



ALKEBULAN

A Journal of West and
East African Studies

Volume 6, Issue 1 (2026)

Alkebulan: A Journal of West and East African Studies

<https://gnosipress.com.ng/index.php/alkebulan>

ISSN (Online): 2971-6187

Therapeutic Communalism and Youth Violence: A Strategic Legal Framework for Prevention and Social Healing in Nigeria

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ABSTRACT

Youth violence presents a complex and entrenched challenge to the stability, security, and developmental aspirations of the Nigerian state. Dominant legal and policy responses, anchored in a punitive criminal justice paradigm, have proven insufficient in curbing the prevalence and intensity of such violence. This article posits that a fundamental reorientation is required, shifting the legal focus from reactive punishment to proactive, community embedded prevention. It introduces and elaborates “Therapeutic Communalism” as a robust legal framework. This framework reconceptualises youth violence not as an isolated individual pathology, but as a symptomatic manifestation of systemic communal and institutional failure. The framework mandates a legally structured, shared responsibility among families, educational institutions, local communities, and the state. Their role is to collaboratively construct regulated, supportive, and norm governed social environments that prevent violent behaviours from emerging. Through a detailed analysis of Nigeria's existing constitutional and statutory landscape, an exploration of practical implementation mechanisms, and a critical engagement with necessary safeguards, this article argues that Therapeutic Communalism offers a culturally resonant, rights respecting, and empirically grounded pathway towards sustainable violence prevention and the facilitation of broader social healing in Nigeria.

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Received: 28 November 2025

Accepted: 29 November 2025

Published: 20 January 2025

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Keywords: Feminist Theory; Campus Sexual Harassment; Restorative Justice; Institutional Power.

1INTRODUCTION: THE IMPERATIVE FOR A PARADIGM SHIFT IN ADDRESSING YOUTH VIOLENCE

The persistent crisis of youth violence in Nigeria constitutes one of the most pressing threats to its national cohesion and future prosperity. From the brutal inter cult clashes on university campuses to the exploitation of young people as political thugs and the rise of gang related criminality in urban slums, the manifestations are diverse yet interconnected by a common thread of systemic social breakdown (Alemika & Chukwuma, 2021). The standard repertoire of state response, which includes increased policing, swifter prosecutions, and longer detention sentences, operates within a narrow conceptual framework. It treats violence as a discrete event, a breach of law committed by a morally culpable individual, necessitating a proportional punitive sanction.

This article challenges the adequacy of this long standing paradigm. We argue that an over reliance on post hoc criminalisation is a deeply flawed strategy for addressing a phenomenon that is fundamentally ecological in origin. Youth violence, particularly in the Nigerian context, is more accurately understood as the terminal symptom of a protracted process of communal dysregulation, institutional neglect, and environmental disorder (Elechi et al., 2019). Therefore, the legal system must evolve to address not only the act of violence but, more critically, the pathogenic social conditions that incubate it.

To this end, we propose the framework of “Therapeutic Communalism.” This approach seeks to reposition the law as a dynamic instrument for fostering healthy social ecosystems. It asserts that the primary legal question should not only be “How do we punish this offender?” but, more essentially, “What legal duties do we have to construct communities where such offences are far less likely to occur?” Therapeutic Communalism envisions a legal architecture that actively empowers and obligates the foundational units of society, such as the family, the school, the neighbourhood, and the local authority, to perform their ancient role of socialisation and informal social control. Crucially, it insists this must happen within a modern, accountable, and rights based framework. This represents not an abolition of criminal law, but the construction of a much needed preventive hinterland, where law operates upstream to divert the flows that lead to violence.

DECONSTRUCTING THE CRISIS: THE MULTI-DIMENSIONAL DRIVERS OF YOUTH VIOLENCE IN NIGERIA

A meaningful preventive strategy must be rooted in a clear eyed diagnosis of the problem. The aetiology of youth violence in Nigeria is not monolithic. It is the product of a confluence of interlocking social, economic, and institutional failures.

The Socio-Economic Crucible: Poverty, Idleness, and Perceived Injustice

Chronic youth unemployment and underemployment, with rates consistently estimated to exceed 40%, create a vast reservoir of disillusioned and economically redundant young people (National Bureau of Statistics, 2023). This idleness is not benign. It fosters frustration, diminishes future orientation, and increases susceptibility to criminal recruitment. When compounded by stark economic inequality and the pervasive perception of a rigged system that offers no legitimate avenue for advancement, the appeal of alternative economies of violence, whether through kidnapping, armed robbery, or political thuggery, becomes potent (Higazi, 2016). The failure of the state to provide viable socio economic pathways constitutes a fundamental breach of its constitutional duty to ensure the “welfare of the people.”

The Erosion of Communal Fabric and Normative Vacuum

Nigeria's rapid urbanisation and internal migration have profoundly disrupted traditional communal structures. The extended family system, village councils of elders, and other kinship based networks that once provided oversight, counsel, and corrective discipline have weakened in many urban centres (Nwabueze, 2018). This has created a normative vacuum, a space where traditional prosocial values are no longer consistently transmitted or enforced. Into this vacuum step alternative normative systems. These include the hyper masculine codes of street gangs, the ritualised brotherhood of cults, and the ideologies of extremist groups. The communal “silence” or “mind your business” attitude that often prevails in anonymised urban settings functions as tacit permission for deviant behaviour to flourish unchallenged, a phenomenon scholars identify as a collapse in “collective efficacy” (Sampson et al., 1997).

Institutional Failures: Schools and the State as Sites of Neglect

Public institutions that should serve as protective and socialising counterweights are often themselves sites of failure. Many public schools are critically under resourced. They lack not only quality instruction but also basic infrastructure, security, and essential psycho social support services like counselling. As a result, they become spaces where bullying thrives and where cults actively recruit (Ojo et al., 2021). Furthermore, the state's security and justice apparatus is often perceived as distant, corrupt, brutal, and ineffective. The police are frequently viewed not as protectors but as predators, leading to deep seated distrust (Alemika, 2020). This legitimacy deficit means formal authority is neither respected nor relied upon, pushing conflict resolution into informal and often violent spheres.

The Intergenerational Transmission of Trauma and Conflict

In regions plagued by protracted communal conflict, such as the Niger Delta or the Middle Belt, many youths have grown up in an environment normalised by violence. They have witnessed or experienced trauma, loss, and displacement. This exposure can lead to a desensitisation to violence and the internalisation of conflict as a primary mode of problem solving. When combined with the narratives of historical grievance exploited by elites, it creates a ready made recruitment pool for militia groups and cycles of retaliatory violence, trapping communities in a vicious cycle (Ibrahim, 2019).

THE CONCEPTUAL ARCHITECTURE OF THERAPEUTIC COMMUNALISM

Therapeutic Communalism is a synthesis of insights from therapeutic jurisprudence, legal sociology, and public health. It proposes a structured, legal framework for rebuilding the regulatory capacity of communities. Its core philosophical pillars are as follows.

Foundational Premise: From Individual Culpability to Communal Pathology

The framework begins by rejecting the exclusive individualisation of blame. While firmly upholding personal accountability for criminal acts, it insists that the propensity for such acts is cultivated within a social environment. A community that is disorganised, neglectful, or violent is a pathogen host for youth violence. Therefore, legal analysis must extend to the health of the communal body itself. This perspective aligns with a public health model, which seeks to diagnose and treat the environmental sources of harm (World Health Organization, 2002).

The Proactive Role of Law: Beyond Deterrence to Facilitation

Moving beyond law's classical deterrent function, Therapeutic Communalism draws from therapeutic jurisprudence. This school of thought examines the law's impact on psychological well being (Wexler, 2014). Here, law is envisioned as a tool for facilitating health. This means using legal instruments, including statutes, policies, and funding mechanisms, to deliberately design processes and structures that strengthen communal bonds, clarify shared norms, and provide early support systems. In this view, the law becomes a scaffold for building healthier social ecosystems, not just a fence to contain outbreaks.

Operational Principles for a Regulative Community

These philosophical foundations translate into five actionable principles. First is the Principle of Constructing Ordered Environments. The law must prioritise the creation of safe, predictable, and well maintained physical and social spaces for youth. This addresses the sociological insight that physical disorder signals social neglect and invites criminal behaviour, a concept popularised as the “broken windows” theory (Wilson & Kelling, 1982).

Second is the Principle of Normative Clarity and Consistent Enforcement. Healthy communities require clearly articulated, prosocial rules of conduct. The law should support communities in establishing these norms through local charters or school codes of conduct. It should also ensure they are enforced fairly and consistently, avoiding arbitrariness which breeds disrespect for authority.

Third is the Principle of Early, Supportive Intervention. Legal structures must mandate and resource mechanisms for the early identification of at risk youth. Warning signs include chronic school absenteeism, signs of trauma, or familial conflict. The system should trigger a supportive, non stigmatising response geared towards addressing root causes through counselling, family therapy, mentorship, or educational support. This must occur long before behaviour escalates to the criminal threshold.

Fourth is the Principle of Legitimate Authority. The exercise of regulatory authority by parents, teachers, and community leaders must be grounded in legitimacy, earned through fairness, respect, and transparency. The law can provide training and guidelines to prevent abuse, brutality, or neglect, which themselves are powerful drivers of resentment and violence.

Fifth is the Principle of Subsidiarity and Shared Responsibility. This principle organises the preventive duty. The primary responsibility rests with the most immediate and capable social unit, typically the family. Where this unit fails or is overwhelmed, the duty cascades upwards to the school, then the local community council. The state provides the ultimate legal framework, resources, oversight, and safety net. This creates a layered, interconnected system of vigilance and support where no single entity is left to bear the burden alone.

ALIGNING WITH EXISTING LAW: THE NIGERIAN STATUTORY FOUNDATION FOR PREVENTION

A significant strength of the Therapeutic Communalism framework is that it does not require a legal revolution in Nigeria. Instead, it calls for a purposeful reinterpretation and vigorous implementation of existing laws through a preventive lens.

Constitutional Mandates: Welfare as a Primary Purpose

The 1999 Constitution of the Federal Republic of Nigeria (as amended) provides a powerful mandate. Section 14(2)(b) unequivocally states that “the security and welfare of the people shall be the primary purpose of government.” The term “welfare” has been interpreted by courts to encompass the totality of conditions necessary for a life of dignity and well being.

This imposes a positive, justiciable obligation on the state to create the social conditions that prevent violence. Furthermore, Section 17(3)(f) specifically directs the state to protect “children, young persons and the aged against any exploitation whatsoever, and against moral and material neglect.” This clause is a direct constitutional call for the kind of protective, community sustaining interventions that Therapeutic Communalism seeks to operationalise.

The Child Rights Act (2003): A Blueprint for a Developmental Approach

The Child Rights Act (CRA), where enacted at the state level, is the operational cornerstone. Its guiding principle is the “best interests of the child,” which prioritises development, rehabilitation, and reintegration over retribution (Federal Republic of Nigeria, 2003). The Act outlines comprehensive responsibilities for parents, government, and other caregivers. Crucially, it frames a child's anti social behaviour within the context of their environment, mandating support for the child and the family. Provisions for diversion and family group conferences implicitly acknowledge that the solution often lies in repairing the communal web around the child, rather than in isolating them through detention. This is perfectly congruent with the communal focus of our proposed framework.

The Administration of Criminal Justice Act (2015): Pathways for Diversion

The Administration of Criminal Justice Act (ACJA) 2015 represents a progressive shift in criminal procedure. Its sections provide for non custodial measures including probation, community service, and restitution. Most importantly, it encourages diversion, which means channelling offenders, especially juveniles, away from formal court proceedings and into restorative or rehabilitative programmes (Federal Republic of Nigeria, 2015). From the perspective of Therapeutic Communalism, these provisions are the essential back end mechanisms. The framework's primary goal is to strengthen the front end, meaning the community's innate capacity for regulation, so that fewer youths ever reach the point where diversion from the criminal justice system is necessary.

IMPLEMENTING THE FRAMEWORK: OPERATIONAL MODELS AND INSTITUTIONAL REFORMS

Translating the principles of Therapeutic Communalism into tangible action requires strategic interventions at multiple levels of society. We must move from abstract theory to concrete practice.

Reinventing the School as a Primary Regulatory Hub

Schools are perhaps the most strategic institution for implementation. New legislation or policy should mandate the establishment of a School Social Health and Safety Council in every secondary school. This council would comprise the principal, teachers, parent representatives, student leaders, a social worker, and a community liaison officer. Their statutory duties would be clear. They would implement a school wide positive behavioural support system. They would identify and track students showing early signs of risk, with strict data protection protocols in place. They would run peer mediation and restorative practice programmes. They would facilitate connections between at risk students and community based mentors. Finally, they would serve as a direct liaison with families and community support services. In this model, the school transforms from a passive site of instruction into an active node of communal regulation and early intervention.

Empowering Local Communities: The Community Youth Regulatory Panel

At the local government level, statutory authority should be given to establish Community Youth Regulatory Panels (CYRPs). These panels would be composed of respected, vetted individuals. This could include traditional or religious leaders where they hold legitimacy, youth representatives, women leaders, a police juvenile welfare officer, and a social services official. The CYRP would serve multiple vital functions. It would act as a community based alternative dispute resolution forum for low level conflicts involving youth. It would coordinate after school and weekend recreational, vocational, and civic engagement programmes. It would operate a neighbourhood watch system focused on protective, rather than purely punitive, surveillance. Finally, it would function as the community level body that receives referrals from schools or police for early intervention cases. This structure formalises and resources the informal regulatory capacity that communities have historically possessed but which has eroded.

Reorienting State Institutions: Police, Judiciary, and Inter Agency Collaboration

State institutions must be retrained and restructured to support, not undermine, communal regulation. This requires a cultural and operational shift. For policing, the Nigeria Police Force requires specialised training in adolescent psychology and community based policing. Formal Police Youth Partnership Protocols should be developed, emphasising dialogue and problem solving over confrontation. For eligible minor offences, officers should be empowered and encouraged to issue a “Community Referral Ticket” to the local CYRP instead of making an immediate arrest.

Within the judiciary, family and juvenile courts should be staffed with magistrates trained in therapeutic jurisprudence. Court rules should prioritise referrals to community based programmes as a condition of bail or probation. This effectively makes the courts connectors to community resources rather than mere portals to punishment.

Finally, a State Level Therapeutic Communalism Coordination Unit should be established, likely within the Governor's office or Ministry of Justice. This unit would oversee policy, channel funding from a dedicated “Social Prevention Fund,” and ensure data sharing and collaboration between the Ministries of Education, Youth Development, Women's Affairs, Health, and Justice. Siloed government action is the enemy of effective prevention.

LEARNING FROM GLOBAL PRECEDENTS: COMPARATIVE INSIGHTS FOR NIGERIA

The Nigerian experience, while unique, shares commonalities with other jurisdictions that have pioneered community focused, public health approaches to violence. We can learn from their successes and adaptations.

The Glasgow, Scotland Model: Violence as a Public Health Epidemic

Facing some of Europe's highest homicide rates in the early 2000s, Glasgow established a Violence Reduction Unit (VRU) that fundamentally redefined violence. Treating it not as a purely criminal justice issue but as a preventable public health epidemic, the VRU combined targeted law enforcement with intensive community outreach (Williams et al., 2019). It focused on changing the social norms that glorified violence. It provided mentors, often called “violence interrupters,” to mediate conflicts on the streets. It also created genuine exit pathways for gang members seeking a way out. This “whole system approach,” which invested in communities while holding perpetrators accountable, led to a dramatic and sustained reduction in violence. It offers Nigeria a powerful, evidence based model of integrated state community action.

South Africa's Child Justice Act: A Legislative Framework for Diversion

South Africa's Child Justice Act of 2008 provides a robust legislative template that Nigeria can study. It mandates a preliminary inquiry for every child offender. This inquiry must assess the child's circumstances and the root causes of the offending behaviour (Skelton & Tshehla, 2020). The Act strongly promotes diversion, often to family group conferences or other restorative processes. It formally recognises the role of the family and the wider community in the rehabilitation process. The Act demonstrates how law can formally structure a process that looks behind the criminal act to the child's social environment. This alignment with the principles of Therapeutic Communalism is clear and instructive.

CONFRONTING CHALLENGES AND EMBEDDING SAFEGUARDS

No framework is without potential pitfalls. For Therapeutic Communalism to be ethical, effective, and sustainable, critical safeguards must be built into its design from the outset. We must anticipate and mitigate risks.

Mitigating the Risk of Communal Tyranny and Rights Abuses

Communal authority, if left unchecked, can become oppressive, patriarchal, and discriminatory. Therefore, constitutional and human rights safeguards are non negotiable. Community panel proceedings must follow basic principles of natural justice. This includes the right to be heard, the right to an impartial forum, and the right to appeal any decision to a formal court. All interventions must comply strictly with the Nigerian Constitution, the Child Rights Act, and international human rights standards. Any practices that infringe on human dignity, such as corporal punishment or public shaming, must be explicitly prohibited. Professional oversight is crucial. Social workers or child protection officers must provide ongoing supervision and training for community panel members to prevent abuse of power and ensure fair process. Finally, the right to opt out must be sacrosanct. A youth or their family must retain the unequivocal right to withdraw from a community based process at any time and have their matter heard in a formal court of law.

Addressing the Resource and Capacity Question

A common objection is that effective prevention requires significant upfront investment, and resources are scarce. The counter argument is one of fiscal prudence and moral necessity. We must conduct a true cost benefit analysis. The direct costs of incarceration, policing, and judicial proceedings are enormous. When combined with the indirect costs of lost productivity, trauma care, and long term social instability, the financial burden of reactive justice is staggering. Investing in community mentors, school counsellors, and youth centres is ultimately a cost saving measure. It is a strategic shift from funding the devastating consequences of social failure to investing in the architecture of communal success and resilience.

Preventing State Abdication of Core Responsibilities

A legitimate concern is that Therapeutic Communalism could become a pretext for the state to withdraw from its primary duty to provide security and justice. This must be vigorously guarded against. On the contrary, Therapeutic Communalism demands a more sophisticated and deeply engaged state. It requires a state that funds, trains, coordinates, monitors, and holds the ring for empowered communities. The state's role evolves from being the sole frontline responder to becoming the strategic enabler and the ultimate guarantor of

standards, equity, and rights. The framework fails if it is used as an excuse for state neglect rather than a new model for state community partnership.

CONCLUSION: ENVISIONING A LEGAL ORDER COMMITTED TO SOCIAL HEALING

The crisis of youth violence in Nigeria is a profound indictment of a social order that has permitted its foundational institutions to atrophy. Continuing to respond with ever more punitive measures is akin to attempting to bail out a flooding boat with a thimble, while ignoring the gaping hole in its hull. Therapeutic Communalism proposes a comprehensive repair strategy. It is a call for legal and political courage to move beyond the politically convenient rhetoric of “getting tough” and to embrace the more challenging, yet infinitely more sustainable, work of “getting smart.”

This requires investing in the mundane but vital infrastructure of communal health. We must fund the well run school, the vibrant community centre, the trained youth worker, the supported family, and the accountable local leader. By weaving the principles of ordered environments, early support, legitimate authority, and shared responsibility into the fabric of Nigerian law and policy, we can begin to construct communities that are inherently resistant to violence. This is not a utopian fantasy but a practical, grounded project of social healing. It aligns with the deepest strands of Nigerian communal tradition and the highest aspirations of its modern constitutional order.

The laws that could enable this framework largely already exist in the Constitution, the Child Rights Act, and the Administration of Criminal Justice Act. What is required now is the vision to see their preventive potential and the collective will to bring the framework of Therapeutic Communalism to life. The goal is clear and attainable. We must foster a Nigeria where its youth are embedded in robust networks of opportunity, guidance, and care. In such a Nigeria, violence becomes not a first resort, but an unthinkable aberration. The path forward requires not just new laws, but a new legal consciousness one that sees law as a tool for building health, healing communities, and securing a peaceful future.

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