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# The Role of Legal Pluralism in Ensuring Order and Social Justice in Afghanistan

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**Abstract:** Plurality, multiplicity, and diversity are the characteristics of contemporary times, and pluralism exists naturally in human societies. Legal pluralism can be examined from various perspectives; nonetheless, legal pluralism and its functions in justice and social order in Afghanistan are discussed in this article. Because the nation has experienced deep cultural, religious, and historical diversification, legal pluralism is the single characteristic that has come to define Afghanistan's legal system, and it must be carefully taken into account. The Afghan legal system, being multi-layered, is one that is made up of Islamic law, customary law, and statutory law, with each of them playing a foundational role in the regulation of society. The study explores the theories, historical origins, and forms of legal pluralism, such as religious, customary, and statutory pluralism, and the extent to which legal pluralism contributes to achieving justice and maintaining social order in Afghanistan. Furthermore, the study critically analyses major Afghan constitutions (1923, 1964, and 2004) as milestones in the evolution of legal pluralism. The study demonstrates that while legal pluralism has potentials—e.g., promoting social order, facilitating justice, and maintaining cultural diversity—it also has challenges, e.g., inter-normative conflicts between different legal orders and unequal application. The paper suggests policy prescriptions, e.g., revising local laws, promoting legal education, and strengthening control mechanisms, to address these challenges. These attempts aim to render legal pluralism an effective tool of justice and a promoter of social solidarity and, eventually, the construction of a more just and orderly society within the framework of a pluralistic legal order.

**Keywords:** Legal Pluralism, Justice, Social Order, Social Justice, Legal System, Customary Law, Afghanistan.

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## INTRODUCTION

One of the core issues in pluralism is developmental is legal systems within a society. Unlike Afghanistan or any other ethnically, linguistically, and religiously diverse country, one legal system is difficult to formulate, due to having one dominant ethnic group. Such domination creates civil wars and severe conflict on a socially integrated scale, also known as colonization. This started to worsen the Afghanistan legal system strata, where customary law, Islamic law, and codified laws somehow managed to coexist. The country's eventful history exemplifies how difficult it was to set an integrated law system during a civil war.

In tracing this logic, we try to answer the question: How do these legal systems function, and how do social relations and law give rise to justice in the Afghan context? In this case, constitutional provisions including laws issued in 1923, 1964, and 2004 are used to conduct a comparative analysis.

Plural laws system is an important idea that Afghanistan's constitution wants to put to use, especially with the emphasis that the country works towards social justice through political and cultural pluralism. Further, it explores the ways in which these laws are interpreted and exercised.

### The Concept of Legal Pluralism

Here I am going to write the concept or Legal Pluralism to show the definition firstly, then I will write and illustrate the main point of this Article.

Legal pluralism describes the existence of two or more legal systems within one state with various sets of rules and regulations, which are in force based on their respective social, cultural, or religious contexts rather than a universal legal system (Erik, 2009). The various legal systems exist simultaneously, complement, or even contradict one another at times.

It is noted that legal pluralism not only means the multiplicity of laws in a state, but also refers to the reality that there exist various institutions, and each is entrusted with the responsibility of operating under various legal systems. For instance, in Afghanistan, various legal systems like Islamic law, customary law, ethnic mores, and local laws might coexist and substitute one another.

Extra information can be as follow; legal pluralism can be "a condition wherein a particular populace is subject to more than one system of laws." Or, borrowing the definition of Jacob Vanderlinden, legal pluralism can be defined as "the coexistence of several legal structures within a single society, applied under analogous circumstances." Another author, Hooker, tries to define legal pluralism as "a situation of two or more legal systems affecting and interacting with each other." He provides examples of erstwhile British and French

colonies, where foreign-imported laws coexisted with earlier religious or customary laws.

Apart from these definitions, even more profound sense of legal pluralism is that it recognizes the co-presence and interaction of more than one legal system within a single jurisdiction or society. This idea is the belief that various sources of law like state law, customary law, religious law, and informal practices may exist and operate together to regulate the behavior of individuals and groups. Legal pluralism encompasses a set of important characteristics, such as one in addition to a legal system's history, competition or collaboration among them, and they being rooted within society and history (Griffith, 1986). All these are elaborated upon in greater detail within the following sections

### ***Dimensions and Characteristics of Legal Pluralism***

**Plurality of Legal Sources:** Sources of law in plural societies would typically include state laws (constitutional and civil laws), religious laws (Islamic Sharia), customary and local tradition, and even judicial precedents. In these societies, one of the sources of law might overrule the others based on circumstances and situations.

**Existence of Plural Legal Institutions:** There are a number of legal institutions found in plural systems, such as courts, local councils, and even religious institutions, which possess authority over specialized areas of law. They can be autonomous of one another or, in a few cases, collaborate with one another in an effort to solve disputes and settle legal matters.

**Overlap and Coexistence of Different Laws:** Overlap and, in certain situations, coexistence of multiple legal systems is one of the salient features of legal pluralism. For example, in countries like Afghanistan, Islamic laws can exist concurrently with customary and local laws, and both exist together and are implemented simultaneously. At times the laws conflict with one another.

**Cultural and Social Influences:** Legal pluralism is highly determined by a society's culture, tradition, and religious or ethnic beliefs. In plural societies, the multiplicity of legal sources can reinforce cultural and ethnic identities. But it might also create social issues, particularly where there are conflicting practices and norms being experienced (Erik, 2009).

### ***Types of Legal Pluralism***

The following are the classification of legal Pluralism: Legal pluralism can also be classified based on the context and interaction of different legal systems. There are seven forms of legal pluralism that must be defined in this article:

**Formal Legal Pluralism (State Legal Pluralism):** Formal legal pluralism is the acknowledgment and

enforcement of different legal systems by the state. For example, in India, there are laws of the state as well as personal religious laws (such as Islamic, Hindu, or Jewish laws). In the same vein, there are customary laws in certain African nations, for example, South Africa. In such a situation, the state recognizes the variety of beliefs and encompasses them under a plural legal system for social justice and order. This policy is in respect of the reality of religious and cultural pluralism and of an intention to do justice with the assistance of a plural legal system.

**Informal Legal Pluralism:** Informal legal pluralism involves legal orders at group or community level but not formally legitimated by the state. Customary law and tribes or groups in Afghanistan, for example, Pashtunwali, and village-level dispute resolution apparatus in rural society are examples. This is a deeply rooted practice in Afghanistan, particularly in the rural setting where there is either no or distrust in state presence. People in such regions apply alternative forums for resolution of disputes to settle disputes (Rakesh, 2004).

**Religious Legal Pluralism:** Religious legal pluralism is the presence of legal systems based on different religions within a society. For example, Islamic Sharia law coexists with secular laws in Malaysia, and Sharia courts coexist with state courts in some Middle Eastern countries (Langenhausen, 1997).

**Historical Legal Pluralism:** Historical legal pluralism is an outcome of colonial or historical contexts where colonial and indigenous legal systems existed side by side. Some examples include the existence of European colonial laws and local customary laws in African colonies.

**Geographical Legal Pluralism:** Where various legal orders are in operation in different regions of a country, geographical legal pluralism occurs. Examples are the Chinese autonomous regions' laws or Iraq and state laws of the United States or India (Rastin, 2008).

**Global Legal Pluralism:** Global legal pluralism is the interrelation between national and transnational legal orders, i.e., international law, human rights, and rules of international organizations. In today's age of globalization, harmonization of global and domestic laws is important. Global legal pluralism guarantees justice and order by harmonizing national laws with global norms, i.e., the influence of international human rights law on national legal orders or the integration of World Trade Organization (WTO) norms into domestic law (Bahrami, 2003).

**Conflict Legal Pluralism:** There is conflict legal pluralism when the several legal orders get in conflict with each other and result in confusion or conflict among or between individuals or institutions. Conflict between

Sharia law and civil law in some countries or conflict between customary laws and international human rights standards are only a few examples. Most states have faced challenges in incorporating international treaties and declarations into religious laws, which they commonly ratified on condition of reservation or subject to conditions (Rastin, 2008).

The different dimensions of legal pluralism capture the complexity and multidimensionality of legal frameworks in societies. Understanding the forms results in a critical examination of interaction between legal frameworks as well as social, political, and cultural implications that can be generated from interaction. The formal, religious, informal, and global legal pluralism must be utilized by Afghanistan if it were to create a holistic legal framework in which to gain access to order as well as justice. Despite varying forms of legal pluralism occurring in the constitutional history of Afghanistan, their operation has been limited. The topic will be developed further in the following article.

### **Challenges and Advantages of Legal Pluralism**

*To clear what are the Challenges and Advantages of legal Pluralism I am going to illustrate as follow: firstly, I will write the advantages of and next the Challenges of legal pluralism rely on the context of Afghanistan community.*

#### **Advantages of Legal Pluralism**

Legal pluralism has a number of benefits, including diversity and responsiveness to cultural realities, reinforcement of local and ethnic identities, and resolution of the particular problems of minorities. These benefits cannot be stretched to all societies. They differ from society to society. In Afghanistan, as it is ethnically diverse, legal pluralism, based on a pluralistic system, can have the following benefits, which are briefly elaborated below:

- **Cultural Diversity and Religions Accommodation:** Legal pluralism's greatest advantage is accommodation to religious and cultural diversity. It allows diverse legal systems to coexist with respect to differing ethnic and religious allegiance in society.
- **Consolidation of Local and Ethnic Identities:** Legal pluralism allows different social groups to create law and rules based on religious and cultural faith and values and consolidate local and ethnic identities (Soroush, 2008).
- **Solution to the Specific Problems of Minorities:** This system can provide minorities and marginalized communities, who may be overlooked in integrated legal systems, an opportunity to have their rights heard and addressed with respect (John, 1986).

#### **Problems of Legal Pluralism**

Though legal pluralism possesses a number of advantages, it is also confronted with the most fundamental issues. Those problems, when analyzed against the backdrop of Afghan society's historical and existing realities, must be addressed if legal pluralism is to contribute meaningfully towards creating order and ushering in social justice for Afghanistan. They are as follows:

- **Legal Conflict Generation:** The most significant legal pluralism concern is the potential for conflict between different legal systems. These conflicts could generate uncertainty in the delivery of justice and rights (Fouladvand, 2008).
- **Decline of the Rule of Law and Legal Governance:** In legal plural society, the integrity of the legal system and its unity can decline. In legal plural society, the government may not use all legal systems equally and fairly.
- **Hurdles in Pursuing Social Justice:** In plural legal systems, certain minorities and minority groups may not have access to the judicial system proportionately, and their rights may be overlooked at times (ibid., 1986).

### **Definition of Social Order**

What is social order, and who can illustrate in a plural system. Here is the definition and then the illustrate of it in Afghanistan Community. Social order is a condition in which the members of society lead an organized and coordinated life, follow laws and conventions, and behave harmoniously with common values and ideals. This order is the epitome of stability, compatibility, and symmetry in relations between people, where the action of groups and individuals contributes positively and systematically to social objectives. Social order is a plural concept that has several dimensions that encompass laws, governmental institutions, social conventions, trust between people, and integration in society. This kind of order can be employed rather well when people in society are still living under a plural order. Once an order is monolithic, citizens will not feel they belong to society, and they will never be satisfied with the order (Engle, 1988).

Social order in any given society is normally guaranteed by institutions such as rules and laws, systems of enforcement mechanisms, courts, governments, as well as shared values. Social order is thus central to a society's development, security, and integration and influences human, economic, and political relationships. Legal pluralism can thus aid social order in what way? Legal pluralism, in some situations, can solidify social order, particularly in diversified, multicultural, and multifaceted societies such as Afghanistan. In societies that are composed of different groups with heterogeneous ethnic, religious, and cultural identities, legal pluralism is a good means of aligning the laws to the specific needs of each group.

Some of the ways through which legal pluralism can result in social order include:

***Ensuring Justice for Different Social Groups:***

Legal pluralism is one of the primary advantages in that it enables different social groups to use rules and laws that are suitable to their own particular identity and beliefs, thereby ensuring proper application within ethnic and local societies. This makes them feel that their rights are being catered for, and therefore ensures cooperation and engagement in social processes (Volker, 2009).

For instance, in religiously and ethnically plural societies, enforcement of specific religious laws (e.g., Sharia in Muslim societies) may maintain a perception of justice and respect among these societies and thereby uphold social order.

***Reducing Social Conflicts:*** When laws are designed to meet the needs of all ethnic or cultural groups in a just and true manner, the likelihood of conflicts and rebellions in society is reduced. The more individuals believe that the judicial and legal systems treat them fairly and are respectful of their needs and values, the less they will be discontented or resort to social protests.

That is, having multiple legal systems, unless permitted to dominate, can yield solutions to cultural and ethnic tensions and drive people towards coexistence and cooperation and not towards war and strife (Rasekh, 2004).

***Provision of Access to Justice to Rural and Local Populations:*** The customary and local laws in the majority of local and rural communities are simpler and more applicable. Legal pluralism allows such communities to implement legal systems that are suited to their local context and demands. This improves access to justice for those who may have difficulty accessing formal and modern judicial systems. Access to justice can render social cohesion more robust and reduce lower levels of distrust in official institutions. In countries like in Afghanistan, the enforcement and application of the unwritten laws or other channels of alternative means of conflict resolution are more effective than in other societies. Less formal law-exposed rural Afghan nationals, and not believing in state judiciary and legal institutions, resolve their disputes at an informal level (Miranda, 2007).

***Preservation of Cultural and Ethnic Identity:***

The greatest failure of multicultural societies is that groups feel their cultural and religious identities are infringed upon by public conventions and norms. In legal pluralism, different communities are able to participate in social and economic processes and preserve their cultural identities simultaneously.

For instance, religious and ethnic groups in Afghanistan may apply their laws in some matters (e.g.,

marriage, inheritance, or dispute resolution), thus enhancing social integration and the embrace of diversity. This has been evidenced in some constitutional legislations (e.g., 1923, 1964, and 2004) (Rasooli, 2012).

***Institutionalizing Rule of Law and Good Governance:***

Legal pluralism institutionalizes good governance because there are situations where the different legal institutions have to interface and coordinate with each other. By their coordination is how the judiciary will be strengthened open and effective judicial systems, which would trickle down further to social order. Apart from this, where there are numerous societies with numerous laws which are being applied to numerous categories of citizens, transparency and accountability in their application can guarantee government and judiciary institution trust among citizens (Brain Z, 2001).

Lastly, legal pluralism is an appropriate tool to attain and maintain social order in multi-religious, multi-ethnic, and multi-cultural societies. Through the provision of justice to different groups, reducing social conflicts, providing access to justice, maintaining cultural identities, and providing good governance, legal pluralism provides a guarantee that developed societies like Afghanistan can attain social order. To accomplish this, legal pluralism has to be effectively managed and operated in such a way that it does not bring in problems imported by legal conflict.<sup>3</sup> Definition of Social Justice.

Social justice is a noun used for even distribution of the resources, facilities, opportunities, rights, and amenities among human beings in society. Social justice deals with justice and equality to everyone and all social groups and believes that nobody is to be denied the essential rights and amenities to lead an ordinary human being's life based on social, economic, racial, ethnic, or religious differences. Social justice deals with varied aspects in different societies, namely:

- **Resource Distribution:** Equitable availability of financial resources, education, health centers, and other basic facilities to everyone.
- **Equal Opportunity for All:** Equal opportunity to everyone for becoming economically and socially prosperous.
- **Protection of Weak Sections:** More focus to those sections which are most prone to becoming the victim of discrimination or social injustice, e.g., minorities, women, children, and handicapped.
- **human Rights:** Protection of the concept of human rights and human dignity for every human being, whether he or she superior socially and culturally or otherwise (David C, 2011).

Social justice is simply making individuals feel that everyone has the right and access to the same rights, and nobody or a group of individuals are denied social or



economic opportunity on the basis of who they are. The role that legal pluralism plays in creating and upholding order in such societies as Afghanistan will be discussed in full in the remainder of this article.

### **Legal Pluralism and Contribution Towards Justice and Social Order in Afghanistan**

What it is needed to write an article in this title based on Afghanistan Community? Afghanistan is ethnically, culturally, and religiously a very diverse nation, in which various groups possessing diverse cultural and religious identities coexist together. In such a country, the absence of a pluralistic legal and political system can be harmful to social justice due to the fact that various groups might perceive that monolithic laws or formal judicial institutions are not fulfilling their specific needs. Legal pluralism can be an effective way of achieving social order and justice in Afghanistan. We clarify below how legal pluralism may contribute to social order and justice in Afghanistan. Additionally, we analyze provisions within Afghanistan's constitutions to have recognized the country's ethnic and religious diversity within the context of legal pluralism and show how such systems might be the foundations of justice and order and as a model for constructing an even more inclusive pluralistic legal system. The following are the details and mean part of this article to show clearly the need of legal pluralism in the context of Afghanistan community.

### ***Delivering Justice to Diverse Religious and Ethnic Groups***

Ethnic and religious diversity is inbuilt in the Afghan challenge. Ethnic minorities such as Pashtuns, Hazaras, Tajiks, Uzbeks, and other minorities may perceive a unitary legal system (the state's official court system) as incapable of meeting their individual needs. Legal pluralism gives room for such ethnic minorities to develop laws and legislations in line with their religious and cultural beliefs. For instance, some laws dealing with matters of family affairs, inheritance, or marriage according to ethnic or religious tradition may make people think that their rights are protected under the provisions of their identity. Some Afghan constitutions have embraced this aspect (Rastin, 2008).

For instance, the 1923 Afghan Constitution (or the Amanullah Khan Constitution) is a bid to modernize Afghanistan's political and legal system. Although it is not a direct bid to tackle "legal pluralism" in a straightforward manner, some articles in the Constitution, if only implicitly, acknowledge diversity in the legal arena and express a respect for local laws and tradition. For instance, Article 15 of the 1923 Constitution states:

"Heresies personal to Afghan citizens such as marriage, divorce, inheritance, and wills shall be settled according to their respective religion."

This article acknowledges the religious diversity of Afghanistan and enshrines that while the Hanafi school of jurisprudence is the state religion, members of other sects can conduct personal affairs according to their own religion. This is tolerance of different beliefs and actions and an effort towards the creation of a pluralistic legal system (Rasooli, 2012). Analysis of Article 15 of the 1923 Constitution in the Context of Legal Pluralism

The significance of Article 15 of the 1923 Constitution and its relevance to legal pluralism can be encapsulated as:

- **Respect for Religious Diversity:** The article clearly establishes religious diversity in Afghan society in such a way that personal matters (e.g., family disputes and inheritance) are decided according to the religious laws of the people involved. In Afghanistan, there are various Islamic sects (e.g., Hanafi, Jafari, etc.), and the article respects diversity.
- **Segmentation of Legal Domains:** The article reveals that some legal domains, such as family matters, can be dominated by religious or customary law, while other legal domains, such as criminal or administrative law, can be governed by one governmental regime.

The social and historical significance of Article 15 is that it acknowledged the multiculturalism of Afghanistan. By acknowledging religious and legal pluralism, the constitution was trying to reduce sectarian violence and social strife. Secondly, the 1923 Constitution was trying to westernize the Afghan legal system by adopting elements of pluralistic legal systems from across the globe while still being respectful of the religious and cultural sensibilities of Afghan society (Wardak, 2004; Rachel, 2006).

Therefore, Article 15 of the 1923 Afghan Constitution is an expression of the recognition of legal pluralism, which is an expression of religious and legal pluralism in Afghanistan. It is a compromise between modernity and accommodation of religious and traditional institutions within Afghan society. This legal pluralism was a hallmark of the pre-existing legal regime in Afghanistan, resonating that lawmakers were determined to promote justice and social order by articulating Afghanistan's religious and linguistic diversity in a pluralistic legal system but in a limited manner (Constitution of 1923).

### ***Reducing Social Tensions and Discontent***

Unless the legal system of a state is able to address the diverse needs of various groups and minorities, there will be social tensions and discontent. If citizens feel that current laws are unable to address their specific ills or contradict their own cultural identities, then such discontent can increase to become social crises

and conflicts. Legal pluralism, by providing a room for variation in the legal system, can prevent tensions and provide social justice. Once more, the plurality of a legal system can be more legitimate. A plural following legal system is more legitimate. If individuals believe that formal legislations do not come into traditions and beliefs, formal institution belief is enhanced (David, 2011).

### ***Preserving Cultural and Religious Identifications***

In Afghanistan, there are different groups, namely religiously and ethnically, that have their own identities which are highly significant to them. Legal pluralism allows individuals to be part of legal systems that are tolerant of their identities. This manner, it guarantees groups that they will be able to enjoy their beliefs and cultures being treated with dignity and respect, and can coexist in society on a basis of equality and justice without needing to abandon their unique identities.

For example, the 1964 Constitution of Afghanistan embraced the religious and ethnic diversity of Afghanistan by presuming pluralistic characteristics. The Constitution states: "In courts, cases shall be decided based on the provisions of this Constitution and other Afghan laws. In the case of no law, the courts shall rule according to Islamic principles to the extent necessary due to the situation in Afghanistan." The provision explicitly mentions more than one source of law as being used for determining the disputes.

The Constitution recognizes the first reliance on codified law, either contemporary law or traditional law, supplemented by Islamic values, to serve as a reference in case there is no codified law. Second, the inserted provision "to the extent required by the circumstances in Afghanistan" is also a sign of flexibility in using Islamic concepts. The article provides the courts with the responsibility to consider Afghanistan's economic, social, and cultural contexts when issuing a verdict. The article, in a sense, though not directly put, discusses conformity with local customs (Michael, 2005).

### ***Expanding Access to Justice in Rural Communities***

Afghanistan, as a country with a large population residing in rural and far-flung areas, has humongous geographical and infrastructural hurdles to the accessibility of the formal judicial system for most of the population. Local laws and customary laws are applied in practice in these regions. By creating legal pluralism, the inhabitants of such areas can access structures more in concordance with the local circumstance and need, and thereby accomplish social justice more effectively (Kakar, 2005).

### ***Enabling Trust in the Legal System***

An inclusive and sensitivity to diversity legal and judicial system generates trust among citizens. Such trust further solidifies social order and justice in the

country. In Afghanistan, where political and ethnic conflicts have the tendency to incubate mass dissatisfaction, legal pluralism can prevent suspicion and build social cohesion (Gurgon, 2002).

Lastly, one could argue that legal pluralism in countries like Afghanistan is indispensable to facilitate trust and public contentment with the legal system. Legal pluralism is a term that describes possessing multiple legal systems, formal and traditional, and lending legitimacy to them all. Being a society of religious and cultural diversity in Afghanistan, upholding the ideas of legal pluralism can allow coexistence and coordination between diverse legal systems.

The first step in this direction is the identification and formal inclusion of religious and customary law in the national legal system. In Afghanistan, Sharia and customary law have considerable influence in the majority of society. More particularly in rural society, where citizens are more dependent on local institutions and ethnic councils (shuras) than on official courts. Integration of these institutions into the legal and justice system can help in creating public trust in the legal system.

Secondly, discovery and incorporation of different legal systems like state law and local laws can resolve conflicts without leading to legal tensions and confrontations. Once individuals become confident that their traditional or religious laws are tolerated in the formal legal system, they trust the judicial system more. In Afghanistan, it can reduce suspicion in the judicial system and make individuals resolve disputes peacefully.

A third aspect of legal pluralism is that it can open the door to wider access to justice for various social and ethnic groups. In ethnically and culturally fragmented societies, acknowledgment of more than one legal system can open the way to a more equitable and inclusive legal order accessible to competing values and beliefs. In Afghanistan, where diverse ethnic and religious groups co-exist, a policy such as this can be avoided resentment and protests, and encourage the participation of citizens in the legal system (as proposed by the author).

Finally, legal pluralism would ensure the transparency and accountability of judiciaries. When different legal institutions operate their functions independently without relying on others but in coordination with one another, the public perceives the legal system to be more efficient and justice-serving. This invokes greater public satisfaction and trust in the judiciary, which automatically enhances the social and political stability of Afghanistan.

## **THE RECOMMENDATIONS**

With the above arguments in mind, the place of legal pluralism in constructing order and justice in

Afghanistan, the following can be recommended. The recommendations should serve as a guideline to the government, relevant organizations, authorities, and scholars in putting in place a pluralistic system and employing it as a platform for learning. The proposed measures are:

To ensure that there is a proper legal pluralistic system in Afghanistan that brings justice and order, the following can be recommended:

1. to Acceptance and Recognition of Legal Diversity: The Afghan legal system needs to officially accept and include the diversity of legal systems, including Sharia law, customary laws, and civil laws, in a general legal framework.
2. to Incorporate Collaboration Between Judicial Institutions: Measures should be introduced to facilitate coordination and cooperation among government judicial authorities, local courts, and religious and ethnic councils, particularly rural and remote villages, to end legal and social conflicts.
3. to Establish Specialized Courts at the Local Level: Local courts should be established to deal with disputes over local and religious law while taking control and coordination with the country's judiciary system.
4. Legal Rights Awareness and Education of Public: Public awareness campaigns need to be conducted in such a manner that people get aware of human and civil rights. Country-wide public awareness campaigns need to be initiated so that citizens get familiar with the concept of legal pluralism.
5. -to Strengthen Local Courts and Tribal Councils: Empower and support the local councils and traditional institutions such as "Dispute Resolution Councils" as chief institutions for conflict resolution within the local communities and according to human rights values and principles of law.
6. -to Institutionalize Supervision of Legal Enforcement: There needs to be the establishment of institutions that supervise and monitor enforcement of justice across all levels, particularly in the remotest areas, to guarantee everything is done as per procedure and human rights.
7. -to Minority and Social Diverse Groups Rights Granting: Enact laws granting rights to minorities and social diverse groups such as women, religious minorities, ethnic minorities, and special needs groups.
8. To Prevent of Legal System Disputes: Enact legal process for prevention as well as disposal of disputes between various legal systems and formulate mediation processes for disposal of legal cases before proceeding to court.
9. -to Establish of Alternative Dispute Resolution (ADR) Mechanisms: Encourage and cultivate ADR mechanisms, such as mediation and arbitration, to hasten the resolution of disputes and reduce the load on formal courts.

10. to Promote of Social and Economic Justice: Promote social and economic justice as law reforms, particularly for weaker and deprived segments of society that may not have access to the judicial system due to economic or social disability.

## CONCLUSION

**At last, I am going to conclude and then propose some ways in this regard:**

Thus, legal pluralism is one way through which social justice in Afghanistan can be achieved. Through the provision of justice to religious and ethnic multicultural groups, safeguarding the cultural identities, reducing social tensions and conflicts, as well as access to justice, legal pluralism is in a position to come up with a more united and an equitable society. Nevertheless, it needs to be addressed in the appropriate way to prevent expected issues from occurring on the grounds of legal contradictions and to enable the legal system to treat all citizens equally and justly.

Afghan legal pluralism received scant attention previously but was tackled briefly in constitutions as well as in some formal and informal institutions. All the above due to a certain over-ambition in developing a common legal order, institutional frailty, and lack of balance between the traditional and modern social values. To uproot the above deficits, there is a necessity to adhere to their causality and foster pragmatic remedies.

Despite the previous attempts, though at times under other provisions such as Article 15 of the 1923 Constitution, Article 102 of the 1964 Constitution, and Article 130 of the 2004 Constitution, legal pluralism was addressed in a reactive and restrictive way instead of affirmatively and positively. These were laws that allowed for religious or customary orders by the judges and courts in a case but did not appear to afford the correct model of order and justice.

**Challenges and Barriers in such regards are as follows:**

There have been some challenges and barriers so far that have anticipated the development of pluralistic legal paradigm in Afghanistan. These are:

- Single Legal System: Policymaking in the legal sector in Afghanistan has sometimes been aimed at establishing one uniform legal system oblivious to social and cultural difference.
- Institutional Weakness: Those institutions of customary law like the rural councils and the tribal, which had a central role in rural society, were weakly integrated or supported in the formal sector.
- Absence of Coordinating Mechanisms: Failure of the existence of effective coordinating mechanisms between the formal, customary, and religious legal systems led to conflict and confusion in the administration of justice.

- Low Level of Legal Awareness among the Public: The public did not know their rights and the channels through which they could access various legal systems, and this made the public lose faith in the judiciary.

## PROPOSED SOLUTIONS

For put it to action the following points can propose as solutions: To ensure and promote legal pluralism and its role towards ordering and promotion of social justice in Afghanistan, there must be structural and cultural reforms undertaken that are as follows:

1. Development of a Comprehensive Legal Framework: Framing explicit and open laws to describe the interplay and intermingling of formal, customary, and religious legal orders.
2. Strengthening Local Institutions: Strengthening local councils and religious and customary institutions so as to integrate them more effectively in the formal legal system.
3. Public Legal Education: Establishing educational schemes to inform people about legal rights and legal possibilities.
4. Building Judicial Capacity: Educating judges in the rules of interpreting and applying legal pluralism.
5. Institutionalizing Oversight and Accountability: Establishing monitoring institutions to evaluate administration of justice under legal pluralism.

Although the relatively limited historical interest in legal pluralism within Afghanistan is given, new legal policy needs to be adopted in order to adopt this principle systematically and comprehensively. Legal pluralism not only enhances justice and order, but also strengthens social cohesion, public confidence, and the effectiveness of the judiciary. It ultimately enables the Afghan legal system to cater to the diverse needs of Afghan society and be a tool for social and political progress.

The composition of this article attempts to serve as a point of departure, calling on future theoretical and practical work in legal pluralism.

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