

A SURVEY ON ROLE OF RURAL DISPUTE RESOLUTION COUNCIL IN PERFORMANCE OF RURAL MANAGEMENT; (CASE STUDY: VILLAGES AROUND THE CITY OF ZANJAN)

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Abstract

Dispute Resolution Council is a friendly, non hostile and illegal approach for resuming dialogue between the conflicting parties, maintaining healthy relationships, restoration of public order and social justice, that has manifested at administrative and judicial arenas of villages aiming at settlement of disputes among villagers outside the court through secretary of defense as well as attracting public participation at managing rural development process. This study aimed to investigate role of Rural Dispute Resolution Council in Performance of Rural Management regarding case study of villages around the city of Zanjan. Analytic-descriptive research method has been used where the instruments to collect data mentioned questionnaire, and the statistical population consists of 13 villages of villages around the city of Zanjan of which 293 individuals taken as statistical sample using Cochran sampling method. In this study, Factor Analysis has been used to analyze data. The results from findings indicate that Dispute Resolution Council has had positive performance at rural managing in sake of participation and security.

Keywords: Dispute Resolution Council; Rural development Management; Villages around the city of Zanjan

Introduction and problem statement

Rural development from the early has been remembered as an obscure term diagnosed with difficulties in assessing and measuring, whereby rural economic and social system has become more complicated over the time so that transformed to a multifaceted process in its development, that required to an accurate understanding of social and economic structure prevailing at region and economic status which goes on village so as to achieve the aim of development, found with management institutions and local policies(Long et al, 2011,1105). In rural development management, It has to draw a particular attention to the point that fractured democracy participation of people at rural affairs cannot only guarantee welfare of villagers, thus building public institutions for people's more participation in the rule of Law is of importance. One legal institution built in villages is the very Rural Dispute Resolution Council that was approved to reduce referring people to court in compatible with public participation development, resolve local disputes and settle conflicts were found without judicial nature or their nature enjoyed less complexity (Eftekhari et al. 2009). The main aim of dispute resolution council is to resolve disputes outside of court with the help of a neutral third person in which one of the processes

including Negotiation, Mediation and Arbitration goes forward(Antunes et al. 2007, 675). This is important since perceived that many of these cases were caused by subtle differences in the place in which resolving conflicts was possible, especially at rural areas that on one hand most disputes found possible to settle them, and on the other hand the reasons including land area, long distances from rural areas to cities and hearing centers, lack of adequate understanding of villagers from administrative bureaucracy at the courts, the plurality of access to many villages, especially in certain seasons of the year, doubled highlighting local abilities(Safari Markid, 2009, p. 52).

Hence, this study has been carried out to analyze performance of Dispute Resolution Council and its performance in developing villages around the city of Zanjan, and meet the research questions in following:

1-is the performance of Dispute Resolution Council at studied villages acceptable in viewpoints of people?

2-has the performance of Dispute Resolution Council led to decrease at conflict and rural disputes?

Literature review

The initial studies conducted in the context of judicial institutions throughout the world referred to research studies by "Rene David" in 1996. He has examined arbitration institutions function from the earliest civilizations to the present age, mentioned that although hearing institutions across the village not examined directly, the circumstances going on the communities and how to settle the disputes examined. A large body of studies in the context of this institution has been conducted of which the study entitled " rural hearing across Iran and comparative study with rural hearing across India" by Farshid Afshari(1956) can be remembered. In this study, a survey on rural hearing and role and performance of rural justice homes has been provided, and performance of these institutions across two countries, Iran and India, has been examined in a comparative study.

Furthermore, Mohsen Jeilani(1964) in a study entitled "justice home and its social effect in Iran" examined the performance of this institution, and examined justice homes in terms of social, economic, political, mental, judicial and health aspects. In recent years, a variety of studies on new established arbitration institutions especially Dispute Resolution Councils has been conducted of which the ones as follows can be considered: Abbas Jamshidi(2004) in a study entitled "a survey on legal position of Dispute Resolution Councils- the topic discussed in article 189 of third development plan law" addressed the reasons how this institution established besides its strengths and weaknesses. Further, Heidar Jaffari in his study entitled "Jurisdiction of Dispute Resolution Council and the rules governing its proceedings" has examined the rules governing this institution (Safari Markid, 2009, p. 23).

Abdollah Safari Markid in his thesis entitled " evaluation of Dispute Resolution Council at judicial security of Villages around the city of Marand" investigated judicial function of Dispute Resolution Council across Villages around the city of Marand, and examined its role in settling judicial security among villagers.

Theoretical foundation

The term Dispute Resolution Council includes three terms council, resolution and conflict. Council means Counseling and Consultation, exploration, Consultations and surveys with a visit to some others, mentioned that resolution means resolving problem, yet conflict means dispute, lack of agreements, disobedience and choose another way different from others(Izadi fard et al. 2004, p. 16).

Characteristics of Dispute Resolution Council

Characteristics of Dispute Resolution Council that caused these institutions accepted compared to conventional judicial processes include Save time, confidentiality, legal expertise, better relationships, and generally constructive area that comes effectively in these institutions(christian,2009, 177). Some of the Characteristics of Dispute Resolution Council include:

Role of Dispute Resolution Council in Performance of Rural development Management

What required forming this judicial institution at rural communities throughout the country lies in The high volume of court cases and prolonging in handling referrals, Low level of villagers' education and awareness about the laws of Judicial Affairs, Relatively simple nature of most rural disputes and the need to resolve them quickly, Reduce litigation costs and increase public participation in their judicial affairs(eftekhari et al. 2009, p.193). With regard to the descriptions presented and the necessity of forming this institution as well as Development approach, Role of Dispute Resolution Council in Performance of Rural development Management can be outlined as below;

Social role: In the new paradigm of sustainable development, human rights, human security and civil rights for all sectors of society have been considered. Studies have shown that local democratic management and rule practices are closely related to citizens' needs and improving the development of the society (eftekhari et al. 2009, p.193). Results of studies on Dispute Resolution Council indicate that Dispute Resolution Council has had a good performance in expanding social cohesion and participation among villagers, and the spirit of Familiarity and intimacy has been increasingly increased(Isa Zadeh and Ahmad Zadeh, 2009, 28).

Economic role: the new Econometric theories, institutions shape economic environment in the country, the main cause of backwardness is not just lack of capital in some countries but also the absence of appropriate institutional framework for economic activity. What seems important is inclusion of institutions to economic analysis and understanding how they influence. Because mostly institutions indirectly affect economy, and fulfils in different ways(Isa Zadeh and Ahmad Zadeh, 2009, 28).

-The ecological role: participation, empowerment and capacity building are of the main pillars of sustainable development and environmental management, and local crises would not cease unless regarding participation by people especially at local area or communities, but Sustainable environmental management at the national level will also be affected(Firouznia et al, 2010; 136).

Judicial security role

What perceived from studying background and provisions of Principles, framework and provisions of Dispute settlement Council Regulation, has been the fact that establishment and expansion of the Security Justice gained from establishing Dispute settlement Council. Judicial security means that people (urban and rural) must have confidence that no one violates their Customary religious legal rights, and if violation seen then system, government, and community would meet the factors leading to insecurity, and they would be condemned.

In every society, judicial security is good quality by legal entity to apply the guarantees of law enforcement, in the order that avoids citizens before any violation at their commitments and laws (Norouzi, 1998; 3). Judicial security mainly is committed to management duty at rural Dispute resolution councils that can be achieved through reducing disputes and increasing public participations using the predictive and future oriented practices(Safari Markid, 2009, p. 125).

Research method

Research method is based on applied analytic method. For this, with the use of analytic method, A survey on role of Rural Dispute Resolution Council in Performance of Rural Management in Villages around the city of Zanjan provided, and then with the use of applied method, a survey on role of Rural Dispute Resolution Council in increasing participation and social correlation and decreasing rural conflicts and crimes taken into account.

Data collection method and tools in this study mentioned using library sources including documents, books, statistics, maps, and all sources associated to topic, and field studies include referring to the area, observation, interview, prepare and fill the questionnaire.

Data analysis using mathematic-statistical methods and using Gis,Office/ExcelSpss software to determine correlation level would be used. Data analysis would be carried out using software for using factor analysis.

Statistical population

According to the easy access as well as so many population at villages under study compared to other villages, statistical population including households heads and members of Dispute Resolution Council, consists of 13 villages around Zanjan city. Zanjan province is of 30 provinces Located in the northwest of Iran, including 7 counties, 16 cities, 15 districts and 46 villages(Hamidi, 2008, p. 63).

Analysis

Total characteristics of Heads of households

Descriptive statistics of Heads of households have been shown in table below.

Table 2. sexual and age characteristic of households

Age	No	Gender		Marital status		Sum	Percent for age of participants
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		Male	Female	Unmarried	Married		
Younger than 25 years old	No	18	0	4	14	18	6.14
26-32 years old	No	49	2	5	46	51	17.4
36-45 years old	No	74	4	1	77	78	26.6
Elder than 45 years old	No	116	30	23	123	146	49.8
Sum	No	257	36	33	260	293	100

The data as follows has been obtained regarding education status, and also the criterion used at Iran's statistics center organization has been used to define unemployment and employment, that have been summarized in table below.

Table 3. education and job characteristics of households

Education status	No and percent	Job status		
		Employed	Unemployed	
Illiterate	No	89	57	32
	Percent	30.3		
Primary	No	71	44	27
	Percent	24.2		
Secondary	No	35	23	12
	Percent	11.9		
High school	No	59	43	16
	Percent	20.13		
Bachelor degree	No	23	12	11
	Percent	7.8		
Master degree and higher	No	16	6	10
	Percent	5.46		
Sum	No	293	185	108
	Percent	100	63.13	36.8

Analyze performance of Dispute Resolution Council in rural affairs of the area under study

To analyze performance of Dispute Resolution Council in rural affairs of the area under study, factor analysis model regarding analysis to main components has been used. Factor analysis is of strong techniques with so many applications in different sciences. Factor analysis assumes that variance of each of the variables observed obtains from two parts: a general part that is common with other variables which cause correlation between them occurs, and another part that is different from other variables. The common parts are called factor indicating invisible concepts. Factor analysis for Continuous variables includes Normal distribution that built for Dual variables, assuming that invisible variables are standard. For this, to analyze performance of Dispute Resolution Council in rural affairs of the area under study, factor analysis method has been used.

To recognize appropriateness of data on components analyzed on analysis of performance of Dispute Resolution Council in rural affairs of the area under study using factor analysis, KMO index and the Bartlett test have been used.

Significance of Bartlett test at 99% confidence level and KMO value indicate correlation between components to carry out factor analysis(table 4).

Table 4. Bartlett test at significance level

Analysis	Value of KMO	Bartlett value	Significance level
Analysis of the Dispute Resolution Council on Rural Issues	0.723	1631.2	0.000

Since, factor analysis is of R type, common factors and relative importance of each of variables are determined using factor matrix. Thereafter, Eigenvalues are calculated for all the Eigenvalues that are not equal to zero. Obtained results indicate that 22 variables can be summarized to four factors that a new structure based on factors with a new combination designed and data analyzed. Each factor's contribution in determining variance for 22 variables is decreasing, e.g. first factor with Eigenvalues 9.26 and 42.10 defines total variance. The fourth factor has been seen with the least effect and contribution. According to this table, four factors with Eigenvalues greater than one could calculate 81.71% of variance for 22 variables. Hence, those among obtained factors with Eigenvalues greater than one were chosen as main factors.

Table 5. percent and value of each Factor

Factors	Initial eigenvalues			Sum of Squares for factor loadings extracted			Sum of Squares for factor loadings rotated		
	Eigenvalues	Percent of variance	Percentage of	Eigenvalues	Percent of variance	Percentage of	Eigenvalues	Percent of variance	Percentage of
1	9.26	42.10	42.10	9.26	42.10	42.10	7.95	36.16	36.160
2	5.19	23.63	65.73	5.19	23.63	65.73	4.33	19.70	55.861
3	2.24	10.18	75.92	2.24	10.18	75.92	3.44	15.63	71.500
4	1.27	5.79	81.71	1.27	5.79	81.71	2.24	10.21	81.715

varimax rotation has been used among rotation methods for factors. Rotating factors do not change cumulative percentage defined with extractive factors, yet cause change at each of factors. Change at total determined variance for each factor causes interpretation with ease(table 6).

Table 6. factoring variables followed by varimax rotation

Row	Factor	Eigenvalues	Percentage of variance	Percent of cumulative variance
1	Participation and social security	7.95	36.16	36.160
2	Mediation	4.33	19.70	55.861
3	Social trust and satisfaction	3.44	15.63	71.500
4	Consultation	2.24	10.21	81.715

Analysis of factors

Variables of each factor regarding factor loadings have been shown as follow:

-participation and social security: Eigenvalues mentioned 7.95 that can define 36.165 of variance. Studies show the high correlation among these dimensions by putting dimensions of participation and social security in a factor.

Participation in resolving problems around village and cooperation by local institutions severely affect resolving problems. Today, one tool for planning in the new world is drawing attention to active participation by people in the society in all different dimensions of development.

In this regards, it can say that the more performance of dispute resolution council in rural communities increases, participation and cooperation between villagers and dispute resolution council increases, whereby accurate decisions, decreasing disputes around village and also increasing social security among villagers can be seen(table 7).

Table 7. Loading variables at first factor

Variable	Factor load
Decisions are made at dispute resolution council by trustees' and elders' consultation.	.929
Decisions are made at dispute resolution council by Islamic council's consultation.	.903
dispute resolution council consults with public groups at villages, Farmers, Ranchers for decision making	.900
Performance (arbitration behavior) of dispute resolution council is accurate and clear for people.	.419
The relationship between dispute resolution council and Islamic council has been positive.	.908

dispute resolution council has been effective in increasing participation and social correlation.	.551
dispute resolution council in disputes arising from Grazing livestock in agricultural lands has been effective.	.768
dispute resolution council has been effective in disputes arising from Divided shares of crops and livestock	.768
dispute resolution council has been effective in reducing disputes arising from Divided inheritance	.768
dispute resolution council has been effective in reducing collective disputes	.910
dispute resolution council has been effective in reducing Burglary and theft	.510
dispute resolution council has been effective in reducing crimes in a village	.488
dispute resolution council has been effective in reducing in Reducing violate the rights of others	.755
dispute resolution council has been effective in Increasing sense of security for women and children	.903

Social trust and satisfaction with parties: Eigenvalues for this factor is 4.33 that can calculate 19.70% of variance. Studies show the high correlation among these dimensions by putting dimensions of Social trust and satisfaction in a factor so that the more social trust increases satisfaction further increases.

In this regards, performance of dispute resolution council in reducing disputes among villagers resulted in increasing their trust to this council. The more trust among villagers increases, disputes among Creditors and debtors reduces, that coming and going costs to courts have reduced by decreasing disputes, and crimes such as Firing Harvest have reduces, and as a result individuals' satisfaction with their neighbors and villagers has been reported.

Table 8. loading variables at second factor

Variable	Factor load
dispute resolution council has been effective in increasing social trust	.759
dispute resolution council has been effective in disputes between Creditors and debtors	.696
dispute resolution council has been effective in reducing committing Firing	.493

Harvest	
dispute resolution council has been effective in reducing coming and going costs	.646
dispute resolution council has been effective in increasing satisfaction between parties	.718

Consult: Eigenvalues mentioned 3.44 that can define 15.63% of variance. Studies show that members of dispute resolution council consult with each other in resolving dispute, and prefer the group’s view rather than person, that this came effective in reducing disputes arising from invasion of other lands.

Generally, most of disputes around villages under study allot to family, clan and collective disputes. In this regards, disputes arising from water ownership and invasion to surrounding lands are of the most important disputes among villagers that have reduced with respect to dispute resolution council’s view.

Table 8. loading variables at third factor

variable	Factor load
Members of dispute resolution council consult with each other in resolving dispute, and prefer group’s view rather than person.	.767
dispute resolution council has been effective in reducing arising from invasion to lands	.697

Mediating factor: Eigenvalues mentioned 2.24 that can define 10.21% of variance. Studies show that dispute resolution council came effective in reducing family and clan disputes, and problems seen in village among clans that increasingly reduced, can be seen.

Table 8. loading variables at fourth factor

variable	Factor load
dispute resolution council has been effective in reducing family and clan disputes	.554

Figure 1 is a proposed model arising from factor analysis to show how is the role of rural dispute resolution council in optimal management performance, that four principles including participation and social trust, mediation, social trust and consultation have been extracted, shown in following:

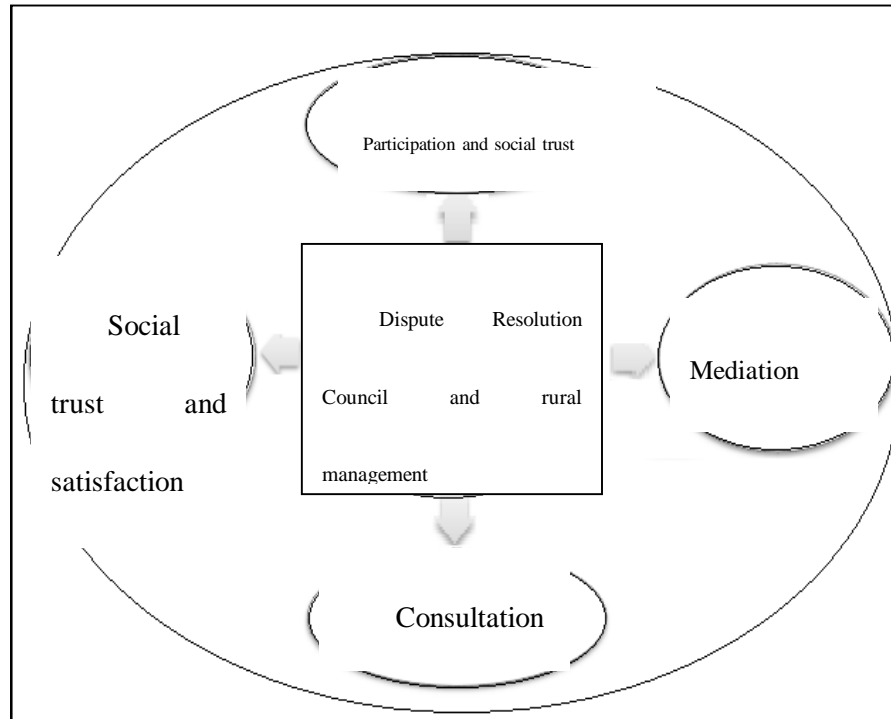


Figure 1. proposed model arising from factor analysis to know how is the role of rural dispute resolution council in optimal management performance

Conclusion and suggestions

Dispute Resolution Council is a friendly, non hostile and illegal approach for resuming dialogue between the conflicting parties, maintaining healthy relationships, restoration of public order and social justice. The main advantage of Dispute Resolution Council is the possibility to settle disputes based on developmental responsibilities between parties, that the main origin at these centers arises from family rules. The main aim of dispute resolution council is to resolve disputes outside of court with the help of a neutral third person in which one of the processes including Negotiation, Mediation and Arbitration goes forward.

Results from this study on 13 villages around Zanjan city indicate that dispute Resolution Council has had effective role in improving rural development management, in viewpoint of participants.

The suggestions as follows are proposed to improve performance of rural dispute resolution council:

- Review of Eligibility by Dispute Resolution Council around villages and ensure legal enforcement issued by the Rural Dispute Council
- Particular attention to maintaining social cohesion with public participation, state and local leaders through valuing of the non-governmental organizations and councils.
- Greater attention to public participation in selecting Dispute Resolution Council members
- Replacement of cooperation rather than conflict and militancy
- Change in Authorities' view and their belief in participation by villagers

- Coordination and cooperation by Council members and the rural municipality administrators with the people and providing necessary facilities for public participation in village council meetings and programs.
- The importance of staff training as essential factor for practical promotion of quality council members resulting in optimal performance.
- Further effort to take advantage of people with a higher level of consciousness, and taking advantage of local expertise in the field of judicial affairs can enhance its performance.
- Necessity to review existing conditions in rural communities and determine authorities by this institution regarding the status which goes in villages.
- priority of terms and conditions instead of relationship in dealing with problems in villages.

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