of human rights or international humanitarian law.

The main objective of redress is to improve justice by addressing grave violations of international humanitarian law or human rights, according to the fifteenth principle of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, which was adopted by General Assembly Resolution 147/60 on December 16, 2005. Redress should be proportionate to the extent of the violation and the harm caused. Therefore, the state is committed to providing appropriate redress to the victims in accordance with its domestic laws and international obligations for the violations committed against the victims' rights. If redress is required from another party, whether an individual, legal entity, or any other body, the responsible party must provide redress to the victim or the state if the state has already provided redress to the victim (United Nations 2005, :11).

In any case, the victim cannot be separated from their right to participate in reparation programs, as their participation instills trust and reassurance in the victims and their families and achieves the primary goal of reparation. As stated by the Assembly of States Parties to the Rome Statute of the International Criminal Court, the right of victims to participate in legal proceedings and seek reparations is one of their fundamental rights under Article 68 of the Rome Statute (Assembly of States Parties to the Rome Statute of the International Criminal Court 2015, :46). This is seen as one of the main priorities of the Rome Statute. Participation also gives victims the opportunity to voice their opinions, which the court will take into account at any point throughout the procedures. This involves safeguarding their privacy, dignity, well-being, and bodily and mental safety in addition to their right to get pertinent information.

The harm suffered by the victim must be assessable, and compensation should be provided if the victim has experienced physical or mental harm, or lost opportunities that the perpetrator was responsible for, such as employment, education, and social benefits. This also includes material damages, lost income both realized and potential and moral damage suffered by the victim, as well as legal expenses such as legal aid, expert assistance, and the costs of medical, psychological, and social services, along with any subsequent treatment (United Nations 2005, :12).

The participation of victims in all stages of restorative justice, including reparation measures, is considered a form of recognition and acknowledgment of their role as active participants in justice and proper transition. The process of victim participation begins with treating them in a manner that preserves their dignity, including providing the necessary protection and care for them and their families. This should be encompassed by legal protection in national legislations, even during proceedings before justice or while implementing reparation measures (United Nations 2005, :09).

Given the specificity and composition of Syrian society, which is characterized by the presence of various ethnic groups, religions, sects, beliefs, and political ideologies, reconciliation councils can play a significant role in bridging the perspectives between offenders and victims, or their representatives, with the presence of other parties that contribute to the success of this process. These councils could greatly contribute in Syria by involving a large number of actors beyond the offender and the victim, such as family members, police, friends, and community representatives. This would enable the offender to recognize the impact of the crime they committed, not only on the victim and their families but also on their own families and friends, while providing an opportunity for all parties to rebuild relationships and ensure active participation in the decision-making process.

5.4 Restorative Justice as an Effective Mechanism for Rebuilding Trust and Achieving Societal Stability in Syria:

One of the most important goals that transitional justice seeks to achieve in the post-conflict or post-war phase is the reform of the relationship between the perpetrator, the victim, society, and the new state institutions in order to rebuild trust and achieve societal stability. Restorative justice is considered one of the key tools of transitional justice that can be adopted by countries emerging from conflict, as it provides an environment for dialogue and reconciliation to achieve these goals.

Restorative Justice as an Effective Mechanism for Rebuilding Trust Among the Components of Syrian Society:

Rebuilding trust in societies emerging from conflict or war begins with acknowledging the violations and correcting the disrupted relationship between the perpetrator, the victim, society, and state institutions. In this context, restorative justice

can serve as an effective mechanism in creating an environment conducive to fostering dialogue, mutual understanding, and alleviating negative emotions such as hatred and revenge. This enables all parties to express their pain and suffering, and paves the way for a new phase of cooperation, peaceful coexistence, and the rebuilding of trust between the components of Syrian society and modern state institutions.

In the same context, Professor Amartya Sen attributes the causes of violence primarily to weak and corrupt state institutions, resulting from their negative practices that lead to a disruption of social and economic justice within society. Additionally, the deprivation of individuals' basic rights creates a state of intolerance in the deprived person, which grows and develops into hostility and extremism in all its forms (Amartya 2011).

Therefore, in order to combat violence and its causes, the Syrian state must place special emphasis on the root causes of conflict or dispute and undertake comprehensive reforms targeting its official institutions, involving various actors such as victims, offenders, civil society, political parties, and the media. This is aimed at leading society toward a state of mutual understanding and acceptance of others, free from violence and extremism, as it is a process that allows for the integration of different actors to rebuild trust both among the various segments of society and between society and state institutions.

Reforming state institutions, including mechanisms for oversight, accountability, and governance, is a priority for the rule of law in rebuilding the state and society in Syria during the post-conflict phase. Many experiences from countries in the field of transitional justice have demonstrated that the responsibility for gross human rights violations that occurred during periods of conflict primarily lies with the fragility of state institutions and the weakness of the rule of law within them (United Nations 2014, :06). Therefore, it has become essential that the post-conflict phase in Syria be characterized by the rule of law to ensure the reform of those institutions that were responsible for or contributed to those violations, particularly the security institutions and the judiciary.

Among the instances of state institutions involved in human rights violations in Syria, one of the most severe and requiring urgent reform is the "Saydnaya" prison, located north of Damascus. It has been a site for mass executions and brutal torture, practices employed by Syrian security agencies during the rule of Bashar al-Assad, including the Air Force Intelligence Directorate, the Military Intelligence Division, the Political Security Directorate, and the General Intelligence Directorate (Amnesty International 2017). In order to rebuild trust among the components of Syrian society, the reform of these institutions, along with other state institutions, must adhere to the principle of the rule of law and ensure its respect. This is a priority in the transitional phase and a fundamental right for victims, both in terms of its legal content and its implementation and respect, to guarantee that the violations previously committed by these institutions or their officials do not recur (Al-Jubouri 2018, :125).

Therefore, it can be said that restorative justice is an effective mechanism for rebuilding trust among the components of Syrian society, given its structure, which consists of multiple interconnected pathways. In this regard, Professor Adel Majed argues that reconciliation is based on three interconnected pathways: The first pathway, "political reconciliation," involves political dialogue between parties and political formations to narrow the conflict gap and reach national consensus. The second pathway, "community reconciliation," focuses on societal dialogue that includes all the ethnic, religious, and intellectual components of society. The third pathway, "legal reconciliation," pertains to the transitional legal approach that uses mechanisms to achieve justice for victims through independent and neutral bodies, aiming to involve all parties, including the perpetrator and the victim, to rebuild their relationship and calm tensions in order to achieve national reconciliation (Majid 2013, :86-87).

5.5 Restorative Justice as a Mechanism for Achieving Sustainable Stability in Syria:

Sustainable societal peace in post-conflict or post-strife societies is based on several key foundations, the most important of which are: the recovery of stolen assets, the reduction of corruption, and the control of illegal flows of money and weapons, all of which collectively represent challenges faced by countries emerging from conflict (Zeghichi 2020, :270).

Among the international efforts and initiatives that have addressed the issue of corruption in general and the recovery of stolen assets in particular, the "STAR" initiative launched by the World Bank and the United Nations in 2008 stands out as one of the key initiatives for combating the recovery of stolen assets. It aims to stop the "plundering of public assets"

and assist developing countries in recovering embezzled funds by providing support and guidance. In addition, the Group of Eight launched the "Deauville Partnership" in 2011 to support Arab countries in their transitional phases. Furthermore, there are multiple international agreements, as the 2005 Convention on the Laundering, Search, Seizure, and Confiscation of the Proceeds from Crime by the Council of Europe. The United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, which was signed in Vienna in 1988, the United Nations Convention on Transnational Organized Crime, the United Nations Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, 1997, and the United Nations Convention Against Corruption, 2003, can all be cited in the same context (Barak 2022, :117).

Therefore, the modern state in Syria can draw guidance from these international initiatives and others that have addressed the issue of recovering stolen assets, especially since some of them remove political and diplomatic immunities for money launderers, similar to the "STAR" initiative launched by the World Bank and the United Nations. Additionally, some of these initiatives offer support to achieve stability, good governance, and integration into the global economy, such as the "Deauville Partnership" initiative to support Arab countries during their transitional phases.

The illicit flow of funds and weapons in Syria leads to a state of injustice and insecurity, creating an atmosphere of fear, violence, and marginalization, which in turn negatively impacts the achievement of development. Therefore, the United Nations 2030 Sustainable Development Agenda has placed significant emphasis on eradicating the spread of armed violence and insecurity by reducing the illicit flow of funds and weapons, which is one of the objectives of Goal 16 of the United Nations 2030 Sustainable Development Agenda. This goal serves as a driver for achieving peace, establishing justice, and building strong institutions through the creation of peaceful, inclusive societies for all, with cooperation between governments, civil society, and local communities. It focuses on promoting the rule of law, human rights, combating corruption, reducing the flow of illicit weapons, and ensuring the inclusive participation of all (United Nations 2025).

To achieve this goal, the Syrian state must adopt a comprehensive and firm national policy to reduce the illegal flows of money and weapons and enhance international cooperation to combat these crimes. This requires the establishment of an appropriate legal framework and institutional structure to ensure the fair and impartial application of the law without favoritism or arbitrariness. It also necessitates periodic reviews of anti-corruption legislation and measures to combat illegal flows of money and weapons, aimed at removing ambiguities and contradictions in the texts, clarifying explicit penalties, and defining the legal status of criminalized behaviors (Zeghichi 2020, :270-276). Accordingly, Syria is now required to maintain and sustain societal peace by adopting a policy for the recovery of stolen assets, reducing corruption, and curbing illegal flows of money and weapons, in order to achieve two interconnected and complementary objectives: development and sustainable social stability.

5.6 Political and Legal Protections to Ensure the Effectiveness of Restorative Justice in Syria's Democratic Transition:

The success of democratic transition in Syria, within the framework of restorative justice, depends on the availability of essential political and legal guarantees focused on rebuilding social relations and addressing the consequences of violations through means emphasizing understanding and reconciliation rather than mere punishment. The most significant of these guarantees include:

5.6.1 Political Protections:

This refers to a stable and secure political environment necessary for Syrian society to effectively and fairly implement restorative justice, free from obstruction by authorities or conflict parties. This can be achieved through:

- Genuine Political Will: There must be a sincere commitment from the Syrian government authorities to support the restorative justice process, rather than using it as a tool to circumvent criminal justice. Political will serves as an instrument for elevating the state and society from a phase of weakness to one of strength, capable of confronting the challenges of democratic transition. Consequently, decisions related to restorative justice must embody a clear strategic vision that serves the interests of victims and reparations for the harm they suffered during

the conflict. Political will should therefore possess the following characteristics: the presence of a ruling elite that drives and directs modernization efforts; a political doctrine that grants legitimacy to authority and its programs; and a set of tools and mechanisms enabling the state to implement its programs effectively (Hassan 2010).

- Inclusive Participation in Restorative Justice Programs: Restorative justice represents a novel approach to crime and justice, characterized by the active and genuine involvement of all relevant parties in designing and implementing restorative justice mechanisms and the resulting decisions. This includes victims, associations, organizations, legal entities, political parties, and sectarian groups. It encourages collaboration between victims and offenders to resolve conflicts through dialogue and negotiation, aiming to balance the concerns of victims, the local community, and the need to reintegrate offenders into society (WEMMERS 2003). Therefore, restorative justice in Syria must be based on the inclusion of all components of Syrian society political parties, sects, minorities, women, and civil society representatives in both the design and implementation processes to ensure justice, assist in restoring victims' rights, and empower all parties to participate positively to prevent the recurrence of conflict.
- Neutrality and Independence: Neutrality and independence in the context of restorative justice require that the bodies or institutions overseeing the restorative justice process in Syria such as truth and reconciliation commissions, reparations committees, or human rights organizations operate independently and free from pressure by any party. They must remain uninfluenced by direct intervention from the government, executive authorities, or security agencies. Furthermore, neutrality and independence necessitate that restorative justice pathways remain insulated from narrow political interests or acts of retribution, enabling these mechanisms to fulfill their intended purpose. This fosters trust in the institutions managing restorative justice and provides reassurance to victims and their families.

5.6.2 Legal Protections:

To ensure the effectiveness of restorative justice in democratic transition and as a legal guarantee, the emerging Syrian government must undertake the following:

- Establishing a Clear Legal Framework: This involves enacting specific legislation regulating the restorative justice approach, defining its nature, authorities, implementation mechanisms, and precise objectives to prevent any misinterpretation. The law should align with international human rights standards. Moreover, legislative reforms should harmonize the broader legal system with restorative justice laws to avoid contradictions between legal texts. Additionally, ratification and accession to international instruments, especially those related to human rights, must be pursued while considering best practices relevant to constitutional, legal, institutional, and judicial dimensions for protecting and activating victims' rights.
- Guarantees of Fair Trial: Even within restorative contexts, the rights of all parties must be respected, including the right to defense and a fair trial. The principle of preventing impunity should be actively enforced, consistent with the International Committee of the Red Cross guidelines on implementing international humanitarian law at the national level. These guidelines urge states to harmonize definitions of crimes under the Rome Statute within domestic law to ensure the application of the principle of criminal complementarity (International Committee of the Red Cross 2010).
- Integration of Restorative Justice and Criminal Justice: Restorative justice should not serve as a complete substitute for criminal accountability in cases of serious crimes, such as war crimes and crimes against humanity. Rather, it should complement criminal justice to ensure a comprehensive transitional justice framework. This integrated approach guarantees accountability, justice, and reconciliation through both judicial and non-judicial mechanisms, including trials, reparations, truth-seeking, institutional reform, rehabilitation, and record vetting to uncover violations (United Nations Secretary-General 2004). Such integration reinforces mutual support between mechanisms and promotes societal harmony leading to stability.
- Recognition and Compensation of Victims' Rights: New legislation must establish mechanisms to compensate

and restore the dignity of victims. Transitional justice philosophy centers on addressing the legacy of serious violations, including victim reparations, within the inclusive framework of restorative justice. The objectives and tools of restorative justice extend beyond traditional accountability such as trials for human rights violations to encompass ending human rights abuses, investigating and identifying perpetrators, providing fair compensation and reparations to victims, and preventing future violations (Al-Jubouri 2018, :85), alongside victim rehabilitation.

- Monitoring and Follow-up Mechanisms: The presence of independent institutions, civil society organizations, and labor unions is essential to monitor the implementation and evaluate the effectiveness of restorative justice outcomes. Effective governance of restorative justice requires reform measures targeting state institutions and other non-state legal bodies, involving diverse actors and grounded in the rule of law principle. This entails having effective laws and institutions dedicated to ensuring justice for all members of society, thereby fostering public trust and legitimacy in these institutions as they meet the needs of society during democratic transition.

Therefore, it is imperative to assert that the success of restorative justice and the enhancement of social peace in Syria as a foundation for a genuine democratic transition depend on the availability of robust political and legal guarantees. These guarantees must secure a stable environment that rebuilds trust and social relations, and addresses the consequences of violations through understanding and reconciliation rather than relying solely on punishment.

6. Conclusion:

The Syrian society has endured many years of war and deep divisions, which makes the issue of democratic transition in Syria difficult and complex. The adoption of the restorative justice approach as a complement to criminal justice could provide an effective tool for addressing the painful legacy of the past and achieving national reconciliation, by balancing the rights of victims with societal stability. This can be achieved through a range of programs, including legal reform, reparation, community reconciliation, and the rehabilitation of institutions to build a new Syria based on justice, peace, and stability. In the end, the study concluded with the following findings:

The study has addressed its main hypothesis and objectives: "Adopting restorative justice as an alternative and integrated approach within Syria's transitional justice process will contribute to effectively balancing victim redress with ensuring social stability, thereby enhancing the prospects for a successful democratic transition and sustainable peace." This was achieved through an analysis of the theoretical framework of restorative justice, an evaluation of its applicability within the Syrian context, and by drawing on comparative experiences from post-conflict countries.

7. Results and Discussions:

Ultimately, the study reached a set of findings and recommendations based on its three core themes: the role of restorative justice in addressing the legacy of human rights violations during the Syrian crisis; achieving balance between restorative justice and legal accountability to protect victims' rights and promote social reconciliation; and the political and legal guarantees necessary to ensure the effectiveness of restorative justice in Syria's democratic transition. These are outlined as follows:

7.1 Study Findings:

In conclusion, the study reached the following key findings:

- Restorative justice represents an effective mechanism for addressing the legacy of serious human rights violations in Syria. It contributes to uncovering the truth, providing reparations to victims, achieving acknowledgment, and ensuring accountability. Its success is contingent upon adopting a participatory approach that includes all societal components victims, offenders, state institutions, and civil society to establish the foundations of transitional justice and support social peace.
- Achieving a balance between restorative justice and legal accountability is essential for building genuine social reconciliation and safeguarding victims' rights. Restorative justice constitutes a comprehensive approach that complements, rather than replaces, accountability through participatory means that consider the interests of all parties affected by the Syrian conflict. It addresses the conditions of victims, offenders, and society as a whole,

thereby facilitating the democratic transition and laying the groundwork for social peace in Syria.

- The success of restorative justice in Syria depends on the existence of genuine political and legal guarantees, including political will, an appropriate legislative environment, and the independence of justice institutions. The study demonstrated that the absence of true political will, supportive legislation, and the persistence of sectarianism and extremism constitute major obstacles to implementing restorative justice in Syria. Ignoring these critical determinants will inevitably lead to the failure of any attempt to achieve reconciliation, establish justice, and ultimately attain sustainable social peace.

7.2 Study Recommendations:

Therefore, the study proposes the following recommendations:

- Urgently launch participatory national reconciliation programs supervised by independent committees that involve victims, offenders, and civil society in their design and implementation. To effectively address the serious violations committed during the conflict and realize restorative justice as a mechanism for reparations and truth-seeking, establishing independent committees tasked with documenting violations, listening to victims, and encouraging offenders to acknowledge their responsibility is essential. These committees enhance the credibility of restorative justice, empower victims to reclaim their dignity, and pave the way for genuine social reconciliation. This process will foster a culture of acknowledgment rather than denial, facilitate material and moral reparations, and rebuild trust between the state and society.
- Adopt a dual approach combining judicial accountability for principal perpetrators with the activation of restorative justice mechanisms for specific, less severe cases. Recognizing the necessity of balancing restorative justice with legal accountability, the study recommends adopting a flexible judicial policy whereby those involved in major crimes face fair trials, while restorative tools such as mediation, compensation, or public apology may be applied to offenders who demonstrate remorse and willingness to reconcile. This balance preserves victims' rights, prevents impunity, and supports social reconciliation.
- Expedite comprehensive legal and institutional reforms ensuring judicial independence and integrating restorative justice into transitional legislation, with particular emphasis on judicial and security institutions under a comprehensive national plan guaranteeing their independence and transparency. The success of any restorative justice process relies on a supportive legislative and institutional environment. Therefore, specific laws regulating restorative justice should be enacted to define its frameworks and participants' rights, while emphasizing the independence of the judiciary and reconciliation bodies from the executive branch. These laws must align with international human rights standards. Establishing such guarantees is key to the success of the democratic transition and preventing the recurrence of violations.

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