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Exploring Alternative Dispute Resolution for Settlement of Criminal Disputes in Nigeria

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Abstract

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Abstract

Despite advancements in modern criminal justice administration and its widespread use in criminal justice administration in other parts of the globe, alternative dispute resolution (ADR) was not widely used in Nigeria. A qualitative research method was used, anchored with Bentham's theory of judicial organization and adjective law, cognitive-behavioral theory, and the reintegrative shaming theory. The purposeful sampling technique, a nonprobability sampling method was used to select 10 participants who were either members of the Bar or of the Bench for the interview sessions. Their responses were transcribed, analyzed, coded, decontextualized, recontextualized, and the meaning units fed into the Nvivo statistical software. The emergent themes that resulted in the course of this study included limited use of ADR, unsuitability, unacceptability, lack of familiarization, lack of adequate training, ineffectiveness, and satisfaction. The findings suggest that ADR may result in a significant reduction in the time and cost of the dispensation of justice that addressed injustice in the system of criminal justice administration, leading to positive social change. It would strengthen social stability and ensure satisfaction for the victim, offender, community, and society at large.

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Dedication

I dedicate this dissertation to my husband, Arc. Hyacinth Okeke, our children, Linda, Michael, Martin, Peter, Paul and grandchildren, Munachimso and Sophia, for their understanding, love and support.

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My profound gratitude to Dr. Ernesto Escobedo, my committee chair, for his guidance throughout this study. I benefited from his wealth of knowledge, experience and directions. I thank immensely Dr. Mary Brown for serving as committee member, with great interest and commitment. My special thanks to Dr. Tamara Mouras, URR committee member, and Jenny Martel, the form and style dissertation editor.

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Table of Contents

List of Tables

List of Figures

Chapter 1: Introduction to the Study

Alternative dispute resolution (ADR), a confidential and informal way to resolve disputes with the help of a neutral third person existed for a long time in the form of third-party interventions in a conflict. Conflict remained a part of living and inherent in every society. Although third-party interventions in disputes existed for a long time, the concept of ADR arose at the end of the 20th century. The adversarial resolution of disputes was the common mode of dispute resolution before this period. Frustration and dissatisfaction that arose from several factors which included delay, costs, and expense of litigation characterized the adversarial system of justice. The dissatisfaction with the adversarial system led to the search for other modes to resolve disputes dubbed as alternative. The lack of effective legal remedies to the people in need was one of the drawbacks in Nigeria's legal system and law enforcement. The unresolved cases were more than the determined matters. The increased rate of offenses and the time it took to resolve matters in court acceded to the unresolved cases.

Disputes arose in relationships between citizens, state, or government. Parties could resolve their differences through court litigation or amicably through the mechanism of ADR, that included arbitration, mediation, conciliation, negotiation, and early-neutral evaluation, among others. The litigation process was adversarial, ended in a win-lose situation which destroyed relationships. ADR afforded parties opportunity to appoint the arbitrator or mediator, choose the venue, and the procedure. Nigerian courts were congested, and litigation involved a lengthy, expensive, formal trial that gave litigants little control over their disputes, the venue of the proceedings, the hearing schedule or procedures. ADR used mediation and negotiation to resolve

issues. However, mediation and ADR were hardly suited to sentencing processes. The restorative justice process handled lesser crimes to severe crimes with instruments that varied from Family Group Conference, Restorative Justice and Distributive Justice Conference. Resolved issues left people hurt, although they got their entitlements. Restorative justice healed and restored people, communities, and relations. Restorative justice held the power to reform the Nigeria legal system to better community interventions that reduce recidivism, criminality, prison congestion, and an overload of the criminal justice system.

Restorative justice (RJ), an emergent and evolving international trend in justice delivery was an inclusive and equitable justice theory, policy, and practice that found a more international recognition (Samu, 2013). RJ prioritized victim and community interaction and engagement in the intervention of victims, offenses, offenders, and harm caused. It helped offenders understand the consequences of their actions than the conventional criminal methods. RJ recognized that offenses harm people and communities. It maintained that real justice must repair harm wound caused by crime and harms. RJ allowed the victim, the offender, and the affected community to determine the outcome and fix the crime. These stakeholders were central actors in any fair and equitable justice process. The trained facilitators worked at offender accountability, reparation to the victim and full participation by the victim, and community. Restorative processes allowed direct meetings between victim and offender and provided powerful ways to address a material, mental and physical harms caused by the crime, along with the social, psychological and relation wounds.

The role of restorative justice in prisons and the criminal justice, particularly in a system where access to justice was not guaranteed, included identifiable benefits

that involved decongestion of courts, police cells, and prison detainees. It enabled speedy delivery of justice in nations with difficult and expensive access to justice and formal judicial forums. RJ tilted towards an unbiased treatment of disputants. It emboldened the confidence of the citizenry and the international community in any nation's justice system that had less crowded prisons and police cells. RJ kept youths and first-time offenders from prisons that bred hardened criminals. It reduced the level of stigmatization of offenders. The framework for restorative justice in Nigeria, focused on the crime, its nature and severity, which comprised Victim Offender Conference/Sentence (VOC/S); Victim Offender Mediation (VOM), Family Group Conference (FGC), and Circles Processes, Restorative discipline for schools (RDS). It included Facilitated Transitional and Local Custom-Context Justice Interactions, Community RJ Stakeholders Conference, as well as, Distributive, Integrative/Interactional and Procedural Justice Healing Circles or Conferences. The government of Nigeria required Distributive, integrative and procedural justice healing circles that provide liberty, equality and fraternity. Against this backdrop, I explored the various ADR mechanisms, and employed the process in resolution of criminal disputes. Legislation and adoption of an RJ system was necessary for a functional judicial system in Nigeria.

Problem Statement

Resolution of criminal disputes was a major public concern that generated numerous studies over the last few decades. ADR was utilized to resolve conflicts outside court litigation. The delay in the judicial process prevented efficient justice delivery in the Nigerian court system (Olufemi & Imosemi, 2013). The delay in criminal delivery caused general dissatisfaction with the traditional court system

(Ezike 2012; Ogbuabor, 2014). The courts held ADR incongruous with the criminal justice system. The application of ADR in Nigeria limited to minor offenses. Little information existed on how ADR facilitated the resolution of severe criminal offenses (Ezike, 2016, Ogbuabor et al., 2013, Omale, 2009; Oseni & Kulliyah, 2015).

The problem addressed in the study was that the application of ADR in Nigeria limited to minor crimes. Little literature existed on the use of ADR for severe offenses (Ezike, 2012; Ogbuabor et al., 2013, Oseni & Kulliyah, 2015). I explored ADR for amicable settlement of criminal disputes.

Purpose

The purpose of this study was to improve the understanding of the ADR mechanism through which practitioners could settle criminal conflicts, aside from the traditional litigation system. I utilized a qualitative research method to address this gap. This method involved interviews with professionals in the Nigerian criminal justice system that included judges, lawyers, and law enforcement officers, in combination with existing data on dissertation completion. The restorative justice system assisted the criminal justice system to unclog the court system, reduced crime in the community through public participation, accountability and community relations. It depopulated the prisons, reduced governments' operational costs, enabled the community and the police to work in an integrative and interactive way for decreased crime. RJ afforded opportunity for offender rehabilitation into the community without stigmatization and inspired health-giving and empowerment of victims and their families. The Nigerian RJS aimed to generate an acceptable model of restorative justice that are more relevant to the African context, values, customs, traditions and norms.

Given the increased volume of criminal matters in courts, it was crucial to inform criminal justice practitioners of ADR experiences for the adequate support of participants through the process. This research proffered current information to help potential study into whether ADR could settle conflicts and reduce the backlog of criminal cases in Nigerian courts. The research paradigm was the exploratory research design. The exploratory research design was appropriate for qualitative studies that entailed interviews, observations, and review of documents. The concept of interest was alternative dispute resolution and restorative justice.

Significance

The use of ADR to resolve crime disputes was significant to maintain close and continued relationships in every community (Street, 1992). Other motivations for the implementation of ADR included case management, cost effectiveness and efficiency, and the desire to create a more appropriate and culturally flexible system to deal with offenders. Formal legal process deny individuals the right to fully participate in the dispute resolution process and it made conflicts the property of lawyers (Chritsie, 1977). Traditional theories of criminal justice, on the other hand, view criminal act as a matter between the offender and the state, and it disregarded the use of ADR to resolve crime cases. Formal mechanisms for conflict management are not always effective to manage conflicts, and this necessitated a shift towards informal mechanisms for conflict management, that included ADR and traditional dispute resolution mechanisms (Muigua & Francis, 2017). In a society where the majority of the population are poor, with widespread illiteracy, lack of access to justice, and high cost and scarcity of lawyers, ADR was the best method of conflict resolution (Gowok, 2017). Customary justice systems provide access to justice for

marginalized or impoverished communities that may otherwise have no other options for redress (IDLO, 2017).

Due to these rationales, the use of ADR in criminal justice system increased from time to time throughout the world. In many regions in Nigeria, the customary norms were more strong, relevant, and accessible than imposed and top-down legal norms; and people utilized the customary dispute resolution mechanisms to reconcile and control acts of revenge, even after the procedures and penalties in the formal criminal courts (Enyew, 2014). Others argued that all types of criminal cases that ranged from petty offenses to serious crimes, such as homicides, as well inter-ethnic and inter-religion conflicts could be resolved through customary dispute resolution mechanisms in many regions of the country (Dana, 2017). Hence, this research was not an exhaustive description of ADR and its components in Nigeria, but an exploration of its use in Nigeria's criminal justice system.

This study filled the gap in understanding the application of ADR in the resolution of severe criminal cases and developed problem statements through opinions of Nigerian professional involved in the criminal justice system (Omale, 2009). This project tackled a less-researched aspect of conflict resolution through an alternative method to the traditional lawsuit. The findings furnished much needed insights into the processes by increased number of cases settled through the ADR process. Insights from the research assisted professionals, and stakeholders in the criminal justice system to use ADR mechanism to resolve conflicts. It supported the efficient resolution of criminal disputes. The settlement of disputes was a force for social change and addressed injustice in the system. A wide range of disputes resolved

outside of court supported the fact that effective conflict resolution strengthened social stability and stimulated economic development.

This research benefited stakeholders, that is, litigants, legal practitioners, criminal justice practitioners, among others, to understand the use of ADR for reduced case backlog. The study helped policy makers prioritize ADR in the administration of criminal justice.

Background

The criminal justice system often silenced victims, which left them angry, frustrated, and with unanswered questions. The victims sought opportunities to confront their offenders and find resolution. Restorative justice programs offered victim-offender dialogue, provided opportunity for victims of severe violence to meet face-to-face with their incarcerated offenders (Miller, 2011). Using rich in-depth interview data, I provided a scholarly analysis of restorative justice.

Restorative justice involved a criminal restitution process that focused on the needs of all stakeholders, which included the victim, the offender, and the community. It involved mediated dialogues between criminal offenders and their victims, used to foster offender accountability, victim forgiveness, and social reintegration for both parties (Allison, 2018). Restorative justice stemmed violence and addressed the pain associated with harm (Beck et al., 2011). Victim-offender mediation practices which are representatives of restorative justice, brought conflicting parties together voluntarily so that they could engage in a respectful, two-way dialogue (Dhami, 2015). During this process, the parties communicated their version of the harmful incident, which included antecedents and consequences, as well as sought answers to their questions. The parties could negotiate a mutually agreeable resolution. As such,

mediation could start parties on a path towards healing, rehabilitation, reconciliation and reintegration (Dhami, 2012). Mediation provided offenders an opportunity to offer compensation or reparation and apologies to the victim (Sherman et al., 2005).

The use of ADR in Nigeria generated concerns. The argument was that ADR privatized disputes in contexts where public policy required the intervention of the State. Critics argued that confidential nature of ADR led to perpetuation of crime, and also resulted to power imbalance. However, ADR in the civil context differed in the criminal context. Ezike (2011) demonstrated the importance of a legislative framework for all forms of ADR to settle disputes and suggested practical ways to achieve this legislative framework in Nigeria. ADR under the criminal context involved the parties, and the state or society. It involved public interest. In ADR there was an admission or assumption of guilt and the blame attached to the act and not the offender. ADR was appropriate to deal with violence as a criminal conduct and as an issue of public policy. The Nigerian context limited ADR to minor offenses and there was no latitude for ADR in the criminal justice system. It was opined that ADR was an entrenched part of the Nigerian criminal justice system, because it was indigenous to the various people of the Nigerian State. These indigenous practices remained in spite of the official criminal justice system. A home-grown restorative justice and philosophy of law was critical for an effective, efficient, and credible criminal justice system in Nigeria (Ogbuabor et al., 2014).

In any state-based formal justice system that involved civil and criminal justice, institutions like police, public prosecution, and courts form the basic foundation of justice administration. However, despite the established formal mechanism of criminal justice system in Nigeria, huge backlog and pendency of

cases, caused delay and possibly denial of justice. ADR being more accessible and speedy alternative dispute resolution system provided a solution on this problem, particularly in case of severe crimes. The restorative justice focused on dispute settlement between parties and maintained the harmonious relations between them. It created opportunities for parties to crime to discuss the crime and its ramifications, to repair the harm caused, and restore the amicable relations between the parties (Yadav, 2017). The primary goal of restorative justice was to restore the relationship between offender and victim. ADR, particularly mediation, focused on disputes resolution between parties and maintained the harmonious relations between them hence, the need to render the restorative justice in criminal matters (Yadav, 2017). This research analysed the concept and the need of restorative justice. It contained brief overview of the restorative justice in Nigeria Criminal Justice System and its limitations.

Framework

The theoretical framework for this study began with an examination of Bentham's (1843) theory of judicial organization and adjective law. Because this theory addressed the integrity of decisions, Bentham's theoretical work has been used extensively in all aspects, procedure, evidence, and judicial organization, albeit more frequently with alternative means of dispute resolution than with adjudication. The approach provided details on the value of compromise and conciliation which emerged as a result of the complete application of substantive law, adjudged consistent with utility. Subsequent research and application of Bentham's adjective theory offered guidance on ways to facilitate creative problem-solving and allowed for insight into the challenge of the alternative methods of dispute resolution (Twining, 1993).

Cognitive behavioral theory helped to understand the positive outcome of restorative justice had on victims of crime (Rothbaum & Foa, 1999) and Brathworte's (1989) reintegrative shaming theory, a psychosocial phenomenon suggested that restorative justice decreased offender recidivism rates (Braithwaite, 1989). It suggested that the offenders' participation in new pro-social interaction could change their public image, gain dignity and give back to the community (Bazemore & Jeanne, 2004). Reintegration occurred when the offender was forgiven and felt acceptance. Reintegrative shaming theory suggested that offenders that participated in restorative justice dialogue were less likely to recommit crime as restorative justice promoted forgiveness by the victim that propelled the offender to feel inclusion by society. Reintegrative theory also suggested that offenders could gain self-esteem by the awareness that their participation in RJ dialogue positively impacted the victim (Bazemore and Jeanne, 2004).

Research Questions

RQ1: How does alternative dispute resolution address the problem of offender, victim, community satisfaction in public justice?

RQ2: To what extent are alternative dispute resolution practices utilized by criminal justice practitioners within Nigeria?

Nature of Study

The nature of the study was qualitative. Qualitative methods add depth and understanding to evaluation. Qualitative research was consistent with understanding how ADR practitioners resolved disputes in the criminal justice system. The focus on how professionals used the ADR process to solve crime disputes were consistent with epistemological expectations. I used interview data collection strategy which included

the interview of relevant stakeholders. I systematically identified, organized, and analysed data related to three themes: (a) understanding ADR in their historical context, (b) documenting the range of ADR responses to crimes generally, and (c) identifying the ADR responses to crimes in Nigeria. I conducted stakeholders' interviews with practitioners and experts in the criminal justice system in the prevention and response to violent crimes in Nigeria. The selected sample included 10 professionals with expertise in the Nigerian criminal justice system, that ensured demographical diversity of information and opinions (ICRW, 2016). The nature of data was extensive data collection, and the sample size needed was relatively small in size (n = 10) The content and nature of the questions evolved as I gathered data. The overarching questions offered a framework for the interview structure, unexpected responses emerged, and it was important to remain reflexive in the interview process.

Possible Types and Sources of Data

The current study aimed to supplement existing research through explored perception of professionals on the use of ADR and RJ in the criminal justice system. Restorative justice was relatively new in Nigeria and it was important to use a flexible research design to understand the emerging phenomenon. I gathered data through narrative interviews to capture experiences of professionals.

I collected qualitative data through phone interviews with ten criminal justice practitioners. The interview guide included questions on participant's understanding of restorative justice outcomes, and processes. In addition, included demographic questions requested information such as restorative justice experience which might impact their subjective experience of Restorative Justice (RJ). Telephone interviews for data collection allowed for flexibility. The interviews had moderate structure,

approximately 15 questions used to guide respondent narratives. Respondents had the ability to answer these questions freely and to comment on their perceptions of restorative justice without guidance. The telephone technique of interviewing made it possible to witness nonverbal communication and provided greater reflectional data, and allowed for immediate clarification when respondents needed help understanding questions. To ensure that respondents represent informed ADR and RJ opinions, the sample included persons with at least three years of experience in the field and had some knowledge and experience in criminal justice practice. Participants varied in profession that constitute Nigeria criminal justice system. I used a non-probability convenience sample, as snowball sampling to gain participants. The composition of the sample aimed to meet a quota of 25% judges, 25% attorneys, 25% police and 25% correctional officers. I used snowball sampling to connect to participants.

The purposive sampling comprised of 10 Nigerian criminal justice professionals, that encompassed judges, attorneys, police, and correctional officers. Data collection was via semi-structured audiotaped interviews with the participants, which furnished insight into human experiences. Open-ended interviews provided comprehensive views of the participants. The open-ended interview in this research explored issues on criminal justice resolution in Nigeria.

Possible Analytical Strategies

The analysis entailed identifying core data and central themes. Analysis of data included the preparation/organization, reduction, and presentation of the data. Qualitative research focused on small samples and software that included NVivo and Atlas-Ti. The software helped assure the integrity of data, identified themes, and developed conclusions. To offer insight into current restorative justice processes and

perceptions, I used content analysis, where words and semantic categories were examined for frequency in the data. The next step was to summarize and describe those themes that emerged. After coding the data, I looked for perceptions and processes that appeared similar across interviews. Additionally, case material were pertinent as this study sought to explore information relating to criminal justice.

Limitations, Challenges, and Barriers

The potential barrier included the separation of my role as a judicial officer from my position as a researcher. The judicial perspective bias could occur while conducting research with criminal justice practitioners. To address this, I ensued that I made sufficient disclosure to the interviewees.

Summary

The need for ADR and its was not a new discovery. Various kinds of informal agreements existed throughout the world when ADR was not legally recognized as such (Mehak, 2018). The criminal justice system emphasized the role of the state to resolve crimes and maintain peace in the society. The role of the state was to protect life and property of its subjects. The crime was against the state and the victims and offenders could mitigate the offence. The argument was that ADR posed threat to law and order in the society as offender could commit crime and mitigate it with muscle or financial might. However, offences are not crimes against state in the strict sense. Examples are house trespass, criminal assault, which affect an individual or a group of individuals. In such cases, ADR was a viable option to resolve to resolve disputes between the victim and the offender.

The principle thrust of ADR in criminal justice system was the resolution of underlying problems that led to the crime and to prevent such problems. ADR was

instrumental to a civilized society. Conflict harmed the relationship between the victim, the wrongdoer and the community. The contextual nature of restorative justice made community involvement imperative. The process of restoration addressed this harm. Restoration of justice to victim and assistance in reconciliation between the victim and the offender could resolve the problems. Restorative justice practices applied in criminal justice system. The aim was transformation and not retribution (Llewllyn & Howse, 2012). The primary need of victims was to restore relationship; the primary need of wrongdoers was reintegration into the community. Dancing-Rosenberg and Gal (2013) posited that RJ was a viable community-based mechanisms for regulating criminal behavior. Contending that the punitive approach was not the only means by which society could respond to and reduce crime, Dancing-Rosenberg and Gal (2013) showed that RJ provided an efficacious and probably superior response to crime. The authors developed a model that integrated the punitive and the restorative approaches within the criminal law.

RJ aimed at addressing the failures of the existing justice system and developed new ways to deliver justice. It concerned the restoration of social relationships, the established or re-established social equality in relationships. It challenged the idea of justice prevalent in the current justice system and held the promise for effective reform. The purpose of this study was to improve the understanding of the ADR and restorative justice practices, through which practitioners could settle criminal conflicts aside the traditional litigation system. Chapter 2 reviewed the related literature. Chapter 3 explained the methodology used to collect and analyze the data. Chapter 4 reported the data and Chapter 5 included an analysis, summary, and recommendations.

Conclusion

The formal criminal justice treated crime as violation against the state and not the victim. Accordingly, the state and not the victim had the jurisdiction to address it. A retributive perspective which Nigeria's criminal justice system based upon punishment of the offender because the offender deserved it due to his culpability to the society at large. Restorative justice focused on restoring the harmful effects of the act of crime, and actively involved all parties in the criminal process. The theory of restorative justice sought to guide offender to repent of the crime, mend the injury and reintegrate into the community. Revenge did not restore the losses of victims, answer questions, relieve fears, provide closure, or help to make sense of a tragedy. Restorative justice created opportunities for victims, offenders and community members to discuss the harm and its ramification, expected offenders to take steps to repair the harm they caused and sought to restore victims and offenders to whole. It contributed to members of society through reintegration and provided opportunities for parties with a stake in a specific crime to participate in its resolution, and provided inclusion. Punishing the offender did not necessarily restore the losses suffered by the victim. It did not answer their questions, relieve their fears, helped them make sense of their tragedy or heal their wound.

The above narration underlined the need of ADR, as it facilitated the communication and resolution between the parties rather than, deterrence. As a result of this, the western countries, including USA, adopted ADR models like victim-offender mediation in their criminal justice system. Moreover, lack of victims ultimate control over the adjudicative process and the outcomes of the dispute, hampered the need to address the psychological needs of the victim for a restored

status quo. The criminal justice system attracted criticisms as it could not reduce the rates of recidivism and it increased the likelihood to offend for some groups such as juveniles and Indigenous persons. It ignored the victims of crime and failed to recognize crime as a form of social conflict. Majority of crimes originated from dispute between individuals and communities. Hence, use of ADR, which aimed at resolution of dispute, did not only resolve the dispute but also prevented the future crime from the dispute. However, the limitation of ADR in criminal justice system is that it applied only in moderate criminal offenses. Existence of dispute was one of the prerequisite of ADR. Another limitation was that in certain criminal cases there may not be any dispute between the parties for example, negligent driving that resulted in injuries to pedestrian. The limitation notwithstanding, use of court administered ADR mechanism could help in speedy disposal of criminal cases, recognized by the courts as a fundamental right (Yadav, 2017). It could also help to reduce the burden on courts and allow them to concentrate on serious crimes. Reduced burden on courts substantially expedited the criminal justice mechanism. The Nigerian justice system based largely on a punitive approach, while restorative justice required systems' thinking in which the offender, victim and community played an important role. For restorative justice to have a lasting impact on the justice system, it needed government involvement to provide legitimacy, funding, and support.

Chapter 2: Literature Review

Introduction

The Nigerian courts increasingly adopted ADR in federal and state courts. Opportunities for ADR were possible through court connected schemes and private ADR. The opportunities for ADR existed in civil cases, but in the criminal context, there were different considerations that deterred the criminal justice practitioners to wholeheartedly embrace ADR in criminal matters. ADR represented a new direction in the criminal jurisdiction and held promise for both offenders and victims (Douglas, 1996). Criminal justice practitioners should support the process for it to succeed. ADR developed in the criminal context from informal justice programs. Victim-Offender Mediation Programs, a dominant form of mediation focused on restitution and reconciliation through face-to-face meetings between victims and offenders before trained mediators. It existed in the form of many practices such as mediation, conferencing, circles, and panels (Gavrielides, 2014). The other forms of criminal ADR included victim-offender panels, victim assistance programs, community crime prevention programs, sentencing circles, ex-offender assistance, community service, school programs, and specialist courts (Maggie, 2010). As the push to cut costs, clear dockets, and expedite the judicial process continues, ADR permeated every area of law except the criminal law system. The criminal justice system today was mostly, a system of pleas and not a system of trial. The defendants often waived the rights to their entitlement. The criminal law should benefit from ADR as other areas of law (Mchale, 2015).

The Nigerian legal system viewed crimes as against the state, not against individuals or communities at large. Given the definitional parameter, the unmet

needs of the victims and society took a back seat. In the backdrop of this scenario, the system felt the preoccupation of the retributive theory more than the restorative (Bhagat, 2017). This sprung the need to highlight the advantages of the restorative justice. The crucial insight of criminal ADR was that the best means to this end was through the offender's victims and his immediate community. Properly conceived, under a restorative lens, these processes had the capacity to restore the offender's breach through reinforced mutual respect and empathy embedded in the criminal law and court procedures (Maggie, 2010).

In this chapter, I reviewed contemporary literature on alternative dispute resolution, restorative justice and criminal justice system. These constituted the key constructs/variables in this study. I restated the problem and purpose of this study. I discussed the literature search strategy, identified and delineated the theoretical framework as well as the assumptions pertinent to the application of the theory. The summary and conclusions of the chapter followed seriatim.

Literature Search Strategy

I located the literature used in this review in the ProQuest, EBSCO, Academic Research Premier, and SAGE Journals databases. I also used Google scholar. Journals were sorted based on relevance towards ADR and criminal justice system. Keywords used included *alternative dispute resolution, criminal justice system, restorative justice, criminal law, incarceration, offender, victim, offenses, disputes, violence, crime, mediation, reconciliation, Nigeria,* and *ADR*. The iterative search process involved the use of the primary search phrases such as *dispute resolution, alternative, restorative justice, offender,* and *victim*. This study was exploratory and the international peer-reviewed materials localized to Nigeria were limited.

Theoretical Foundation

Restorative Justice

Restorative justice (RJ) was a normative theory and worldwide reform movement that sought to bring dialogue and interpersonal healing to the center of criminal justice practice. The victims' rights movements, neighborhood justice initiatives, and mediation practices of the 1970s shaped the movement (Dzur & Olseon, 2004). Practitioners who sought to provide alternatives to mainstream criminal justice procedures and influenced mainstream practices themselves, developed the theoretical discourse of RJ. The proponents were critical of the predominant retributive and rehabilitative theories of criminal justice and rejected professional domination of state judicial procedures in favor of less punitive and more inclusive procedures (Dzur & Olson 2004). All forms of RJ practices were voluntary, participatory, and dialogue-oriented, and most involved victims and offenders to seek mutually satisfying resolutions. Classic RJ procedures included victim-offender reconciliation programs, sentencing circles, family group conference, and reparative boards.

Restorative Justice Theory: Substance and Scope

RJ theory prescribed a normative framework to reform criminal justice practice. The framework premised on perceived flaws in the current retributive system, which focused on legal violations, administers punishment through formal adversarial procedures, and relegated community members to the peripheral roles of jurors and witnesses. RJ advocated that the main critiques of this system were threefold.

First, the system was too state-oriented and rule-driven. Officials and professionals dominated the process, left victims' needs unsatisfied and involved rigid procedures that abstract offenses from primary stakeholders' experiences. Second, the system was too punishment and offender-focused; it neglected victims and communities' non-retributive needs for restoration, which involved the rebuilding of autonomy and trust. Third, the system neglected the need to reintegrate offenders into society, which entailed the provision of avenues for offenders to recognize and redress the harm they have caused (Dzur & Olsen, 2004).

In response, RJ theory proposed a reparative approach to criminal justice (versus a retributive or rehabilitative approach) that sought stakeholder empowerment and restoration as overarching goals. RJ theory held that because crime harmed persons and relationships, justice required healing of persons and relationships, and healing was better achieved through stakeholder cooperation than state coercion. RJ programs sought to engage those most affected by a crime and addressed its aftermath through cooperative dialogues - specifically, dialogues in which offenders were encouraged to make amends, victims were enabled to request and receive redress, and the community was enlisted as a source of support and accountability in the reintegration of both parties. RJ's critique of the status quo, then, was a call to change the relationship between communities and criminal justice institutions—to shift each stakeholder's role from bystander to joint decision maker and shift the community's role from passive client to active participant (Braithwaite, 2002).

RJ theory did not invoke any broad scheme of political morality to support its goals of empowerment and restoration. These goals were deemed more or less compatible with specific reparative or punitive policies. RJ theory did not provide an

ultimate justifications or broad guidelines to employ empowerment and restoration as normative criteria to assess such policies (Gavrielides, 2005). However, RJ programs assumed basic social values that governed their pursuit of empowerment and restoration as goals. These values served as starting points to identify normative foundations for RJ. The following were clarifications of the nature and function of these values in RJ theory and practice.

Restorative Justice Program: Presupposed Norm

RJ programs, to restore and empower crime-affected persons and communities through dialogue-based processes, presupposed the existence of communal relationship that could be restored. In other words, the RJ ethic relied on certain normative premises about victims, offenders, and their interrelationships:

First, victims and offenders were free persons, and they were responsible for their actions. Second, they were not utter strangers but socially linked as community members. Third, as free persons, they had rights, for example, the right to fair treatment, that deserved respect. Fourth, as community members, they had obligations to restore the communal balance that crime disrupted. These premises constituted assumed values – personal dignity, active responsibility, interdependent community – that served as a shared basis for stakeholders to resolve criminal incidents cooperatively (Braithwaite, 2002; London, 2003). From these premises and values flew norms that pertained to the treatment of victims and offenders in RJ procedures.

1. Autonomy based on respect for personal freedom, participation in RJ programs must be voluntary, both conditioned on informed consent.
2. Second was mutual respect and cooperation. Offenders and victims belonged to the same community, despite their different perspectives,

they must be treated as sharing an interest to find a mutually accepted resolution.

3. Third was quality and inclusion. Offenders and victims must be treated on equal standing as community members and likewise as dialogue participants. Though crime disrupted the social order, RJ theory held that wise and humane treatment strengthen social ties with offenders rather than weaken these ties through ostracism. RJ programs prioritized the participation and reintegration of both offender and victim.

4. Fourth, balanced consensus. RJ programs called upon offenders and victims to restore the relationships that once bound them to each other and to their community. They were the primary stakeholders and thus the central role-players in this task, though they needed a mediator's guidance to reach a resolution and the community's support to give effect to the resolution (Braithwaite 2002).

The concept of social trust helped capture the nature and function of the communal relationships presupposed by RJ programs. It based on assumed baseline of trust among community members that RJ theory defined crime as violating basic relations of trust and oriented its programs to restore them (London, 2003). This assumption of basic trust operated on both individual and general levels in RJ's approach to criminal incidents.

On individual level, since crime violated victim's dignity, justice required restored dignity and redressed material, emotional, and social losses. Because crime undermined the trust of victims and communities in offenders, justice required

offenders to re-earn this trust and make amends symbolically (e.g., expressed remorse) and materially (e.g., make payments). On a general level, because crime undermined community members' sense of security within society, justice required re-established community members' involvements in efforts that reintegrated offenders and prevented future offenses (e.g., through facilitated competency development activities and organized networks of support and accountability). RJ strove to restore communities as trustworthy arenas where social norms were upheld and individuals interacted without fear of force or fraud (London, 2003).

The goals of RJ programs articulated in terms of the values of dignity, responsibility, community, and trust:

> (a) the empowerment of victims, offenders, and communities and took active responsibility to address crime-related issues, which involved the rebuilt of trust.
>
> (b) restored dignity and equity among victims and offenders, achieved through face-to-face interaction and appropriate reparation; communal trust in offenders, achieved through community members' participation in dialogue, reparation, and reintegration.
>
> (c) involved community members' trust in society, achieved through participation in (or at least observation of) cooperative efforts toward restoration.

Critics argued that RJ theory assumed non-existent conditions, and that RJ programs could only succeed in communities where crime rates were low and social ties were strong. The critics asserted that RJ was infeasible in modern societies where neighbors did not know or trust each other, where social control was most

problematic, and criminal justice reform most needed (Dzur & Olson 2004; Sullivan, Tifft, & Cordella, 2016; Wertheimer 2002). The critique rested on a narrower comprehension of community than that on which the RJ agenda relied. In RJ theory, *community* was not reducible to factors of geographic proximity or subjective interpersonal familiarity; community was present wherever people united to solve problems together. As such, RJ programs embodied endeavors to mend social ties but to engendered them anew, namely it built on links of interdependence that existed – if only implicitly – wherever people shared an interest in peace and safety (Gaverielides 2005; McCold & Wachtel 1998). The current secularized criminal law steeped in the concepts of moral blameworthiness and social harm.

Re-Integrative Shame Theory

One of the theoretical frameworks used to explain the need for restorative justice in society was the reintegrative shaming theory. Braithwaite (1989) authored and gave popularity to the theory. Braithwaite opined that crime was best controlled when members of a community were the primary controllers and actively participated to shame offenders, and have them shamed, through concerted participation to reintegrate the offender into the community of law abiding citizens. Braithwaite stated that low crime societies were societies where communities preferred to handle their own crime problems rather than hand them over to professionals in the criminal justice system (Braithwaite, 1989). Braithwaite maintained that families were the most effective agents of social control in societies. In Nigeria, with extended and nuclear families, no family member wanted shame on their families or communities because of cultural values placed on individual conduct. The family life helped members maintain bonds of respect and taught them that shame as well as punishment

were possible. A properly understood re-integrative shame by both participants and observers were vital to the success of restorative justice (Braithwaite, 2001). The above was true especially when influential and important people from the community and in the offender's family life were present as active participants in the meeting.

Braithwaite (1989) opined in his theory that the need to involve people or members of the offender's family and friends, as well as their community in the conferences was to show their disapproval of the offender's behavior while at the same time show respect and acceptance towards the offender as a person. The approach most likely made the offender to contrast between what they did and their person, to incorporate and align themselves once again with their family and community, which was the first process to restore and heal. One misconception and confusion about the re-integrative shaming theory that needed clarification was the confusion that emanated from the word *shaming.* Many interpreted the word as the intentional humiliation of the offender in the public, conferences, or meeting. To clear the confusion, Braithwaite made a clear division between disintegrative or stigmatized shaming on the one hand, and re-integrative shaming on the other.

According to Braithwaite (1989), disintegrative shaming happened when the person was stigmatized, demeaned, and humiliated for what they did. Re-integrative shaming happened when the person's behavior was condemned, but their self-esteem and confidence were upheld through positive comments about them and gestures of forgiveness and re-acceptance. Braithwaite firmly opposed the stigmatic shaming and saw it as counter-productive in the restoration process. Re-integrative shaming was effective to control crime in that there was condemnation of the offence rather than the offender, and the offender reintegrated with rather than rejected by society.

Braithwaite added that the shame which matters most was the shame of the people one cared about and not the shame of judges or police officers.

Similarly, Braithwaite (1989) studied the role of culture to expedite restoration and re-integration. Culturally, Braithwaite cited and used the example of the Japanese culture that had a high degree of affinity with the Japanese society as the principal influences responsible to keep crime rate low in Japan, especially after the Second World War. Braithwaite (2001) stated that the justice system in Japan operated like a healthy family where responsibility and morality were stressed in a way that no family member wanted to bring shame to their family. In essence, Braithwaite's re-integrative shaming theory pointed out the flaws in the conventional criminal justice system in that it disempowered stakeholders, offenders, victims, family members, and the society in the conflict. The conventional system created a feeling of isolation, confrontation, and unnecessary alienation between stakeholders in a conflict, and thereby created helplessness, animosity, hatred, and fear between the victim and the offender. It did not give room to re-integrate, restore, and resolve the conflict between and among the stakeholders.

Humanistic Approach to Mediation and Dialogue

The humanistic approach to mediation developed in parallel to Bush and Folger's transformative mediation in the 1990s. While it fully harmonized with transformative mediation, humanistic mediation emphasized a greater departure from skill-based techniques and gave less attention to problem-solving. The humanistic approach highlighted the humanized capacities of mediators, parties, and communication processes, and deepened a dialogue process as it fostered good mediator presence and the uninterrupted heart language flow between parties. Nine

areas of their practice, that included preparation meetings, nondirective mediation, and use of silence, were presented in their applicability to both restorative and dispute resolution contexts (Lewis & Umbreit, 2015).

Bush and Folger (1994) revealed that a growing awareness in the fields of conflict resolution and restorative justice between mistrusting parties was primarily a matter of internal shifts rather than a matter of external settlements. The authors recognized how the transformative potentials within mediation held broader implications for social harmony and systemic change. One of the characteristics in transformative mediation for the upward, regenerative spiral that parties experience was its humanizing potentiality (Bush & Folger, 2005). Along with constructive and connective descriptors for this upward movement, this humanization speaks primarily of the way that parties could experience the humanity of the other person and the humanness of the process. It is these humanizing features that received fuller and more explicit treatment in Umbeit's (1995, 1997) humanistic approach to mediation and dialogue, a comprehensive system that evolved (Umbreit &Armour 2011). While it operated a complementary approach to the transformative model, the humanistic approach added some important new emphasis that revolved around the human element of dialogue processes. These included a mediator's awareness of his/her own presence with the parties, the parties' awareness of their own inner human strengths, and the parties' awareness of the humanity of the other party.

Umbreit recognized that resolution processes that were overly technical and not fully humanized was subjected to diminished outcomes for participants. His practitioner-based research in the 1990s, primarily in the area of victim-offender mediation, found that parties expressed greater satisfaction when given a safer space

to talk freely and openly with each other and less satisfaction when mediators asserted their directive role in the process (Umbreit, 1995, 2001). Consequently, Umbreit began to modify his own trainings in victim-offender mediation and dialogue facilitation. Deep listening replaced active listening, and greater attention used to prepare parties prior to joint mediation and dialogue. Emphasis shifted from learning to knowing as a mediator. Trainees with basic mediation training background posed the greater challenge to adopt the intuitive approach since greater emphasis shifted to mediators being out of the way for emergence of authentic, heart-to-heart conversation between the parties.

The evolution of the dialogue-driven approach out of a settlement-driven approach that needed comprehension in the historical context of ASDR and RJ emerged in parallel tracks. The earliest victim-offender reconciliation programs of the 1970s adopted a mediation model, and thus typical trainings included all aspects of basic mediation. As restorative group conferencing and circle processes grew in the 1990s, largely due to the revitalization of indigenous community-based practices, the mediation model did not recede but was rather informed by these older models that relied on the power of authentic listening and sharing. Inevitably victim-offender mediation was fated as an uneasy marriage between the strengths of conventional ADR mediation and the strengths of non-mediation RJ processes to resolve harm. Zehr (2002) stated how victims and offenders did not come together on a level moral playing field as disputants do, and wrongdoers typically admitted to some level of responsibility for a harm prior to joint dialogue. Mediation in the field of restorative justice was replaced by other terms, including conference, meeting, and dialogue.

Umbeit's (1997) humanistic approach, however, was broad enough to all realms of mediation and dialogue, and it was helpful to recognize its close alignment with transformative mediation. Both approaches operated by the same relational theory of human (agency or autonomy) and responsiveness (connection or understanding) and an inherent social or moral impulse that activated these capacities when people were challenged by negative conflict (Bush & Folfer, 2005). This impulse to counteract one's own sense of weakness or self-absorption corresponded directly with shifts of empowerment and recognition in mediation, the two primary factors that reversed the downward conflict spiral and engendered the upward, regenerative spiral (Bush & Folger, 2005). When mediation promoted the humanization of the mediation process and allowed parties to freely share and connect with each other, the parties themselves could tap into their latent human resources and recognized the common humanity in the other person. A humanitarian approach emphasized the strength and resilience of the human spirit, within a dialogue setting, and promoted inner and relational transformation.

Umbreit's (2006) originally published in 1995, noted how anecdotal feedback from mediations coalesced around a set of practices that favored dialogue-driven processes. The client-based reports included repairing relationships, diffused anger and mistrust, and humanized one's adversary. In light of these dynamics, Umbreit wrote that mediation moved towards a higher level of practice through a humanistic model, a model that tapped into its transformative and healing powers on increased and intentional basis. This intentionally was central to the development of the humanistic model as it was for the transformative model. But for all of the common features between the two approaches, the humanistic approach had several unique

components that strengthened the practice of mediated dialogue. One way to map out the new contributions of the humanistic approach was to see how it taped into three possibilities of strengths in the process, parties, and mediators. The distinct strength-based contributions could advance mediation and dialogue process beyond the limits of settlement-driven processes (Lewis & Umbreit, 2015).

The next section examined the literature that related to the key variables and concepts identified in this study, which included alternative dispute resolution, restorative justice, and criminal law/criminal justice system. The section began with a conceptual definition of alternative dispute resolution, its meaning, nature, and purpose.

Alternative Dispute Resolution

ADRs are dispute resolution processes outside the traditional judicial process. The process made a friendly justice delivery system and its legitimacy focused on the adherence to natural justice principles, which ordained respect to voice of litigants. Historically, ADR alternative to litigation, was practiced in Nigeria. This study explored how the mechanism became necessary due to the current scenario of the criminal justice system.

The delay in disposal of criminal cases, which included petty crimes like burglary, caused great damage to the justice delivery system. The most common forms of ADR were arbitration, mediation, negotiation and conciliation (Davletov & Bratchikov, 2014). ADR owed its popularity to the increased caseload on traditional courts and its advantages over the traditional judicial system, as it imposed lesser costs than litigation, gave a preference for confidentiality, and allowed parties to choose individuals who resolved their disputes (Sridhar, 2006). The non-traditional

dispute resolution process that fell within the ambit of ADR were family, environmental, commercial, and industrial disputes. The successful resolution of disputes with ADR compelled policymakers to introduce it in other sectors. Criminal cases could benefit from these methods.

Criminal Law

The criminal law, a preeminent mechanism dealt with serious harms such as assault. Its' body of laws defined offenses against the community, regulated investigation, charged, prosecuted offenders, and established punishment for convicted offenders (Black's Law Dictionary, 2004). The criminal law initially developed through the judge's views of the acts that caused harm to the society and that were morally reprehensible based on ecclesiastical offenses (Manning & Sankoff, 2009). Manning and Sankoff (2009), stated that the criminal law steeped in the concepts of moral blameworthiness and social harm. It focused on the acts that society deemed dangerous, and their commission warranted the intervention of the state to define, punish, and prevent crimes.

Criminal law enforced societal values, recognized, and punished wrongful conducts defined by parliamentarians. It had a particular place in society as a forum that regulated behavior on basis of harms caused to others, objectively found contrary to foundational societal values. A consequence of the public nature of the criminal act was that a crime was a public wrong (Manning & Sankoff, 2009). The harm warranted attention by the broader community in contrast to a civil process between private individuals. The harm was to the community and not the individual, the state took over the prosecution. The public re-enforcement of social norms provided benefits to victims of crime and meted out punishment to wrongdoers and validated

the victim's position in a society. Hence, it restored him/her to a position of dignity. According to a study published in 2005, victims of sexual abuse sought validation and restoration from the criminal process (Herman, 2005). The public nature of the criminal law, and third-party adjudication provided the relief. Hough (2019) argued that the criminal code did not recognize the harms suffered by victims. The criminal offenses did not capture harms such as emotional abuse, cultural loss, or loss of educational opportunity.

Criminal law focused on state regulation and punishment of harmful behavior by individuals to maintain peace and order within society. ADR permeated virtually all areas of law, with one major exception, which is criminal law. Mchale (2014) argued that because criminal defendants waived many of the assurances and rights to which they are entitled, no reason prevented criminal law to benefit from ADR like other areas of law. ADR provided forums and individuals and institutions that challenged the harmful actions of others and sought compensation from them. ADR allowed the parties to tailor processes to context and culture.

Jenkins (2006) suggested restorative justice as a means to deal with disproportionate minority confinement and other social problems within communities of color. Gerald (2017) used triangulated research methodology which revealed that criminal justice system impacted political, economic and social inequality in a community. Jenkins examined the contemporary and historical means of informal dispute resolution in the Gullah Island of South Carolina. He explained that these strategies of dispute or conflict resolution were used to deal with crime, delinquency, civil matters, community grievances, and other social wrongs outside the traditional common and civil legal systems. ADRs had a greater capacity that recognized

institutional wrongdoers and multiple levels of responsibility through vicarious liability.

Victim

Victims of crime comprised persons who individually or collectively suffered harm, physically or mentally. The harm included emotional suffering, economic loss, or substantial impairment of his fundamental rights through acts or omissions that violated the law (UN, 1986). It included the immediate family or dependents of the direct victim and persons who suffered harm and intervened to the identification, apprehension, prosecution, or conviction of the defendant. The recent clamor was to make victims active participants in the criminal justice process, and ensure closure and restorative justice for them. The innovation departed from the practice that limited victims' participation to report of crimes or helped investigators to discharge their legal and evidential burden under the Evidence Act. The major concern of a victim in economic and financial crimes was the return of his property or funds fraudulently diverted (Odekunle, 1979). Victim remedy was adjunct to acceptability gained by restorative justice in many countries.

Restorative justice enabled the parties to deal with the aftermath of the offense and its implication for the future (Peters, 2004). The use of restorative justice in criminal matters as an ADR strategy, had the major purpose of healing the wounded victim financially, socially and emotionally. While the offender sought to rectify the harm inflicted, RJ sought to reintegrate both parties back into society as contributing law-abiding citizens. RJ advocate restitution to the victim by the offender, sought to make people whole, rather than retribution or punishment inflicted by the State

against the offender (Madigan, 2005). The Nigeria Police Force had the power to enforce restorative justice principles (NPF; UNODC, 2017).

The Harm Caused

In the civil justice system, the tort process was a victim driven and financed process. The victim had more control over the process than in the criminal law and bore the burden/costs of proving claims. Tort law had assumptions about harm and responsibility; the end goal was to compensate the victim in goods or money. Tort law, like the criminal law based upon a societal consensus of appropriate behavior of individuals towards one another. The standard of liability in tort was the direct fault of a wrongdoer. While the civil trial process recognized a broader range of harms, and wrongdoing, than the criminal law, Llewellyn (2002) identified some disadvantages of pursuing a civil claim. It included the high financial cost to individuals and the exorbitant contingency fees charged by some lawyers (Llewellyn, 2002). The tort law system developed ADR mechanisms to address some of the barriers to dispute resolution. The process based on the principle of corrective justice and tort law operated as modified processes that benefited victims of harm. ADR had the potential to eliminate some of the financial and time burdens of the civil litigation process and allowed survivors to resolve their claims in a culturally sensitive manner.

ADR could take place within the framework of a court action or before its commencement (Feldhusen, 2007). ADR allowed disputants to focus on their goals and tailor a process to their needs, where settlement was appropriate. Llewellyn (2002) noted that simple settlement would not be appropriate within a paradigm that did not engage with all of the parties and more specifically with the relationship between them, or with the deeper issues that were not already part of the legal

framework of the dispute framed in tort. ADR processes were private and did not offer a public accounting of the events and wrongdoings as the court processes. However, it was possible to craft ADR mechanisms to accomplish these goals.

Llewellyn (2002) advocated that the infusion of restorative justice principles in ADR were a means to avoid the pitfalls of litigation and served the needs of victims. Restorative justice programs sought to establish or re-establish social equality in relationships between individual wrongdoers and victims, as well as groups and communities. It looked beyond isolated disputes to the underlying conflict and context of the wrongdoing. Restorative justice principles integrated into some traditional justice institutions, notably the criminal law where sentencing circles and victim impact statements were integrated.

Restorative Justice

Literature abounds in favor of restorative justice as an effective tool for reduced recidivism. Influential scholars in this field such as Abrams, Umbreit, and Gordon (2006) argued that restorative justice offered a fundamentally different background to respond and understand crime, victimization and justice. They opined that in restorative justice, emphasis was placed on the importance of elevating the role of crime victims and community members. Abrams et al. further stated that restorative justice provided a range of opportunities for dialogue so that negotiation and problem solving could take place, and thereby led to a greater sense of community safety. They stated that restorative justice was an avenue to hold offenders directly accountable to the people they violated through restoration of emotional and material losses to the victims.

Several arguments have been made in favor of restorative justice. For example, Skotnicki (2006) posited that restorative justice was a "theory that seeks to restore the harm caused by crime" (p.188). Skotnicki (2006) further explained that the "process of restoration resulted in forgiveness or at least in a sense of closure for the participants, each haven expressed themselves and haven determined a mutually satisfactory solution to the infraction" (p. 189). The argument by Skotnicki was important because to forgive, one must give up pain, resentment, anger, and fear to experience goodness, peace, joy, and love, as well as do away with what they did not want so as to make room for what they wanted (Crisostomo, 2008). Mistakes were part of life, therefore restorative justice created room for people to recognize their mistakes and constantly improved upon those mistakes, as well as developed acts of reparation (Crisostomo, 2008).

There was evidence that restorative justice produced major changes in people (Pearson & Jurich, 2005). According to an interview from Pottstown, PA, respondents and volunteers agreed that the youth court program encouraged positive peer pressure. For example, youths learned from their mistakes and also learned about the laws that affected juveniles daily from the program. The American Youth Program was a testament to the fact that positive things, as well as positive changes happened in the lives of the youths who participated in the program. Varnham (2005) found that restorative justice was a viable alternative to incarceration and punishment. She argued that the issue of conflict and safety in schools should be dealt with and resolved by the school community as a whole based on restoration of relationships, rather than punishment as explained in her article.

Bradshaw and Roseborough (2005) agreed that the best option and approach to reducing youth crime was restorative justice. They agreed with the three theories which the United States government used in responding to juvenile offenses and how restorative justice theory in particular reduced recidivism. The two traditional theories that have been used in the U.S. were retributive and rehabilitation. Bradshaw and Roseborough concluded that these traditional methods did not focus on the major stakeholders, that is, the victim, offender and the community. On the other hand, they maintained that restorative justice offered a process by which those most directly affected by crime had an opportunity to be involved directly in responding to the offense, holding the offender accountable, offering emotional and material assistance to the victim, and working toward the development of a safe and caring community for victim and offender.

Bradshaw and Roseborough (2005) used mediation and conferencing as specific programs instrumental in restorative justice dialogue. To buttress their point, they sampled 1,298 juvenile offenders (619 participated in a mediation program and 679 did not). Those who participated in a mediation program recidivated significantly lower than those who did not participate in the program. With this result in mind, a restorative justice approach did work and should therefore be used as a strategy for prevention and reduced youth crimes (Bradshaw & Roseborough, 2005).

Overall, restorative justice developed life skills that enabled youth to treat others with more respect and communicate more effectively (Crisostomo, 2008). Petty crime and antisocial behavior could lead to the disintegration of the community and made it inhabitable for people. For some people, the hurt, harm, they felt was often contained within as they held it as a feeling of anger, frustration, rage, and a feeling of

hopelessness. The idea of restorative justice was to bring about healings and restoration of individuals and communities through a reasonable plan of accountability and an earnest desire to repair the harm, with the community as the ultimate overseer of the process.

Criminal ADR as Restorative Justice

The restorative justice was a theory of justice that emphasized repairing the harm caused by criminal behavior. It was best accomplished through cooperative processes that included all stakeholders. This could lead to transformation of people, relationships, and communities. The restorative justice approach had many beneficial outcomes that could and should be utilized in a wider variety of situations. Some of the situations included Holocaust-like crimes such as maritime disasters, attacks of mass violence, and other such crimes where hatred and deep-seated emotions dominated (Pytlak, 2017). Restorative justice proponents tend to focus their attention on criminal justice initiatives in a small number of developed countries. Restorative processes, which encouraged citizens to negotiate among themselves, rather than rely on professionals to adjudicate, and restorative values, which emphasized the importance of repairing and preventing harm, could be found across a wide range of regulatory fields (Declan, 2006).

The strengths and the challenge of creating restorative justice programs was that to be successful, they must firmly root in the context of the harms and the needs of the specific parties involved, whether individuals or communities. Llewellyn (2002) provided hallmarks for a genuine restorative justice program. It must involve all parties with a stake in the resolution of the conflict. It must recognize and seek to address all the harms that result from the events. Participation must be voluntary. The

process must premise on truth-telling with an admission of responsibility by the wrongdoers as a precondition for the process. There must be space for encounter between the victim, the wrongdoer, and greater community. The rights of both the victims and wrongdoers must be protected, to prevent a power imbalance within the process. A restorative process program must include a plan for the future and reintegration of wrongdoers back into the community. While restorative justice was a dominant paradigm in ADR, corrective justice, which posited that losses were redressed through either return of wrongfully obtained goods or replacement of their value in money or similar goods could also be applied.

Pytlak (2017) argued that alternative dispute resolution such as restorative justice should be utilized more often to repair the harm caused to victims by criminal oppressors in Holocaust-like situations. Victims of catastrophic crimes deserved the opportunity to face their oppressors in a civil environment that gave them control of the situation. Alternative dispute resolution could provide a forum that allowed the victims to communicate openly with their oppressors, and these resolutions had the potential to transform the lives of both cooperating parties in a manner that valued their effort and collaboration (Pytlak, 2017).

Joanna (2013) horned on the need to draw together the common values and aimed in the use of restorative justice for an increased diversity of offenses, which included more serious offenses and its use with adult offenders. Joanna argued that the clock cannot be turned back, and it would be curmudgeonly to try to hold back the availability of restorative justice for victims and offenders who appreciated it and found it helpful. However, the citizenry should reflect upon how the core values of restorative justice could develop helpful theoretical perspectives to restore justice.

The scenarios involved where it was not only used for the minority, or for diverted cases, but also led to criminal justice decisions, such as sentences, which would be confirmed or altered by criminal justice actors (Joanna, 2013).

Literature Review Related to the Research Question

The first research question for this study sought to explore how ADR addressed the problem of offender, victim, and community satisfaction in public justice. Maggi (2010) stated that a restorative lens reframed the problem and the solution in a way that highlighted how ADR emerged as a more satisfactory theory of criminal punishment that served public justice and embraced failures of the offender and community. Because the problem was conceived as a violation of relationships, the solution must restore the offender with the victim and his community. ADR actualized these solutions. It connected public norms and community relations and exploited the community as ultimate consumer that produced justice and reframed the relationship between the offender and the community in both personal and public terms.

ADR also respected traditional notions of blame and responsibility and addressed the damage done by forcing the offender to take moral responsibility for his actions and make amends. It attended to environmental factors through rehabilitation and reintegration. Reactively, the focus was no longer on traditional blame or deterrence, but the use of the social history of the crime as a procedural avenue for the offender's deficits. Proactively, ADR programs could be utilized to supplant the influence of risk factors through developed procedural "presponses" that engendered socially accepted norms and provided economic and educational opportunities, through the correction of the social failures to support character development. In this

way, justice could be achieved by moving beyond utilitarianism and retribution to restore norms and address internal systematic problems (Maggie, 2010).

Despite the fact that ADR procedures were substantially different from police and court procedures (i.e. inquisitorial by nature, aimed for a settlement as outcome rather than judgment; not bound by formal rules; and more flexible and informal than many criminal justice criminal justice procedures (Bercovitch & Houston, 1985), ADR disputants, who had feelings of control and fairness, perceived that the procedures and solutions had greater legitimacy (Creutzfeldt & Bradford, 2016). Such disputants were more likely to comply with the terms of the conflict resolution decision (Welsh, 2002). Maggie (2010) discussed theoretical concerns within contemporary appeals to alternative dispute resolution in the criminal justice system in the US. The author argued that ADR was better equipped than traditional systems to reach full justice. Maggie posited that ADR emerged as a theory of criminal punishment that accounted for both failures. The theory of punishment offered a possible framework to construct ADR procedures wherein these procedures rehabilitated offenders, respected responsibility and renewed public norms.

Overcrowding the prisons produced precarious and often inhumane conditions in many countries and was an increased widespread problem (United Nations Office on Drugs and Crime [UNODC] 2013). Building more prisons with more space would not solve the problem (Traguetto & Guimaraes, 2019). Since the 1990s, it had been recognized in the United States that incarceration alone did not break the cycle of drug use and crime (Hora, 2002). With a focus to achieve better results for victims, litigants, defendants, and communities, the United States pioneered a new way to

dispense justice (Berman & Feinblatt, 2001), which included RJ (Menkel-Meadow, 2007).

Traditional notions such as deterrence, rehabilitation, incapacitation, and crime prevention were analyzed and thought of differently by RJ (Braithwaite, 1999). In the attempt to cure the hurts caused by an injustice, this approach gave the opportunity for discussion between all stakeholders involved to decide what should be done (Braithwate, 1999). The approach sought to understand the effect of legal practices on people. RJ was committed to an evidence-based framework, which included the use of rigorous methods of social science (Braithwaite, 2002; Stobbs, 2015). Traguetto and Guimaraes (2019) described how institutionalized RJ was in the United State and the roles played by judges in the process. They argued that the development of new ways to achieve justice, through the approach to solve judicial problem in a holistic way was possible because it combined the concept of institutional change, innovation, and entrepreneurship.

In Daicoff's (2005) view restorative justice took a comprehensive, humanistic, restorative, and often therapeutic approach to law. Empathy with human survivor of legal conflict was a great methodological aspect of RJ (Traguetto & Guimaraes, 2019). Simple incarceration and formal social control marked the traditional punitive strategies of law enforcement. In RJ, the logic concentrated on the cognitive attention of alternative dispute practitioners on the participants' obedience, and adherence to rules and expectations. The offenders as well as the affected family systems, and the dispute resolvers could view their role as therapeutically useful (Edwards & Hensley, 2001). An example of documents that disseminated the RJ approach was the development and implementation of mediation and restorative justice measures in

criminal justice (United Nations, 1999). The UNODC launched the Handbook of Basic Principles and Prosing Practices as Alternatives to Imprisonment.

The second question sought to find out how criminal justice practitioners utilized ADR in Nigeria. The Nigerian courts adopted alternative dispute resolution in federal and state courts. Opportunities for Alternative Dispute Resolution (ADR) were possible through court connected schemes and private ADR. The opportunities for ADR existed in civil cases, but in the criminal context, there were differing considerations that deterred the criminal justice practitioners to wholeheartedly embrace ADR in criminal matters. The question of who to be involved in ADR processes in the criminal jurisdiction was a difficult one. The further confusion was whether ADR was available to offenders irrespective of the crime, which included assaults and rapes or whether ADR restricted to property matters or minor assaults. Gabriele (2015) examined the experiences of prosecutors in Athens, Greece, as they implemented a restorative justice (RJ; mediation) model in cases of intimate partner violence (IPV). The study used semi structured interviews with 15 prosecutors at the court of first instance and three interviews with facilitators of mediation process. The findings indicated widespread role confusion. Prosecutors' experiences, professional positions, and views of RJ in adult cases of gendered violence were shaped by their legal training. That is, their perceptions reflected their work in an adversarial system. Their views were complex yet ultimately unreceptive and their practices failed the victims of IPV. The study report concluded with recommendations for the legislators and for better preparation of court actors (Gabriela, 2015).

Kasturi (2017) evaluated the plausibility of ADR for patterned crimes in India and highlighted the advantages of goals of the restorative justice. Gordon (2011)

hypothesized that public participation in matters of justice and security could foster more active citizenship, a contribution to deepen democracy in countries in transition, such as Nigeria. While community resolutions were a disposal in themselves, restorative justice responses were not and could be used alongside other criminal justice disposals which included prosecution (Westmarland, 2018). Kaitlyn (2014) reasoned that crime was more than individual wrongdoing; it was relational. Crime created moral imbalances and sent false moral messages. Remorse and apology could help right the moral balance, annul false moral messages through vindication of the victims and reconcile offenders to their victims and communities (Bibas & Bierschbach, 2004). The goals of RJ were to repair harm after a damaging incident, to repair the damaged relationship between the two parties in conflict and restore the offender back to the community (Kidder, 2007). Stahlman (2017) focused on RJ in context of intimate partner violence as supplementary to current retributivist criminal justice system with an effective, additional medium dispute resolution. The article mentioned empirical evidence that informed the usage of restorative justice in the intimate partner violence context and responsibility of government and community to maintain order and build peace.

Gude and Papic (2018) argued that RJ practices were shaped by the legal culture, political tradition and criminal justice identity of the system where they developed. The authors suggested an approach to transfer restorative justice practices based on comparative criminology, RJ traditions and legal culture, made a theoretical contribution to the field, and had practical implications at the level of public policy design (Jianhong, 2016). Gavrielides (2014) explained that RJ was reborn in the 1970s with a promise that provided a better sense and experience of justice, especially

for those who were let down the most by the criminal justice system, despite well-evidenced disproportionality and race inequality issues within criminal justice institutions, RJ research and practices within the context of race were almost nonexistence. Gavrieldes aimed to unravel the paradox while he looked at the scant extant literature to explore the alternative and more personalized restorative vision of the other and cultural differences. The article warned that if RJ continued to ignore the challenges raised within a race equality context, the power structures inherent within the current structural framework of criminal justice would lead to its demise.

A number of recent studies, reviews, reports, and recommendations proposed that RJ responses could be appropriate to address certain cases of institutional abuse, sexual abuse and family violence. Alikki (2017) elucidated that many victims of abuse and family violence sought an approach that gave them a voice, validated their experience, vindicated their claims, and provided accountability for perpetrators and/institutions (Daly, 2011). The conventional justice system provided important but limited options. A core principle of RJ practices was to work with individuals and communities, to deter harmful behavior, maintain social order and promote wellbeing through restored right relations and ended harmful relations. This approach sought to enhance the justice quality of the relations and transactions in which people were engaged. According to Latimar et al. (2005), research demonstrated that when coupled with the criminal justice system, RJ practices generally reduced rates of recidivism and increased satisfaction. In a study conducted by Canada's Department of Justice which measured the relationship between participation in a restorative justice program and four outcomes (recidivism, victim satisfaction, offender satisfaction, and restitution compliance), one of the salient findings was a 72%

reduction in recidivism (Latmar et al., 2005). The study found higher victim and offender satisfaction in RJ practices compared to nonrestorative justice practices and a greater likelihood of offender compliance with restitution agreements. As argued by Umbrett et al. (2006), victims who participated in RJ programs had consistent higher rates of satisfaction with the process.

In a comparative analysis of the traditional justice system and RJ, Fainisi (2017) highlighted a series of specific peculiarities for each system taken into consideration. In the traditional justice, which was retributive and rehabilitative, the victims had a peripheral role within the process (Kasturi, 2017). The focus was on the punishment or treatment of the offender (Sarre & Earle, 2004). The state represented the community and the parties were situated at adverse positions. During the criminal proceedings, the responsibility of offenders was minimized. These were focused on their person; they attempted to prove their innocence, to produce evidence that satisfied the instance to decide an easy sanction, that participants ignored the victim. On the contrary, RJ gave prominence to the victim and managed to make more accountable the offender (Gerkin et al., 2017). In the RJ, the victim played a central role during the process; the focus was on paying the damage produced between the offender and the victim and even between the offender and the extended community. The members and the community's organization played an active role; the process was characterized by dialogue and negotiation between the parties.

Jonathan (2015) submitted that there was a need for policy makers and law reformers to look beyond the familiar spheres of domestic process if the justice system was to become more effective, just and legitimate in the eyes of both the victim and the wider public. Jonathan drew on both theory and praxis on the role of

victims within transitional justice and contended that trial justice in common law systems could be enriched through centered processes on three key themes which were commonly emphasized in transitional justice frameworks namely, (a) truth recovery, (b) victim participation, and (c) reparation. In RJ, the offense was no longer considered as breach of laws, of state but as damage produced to the persons and to the community. If in the frame of the criminal system, the victims were more ignored, some authors mentioned even a re-victimization of these persons; within the restorative justice the victims played a central role. The first objective of the restorative justice process was to repair the damage produced to the victim, to respond to their needs. The RJ focused on the offenders being accountable and the compensation/reparation that they could offer to the victim. At the same time, it was preoccupied by their social reintegration both from a human point of view, and as a concrete manner to avoid the repeated offenses.

Consequently, RJ functions based on principles upon which the activities implemented in the case of offense oriented to:

- The creation of necessary conditions for the personal participation of those worst affected, especially, the offender, victim, and their families and the community
- The taking into consideration the social background in which the offense occurred
- The orientation to the settlements of the issues preventively
- The flexibility of practices, that is, creativity

According to Fiscuci (2012), the concept of RJ implied the accountability of the offender, the involvement of the victim and the community in the justice process,

the compensation of damages produced to the victim and to the community and the re-establishment of the social order disturbed by the offense committed. The accountability of the offender implied to assume the whole responsibility by the offender for the offense committed, the offender's understanding of the modality in which the offender's behavior had damaged the victim and other persons, the understanding of the legal alternatives through which the offender might settled issues which determined him to commit the offense. RJ monitor a come back to the initial conception related to the criminal law, conception in which the report of the criminal law was treated as concerning mainly the victim and the offender and therefore they should settle the dispute. Presser and Hamilton (2006) contended that victim-offender mediation was one of the mostly used practices of RJ encounter in the United States.

Fainisi (2017) posited that mediation in criminal cases as an alternative means to settle disputes should apply to a large category of crimes. Folarin (2017) argued that mediating criminal disputes led to making more efficient and better managed criminal proceedings and allowed the justice to focus attention toward complex and higher difficult cases. The Framework Decision of the EU Council of March 15, 2001, focused on the standing of victims in criminal proceedings burden Member States to promote the mediation in criminal proceedings for offenses which it considered appropriate for the measure. According to the provisions of Art. 1 Letter E of the Decision, "mediation in criminal cases" shall meant the seeking, before or during the criminal proceedings, of a solution negotiated between the victim and the perpetrator of the offense with the mediation of a competent person.

Mateut (2007) defined mediation of criminal disputes as a means of communication, based on exchanges and adequate consideration of the other, in a

dialogue used to reach, in relation to the existent institutions, a settlement identified by the parties themselves and estimated as satisfactory for both sides, and this is in the presence of third parties. The 20th century marked the transition from a repressive type of justice to the restorative justice. The transition process occurred in the 21st century through the graduate passage from the dispute's settlement by the court to the disputes settlement which used alternative methods of disputes settlement (Fainisi, 2017). According to the law, mediation in criminal cases was a nonchargeable service in which a crime suspect, and a crime victim were provided with the opportunity to meet confidentially through an independent mediator to discuss the mental and material harm caused to the victim by the crime, and on their own initiative, and agree on measures to redress the harm (Ervasti, 2018).

Victim-offender mediation practices brought conflicting parties together so they could engage in a two-way dialogue and ultimately negotiate a mutually agreeable resolution. The fact that apology could be a motivator to participate in the mediation process and it was often a common outcome of mediation suggested that research on mediation ought to more carefully explore the nature of apologies that were offered. Dhami (2016) provided a qualitative exploration of the prevalence and nature of apologies offered by offenders to their victims during face-to-face mediations. Dhami analyzed 59 mediation agreements recorded by the longest running mediation scheme in the UK. Findings showed that 50.8% of agreements contained mention of the perpetrator saying "I'm sorry" or offered a partial apology, that acknowledged harm and/or promised forbearance. Although the mediation agreements did not make explicit mention of offenders offered reparation, they did record efforts to provide solutions to the conflict (Dhami, 2016).

The dominant model of settlement-driven mediation in Western culture was beneficial to many people affected by conflict or crime and was superior to the adversarial legal process and court system in most cases (Lewis & Umbreit, 2015). Using a different model, one that embraced the importance of mediator presence, compassionate strength, and common humanity, held even far greater potential. As an expression of the transformative power of conflict resolution, a humanistic approach to mediation and dialogue could lay the foundation for a greater sense of community and social harmony. Models required more intuitive capacities and mindfulness among mediators were not easy to train for and implement; mindfulness-based trainings, no less than mindfulness-based mediations, required effort and time to be fully realized. Nevertheless, the promise of the humanistic approach to mediation was that small successes within mediation could be catalysts for large successes in society. The larger fulfilment of this vision would help to promote the social spread of mediation models more widely that humanized both processes and parties.

Umbreit's humanistic approach to mediation functions as a complementary approach to transformative mediation was first presented by Bush and Folger (2005). Explicit attention to the humanistic elements within a transformative approach, however, could open the door for mediators to apply an advanced set of practices that could deepen their work as mediators and deepen the capacity of parties in conflict to draw on their own inner strengths. One aspect of this approach was the paradoxical influence of a mediators' non-directiveness style, which opened up greater space for parties to reach deeper levels of conversation and understanding. With its focus on the intrinsic healing power of dialogue, the humanistic model that ultimately facilitated the achievement of both inner and outer peace that ideally, had long-lasting effect.

While addressing and often resolving the presenting conflict, it also facilitated a journey of the heart so that participants could find deep peace within themselves and between themselves. Deep peace and human connection were the true goals of a humanistic approach to mediation and dialogue, both for individual participants as well as for entire communities (Lewis & Umbreit, 2015)

Mateut (2007) specified the most frequent forms of RJ at an international level as follows:

- Mediation victim – offender with the two forms: Direct Mediation victim – offender: the victim and the offender met face to face in the presence of a mediator, and Indirect Mediation victim – offender; it was used in the situation in which one of the parties for good reasons did not want the direct meeting with the other party.
- Familial meetings victim – offender: the victim and the offender were accompanied by their families and the other particularly close individuals, indirectly affected by the offense's commitment, which expressed opinions related to the situation occurred as a consequence of the offense (Daicoff, 2015).
- Community meetings victim – offender: the whole community could attend, alongside the victim, offender and their families, to find the most appropriate solutions for the removal of causes which generated the offender commission and the consequences settlement provoked by it.
- Groups of victims and groups of offenders; the groups were constituted of offenders and victims which had no direct connection, but who had

committed or had suffered the same type of offense. The method was used in the case in which the offenders had not been discovered or if one of the parties refused to involve itself in the restorative process.

- Surrogate mediation victim – offender: there were situations in which one of the parties refused to participate to the restorative action, and the other party was too vulnerable to participate at a group meeting. In such situations, recourse was made to a surrogate victim or an offender.

Mateut (2007) enumerated the several modalities to compensate the damage suffered by the victim:

- Pecuniary compensation which consisted in the payment of some amounts by the offender, in compensation for the physical and psychological damages suffered by the victim.
- The provision of services by the offender for the benefit of the victim implied the conclusion of an agreement between the offender and the victim by which the offender undertook to carry out certain activities freely for the benefit of the victim with the objective of covering loss suffered by it.
- Community service: in small communities where there were tight relations between the citizens of a community, any harm brought to the existing balance by committing a crime could be compensated by the provision by the offender of community service. The work provided by the offender was free of charge and was committed to achieve

settlement with the victim, but especially with the community where the victim resided.

ADR and Nigeria's Criminal Justice System

The applicability of ADR in Nigeria's criminal justice system trailed with controversy (Ogbuabor et al., 2014). The courts held that ADR was incongruous with criminal justice system, especially in severe cases. Ogbuabor et al. (2014) challenged that jurisprudence and argued that ADR applied to criminal matters which included the serious offenses. The authors posited that ADR mainstream into Nigeria's criminal justice system on holistic and systematic basis. The introduction of ADR in Nigeria's criminal justice system faced criticisms (Obiene, 2014). One of the major criticisms was that ADR eliminated the social functions of lawsuit (Maggie, 2010).

According to this view, ADR privatized disputes in contexts in which the public policy required the clear intervention of the state with strict public scrutiny. ADR viewed conflict as personal, emotional and rooted in miscommunication rather than from illegal and criminally actionable behavior. Another criticism was that since the process was confidential, it was largely unregulated without the guarantee of due process or that the outcome could favor the victim. The further argument was that ADR disparaged the need for legal representation. The belief was that ADR was not practicable in criminal justice because of imbalance between the parties unlike courts where the judge held the balance in public the interest. ADR the perception was that ADR was unenforceable and did not engender follow-up. Again, that the abuser may not want to work with the victim to come to a fair agreement.

In response, Obiene (2014) argued that the basic idea of law and society premised on the need to protect the lives and property of the members of the society.

Where a process ensured that a wrong was righted and damage repaired, then the law served the society and that the society benefited from reduced rate of recidivism and the offender became useful to the society. It was erroneous to believe the society was completely removed from the process. The criminal justice system was a tripartite system that involved the victim, the offender, and the state. Unlike in civil cases, ADR in the criminal context aimed to attach stigma to the criminal act and not the offender and to achieve an acceptance of responsibility. Obiene argued further that the knowledge of a likely possibility to restore the status quo, served as a deterrent. ADR did not completely remove the risk of criminal sanction as parties must agree to explore the alternatives. Where a victim rejected the option of ADR, the offender faced trial.

Ali (2018) made a call to leaders in African countries and developed world to adopt ADR to resolve criminal cases, particularly corruption cases, instead of a circuit show that led nowhere (Olaode, 2018). Okogbule (2005) examined the importance of access to justice as an essential instrument to protect human rights in Nigeria, demonstrated that it was only when an individual had access to courts that his fundamental rights could be enforced. Okogbule posited that there were many obstacles to access to justice in the country. The obstacles included undue delay in the administration of justice, high cost of litigation, reliance on technical rules, locus standi, and illiteracy were examined in validation of the proposition. The study inquired prospects to improve access to justice in Nigeria. It opined that teher could access to justice, if mechanisms such as judicial reforms and resort to alternative dispute resolution were encouraged and properly put in place, with less emphasis on technical rules. That could be meaningful access to justice if the legal aid scheme was

strengthened, which would impact positively on the quest for the protection of human rights in the country (Okogbule, 2005).

Odoh (2015) explored the extent to which ADR mechanisms and restorative justice principle could contribute to the current efforts at speed and quick dispensation of justice in the Magistrates' Courts in Nigeria. Odoh highlighted and considered suitable appropriate legal and institutional framework to mainstream ADR in civil and criminal justice in Nigeria. Ewulum (2017) advocated the adoption of ADR in Nigeria's criminal justice system. The argument stemmed from the delayed trials in the courts. A defendant discharged from protracted lawsuits got no compensation for time wasted. Ewulum saw plea bargain as an instance of ADR and appraised its adoption into Nigeria criminal justice system to curb delay.

According to Olufemin and Imosemi (2013), the lack of prompt and efficient justice system delivery machinery in the Nigerian court system due to frivolous and frequent adjournment of cases delay the judicial process. The delays resulted in crippled effects on the prompt and effective administration and delivery of justice in Nigeria. Olufemin and Imosemi opined that the necessary ingredient to reduce delay in our judicial process, was the adoption of new methods and approaches for prompt administration of justice. The theory of restorative justice should guide or influence ADR processes to achieve this synergy (Olufemi & Imosemi, 2013). In a critical review of ADR as a non-judicial mechanism for the settlement of environmental disputes in the Niger Delta region of Nigeria, Nwazi (2017) shared similar views. ADR evolved due to the delays, costs, publicity and technicality associated with litigation (Nwazi, 2017).

Emenogha and Onnome (2018) ascertained the relevance of ADR process under the Nigerian jurisprudence in resolution of criminal matters, and laid emphasis on the various methods employed in dispute settlement apart from the conventional courts. Such methods were arbitration, mediation, conciliation, negotiation, and the recently adjudged process referred to as plea bargain (Emenogha &Onnome, 2018). The authors argued that Nigerian criminal justice system should evolve to accommodate the utilization of ADR mechanisms and contended that it should not cut across board in all criminal cases. Plea bargain were applied mostly in corruption and other fraud related cases. Emenogha and Onnome were of the view that it was ridiculous to apply plea bargain in cases that involved homicide, armed robbery, kidnap, rape and other sexual offenses. Due to the retributive nature of our criminal justice system, criticisms/opposition heralded the attempt to plea bargain in such cases or its actual application and implementation. Ogbuabor et al. (2013) found that despite efforts to discourage in criminal matters, parties often resorted to this method to resolve their problems even when the dispute was criminal and serious in nature. Ogbuabor et al. argued for the extension of ADR to serious offenses and legal measures to bring the law into conformity with practice.

Restorative Justice Under the Nigerian System

Victims of crime under the indigenous system of conflict resolution were the focus of the justice processes. Unlike the modern Nigerian criminal justice system, victims, offenders, and community involved in defining harm and repair. Parties acknowledged the emotional and material loss of the victim and made restitution. The goal of indigenous justice was the reparation of harm done to victims and communities by offenders (Ogbonnaya, 1999). Nigerian criminal justice system

introduced restorative justice by the enactment of the Administration of Criminal Justice Act (2015). A flawless criminal justice system in any nation, which included Nigeria was the vanguard for economic growth, social balance, and political stability (Ugwuonye, 2011). The reverse was a society in ruin, avoided by both foreign and domestic investors (Ayorinde, 2014). The vastness of criminal justice included collective institutions such as law enforcement - the police, the judicial process, and corrections institutions, which an accused offender passed through until the offender was either acquitted or convicted.

In Nigeria today, the three basic legislations that dealt with substantive crimes were the Criminal Code (applicable to the Southern states), the Penal Code (applicable to the Northern states, and the Traditional Law that was based on the customs and traditions of the people (Omale, 2013). Despite the robust laws that were in place to handle the justice system, the expectations that society had for the criminal justice system was to punish and rehabilitate individuals who committed crime (Ayorinde, 2014). Punishment and rehabilitation were also two of the four acknowledged objectives of the criminal justice system, the others were deterrence and incapacitation.

In Nigeria, punishment as opposed to RJ had been the primary goal to deal with individuals who committed crimes. Many theorists throughout history argued about the most effective, whether punishment, rehabilitation, or RJ (Ayorinde, 2014). The effectiveness of punishment and rehabilitation had been analyzed to see the effects on victims and offenders and also the social and fiscal impact on society (Ayorinde, 2014). The Classical School of Criminology proposed that punishment was used to create deterrence while the Positive School of Criminology used the

practice of rehabilitation to reduce recidivism. A major concern of the criminal justice system in Nigeria, as well as in other part of the world, as well as the United States was overcrowding of prisons. Inmates spent years awaiting trial (Omale, 2006). The relevance of the justice system to improve the lives of the down-trodden and the vulnerable groups and ensure that they received justice within the system could not be overemphasized. Any state who failed to provide its citizens with the protection they needed from crime and access to justice hindered sustainable development and economic growth (Ayorinde, 2014).

The justice system in Nigeria was slow, favored some groups, expensive, and complex, which was unfavorable and detrimental to the poor, a situation that swelled prison population in Nigeria. The place of RJ as a complement and an alternative to restore community values, make the courts more users friendly and utilize the customary/traditional justice system to resolve conflicts/crimes was relevant for justice and fairness to all (Solomon & Nwankwoala, 2014).

Importance of Restorative Justice Intervention in Criminal Justice

The importance of RJ intervention in justice administration could be an overstatement. Ordinarily, traditional wisdom demanded that professional in the field of criminal justice were best to determine and adjudicate matters of justice administration. However, Bradshaw (1988) stated that experts in the administration of justice could not claim to know all the detailed knowledge required to address successfully the specific justice needs of the parties, that is, victims and offenders in the criminal justice dispute. It was only the stakeholders themselves, family members, and their communities that had the required detailed knowledge about the circumstances that surrounded the matter that could come up with solutions to the

criminal incidents that could be acceptable to all the parties involved (Botchkovar & Tittle, 2005).

Although RJ could not work in certain cases, especially where the offender denied anything to do with the incident or crime or where the victim was unwilling to participate in the reconciliation process. RJ could play an essential role in reduced reoffending, as well as help victims and boost public confidence in the justice system. It could engage members of the local community, reinforce parental responsibility, give victims a voice as well as reduce the fear of crime and antisocial behavior. RJ could hold young people accountable so that they could take part to repair the harm they caused, and learn from the experience (Bazemore & Schiff, 2001; Abramson & More, 2002; Skotnicki, 2006).

Another reason that favor RJ intervention was based on the fact that because judgments and adjudication by professionals in the criminal justice mostly proved unhelpful and failed to reflect the justice need of the stakeholders. The intervention of the family members of the parties involved who were knowledgeable about the incident would create an avenue to resolve the conflict amicably (Bradshaw, 1988). Situations where outcomes were decided and forced on them by professionals resulted in less satisfaction of the stakeholders involved (Tangney, 1990; 1995).

In all, RJ was not as lenient as people made it seem. Most offenders found it difficult to face the impact of their crimes. Most victims who took part in the RJ process were satisfied and happy with the outcome because it helped to reduce crime, particularly when effectively combined with practice-based interventions (Abramson & More, 2002; Bazemore & Schiff, 2001; Bradshaw, 1988; Skotnicki, 2006). RJ

helped to reassure the public that the fear of crime and other antisocial behavior could be reduced to the barest minimum.

Overview of the Nigerian Criminal Justice System

Located in West Africa, Nigeria is about one third larger than the state of Texas in the United States. Richly endowed with national resources, Nigeria is one of the largest oil suppliers. Nigeria was under British rule from 1851 to 1960 when it gained independence. Nigeria is a member of the United Nation, as well as the Commonwealth of Nations. The country, like every other country in Africa faced some challenges after gaining independence (Ayorinde, 2014). Today, religious instability and rivalry still continued to be a problem in the country.

The Nigerian constitution based on the sovereignty of the state. Similar to the United States constitution, Nigeria is a republic with a Constitution that provides for Executive, Legislative, and Judiciary Branch. The branches protect each other's individual power through a system of checks and balances. The legislative branches consist of a Senate and House of Representatives, with members of the houses serving for four-year term (Ugwuonye, 2011). Today, religious instability and rivalry still continued to be a problem in the country.

The legal system of Nigeria patterned after the British English Common Law. It is divided into subsystems, with the federal law that supersede every other laws of the land. There are also local legal systems. The legal system in Nigeria divided into criminal and civil. Crimes classified into felonies, misdemeanors, and simple offense. On other hand, civil law is not punishable by the state. In Nigeria, the constitution is the legal foundation for the criminal justice system, especially the portions that relate to the powers of the court and the jurisdictional mandates of the courts (Ugwuonye,

2011). Another section of the Constitution dealt with the fundamental human rights of the individuals, particularly the rights to fair hearing, to liberty, and other rights that prohibits the indefinite detention of an accused person without appearance in court within a stipulated time.

The criminal justice system in Nigeria, as in any nations of the world began with a process and with three components comprising the police, the courts, and corrections (prisons), with each component impacting the overall process of the system. The first contact an accused or a defendant had with the criminal justice system was the police or law enforcement that dug deeper and investigated any suspected wrongdoing and made an arrest in line with their functions to keep the peace and enforce criminal laws based on their mandated mission and jurisdiction. The police were the first step in the judicial process, as well as the first responders to any crime scene. After the investigation and the arrest, the defendant or suspect was then processed and given a date for court appearance. The next step in the justice process after the suspect/defendant had been given a court date, was for the court to conduct a fair and impartial trial. If the suspect is found not guilty, they are acquitted. However, if the suspect is found guilty, they are convicted and sent to prison/correctional facility where they are held until their jail term is completed.

It is important to know that the criminal justice system can be scary, overwhelming, and confusing for someone not knowledgeable about how the system worked. It was important for the victim to know what to expect and have the necessary support throughout the process. The goal of the court was to protect and prevent an innocent person from being sent to jail, while at the same time ensure that justice was served to the victims of crime. The criminal justice system may be

imperfect because a guilty person who should have been convicted of a crime was set free for a variety of reasons best known to justice administrators.

Restorative Justice and the Role of the Community

Nigeria's criminal justice system drew inspiration from the retributive school of thought that emphasized punishments for any crime or harm done to another or to the society. This was not surprising as the philosophy of punishing criminals' dates back to 3,500 years. For example, the Code of Hammurabi provided that if a man destroyed the eye of another man, they would destroy his eye. If he broke a man's bone, they would break his bone. If a man knocked out a tooth of a man of his own rank, they would knock out his tooth. Now that society was in the retributive process of the criminal justice system that shut its doors to other processes that could be effective to combat crime, help victims, rehabilitate criminals, and keep society safe and sound. The challenge now was whether or not the justice delivery system could continue the route in the face of an almost deteriorated justice system (Lynd, 1958). It was against the background that society looked into the possibility to complement the current justice system with RJ to restore community based cultural values in Nigeria.

RJ was relevant in society today because it emerged as a formidable alternative to imprisonment, prosecution, as well as a means to hold offenders accountable in a way that responded not only to the needs of offenders, but also the victims and the community (Bradshaw & Roseborough, 2005). In criminal matters, RJ was seen as a convergent point for offenders, victims, and those affected by crime, often with the help of an intermediary in the resolution of the criminal matters. It stressed and drew on the traditional and religious belief, coupled with that of the state that disputes or crimes could be repaired without recourse to the conventional

criminal justice system (Bradshaw & Roseborough, 2005). RJ did not replace the criminal justice system; it complemented a well-functioning justice system (Retzinger & Scheff, 1996). It was a process that stated and comprised of the idea that because of the hurt that crime caused to the victim, justice should heal relationship. Under RJ, those involved, that is, the victim, offender, the community, and other stakeholders had the opportunity to discuss the hurt of a crime and how solutions could be proffered without recourse to the conventional criminal justice system.

In precolonial Nigeria, issues that concerned crimes and deviances were resolved among the parties involved amicably by the elders and within the community. Nations with the highest imprisonment rates such as the United States, Russia, South Africa, China, and others have used the advantages RJ offers to stem the tide of retributive justice and imprisonment (Abrams et al., 2006). It was high time the Nigeria justice system embraced the opportunities and merits RJ brings instead of resort to the punitive approach even at the least offenses.

It was important to note that RJ movement gained waves and made grounds in all strata of societies such as in schools, community services, post-conflict societies, as well as housing and care settings around the world. It resulted from its effectiveness in conflict resolution within the framework of the justice system, especially at the presentence stage. (Bradshaw, 1988). One of the advantages of RJ was its use at the presentence stage. It was useful in its ability to inform and convince the sentencing judge or magistrates of the need to take a second look at the offender/accused. They should learn about the offender/accused' state of mind, character, as well as their level of contrition, which ultimately lead to a better assessment and a responsive use of criminal justice interventions (Bradshaw, 1988).

Additionally, RJ at this point gave rooms for those involved in the conflict the chance to resolve the incident within and among them with little or no intervention from the conventional criminal justice system.

Impact of Restorative Justice

RJ was intended to reduce crime and works well in the grant of justice, closure, restoration of dignity, transcendence of shame, and heal of victims (Braithwaite, 2002). Despite the fact that studies that address restorative impact to reduce crime had not consistently demonstrated a significant reduction in crime rate among restorative program participants (Niemeyer & Shichor, 1996; Umbreit & Coates, 1992), the lower rates reported in these studies was insignificant statistically.

RJ was effective to address recidivism rate of offenders (Lipsey et al., 2000). One study that readily came to mind was a meta-analysis of 35 restorative justice programs and 27 victim-offender mediation programs, as well as eight conferencing programs. It proved that these programs were effective to reduce recidivism than the traditional correctional supervision programs (Latimer et al., 2003).

RJ programs played a significant role in education. Schwartz and Stolow (2006) stated that all we wanted from education, be it discovery, small learning teams, real-world skills, and character development, were what restorative justice programs provided. Students were able to work as a team and operated in small groups. Other impact of RJ was that it brought real-world learning experience because it engaged the broader community where students could forge positive relationships with adults and be productive members of the community. RJ recognized the fact that people's actions, thoughts and attitudes affected others and that it was important to take responsibility and act for the greater good of others and the community.

Finally, RJ encouraged everyone to play an active role in the integration and restorative process for all in the wrongdoing and antisocial behavior within the community. For example, victims were able to receive the services and help they needed as a result of the harm caused. The offender was equally helped to complete the process and the obligation required to make amends to the victim and the community. Additionally, relationships were restored, improved, and developed between the offender and the victim on one hand, and the community on the other.

Restorative Justice: Implications for the Nigeria Justice System

In Nigeria, the current criminal justice system was too focused on the victim and gave the victim a passive role in the whole process of justice administration. The criminal justice system in Nigeria created an antagonistic relationship between the offender and the victim on one hand, and the community on the other because of its retributive and punitive nature. It ignored the fact that criminal behavior represented interpersonal conflict that could only be resolved by the community through RJ. The way and manner of adjudication by the justice system between the offender and the victim created an avenue for conflict and hatred among the stakeholders (Zehr (1990).

Gravely punished offenders could not stop reoffending. Punishment should be the least option available to the criminal justice administrators as there were other opportunities to compensate and empower victims in their search for justice and gain a better understanding of what happened so as to move on with their lives. The strategy would impress it upon the offenders the real human impact of their behaviors, and promote restitution to victims (Bazemore & Umbreit, 1995; Zehr, 1990). Zehr (1990) opined that the system should not ignore victims and place both victims and

offenders in an inactive role, what restorative should place both the victim and the offender in active and relational problem-solving roles.

Conclusions and Recommendations

The justice system in Nigeria was slow, expensive, complex, unfavorable, and detrimental to the poor, leading to swell up in prison population (Solomon & Nwankwoala, 2014). RJ could complement the current justice system in Nigeria and help to reduce offenders' imprisonment and prison overcrowding (Solomon & Nwankwoala, 2014). RJ was useful in that it provided a helpful structure to understand the consequences of crimes in a more balanced view. It emphasized the relevance to hold offenders personally accountable for their actions and behaviors, while at the same time create an avenue all stakeholders to receive interventions that also addressed the needs of the victim, offenders, and the community in the RJ process (Bazemore & Umbreit, 1995; McCold & Wachtel, 1998; Umbreit et al., 2002; Zehr, 1990).

In relation to the conventional criminal justices, RJ approaches yielded some positive results for young person, victims, and families. It was recommended that for the system to work in Nigeria, it must seriously focus on repeated and persistent offenders. It must be embraced by the community, local, state, and the federal government as a way to reduce high incarceration rate, especially for those that await trials. Government must provide the necessary social services that would make life meaningful for the masses. Finally, there was need to provide more resources and better interagency cooperation to address the desire to reoffend.

Chapter 3: Research Method

The purpose of this study was to explore the concept of alternative dispute resolution in the Nigerian context to address in the long term the problem of victim, offender, and community satisfaction. I sought to improve the understanding of ADR mechanisms through which criminal justice practitioners settle criminal disputes outside the court setting. This chapter provides a detailed explanation of the qualitative research method to conduct the research. The component of interest included research design and rationale, role of the researcher, methodology, issues of trustworthiness, and summary.

Research Design

A research design meant the structure of the study to show the significant aspects of the project work to address the phenomenon (Trochim et al., 2016). The research design helped in the overall logical and coherent integration of the research components. It ensured the valid address of the research problem and constituted the roadmap for data processing. Research design dwelt how to conduct a study and furnished the glue that held the research (Trochim et al., 2016). The research problem determined the type of design (De Vaus, 2001). Research design ensured that the proof which the researcher obtained helped to address the research problem adequately (Creswell & Creswell, 2018). The primary concern of a researcher was the validity of the conclusion(s) of research. The design for this study was a qualitative design.

The research design represented the first step to organize and plan the research process, once the researcher outlined the research idea and hypothesis. It was a resource to embellish products toward the end of the research and developmental

process. Design was a manner to make sense of things (Krippendorff, 1989). The research design would be clear, with appropriate conception, which based on logical concepts to advance the research concept (Toledo-Pereyra, 2012).The study of the research knowledge by other investigators oriented me to decipher the research question in the most critical manner.

Qualitative research provided insights and understanding of people's experiences. It was useful to inform the development of interventions or to understand barriers and facilitators to their successful implementation (Denny & Weckesser, 2018). Qualitative was a perspective, as well as a method of enquiry. It encompassed a wide range of theoretical and methodological approaches. Qualitative research considered why individuals think or behave the way they did and how they came to understand these complex thoughts and actions within their lives. It would allow the inclusion of the voice of participants and criminal justice practitioners in the research. For instance, an interview study of barriers to access the court system in Nigeria showed that the physical and emotional journey to the court compound the difficulties that participants in the criminal justice system faced when they contemplate court litigation. The qualitative aimed to provide insight and understanding of an experience.

Qualitative study emphasized on the quality of experience and sought to describe or understand the essence of human experience. It integrated subjective human experiences as opposed to objective external reality. Researchers were primary instruments and brought their perspectives to the selection and purpose of data. I sought to explore, identify patterns, and themes to understand a phenomenon. The purpose of qualitative methods was to examine, understand and describe a

phenomenon. Phenomenology related to understanding the essence or meaning of the experience. It rooted in the philosophy of phenomenology and identified the essence of human experiences.

Phenomenological inquiry would offer pre reflective meaning-making as a tool to delve deeply amongst the phenomena of universal experience, to contextualize the commonalities across experiences. Pre reflective meaning focused on the life world and attend to the experience of everyday phenomena, to make visible aspects of consciousness articulated in an experience (Moran, 2000). Determining the phenomena of everyday experience required the capture of the changeable nature of experience and the search for deeper meaning embedded at an implicit level (Patterson, 2017). The objective of phenomenology was to understand human experience (Manen, 2016). It originated within a philosophical movement that endeavored since the early 20th century to make sense of the lived experiences (Moran, 2009).

The sources for qualitative data were interviews, focus groups, observations, and archival documents. A study could comprise of data from one or more of the resources. The data analysis followed three necessary procedures that included preparing and organizing data; reducing data through identified themes, codes and categories; and presenting the data in narrative form, which could include tables, or visual diagrams.

Strengths and Limitations

Qualitative research design was more flexible, evolving and emergent. The methods of analysis were interrelated and co-occur (Creswell, 2007). Qualitative interviews helped to gather detailed information. It gave participants opportunities to

elaborate in ways that were impossible with other methods, like surveys. Participants exchanged information with researchers from their perspectives, instead of fitting into limited options furnished by the researcher. Interviews were useful when a researcher aimed to examine social processes or the *how* of various phenomena because they elicited detailed information. I used the method for in-depth study. Qualitative interviews helped researchers make observations beyond the oral report of a respondent. A respondent's body language and demeanor provided the researcher with useful data. I used computer programs to organize, sort, and analyze the data.

The phenomenon under study, what I needed to know about the phenomenon and the purpose of the study, were the basis for this study. The positive answers to these questions, made qualitative research the right choice for the research. The drawbacks were that the interviews relied on the ability of the respondent to accurately and honestly recall details of their lives, thoughts, or opinions, under study. It was time-intensive and expensive. I created interview guides, identified samples, nd conducted interviews. Transcribing interviews was labor intensive, which was before coding. I did not offer participants any monetary incentives. Qualitative interviews were sometimes labor intensive and emotionally tasking. Further limitations included the reliance on the accuracy of respondents and their intensity on time, expense, and emotional strain.

Rationale

Validity in qualitative research related to credibility on the data and the interpretation. Validity was the extent to which the data were credible. Ensuring validity involved prolonged engagement and persistent data gathering, using of rich descriptions, triangulation, member checking, and presenting negative or discrepant

information. It involved clarifying one's biases; peer briefing, and the use of an external auditor to review the study's overall logic, coherence, and consistency. Researchers should assure the validity, or accuracy, of the research findings.

Qualitative research would not depend on tests for reliability and credulity, external to data collection and analysis. The personal respondent cum relationship with researcher was central to measures of the faithfulness of data to the respondents' experience. Techniques that ensured a quality study were internal to the research process. Validity depended on the researcher's efficient utilization of procedures for authenticity and trustworthiness. The labor-intensive nature of quality research made it time-consuming. The generation of context and time-specific interpretations, rather than generalizations across populations, led to debate and consternation. The dissemination difficulties of qualitative research arose because the researcher often communicated conclusions and interpretations in case studies, written after data collection through interview and participant observation. The need for training in qualitative research methods was of central concern due to the proliferation of their use without proper training (Manning, 1992).

Qualitative research methods helped me to make sense of complex questions, addressed the meaning into understanding in a situation, and delved into understanding another's perspective. It reflected and paralleled the complexity and richness of the criminal justice field. This study identified the hopes and issues of concern in the use of these methods.

Alignment of Problem, Purpose, Questions, Methodology, and Design

Alignment of research design meant a logical progression from the research problem to the purpose. The question addressed the problem and aligned with the

purpose of the study. The problem, purpose, and question(s) were foundation for the thesis. Subject matters that did not connect to the foundational elements of research were distractions from concentrating on the problem. When the question aligned with the problem, answering the question allowed the researcher to concentrate on the problem with clarity. Aligning the foundational elements of the study that encompassed problem, and purpose statements, the questions, and hypothesis gave the research process clarity and focus.

A qualitative study was a holistic activity where the different layers of research aligned with each other. Alignment ensured congruence in the study (Gavin, 2016). Consistency improved the logic of research (Newman & Covrig, 2013) and alignment was essential in the understanding of research validity (Hoadley, 2004). The components of the design process, which included semi structured data collection method characterized the phenomenological qualitative methodology in this study. Phenomenology helped to answer the question: What are the experiences of Nigeria criminal justice professionals in dispute resolution. The qualitative research answered questions about experience, meaning, and perspective, mostly from participants' viewpoints.

I adopted a qualitative research method, and the phenomenological study to determine the experiences of Nigerian criminal practitioners that participated in dispute resolution. The study addressed the problem that the use of alternative dispute resolution in Nigeria limited to minor offenses. This research filled the gap in understanding and focused on the use of alternative dispute, the process which criminal justice practitioners resolved disputes outside court litigation. The research questions in this study were:

- How does ADR address the problem of offender, victim, community satisfaction in Nigeria?
- To what extent are ADR practices utilized by criminal justice practitioners within Nigeria?

Alignment started with the identification of a problem, the purpose, the research question, and hypotheses (Jones, 2018). There was alignment in title, problem, purpose, questions, methodology and design in this study. The problem statement delineated one problem; the purpose statement flew from the problem statement, and the first statement directly aligned with the problem statement. The research question(s) aligned with the problem and purpose statements and directed the central inquiry of the study.

Role of the Researcher

I served as an instrument for data collection in a qualitative study (Denzin & Lincoln, 2003). In such research, data mediated via human apparatus. Its desirable that the target audience knew about the human apparatus. I described the material characteristics of the self, which included the researcher's inclinations, presumptions, aspirations, and experiences that made the individual capable of conducting the research (Greenbank, 2013). I kept research journals that show personal reflections, reactions, and indications (Simon, 2011).

The role of the researcher was to transform information to live the participants' experience, bring personal experience into words through data collection, attempt to appreciate the participants' experiences based on their accounts, and categorize the themes in the subsequent stage. The last phase entailed me recording the essence of the study in writing, which resulted in a detailed explanation

of the phenomenon. It was desirable that I explained whether he/she played an emic or etic role in the study. In the emic position, I worked as an insider participating fully in the activities, program, or phenomenon. In an etic position, I worked as an objective viewer from the perspective of an outsider. However, variations could exist in between the processes wherein a researcher started as an outsider, and gradually became a part of the group. The opposite was the case where the interviewer began as a group member, and metamorphosed to an objective observant (Punch, 1998). An efficient interviewer asked probe questions, listened attentively, reflected, and posed further questions to obtain more in-depth conversations. An active qualitative researcher used ideas and theories from a broad range of sources to build a picture.

The qualitative method helped to explain, clarify and elaborate the meanings of the various segments of the human experience. Researchers interpreted the experiences of people because they involved in human activities. Investigators considered the 'no harm' principles to research participants and were conscious of likely harms that could occur to the research participants. Naturally, there could be conflicts in the right to know, protected on the grounds of utility to the society and privacy rights championed on the ground of individual rights (Bloor, & Wood, 2006; Orb et al., 2001). The various methods for the protection of personal information included methods to secure data storage, remove the components of identifier, the amendment of biographical detail and the use of pseudonyms for individuals, place or organization.

I protected participants from the potential harmful effect that could occur due to their participation. I protected the respondents' identity and kept the information confidential. It was inevitable to develop personal relationships with participants in

data collection. I took into consideration the likely effect I could exert effect on the subjects or the other way round. It was desirable to state and clarify the researcher's roles which included that of a stranger, initiator, insider-expert. Preparing an ethical protocol in qualitative research projects covered issues that ranged from design planning to research report.

A significant task for researchers in a qualitative study was to reduce limitations in observation and strive to acquire genuine understanding. A researcher's prolonged presence among the people necessitated informed consent. There was a need to evaluate the likelihood of exposure to secondary trauma due to the interview. I scheduled interviews in a manner that minimized hazard posed by emotional exhaustion, allowed sufficient period for evaluation of the objective and psychological segments of the study. I was conscious of the signs of fatigue and took precaution to reduce harmful effects.

Ethical Issues in Qualitative Research

Qualitative research constituted ethical problems which were peculiar to human study. In establishing the interpersonal relationship essential to qualitative research, researchers and participant indulged in dialogues that evoked stories/memories, recounted and rebuilt in manners which ordinarily was not possible. There were ethical issues when such a relationship provided research data and gave rise to therapeutic interactions for the subjects (Eide & Kahn, 2008). The interaction between investigators and research subjects constituted ethical challenges for the investigators because they were involved in various phases of the research. I had a specific formulation of ethical guidelines in this respect (Saniari et al., 2014).

Investigators confronted ethical issues at every stage of the research, that range from design to report stage. Problems that usually arose included anonymity and confidentiality. There were also issues of informed consent and the researcher's likely effect on the participants and vice versa. I am a criminal justice practitioner and it was imperative that I am conscious of the various aspects of my role as a researcher. Ethical issues could arise when criminal justice practitioner performed qualitative research, whereby practitioner-participant relationship in the study led to therapeutic communication. I was wary as a practitioner-researcher of the effect of the questioning on the subjects, and used the reflexive approach to reduce the harmful effects on the human subjects. I specified their functions in the process.

I was involved in every segment of the research from the design conceptualization, to interview, transcribe, and analysis. I participated in the verification and report of the themes and concepts of the research design. I was the integral part of the process, as instruments in the qualitative research. Nonetheless, I revamped the ability to make myself suitable human instrument.

Researcher-Participant Relationship

Researchers' and participants' relationship and intimacy raise ethical concerns in research. Researchers faced dilemmas which included the issue of privacy, development of an objective and open relationship, and the prevention of misrepresentations. Ethical problems emerged when researchers confronted conflicting issues and made choices between various methodological strategies. Disagreements between various components like the participants, researchers, the researcher's discipline, funding body, and society were inevitable (Punch, 1994; Truscott, 2004). The crucial ethical concerned include anonymity, confidentiality, and

informed consent. The meaning that the term confidentiality conveyed to criminal justice practitioners differed from its meaning to researchers. Confidentiality to a criminal justice practitioner meant not revealing personal information save for certain circumstances. For researchers, the meaning of confidentiality was somewhat unclear and could involve the specification of the nature of the outcome expected from the study. I strove to reduce the likelihood of intrusion into the study participants' autonomy.

Informed consent was a fundamental segment of ethics in studies undertaken in various fields. I specified in advance the data to collect and their uses (Hoeyer et al., 2005). The tenet of informed consent required that investigators thoroughly sensitize participants of the various segments of the research in a clear language. The clarifications comprised the nature of the study, the possible functions of participants, the identity of the investigator and the financing body. It also included the research objectives, the publication and use of the results (Orb et al., 2001). Informed consent involved a continuous discussion of the conditions of agreement as the research advances (Hoeyer et al., 2005). Most people engaged in a study that was beneficial to them, peers, community, or society. I clarified that this research would benefit the justice system and contribute to the improvement of policy on justice delivery. I worked to make a difference in the lives of people, improve justice administration in various settings, and provide a structure for social sciences devoid of ethical challenges. On the privacy issues, I endeavored to anticipate possible intrusion in advance and not depend solely on the subjects to identify it. Confidentiality did not prevent intrusion because anonymity was insufficient to safeguard people's privacy or

hinder the exposure of private issues. I desisted from solicitation for personal information which was unrelated to the research question.

Methodology

The research methods were generalized approaches such as qualitative or quantitative method, while the design was the basic plan for a piece of research (Lee, 2019; Walden 2010). Phenomenological design helped to uncover the meanings, that participants ascribed to the complex and dynamic process of resolving criminal disputes. The lived experiences of professionals in Nigeria's criminal justice system were central in this study. The congruence of the epistemological foundation of phenomenological research ensured that the provided interpretation was that of the participants and not of the researcher (Hoadley, 2004). I collected my data primarily through interviews. The nature of my questions lent itself to qualitative interview data. I was interested in this methodology because it helped to elicit the rich data that could ot be quantified.

Qualitative study was a systematic method which facilitated the description of life experiences (Simon, 2011); gave meaning to them, helped researchers gain insight, and explored the depth and complexity in the phenomenon (Marshall, 1996). The method was appropriate in answering research questions of factual data (Hammarberg et al., 2016). The technique helped researchers access participants' thoughts and feelings (Sutton, 2015). It was useful in criminal justice research to explore how participants felt about dispute resolution in Nigeria. An understanding of these issues could help professionals in the criminal justice system to tailor dispute resolution to match the individual need of disputants and to develop a concordant relationship.

Population

The population encompassed criminal justice practitioners in Abuja city. This county was representative of many in Nigeria that experienced processes in Nigeria criminal justice system. I chose criminal justice practitioners because of my expertise in this field and my familiarity with their role. I also chose the practitioners because of their acknowledged influential role in the decision-making process of criminal justice (Maxwell, 2013). I interviewed criminal justice professionals because it would be useful for the judicial process, law enforcement, correctional system, and dispute resolution practitioners and to develop processes tailored to the needs of disputants. I sought nomination from colleagues that I respect for their work in this field, and individuals who were sensitive to this issue, as demonstrated by their skills in this field.

I made these decisions in full recognition of the potential threats to validity that my familiarity with this system could introduce. I was convinced the benefits outweighed the disadvantages. My familiarity with the system provided easier rapport building and a richness of data that would not otherwise be possible. My expertise provided me with a better framework to understand the questions that elicited the information that I sought. My familiarity with the language and jargon of this profession were invaluable to tease out innuendos of meaning that could be present by asking pertinent follow-up questions. I was cognizant of the fact that I could be biased in my interpretations. To address this, I audiotaped all interviews. I listened to the tapes immediately I had the interview and made notes and recorded memos immediately after. I also enlisted the assistance of a second reader to evaluate themes present in the data.

Sample Size

Sampling was an integral component of all research designs (Abrams, 2010). In qualitative research, the determination of sample size was contextual and partially dependent upon the scientific paradigm under which investigation took place. An in-depth qualitative research required small samples to gain a representative picture of the whole population under review. Qualitative research often concerned with developing a depth of understanding rather than a breadth (Boddy, 2016). The sample size for this study was 10 participants. I interviewed criminal justice practitioners in Nigeria that included the judges, law enforcement and correctional officers.

Unit of Analysis

Individuals constituted the basic unit of analysis in qualitative research (Hudson, Law & Culley, 2018). This study involved an in-depth semi-structured interviews with professionals within Nigeria criminal justice system. I recruited 10 practitioners for interview. I gave participants written information about the study and obtained their consent. I developed interview schedules for the participants, that comprised similarly themed questions and sub-set of questions which allowed comparison of perspectives. I recorded the interviews, transcribed verbatim and entered NVivo for analysis.

Design Approach

The research approaches were plans and procedures for a research that spanned through the data collection, analysis, and interpretation. The plan involved decision on the approach for the topic. The decision determined the philosophical assumption for the study, the procedures of inquiry, that is, research designs, and the research methods for data collection, analysis, and interpretation. The research

approach depended on the nature of the research problem (the issue being addressed), the researchers' personal experiences and the audience for the study. The research approach, designs, and methods were the three key terms that represented the perspective about the study and presented successive information from the broad research constructions to the narrow procedures of methods (Creswell, 2014).

Qualitative research was approach to explore and understand the meaning that individuals or groups ascribed to a social or human problem. A research process involved emerging questions and procedures, data collection in participant's setting, analysis of data built inductively from particulars to general themes, and the researcher interpreting the meaning of the data. The final report had a flexible structure. Qualitative inquiry utilized inductive style, a focus on individual meaning, and the significance of rendering the complexity of a situation. Research designs were types of inquiry within qualitative, quantitative and mixed methods approaches that provided specific direction for procedures in a research design. Denzin & Lincoln (2011) described them as strategies of inquiry. Qualitative research designs had different types of approach.

Phenomenological research design inquiry emanated from philosophy and psychology wherein the researcher described the lived experiences of individuals as described by participants. The description culminated in the essence of the experiences for several individuals who experienced the phenomenon. The phenomenological design had strong philosophical underpinnings and involved conducting interviews (Moustakas, 1994; Giorgi, 2009). Phenomenologists described what all participants had in common as they experienced a phenomenon such as grief or anger. Phenomenologists work from the participant's specific statements and

experiences, rather than abstracts from their statements to construct a model from the researcher's interpretations.

Research Design

The phenomenological design described individuals' lived experiences (Creswell, 2014), supported a qualitative research method. Phenomenological study helped researchers explore participant's perceptions and experiences from their viewpoint (Walden, 2013). It supported the belief that words of individuals with direct knowledge of the issue under study were the best way to understand a phenomenon. The approach described peoples' experiences accurately (Ploeg, 1999).

The basic purpose of phenomenology was to reduce the experiences of persons with a phenomenon to a description of the universal essence (van Manen, 1990). The qualitative researcher identified a phenomenon, an object of human experience (van Manen, 1990). The enquirer collected data from persons who experienced the phenomenon and developed a composite description of the essence of the experience for all the individuals (Moustakas,1994). Phenomenology had a strong philosophical component to it and drew heavily on the writings of the German mathematician Husserl (1859-1938).

Data Collection

Qualitative research was naturalistic and studied people in natural settings. I used naturalistic sampling technique of judgment or purposeful sample technique. The purposive approach enabled a researcher to use a productive sample in answer to the research question (Marshall, 1996). The study involved a wide range of subjects, which included outliers, people with specific experience, and individual with specialized expertise. Subjects in a snowball sample could recommend useful

potential candidates for study. The data collection involved key informant interviews and in-depth interviews with practitioners in Nigeria's criminal justice system. Data collection was through semi-structured audiotaped interviews with participants. Data collection through interviews provided insight into human experiences. The open-ended interview in this study sought to explore issues related to dispute resolution in Nigeria's criminal justice system. Open-ended interviews gave detailed views from participants.

I collected data focusing on different aspects of interviews and narratives, to generate an illustration of experiences. I functioned as a mediator between the respondents' experiences and the community of the individuals in question (Bloom & Wood, 2006). Post interview comment sheet helped investigators take note of the perspectives of the informants, which included the explanations and comments that occurred at the interview session. Collection of data was be precise and the findings recorded. The problem could be more exaggerated in research in the field of criminal justice because the researchers were sometimes practitioners in the criminal justice system. The data collection involved the following:

- In-depth interviewing with four judges, two legal practitioners, two law enforcement officers, two correctional officers.
- Field notes on observation of situations recommended by participants related to participant identity (courtroom, prisons).
- Artifacts from criminal justice processes or professional context provided by participants depicted their identity.

Data Analysis

The analysis involved the identification of core data and major themes. Data analysis consisted preparation/organization, reduction, and presentation of the data. Qualitative study focuses on smaller samples. NVivo helped assure the accuracy of data. The purpose-built tool was useful to transcribe, code and analyze qualitative data. The tool helped me to administer, organize and make meaning of unstructured information. The tool assisted to classify, sort, and arrange information, gave me sufficient time to analyze data, identify themes, and develop conclusions. I analyzed the data in the following manner:

- I transcribed, coded, categorized and analysed the interviews on an ongoing basis as a source for further questions, the emergence of themes, and as an eventual source to organize patterns of response across categories and individuals.
- Artifacts served as a further basis for discussion in interviews according to themes, provided a source to compare and contrast beliefs, practices, thought, and identity.
- Field note further served as a basis to discuss, code, categorize, and reflect,.
- I coded interview transcripts according to the following:

  Theoretical categories that emerged from the conceptual framework: cultural barriers and the source to overcome barriers.

  Sources of messages that impact upon beliefs: litigation experiences, cultural views of dispute resolution, dispute resolution training, the dispute resolution program.

Substantive categories which emerged as themes in participant interview: decision making, standardized dispute resolution.

I discussed field observations extensively to deepen the understanding of my data.

Issues of Trustworthiness

A qualitative research should establish four aspects of trustworthiness, which were credibility, transferability, dependability, and confirmability, which were the criteria for qualitative research methodologies (Anney, 2014). Credibility required the researcher to link the research findings with reality, to demonstrate the truth of the research findings. Transferability was the degree of transferring the results of qualitative research to other contexts with other respondents. It was the interpretative equivalent of generalizability. Dependability was the stability of the findings over time. Confirmability was the degree of confirming or corroborating the results of an inquiry by other researchers.

The findings of the present study linked with reality. Alternative dispute resolution revolved around peace and stability in the nation. The results of the findings would be transferred to other contexts with other respondents and the findings were stable over time. The other researchers could confirm or corroborate the results of the findings.

Credibility, Transferability, Dependability, and Confirmability

Credibility was the element that allow others to recognize the experiences within the study through the interpretation of participants' experiences. Achievement of credibility occurred by checking for the representatives of data as a whole. To establish credibility, reviewed the individual transcripts, looked for similarities within and across study participants. A qualitative study was credible when it presented an

accurate description or interpretation of human experience that people who also shared the same experience immediately recognized (Krefting, 1991). Strategies to establish credibility included reflexivity, member checking, and peer debriefing/peer examination. Member checking (informant feedback) involved returning to the persons that were sources of generating data (data collection) to ensure that participants recognized the interpretations (categories and themes) of the researcher as accurate representations of their experiences. The researcher asked experienced peers or consultants in the qualitative analysis process to review and discuss the coding process (Holloway, 1997). Strategies to strengthen the credibility of a study included prolonged and different time spent with the participants, interview techniques, and the transcripts while writing the final report and used the words of the participants.

Transferability was the ability to transfer the research findings or methods from one group to another or how one determined the extent to which the findings of a particular inquiry applied in other contexts or with other subjects/participants (Lincoln & Guba, 1985). One strategy to establish transferability was to provide a dense description of the population under study by providing descriptions of demographics and geographic boundaries of the study.

Dependability occurred when another researcher could follow the decision trail of a researcher. The researcher achieved audit trail by describing the specific purpose of the study, discussing the process of selecting the participants, and describing the process of data collection and the duration of the data collection. It involved explaining how I reduced or transformed the data for analysis, discussing the interpretation and presentation of the research findings, and communicating the techniques used to determine the credibility of the data. Strategies used to establish

dependability included having peers participate in the analysis process, provided a description of the research methods or conducted a step-by-step repeat of the study to see if results were similar or enhanced the original findings.

Confirmability occurred upon establishing transferability and dependability. The qualitative research should be reflective, maintain a sense of awareness and openness to the study and unfold results. Reflexivity required a self-critical attitude on the part of the researcher about how one's preconceptions affected the research. Immediately following each individual and group interview, the researcher would write or audiotape record field notes regarding personal feelings, biases, and insights. In addition, the researcher endeavored to follow, rather than lead the direction of the interviews by asking the participants for clarification of definitions, slang words, and metaphors. Reflective research allowed a big picture with interpretations that produce new insights, allowed developing confirmability of the research and, overall, led the reader or consumer of the researcher to have a sense of trust in the credibility of findings and applicability of the study.

Qualitative research was an experience of discovery and understanding that transcended one's experience and enriched the practice experience.. Attending to the rigor of qualitative research was an essential part of the qualitative research journey and provided an opportunity for critique and further development of the science (Thomas & Magilvy, 2011). Paying attention to the qualitative rigor and model of trustworthiness from the moment of conceptualization of the research was essential. Researchers who used interviews often plan for a second interview for each or some of the participants and write this activity into the proposal. A second interview allowed both the participant and the researcher to reflect on the original conversation,

filled in missing pieces or new information, and provided assurance that the participant's words and experiences were described accurately. A second setting for the second interview could expand the description.

Summary

Researchers had great a responsibility and played various roles in qualitative studies. The researcher handled sensitive issues in-depth which could constitute emotional and incidental risks to investigators and subjects. A defined protocol to deal with stress put in place was desirable for the parties in the study. It could be difficult to predict the topic that could potentially cause distress, and researchers strove to foresee traumatic circumstances. Preventive measures included activities aimed at enhancing psychological fitness such as a module for professional confidence building. I utilized strategies that enhanced emotional distancing, which was helpful in situations where the topic of study or participants were likely to be emotionally challenging. I was clear on how to conduct the study and the extent of relationship development that was desirable. I took measures to define and communicate the degree of self-disclosure, objective emotional display at the time of the interviews and ways to terminate the relationships.

Chapter 4: Results

Introduction

The purpose of this study was to improve the understanding of the ADR mechanism through which practitioners settle criminal conflicts, aside from the traditional litigation system in Nigeria. A key requirement to accomplish the aforementioned objective of this study, was to conduct interviews with respondents that, going by the set criteria were considered knowledgeable, experienced and professionally qualified as well as competent to address the interview questions posed to them. The interview respondents included distinguished/serving members of the bench (judges), state prosecutors, practicing members of the bar, a senior advocate of the bar, a professor of law and dean of law at the university, as well as representatives of the federal ministry of justice. A resourceful and rich mix of professionals going by their willing disposition and commitment during the various interview sessions provided useful/deeper insights into the phenomenon of ADR as a method to settle criminal disputes in Nigeria.

This chapter is organized as follows: a brief overview of the setting was examined, demographic composition of the respondents presented, data collected was analyzed, the evidence of trustworthiness was aptly demonstrated, a discussion of the results and summary concluded the chapter.

Originally, the methodology for this study was designed as a personal (face-to-face) interview with the respondents. However, in the wake of the novel pandemic Covid-19 necessitating a national lockdown or restriction of movements, both within and inter-state, there was no option left but to modify though slightly the procedure for data collection to defeat the exigencies of the time. Accordingly, the adoption of

telephone interview was considered expedient being the best option of the moment, given the limitations imposed by uncertainty and time, as there was no reasonable projection as to when it might be possible to travel to Abuja, Nigeria's capital city to conduct the said personal interviews from my station at Uyo, capital city of Akwa Ibom state, Nigeria.

Setting

Consequent upon the Walden university Institutional Review Board (IRB: 07-15-20-0532107) approval signifying permission to commence field work, I contacted the designated respondents via telephone calls to notify them of the revised methodology for the interviews given my inability to travel to their location in Abuja, Nigeria's capital city from my location at Uyo, the capital city of Akwa Ibom State, Nigeria. The challenge arose from the nationwide lockdown/restriction of movements being a precautionary containment measure against the Covid-19 Pandemic ravaging the world.

This request was approved by all respondents without dissent. Next, a schedule of the telephone interviews was agreed upon with each of the respondent. Where it emerged that there was a coincidence of time for the slated telephone interviews, I quickly rescheduled that with the prior consent of the respondents. The interviews finally took place at various times of the day as agreed upon with the various respondents.

Demographics

Table 1 below presented the respondents demographic information.

Table 1

Participant Demographics

Respondents	Male	Female	Frequency
Members of the bar	5	1	6
Members of the bench	1	3	4
Subtotal	6	4	
Total			10

Table 1 above showed that a total of 10 respondents who were either members of the Bar or of the Bench participated in this study. A further breakdown of the total number of respondents revealed that of the six members of the Bar who took part in the study, five of them were males and one was a female. Of these six members of the Bar, three (males) were practicing lawyers and a further three were state prosecutors - two males and one female.

With respect to the four members of the Bench, only one was a male while the other three were female members of the Bench. Thus, affirmative action though not deliberately undertaken emerged unconsciously with regard to the group of respondents for this study.

Figure 1

Demographic Characteristics of the Respondents

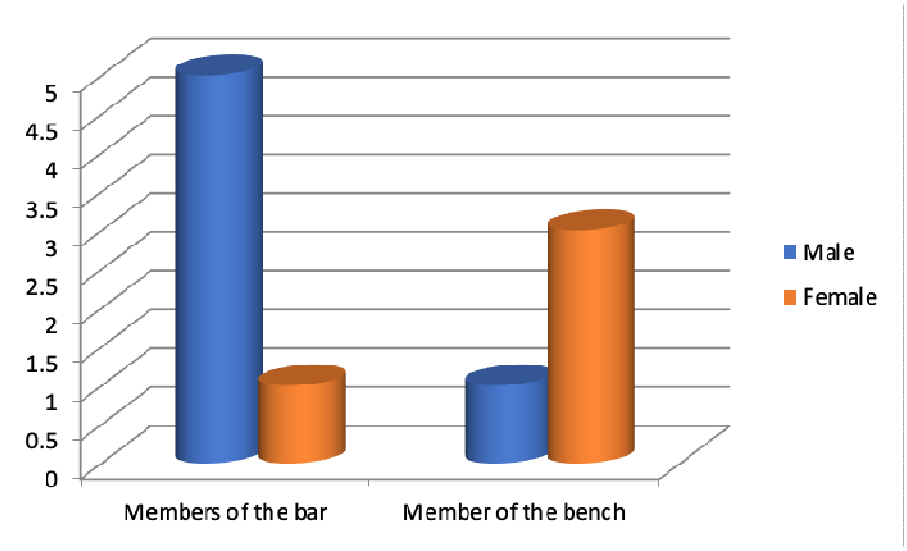
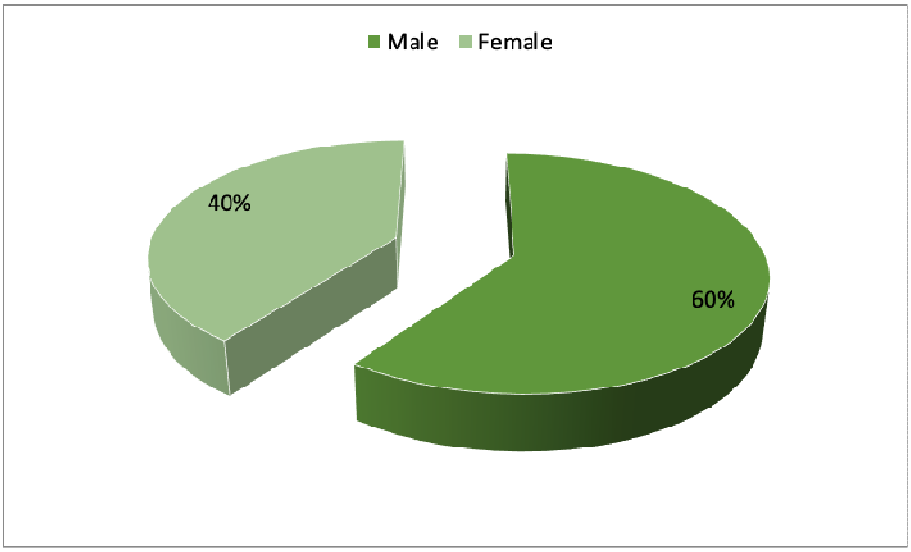


Figure 1 above and Figure 2 below was a pictorial representation of the demographic characteristics and gender composition in percentages of the participants for this study.

Figure 2

Gender Composition of the Participants



Data Collection

In this section of the study, the procedure for data collection is discussed given the notable deviation from the originally intended method for data collection as earlier discussed in Chapter 3 of this study. The data collection method was designed in line with the personal (face-to-face) interview method. But, owing to the national lockdown in the aftermath of the Covid-19 Pandemic, I was confronted with little or no choice but to modify the earlier agreed upon method for data collection with the consent of the respondents.

Following the inevitability of a telephone interview with the various respondents, I contacted them to obtain firm assurances of dates and time for the scheduled telephone interviews. In situations where a clash occurred in the schedule, I quickly recontacted those respondents to agree on new mutually agreed upon dates for the interviews. Following my discussion with an ICT specialist I was advised on the type and grade of telephone suited for recording seamlessly the proposed telephone interview. This necessitated the purchase of a higher grade of telephone with which I eventually utilized to conduct the scheduled interviews for this study as noted in my researcher reflective journal.

The respondents for this study were chosen in line with the purposeful sampling technique on account of their professional competencies, widespread knowledge and exposure to the issue under investigation. Accordingly, a list of meticulously prepared open-ended, semi-structured questions was posed to the respondents in a certain sequence in the course of the various interview sessions (Patton, 2002). This was so designed to allow respondents react adequately to the interview and to avoid a simple yes or no response. This design also provided

adequate latitude to pose more questions where necessary to obtain further information from the respondents. A total of 10 respondents were interviewed by telephone in the course of this study and on separate dates. Sample size was not considered straightforward in the realm of qualitative inquiry hence no a priori rules existed for determining sample size in qualitative research (Patton, 2002). To this extent, sample size for the purpose of qualitative research was deemed ambiguous more especially given its dependence on a host of factors: theoretical framework, time and resources, the type of answers being envisaged, the type of data to be collected etc. (Merriam, 2009). The sample size of 10 was adequately justified especially when this sample size served the purpose of maximizing information as the transcripts of the interviews with the respondents bore adequate/ corroborative evidence (Patton, 2002).

Suffice it to mention that the respondents were experienced members of the Bar and Bench in Nigeria. A list of the respondents showed that some were state prosecutors, practicing lawyers, a professor and dean of law faculty in one of the prominent universities in Nigeria. A Senior Advocate Nigeria (SAN) also made the list of respondents. They all provided insightful knowledge judging by their individual responses. The state prosecutors from the federal ministry of justice served the dual purpose of providing insights from the investigative/security viewpoints as well as offering professional views on the issue under scrutiny. These respondents were presently based in Abuja, the federal capital city of Nigeria.

Another significant development during the interview period was the peaceful protest by the youths in Nigeria against the antirobbery unit code named SARS of the Nigeria Police Force.

Having identified the participants, I contacted them again to re- confirm their readiness and availability for the scheduled interviews. The various participants reaffirmed their unbroken commitment to take part in this study. With that done, I proceeded to charge the battery of the phone to be used for the interviews before the due dates. I took the precaution to secure and charge a back-up battery just in case the need for it arose given the epileptic power supply situation in Nigeria. I advised the participants to do same which they all agreed to so as to ensure smooth, accurate and complete recording of the interview sessions. Given that all the participants are well educated, the interviews took place in the common lingua franca used in Nigeria, the English language. The subsequent transcriptions were done word-for-word or verbatim in line with standardized protocols, as noted by MacQueen and Niedig (2003).

On the scheduled dates of the interviews, I called the designated participant to reconfirm the exact time of the interview. I also advised the participants on the need to identify a quiet spot for the interview at their own end in Abuja, capital city of Nigeria, while I did the same at my base in Uyo, capital city of Akwa Ibom state, Nigeria. This I considered essential to minimize undue noise/ distortions during the interviews as this would impact on the quality of the subsequent recordings. In the course of the interviews with the participants I noted their enthusiasm over the phone with regard to the responses provided by them. I noted particularly that the interview on how the participants would describe ADR proved difficult /unsettling for them to answer as most struggled over the phone to answer the question. This was evidenced by the attempt of most of the participants to repeat the meaning of the acronym ADR

or in some instances engage in a definition of ADR as alternative dispute resolution. I noted this pervasive penchant in my researcher reflective journal.

On the appointed date/time of the interviews, I called the designated participant from my base in Uyo, capital city of Akwa Ibom state, Nigeria and the interview sessions began. Again, from my perception during the interview sessions I believed that the participants provided genuine and sincere responses to the interview questions. There appeared to me no question of bias whatsoever. This was noteworthy to mention hence the responses from these participants would eventually determine the outcome of this study. I noted the aforementioned reactions in my reflective journal. The following section presented the analysis of data obtained in the course of the fieldwork.

Data Analysis

In this section, information obtained from the interview excerpts are presented, analyzed, and interpreted. The relevant guide for the analysis of data relied completely on the works of Janesick (2011). As noted by Janesick, imputing emerging codes into the Nvivo software enabled me to unravel underlying ideas or meanings. In order to maintain a unique identity and to ensure participant anonymity, each of the participants were assigned a code which ranged from Participant 1 (P1) to P10 in consonance with the works of Yin (2009). Bazeley (2013) maintained that the researcher should be mindful to avoid being criticized on account of nondisclosure of the particular methodology utilized in a qualitative inquiry in order to legitimize the results of the study.

The comparison of the various ideas from the interview excerpts of each of the participants enabled the coding of the themes. Table 2 below depicted the first cycle in the process of coding.

Table 2

First Cycle of Process Coding

Code	
Codes Reference	12
Unsuitability	12
Limited use of ADR	15
Unacceptability	14
Lack of familiarization	14
Lack of adequate training	14
Ineffectiveness	21
Satisfaction:	
Victim	9
Offender	8
Community	19

In applying this coding procedure to the responses from the 10 participants' for this study, it became possible in the second cycle of coding to identify common words for categorization into a common theme. The 10 participants for this study were confronted with the same set of questions. Table 3 below depicted the emergent themes and the corresponding number of references or frequencies as well as the associated research questions.

Table 3

Themes

Themes	Reference	Research question
Unsuitability	12	RQ1
Limited use of ADR	12	RQ2
Unacceptability	15	RQ1
Lack of familiarization	14	RQ2
Lack of adequate training	14	RQ2
Ineffectiveness	21	RQ2
Satisfaction:		
Victim	9	RQ1
Offender	8	RQ1
Community	19	RQ1

The research questions for this study were formulated to address the following issues:

- How does ADR address the problem of offender, victim, community satisfaction in public justice?
- To what extent are ADR practices utilized by criminal justice practitioners within Nigeria?

Another important procedure with regard to the analysis of data was to confront the aforementioned research questions with the empirical data deriving from the emerging themes. The results of the exploration of alternative dispute resolution for settlement of criminal disputes in Nigeria manifested from the recurrent themes.

To complete the process of data analysis entailed a thorough examination of the recurrent themes so as to understand their importance for this study.

Emergent Themes

The seven emergent themes that were derived from the interview excerpts and which were linked to the research questions for this study included the following:

- Unsuitability (UN)
- Limited use of ADR (LU)
- Unacceptability (UN)
- Lack of familiarization (LF)
- Lack of adequate training (LT)
- Ineffectiveness (IN)
- Satisfaction (SA)

Ancillary Themes

In addition to the above stated themes, were another set of ancillary themes that were also significant for this study. They included the following:

- Mediation (ME)
- Healing (HE)
- Involvement (IN)
- Peace/Cohesion (PC)
- Punishment (PU)
- Reintegration/Rehabilitation (RR)
- Responsibility (RE)
- Expectations (EX)
- Recommendation (RE)

An examination of the themes stated above showed that of the seven emergent themes only one theme satisfaction performed a positive role by showcasing the potentials of ADR for the settlement of criminal disputes in Nigeria. It was instructive to note that all the ancillary themes based on their functional role were also included in this category. The 10 themes identified were as follows:

- Satisfaction (SA)
- Mediation (ME)
- Healing (HE)
- Involvement (IN)
- Peace/Cohesion (PC)
- Punishment (PU)
- Reintegration/Rehabilitation (RR)
- Responsibility (RE)
- Expectations (EX)
- Recommendation (RE)

On the other hand, six of the emergent themes revealed the limitations and barriers to the use of ADR for the settlement of criminal dispute in Nigeria. The themes were as follows:

- Ineffectiveness (IS)
- Lack of familiarization (LF)
- Lack of adequate training (LT)
- Unacceptability (UN)
- Unsuitability (US)
- Limited use of ADR

The themes derived from the interview excerpts pointed to the validity of the theoretical foundation of this study. For example, Bentham's (1843) theory of judicial organization and adjective law with its utilitarian concept justified the emergent theme on satisfaction. Bentham's theory also justified the nouvelle move towards adopting ADR in the settlement of criminal disputes in Nigeria. It pointed to the integrity of decisions arrived at through this process. Similarly, Braithwaite's (1989) re-integrative and rehabilitative shaming theory equally justified the ancillary themes on rehabilitation and reintegration. The cognitive behavioral theory justified the restorative potentials of ADR as an approach to criminal dispute resolution. Braithwaite's theory and the cognitive behavioral theory also illuminated the idea of deterrence, non-recurrence and the inclusive nature of the ADR approach to the settlement of criminal disputes within Nigeria.

Evidence of Trustworthiness

In Chapter 3, the need to provide clear and adequate evidence of trustworthiness in the process of a qualitative study was emphasized. Trustworthiness in a qualitative study referred to credibility, dependability, transferability and confirmability. In order to conform to the requirements of credibility, I recorded fully/completely all the discussions during the interview sessions with the participants. I made verbatim transcriptions of the recorded interview sessions. In the process of transcribing the recorded interview sessions I discovered that some of the words were indistinct, thus I could not understand them clearly. This was partly based on accent, given that the different ethnic nationalities pronounced certain words in a particular way. Given this scenario I noted such cases in my reflective journal.

To satisfy the requirement of transferability, I called the identified participants over the telephone to clarify such areas. With these corrections effected in the main body of the transcripts, I sent the corrected verbatim transcriptions to the participants email accounts for their confirmation. This process of member checking I considered useful because the participants duly confirmed to me that I had affected the corrections rightly. I noted this down in my reflective journal.

The important question of dependability was achieved through keeping adequate field logs of time, dates, and persons with the aid of my reflective journal. I also confirm that I was the only one with access to the participants and the data that I collected during the telephone interview sessions throughout the duration of the study.

Another important step I took was to transfer the recorded telephone interviews to my private e-mail account so as to duplicate and store the information obtained on a different mode/system. I was mindful that if my telephone was lost, damaged, misplaced or stolen I would have lost all the recorded interview sessions with the participants. Without contradiction, this would amount to not having any evidence of my fieldwork.

Results

Table 4 and Figures 3 and 4 showed the responses obtained from the participants with regard to the research questions guiding this study. From the illustrations above it was clear that six of the emergent themes: unsuitability, limited use of ADR, unacceptability, lack of familiarization, lack of adequate training and ineffectiveness acted as limitations, barriers or impediments to the use of ADR for the settlement of criminal disputes in Nigeria. On the other hand, the remaining emergent

theme satisfaction demonstrated the good and positive potentials of ADR for the settlement of criminal disputes in Nigeria.

Emergent Themes Drawn From Participants Responses to the Research Questions

Table 4

Emergent Themes

Emergent themes	Reference
Unsuitability	12
Limited use of ADR	12
Unacceptability	15
Lack of familiarization	14
Lack of adequate training	14
Ineffectiveness	21
Satisfaction:	
Victim	9
Offender	8
Community	19

Figure 3

Participant Views on ADR and Addressing the VOC Satisfaction

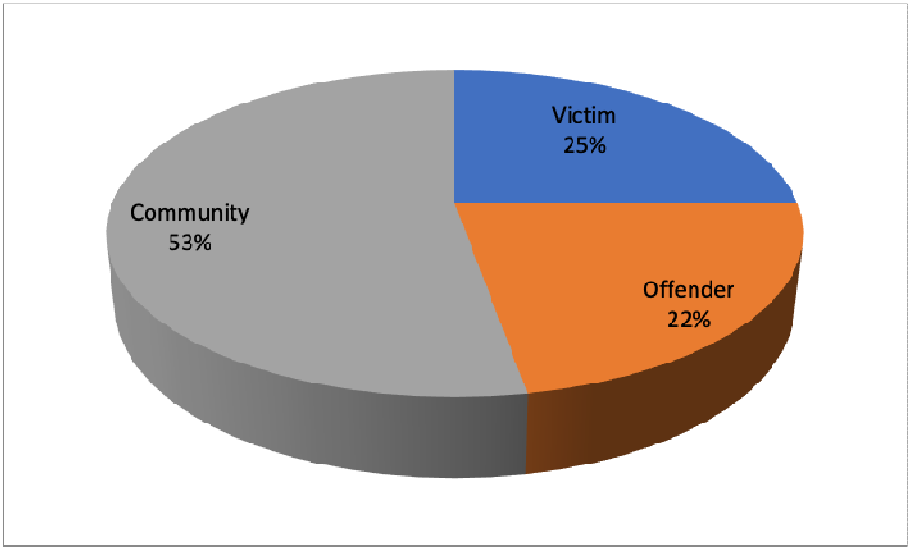
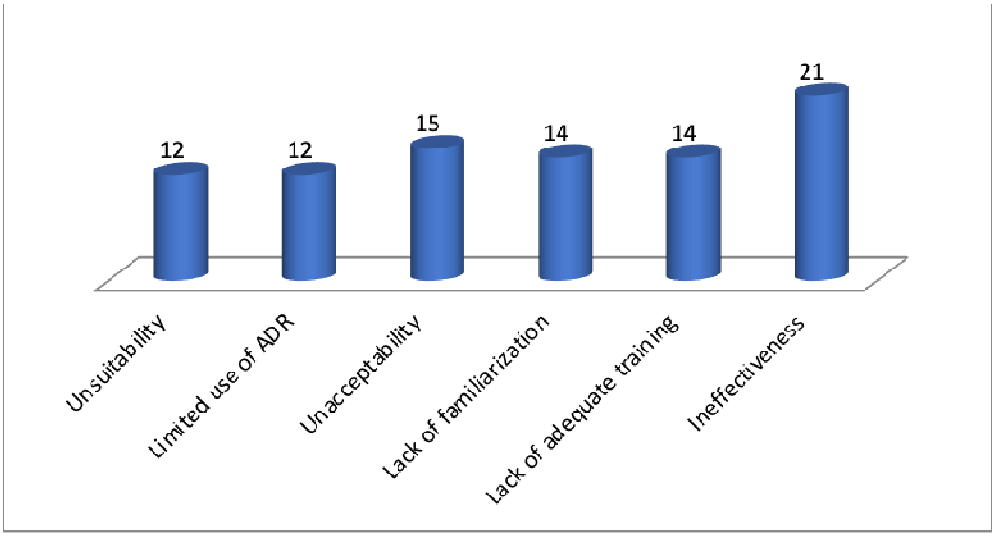


Figure 4

A Graphical Illustration of Participant Views on Key Research Questions



Emergent Themes

This section examined the emergent themes for this study and provided useful references from the interview transcripts to illuminate the discussion.

Unsuitability

In order to determine the suitability of ADR in resolving serious and violent crimes the participants were confronted with Interview Question 5. The responses obtained showed that ADR was not suitable for all serious and violent crimes. This inference followed from the realization that even those participants who answered in the affirmative that ADR was suitable for serious and violent crimes provided important boundaries or qualifications for their views on the matter. In addressing the issue, some of the participants provided useful insights as to situations where restorative justice could adequately resolve serious and violent crimes and where it would not be suitable. A few examples would suffice.

> Yes in two things (coughs) for the things that can be restored, restorative system is good. But there are certain things that cannot be restored for example a crime of rape. The dignity of the person raped whether man or woman has been taken away. That can't be restored. It cannot be restored. Even if you were to ask the criminal to write an apology and publish it in national dailies, you can't restore that. But there are other things that can be restored, monetary, financial, material those can be restored. So the distinction has to be drawn between what can be restored and what cannot be restored. (P6)

Similarly, Participant 2 shared the same view as the interview excerpt showed, "I feel for violent crime it is not suitable. like capital offences somebody who is murdered or kidnapped and terrorism cases. I doubt it is not suitable as far as am concerned" (P2). Participant 3 also maintained that:

> There are other instances where alternative dispute resolution may not really meet the issue particularly when it comes to the issue of terrorism and other violent crimes. So that one may not, so the state may want to go all out to ensure that the perpetrators are punished adequately. (P3)

Some other participants were even more emphatic in their rejection of ADR for resolving serious and violent crimes. Participant 8 observed that, "RJ is not suitable for all crimes. Serious crimes like murder, armed robbery, culpable homicide, arson and some of the violent crimes are not amenable to RJ."

On the other hand, Participant 1 advocated a mix of the normal court litigation process and ADR approach to the issue of resolving serious and violent crimes in Nigeria. Accordingly, Participant 1 posited that:

> My answer would be no ehhh because when offences are very serious they have greater impact on the society and indeed also in regard to violent crimes like rape, terrorism and a host of other crimes restorative justice would certainly not be an option. Ahh, but ADR components can still be applied to such people may be after they have spent maybe half of their sentence.

Limited Use of ADR

The limited use of ADR was one of the emergent themes in this study. The responses obtained with respect to Interview Question 7 which dwelt on Research Question 2 of this study showed that seven (70%) of the participants stated that there was a limited use of ADR by criminal justice practitioners in Nigeria. In other words, ADR was poorly used by criminal justice practitioners in Nigeria.

The responses obtained from P3 in the course of the interview pointedly referred to this:

> Yeah, from what I observe it is not ehhhm practiced the way and manner it should be practiced but it is only practiced (stammers) if you permit the word in a very limited form, very limited.

Emphasizing the point further P7 isolated the delay in enacting relevant laws as a drag on the widespread use of ADR in criminal justice administration in Nigeria, "Like I said very little but it could be encouraged to do more. The, the laws have not really caught up with the practice." P8 also submitted that ADR was poorly used by criminal justice practitioners in Nigeria. As relevant excerpts of the interview showed, "Ehhmmm, ADR ehhmm practices are not commonly used in Nigeria," (P8).

Similarly, some of the participants felt confident enough to assign percentages to estimate and conveyed their views on the extent of ADR practice utilization by criminal justice practitioners in Nigeria. For example, P1 stated:

> I will answer that question by saying if we were to put it on a scale by saying that we use percentages we would say maybe 15 to 20 per cent which is very poor . So, it is not really being utilized by ehhhh by currently criminal justice practitioners in Nigeria. A lot more needs to be done.

Another participant (P5) even provided a lower percentage estimate of ADR practice utilization by criminal justice practitioners in Nigeria. Accordingly, P5 stated that, "For me I will grade it to 10%."

On the contrary, the remaining 3 (30%) participants were of the view that there were good prospects with regard to the use of ADR by criminal justice practitioners in Nigeria. In this regard, P9 submitted that:

> Well now it is gaining more ground so I would say ehhmm to some extent because sometimes some parties choose to settle their differences as ehhmm by themselves and they may just on their own they may apply to the court to allow them settle by any means of ADR system.

P8 also noted that, "The thing is that it is coming, it is developing, that is what i will say, hhhhmmmm." In the same vein, P10 noted that, "Ahh, in my view it is being practiced but it is not ehhmm, it is not that permanent."

Unacceptability

That ADR would not be acceptable across the board was another emergent theme that was derived from the interview with the participants. In some instances, victims of serious and violent crimes would accept restorative justice as an option.

The same was also true of the criminal justice practitioners. It should be noted that once there was a resistance to adopt the ADR approach uniformly then it implied unacceptability. This was further demonstrated by the response from P2 below:

> Yes it would be acceptable but depends on the offences available. Where the offence as I said is capital offence , kidnapping , terrorism, ahhh ehhhm it would not be acceptable but in cases of public nuisance, false information, impersonation, victims will proceed to that where the ADR is available for such offences. But for capital offences, kidnapping, terrorism and even the government sometimes they will not accept the cases of treasonable felony against the state.

The same idea reverberated in the response obtained from P4 in this guise:

> Ahh yea, I would say yes depending on the kind of crime you know I have always made a distinction between what I call serious crimes and non-serious crimes. For serious crimes more often than not offenders are not keen on restorative justice. They still believe in an eye for an eye and a tooth for a tooth, for more serious crimes with a little bit of nudging they would accept restorative justice so we have a long way to go before victims will accept restorative justice. For very serious crimes we are still a long way from that in Nigeria.

Despite this restorative justice appeared to gain acceptance in Nigeria especially for cases where the victim of a crime could be restored as attested to by P6 in the following words, “I have stated it. it is gaining acceptance, it is gaining acceptance, like as I have for what can be restored, that is restored. What cannot be restored, cannot be restored.”

With regard to the issue of acceptability or otherwise of ADR, a careful perusal of the interview excerpts obviously appeared to indicate that while the victims were more disposed to the use of ADR to resolve serious and violent crimes in certain instances but surprisingly the criminal justice practitioners appeared not to be favorable towards the application of restorative justice for serious and violent crimes on account of losses that could be incurred with respect to professional fees paid to them for court appearances. P7 stated that, "Am almost 90 per cent sure that restorative justice will be acceptable to victims of crime. I do not know whether the criminal justice professionals will want to key into it." Echoing the same view P8 noted that, "Well ehhm restorative justice will be acceptable to some victims of crime not all because even some victims will feel pacified when the state punishes the offender as opposed to ADR." P10 was more cautious in response to the question of acceptability and stated that, "Yes, it will, it will be acceptable but in some instance ehhmmm, I would say ehhhm."

Lack of Familiarization

Non familiarity with ADR practices by the criminal justice practitioners in Nigeria was yet another emergent theme that emanated from the interview with the various participants in this study. As P3 submitted:

> Well for those who have come in contact with you know the level of awareness is not that very, very high but like I mentioned much earlier some people will like to confuse it with ehhh with ehhh eehhh, issue of plea bargaining so which is not, it's a different thing entirely.

Quite apart from the criminal justice practitioners, the majority of the Nigerian populace were still wary or averse to the use of ADR in criminal justice administration. This point was amply emphasized by P4 in the following words:

> I am not sure, most of them are not familiar with ADR but a lot of people are still averse to ADR and that is why I say a lot of training and retraining is needed. The problem with Nigerian lawyers is that most have acquired the mind-set of litigators. A good number are not willing to even explore ADR as an option.

Although there was a lack of familiarity with ADR practices on the part of Nigerian criminal justice practitioners and the general populace as evidenced above, yet, most practice and were involved in ADR practices without knowing it. This fact was pointedly referred to by P9 who stated inter alia:

> Well, ehhmm in a way this people actually practice ADR without knowing it, it is only when you call it ADR that you can say ok you can put it in a box and say this is ADR. . but sometimes you find that parties actually explore ehhmm, resolve their, their disputes outside litigation, because it is not every dispute that comes to the police or to any law enforcement agencies that comes to the court.

On the contrary there was the view that it would not be a fait accompli that Nigerian criminal justice practitioners were not be familiar with ADR practices but rather considered and treated it as a second option for various reasons that ranged from the need to protect their earnings, the preference for litigation, career advancement, the need to make a name in the legal profession. This was evidenced by the submission of P7:

> Ehhm I would say fifty-fifty. Ehhmm, quite a number of them are familiar with ADR, but some are still not interested in keying into it. Sometimes because their clients do not understand what ADR is. Client's only understand that we should go to court. And maybe they don't have the capacity to explain it fully to their clients. Ehhm, the other side is that I think the more they go to court and do the flamboyant kind of advocacy the more they think they are being recognized. Also the so far, because I said the system has not keyed into it, the government has not keyed into it. There are advantages and privileges that advocacy brings into legal practitioners, so they try to achieve that first before they turn to ADR. So, ADR is an alternative for them. It's a second choice not a first choice. But, its' not because they are not familiar with it.

Lack of Adequate Training

The lack of adequate training in the area of ADR by Nigerian criminal justice practitioners was another emergent theme that manifested based on the responses from the participants. In percentage terms two of the participants, P4 and P7, maintained that:

> I don't have the statistics, although with a lot of institutions now the training has been going on. I can't really say but let me say from my involvement with training I will say about 50 per cent of criminal justice practitioners have been involved in one training or the other.

Similarly, P7 stated:

> Well like I said it's like a fifty-fifty thing, the, the now that there are more cases or disputes going to ADR than lets say five years ago there are a lot of courses and trainings provided by different institutions and ehhmm, different

> organizations that deal in ADR, so there is a lot of opportunity for anybody who is interested to key into the training.

The other participants maintained that although training was on-going but it was not much. For example, P2 that:

> Well (pauses) the practitioners ehhm the training is going on they are only expensive but ehhhmmm people working in public sector and private sector attend all these trainings and ehhhmmm there are government organizations that sponsor legal practitioners to attend these courses from time to time and ADR is also a part of the course

While expressing the same view P10 stated that, "I would say it's not many for example me, myself I don't have ehhmm, ehhhmm, I don't have any degree or ehh, ehh haven't ehhhmm, done any training, I haven't done any training in that."

Furthermore, despite the on-going training there was still not much of experience hence ADR was a new concept being applied in criminal justice administration in Nigeria to resolve serious and violent crimes. In this connection P1 posited that:

> I can't really give a percentage on how much has been done but I know there is a lot more that needs to be done if we say we have a hundred practitioners out there say maybe thirty of them may have received training which means maybe another seventy and of course the fact that not many have been trained there is not much of experience on how this is deployed in eehhh in ehhhm by ADR practitioners in the justice system.

Again, it should be noted that it was one thing to acquire experience but another to apply the knowledge so acquired. As P4 noted:

> But I do know that once trainings are advertised lawyers as a whole want to attend the training some because they want the certificate, ehhhm some because they want to have the appellation by their name. but when it comes to applying what they have been taught in their classes bullshit o that.

Ineffectiveness

The effectiveness of restorative justice to resolve serious and violent crimes was challenged by the submissions of most of the participants. None of the participants expressly affirmed that restorative justice could be used to resolve all serious and violent crimes. Rather, the participants as demonstrated below indicated their reservations on the effectiveness of restorative justice to resolve very serious and violent crimes. For example, P2 stated emphatically that:

> Well, criminal justice professionals will deal with it effectively as I told you in cases that involves taxation, custom and exercise , companies, (long pause) victims would want compensation for those crime but when it comes to capital offences like terrorism , kidnapping, rape the victims would wouldn't succumb to the ADR at all. And myself as a legal practitioner I will not be party to it.

This was further corroborated by the submission of P4 thus, "At the moment in Nigeria, it's a debate that has been on-going and I will say that the opinion is more on the side of those who are against restorative justice as an effective way to deal with crime and offender generally."

However, with increased awareness/understanding coupled with positive action on the part of the government acceptance of ADR would improve considerably. This position was glaring given the responses from some of the participants below, "But gradually the ranks of those who have been canvassing for restorative justice,

their ranks are growing and am sure in the not so distant future they will win a lot more people over to their side," (P4). P7 also affirmed that, "If the government keys into it fully and allows ADR to work to its fullest which includes this issue of remedies and restorative justice you will find that ehhm, that ehhm it will deal with a lot of the situation."

This issue of understanding as a critical factor to deepen the application of ADR in criminal justice administration was emphasized by P3 as shown below:

> Yeah for those who understand it I believe they are very positive that ADR is an effective tool to resolve you know criminal justice issues for those who understand the issue I believe they are very much for it but there are other sectors who really does not understand or appreciate it.

The same notion resonated in the response from P6 who noted that:

> The opinion is getting sharpened positively day by day in the sense that when one becomes aware that the criminal is not just going to go because what he took from the victim is going to be returned to the victim. That is not the same. Restoration only solved the humanitarian part of the crime. It does not resolve the criminal part of the crime.

That ADR was not new to Nigeria nay Africa from inception, having been a component of the traditional means of arbitration, mediation and adjudication was emphasized by P10 who surmised that:

> ADR, long before the advent of ehmm colo, colonial, colonialism in Africa, ADR was permanent in the communities. It was being used, it was being practiced. It was the introduction of the criminal justice system the way we

know it, that eroded the ADR the way it was obtainable in Africa, in the communities then.

Satisfaction

The question of satisfaction with the restorative justice system as an emergent theme resonated from the participants responses. With reference to the victim and the community, satisfaction would result from the victim being adequately restored or compensated, and the offender punished commensurately. The following response from P10 supported this assertion, "Haven said so it further means that when a victim is given adequate compensation for the offence committed against him, he is satisfied. He would not be satisfied if the offender is put to death, while he loses his property or whatever was stolen from him." P7 further confirmed the views expressed above in the following statement, "This problem will now be settled in the community, so actually it does help in ehhhm, in ehhmm satisfying the public justice system because justice is seen to have been done, especially within the community." Having discussed the emergent themes exhaustively the focus of the next section would center on an in-depth analysis of the ancillary themes.

Ancillary Themes

The ancillary themes for this study were as equally important to this study as the emergent themes. Although the ancillary themes by implication did not address the research questions directly, nonetheless they were still significant for the study.

Mediation

Mediation emerged as an ancillary theme in the course of the interview with the participants as the interview excerpts show. Mediation was an inevitable process in criminal justice administration via ADR. Mediation was employed in the ADR

approach just as in all other neutral interventions aimed at settling disputes. Mediation was in fact the bedrock of the ADR approach to criminal justice administration. The idea of mediation in the ADR process was to try to achieve some form of settlement/reconciliation outside the normal court litigation because ADR did not take care of the criminal aspect. Thus P7 maintained that:

> But even when the courts were established you still find that in the palaces of the chiefs the obis, obas and the emirs, they still conduct ADR and ehhmm, they are not ADR practitioners, they are not, they are not legal practitioners per se, they are not court of law but they do mediation and conciliation on a daily basis and it has helped to calm the society.

Participant 9 expressed a similar view, "So when they come together to decide the way forward, That is to settle their disputes or their issues, they are involved through mediation, through ehhm conciliation." P1 noted the limitations of the ADR approach in criminal justice administration and pointed to the important role of mediation and conciliation via ADR, "The victim now gets to have the same mediation, victim-offender mediation which of course among the act is limited in its application it does not apply to every nature of crime," (P1). Again P1 noted, "An opportunity for reconciliation some sort of limited reconciliation or closure with, under the auspices of victim offender mediation with the offender."

Healing

ADR when applied correctly brought healing to the victim and the community and even the offender through rehabilitation and reintegration into the society. P8 put it succinctly in the following words: "This process which is designed to restore

relationship by healing wounds through the participation of stakeholders instead of the judge in regular courts."

Concurrently, P1 disclosed that:

> The victim now gets to have the same mediation, victim- offender mediation which of course among the act is limited in its application it does not apply to every nature of crime but the victim then gets to feel the sense of closure by being, having the opportunity to express to the offender how they were affected by the actions of the offender. And of course when this happens the community is in a better place.

Involvement

Victim, offender and community involvement in the ADR process was another ancillary theme derived from the interview excerpts. Given the very nature of ADR, involvement was imperative in the process. To this end, P9 affirmed that, "So when they come together to decide the way forward, that is to settle their disputes or their issues , they are involved through mediation, through ehhm conciliation. they are part of the process." Furthermore, P8 maintained that, "All put into consideration the victims of the crime are assured that they are fully in the process."

Involvement in the ADR process was to a large extent conditional on jurisdiction of practice as attested to by the participants during the interview sessions. For example, P4 attested that:

> Ehhhm, I don't have the statistics but I think it all depends on the jurisdiction in which one practices. Ehhh, there are parts of Nigeria in which the ADR practices are utilized unknowingly by both the practitioners and judicial officers because of the nature of the society. In the North for example where

> the community head or the Emir, or the district head remains very powerful when such matters are brought before the courts you see the community intervenes and the to ask the magistrate or the khadi to look into such matters and it works. But in the southern part of the country, yes it works to an extent but we don't have the kind of ehhhmm the control as it were the Emir's have over their subjects there. In the south you don't have the traditional rulers having the sort of control the Emir's have in the North.

Peace and Cohesion

Another important aspect of ADR as was the restorative justice system generally was that it promoted peace and cohesion in the community. This followed from the involvement of the victim, offender and the community in arriving at a viable solution in the process of resolving criminal disputes in the society. It was therefore not unusual that peace and cohesion emerged as an ancillary theme from a careful synthesis of the interview excerpts. P9 posited that, "They are part of the process, they decide what is best for them, what is best suited for the offender and the victim, for the community, for that cohesion in the community."

P1 provided another compelling evidence of the pervasiveness of peace and cohesion as a theme from the interview transcripts. P1 submitted that, "The victim then gets to feel the sense of closure by being, having the opportunity to express to the offender how they were affected by the actions of the offender. And of course when this happens the community is in a better place." Similarly, for P4 who noted that:

> In our country here in Nigeria, it is not every crime that can be easily resolved via ADR, the crimes that are referred to as very serious crimes such as murder,

> armed robbery, are not easily resolved via ADR, and more often than not both the victim and the community respect the lot they discussed.

Punishment

Another ancillary theme resulted from the interview with the participants was punishment. When the offender was punished both the victim and the community were satisfied given other residual actions to restore the victim to the original status quo ante. In this connection participant 1emphasized that, "The community is now involved in the sense that there is now some sort of eehhh community service related punishment which has which gives the community the opportunity to see life in action."

Participant 9 in emphasizing the question of punishment of the offender surmised that:

> They want this issue to be addressed, some just want to go back to the state where they were before the offence was committed. Some want the person to be punished in a way. And the only way the criminal justice system can address those issues is to, is to there is a form of, will I call it punishment.

The significance of this sort of punishment was that prior to the advent of ADR in criminal justice administration, certain category of crime was usually considered as an offence against the state rather than an individual or community. But with restorative justice the converse held sway. Like P2 stated, "Well my own understanding of ADR in terms of criminal offender, offences as it relates to the victims and community is that, ADR is alternative dispute resolution but in Nigeria what we have is that once an offence is committed it becomes a state offence."

Reintegration and Rehabilitation

A good aspect of ADR was that it encouraged the reintegration and rehabilitation of the offender into the society unlike the formal criminal justice system. In the traditional African societies ADR had been in use long before it was replaced by the current criminal justice system. P1 was to the point and noted that, "And those punishments are intended to reintegrate and rehabilitate the person which are aspects of restorative justice which is a component of Alternative Dispute Resolution."

A similar view was also expressed by P7 who emphasized the cultural significance of ADR in some traditional societies of Nigeria. P7 pointed out that:

> We use to have what we call Chaworkon meetings where periodically chiefs, elders of the communities will come and sit down and anybody who has grievance will come and sit down pleads the complaints for the elders, it is negotiated the offender is punished or the victim is compensated and then they shake hands and go home and this is settled. These are part of things that have been in our culture for a very long time.

Responsibility

Accepting responsibility by the offender for the offence committed was a major procedural step in applying ADR to resolve crimes in the community. In this regard, P8 noted that:

> The administration of restorative justice does not emphasize law breaking or infringement but instead views offence as a violation of respect for things like people's life's or properties. So for the person who commits an offence is not

> subject to punitive treatment but instead is encouraged to take responsibility for his or her act and given an opportunity to repair his or her way.

P8 further mentioned that, “So ADR in the criminal justice administration has the highest rate of victim satisfaction and eehhmm offender accountability.” The acceptance of responsibility by the offender was critical to resolve disputes via ADR as opposed to formal litigation in courts where abstract legal principles and denials complicated matters for the victims of crime. This more often than not led to frustration on account of undue delay in obtaining adequate justice on the part of the victims of crime as information gleaned from the interview excerpts suggested as discussed earlier.

Expectations

The expectation of the victims of crime was fairly straightforward even when examined on a case-by-case basis. There was one common denominator that defined the expectations of victims which was the commitment to obtain justice for crimes perpetrated against them. In these the participant ideas converged markedly as the following responses showed:

> Honestly speaking the victims of crime in most cases want justice they want justice fully, you know in such a way that they should be put back to their previous position where they were before that is they could be brought back to their status quo ante. (P3)

P4 expressed a similar view in the following words, “Well, victims of crime expect to get justice. Again, again I will link it to what I said earlier on , for very serious crimes like I said murder, armed robbery, aggravated assault , the victims expect nothing less but justice. According to the law.”

Some of the participants added important dimensions to the expectations of victims from the criminal justice system to include, “Ehhmm there are a lot of expectations really as provided like I said in the administration of criminal justice act. But ehhmm primarily the victim expects empathy, expects compassion, expects some kind of reparation from the criminal justice system” (P7).

P1 also isolated the following specific components in the general expectations of the victim viz:

> The victims of crime now in our justice system look forward to (1). Compensation (2). An opportunity for reconciliation, some sort of limited reconciliation or closure with under the auspices of victim offender mediation with the offender (P1)

Correspondingly, P9 was of the view that, “Well, usually the victim expects ehhmm for me I will say restitution. Sometimes some actually expect retribution from the criminal justice system.”

P8 added important dimension of the state in outlining victim expectations. Punishment from the state should serve as a form of deterrence to the offender to avoid committing such crimes in future.

> Ehhm the expectations of victims of crime vary and can only be examined on a case-by-case basis. But, ehhm what is however common is that ehhm victims will either want the offender to be punished by the state as a form of deterrence or fix personal compensation as a form of reparation for the offence.

P5 also surmised that, “The expectation of the victims of crime from the criminal justice system is actually if the crime involve money or property the expectation is to

recover their money or properties back." In sum, the victims expectation appeared quite high ranging from recovery of lost property or possession, punishment of offender as a deterrent, closure, retribution, compensation, justice, and restoration.

Recommendation

The issue of recommending ADR by the participants to criminal justice practitioners was another theme resulting from the interview excerpts. Most of the participants in the course of the interview maintained that they would recommend ADR for less serious crimes or non- capital offences like petty theft (stealing a loaf of bread), violation of protocols, custom and excise duty violations, taxation matters (tax evasion, tax avoidance), giving false information. A few examples to buttress the position of the participant's would suffice, "I will recommend ADR as a technique because at the end of the day the parties they resolve their dispute without rancor and it also avoids delay. So it is a technique that should be explored." P7 likewise affirmed that, "Oh definitely I will recommend ADR to anybody that will care to use it. Because I believe it's the best way out. It is the simplest way out, it is the way that settles the matter without any more enmity among the parties."

Ditto for P2, 8, and 6. "Yes I would love to recommend it as a technique at least for them to be able to explore that possibility that can assist in bringing mutual cordial relationship between the adjudicating parties" (P8). "Yes, yes I will recommend because it is something emerging in our society and it is working, everybody not everybody wants to go to court because of the procedures and laws" (P2).

> Yes in two things (coughs) for the things that can be restored, restorative system is good. But there are certain things that cannot be restored for

> example a crime of rape. The dignity of the person raped whether man or woman has been taken away. That can't be restored. It cannot be restored. Even if you were to ask the criminal to write an apology and publish it in national dailies, you can't restore that. (P6)

Furthermore, most of the participants were emphatic that they would not recommend ADR for use in situations involving very serious crimes or capital offences like armed robbery, kidnapping, terrorism, rape, and the likes. The following were examples. "Ehhm for now especially Nigeria that doesn't know much about ADR, parties with less serious cases such as vandalism, burglary should make use of ADR, while those with more serious cases like homicide, robbery and rape should use the courts" (P5). With the foregoing, RJ is not suitable for all crimes. "Serious crimes like murder, armed robbery, culpable homicide, arson and some of the violent crimes are not amenable to RJ" (P8). "For me the answer is no , like I said earlier on because the victims always expect the punishment according to law" (P4).

P4 provided plausible reasons on why criminal justice professionals would recommend or not recommend ADR to clients:

> I think a lot will depend on a person's understanding of restorative justice and a person's knowledge of ADR and restorative justice. For those who have read widely, for those involved in it they will certainly ehhhmmm recommend it, but a lot of people who have no idea of what it's all about they will shudder at the thought that it can you can use restorative justice to resolve ehhmmm to deal with crime. I think a lot will depend on a lot will depend on ehhhmmm what I will call the exposure and experience that criminal justice professionals have had in this respect.

Nvivo Data Analysis

The chapter presented analysis of the responses from the participants individually and later presented as themes across the participants. Each theme and sub-themes were discussed and then presented in narrative, word tree, cloud and visual representation to provide a summary of the deduction.

Table 5

Descriptive Analysis of the Themes and Subthemes by Number of References

	Theme	References
1	ADR addressing problem (Main theme)	0
	Community	19
	Offender	8
	Victim	9
2	Expectation of the victims	20
3	Ineffectiveness of the criminal justice system	21
	Effectiveness of the criminal justice system	11
4	ADR-restorative justice system	15
	Challenges to restorative justice system	7
5	Why restorative justice is not suitable for crime	12
	Suitability of restorative justice for crime	14
6	Barriers to ADR	23
7	Extent of ADR practices utilization	12
8	Familiarization with ADR practices	11
9	interpretation of ADR practices	12
10	Description of ADR	16
11	Recommendation of ADR practices	13
12	Familiarization of practitioners with ADR	14
13	Training / experiences on ADR	14
14	Why Restorative justice is effective	14
15	Acceptance of restorative justice by victims of crime	15
16	Professional recommendation of restorative system	15
	Why Professional will not recommending restorative system	7

Throughout the analysis of the 16 themes were discovered, although with varied strengths. These themes and sub-hemes were presented in Table 1. As presented in the table, the main theme ADR addressing problem had sub-themes community, offender, and victims. Response relating to criminal justice system in Nigeria had subthemes as ineffectiveness of the criminal justice system and effectiveness of the criminal justice system. Similarly, suitability and why restorative justice system was not suitable were presented in two forms of themes. Other main themes were barrier to ADR, extent of ADR practices utilization, familiarization with ADR practices and description of ADR by the participants. Other themes derived from the responses were recommendation of ADR practices, familiarization of practitioners with ADR, training/ experience on ADR, why restorative justice was effective, acceptance of restorative justice by victim of crime and professional recommendation and not recommending restorative system. As observed from the table, themes like barrier to ADR (20 references), infectiveness of the criminal justice system (21) and expectation of the victims (20) had the most reference by the participants. On the other hand challenges to restorative justice system (seven) and why professional would not recommend restorative system (seven) had the least source of references by the participants.

Any quotes from the respondents would be placed in italics and the reports were further supported with a visual illustration of the deduction from the responses.

Figure 5

Themes From Participant Views of Key Research Questions

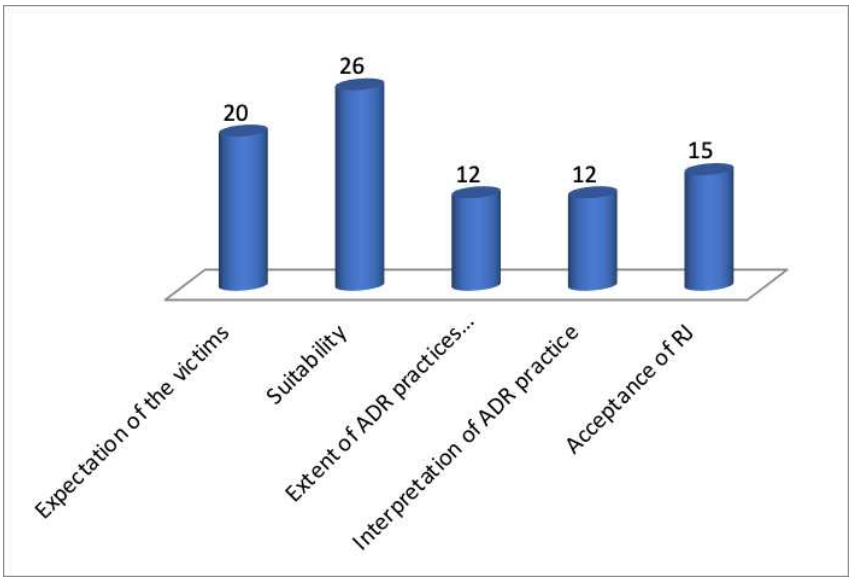
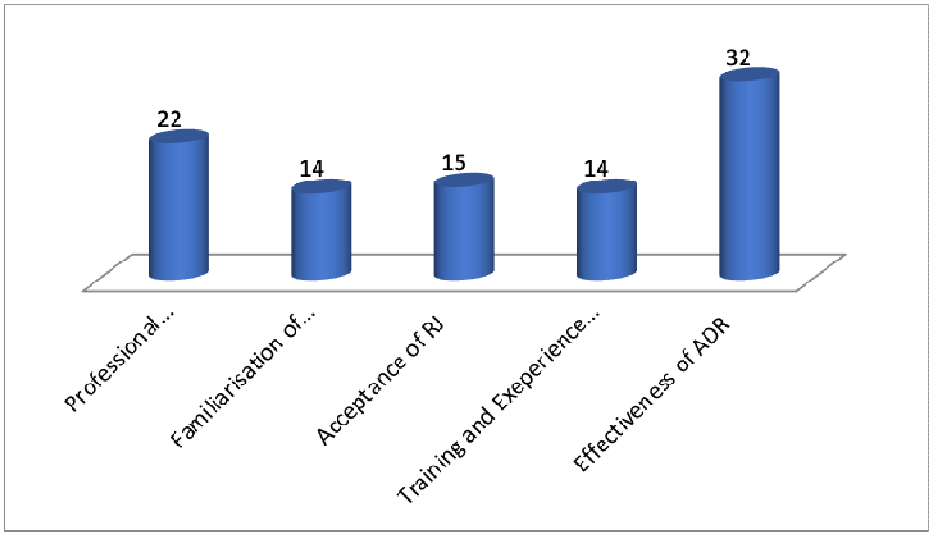


Figure 6

Themes From Participant Views of Key Research Questions



Themes and Subtheme Categorization ADR Addressing Problems

The participants were asked how ADR addressed the problem of offender, victim and community satisfaction in public justice. The responses to the questions

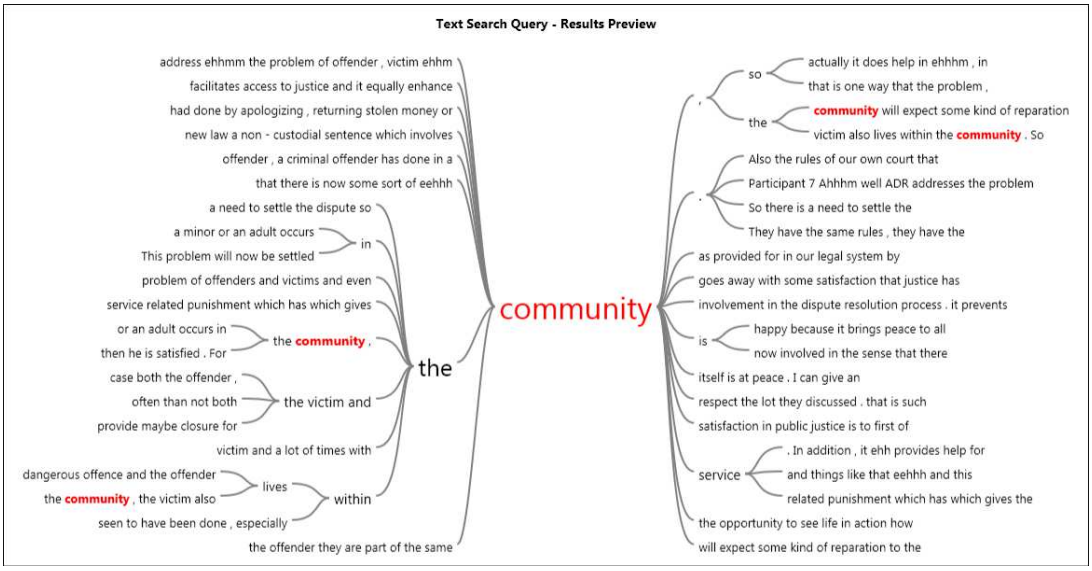
were further grouped into subtheme how ADR practices addresses community, offender and victims satisfaction.

Community

The word tree in Figure 7 presents the major word used to describe how ADR addressed problems of the community in satisfaction of the public justice system.

Figure 7

Key Words Used to Describe ADR and Community Satisfaction of the Public Justice System



As observed from the responses, the participants attest to the fact that ADR practices enabled the community to obtain public justice by involving the community in the criminal justice proceeding. P1 commented, “The community is now involved.” P2 responded:

> ADR has come to play in the sense that now we have under the new law a noncustodial sentence which involves community service and things like that eehhh and this has created a situation where rather than congest the prison

> certain offences especially when the eeehhh misdemeanors and all that some of these are referred to noncustodial punishment.

P8 said:

> ADR addresses the problem of offenders and victims and even the community as provided for in our legal system by the Administration of criminal justice Act. The issue of settlement, ehhmm mediation, for example is encouraged and mediation involves the offender, the victim and a lot of times with the community.

P9 said, "Where the offence is ehhm not grievous, extremely grievous offence or extremely dangerous offence and the offender lives within the community, the victim also lives within the community. So there is a need to settle the dispute so the community itself is at peace."

Furthermore, other participant's perceived that ADR help the community to have a good understanding of the crime committed by the offender, "You should understand first, about what damage an offender, a criminal offender has done in a community" (P7). In addition, others indicated that ADR give room for provision of community forms/type of punishment which is related to their culture, as expressed by the participants. "Community service related punishment which has which gives the community the opportunity to see life in action," (P3). Also provide justice satisfaction to both the victim and the offender within the community, "ADR is utilized to resolve ehhm (pauses) criminal case both the offender, the victim and the community goes away with some satisfaction that justice has been done but this in my view will depend on the type of crime that has been committed" (P4).

P6 said, “Alternative dispute resolution facilitates access to justice and it equally enhance community involvement in the dispute resolution process.” P5 said, “Where sexual violation of a minor or an adult occurs in the community, the community will expect some kind of reparation to the victim from the victim to the offender.” According to P7, “Sometimes it could be through assisting the family with their farming, and it could even be that he would marry the victim. This problem will now be settled in the community, so actually it does help.” P9 said, “Returning stolen money or community service.” P6 said, “You find that the victim and the offender they are part of the same community. They have the same rules, they have the same cultures and the same interests. So when they come together to decide the way forward, that is to settle their disputes or their issues.”

P4 said, “Alternative dispute resolution can address ehhmm the problem of offender, victim ehhm community satisfaction in public. Alternative dispute resolution can address ehhmm the problem of offender, victim ehhm community satisfaction in public.” P10 added, “Satisfying the public justice system because justice is seen to have been done, especially within the community, so that is one way that the problem, ADR can actually address this kind of problem.” Countered by the P4 comment, “The community is happy because it brings peace to all the parties involved and there is no question of bias.

Other participants indicated that ADR help community satisfaction by quickly resolving ordinary and serious crimes committed thereby preventing delay in justice delivery and decongesting the court procedure. As expressed by P8, “It is also utilized you know in resolving some criminal matters (pauses) particularly those that have to deal with injury to persons, those that have to deal with issues of child labor, those

that have to do with violence against person." P7 said, "In our country here in Nigeria, it is not every crime that can be easily resolved via ADR, the crimes that are referred to as very serious crimes such as murder, armed robbery, are not easily resolved via ADR, and more often than not both the victim and the community." P10 commented, "It prevents undue course and delay . on one hand it decongest the court which is equally overworked with work load." P6 said, "I would describe it as the quickest, the fastest way of achieving ehhmm of settling disputes in such a way that communities, or parties or litigants are reconciled and they can shake hands with the agreements and they can move on with their lives as opposed to advocacy where there is always one winner and one loser."

Participants agreed that ADR address the problem of the community satisfaction in public justice by involvement of the community in the justice system, encouraging community form punishment (culture related) to the offender and providing quick and easier way of justice administration as well decongesting the court process and procedure in the country.

Figure 8

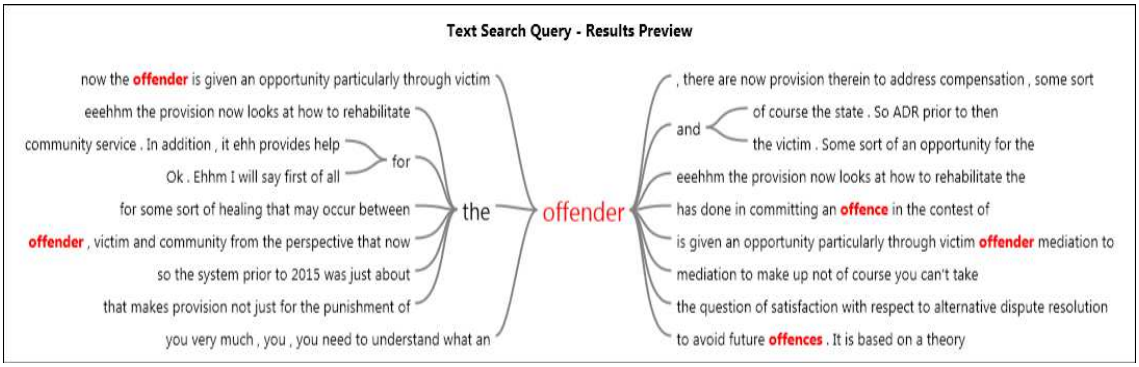
Common Words Used to Describe How ADR Dddresses Problems in the Commuity

Offender

The next responses provided the expressed view of the participants with respect to how ADR justice administration addressed satisfaction to the offender. Fig.9 presented the word tree of the common word used by the respondents to describe how ADR provided satisfaction to the offender.

Figure 9

Key Words Used to Describe ADR and Offender Satisfaction of the Public Justice System



While previously justice focused only on punishment of the offender, the

participant's expressed that ADR system did not only provide punishment to the offender but also addressed how the offender could be rehabilitated. P3 stated, "Makes provision not just for the punishment of the offender eeehhm the provision now looks at how to rehabilitate the offender."

ADR system provided opportunity for healing process between the victim and the offender, as observed by some of the respondent. "The offender is given an opportunity particularly through victim offender mediation to make up not of course you can't take away the , the effect of the crime but give some opportunity for some sort of healing that may occur between the offender and the victim" (P7/)
"You need to understand what an offender has done in committing an offence in the contest of the typical African society. If he has done damage to the person he has offended, he has done damage to the person of the family he has offended" (P5).
"The victim plays an active role in the process while the offenders are encouraged to take responsibility for the action to repair the harm they had done by apologizing " (P6)

One of the participant expressed that ADR system provides the offender adequate justice and avoiding future offences. "For the offender the question of satisfaction with respect to alternative dispute resolution is for him to get adequate justice" (P10). "Provides help for the offender to avoid future offences" (P8). The participants also observed that ADR addressed offender satisfaction through the rehabilitation process.

Figure 10

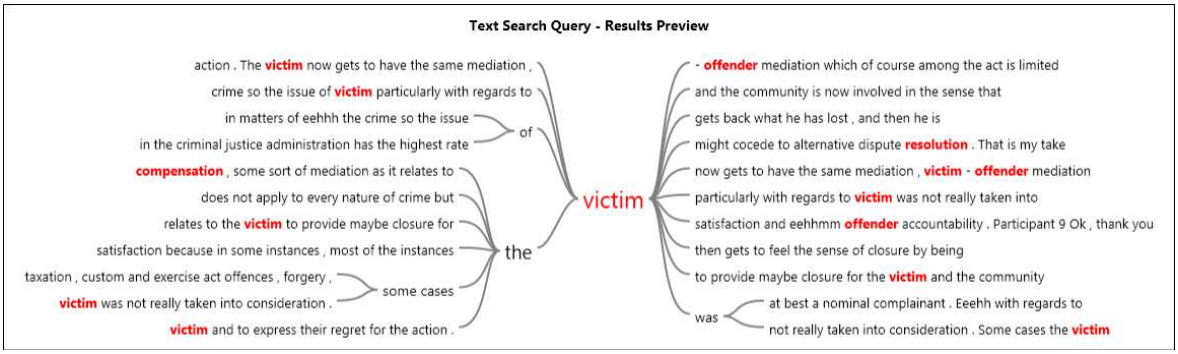
Common Words Used to Describe how ADR Addresses Problems of the Offenders Satisfaction

Victim

Figure 11 presents the word tree of the common word used by the participants to describe how ADR provided satisfaction to the victims.

Figure 11

Key Words Used to Describe ADR and Victims Satisfaction of the Public Justice System



As observed from the responses in Figure 11 one of the respondents indicated that ADR practice addressed the issues of compensation, “There are now provision therein to address compensation , some sort of mediation as it relates to the victim to provide maybe closure for the victim mediation,” (P3). P6 expressed that, “The victim now gets to have the same mediation, victim- offender mediation which of course among the act is limited in its application.”

ADR practices encouraged the victim to have opportunity to express themselves “The victim then gets to feel the sense of closure by being having the opportunity to express to the offender how they were affected by the actions of the offender” (P8). ADR practices focus on the need of the victims “alternative dispute resolution focuses on the needs of the victims than the offenders as well as the involved community” (P2).

ADR process provided satisfaction to the victims. “ADR in the criminal justice administration has the highest rate of victim satisfaction and eehhmm offender accountability” (P5). “ADR addresses the issue of satisfaction because in some instances, most of the instances the victim gets back what he has lost, and then he is satisfied” (P10). “and also very useful for crime that had to do with civil case such taxation, duties, forgery et cetera, but, in cases like taxation, custom and exercise act offences , forgery, some cases the victim might concede to alternative dispute resolution” (P9).

Figure 12

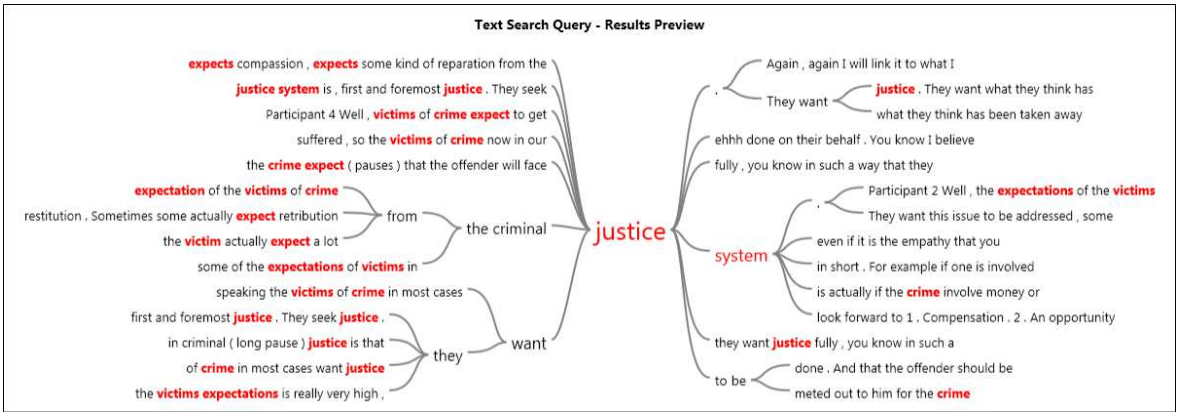
Common Words Used to Describe how ADR Addresses Problems of the Victims' Satisfaction

Expectation of the Victims

Participants were asked about the expectations of the victims of crime from the criminal justice system. Fig 13 present the word tree showing the major extract from the respondent's expectation of the victims from the criminal justice system.

Figure 13

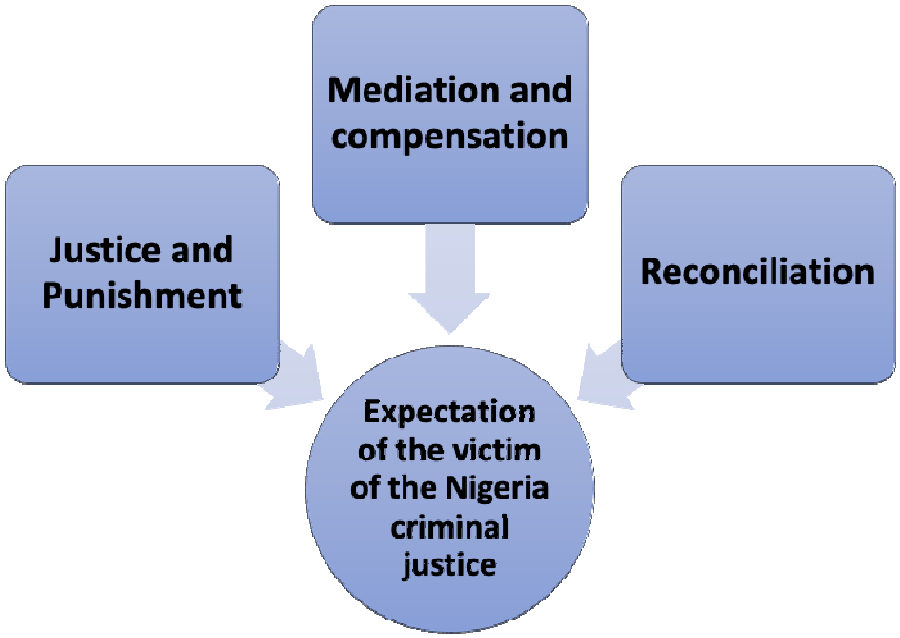
Key Words Used to Describe Expectation of the Victim From the Criminal Justice System



The expectation of the victims were further classified into the following subthemes.

Figure 14

Subthemes Derived From the Expectation of the Victims From the Nigeria Criminal Justice



Mediation and Compensation

"There is now provision for apart from the victim offender mediation which allows for closure and some sort of healing they have provisions for compensation and retribution in the new" (P1). "So the victims of crime now in our justice system look forward to compensation" (P5). P7 said:

> Innovative sections that came up , like am (pauses again) situation where compensations are being paid to victims of crime, like am the trial of corporations, companies , there are cases of drugs that are being (sneezes) being manufactured and ehhmm companies are now being tried as a legal entity.

P6 said, "The victim expects empathy, expects compassion, expects some kind of reparation from the justice system." According to P9, "Victim will be expecting some kind of rehabilitation, maybe in the form of footing his medical bill or some kind of reparation or stuff like that."

Reconciliation

"An opportunity for reconciliation some sort of limited reconciliation or closure with under the auspices of victim offender mediation with the offender so these are some of the expectations of victims in the criminal justice system" (P5). "It's very common to see the family of both the victim and the offender sit down with the lawyers and try to iron out the, the, the problem" (P3). "The expectation of the victims of crime from the criminal justice system is actually if the crime involve money or property the expectation is to recover their money or properties back" (P2). "The expectation of a victim is quite high, a lot of times government ignore victims and are just focusing on the offender so the victim actually expect a lot from the

criminal justice system even if it is the empathy that you conduct, a victim is re-victimized" (P6).

According to P6, "Victim expects ehhmm for me I will say restitution. Sometimes some actually expect retribution from the criminal justice system. They want this issue to be addressed, some just want to go back to the state where they were before the offence was committed." "They want the issue to be addressed as fast as possible. And to restore the victim to the place where they were before the offence was committed" (P7).

Justice and Punishment

"They wants justice to be done. And that the offender should be punished according to the law" (P8). "Victims will either want the offender to be punished by the state as a form of deterrence or fix personal compensation as a form of reparation for the offence" (P9). "Some want the person to be punished in a way" (P3). "The victims of crime in most cases want justice they want justice fully, you know in such a way that they should be put back to their previous position where they were before that is they could be brought back to their status quo" (P6). "They expect that the law will also give the offender at the end of the day. Because something untoward has been done to him that is prohibited by law" (P7). "Victims of crime expect to get justice" (P10). "The offender will face justice to be meted out to him for the crime he has committed" (P4). "They seek justice. They want justice. They want what they think has been taken away from them to be restored and for the offender to be punished for it. Or to desist from further commissions of crime" (P8). "Victims always want to be be taken seriously in such a way that as if they have lost nothing

and taken back to where they were before the crime happened to them. So the victims expectations is really very high, they want justice" (P5).

Figure 15

Common Words Used to Describe Expectation of the Victims

Effectiveness of Criminal Justice

Participants were asked how effective the criminal justice system in Nigeria was. Responses to the question were presented from two perspectives:

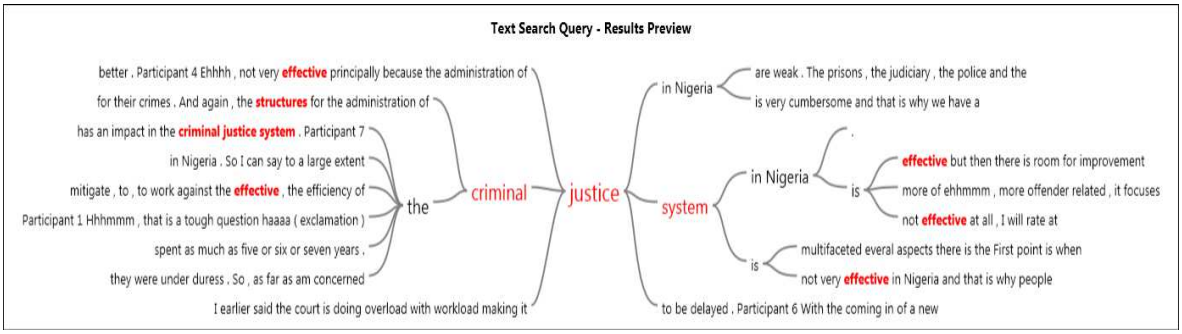
1. Those that perceived that the criminal justice in Nigeria was not effective and the reasons
2. Those that responded that the criminal justice system was effective

Reasons for the Ineffectiveness of the Criminal Justice System in Nigeria

Figure 16 presents extract from the respondent's explanation of reasons the criminal justice system in Nigeria was not effective.

Figure 16

Key Words Used to Describe Ineffectiveness of the Criminal Justice System in Nigeria



One of the respondent observed that the multifaceted system of the criminal justice system in Nigeria was one the reason of its ineffectiveness. P1 expressed that:

> The criminal justice system is multifaceted several aspects. So to from that angle because of these various players in the sector some aspects of the sector are not effective as they ought to be for instance, the process of investigations there is still a lot that were to be done, if I were to put a rating or percentage in terms of effectiveness.

In addition, there were lapses in some section of the criminal justice system as noted by one of the participant. “We also have lapses with the prosecutors either because they are overwhelmed or because they don’t have enough to go on, or indeed because some of them are downright incompetent or lazy” (P2).“It is not very effective because ahhhm, I will start from the members of the bar, the Nigerian Bar, the lawyers, they try as much as possible to frustrate trials, bringing adjournments, filling a lot of ahhm interlocutory applications” (P4).

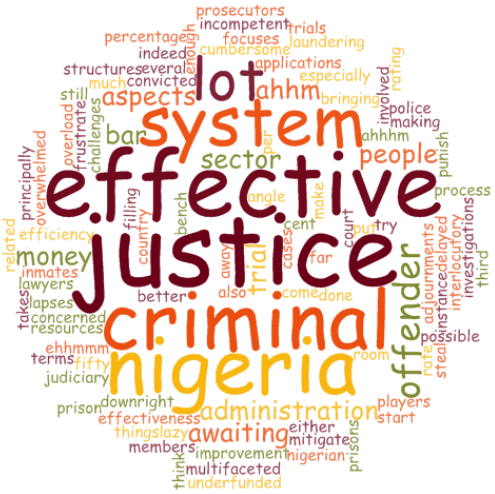
In the same vein, the kind of justice systems procedure and administration was another problem that did not allow for proper conviction of the offender. The

respondent commented, "As far as am concerned the criminal justice system is not very effective in Nigeria and that is why people do things and go away and more especially money laundering cases, people steal money and think they will not be convicted. So, for me it is not very effective" (P6). "Not very effective principally because the administration of justice in Nigeria is very cumbersome and that is why we have a lot of awaiting trial, awaiting trial inmates in the prison" (P7). "The court is doing overload with workload making it justice to be delayed" (P6).

Moreover, the system focusing on how to punish the offender without providing rehabilitation for them also contributed to its ineffectiveness as commented "The criminal justice system in Nigeria is more of ehhmmm, more offender related, it focuses more on the offender how do you punish the offender" (P8). "The structures for the administration of criminal justice in Nigeria are weak. The prisons, the judiciary, the police and the bench ahhm are underfunded" (P10). "There are a lot of challenges involved. Being a third world country" (P5). "And it takes a lot of resources, so all these come to mitigate, to, to work against the effective, the efficiency of the criminal justice system in Nigeria" (P8).

Figure 17

Common Words Used to Describe Ineffectiveness of the Criminal Justice in Nigeria



Effectiveness of the Criminal Justice System: Reason for the Effectiveness of the Criminal Justice System in Nigeria

One of the participants observed that the judiciary part of the criminal justice in Nigeria was effective. P2 noted:

> Terms of the effectiveness the judiciary has actually been quite effective, save from the fact that because of either the either the (repetition) because of the actions of the other players in the sector, either the cases are not tried quickly so cases get to stay in court for long or much longer than necessary and this sometimes gives a bad impression. (P2)

"The whole the judiciary would score as much as eighty per cent in terms of effectiveness in the justice system. Overall, eeehhhm, we say that the justice system in Nigeria is eehhmm in the last five years have improved a great deal with the passage of the administration of criminal justice act, but there is still a lot more to be done (P3). Others perceived that the criminal justice in Nigeria is effective to some extent,

"Criminal justice system in Nigeria to a large extent is effective" (P4). "Well the criminal justice system in Nigeria I will say is effective to an extent" (P6).

In addition, some of the respondents observed that the criminal justice system is effective and the only problem is implementation of the law as expressed by the respondents , "I want to believe we have very efficient laws, but sometimes the implementation of the laws remains you know a problem (P7). "I will say in Nigeria we have effective laws, but sometimes we have impediments to the implementation of these laws".

On the other hand, one of the respondent agreed that the criminal justice system in Nigeria was effective except that the expectation of the victims were hardly met, he commented, "The criminal justice system in Nigeria is working but there are lapses in that like we have said from time to time the expectations of victims are hardly met " (P9).

Figure 18

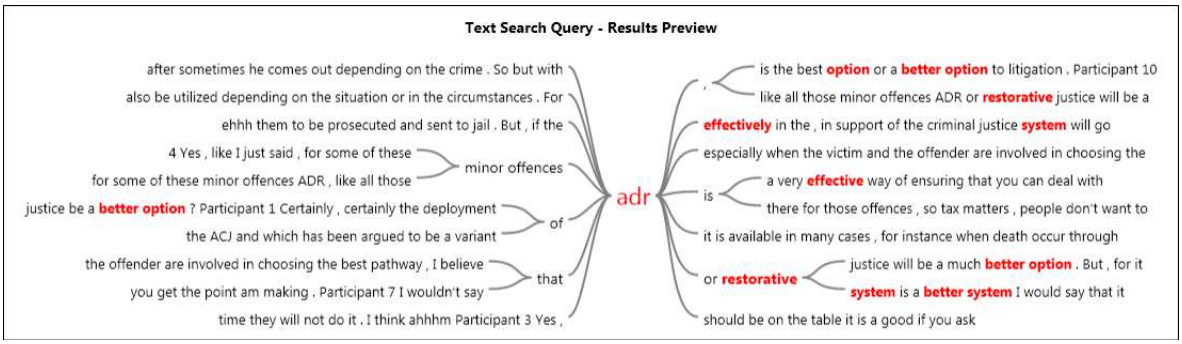
Common Words Used to Describe Effectiveness of the Criminal Justice in Nigeria

ADR/ Restorative Justice as Option

Participants were asked if ADR/restorative justice will be a better option. Fig. 20 presents a graphical illustration of the major extract of the responses to the question.

Figure 19

Key Words Used to Describe ADR/Restorative Justice as a Better Option



As observed from the responses, most of the respondents agreed that ADR/restorative justice was a better option of justice system in Nigeria and that it could address some of the issues faced in the system in Nigeria as commented by some of the participant. “Certainly, certainly the deployment of ADR effectively in the , in support of the criminal justice system will go a long way to address some of the issues that we are facing” (P1).

Others observed that ADR/restorative justice was particularly effective in providing justice for certain offences like tax matter and civil cases:

> Peace bargaining which is now provided for under the ACJ and which has been argued to be a variant of ADR is a very effective way of ensuring that you can deal with matters quickly and ensure that persons for instance who are willing either admit or plead guilty to a lighter offence or who based on the evidence can only be tried for a smaller offence who are willing to take the,

> take liability for something smaller , this could be a way to quickly help and it will reduce for instance a great deal of the number of persons who are thrown in custody, we have cases where somebody is been in custody over a family dispute. (P3)

"It is a better option in I told you like in taxation matters, custom and exercise matters, custom offences am talking about custom because I was privileged to work as an assistant legal adviser in custom for about 10 years" (P5).

Another participant expressed that "if the ADR is there for those offences , so tax matters, people don't want to pay tax but when they get hold of them they don't mind to go for settlement with the (pauses) complainant , the tax authorities (P6). "Yes, ADR should be on the table it is a good if you ask me. It's a very good option if you ask me, you know in respect of many instances or cases" (P3). Also, ADR system is good for many minor cases that occur within the community which can easily be settled among the parties involved. As commented by the respondents.

"For ADR it is available in many cases, for instance when death occur through an accident the victim are accepted particularly the family members at least they have lost their loved ones but then what they want is the fact that something is done in such a way that something that can assuage their loss" (P8). "Yes, like I just said, for some of these minor offences ADR, like all those minor offences ADR or restorative justice will be a much better option" (P9). "But there are rather ehhmm complex cases. I would still go back to my sexual harassment scenario, you may find that the community are not interested in sending the man to prison. They are interested in seeing that the victim is taken care of it is easier with restorative in such a way that they may want the man to marry the victim and take care of the extended family (P4).

"With ADR especially when the victim and the offender are involved in choosing the best pathway, I believe that ADR, is the best option or a better option to litigation (P10).

Furthermore, others observed that ADR/restorative justice option was a better alternative option to justice system. They commented, "Of course yes, it can be a better option" (P2). "I wouldn't say that ADR or restorative system is a better system I would say that it is an alternative system" (P6). "To a large extent I believe it will be a better option" (P4). "The answer is yes. There is no doubt it will be a better option. And the reasons are not far- fetched. It will be a better option because that was what has been in place before the advent of criminal justice way we know it today" (P5).

Similarly, one of the participant observed that ADR/restorative justice is an alternative way of decongesting the prison in Nigeria. "I will be an advocate for the authorities to see it as an alternative because you even need to decongest prisons .you don't need to send every little offender to prison" (P10).

Figure 20

Common Words Used to Describe ADR/Restorative Justice as Option in Justice Administration System

Challenges of ADR/Restorative Justice Option

While many of the participants indicated that ADR/restorative justice system was a better option for justice administration in Nigeria, some others noted that the option came with some challenges. These challenges were depicted by the graphical illustration in the figures below.

Figure 21

Key Words Used to Describe Challenges of ADR/Restorative Justice Option

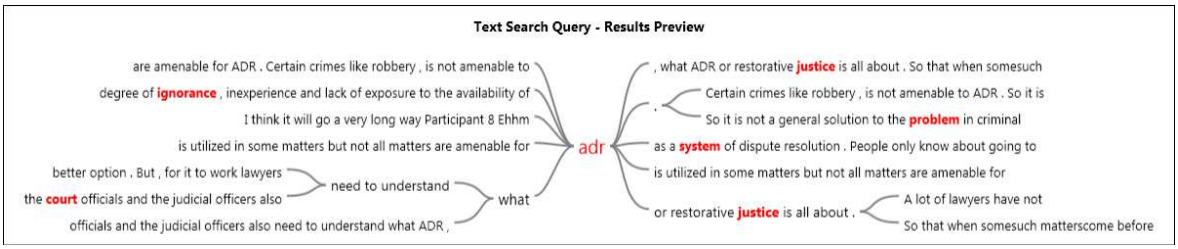


Figure 22

Subtheme of Challenges of ADR/Restorative Justice Option

Implementation

"Noncustodial sentences ehhhmm would be ehhhm would, they have been provided for but the implementation has been poor" (P2). "Then, of course with regard to restorative justice, noncustodial sentences ehhhmm would be ehhhm would, they have been provided for but the implementation has been poor" (P4).

"In most of the other states including the federal capital territory have not really deployed the option of using community service as a way of restorative justice (P6)

Ignorance and Lack of Exposure

"I think the problem is exposure we are still facing a larger degree of ignorance, inexperience and lack of exposure to the availability of ADR as a system of dispute resolution" (P8). "But in cases of rape or assault and arson some people wouldn't want to believe the alternative. They would want the offender to be punished so that next time they will not do it" (P10). "Victim offender mediations have not really held at that level, indeed, the personnel who are even handling it do not have the requisite training" (P3).

> For it to work lawyers need to understand what ADR or restorative justice is all about. A lot of lawyers have not quite tuned into it, they don't understand, I think a lot of enlightenment and training is needed and even the lawyers and security agencies also need to understand , as well as the magistrates, the court officials and the judicial officers also need to understand what ADR, what ADR or restorative justice is all about. (P3)

Figure 23

Common Words Used to Describe Challenges of ADR/Restorative Justice as an Option in Criminal Justice Administration

Suitability of Restorative Justice for Serious and Violent Crimes

Participants were asked if restorative justice was suitable for serious and violent crimes. Many of the participants provided reasons why restorative justice was either suitable or not suitable for serious and violent crimes in Nigeria

Suitability of ADR for Crime

The reason restorative justice was suitable for serious and violent crime in Nigeria is presented below. Figure 24 presents the major word derived from the participants' description of suitability of restorative justice for serious and violent crimes.

Figure 24

Key Words Used to Describe Suitability of ADR for Crime

Respondents agreed that restorative justice system could be used for serious crime, but this depended on the approach, as commented, "It is. It can be used for serious and violent crime but everything depend on the approach, approach matters so much on how it can be done. Like for instance in issues of drug trafficking, in the issue of drug possession is what makes you to be a criminal, to be a crime" (P2). "Parties with less serious cases such as vandalism, burglary should make use of ADR" (P1).

Another respondent alluded to the reason to apply restorative system for serious crime because it could be used to get compensation and palliative for the victim rather than focus on the offender. As stated in the response:

> When it comes to issue of human trafficking for instance you know the person that is violated may or the person whose right has been taken off might also be not be too ready most at times they are not ready to come up you know to testify, either because of reprisal attack or some other reason, so if the authorities concerned should come forward and take it up in such a way that they can also get compensation that is adequate for the victim and they push it to that level. It will also be applicable. (P4)

"The kind of restoration that you can do to the family such that you can just give them

some kind of palliative because you can never bring back the dead. So restorative justice will be very suitable in some scenarios depending on the nature of the crime" (P9). "When a victim is given adequate compensation for the offence committed against him, he is satisfied. He would not be satisfied if the offender is put to death, while he loses his property or whatever was stolen from him. So it is an adequate means of criminal justice administration" (P1).

> It actually depends on the person, but violent crimes, some people would want the offender to be punished. But at the end of the day some people will just prefer, a situation where the victim is restored, but then what happens if it is restoration that would not put back the victim where the person was. Monetary compensation is usually what they ask for depending on the crime. (P3)

Some of the respondent indicated that "Some kind of restoration is very important in any kind of crime. Be it violent or serious crime" (P5). "So restorative justice is very suitable in some kind of scenario" (P8).

Also, some agreed that restorative justice system provide a kind of punishment even for the offender of serious crime and violent as commented:

> I think it will I say that is the goal of addressing the issue, restoration. But in violent crimes some people also prefer that even though there is, there should be a, will I call it, a two-way situation. Let the person make a restoration to an extent, but let the person also suffer a kind of punishment to deter him from going back to that type of offence again, especially if it is a violent crime. So it works two ways. (P5)

"Restorative justice framework considers the victim/victims and the wrong doer equally and aims to secure broken relationships while repairing harm and damage" (P9).

On the other hand, others expressed that restorative justice system could be adopted when the offender had spent part of the sentence in the prison as commented "But ADR components can still be applied to such people may be after they have spent maybe half of their sentence" (P8). Also, one of the respondents indicated that restorative justice could be used for serious and violent crime as capital punishment was being eliminated in most parts of the world as commented:

> Yes, yes, I say yes because the highest form of punishment is death. And in most jurisdictions, especially foreign jurisdictions the penalty is being removed as a form of punishment. If that is correct, what it means is that, it is not in all instances that a criminal will be put to death. (P9)

Figure 25

Common Words Used to Describe Suitability of ADR/Restorative Option for Criminal Justice Administration

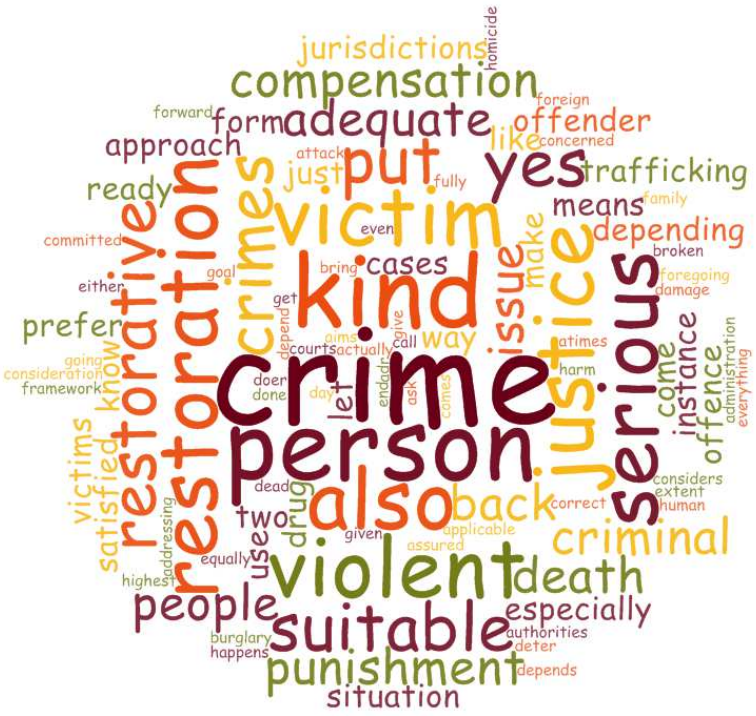
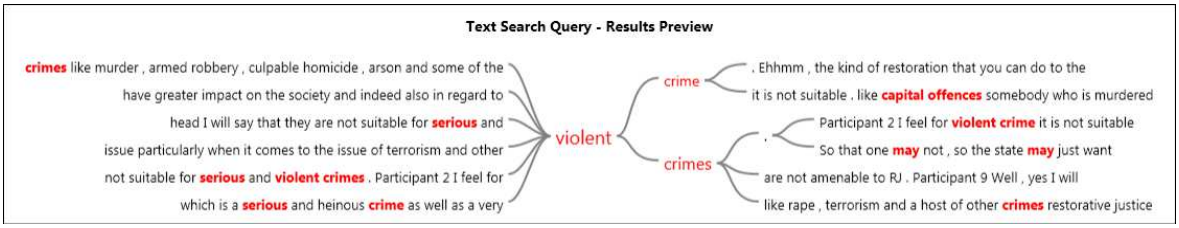


Figure 26

Key Words Used to Describe Reasons Restorative Justice is not Suitable for Serious Crime and Violent



On the other hand, participants also agreed that restorative justice system would not be suitable for serious and violent crime especially with regard to crimes like terrorism and robbery. “Because when offences are very serious they have greater impact on the society and indeed also in regard to violent crimes like rape , terrorism and a host of other crimes restorative justice would certainly not be an option” (P3). “Those with more serious cases like homicide, robbery and rape should use the courts” (P2). “I feel for violent crime it is not suitable .like capital offences somebody who is murdered or kidnapped and terrorism cases” (P5). “There are other instances where alternative dispute resolution may not really meet the issue particularly when it comes to the issue of terrorism and other violent crimes. So that one may not” (P7). “Serious crimes like murder, armed robbery, culpable homicide, arson and some of the violent crimes are not amenable to RJ.” (P3). “It is a different scenario where you have a serial killer which is a serious and heinous crime as well as a very violent crime” (P8).

Others responded that restorative system would not be suitable for serious and violent crime because most time the victim want a form of punishment to be meted out to the offender for the crime. “For me the answer is no, like I said earlier on because the victims always expect the punishment according to law” (P4). “If the offence is punishment through death that is what they would expect that the offender should be punished, be given the death sentence” (P10). “All put into consideration the victims of the crime are assured that they are fully in the process. With the foregoing, RJ is not suitable for all crimes” (P6).

Figure 27

Common Words Used to Describe Why ADR is not Suitable for Justice Administration

Barriers to ADR

Participants were asked the barriers to ADR/restorative justice system in Nigeria. The major words used to describe barrier to ADR was presented in Figure 28 while the barriers were presented in the following subthemes.

Figure 28

Key Words Used to Describe Barriers to ADR

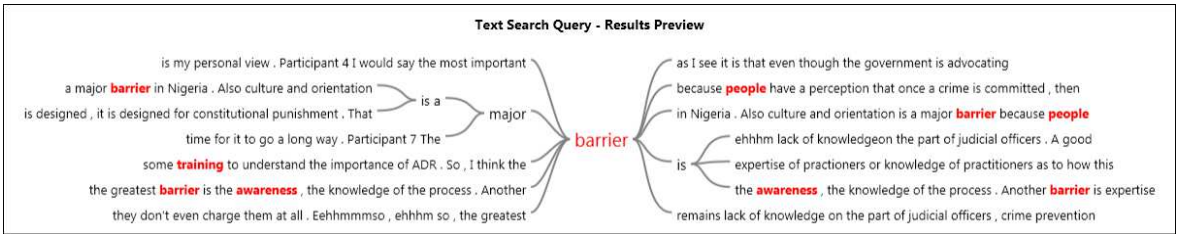
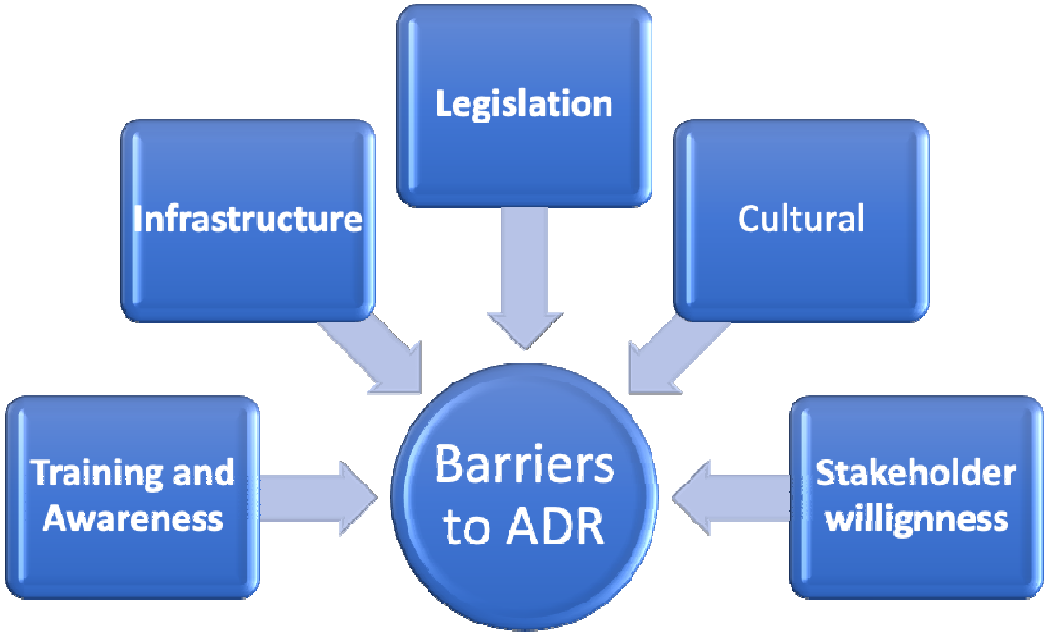


Figure 29

Subthemes on Barrier to ADR



Training and Awareness

"We do not have enough personnel who have been trained or practitioners who are aware" (P2). "People who are well trained in ADR, who are also being trained in ADR, who can really make a lot impact, it will help in decongesting the court like I earlier said, but the practitioners have not yet keyed into it" (P7). "A lot of people are not aware of the provisions in the ACJ with regards to compensation for victims" (P4).

> The most important barrier is ehhhm lack of knowledge on the part of judicial officers. A good number of them and legal practitioners, I think they are the ones who need to understand a lot about AD and or restorative justice. But, most have no knowledge because of ehhm lack of training. Its also important

> that ehhhm crime prevention officers they also need to ehhm undergo a lot of training to understand the importance of ADR. (P2)

Other participants had more to offer. “Ironically at our police stations every day, some sort of peace bargaining arrangements are done where the police to reach an understanding with people as to what to charge them or even in some cases they don’t even charge them at all” (P1).“I think the barrier remains lack of knowledge on the part of judicial officers, crime prevention officers as well as the police and legal practitioners who actually” (P7). “Nigeria that doesn’t know much about ADR, parties with less serious cases such as vandalism, burglary should make use of ADR” (P4). “Greatest barrier is the awareness, the knowledge of the process” (P6). “Its’ not being utilized up to the full extent the way and manner it should be” (P8). “It is not ehhhm practiced the way and manner it should be practiced but it is only practiced (stammers) if you permit the word in a very limited form, very limited.” (P5). “Another barrier is expertise of practitioners or knowledge of practitioners as to how this processes work” (P10).

Infrastructure

> “The necessary infrastructure” (P8).

Legislation

“I don’t think we have got a law in place now, for ADR in criminal matters, what we have in ADR in Nigeria is ehhhmmm contractual agreement which is covered by the prosecution and conciliation act” (P3). “The major barrier as I see it is that even though the government is advocating ADR and restorative as alternative dispute resolution they have not really keyed into it” (P5). “If the government itself keys into it and makes it mandatory and puts the provisions in place I think it will go a

long way" (P1). "The way the criminal justice system is designed , it is designed for constitutional punishment. That is a major barrier in Nigeria. (P6)

Cultural

"Another aspect is we have religion, we have tradition, customary and above all whether it is morally right or wrong in the society" (P9). "Culture and orientation is a major barrier because people have a perception that once a crime is committed, then the state has to step in no matter what" (P5). "Where custom and traditions vary, you find some difficulty in coming to terms, or, or, or, or, or difficulty for the parties coming together to discuss to attempt to use of ADR" (P3).

Stakeholder Willingness

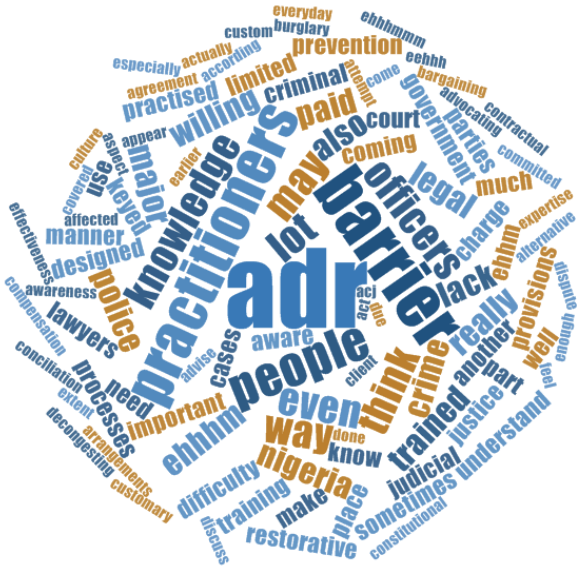
"First of all I will say the willingness. Some people are not willing especially, I will eehhh say the legal practitioners" (P4).

> Sometimes the lawyers may not be willing even to advise their client to toe the path of ADR because they may feel that their their legal fees may not be paid. Or they may not be paid as much as they can or, or the worth because sometimes the lawyers are paid according to how many times they appear in court. (P8)

"It is only when the witnesses, victim that are affected are not willing to really come out you know to testify due to one reason or the other" (P2). "The key stakeholders as to the effectiveness or otherwise of this processes" (P1).

Figure 30

Common Words Used to Describe Barrier to ADR Practices

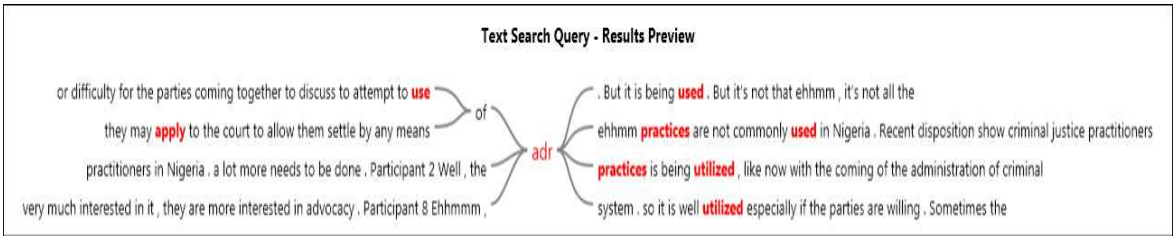


Extent of ADR Practices Utilization

The participants were asked the extent ADR practices were utilized by criminal justice practitioners within Nigeria. As shown from Figure 31 it could be deduced that ADR was rarely utilized by most practitioners for criminal justice in Nigeria.

Figure 31

Key Words Used to Describe ADR Utilization in Nigeria



The participant responses that ADR was rarely used by the practitioners for criminal justice in Nigeria as follows: “Maybe 15 to 20 per cent which is very poor

.so, it is not really being utilized by ehhhh by currently criminal justice practitioners in Nigeria . a lot more needs to be done" (P2). "For me I will grade it to 10 per cent." (P7). "Like I said very little but it could be encouraged to do more" (P8).

Rather, plea bargaining is used for criminal justice administration by the practitioners. "The ADR practices is being utilized, like now with the coming of the administration of criminal justice I think the plea bargain is also effected by the legal practitioner in court" (P3).

Some of the reasons the ADR was not utilized for criminal justice administration by the practitioners included the following. "The extent that the victim is satisfied and the suspect or offender is made to actually pay free for whatever harm has been done to the victim" (P4). "On whether the crime is a serious and violent crime or minor crime, that will depend on the extent to which the practices are utilized" (P5). "The laws have not really caught up with the practice. I had the opportunity of working on a committee that was called ehhmm, ehhmm compensation to the victims of crime and ehhmm that is what it was intended to achieve" (P6). "ADR ehhmm practices are not commonly used in Nigeria" (P9).

> In my view it is being practiced but it is not ehhmm, it is not that permanent. For the reasons earlier given it is common to be used where the victim and the offender come from the same jurisdiction and are bound by the same custom and tradition. Where custom and traditions vary, you find some difficulty in coming to terms, or, or, or ,or, or difficulty for the parties coming together to discuss to attempt to use of ADR. (P10)

On the contrary, few of the participants agreed that ADR is being utilize by criminal justice practitioners in some parts of Nigeria.

> In the North for example where the community head or the Emir, or the district head remains very powerful when such matters are brought before the courts you see the community intervenes and the to ask the magistrate or the khadi to look into such matters and it works. But in the southern part of the country, yes it works to an extent, but we don't have the kind of ehhhmm the control as it were the Emir's. (P6)

Others agreed that the utilization of ADR by practitioner was gradually being accepted and gained ground as commented.

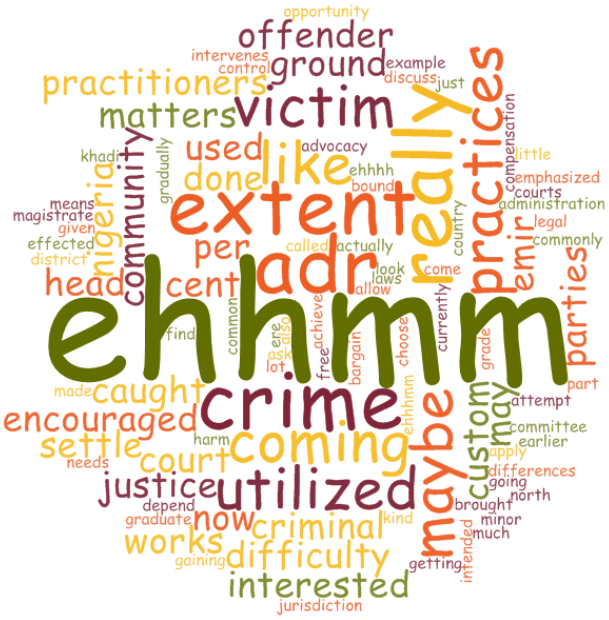
> We are going, we are getting there gradually we have some programs on ground, but ehhmm, the practitioners themselves have not really caught up like I said it's maybe, maybe from the teachings of the students in their graduate, undergraduate studies it has not been encouraged, it has not been emphasized. So they are not really very much interested in it, they are more interested in advocacy. (P8)

Another respondent commented that:

> Well now it is gaining more ground so I would say ehhmm to some extent because sometimes some parties choose to settle their differences as ehhmm by themselves and they may just on their own they may apply to the court to allow them settle by any means of ADR system. (P2)

Figure 32

Common Words Used to Describe Extent of Utilization of ADR Practices by Practitioners

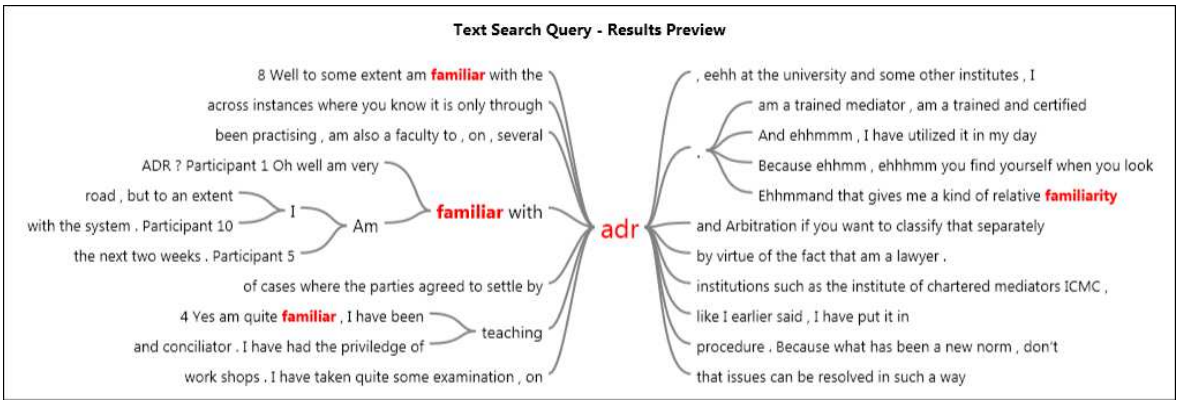


Familiarization With ADR Practices

The participants expressed their familiarization with ADR practices. As observed from the responses, many of the respondents were very familiar with ADR practices and had attended several courses on arbitration and reconciliation, as presented in Fig 33 and narrative below.

Figure 33

Key Words Used to Describe Familiarization With ADR Practices



"Am very familiar with ADR .am a trained mediator, am a trained and certified arbitrator and conciliator. I have had the privilege of teaching ADR" (P1). "My familiarity is mostly in ehhhm on the legal, on the contractual agreement aspect of it and ahhh I think I attended some few course on arbitration and conciliation" (P2). "Well am familiar with it because in my practice I come across instances where you know it is only through ADR that issues can be resolved in such a way that the victim in particular will not miss out absolutely" (P4). "Yes am quite familiar, I have been teaching ADR and Arbitration if you want to classify that separately for the past 21 years" (P3). "I have also been practicing, am also a faculty to, on, several ADR institutions such as the institute of chartered mediators ICMC, such as the Nigerian institute of chartered arbitrators, such as the international institute of am also a member " (P5). "Am familiar with ADR like I earlier said, I have put it in practice. It is an alternative way of resolving dispute than going through rigorous prosecution in court" (P6). "To an extent I am familiar with ADR. Because ehhmm, ehhhmm you find yourself when you look at a particular matter, especially when you look at the people involved, they might be family members, they may be friends, so you may

choose to even, raise the issue the issue for them and most times you see they may even be willing to settle. So, and I have heard a lot of cases where the parties agreed to settle by ADR" (P10). "I am familiar with ADR by virtue of the fact that am a lawyer. And ehhm because I know it works, it's fast and it brings justice faster to all the parties concerned "(P3).

Few of the respondents expressed that they were a bit familiar with ADR practices as expressed by the respondents. "I would say fairly familiar because I have undertaken a lot of courses and I have attended a lot of work shops. I have taken quite some examination, on ADR procedure" (P8). "I will say a little bit familiar. I have done the fellowship for Nigeria, institute of administration. I have also done the fellowship of the international dispute resolution institute" (P9).

> Well to some extent am familiar with the ADR. And ehhmmm, I have utilized it in my day-to-day activities at the bench. And it has helped to often reduce the docket where parties are encouraged to ehhmm seek out of court settlement and mediation is utilized to restore normalcy or bring normalcy to a situation that has gone very awry. (P7)

Figure 34

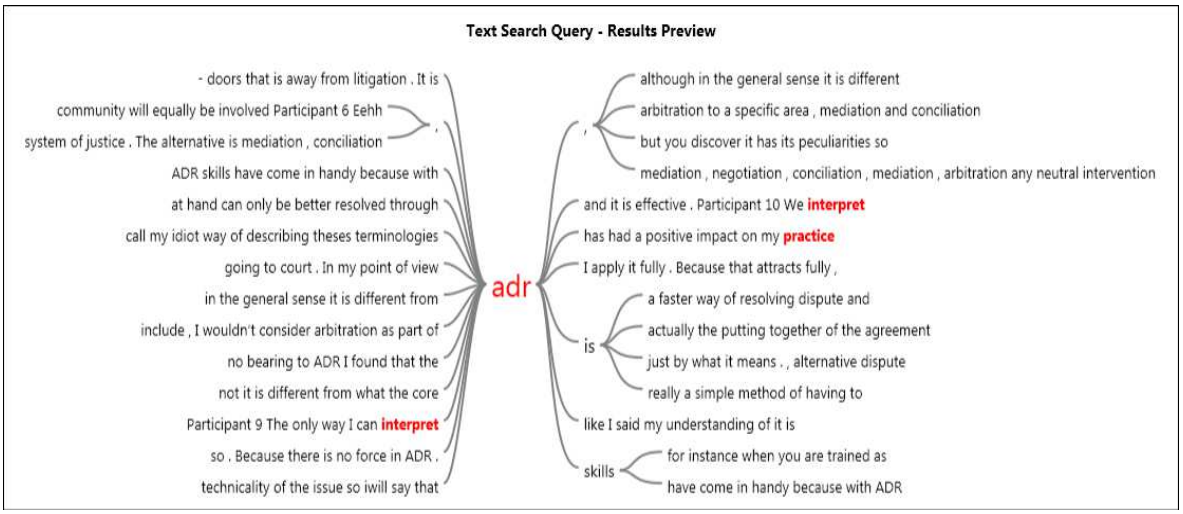
Common Words Used to Describe Familiarization With ADR Practices

Interpretation of ADR Practices

The following expression and Figure 35describe how the participants interpreted ADR practices.

Figure 35

Key Words Used to Describe Interpretation of ADR Practice by the Practitioners



One of them found ADR practices engaging and help to manage people:

> I found that the ADR skills have come in handy because with ADR skills for instance when you are trained as a mediator you learn how to manage people, how to relate with people, how to communicate better. I found that this capacity, this tendency even in engaging with counsel on the other side, even in engaging with witnesses in cross examination, or even in the interaction with judicial officers in the bench. (P1)

ADR practices helped practitioners to be effective, as demonstrated by the following comments. "Say that ADR has had a positive impact on my practice by expanding my horizon and giving me the opportunity to be a more effective practitioner." (P2)

Practitioners employ ADR as an alternative dispute resolution strategy

> I interpret it as alternative dispute resolution, when matters are being settled without going to court ahh when there is disagreement we go for arbitration and it is settled and award is made and when it is conciliation, conciliatory aspect of it we try to settle the parties and at the end of the day. (P4)

> I interpret it as an alternative way to resolve dispute. It is an option than going to court. An option to the victim of crime to get justice than going to court. In my point of view ADR is a faster way of resolving dispute and is it saves time and money and and access to justice. (P7)

"When I discovered that any situation at hand can only be better resolved through ADR I apply it fully. Because that attracts fully, it's like a kind of last resort in that situation" (P5). "ADR is really a simple method of having to settle issues between the parties, no matter the varieties of parties involved. It's a simple method of having the

parties to understand the issues" (P8). "ADR is actually the putting together of the agreement of the parties and making it have a binding effect on them" (P9).

> ADR like I said my understanding of it is what is the alternative to advocacy. What is the alternative to the adversarial system of justice. The alternative is mediation, conciliation, ADR, arbitration to a specific area, mediation and conciliation are the ones that occur every day in our daily live. (P9)

"We interpret it as simply alternative dispute resolution as the word goes .it is an alternative means you can resort to settle issues you think is ehhmm parties can settle to bring some advantages to all the parties" (P7).

> I can interpret ADR is just by what it means., alternative dispute resolution. What do we do here. First of all how do we resolve this issue, depending on what you state before you start. Do you tell the parties to explore mediation, conciliation or early retrial evaluation. (P10)

Others interpret arbitration as part of ADR:

> I wouldn't consider arbitration as part of ADR, although in the general sense it is different from ADR, but you discover it has its peculiarities so more often than not it is different from what the core ADR, mediation, negotiation, conciliation, mediation, arbitration any neutral intervention etc etc. (P6)

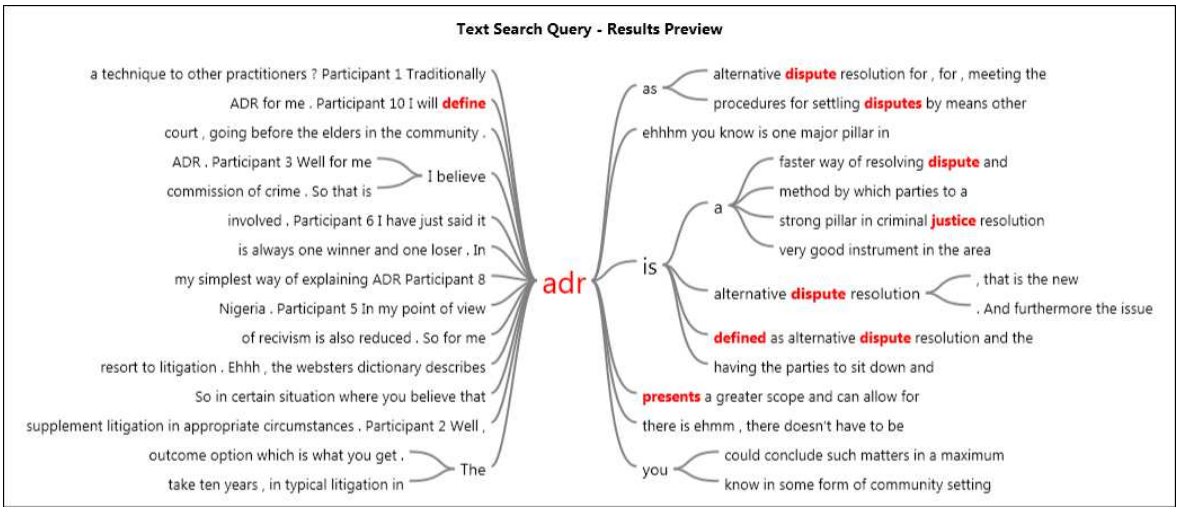
Figure 36

Common Words Used to Describe Interpretation of ADR Practices

Description of ADR by the Practitioner

Figure 37

Key Words Used to Describe Description of ADR by the Legal Practitioners



Most of the participants described ADR as an alternative dispute resolution approach as commented:

> ADR is defined as alternative dispute resolution and the concept started with eehhh with eehhh the development of what you would say were alternatives in the traditional way of dealing with matters which is going to court. (P1)
>
> Well, ADR is alternative dispute resolution. And furthermore the issue of arbitration as I told you arbitration requires ehhh the legal person is required the issue of acquiring skills or knowledge of negotiation and ahhhm (pause) conciliation. In arbitration there are mostly agreements and you agree while in conciliation you settle. In arbitration awards are being given and conciliation settlement is the option. (P4)

"Will define ADR as alternative dispute resolution for, for, meeting the need for justice between parties" (P5).

As a mediation and arbitration technique:

> The ADR presents a greater scope and can allow for a win- win, for instance in mediation, the speed with which it deals with matters so are clear in processes of arbitration and mediation, so while matters could take ten years, in typical litigation in the ADR you could conclude such matters in a maximum period of say three, four, five, six months as the case may be. (P2)
>
> It as alternative dispute resolution methods to litigation. So whether it is ehhhm mediation, negotiation, arbitration it is simply an alternative to litigation and the advantage is that the parties have a role to play in choosing who will adjudicate on their matter. (P9)
>
> Resolve a dispute between parties outside of litigation. So it depends on, sometimes the hybrid of even ehhmm one or two methods to apply the

> mediation you can apply an early retrial evaluation to look at the case. If you want to resolve it you can apply any of the multi doors, (P1)

Others described ADR as a form of approach to settle disagreement within the community, as commented. “ADR you know in some form of community setting you know where all parties will agree that this the form” (P5).

> I have just said it ADR is alternative dispute resolution, that is the new norm to what the parties know like going to court, going before the elders in the community. ADR is having the parties to sit down and having to identify the issues between them and having them to agree that there is a solution to the issue and the solution lies with them. (P6)

For administration of criminal justice. “ADR is a strong pillar in criminal justice resolution and it could be able to resolve you know and stop further commission of crime. So that is I believe ADR is a very good instrument in the area of criminal justice resolution” (P6). “Well for me I believe ADR ehhhm you know is one major pillar in resolving you know criminal justice” (P7).

As a faster way to resolve dispute without litigation. “In my point of view ADR is a faster way of resolving dispute and is it saves time and money and access to justice is equally faster and the community satisfaction will be there because the community will equally be involved” (P6).

> I would describe it as the quickest, the fastest way of achieving ehhmm of settling disputes in such a way that communities, or parties or litigants are reconciled and they can shake hands with the agreements and they can move on with their lives as opposed to advocacy where there is always one winner and one loser. (P8)

"In ADR there is ehmm, there doesn't have to be a winner. At the end of the day dispute has arisen, dispute has been settled, we shake hands and move on" (P9). "ADR is a method by which parties to a dispute reach an amicable resolution without the need to resort to litigation" (P5). "ADR as procedures for settling disputes by means other than litigation" (P2). "I will explain it as ehhmm as a, as, as, a means of achieving justice faster (long pause intermittently) than the conventional criminal administration" (P9).

Figure 38

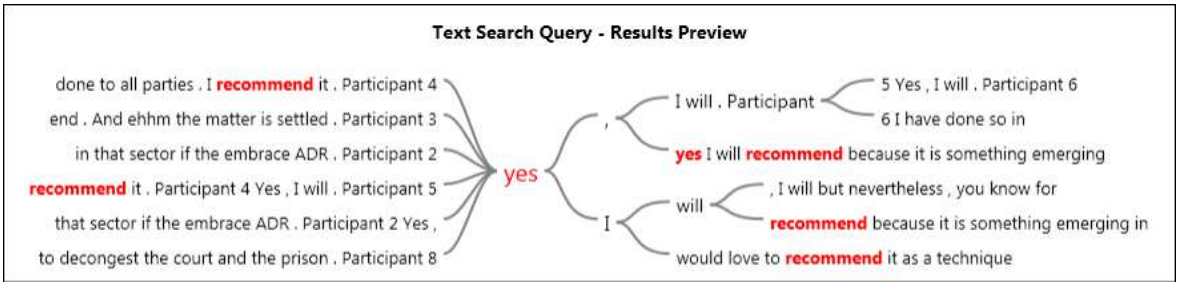
Common Words Used to Describe Practitioners' Description of ADR

Recommending ADR

Participants were also asked if they would recommend ADR technique to other practitioners. As observed from the responses, many of them indicated that they would recommend ADR practices to practitioners (Figure 39).

Figure 39

Key Words used to Describe Recommending ADR Practices



Participants agreed that they would recommend the practice of ADR to criminal justice practitioners as expressed the following: "To practitioners due to its core objectives of preservation of order, and social harmony, reduction of the burden on the court, and disputing parties are satisfied thereby avoiding permanent animosity" (P1). "Certainly I recommend it, and am currently preaching it to other practitioners that they will be effective lawyers whenever it is, whatever sectors they are operating they will be more effective in that sector if the embrace ADR" (P2). "Yes, yes I will recommend because it is something emerging in our society and it is working, everybody not everybody wants to go to court because of the procedures and laws and so, if it is something that can be settled easily it" (P3). "Yes I will, I will but nevertheless, you know for those who are in to the stage of practicing ADR they need to be professionals, they need to be experts . meaning that a lot of training is required, people need to be trained" (P4). "Yes, I will…I have done so in many occasions" (P5). "As a matter of fact they have ended a lot of cases at that stage. And when you find parties come back and file terms of settlement and justice, judgement is entered on the terms of the settlement" (P6.) "Oh definitely I will recommend ADR to anybody that will care to use it. Because I believe it's the best way out. It is the

simplest way out, it is the way that settles the matter without any more enmity among the parties" (P8). "Yes I would love to recommend it as a technique at least for them to be able to explore that possibility that can assist in bringing mutual cordial relationship between the adjudicating parties" (P3). "I will recommend ADR as a technique because at the end of the day the parties they resolve their dispute without rancor and it also avoids delay" (P10). "it removes some of the difficulties we encounter inside the court. So it is commendable we love it" (P5).

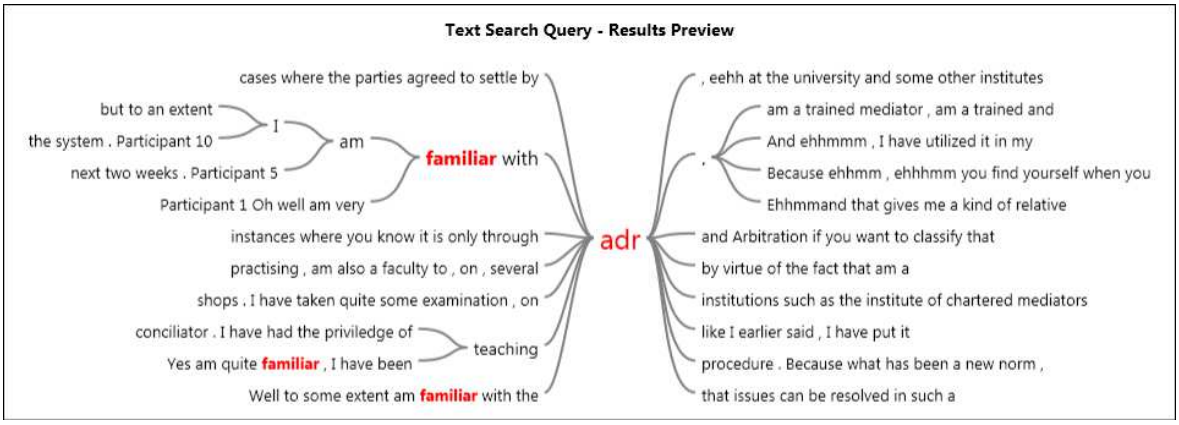
Figure 40

Common Words Used to Describe Recommendation of ADR Practices by the Practitioners

Familiarization With ADR Practice

Figure 41

Key Words Used to Describe Familiarization With ADR Practice



Participants were asked the level of familiarization with ADR among the Nigerian criminal justice practitioners. It was obvious that few of the practitioners were fairly familiar with the ADR practices as commented. “I would say probably twenty per cent of level of familiarity” (P1). “Well the familiarity is already coming up, as I told you with the coming of this administration of criminal justice act 2015, particularly in the federal high court and FCT. The, like the issue of plea bargain and this ehhhm (pauses) compensation the lawyers are keying into it” (P4). “That most criminal justice practitioners are eehhhm very few of us are familiar with how ADR can help our work (P5). “The familiarity is coming up and a lot of ahhh a lot of consultants running courses on the ADR and ehhhh. Some of these agreements or laws are coming are bringing the issue of ADR as part of peaceful resolution” (P7).

Others indicated that the practitioners are familiar with ADR practices but would rather prefer prosecution:

> Old habits they say die hard, most practitioners are accustomed to we have identified that a crime has been committed we must prosecute that person,

> they rarely even have a conversation with the other counsel or even the counsel to the accused or as the case or people will find out from the victim what will be the justice in the matter for them. (P2)

Participants indicated that many of the practitioners confuse plea bargaining with ADR practices:

> Well for those who have come in contact with you know the level of awareness is not that very, very high but like I mentioned much earlier some people will like to confuse it with ehhh with ehhheehhh, issue of plea bargaining so which is not it's a different thing entirely. (P8)

"A lot needs to be done to, to make it ehhm part of our criminal justice system to go beyond the need for, ehhm, ehhm like what we have in the administration of criminal justice system (pauses) plea bargaining" (P10).

However, some of the respondents indicated that a large number of the practitioners in Nigeria were not familiar with ADR practices and as such require training. "I am not sure, most of them are not familiar with ADR but a lot of people are still averse to ADR and that is why I say a lot of training and retraining is needed. (P9). "Nigerian lawyers are yet not ehhhmm quite familiar with ADR, many of them many of them know about it, but many are quite unwilling and a good number have not undertaken the training" (P7). "Not really familiar, they are not really familiar" (P10). "Like I said before it is a new norm, it is a new norm coming into effect since 2015 so the process of educating, creating awareness is still on" (P5).

> I would say fifty-fifty. Ehhmm, quite a number of them are familiar with ADR, but some are still not interested in keying into it. Sometimes because their clients do not understand what ADR is. Client's only understand that we

> should go to court. And maybe they don't have the capacity to explain it fully to their clients. (P4)

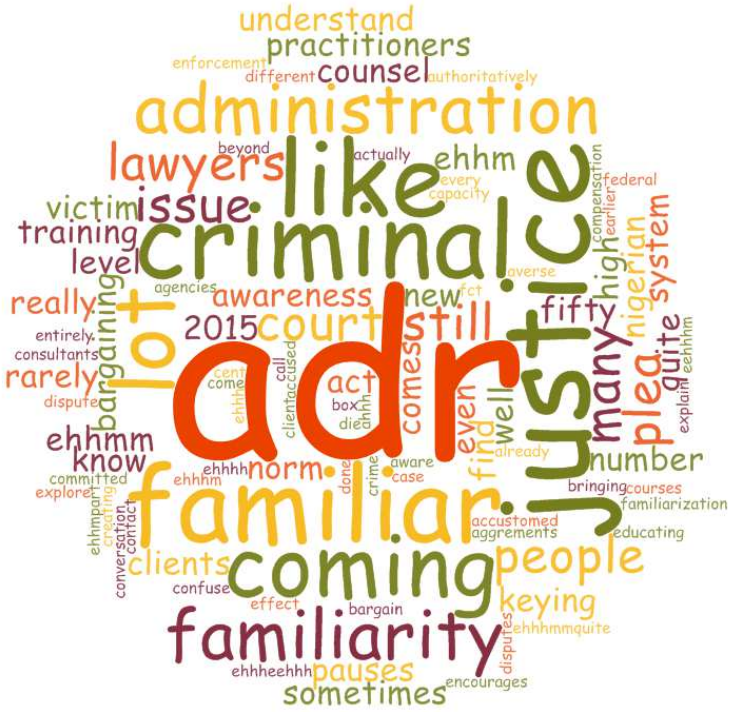
"Familiarity of lawyers to ADR is not something I can authoritatively speak on. However, administration of criminal justice act encourages victim-offender mediation and ADR in criminal justice administration" (P7).

> ADR without knowing it, it is only when you call it ADR that you can say ok you can put it in a box and say this is ADR. But sometimes you find that parties actually explore ehhmm, resolve their, their disputes outside litigation, because it is not every dispute that comes to the police or to any law enforcement agencies that comes to the court. (P8)

"In terms of familiarization or usage like I said before, it's rarely being used, but Nigerian lawyers are aware of it" (P10).

Figure 42

Common Words Used to Describe Familiarization of ADR by the Practitioners



Training and Experience on ADR Practices

Figure 43

Key Words Used to Describe Exposure to Training and Experience on ADR Practices

Participants were asked how much training or experiences Nigerian criminal justice practitioners had in ADR. As reported, many of the respondents indicated that legal practitioners were exposed to several training and workshops on ADR practices. As commented:

> With regards to training a lot of the justice sector players are being exposed to ADR training. I have a privilege of training officers of the prison, correctional services, I have had the opportunity of training police officers under the auspices of certain Ngo's or certain organizations that are focused on it. (P1)

"The practitioners ehhm the training is going on they are only expensive" (P2).

> From my involvement with training I will say about 50 percent of criminal justice practitioners have been involved in one training or the other. Though it's one thing to attend the training, it's another eehhhmm to be attentive and understand why you are attending the training and allow the training to really pass through you so that you can apply it in your practice. (P3)
>
> There are a lot of courses and trainings provided by different institutions and ehhmm, different organizations that deal in ADR, so there is a lot of opportunity for anybody who is interested to key into the training. the experiences, we have quite a large number of very senior and very experienced who are now into AD. (P6)
>
> Even the judges, the magistrates they now understand that it is an effective way of resolving disputes. So you find them going for training, workshops, seminars to horn their ehhm will I say skill because you have to adopt skill to be able to make an effective ehhmm, ehhmm resolution. (P8)

Also, government and nongovernmental agencies organize several courses on ADR practices:

> There are government organizations that sponsor legal practitioners to attend these courses from time to time and ADR is also a part of the course. As being taught at the law school so the practitioners are getting abreast with it in our private environment now. (P4)

Some agreed that there was need for training and experience program on ADR practices.

> I know there is a lot more that needs to be done if we say we have a hundred practitioners out there say maybe thirty of them may have received training which means maybe another seventy and of course the fact that not many have been trained there is not much of experience on how this is deployed. (P2)

On the other hand, some of the respondents indicate that there is no formal training and experience program on ADR practices among the legal practitioners.

> With other criminal justice practitioners it is not that very high(pauses) the training is not that very high. Its only a few who have been dealing with issue of organized crime, like human trafficking, like drug trafficking, like corruption cases they are the one that actually take have the advantage of interacting with international criminal justice practitioners may have such experiences. (P6)

"Issue of training need to be very much widened to all sectors and all practitioners so that everybody will be aware of their right and their obligations and their duty if ADR need to be applied in such instances" (P8). "None yet by my own understanding, none yet" (P10).

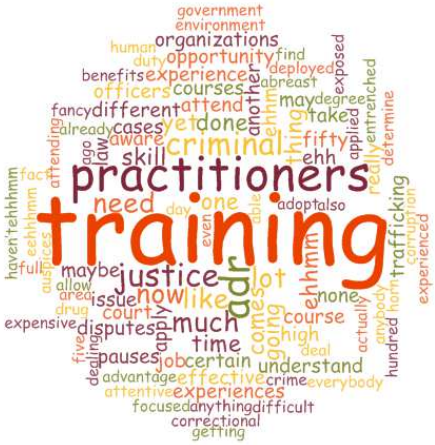
> Ok, it is on the job, it is on the job thing. in the sense that experience comes with time it comes with proceedings, with procedure so when you have a full court for instance and a criminal matter comes in and the process of ADR is used take it from me that those who are in court that day. (P9)

"Criminal justice practitioners need training. And it will be difficult to determine how much training they already have" (P10). "To have this skill you need training and retraining. So they have to have more training in that area" (P2).

> I don't have any degree or ehh , ehh haven't ehhhmm, done any training, I haven't done any training in that. But I fancy it, I love it because, am aware of the benefits. So in as much as lawyer's can read up anything or apply whatever is in the law, this ADR is not really well entrenched yet (pauses) all that. (P5)

Figure 44

Common Words Used to Describe Training and Experience With ADR



Restorative Justice Effectiveness

Participants were asked if restorative justice was an effective way to deal with crime generally and offender specifically. Many of the respondents agreed that restorative justice was an effective approach to deal with crime and offender specifically because the system allowed for rehabilitation, compensation, discourage corruption, encourage and agree with the communities form of punishment with the offender commented:

> I would say that yes in terms of opinion most criminal justice practitioners are in tune with the fact that eehhhm we need restorative justice as a way to go. Eeehhh to deal with crime generally, but it will ehhmm but it will be a faster way of dealing with such crimes especially, in the resolution of such matters. (P2)
>
> ADR, long before the advent of ehmm colo, colonial, colonialism in Africa, ADR was permanent in the communities. It was being used, it was being practiced. It was the introduction of the criminal justice system the way we know it, eroded the ADR the way it was obtainable in Africa, in the communities then. With the introduction of the criminal justice system the way it is now, people go to jail. (P5)
>
> The current justice system rather than rehabilitate creates room for the offender to become more corrupted so there are cases of persons who went to prison on account of stealing a loaf of bread or engaging in something which is quite light. (P3)

"In cases of taxation I told you custom and exercise act , cases like manufacture of drugs , companies are being asked to pay compensation for their acts or in

commission the ADR will work very well in that aspect. I think that's my take on that" (P4).

> I believe they are very positive that ADR is an effective tool to resolve you know criminal justice issues for those who understand the issue I believe they are very much for it but there are other sectors who really does not understand or appreciate it. (P6)
>
> At the moment in Nigeria, it's a debate that has been on-going and I will say that the opinion is more on the side of those who are against restorative justice as an effective way to deal with crime and offender generally. But gradually the ranks of those who have been canvassing for restorative justice, their ranks are growing and am sure in the not so distant future they will win a lot more people over to their side. (P5)
>
> For it's still the government, it's still part of government. If the government keys into it fully and allows ADR to work to its fullest which includes this issue of remedies and restorative justice you will find that ehhm, that ehhm it will deal with a lot of the situation. (P9)
>
> The opinion is getting sharpened positively day by day in the sense that when one becomes aware that the criminal is not just going to go because what he took from the victim is going to be returned to the victim. That is not the same. Restoration only solved the humanitarian part of the crime. (P7)

Others indicated that the restorative justice system saves time by reducing the proceedings in the court room.

> It does not resolve the criminal part of the crime. The judge still has to take the offender through the whole length of proceedings to have him convicted it's

not because they met in a store what he took they will let go no, there is another aspect called plea bargain, where the offender pleads but bargains with what comes with the consequences. Even with that we still convict the criminal. Even with that to allow the rest of the bargain to come into effect. (P8)

Another participant argued that restorative process could be effective if accompanied by custodial punishment:

In as much as restorative justice is an effective way to deal with crime and the offender ehhh, ehhh specifically there is still that part of, of opinion pool that believes that it should also be accompanied with no matter how small a form of custodial punishment. So that is different opinions here. Restorative justice is effective, but don't just leave it at restorative justice. Look at the crime, is it sufficient, is it sufficient punishment in quote for the crime (P6)

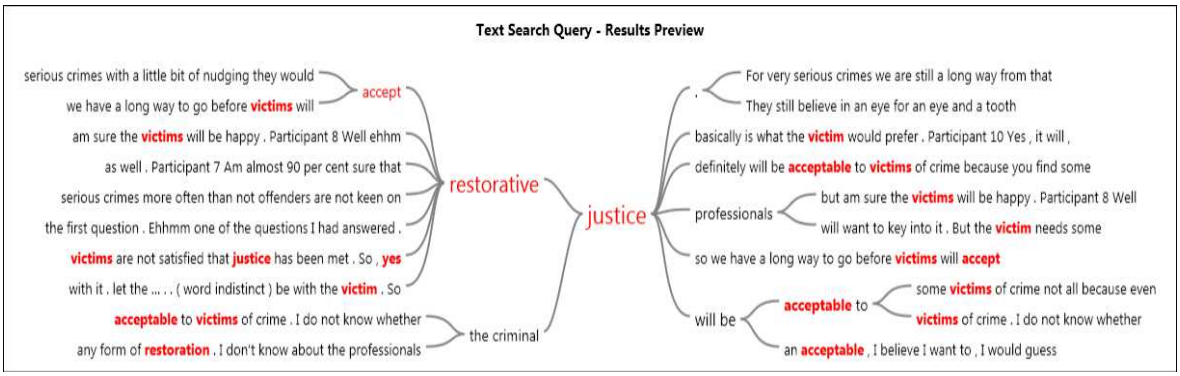
Figure 45

Common Words Used to Describe Reasons Restorative Justice System was Ineffective

Acceptance of Restorative Justice by Victim of the Crime

Figure 46

Key Words Used to Describe Acceptance of Restorative Justice by Victims of Crime



The section provides reason restorative justice would be acceptable to the victims of crime, and criminal justice professionals in Nigeria. One of the respondents commented that the restorative justice system was accepted by victim of the crime because it provided compensation to them:

> It will be acceptable to victims of crime because it will give them an opportunity to one be compensated. two give them opportunity to have closure on how they became the victim of crime and maybe even some sort of reconciliation, which maybe therapeutic by engaging with the offender in particular using the process of victim offender mediation. (P1)

It also provided a win-win approach to resolve dispute. “It is a win-win situation, so for those professionals too they understand the concept and the need for ADR I believe they too will accept it and cooperate in such a way that it can be used to resolve all issues” (P3). “I have stated it, it is gaining acceptance, it is gaining acceptance. like as I have for what can be restored, that is restored. What cannot be restored, cannot be restored” (P6).

> Am almost 90 per cent sure that restorative justice will be acceptable to victims of crime. I do not know whether the criminal justice professionals will want to key into it. But the victim needs some kind of compensation and he will be willing to be compensated. (P5)

"Restorative justice definitely will be acceptable to victims of crime because you find some of them what they want assuming an offender (stammers) steals a car and you want to go through the whole huddle of going to court litigation" (P7). "Restorative justice basically is what the victim would prefer" (P4).

Other participants were however, skeptical on the acceptability of the restorative justice by the victims' especially when it involved serious and violent crimes:

> Yes it would be acceptable but depends on the offences available. Where the offence as I said is capital offence, kidnapping , terrorism, ahhhehhhm it would not be acceptable but in cases of public nuisance , false information, impersonation, victims will proceed to that where the ADR is available for such offences. But for capital offences, kidnapping, terrorism and even the government sometimes they will not accept the cases of treasonable felony against the state. (P2)

"Restorative justice will be acceptable to some victims of crime not all because even some victims will feel pacified when the state punishes the offender as opposed to ADR" (P10)

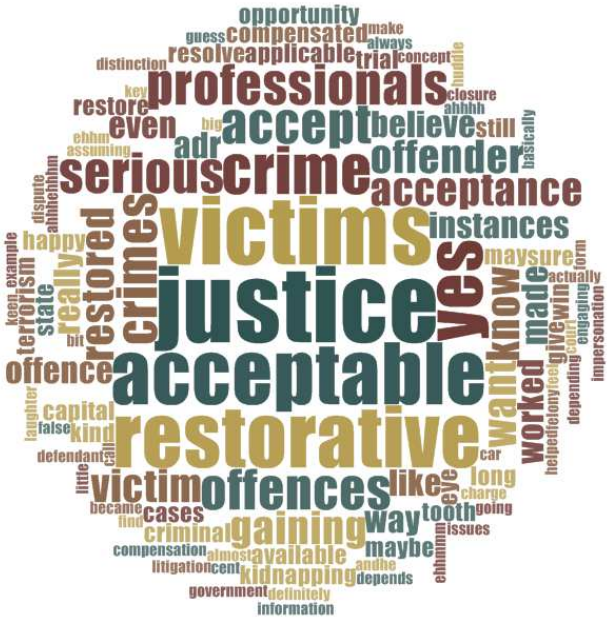
> In some few instances (subtle subdued laughter) it may not be , it may not be applicable ,simply because we have a multitude of ehhmmm of offences for example as simple as road traffic offence how do you restore, restore that? In,

> in big offences like murder yes, it has worked, so ehhm, so it's really, it's really, it's really ahhhh, it's applicable in some instances it worked, it worked. (P6)
>
> I would say yes depending on the kind of crime you know I have always made a distinction between what I call serious crimes and non-serious crimes. For serious crimes more often than not offenders are not keen on restorative justice. They still believe in an eye for an eye and a tooth for a tooth, for more serious crimes with a little bit of nudging they would accept restorative justice so we have a long way to go before victims will accept restorative justice. For very serious crimes we are still a long way from that in Nigeria. (P5)

"Yes , it will, it will be acceptable but in some instances" (P4). "Yes if actually you have to make a trial to know if they will accept it or not. Like I have made a trial which helped me to resolve the dispute in time and made me to withdraw the charge against the defendant" (P10).

Figure 47

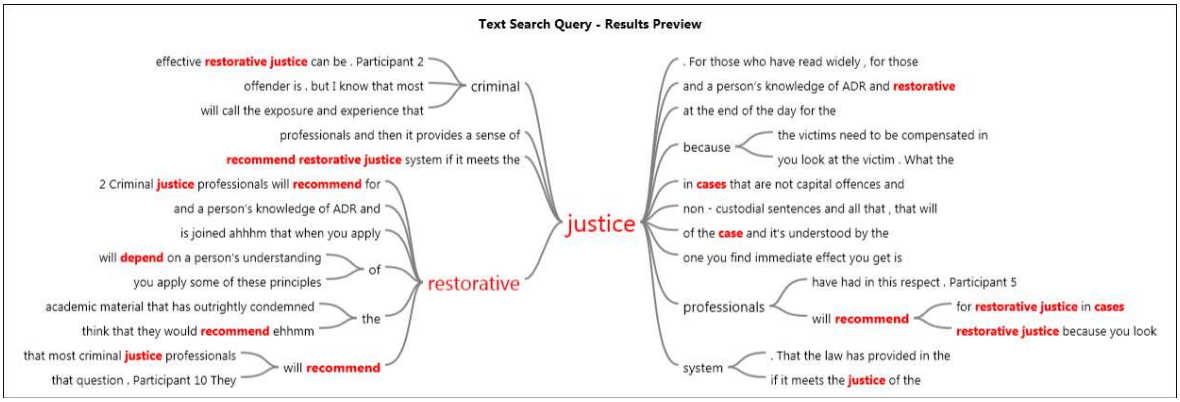
Common Words Used to Describe Acceptance of Restorative Justice System by the Victims



Professional Recommending Restorative Justice

Figure 48

Key Words Used to Describe Reason for Recommending Restorative Justice System



The reasons for criminal justice professionals recommending or not recommending restorative justice were presented in the following subthemes.

Figure 49

Subtheme on Reasons for Recommending Restorative Justice System

Faster Way of Getting Justice and Compensation

"They actually recommend it as a quick fix for the problem because some of these offenders are, the offences are very minute" (P2). "Principles of restorative justice non-custodial sentences and all that, that will be, that will go a long way" (P4). "Restorative system to work is such that it gives back , it provides some sense of satisfaction to the victim and to the professionals and then it provides a sense of justice at the end of the day for the criminal so for now there is really no opposition" (P8). "When you apply restorative justice one you find immediate effect you get is decongestion of our prisons" (P1). "I would like to think that they would recommend

ehhmm the restorative justice because the victims need to be compensated in one form or the other" (P3). "Recommend it because it enhances victim satisfaction and offender accountability" (P6).

Recommended for Less Crime and Noncapital Offence

"Criminal justice professionals will recommend for restorative justice in cases that are not capital offences and taxation matters, false evidence" (P5). "It depends on understanding of individual and it also depend on the situation on ground and it also depend on the circumstances you know there are many instances" (P6).

> It depends on the crime .it depends on whom the victim is, it depends on who the offender is . but I know that most criminal justice professionals will recommend restorative justice because you look at the victim. What the person wants is how was I before this offence was committed. (P10)

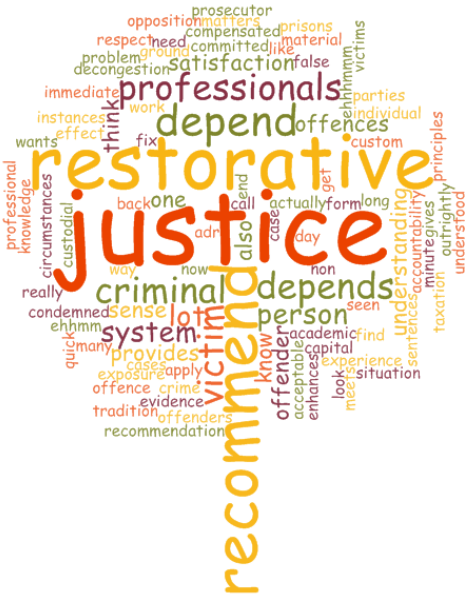
"They will recommend restorative justice system if it meets the justice of the case and it's understood by the parties and both in their custom and tradition such recommendation is acceptable" (P9).

Exposure to ADR Practices

"I think a lot will depend on a person's understanding of restorative justice and a person's knowledge of ADR and restorative justice" (P7). "A lot will depend on a lot will depend on ehhhmmm what I will call the exposure and experience that criminal justice professionals have had in this respect" (P8).

Figure 50

Common Words Used to Describe Reasons Professionals Will Recommend ADR Practices



Reasons Professionals Will Not Recommend Restorative Justice

The reason justice professionals may not recommend restorative justice are presented in the following subthemes.

Figure 51

Key Words Used to Describe Reasons for Not Recommending Restorative Justice System

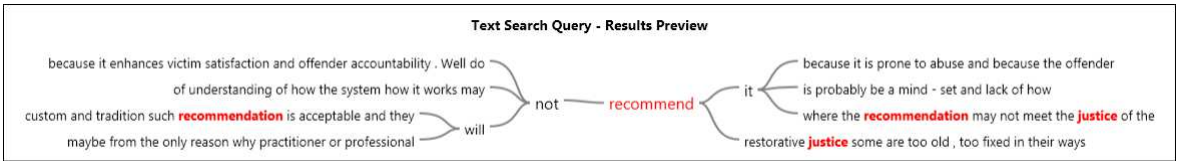


Figure 52

Subthemes for Reason Practitioners Would not Recommend Restorative Justice System

Lack of Understanding

> Some may not some because of lack of understanding of how the system how it works may not recommend restorative justice some are too old , too fixed in their ways so they are also, its formally a mind-set , maybe from the only reason why practitioner or professional will not recommend it is probably be a mind-set and lack of how effective restorative justice can be. (P2)

Serious and Violence Crime

> I still have my reservation for it like kidnapping, terrorism cases, if it's some money laundering cases I guess the society some people wouldn't want those

> people that are involved in it should be punished properly according to the law. And that is my view on recommending and not recommending ADR. (P4)
>
> They may not want to key into it on the other side of the scale may be because some of them might naively think that it has taken the practice out of their hands because if they went into advocacy and the adversarial type of adjudication in court. (P5)

"They will not recommend it where the recommendation may not meet the justice of the case" (P10).

Monetary Gain

> But sometimes lawyers wouldn't like that they will like a rigorous trial to be in court, the case to be in court maybe because of the monetary value they will want the case to be in court because of the charges of money they will charge their client.(P6)

"They charge the fees they like and the number of appearances they make in court, their pay bills will be larger and higher than that of ehhhmm a situation where the victims are easily compensated and that is the end of the matter" (P5).

Prone to Abuse

"Well do not recommend it because it is prone to abuse and because the offender would feel that the only punishment is to return what is stolen. They also feel that there is no punitive measures as such" (P8).

Figure 53

Common Words Used to Describe Reasons Professionals Will Not Recommend ADR Practices

Summary

Both data analytical techniques yielded similar results. The Nvivo data analytical technique did not yield anything significantly different both in context and meaning units. The results were in conformity with the guidelines generously provided by Janesick (2011). This was a further confirmation that the results emanating from both data analytical techniques were significantly accurate and reliable. The following chapter provided the summary, recommendations, and conclusion of this study.

Chapter 5: Discussions, Conclusion, Recommendations

Introduction

The purpose of this study was to improve the understanding of the ADR mechanism through which practitioners settled criminal conflicts, aside from the traditional litigation system. The qualitative research method was used to address the identified gap in this study. This method involved interviews with professionals in the Nigerian criminal justice system that, included judges, lawyers, and law enforcement officers. Accordingly, this study fells within the exploratory research paradigm. The exploratory research design was considered appropriate for qualitative studies that involved the "review of documents, interviews, and observation" (Creswell, 2013, p. 97).

The resolution of criminal disputes was a major public concern that has generated numerous studies over the last few decades. ADR was a tool to resolve conflicts outside court litigation. A review of the literature revealed that the delay in the judicial process prevented efficient justice delivery in the Nigerian court system**.** This was further compounded by the fact that little information existed on how ADR facilitated the resolution of severe criminal offenses. The lack of existing data on ADR application in Nigeria rendered the quantitative method inappropriate for a study such as this and thereby provided a sound/cogent justification for the qualitative research design employed in this study.

The problem addressed in the study was that the application of ADR in Nigeria limited to minor crimes. The formal mechanisms for conflict management were not often effective to manage conflicts, and this encouraged a shift towards informal mechanisms for conflict management, including ADR and traditional dispute

resolution mechanisms. The pervasive poverty within the general populace, coupled with widespread illiteracy, lack of access to justice, and the high cost as well as limited availability of lawyers, pointed to ADR as the best method of conflict resolution in Nigeria.

To facilitate this study the following two research questions were posed to the participants:

RQ1: How does ADR address the problem of offender, victim, community satisfaction in public justice?

RQ2: To what extent are ADR practices utilized by criminal justice practitioners within Nigeria?

A total of 10 participants were interviewed for this study. Appropriate justification for this sample size was provided in the section on data collection (chapter 4). The participants for this exploratory study included: Attorneys/lawyers, judges, civil servants (state prosecutors). The civil servants functioned as state prosecutors adequately filled the role of law enforcement and correctional service officers. In the process of data collection and analysis, the interview with participants and my reflective journal proved exceedingly resourceful.

The interview sessions were conducted over the telephone in a cordial manner without interference whatsoever. The participants duly answered all the questions posed to them in a sincere/ truthful manner as I assumed, not being in personal contact with them on account of the nationwide restriction on inter-state movement/lockdown due to the prevailing Covid-19 pandemic. The interview sessions with the participants were indeed rigorous and lasted on the average for 25 minutes. The outlier in this regard was the case of participant P1 which lasted for about 34 minutes. In

appropriate circumstances based on the response of the particular participant, I endeavored to pose other follow up questions to obtain more information in order to deepen the understanding of the phenomenon in question.

The theoretical base for this study was the Bentham's (1843) theory of judicial organization and adjective law with additional inputs from the cognitive behavioural theory and reintegrative shaming theory. This research was significant to the stakeholders, that is, litigants, legal practitioners, criminal justice practitioners, to understand the use of ADR in the settlement of criminal disputes and thereby reduce case backlog. The study would help policy makers to prioritize ADR in the administration of criminal justice. This study would also serve as a catalyst to generate further research in the use of ADR in criminal justice administration in Nigeria.

The major findings of this study were as follows:

- ADR when applied correctly brought healing to the victim, community as well as the offender.
- Victim, offender and community involvement led to amicable and non-biased settlement of disputes.
- ADR promoted peace and cohesion in the community.
- ADR ensured punishment of the offender given other residual actions to restore the victim to the original status quo ante.
- ADR brought satisfaction when the victim was adequately restored or compensated.
- ADR encouraged the reintegration and rehabilitation of the offender into the community unlike the formal criminal justice system.

- To successfully apply ADR in the settlement of disputes the offender must accept responsibility for crimes committed.
- There was a limited use of ADR by criminal justice practitioners in Nigeria.

The following section was devoted to the discussion and interpretation of these findings as they relate to the research questions for this study.

Discussion and Interpretation of the Findings

RQ1: How does ADR address the problem of victim, offender and community satisfaction in public justice?

The results of this study indicated that ADR when applied correctly addressed the victim, offender and community satisfaction in public justice. For the victim this took the form of compensation/restoration, punishment of the offender, healing and obtaining adequate justice generally. For the offender, the issue of responsibility/accountability for the crime committed against the victim was paramount. The reintegration/rehabilitation of the offender equally satisfies the public justice system. The community involvement in mediation, arbitration and conciliation ensured that commensurate punishment was meted out to the offender. Furthermore, the involvement of the trio of the victim, offender and community guaranteed that decisions were arrived at in an open unbiased way or manner.

RQ2: To what extent are ADR practices utilized by criminal justice practitioners within Nigeria?

Another key finding of this study was that there was a limited use of ADR by criminal justice practitioners within Nigeria. This result was evidenced from the responses obtained from the participants as documented in the interview transcripts.

This result also represented a major barrier to the widespread use of ADR within Nigeria because with this followed a lack of experience, ineffectiveness, lack of familiarization, unacceptability and unsuitability for use in the settlement of very serious and violent crimes by the criminal justice practitioners within Nigeria. As earlier mentioned the Nigerian context limited ADR to minor offenses and there was no latitude for ADR in the criminal justice system.

Suggestions for Further Research

Future research interest in the area of ADR should be directed towards identifying and analysing actual/ real life cases of the application of ADR mechanism by the courts for the settlement of criminal disputes within Nigeria. Hence the result of this study showed that there was a limited use of ADR within Nigeria, it followed therefore that a sizeable quantity of data will become readily available in the near future to support/facilitate such research endeavour.

In this regard, such researchers could use the quantitative method or a mixed-method approach that involve existing data on ADR cases settled by the courts, document review and content analysis. The adventurous curious researcher could even go further to make contact with any of the parties to the case and clarify contentious issues if any.

Future researchers could also use the same qualitative methodology employed in this study in other states/ regions in Nigeria. This would enable the documentation of ADR use in various parts of Nigeria. Such a research work would aid the researcher in the quest to understand the impact of locational factors on the practice of ADR for the settlement of criminal disputes within Nigeria. Recall that involvement

as one of the ancillary themes in this study emphasized that the ADR process was to a large extent conditional on jurisdiction of practice.

The focus of interest for future researchers on ADR for the settlement of criminal disputes both within Nigeria and in other regions of the world must take into account the following intervening/ determinant variables: geographic location, cultural factors, government policy, level of training etc. This would furnish the much needed information on the practice of ADR for the settlement of criminal disputes both within Nigeria, other parts of the African continent as well as in other regions of the world.

Delimitations of the Study

This study was exclusively devoted to an examination of ADR approach for settlement of criminal disputes in Nigeria. This implied that the scope of this study was limited to Nigeria to the exclusion of other African countries and other countries of the world. Thus, the scope of this study was limited to 10 participants drawn from the judicial sector in Nigeria. These participant's included attorneys/lawyers, judges of the high court of justice, civil servants serving presently as state prosecutors in the federal ministry of justice in Nigeria. Accordingly, the essence of this research was not an exhaustive description of ADR and its components in Nigeria, but an exploration of its use in Nigeria's criminal justice system.

Limitations

One of the potential limitations of this study as envisaged in chapter 1was the aforementioned issue of judicial bias on the part of the participants. The judicial perspective bias could prevail while conducting surveys with criminal justice

practitioners. To address the potential bias I ensured that I made sufficient disclosure to the interviewees.

Another potential limitation of this study related to the nature of the qualitative research method. It was a known fact that the results obtained using this method was deemed correct to the extent of sincerity inherent in the responses obtained from participants. The interpretation of these responses by the researcher was another area of concern. Cognisant of this situation, I ensured that I made objective interpretation of the participant's responses and I can confirm that the participants by reasonable standard of evaluation provided sincere/genuine responses to the interview questions. Moreover, I have never maintained any official or unofficial relationship with the participants for this study either as an instructor or a supervisor in any formal organizational setting.

The findings of this study represented the views as expressed by the 10 participants for this study. These views were genuine and trustworthy based on a rigorous and thorough compliance with the postulates of the qualitative research method.

Recording the interview sessions with the participants was to satisfy the need for credibility. The verbatim transcriptions of the interviews were sent to the participants email accounts in order to comply with the requirements of member checking. Especially as I could not travel from my base in Uyo, capital city of Akwa Ibom state to Abuja, the capital city of Nigeria the place of residence of all the participants, due to the nationwide lockdown occasioned by the Covid-19 pandemic. This was to enable the participants to confirm that the transcriptions were accurate in all respects. This process enabled me to clarify certain indistinct words based on the

mode of pronunciation by the different ethnic nationalities in Nigeria. This was particularly frustrating in some instances.

I employed the ‘‘iterative inductive process hinged on de-contextualization and re-contextualization’’ as enunciated by starks and Trinidad (2007), to separate data from its original form based on individual cases. Subsequently, I assigned codes to the identified units considered meaningful so as to enable re-contextualization through an examination of the codes for patterns that emerged. These emergent patterns were re-arranged around central themes. This procedure was geared towards ensuring transferability of the findings of this study.

Confirmability was guaranteed hence a conscious effort was made to search out negative occurrences/instances that could have contradicted earlier assertions and found no evidence of any such cases based on the views expressed by the participants. For instance, most of the participant’s affirmed that they would feel quite comfortable to recommend ADR for the settlement of serious and violent crimes within Nigeria. This indicated that should the government enact appropriate legislation to formalize the use of ADR in criminal justice administration in the near future this development would be enthusiastically welcomed by the criminal justice practitioners within Nigeria.

I examined the process of data collection and the data analytical procedure used in this study and would confirm that the purposeful sampling method helped to enhance the quality of data collected in the field. Moreover, the participant’s exhibited enough knowledge of the phenomenon under investigation and provided genuine answers devoid of bias to the interview questions. Thus, the reliability of their responses was not in doubt. The results obtained in this study could be reproduced in

any other section of Nigeria using the same methodology with the avowed expectation of obtaining similar results.

Recommendations

Based on the findings of this study the following recommendations were advanced. It was considered imperative for the government of Nigeria to enact appropriate regulations or laws that would promote the use of ADR. The lack of appropriate legislation to serve as a framework for the operation of the ADR mechanism was one of the barriers to the use of ADR for the settlement of criminal disputes within Nigeria. Ezike (2011), demonstrated the importance of having a legislative framework for all forms of ADR in settling disputes and suggested practical ways to achieve this legislative framework in Nigeria. Criminal justice practitioners should ensure that effort at mediation using the ADR process was done in an open unbiased way or manner. This singular act promoted commitment to decisions arrived at using ADR mechanism.

Criminal justice practitioners must ensure that the victim, offender and community were involved during the mediation process. It was important to resist the temptation to employ mere representatives or proxies of the parties involved in the dispute as this would snowball into noncommitment to decisions arrived at using the ADR mechanism. There was an urgent need to intensify training of criminal justice practitioners in the area of ADR. It should be noted that lack of adequate training was another major barrier to the use of ADR in the settlement of criminal disputes within Nigeria. The lack of adequate training was one of the emergent themes in this study.

Efforts should be geared towards improvement of the ADR process so as to make it more effective. This could be achieved through identifying lapses/shortfalls in

the application of ADR in order to make it more effective. Ineffectiveness of the ADR process was another emergent theme in this study.

Punishment of the offender should be commensurate to the crime committed and should as much as possible be mutually agreed upon by the victim, offender, community, and the attorneys representing both parties. This would serve as a deterrent to the offender not to commit such crimes in future. The issue of punishment was one of the ancillary themes in this study.

Effort should be made to ensure that rehabilitation and reintegration of the offender back into the community/society is given adequate attention. This was just as important as the restoration of the victim. The tenets of the re-integrative shaming theory a prominent aspect of the theoretical framework of this study was equally instructive in this regard. The rehabilitation and reintegration of the offender was another ancillary theme of this study.

Effort should be made to encourage the payment of adequate legal fees to the criminal justice practitioners involved in ADR. This payment should be made commensurate to the normal charges for court appearances so as to encourage criminal justice practitioners to utilize ADR for the settlement of criminal disputes within Nigeria. Resistance by some of the criminal justice practitioners in Nigeria to engage in ADR for the settlement of criminal disputes as attested to by most of the participants could emanate from the fear that such legal practitioners were not be paid fees commensurate to normal fess paid for repeated court appearances. This was one of the contributory factors to the limited use of ADR within Nigeria. This was an obvious barrier. The limited use of ADR was also one other emergent themes of this study.

Concerted effort should be made to ensure that the expectations of the victims are adequately met. Adequate attention should be devoted to the victim's expectation regarding restoration, compensation and punishment of the offender as all these constitute the prominent components of the need to obtain adequate justice by the victims of crime.

The ADR approach should go beyond just the temporal sequence of restoration, compensation and obtaining adequate justice for the victims of crime. Additional efforts should be made to evaluate the cognitive behavioural therapy needs best suited to the victims of crime. It should be recognized that victims of crime experience a great deal of psychological trauma which also needed to be adequately addressed as a follow-up or post intervention measure. The same applied to the case of the offender that should go beyond the punitive sequence of punishment as a deterrent. The offender also required to undergo therapeutic processes/counselling that would help minimize the risk of relapse or recurrence of the crime (Wenzel et al., 2016). This intervention should be made situation-specific and should take into account underlying beliefs and processes that result in successful cognitive behavioural therapy (Wenzel et al., 2016).

Implications for Positive Social Change

I aimed to explore the phenomenon of alternative dispute resolution for the settlement of criminal disputes in Nigeria. The findings of the study showed that ADR was limited to minor offences in Nigeria and there was no latitude for ADR in the criminal justice system. The implication was that criminal justice practitioners were still reluctant to accept and utilize ADR for the widespread settlement of criminal disputes within Nigeria. However, despite the established formal mechanism of

criminal justice system in Nigeria, huge backlog and pendency of cases, cause delay and possibly denial of justice. Accordingly, this study had huge implications at the individual, family, organizational and societal level as demonstrated below.

Without equivocation, at the individual and family level, ADR engendered victim satisfaction through compensation, restoration, adequate justice, and punishment of the offender. On the other hand, under the ADR mechanism the offender was encouraged to take responsibility for crimes committed without litigation. This was in sharp contrast to what obtained under the formal court system. At the organizational level, ADR promoted recovery of losses/debts. For example, P2 maintained that ADR would work well in cases of custom and excise infractions instead of sending the offenders to prison. The same was equally obtainable at the societal level where plea bargaining was used to recover money/property belonging to the government, organizations, individuals and the family. In all these cases mentioned the victim was restored commensurately.

Another implication of the findings of this study was a reduction in the level of crime in the community. At the individual level the offender was deterred from committing such crimes in future. The offender was rehabilitated and reintegrated back into the society. The re-integrative shaming theory as was shown earlier emphasized offender rehabilitation and reintegration. Shaming the offender in the presence of the victim, offender's family members and community achieved the purpose of deterrence.

The resultant reduction in the level of crime in the society ensured that enduring/ sustainable peace and cohesion returned to the community/society. The use

of ADR to resolve criminal disputes as noted in the literature was significant in maintaining close and continuing relationships in every community (Street, 1992).

The implication of this study at the organizational level (judiciary) was a reduction in the time and cost of the dispensation of justice. The individual (victim, community) obtained justice speedily. The dockets of the courts were cleared and there was no backlogs or pending cases. The delay in the judicial process as noted in the literature prevents efficient justice delivery in the Nigerian court system (Olufemi & Imosemi, 2013).

Reinventing the traditional means/ways of criminal dispute adjudication and resolution reminiscent of the colonial Nigerian society was an obvious positive implication of the findings of this study. This process appeared more expedient to the needs of the present day traditional Nigerian society. This was because decisions arrived at through the ADR process appeared more binding than those of the courts. A home-grown restorative justice and philosophy of law as noted in the literature are critical for an effective, efficient, and credible criminal justice system in Nigeria (Ogbuabor et al., 2014).

Through shifting the focus of sentencing from punitive to correctional and by enlarging the scope of noncustodial sentencing by the courts the implication of this study for positive social change was made further manifest. Another implication of the findings of this study for positive social change was the compliance with international standards of criminal justice administration. This could promote the abolition of the death penalty, introduction of plea bargaining, and all other modern statutes of criminal justice administration hitherto not applied within the Nigerian criminal justice administration system.

The settlement of disputes through ADR as evidenced from the findings of this study was a potent force for positive social change by addressing injustice in the system. A wide range of disputes resolved outside of court supports the fact that effective conflict resolution strengthened social stability and stimulates economic development. This engenders the prioritization of ADR in criminal justice administration in Nigeria.

Conclusion

The purpose of this study was to conduct an exploratory inquiry into the application of ADR for the settlement of criminal disputes in Nigeria. The formal mechanism of criminal dispute resolution viewed criminal act as an offence against the state. This rigid, inflexible, pedagogical fixation with abstract legal principles over time without due attention to contemporary social reality was a problem. The delay, time and cost in the disposal of criminal cases, including petty matter like stealing a loaf of bread, remained a persistent drawback of the formal mechanism of criminal justice administration and justice delivery.

The foregoing prompted a re-think or a re-examination of the present justice delivery system and a shift towards ADR and restorative justice as a viable mechanism for criminal justice administration. ADR owed its popularity to the increasing caseload on traditional courts and its advantages over the traditional judicial system, as it imposed lesser costs than litigation, gave a preference for confidentiality, and let the parties choose individuals who would resolve their disputes (Sridhar, 2006).

Presently, ADR was used to resolve issues related to family, environmental, commercial, and industrial disputes. The success of ADR in resolving these disputes

compelled policymakers to introduce it in other sectors. Thus, I propose in this exploratory study the formal and comprehensive adoption/inclusion of ADR for the resolution of criminal disputes in Nigeria. Insights from this study, had shown that presently criminal justice practitioners in Nigeria lack familiarisation with ADR, lack adequate training in the area of ADR, and the extent of ADR utilization was limited. That ADR was equally unacceptable, unsuitable and ineffective in use for criminal justice delivery/administration within Nigeria as suggested by the findings of this study did not in any way dampen its appeal and restorative potentials. This was because another major finding of this study was that ADR when correctly/diligently applied brought satisfaction to the victim, offender and the community.

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Appendix A: Interview Questions

1. How does ADR address the problem of offender, victim, community satisfaction in public justice?
2. What are the expectations of the victims of crime from the criminal justice system?
3. How effective is the criminal justice system in Nigeria?
4. Would ADR/restorative justice be a better option?
5. Is restorative justice suitable for serious and violent crimes?
6. What are the barriers to ADR/restorative justice in Nigeria?
7. To what extent are ADR practices utilized by criminal justice practitioners within Nigeria?
8. How familiar are you with ADR?
9. How did you interpret ADR in your practices?
10. In your point of view, how would you define, describe, and explain ADR? Would you recommend it as a technique to other practitioners?
11. How familiar are Nigerian criminal justice practitioners with ADR?
12. How much training or experiences do Nigerian criminal justice practitioners have in ADR?
13. What are the opinions of the criminal justice professionals in Nigeria on whether restorative justice is an effective way to deal with crime generally and offender specifically?
14. Would restorative justice be acceptable to victims of crime, and criminal justice professionals in Nigeria.

15. Why would criminal justice professionals recommend or not recommend restorative justice?

Appendix B: Invitation to Participant

My name is Agatha Okeke. I am a doctoral student at Walden University. I invite you to participate in a research study as part of my doctoral program. I am contacting you and other criminal justice practitioners in Abuja to request your participation in my study. You were selected as a possible participant because of your experience, training, and knowledge associated with criminal justice.

The purpose of this study is to conduct confidential interviews with criminal justice professionals like you to investigate among other things, how practitioners implement and interpret ADR in their practice. I also seek to find out whether your familiarity with the model adequately you to resolve disputes adequately.

If you agree to be in this study, I will arrange to meet you for one and half hour interview in an office location that is convenient for you. The interview will be audio taped so that I will be able to accurately capture your views, experiences, and comments. You will have access to the audiotape if you wish to hear it, and I will not share these tapes with anyone without your consent.

The records of this study will be kept private. In any report of this study that might be published, I will not include any information that will make it possible to identify you or any other participant. Research records will be kept in a safe box file, and I will be the only one that will have access to the recordings. The tapes will be erased after five years.

Your participant in this study will enable me to gain important information regarding the experiences of criminal justice practitioners in ADR, as well as the expectations of the victim, offender and community from the system. As a consequence of the information that I collect, I may be able to recommend ideas on

how the understanding of ADR/restorative justice may improve efficient resolution of criminal disputes.

Thank you for your anticipated considerations, and I would appreciate if you would advise me of whether or not you agree to participate by indicating consent.

If you have any questions, feel free to contact me.

Appendix C: Participants

Participant 1 ----------Legal Practitioner (Male)

Participant 2 ----------Public Prosecutor (Male)

Participant 3 ----------Public Prosecutor (Male)

Participant 4 ----------Law Professor/Legal Practitioner (Male)

Participant 5 ----------Public Prosecutor (Female)

Participant 6 ----------Judge (Male)

Participant 7 ----------Judge (Female)

Participant 8 ----------Judge (Female)

Participant 9----------Judge (Female)

Participant 10----------Legal Practitioner (Male)

Appendix D: Coding Protocol

Step 1:

Transcribe recorded interview, field notes, and public documents.

Step 2:

Format data for coding in Microsoft word.

Step 3:

Copy formatted data to Nvivo

Step 4:

Level 1 coding: Initial coding and open coding begin with key words or phrases from literature, theoretic framework, and conceptual framework.

Level 2 coding: Review codes in level 1 and develop categories

Level 3 coding: Study codes categorization from level 2 and refine codes categorization to develop themes.

Level 4 coding: Develop theoretical concepts emerging from categories and themes and organize possible answers to research

Appendix E: Study Population Criteria

Criteria	Considerations	Examples
Inclusive criteria	Judges(Bench) Attorneys(Bar) Civil servants (Min. of justice) Experience(at least 3yrs)	State prosecutors
Target population	Criminal justice practitioners Currently practicing attorneys Serving judges Civil servants in the min. of justice	
Accessible population	Legal personnel Judges Attorneys Civil servants (Min.of justice)	Members of the Bar and bench Civil servants (Min.of justice) Male or female Adults
Criteria for exclusion	Non-legal personnel	Inexperience

Appendix F: Coding Summary by Node AD$ 11/10/2020 11:00 AM

	Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On	
Node								
Nodes\\ADR addressing problem\Community								
Document								
Internals\\Interview\\Question 1								
	No		0.2916	18				
					1	O	11/3/202	
the community is now involved								
					2	O	11/3/202	
community service related punishment which has which gives the community the								
					3	O	11/3/202	
ADR has come to play in the sense that now we have under the new law a non- custodial sentence which involves community service and things like that eehhh and this has created a								
					4	O	11/3/202	
it is also utilized you know in resolving some criminal matters (pauses) particularly those that								
					5	O	11/3/202	
ADR is utilized to resolve ehhm (pauses) criminal case both the offender, the victim and the								
					6	O	11/3/202	
In our country here in Nigeria, it is not every crime that can be easily resolved via ADR, the								
					7	O	11/3/202	
alternative dispute resolution facilitates access to justice and it equally enhance community								
					8	O	11/3/202	
it prevents undue course and delay . on one hand it decongest the court which is equally								
					9	O	11/3/202	
you should understand first, about what damage an offender, a criminal offender has done								

Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On
				10	O	11/3/202
ADR addresses the problem of offenders and victims and even the community as provided for in our legal system by the Administration of criminal justice Act. The issue of settlement,						
				11	O	11/3/202
where the offence is ehhm not grievous, extremely grievous offence or extremely						
				12	O	11/3/202
where sexual violation of a minor or an adult occurs in the community, the community will						
				13	O	11/3/202
Sometimes it could be through assisting the family with their farming, and it could even be						
				14	O	11/3/202
satisfying the public justice system because justice is seen to have been done, especially						
				15	O	11/3/202
returning stolen money or community service.						
				16	O	11/3/202
alternative dispute resolution can address ehhmm the problem of offender, victim ehhm						
				17	O	11/3/202
you find that the victim and the offender they are part of the same community. They have						
				18	O	11/3/202
the community is happy because it brings peace to all the parties involved and there is no						
Internals\\Interview\\Question 9						
No		0.0467	1			
				1	O	11/4/202
I would describe it as the quickest, the fastest way of achieving ehhmm of settling disputes in such a way that communities, or parties or litigants are reconciled and they can shake						

Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On
Nodes\\ADR addressing problem\offender						
Document						
Internals\\Interview\\Question 1						
No		0.1084	8			
				1	O	11/3/202
the community itself did not play any particular role so the system prior to 2015 was just						
				2	O	11/3/202
makes provision not just for the punishment of the offender eeehhm the provision now						
				3	O	11/3/202
the offender is given an opportunity particularly through victim offender mediation to make						
				4	O	11/3/202
ADR is alternative dispute resolution but in Nigeria what we have is that once an offence is						
				5	O	11/3/202
you need to understand what an offender has done in committing an offence in the contest						
				6	O	11/3/202
The victim plays an active role in the process while the offenders are encouraged to take						
				7	O	11/3/202
provides help for the offender to avoid future offences.						

					8	O	11/3/202
for the offender the question of satisfaction with respect to alternative dispute resolution is							

Nodes\\ADR addressing problem\Victim

Document

Internals\\Interview\\Question 1

No		0.1092	9	

					1	O	11/3/202
the issue of victim particularly with regards to victim was not really taken into consideration.							

Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On
				2	O	11/3/202
cases the victim was at best a nominal complainant						
				3	O	11/3/202
there are now provision therein to address compensation , some sort of mediation as it						
				4	O	11/3/202
The victim now gets to have the same mediation, victim- offender mediation which of						
				5	O	11/3/202
the victim then gets to feel the sense of closure by being having the opportunity to express						
				6	O	11/3/202
Like capital offences I don't think the victims would want alternative dispute resolution. But ,						
				7	O	11/3/202
alternative dispute resolution focuses on the needs of the victims than the offenders as well						
				8	O	11/3/202

ADR in the criminal justice administration has the highest rate of victim satisfaction and

9	O	11/3/202	

ADR addresses the issue of satisfaction because in some instances, most of the instances the

Nodes\\B. Expectation of the victims

Document

Internals\\Interview\\Question 2

No		0.4307	20	

1	O	11/4/202	

there is now provision for apart from the victim offender mediation which allows for closure

2	O	11/4/202	

proceeds of the crime when recovered prior to now there was no law that enabled that to

3	O	11/4/202	

so the victims of crime now in our justice system look forward to 1. Compensation . 2. An opportunity for reconciliation some sort of limited reconciliation or closure with under the

Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On	
				4	O	11/4/202	

they want justice to be done. And that the offender should be punished according to the law

5	O	11/4/202	

innovative sections that came up , like am (pauses again) situation where compensations are being paid to victims of crime, like am the trial of corporations, companies , there are cases

6	O	11/4/202	

the victims of crime in most cases want justice they want justice fully, you know in such a

7	O	11/4/202	

victims always want to be be taken seriously in such a way that as if they have lost nothing			
	8	O	11/4/202
victims of crime expect to get justice			
	9	O	11/4/202
its very common to see the family of both the victim and the offender sit down with the			
	10	O	11/4/202
The expectation of the victims of crime from the criminal justice system is actually if the			
	11	O	11/4/202
the offender will face justice to be meted out to him for the crime he has committed.			
	12	O	11/4/202
they expect that the law will also give the offender at the end of the day. Because something			
	13	O	11/4/202
the victim expects empathy, expects compassion, expects some kind of reparation from the			
	14	O	11/4/202
the victim will be expecting some kind of rehabilitation , maybe in the form of footing his			
	15	O	11/4/202
the expectation of a victim is quite high, a lot of times government ignore victims and are			
	16	O	11/4/202
victims will either want the offender to be punished by the state as a form of deterrence or			
	17	O	11/4/202
victim expects ehhmm for me I will say restitution. Sometimes some actually expect			
	18	O	11/4/202
Some want the person to be punished in a way			

Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On	
				19	O	11/4/202	
they want the issue to be addressed as fast as possible. And to restore the victim to the							

	20	O	11/4/202
They seek justice. They want justice. They want what they think has been taken away from			

Nodes\\C1. Not effectiveness of criminal justice

Document

Internals\\Interview\\Question 3abc (2)

No		0.2061	13

	1	O	11/5/202
the criminal justice system is multifaceted every aspects			
	2	O	11/5/202
So to from that angle because of these various players in the sector some aspects of the sector are not effective as they ought to be for instance, the the process of investigations			
	3	O	11/5/202
We also have lapses with the prosecutors either because they are overwhelmed or because			
	4	O	11/5/202
It is not very effective because ahhhm, I will start from the members of the bar, the Nigerian			
	5	O	11/5/202
as far as am concerned the criminal justice system is not very effective in Nigeria and that is			
	6	O	11/5/202
there are a lot of challenges involved. Being a third world country			
	7	O	11/5/202
the criminal justice system in Nigeria is effective but then there is room for improvement to			
	8	O	11/5/202
not very effective principally because the administration of justice in Nigeria is very			
	9	O	11/5/202
The criminal justice system in Nigeria is not effective at all, I will rate at below fifty per cent			

Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On
				10	O	11/5/202
the court is doing overload with workload making it justice to be delayed.						
				11	O	11/5/202
The criminal justice system in Nigeria is more of ehhmmm, more offender related, it focuses						
				12	O	11/5/202
the structures for the administration of criminal justice in Nigeria are weak. The prisons, the						
				13	O	11/5/202
And it takes a lot of resources so all these come to mitigate, to, to work against the effective,						

Nodes\\C2. Effectiveness of criminal justice

Document

Internals\\Interview\\Question 3abc (2)

No		0.1305	8			
				1	O	11/5/202
in terms of the effectiveness the judiciary has actually been quite effective, save from the fact that because of either the either the (repetition) because of the actions of the other						
				2	O	11/5/202
the whole the judiciary would score as much as eighty per cent in terms of effectiveness in the justice system. Overall, eeehhhm , we say that the justice system in Nigeria is eehhmm						
				3	O	11/5/202
criminal justice system in Nigeria to a large extent is effective.						
				4	O	11/5/202
The criminal justice system in Nigeria is effective						
				5	O	11/5/202

Well the criminal justice system in Nigeria I will say is effective to an extent

	6	O	11/5/202

I want to believe we have very efficient laws, but sometimes the implementation of the laws

	7	O	11/5/202

I will say in Nigeria we have effective laws, but sometimes we have impediments to the

Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On
				8	O	11/5/202

The criminal justice system in Nigeria is working but there are lapses in that like we have said

Nodes\\D. ADR-restorative justice option

Document

Internals\\Interview\\Question 4

No		0.3034	15	

	1	O	11/4/202

Certainly, certainly the deployment of ADR effectively in the , in support of the criminal

	2	O	11/4/202

peace bargaining which is now provided for under the ACJ and which has been argued to be a variant of ADR is a very effective way of ensuring that you can deal with matters quickly and ensure that persons for instance who are willing either admit or plead guilty to a lighter

	3	O	11/4/202

non-custodial sentences ehhhmm would be ehhhm would,they have been provided for but

	4	O	11/4/202

it is a better option in I told you like in taxation matters, custom and exercise matters,

	5	O	11/4/202

if the ADR is there for those offences , so tax matters, people don't want to pay tax but				
	6	O	11/4/202	
Yes, ADR should be on the table it is a good if you ask me. It's a very good option if you ask				
	7	O	11/4/202	
For ADR it is available in many cases, for instance when death occur through an accident the victim are accepted particularly the family members at least they have lost their loved ones				
	8	O	11/4/202	
Yes, like I just said, for some of these minor offences ADR, like all those minor offences ADR				
	9	O	11/4/202	
Of course yes, it can be a better option				

Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On	
				10	O	11/4/202	
I wouldn't say that ADR or restorative system is a better system I would say that it is an							
				11	O	11/4/202	
but there are rather ehhmm complex cases. I would still go back to my sexual harassment scenario, you may find that the community are not interested in sending the man to prison ,.							
				12	O	11/4/202	
I will be an advocate for the authorities to see it as an alternative because you even need to							
				13	O	11/4/202	
to a large extent I believe it will be a better option							
				14	O	11/4/202	
with ADR especially when the victim and the offender are involved in choosing the best							
				15	O	11/4/202	
The answer is yes. There is no doubt it will be a better option. And the reasons are not far-							

Nodes\\D. ADR-restorative justice option\Challenges

Document

Internals\\Interview\\Question 4

No		0.1191	6	

1	O	11/4/202	
Then, of course with regard to restorative justice , non-custodial sentences ehhhmm would			
2	O	11/4/202	
in most of the other states including the federal capital territory have not really deployed			
3	O	11/4/202	
Victim offender mediations have not really held at that level, indeed, the personnel who are			
4	O	11/4/202	
But in cases of rape or assault and arson some people wouldn't want to believe the			
5	O	11/4/202	
for it to work lawyers need to understand what ADR or restorative justice is all about. A lot of lawyers have not quite tuned into it, they don't understand , I think a lot of enlightenment			

Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On
				6	O	11/4/202
ADR is utilized in some matters but not all matters are amenable for ADR. Certain crimes like						

Internals\\Interview\\Question 5

No		0.0206	1	

1	O	11/4/202	
I think the problem is exposure we are still facing a larger degree of ignorance , inexperience			

Nodes\\E. Suitability of restorative justice for crime (not suitable)

Document

Internals\\Interview\\Question 5

No	0.1729	12	

1	O	11/4/202	

because when offences are very serious they have greater impact on the society and indeed

2	O	11/4/202	

but ADR components can still be applied to such people may be after they have spent

3	O	11/4/202	

some aspects of restorative justice may be applied later in their sentence but not at the very

4	O	11/4/202	

I will say that they are not suitable for serious and violent crimes.

5	O	11/4/202	

I feel for violent crime it is not suitable .like capital offences somebody who is murdered or

6	O	11/4/202	

there are other instances where alternative dispute resolution may not really meet the issue

7	O	11/4/202	

For me the answer is no , like I said earlier on because the victims always expect the

8	O	11/4/202	

if the offence is punishment through death that is what they would expect that the offender

Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On	
				9	O	11/4/202	

those with more serious cases like homicide, robbery and rape should use the courts.				
	10	O	11/4/202	
It is a different scenario where you have a serial killer which is a serious and heinous crime				
	11	O	11/4/202	
Serious crimes like murder, armed robbery, culpable homicide, arson and some of the				
	12	O	11/4/202	
I think it will I say that is the goal of addressing the issue, restoration.				
Nodes\\E. Suitability of restorative justice for crime (not				
Document				
Internals\\Interview\\Question 5				
No		0.3549	13	
	1	O	11/4/202	
it is. It can be used for serious and violent crime but everything depend on the approach ,				
	2	O	11/4/202	
when it comes to issue of human trafficking for instance you know the person that is violated may or the person whose right has been taken off might also be not be too ready				
	3	O	11/4/202	
parties with less serious cases such as vandalism, burglary should make use of ADR,				
	4	O	11/4/202	
Some kind of restoration is very important in any kind of crime. Be it violent or serious				
	5	O	11/4/202	
So restorative justice is very suitable in some kind of scenario.				
	6	O	11/4/202	
the kind of restoration that you can do to the family such that you can just give them some				
	7	O	11/4/202	

restorative justice framework considers the victim/victims and the wrong doer equally and

Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On
				8	O	11/4/202

All put into consideration the victims of the crime are assured that they are fully in the

				9	O	11/4/202

Well, yes I will say in my opinion that restorative justice is suitable for, for, for, serious

				10	O	11/4/202

it actually depends on the person, but violent crimes, some people would want the offender to be punished. But at the end of the day some people will just prefer, a situation where the

				11	O	11/4/202

I think it will I say that is the goal of addressing the issue, restoration. But in violent crimes some people also prefer that even though there is, there should be a, will I call it, a two way

				12	O	11/4/202

Yes, yes, I say yes because the highest form of punishment is death. And in most

				13	O	11/4/202

when a victim is given adequate compensation for the offence committed against him, he is

Internals\\Interview\\Question 6

Aggregate	Classification	Coverage	Number Of Coding
No		0.0098	1

				1	O	11/4/202

those with more serious cases like homicide, robbery and rape should use the courts.

Nodes\\F. barriers to ADR

Document

Internals\\Interview\\Question 6

No	0.3981	23	

1	O	11/4/202	
the key stakeholders as to the effectiveness or otherwise of this processes.			
2	O	11/4/202	
we do not have enough personnel who have been trained or practitioners who are aware.			

Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On
				3	O	11/4/202
A lot of people are not aware of the provisions in the ACJ with regards to compensation for						
				4	O	11/4/202
ironically at our police stations every day, some sort of peace bargaining arrangements are						
				5	O	11/4/202
greatest barrier is the awareness , the knowledge of the process						
				6	O	11/4/202
Another barrier is expertise of practitioners or knowledge of practitioners as to how this						
				7	O	11/4/202
the necessary infrastructure,						
				8	O	11/4/202
I don’t think we have got a law in place now, for ADR in criminal matters , what we have in						
				9	O	11/4/202
another aspect is we have religion, we have tradition , customary and above all whether it is						
				10	O	11/4/202
it is not ehhhm practiced the way and manner it should be practiced but it is only practiced						
				11	O	11/4/202
it is only when the witnesses, victim that are affected are not willing to really come out you						

	12	O	11/4/202
its not being utilized up to the full extent the way and manner it should be			
	13	O	11/4/202
the most important barrier is ehhhm lack of knowledge on the part of judicial officers. A good number of them and legal practitioners, I think they are the ones who need to			
	14	O	11/4/202
I think the barrier remains lack of knowledge on the part of judicial officers , crime			
	15	O	11/4/202
Nigeria that doesn't know much about ADR, parties with less serious cases such as			
	16	O	11/4/202
The major barrier as I see it is that even though the government is advocating ADR and			
	17	O	11/4/202
people who are well trained in ADR, who are also being trained in ADR, who can really make			

Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On
				18	O	11/4/202
if the government itself keys into it and makes it mandatory and puts the provisions in place						
				19	O	11/4/202
the way the criminal justice system is designed , it is designed for constitutional punishment.						
				20	O	11/4/202
culture and orientation is a major barrier because people have a perception that once a						
				21	O	11/4/202
first of all I will say the willingness. Some people are not willing especially, I will eehhh say						
				22	O	11/4/202
sometimes the lawyers may not be willing even to advise their client to toe the path of ADR because they may feel that their their legal fees may not be paid.						
				23	O	11/4/202
Where custom and traditions vary, you find some difficulty in coming to terms, or, or, or ,or,						

Nodes\\G. Extent of ADR practices utilization

Document

Internals\\Interview\\Question 7

No		0.4069	12

1	O	11/4/202	

maybe 15 to 20 per cent which is very poor .so, it is not really being utilized by ehhhh by

2	O	11/4/202	

the ADR practices is being utilized, like now with the coming of the administration of

3	O	11/4/202	

the extent that the victim is satisfied and the suspect or offender is made to actually pay

4	O	11/4/202	

In the North for example where the community head or the Emir, or the district head

remains very powerful when such matters are brought before the courts you see the

5	O	11/4/202	

secondly on whether the crime is a serious and violent crime or minor crime, that will

Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On	
				6	O	11/4/202	

For me I will grade it to 10 per cent.

7	O	11/4/202	

Like I said very little but it could be encouraged to do more.

8	O	11/4/202	

the laws have not really caught up with the practice. I had the opportunity of working on a

9	O	11/4/202	

We are going, we are getting there gradually we have some programs on ground, but ehhmm, the practitioners themselves have not really caught up like I said it's maybe, maybe				
	10	O	11/4/202	
ADR ehhmm practices are not commonly used in Nigeria				
	11	O	11/4/202	
Well now it is gaining more ground so I would say ehhmm to some extent because				
	12	O	11/4/202	
in my view it is being practiced but it is not ehhmm, it is not that permanent. For the reasons earlier given it is common to be used where the victim and the offender come from				

Nodes\\H. Familiar with ADR

Document

Internals\\Interview\\Question 8

No		0.4335	11	
	1	O	11/4/202	
am very familiar with ADR .am a trained mediator , am a trained and certified arbitrator and				
	2	O	11/4/202	
my familiarity is mostly in ehhhm on the legal , on the contractual agreement aspect of it				
	3	O	11/4/202	
Well am familiar with it because in my practice I come across instances where you know it is				
	4	O	11/4/202	
Yes am quite familiar , I have been teaching ADR and Arbitration if you want to classify that				

Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On
				5	O	11/4/202

I have also been practicing , am also a faculty to, on, several ADR institutions such as the

	6	O	11/4/202

Am familiar with ADR like I earlier said, I have put it in practice. It is an alternative way of

	7	O	11/4/202

I would say fairly familiar because I have undertaken a lot of courses and I have attended a

	8	O	11/4/202

I will say a little bit familiar. I have done the fellowship for Nigeria, institute of

	9	O	11/4/202

Well to some extent am familiar with the ADR. And ehhmmm, I have utilized it in my day to day activities at the bench. And it has helped to often reduce the docket where parties are

	10	O	11/4/202

to an extent I am familiar with ADR. Because ehhmm, ehhhmm you find yourself when you look at a particular matter, especially when you look at the people involved, they might be

	11	O	11/4/202

I am familiar with ADR by virtue of the fact that am a lawyer. And ehhm because I know it

Nodes\\I. interpret ADR practices

Document

Internals\\Interview\\Question 9

No		0.4213	12

	1	O	11/4/202

I found that the ADR skills have come in handy because with ADR skills for instance when you are trained as a mediator you learn how to manage people, how to relate with people ,

	2	O	11/4/202

say that ADR has had a positive impact on my practice by expanding my horizon and giving

	3	O	11/4/202

I interpret it as alternative dispute resolution, when matters are being settled without going to court ahh when there is disagreement we go for arbitration and it is settled and award is

Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On
				4	O	11/4/202
When I discovered that any situation at hand can only be better resolved through ADR I						
				5	O	11/4/202
I wouldn't consider arbitration as part of ADR, although in the general sense it is different from ADR, but you discover it has its peculiarities so more often than not it is different from						
				6	O	11/4/202
I interpret it as an alternative way to resolve dispute. It is an option than going to court. An						
				7	O	11/4/202
ADR is really a simple method of having to settle issues between the parties, no matter the						
				8	O	11/4/202
ADR is actually the putting together of the agreement of the parties and making it have a						
				9	O	11/4/202
ADR like I said my understanding of it is what is the alternative to advocacy. What is the alternative to the adversarial system of justice. The alternative is mediation, conciliation,						
				10	O	11/4/202
I can interpret ADR is just by what it means., alternative dispute resolution. What do we do						
				11	O	11/4/202
Once the parties adopt any measure or any of those multi-doors that is away from litigation.						
				12	O	11/4/202
We interpret it as simply alternative dispute resolution as the word goes .it is an alternative						

Document						
Internals\\Interview\\Question 10						
No		0.3997	16			
			1	O	11/4/202	
ADR is defined as alternative dispute resolution and the concept started with eehhh with						
			2	O	11/4/202	
The ADR presents a greater scope and can allow for a win- win, for instance in mediation, the speed with which it deals with matters so are clear in processes of arbitration and						

Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On	
				3	O	11/4/202	
Well, ADR is alternative dispute resolution. And furthermore the issue of arbitration as I told you arbitration requires ehhh the legal person is required the issue of acquiring skills or							
				4	O	11/4/202	
Well for me I believe ADR ehhhm you know is one major pillar in resolving you know							
				5	O	11/4/202	
ADR you know in some form of community setting you know where all parties will agree							
				6	O	11/4/202	
ADR is a strong pillar in criminal justice resolution and it could be able to resolve you know							
				7	O	11/4/202	
it as alternative dispute resolution methods to litigation. So whether it is ehhhm mediation,							
				8	O	11/4/202	
In my point of view ADR is a faster way of resolving dispute and is it saves time and money							
				9	O	11/4/202	
I have just said it ADR is alternative dispute resolution, that is the new norm to what the parties know like going to court, going before the elders in the community. ADR is having the							
				10	O	11/4/202	
I would describe it as the quickest, the fastest way of achieving ehhmm of settling disputes in such a way that communities, or parties or litigants are reconciled and they can shake							

	11	O	11/4/202
In ADR there is ehmm, there doesn't have to be a winner. At the end of the day dispute has			
	12	O	11/4/202
ADR is a method by which parties to a dispute reach an amicable resolution without the			
	13	O	11/4/202
ADR as procedures for settling disputes by means other than litigation			
	14	O	11/4/202
resolve a dispute between parties outside of litigation. So it depends on, sometimes the			
	15	O	11/4/202
will define ADR as alternative dispute resolution for, for, meeting the need for justice			

Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On
				16	O	11/4/202
I will explain it as ehhmm as a , as, as, a means of achieving justice faster (long pause						

Nodes\\K. Recommend ADR

Document

Internals\\Interview\\Question 10

No		0.0253	1	

	1	O	11/4/202
ADR is recommended to practitioners due to its core objectives of preservation of order, and			

Internals\\Interview\\Question 11

No	0.3652	12	

1	O	11/4/202

Certainly I recommend it, and am currently preaching it to other practitioners that they will

2	O	11/4/202

Yes, yes I will recommend because it is something emerging in our society and it is working,

3	O	11/4/202

Yes I will, I will but nevertheless, you know for those who are in to the stage of practicing

4	O	11/4/202

Yes, I will.

5	O	11/4/202

Yes, I will.

6	O	11/4/202

I have done so in many occasions

7	O	11/4/202

As a matter of fact they have ended a lot of cases at that stage. And when you find parties

8	O	11/4/202

Oh definitely I will recommend ADR to anybody that will care to use it. Because I believe it's

Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On

9	O	11/4/202

Yes I would love to recommend it as a technique at least for them to be able to explore that

10	O	11/4/202

I will recommend ADR as a technique because at the end of the day the parties they resolve

11	O	11/4/202

Very well, very well

	12	O	11/4/202
it removes some of the difficulties we encounter inside the court. So it is commendable we			

Nodes\\L. familiarization of practitioners with ADR

Document

Internals\\Interview\\Question 12

No		0.3263	14	

	1	O	11/4/202
I would say probably twenty per cent of level of familiarity.			
	2	O	11/4/202
old habits they say die hard, most practitioners are accustomed to we have identified that a crime has been committed we must prosecute that person, they rarely even have a			
	3	O	11/4/202
that most criminal justice practitioners are eehhhm very few of us are familiar with how ADR			
	4	O	11/4/202
Well the familiarity is already coming up, as I told you with the coming of this administration			
	5	O	11/4/202
The familiarity is coming up and a lot of ahhh a lot of consultants running courses on the			
	6	O	11/4/202
Well for those who have come in contact with you know the level of awareness is not that			
	7	O	11/4/202
I am not sure, most of them are not familiar with ADR but a lot of people are still averse to			

Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On

	8	O	11/4/202
Nigerian lawyers are yet not ehhhmm quite familiar with ADR, many of them many of them			
	9	O	11/4/202
Not really familiar, they are not really familiar			
	10	O	11/4/202
Like I said before it is a new norm, it is a new norm coming into effect since 2015 so the			
	11	O	11/4/202
I would say fifty-fifty. Ehhmm, quite a number of them are familiar with ADR, but some are still not interested in keying into it. Sometimes because their clients do not understand what			
	12	O	11/4/202
familiarity of lawyers to ADR is not something I can authoritatively speak on. However,			
	13	O	11/4/202
ADR without knowing it, it is only when you call it ADR that you can say ok you can put it in a box and say this is ADR. . but sometimes you find that parties actually explore ehhmm,			
	14	O	11/4/202
in terms of familiarization or usage like I said before , it's rarely being used, but Nigerian lawyer's are aware of it. A lot needs to be done to, to make it ehhm part of our criminal			

Nodes\\M. training or experiences on ADR

Document

Internals\\Interview\\Question 13

No		0.4342	14

	1	O	11/4/202
with regards to training a lot of the justice sector players are being exposed to ADR training . I have a privilege of training officers of the prison , correctional services , I have had the			
	2	O	11/4/202
I know there is a lot more that needs to be done if we say we have a hundred practitioners out there say maybe thirty of them may have received training which means maybe another			
	3	O	11/4/202

the practitioners ehhm the training is going on they are only expensive

Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On
				4	O	11/4/202

there are government organizations that sponsor legal practitioners to attend these courses

				5	O	11/4/202

with other criminal justice practitioners it is not that very high(pauses) the training is not that very high. Its only a few who have been dealing with issue of organized crime, like

				6	O	11/4/202

issue of training need to be very much widened to all sectors and all practitioners so that

				7	O	11/4/202

from my involvement with training I will say about 50 percent of criminal justice practitioners have been involved in one training or the other. Though it's one thing to

				8	O	11/4/202

None yet by my own understanding, none yet

				9	O	11/4/202

Ok, it is on the job, it is on the job thing. in the sense that experience comes with time it comes with proceedings, with procedure so when you have a full court for instance and a

				10	O	11/4/202

it's like a fifty-fifty thing. the, the now that there are more cases or disputes going to ADR than lets' say five years ago there are a lot of courses and trainings provided by different

				11	O	11/4/202

criminal justice practitioners need training. And it will be difficult to determine how much

				12	O	11/4/202

even the judges, the magistrates they now understand that it is an effective way of resolving disputes. So you find them going for training , workshops, seminars to horn their ehhm will I

				13	O	11/4/202

To have this skill you need training and retraining. So they have to have more training in that

	14	O	11/4/202
I don't have any degree or ehh , ehh haven't ehhhmm, done any training, I haven't done any training in that. But I fancy it, I love it because , am aware of the benefits. So in as much as			

Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On

Nodes\\N. Restorative justice effective way

Document

Internals\\Interview\\Question 14

No		0.4165	14			
			1		O	11/4/202
the opinion of major stakeholders is that restorative justice is the way to go						
			2		O	11/4/202
I would say that yes in terms of opinion most criminal justice practitioners are in tune with the fact that eehhhm we need restorative justice as a way to go. Eeehhh to deal with crime						
			3		O	11/4/202
the current justice system rather than rehabilitate creates room for the offender to become						
			4		O	11/4/202
in cases of taxation I told you custom and exercise act , cases like manufacture of drugs ,						
			5		O	11/4/202
I believe they are very positive that ADR is an effective tool to resolve you know criminal						
			6		O	11/4/202
At the moment in Nigeria, it's a debate that has been on-going and I will say that the opinion is more on the side of those who are against restorative justice as an effective way to deal						

	7	O	11/4/202
The opinion is getting sharpened positively day by day in the sense that when one becomes aware that the criminal is not just going to go because what he took from the victim is going			
	8	O	11/4/202
It does not resolve the criminal part of the crime. The judge still has to take the offender through the whole length of proceedings to have him convicted it's not because they met in			
	9	O	11/4/202
For it's still the government, it's still part of government. If the government keys into it fully			
	10	O	11/4/202
There is an institution where they are being de-radicalized as well. So these are all			
	11	O	11/4/202
restorative justice is good but not all criminal matters are amenable to ADR.			
	12	O	11/4/202
I could say that RJ is an effective way			

Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On
				13	O	11/4/202
in as much as restorative justice is an effective way to deal with crime and the offender ehhh, ehhh specifically there is still that part of, of opinion pool that believes that it should						
				14	O	11/4/202
ADR, long before the advent of ehmmcolo, colonial, colonialism in Africa, ADR was permanent in the communities. It was being used, it was being practiced. It was the						

Nodes\\O. Acceptance of restorative justice by victims of crime

Document

Internals\\Interview\\Question 15

	No		0.4726	15			
					1	O	11/4/202
	yes restorative justice will be an acceptable, I believe I want to , I would guess that						
					2	O	11/4/202
	it will be acceptable to victims of crime because it will give them an opportunity to one be compensated . two give them opportunity to have closure on how they became the victim						
					3	O	11/4/202
	Yes it would be acceptable but depends on the offences available. Where the offence as I said is capital offence , kidnapping , terrorism, ahhhehhhm it would not be acceptable but in						
					4	O	11/4/202
	It is a win-win situation, so for those professionals too they understand the concept and the						
					5	O	11/4/202
	I would say yes depending on the kind of crime you know I have always made a distinction between what I call serious crimes and non-serious crimes. For serious crimes more often						
					6	O	11/4/202
	Yes if actually you have to make a trial to know if they will accept it or not. Like I have made						
					7	O	11/4/202
	I have stated it .it is gaining acceptance, it is gaining acceptance . like as I have for what can						

	Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On	
					8	O	11/4/202	
	Yes, it is gaining acceptance. Its gaining acceptance. Yea and the professionals as well.							
					9	O	11/4/202	
	Am almost 90 per cent sure that restorative justice will be acceptable to victims of crime. I							
					10	O	11/4/202	
	the victims will be happy about any form of restoration . I don't know about the							

	11	O	11/4/202
restorative justice will be acceptable to some victims of crime not all because even some			
	12	O	11/4/202
Restorative justice definitely will be acceptable to victims of crime because you find some of			
	13	O	11/4/202
restorative justice basically is what the victim would prefer.			
	14	O	11/4/202
Yes , it will, it will be acceptable but in some instances			
	15	O	11/4/202
In some few instances (subtle subdued laughter) it may not be , it may not be applicable ,simply because we have a multitude of ehhmmm of offences for example as simple as road			

Nodes\\P. Professional recommendation of restorative

Document

Internals\\Interview\\Question 16

No		0.2012	15	

	1	O	11/4/202
when you apply restorative justice one you find immediate effect you get is decongestion of			
	2	O	11/4/202
most professional would recommend			
	3	O	11/4/202
They actually recommend it as a quick fix for the problem because some of this offenders			

	Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On	
					4	O	11/4/202	

principles of restorative justice non-custodial sentences and all that, that will be, that will go			
	5	O	11/4/202
Criminal justice professionals will recommend for restorative justice in cases that are not			
	6	O	11/4/202
it depends on understanding of individual and it also depend on the situation on ground and			
	7	O	11/4/202
I think a lot will depend on a person's understanding of restorative justice and a person's			
	8	O	11/4/202
a lot will depend on a lot will depend on ehhhmmm what I will call the exposure and			
	9	O	11/4/202
For me as a prosecutor I will recommend that			
	10	O	11/4/202
restorative system to work is such that it gives back , it provides some sense of satisfaction			
	11	O	11/4/202
I have not seen any academic material that has outrightly condemned the restorative justice			
	12	O	11/4/202
I would like to think that they would recommend ehhmm the restorative justice because the			
	13	O	11/4/202
recommend it because it enhances victim satisfaction and offender accountability			
	14	O	11/4/202
it depends on the crime .it depends on whom the victim is, it depends on who the offender is . but I know that most criminal justice professionals will recommend restorative justice			
	15	O	11/4/202
They will recommend restorative justice system if it meets the justice of the case and it's			

	Aggregate	Classification	Coverage	Number Of Coding	Reference Number	Coded By Initials	Modified On	
Nodes\\Q. Professional not recommending								
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Internals\\Interview\\Question 16								
	No		0.1654	6				
					1	O	11/4/202	
some may not . some because of lack of understanding of how the system how it works may not recommend restorative justice some are too old , too fixed in their ways so they are								
					2	O	11/4/202	
I still have my reservation for it like kidnapping, terrorism cases, if it's some money laundering cases I guess the society some people wouldn't want those people that are								
					3	O	11/4/202	
but sometimes lawyers wouldn't like that they will like a rigorous trial to be in court, the								
					4	O	11/4/202	
they may not want to key into it on the other side of the scale may be because some of them might naively think that it has taken the practice out of their hands because if they								
					5	O	11/4/202	
Well do not recommend it because it is prone to abuse and because the offender would feel								
					6	O	11/4/202	
they will not recommend it where the recommendation may not meet the justice of the								