

Review of: "[Essay] Speaking about Restorative Justice"

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Dear Editor, Thank you very much for the opportunity.

European rules and institutions have consolidated a regulatory framework for conflict resolution with a mediation directive; however, its national implementation is heterogeneous. Thus, in order to unify its use as an effective mechanism and to incorporate the culture of mediation, it has been considered compulsory in an attenuated form. It would be interesting to quote Méndez Rocasolano, María (2022). Entre la seguridad, la libertad y la justicia. Mediation and fundamental rights in Europe. Revista Científica General José María Córdova, 20(37), 129-142. Epub January 01, 2022.<https://doi.org/10.21830/19006586.861> which addresses the tense doctrinal discussion that underpins the reflection on effective judicial protection and security and freedom and justice, essential matters of fundamental rights, democracy, and the rule of law. It is interesting to note that restorative justice offers an innovative tool for citizen participation in the judiciary, which concretises governance and makes democracy more real and effective.

When the article talks about challenges and limitations and cites the Spanish case, it would be interesting to cite the European regulations indicated in the article by Professor Méndez Rocasolano.

For example, the article mentions that EU law has shown that the right to effective judicial protection and mediation, which proposes the peaceful settlement of disputes, can be compatible, aspiring to achieve concrete results for the participation of civil society in the powers of the State. This model, which establishes the obligation for the parties to attempt mediation prior to the initiation of judicial proceedings in certain matters, or when the court considers it appropriate for the parties in a process to resort to this route, dignifies citizens and recognises them as parties in the promotion of the peace and security sought by advanced democratic societies.

In restorative justice, while giving the opportunity to restore the harm done by the offender, an active participation in the restoration of the harm is generated, not only for the offender,

but also for society as a whole, which is a very concrete form of participation of the offender collective in the penal field. This possibility opens a space for reflection and study that could be very interesting.