

The Maldives Criminal Court's Approach in Engaging the Parties in First-degree Felony Murder: A Content Analysis

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ABSTRACT

The laws concerning first-degree felony murder in the Maldives allow mitigating the punishment if the victim pardons the offender. However, many offenders do not receive a pardon from their victims. Relevant literature suggests that a successful reconciliation would occur in an environment that fosters the expression of remorse and forgiveness. The contrasting outcome indicates a need to understand if the court procedures promote an empathetic outcome. The present analysis aims to address the gap by establishing the approach of the Criminal Court to engaging the parties in cases involving first-degree felony murder, identifying if the court encourages the expression of remorse and forgiveness and establishing how the current approach affects the outcome of the cases. By employing a content analysis method driven by the literature on restorative justice theory, the present study analysed seven different court cases concluded between 2020 and 2023 September that involved first-degree felony murder. The analysis showed that the approach of the Criminal Court to engaging the parties in a first-degree felony murder may include explaining the rights of a victim in the legal system of the Maldives, attempting to humanise the offender or the victim or simply seeking the opinion of the victim concerning the punishment. The case analysis also demonstrated that offenders were less remorseful and victims were less forgiving. The analysis showed that the current procedures are inadequate to foster remorse and forgiveness and recommended employing restorative justice processes to engage the parties.

Contribution/Originality: This study documents the Maldives Criminal Court's approach to engaging parties in first-degree murder trials. The study shows that judges in these cases tend to encourage expressions of remorse and forgiveness, but this is not effective in promoting empathy.

1. Introduction

The laws concerning first-degree felony murder in the Maldives allow mitigating the punishment if the victim pardons the offender or reconciles. The court procedure for administering punishment prescribes the factors the court should take into account while sentencing for first-degree murder ([s 2\(c\), The Court procedure for administering punishment \(2/2021\)](#)). According to the court procedure, in the sentencing hearing of first-degree murder, the court should inquire whether the next of kin of the deceased chooses to pardon the offender or seek retribution. The law requires only one next of kin to forgive the offender for mitigating the punishment to life imprisonment ([s 42, The Court procedure for administering punishment \(2/2021\)](#)). The provision for victim forgiveness in the Maldives law is deeply influenced by Islam, the basis of all laws in the country. Islam is a national trait, a constitutional obligation and a criterion for citizenship in the Maldives. Moreover, Islam sets the limits for fundamental rights and freedoms in the Maldives ([Ibrahim & Buang, 2018](#)). Despite the legal provision, many offenders do not receive a pardon from their victims ([Abdul Ghafoor et al., 2022](#)). The lack of forgiveness creates a need to understand whether the outcome is contributed by how the court engages the parties or other factors. The present analysis addressed the gap by identifying if the Criminal Court of the Maldives attempts to engage the parties in cases involving first-degree felony murder. The Criminal Court of the Maldives, located in Male', serves as a court of first instance that adjudicates criminal cases.

Secondly, according to the relevant literature, a successful reconciliation would occur in an environment that fosters the expression of remorse and forgiveness ([Jonas et al., 2022](#); [Nascimento et al., 2023](#)). Research indicates that forgiveness depends on various factors, which include offering an apology, restorative actions, and caring behaviour. If offenders continue to avoid taking responsibility, victims perceive them as less empathetic. As a result, the offenders are less likely to receive a pardon. Literature indicates that in addition to seeking forgiveness, offenders should demonstrate they are serious about committing to change ([Martinez-Diaz et al., 2021](#)). Furthermore, the justice providers should ensure the offenders understand the value of a sincere apology and how an insincere apology could counter their road to rehabilitation ([Suzuki, 2023](#)). For this reason, in addition to engaging the parties in first-degree felony murder, it is crucial to see if the court encourages the expression of remorse and forgiveness and how the approach affects the outcome of the cases.

As for the scope of this analysis, the present study analysed the court procedures that involved first-degree felony murder in light of the cases the Criminal Court had concluded between 2020 and 2023 September. In this category of cases, the court is obliged by law to bring in the next of kin to know their views on punishment. This case category is suitable for the current analysis as it demonstrates the approach of the Criminal Court to engaging the parties. The cases gave a clear picture of the court process for encouraging remorse and forgiveness and its effectiveness in fostering them.

The study then interpreted the case analysis findings in light of the literature concerning restorative justice. Restorative justice uses human interaction as an effective way to cultivate a sense of responsibility and remorse in offenders, which could become a reason for their effective reform. This theory also shows positive results in engaging the victims in the process of offender reform. Conducting a theoretically informed content analysis of the present cases brought better conceptual clarity in investigating the underlying mechanisms and patterns and facilitated a systematic analysis. It allowed the

researcher to identify nuances more effectively and compare the findings with the existing literature. It also allowed the researcher to identify the practical implications of the research findings and make recommendations based on the existing literature on restorative justice.

The present case analysis is significant to the research area as it demonstrates the Criminal Court's approach to engaging the parties in first-degree felony murder, how it encourages the expression of remorse and forgiveness, and how the approach affects the outcome of the process. Furthermore, by utilising the literature on restorative justice, the study offered a more pragmatic analysis and recommendations that use verifiable data.

The case analysis is valuable for those who want to enhance criminal procedural laws and court procedures, especially in murder trials. The analysis revealed overlooked information that may assist in understanding the issue. Moreover, future research that adopts a different methodology could bring a more in-depth understanding of the issue. At the same time, the present analysis is a valuable guide for relevant future studies.

1.1. Research Objectives

The present analysis aims to demonstrate two essential issues. First, it establishes the approach of the Criminal Court to engage the parties in cases involving first-degree felony murder. Secondly, the analysis seeks to identify if the court encourages the expression of remorse and forgiveness and how such expressions affect the outcome of the cases.

The present analysis addressed the study objectives by seeking answers to two significant questions. First, what is the approach of the Criminal Court to engaging the parties in first-degree felony murder according to the cases concluded between 2020 and 2023 September? Second, did the court adopt a humanised approach in those cases and encourage the expression of remorse and forgiveness, and did that affect the case outcome?

2. Literature Review

This analysis used restorative justice to understand whether the current practice of the Criminal Court in first-degree felony murder could yield positive results. It would also assist the researcher in understanding how to enhance current practices to bring positive and favourable outcomes for the parties.

Restorative justice allows the victim and offender to actively participate in conflict resolution and discuss solutions in a safe environment. Such a process could provide a positive psychological impact, such as increased empathy and seeing the world from the perspectives of others (Jonas et al., 2022). Restorative justice promotes genuine communication to bring positive psychological effects (Nascimento et al., 2023). Restorative justice is an approach that focuses on healing relationships that have been harmed by criminal behaviour. This strategy aims to establish reconciliation, hold abusers accountable, and promote social reintegration. Victims could actively engage in restorative justice by addressing the impact of crime on them and questioning the criminal. The processes encourage perpetrators to recognise their crimes, express sorrow, and seek to repair the damage. Restorative justice views offenders as

individuals who, if given the opportunity and support, could reform and reintegrate into society as valued members (Halim & Sri Ismoyo, 2023).

Relevant literature outlines the complexity of humane criminal dispute resolution and the importance of managing emotions to produce positive outcomes (Meléndez, 2021). Restorative justice has demonstrated its effectiveness in positively changing offenders (Priyana et al., 2023). For instance, Meléndez (2021), demonstrated that it is important for offenders to feel empathy towards their victims to understand how the offence had harmed them. Restorative processes, especially face-to-face meetings, allow this to happen and trigger genuine remorse in offenders. For victims, genuine remorse is essential to reduce the desire for revenge and harm to their offenders. Meléndez (2021) believes that this is the starting point of victim forgiveness. She believes the higher the level of guilt the offenders experience, the more empathetic they are toward their victims. Therefore, as she has pointed out, communication becomes essential to release positive emotions. Reparation and reforming the offender could only occur after communicating genuine feelings (Meléndez, 2021).

As for the victims, the literature suggests that forgiveness involves profoundly thinking about the offence and releasing the desire for retaliation and resentment towards the person who caused the injustice. The victims should believe that adopting a prosocial outlook could positively transform the offender. Forgiveness results from the victim believing that the offender truly feels responsible for the wrongdoing and is remorseful. Restorative justice recognises the essentiality of communication in fostering victim empathy toward the offender (Witvliet et al., 2020). As per the literature, the critical ingredients of a genuine apology are acknowledging harm, taking responsibility, sincere regret and remorse, and an assurance that the offender will not repeat the act. According to the literature, the more convincing it is for the victim that the offender shows genuine feelings, the less harsh the victim will be. Therefore, an apology without taking responsibility may not trigger forgiveness (Witvliet et al., 2020).

Restorative justice is heedful of human change dynamics and provides a conducive environment for change. For instance, in processes such as victim-offender mediation, facilitators encourage communication of shame, remorse and guilt and attempt to make offenders aware of the wrongful act (Jonas et al., 2022). It allows the offender to see the human impact of a crime and educate themselves about the repercussions of a crime (Meléndez, 2021). Unlike offenders who go through a normal case hearing and concentrate on the legal consequences of their behaviour in the courtroom, restorative justice creates a suitable environment for human interaction and transformation (Priyana et al., 2023).

Research suggests that apology and restitution could positively impact victims and ignite positive responses towards the offender, including forgiveness. However, genuine emotions are a precursor for such an outcome (Martinez-Diaz et al., 2021; Witvliet et al., 2020). Research also suggests that the nature and the circumstances of offence could influence how they interact and the effect of such interaction. For example, if the victim holds a grudge, they might be unable to forgive the offender (Martinez-Diaz et al., 2021). To overcome negative emotions that could inhibit positive outcomes, Meléndez (2021) stresses the criticality of a space that encourages the expression of genuine emotions. A relevant, qualitative meta-synthesis by Suzuki (2021) demonstrated the ingredients necessary for a transformative process. In his opinion, the parties should have the opportunity to humanise the other party and put emotions at the centre of conflict

resolution. Then, they should receive the assistance of a proper support structure that cultivates a transformative life-changing experience. However, it could only happen in an environment that prioritises communication (Suzuki & Yuan, 2021).

Furthermore, Suzuki (2023) proposed a framework with core recovery factors for engaging victims of violent crime in a restorative process. His framework highlighted enabling and inhibiting factors affecting their recovery (Suzuki, 2023). According to Suzuki (2023), while some enabling factors like restitution and support networks can cultivate recovery, insincere apologies and denial or minimising responsibility can inhibit the process. Research also indicates that some victims fulfil their punishment objectives through communicating with the offender and that some victims are not excessively punitive. The literature suggests that victim-offender communication could generate better outcomes for the offenders and society (Batchelor, 2023).

3. Research Methods

This research adopted content analysis as its methodology. This method allowed the researcher to understand the patterns in practice and evaluate the approach of the judges to engaging the parties in first-degree felony murder. By utilising a content analysis method, the researcher could use the content readily available in the court database to identify if the current processes and level of engagement in fostering a sense of remorse and forgiveness are effective in achieving positive outcomes and understanding the psychological impact of the approach. Also, it provided insight into areas that need further research and improvement. On the one hand, the content of the cases demonstrated if the offenders expressed responsibility and repentance; on the other hand, it also showed whether the current practice fosters victim forgiveness. Moreover, content analysis is a cost-effective way to gain an in-depth understanding of the court procedures and processes in murder cases that could help court services (Kleinheksel et al., 2020; Krippendorff, 2019). By analysing the content of the court cases, the study established whether the current court processes foster a sense of remorse or forgiveness and whether it positively or negatively affects the case outcome.

Content analysis also helped uncover records of judicial practices that could assist in testing doctrinal claims. The method could complement the more comprehensive doctrinal studies that aim to comprehend judicial practices from a doctrinal standpoint (Kirkham & O'Loughlin, 2019). This approach was useful for the current analysis, which used restorative justice principles as a guide.

The present study withdrew the court cases for the content analysis from the Criminal Court of the Maldives website, www.criminalcourt.gov.mv. Although there was an option to search for keywords on the website, due to spelling variations in the court cases, the researcher had to manually filter all the first-degree felony murder cases the court had concluded between 2020 and 2023 September. The manual filtering identified a total of 17 cases that were within the selected case category.

Six of these cases resulted in acquittal. In one case, *PG v Hussain Nihad Ahmad & Hussain Jailam [2018]*, the crime was reduced to abetting murder, and the case report did not mention engaging the victim in the sentencing process. In one of the cases, *PG v Hussain Mavaz [2023]*, a case involving the killing of a sibling, the offender had a pre-trial agreement with the Prosecutor General. Furthermore, little information was available in the case report regarding the victim engagement. Similarly, the case report did not

provide information about victim participation in *PG v Aafiyaa Mohamed Manik [2015]*. The Criminal Court did not publish reports of two cases because they involved a minor. However, the court website provided a brief note about one of these cases, *PG v Aminath Shaahidhaa [2016]*, which provided some information regarding the study area. The present analysis eliminated all these cases except *PG v Aminath Shaahidhaa [2016]*. The analysis then studies the remaining 7 cases. [Table 1](#) outlines the case selection process.

After identifying eligible cases for the content analysis, codes were developed in light of the theoretical framework to reflect the research objectives and questions. As per the theoretical framework, Restorative justice bases its premises on human communication and change ([Jonas et al., 2022](#)). It believes that even an offender could change if he could recognise the impact of the action. Such recognition could provoke genuine remorse and willingness to change ([Halim & Sri Ismoyo, 2023](#)). Furthermore, the victim may even help the offender in the reform process and forgive him ([Witvliet et al., 2020](#)). Therefore, these codes were developed for the initial coding; "expression of remorse", "expression of forgiveness", "engagement approach", and "case outcome".

After the initial coding, the researcher developed sub-categories of codes for in-depth content analysis. [Table 2](#) shows the main codes and their sub-categories:

Table 2: Main codes and their sub-codes

Main code	Sub-codes
expression of remorse	sought forgiveness no communication of remorse
expression of forgiveness	Victim forgave Victim sought blood money victim sought retribution
engagement approach	Clarified options available for the victim/explain the law Humanised the offender Humanised the victim Sought victim's opinion on punishment
case outcome	Punishment: Imprisonment Punishment: Capital Punishment: blood money

4. Results

The results of the present analysis demonstrated that the court has no particular process for engaging the parties involved in first-degree felony murder. Despite that, the court carefully explains the law and the rights and options available to the parties within the judicial process (*PG v Adhuham Muhammad [2020]*; *PG v Ismail Haisham & Others [2017]*; *PG v Shaa Alom Miya [2021]*). The explanation includes informing the victims that they could seek blood money, pardon the offender or seek retribution. Moreover, the court cases sometimes extensively cited and explained these choices (*PG v Shumon Miya [2017]*; *PG v Ismail Haisham & Others [2017]*; *PG v Shaa Alom Miya [2021]*). In one case, the court even emphasised that the state has no power to overrule the wish of the victim in murder cases (*PG v Shaa Alom Miya [2021]*).

Table 1: Case selection process

Initially identified cases	Cases eliminated from the analysis	Cases included in the analysis
<i>PG v Adhuham Muhammad</i> [2020] 62/Cr-C/2020	<i>PG v Aminath Shaahee Aalam & Ibrahim Wisam</i> [2013] 554/Cr-C/2013 (Acquitted)	<i>PG v Adhuham Muhammad</i> [2020] 62/Cr-C/2020
<i>PG v Mohamed Shanoon & Ali Sifaam</i> [2015] 325/Cr-C/2015	<i>PG v Abu Kalam</i> [2017] 707/Cr-C/2017 (Acquitted)	<i>PG v Mohamed Shanoon & Ali Sifaam</i> [2015] 325/Cr-C/2015
<i>PG v Hussain Mavaz</i> [2023] 365/Cr-C/2023	<i>PG v Mohamed Mafaz Hussain Saleem</i> [2017] 1117/Cr-C/2017 (Acquitted)	<i>PG v Ismail Haisham & Others</i> [2017] 711/Cr-C/2017
<i>PG v Aafiyaa Mohamed Manik</i> [2015] 386/Cr-C/2015	<i>PG v Mohamed Humaid</i> [2016] 1129/Cr-C/2016 (Acquitted)	<i>PG v Shumon Miya</i> [2017] 723/Cr-C/2017
<i>PG v Aminath Shaahee Aalam & Ibrahim Wisam</i> [2013] 554/Cr-C/2013	<i>PG v Ismail Aneeq & Others</i> [2015] 504/Cr-C/2015 (Acquitted)	<i>PG v Ali Hamza</i> [2015] 725/Cr-C/2015
<i>PG v Abu Kalam</i> [2017] 707/Cr-C/2017	<i>PG v Yameen Rasheed</i> [2017] 1281/Cr-C/2017 (Acquitted)	<i>PG v Shaa Alom Miya</i> [2021] 734/Cr-C/2021
<i>PG v Ismail Haisham & Others</i> [2017] 711/Cr-C/2017	<i>PG v Hussain Nihad Ahmad & Hussain Jailam</i> [2018] 850/Cr-C/2018 (the crime was reduced to abetting murder)	<i>PG v Aminath Shaahidhaa</i> [2016] 792/Cr-C/2016
<i>PG v Shumon Miya</i> [2017] 723/Cr-C/2017	<i>PG v Hussain Mavaz</i> [2023] 365/Cr-C/2023 (No sufficient information on victim engagement)	
<i>PG v Ali Hamza</i> [2015] 725/Cr-C/2015	<i>PG v Aafiyaa Mohamed Manik</i> [2015] 386/Cr-C/2015 (no victim engagement)	
<i>PG v Shaa Alom Miya</i> [2021] 734/Cr-C/2021	<i>PG v Abdul Ghafoor Qasim & Aziza Ibrahim</i> [2016] 669/Cr-C/2016 (case report was not available on the court portal)	
<i>PG v Hussain Nihad Ahmad & Hussain Jailam</i> [2018] 850/Cr-C/2018		
<i>PG v Mohamed Mafaz Hussain Saleem</i> [2017] 1117/Cr-C/2017		
<i>PG v Mohamed Humaid</i> [2016] 1129/Cr-C/2016		
<i>PG v Ismail Aneeq & Others</i> [2015] 504/Cr-C/2015		
<i>PG v Yameen Rasheed</i> [2017] 1281/Cr-C/2017		
<i>PG v Aminath Shaahidhaa</i> [2016] 792/Cr-C/2016		
<i>PG v Abdul Ghafoor Qasim & Aziza Ibrahim</i> [2016] 669/Cr-C/2016		

Furthermore, in some cases, the court even attempted to humanise the offender and the victim, which could foster remorse and forgiveness (*PG v Shumon Miya* [2017]; *PG v Shaa Alom Miya* [2021]). The court humanised the offender by encouraging forgiveness and emphasising the nobility of the act (*PG v Shumon Miya* [2017]). It emphasised forgiveness, or blood money, as an alleviation for the offender and mercy (*PG v Shaa Alom Miya* [2021]). The court empathised with the victims, iterating that the courts are there to uphold the wishes of the victims and that the system should enforce the rights of the victims and the integrity of justice (*PG v Shaa Alom Miya* [2021]). In contrast, the court asked the victim about the choice of punishment in other cases (*PG v Mohamed Shanoon & Ali Sifaam* [2015]; *PG v Ali Hamza* [2015]; *PG v Aminath Shaahidhaa* [2016]).

For example, in *PG v Adhuham Muhammad* [2020], the judge stated,

"...Therefore, the punishment imposed on Adhuham Muhammad is capital punishment. Although capital punishment is the sentence for the offence in the present case, its implementation will be abstained if the heirs pardoned the offender at any time before the execution. The heirs have the right to pardon Adhuham Muhammad before executing the punishment..."

Also, in *PG v Shaa Alom Miya* [2021], the judge highlighted,

"The source of the Maldives law is Islam, and the Constitution is explicit that the Maldives cannot enact a law that contradicts the teachings of Islam... According to the Penal Code of the Maldives, punishments for Hadd and Qisas are those imposed by Islam...(.) In cases of willful murder, the heirs have the right to retribute, take blood money or forgive. Islam does not leave this to the discretion of the judges. The responsibility of the judge is to promote the rights of the victims. Similarly, to protect the offender from any inhumane or illegal treatment..."

Likewise, in *PG v Shumon Miya* [2017], the judge stated,

"The court has explained to the heirs that the legal system gives the family of the victim the right to seek retribution, or take blood money and forgive the offender... Also, the trial judge has informed the heirs that forgiveness is a noble teaching of Islam...(.) In the present case, all of the heirs stated that they want to execute the murderer of Ismail Umar...(.) Regarding the killing of an innocent life, the Quran states:

O believers! The law of retaliation is set for you in cases of murder—a free man for a free man, a slave for a slave, and a female for a female. But if the offender is pardoned by the victim's guardian, then blood money should be decided fairly and payment should be made courteously. This is a concession and a mercy from your Lord. But whoever transgresses after that will suffer a painful punishment." (The Noble Quran 2:178)

According to [Section \(5\) of the Law on Intimidation and Possession of a Lethal Weapon \(17/2010\)](#), the punishment of willful murder is capital punishment..."

It is reasonable to say that these cases demonstrated the commitment of the Criminal Court to uphold the law and the principles of Shariah. However, it is debatable whether the current approach of the court fosters a reconciliatory process as promoted by Shariah, even in instances where the court uses empathic language.

For example, in 4 different cases, the judge emphasised the status of the victim in Shariah and the legal system of the Maldives and used language that might have fostered forgiveness, stressing the nobility of the cause and how it might reduce the punishment ([PG v Adhuham Muhammad \[2020\]](#); [PG v Ismail Haisham & Others \[2017\]](#); [PG v Shumon Miya \[2017\]](#); [PG v Shaa Alom Miya \[2021\]](#)). In one case, [PG v Adhuham Muhammad \[2020\]](#), even the offender pleaded for forgiveness, hoping for a mitigated sentence.

In [PG v Adhuham Muhammad \[2020\]](#), the case report stated,

"Adhuham Muhammad stated that while capital punishment is the prescribed sentence for the present offence, the heirs have the right to forgive before the execution; therefore, he begged their forgiveness..."

However, the analysis did not demonstrate that the current court process of humanising the parties brings a positive outcome. For example, in four different cases, although the court extensively talked about forgiveness and reconciliation, only one victim in one case pardoned the offender ([PG v Ismail Haisham & Others \[2017\]](#)). In the other three cases, the victims sought retribution ([PG v Adhuham Muhammad \[2020\]](#); [PG v Shumon Miya \[2017\]](#); [PG v Shaa Alom Miya \[2021\]](#)). Victims demonstrated similar reactions in another two instances where the judges merely sought their opinion on their preferred punishment ([PG v Mohamed Shanoon & Ali Sifaam \[2015\]](#); [PG v Ali Hamza \[2015\]](#)). The victim pardoned the offender in only one case out of the seven, and the offenders received a term of imprisonment instead of the death penalty. Interestingly, the case did not show whether the offender was remorseful ([PG v Ismail Haisham & Others \[2017\]](#)).

The case reports also did not demonstrate that the offenders attempted to reconcile with the victims by communicating guilt and remorse. Three cases showed that the offenders did not try to show remorse despite having the opportunity ([PG v Shumon Miya \[2017\]](#); [PG v Shaa Alom Miya \[2021\]](#); [PG v Aminath Shaahidhaa \[2016\]](#)). The three other cases did not provide any information about the offender being remorseful ([PG v Mohamed Shanoon & Ali Sifaam \[2015\]](#); [PG v Ali Hamza \[2015\]](#); [PG v Ismail Haisham & Others \[2017\]](#)). Only in one case, the offender asked for forgiveness. However, in this case, the victim did not pardon the offender ([PG v Ismail Haisham & Others \[2017\]](#)).

In light of the selected cases, it is reasonable to say that the cases provide a rationale for the restorative justice claim that promotes communication in resolving criminal wrongdoing. The restorative approach is consistent with the Shariah ideals that the court promotes, which encourage clemency and repentance.

To sum up, the relevant laws and the case analysis showed that victim pardoning can affect the sentence of an offender in first-degree felony murder. However, the current

practice does not foster remorse, forgiveness and humanisation of the other party. As a result, most cases resulted in the most severe punishments.

Table 3 and Table 4 demonstrate the distribution of codes and case-by-case analysis of the selected court cases.

Table 3: Distribution of codes

engagement approach	n=	expression of remorse	n=	expression of forgiveness	n=	case outcome	n=
Clarified options available for the victim/explain the law	4/7	no communication of remorse	3/7	Victim sought blood money	2/7	Punishment: Capital	4/7
Humanised the victim	2/7	NA	3/7	Victim forgave	1/7	Punishment: Imprisonment & Punishment: Bloodmoney	3/7
Humanised the offender	2/7	sought forgiveness	1/7	victim sought retribution	4/7	Punishment: Imprisonment ONLY	1/7
Sought victim's opinion on punishment	3/7						

Table 4: case-by-case analysis

Case	Crime	engagement approach	expression of remorse	expression of forgiveness	case outcome
<i>PG v Adhuham Muhammad</i> [2020] 62/Cr-C/2020	Crime: Wilful Murder (17/2010, 5a)	Clarified options available for the victim/explain the law	sought forgiveness	victim sought retribution	Punishment: Capital (17/2010, 5c)
<i>PG v Mohamed Shanoon & Ali Sifaam</i> [2015] 325/Cr-C/2015	Crime: Wilful Murder (17/2010, 5a) Crime: Accomplice in wilful murder (17/2010, 5e)	Sought victim's opinion on punishment	NA	victim sought retribution	Punishment: Capital (17/2010, 5c) Punishment: Imprisonment 25 year (17/2010, 5f)

<i>PG v Ismail Haisham & Others</i> [2017] 711/Cr-C/2017	Crime: Wilful Murder (17/2010, 5a)	Clarified options available for the victim/ explain the law Humanised the victim	NA	Victim forgave (V1) victim sought retribution (V2)	Punishment: Bloodmoney Punishment: Imprisonment (mitigated due to victim forgiveness)
<i>PG v Shumon Miya</i> [2017] 723/Cr-C/2017	Crime: Wilful Murder (17/2010, 5a)	Humanised the offender Clarified options available for the victim/ explain the law	no communication of remorse	victim sought retribution	Punishment: Capital (17/2010, 5c)
<i>PG v Ali Hamza</i> [2015] 725/Cr-C/2015	Crime: Knowingly Killing (9/2014, 110a)	Sought victim's opinion on punishment Clarified options available for the victim/ explain the law	NA	Victim sought blood money	Punishment: Bloodmoney Punishment: Imprisonment
<i>PG v Shaa Alom Miya</i> [2021] 734/Cr-C/2021	Crime: Wilful Murder (17/2010, 5a)	Humanised the victim Humanised the offender	no communication of remorse	victim sought retribution	Punishment: Capital (17/2010, 5c)
<i>PG v Aminath Shaahidhaa</i> [2016] 792/Cr-C/2016	Crime: Knowingly Killing (9/2014, 110a)	Sought victim's opinion on punishment	no communication of remorse	Victim sought blood money	Punishment: Imprisonment Punishment: Bloodmoney

5. Discussion

The findings of the present analysis align with the prepositions of the restorative justice theory, which encourages providing an opportunity for the victim and offender to participate actively in conflict resolution (Jonas et al., 2022). Restorative justice emphasises the criticality of genuine communication and expression of true emotion. A formal court hearing may not be conducive to displaying human emotion and dynamic dialogue (Halim & Sri Ismoyo, 2023; Meléndez, 2021). The theoretical knowledge explains why, despite the judges stressing the importance and nobility of forgiveness, the victims tend to be resentful.

The cases did not provide enough information to correlate offender apology and victim forgiveness in the selected cases. In the only case where one victim forgave the offender, the case did not provide information regarding the offender being remorseful. Also, in another case where the offender did apologise, the victim did not accept the apology and

sought the most severe punishment. However, the case analysis does demonstrate that offenders are less remorseful and victims are less forgiving.

A possible explanation for the reluctance of victims to forgive could be the formal nature of the trial environment and the focus of the trial. A courtroom is to establish guilt rather than acknowledge the harm and take responsibility. It is a place where the lawyers and defendant constantly think about reducing or evading the punishment. Their objectives in a trial stand in stark contrast with the interests of harmed victims. It is difficult for the victims to see if the offenders are genuinely remorseful in a trial environment, or the victims may believe that they are not sincere and are trying to evade severe punishment (Witvliet et al., 2020). As Suzuki and Yuan (2021) have pragmatically highlighted, putting emotions at the centre of conflict resolution and providing a solid support structure is necessary for healing. Therefore, the court system should provide some avenue for victim-offender communication.

The present analysis used the content analysis method. The methodological choice of the study meant that the researcher could only understand the issue based on what the court had recorded in the case reports. It may not capture gestures and other phenomena that could explain the problem through observation or a different methodology.

In the selected cases, offenders tend to hide their remorse or are less remorseful, and the cases do not provide sufficient information to extrapolate the relationship between offenders' remorse and victim forgiveness. Future research could adopt a different methodology to gain insight and understand the perceptions of victims and offenders on this issue.

There could also be other possible reasons for the phenomenon that are beyond the scope of the current study. Considering the nature of the selected cases, it is plausible to assume that other social factors may exist, such as threats from peers and concerns over the severity of punishment, making the offenders hide their guilt or remorse. These areas could provide critical insight into the issue of the present study. Thus, there is a need for further research to address the gap.

Concerning the generalisation of the results, the analysis should be interpreted with caution as the current analysis could not gain more insight into the dynamics of human interaction. However, the present analysis provided sufficient insight into the court processes for dealing with first-degree felony murder and how the court engages the parties in such cases. It has also demonstrated that the judges encourage less punitive sanctions in these cases. However, they do not have conducive procedures and court settings that foster genuine communication.

The present analysis suggests that the court adopts restorative justice processes such as mediation to foster dialogue and problem-solving in cases of first-degree felony murder. Introducing a restorative justice process could facilitate communication that addresses social problems, allow offenders to see the human impact of their crime, and trigger victims to offer forgiveness.

6. Conclusion

This analysis aimed to achieve two main objectives. First, to demonstrate the approach of the Criminal Court in engaging the parties in a first-degree felony murder. Secondly, to identify if the court encourages the expression of remorse and forgiveness and if such expressions affect the outcome of the cases.

The analysis showed that the approach of the Criminal Court to engaging the parties in a first-degree felony murder includes explaining the rights of a victim in the murder case in the legal system of the Maldives, attempting to humanise the offender or the victim or simply seeking the opinion of the victim concerning the punishment. The analysis also demonstrated that the Criminal Court encourages empathy in these cases. However, the offenders showed no remorse, and the victims were unforgiving. In most cases, victims chose the most severe punishments for the offender, and only one victim pardoned the offender. Therefore, the present analysis suggests that the court adopts restorative justice processes such as mediation to foster dialogue and problem-solving in cases of first-degree felony murder.

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Conflict of Interest

The authors declare no conflict of Interest.

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