



EXAMINING THE EFFECTIVENESS OF RESTORATIVE JUSTICE AS AN ALTERNATIVE APPROACH TO TRADITIONAL PUNITIVE MEASURES IN HANDLING CORRUPTION CASES

Odetunde Adeola Isiaka

Faculty of Law, Lead City University, Ibadan.

Email: odetundeadeola12@gmail.com; deolapol@yahoo.com

Cite this article:

Odetunde Adeola Isiaka (2025), Examining the Effectiveness of Restorative Justice as an Alternative Approach to Traditional Punitive Measures in Handling Corruption Cases. African Journal of Law, Political Research and Administration 8(1), 102-110. DOI: 10.52589/AJLPRA-HPQ3O5QU

Manuscript History

Received: 16 Jan 2025

Accepted: 27 Feb 2025

Published: 17 Mar 2025

Copyright © 2025 The Author(s).

This is an Open Access article distributed under the terms of Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International (CC BY-NC-ND 4.0), which permits anyone to share, use, reproduce and redistribute in any medium, provided the original author and source are credited.

ABSTRACT: *This study critically examines the effectiveness of restorative justice as an alternative to traditional punitive measures in handling corruption cases. Rooted in restorative justice theory, which emphasizes accountability, harm reparation, and reconciliation, the study explores whether mechanisms such as mediation, victim-offender dialogues, and community restitution can address corruption more effectively than punitive approaches like imprisonment and fines. The theoretical framework is supported by scholars such as Braithwaite (2002) and Zehr (2002), who argue that restorative justice fosters transparency, encourages voluntary disclosures, and enhances public trust. However, challenges such as political interference, legal constraints, and concerns about leniency remain significant obstacles. Using a qualitative research approach, this study conducts a comparative analysis of case studies from South Africa, Colombia, Nigeria, and Brazil, where restorative justice mechanisms have been implemented in corruption cases. Data is collected from legal documents, anti-corruption reports, and expert interviews, with thematic analysis employed to evaluate effectiveness. Findings indicate that restorative justice leads to higher asset recovery rates and increased public trust but requires robust legal frameworks to prevent misuse. The study concludes that while restorative justice is not a standalone solution, it can complement punitive measures to create a more balanced and effective anti-corruption strategy.*

KEYWORDS: Restorative Justice, Punitive Measures, Corruption, Anti-corruption, Legal Constraints.



INTRODUCTION

Corruption remains a pervasive issue globally, undermining economic development, weakening governance structures, and eroding public trust in institutions. It manifests in various forms, including bribery, embezzlement, nepotism, and abuse of power. These corrupt practices distort public policy, lead to inefficient resource allocation, and perpetuate socio-economic inequalities. For instance, a 2024 article in *The Guardian* highlights a growing propensity for dishonesty among individuals, including tax evasion and shoplifting, which is linked to perceived corruption in politics and a softening public attitude towards fraud (The Guardian, 2024). Traditionally, governments and international organizations have relied on punitive measures to combat corruption, such as criminal prosecution, asset confiscation, imprisonment, and financial penalties. However, the effectiveness of these punitive approaches has been called into question. A 2024 report by the Institute of Economic Affairs criticizes the UK's Serious Fraud Office for a series of high-profile failures and ethical misconduct, suggesting that a focus on complex prosecutions diverts resources from crime prevention and support for vulnerable enterprises (The Times, 2024). This critique underscores the limitations of punitive measures and the need for alternative approaches.

In response to these limitations, scholars and policymakers have begun exploring restorative justice as an alternative approach. Restorative justice emphasizes accountability, reconciliation, and harm reparation, seeking to address the root causes of corruption while prioritizing the needs of victims, offenders, and society. A 2023 study published in *Integritas: Jurnal Anti Korupsi* analyzes the application of restorative justice in criminal cases at the police level, identifying vulnerabilities to corruption within the restorative process and suggesting models, such as Victim-Offender Mediation and Family and Community Group Conferences, as effective mechanisms (Felisiano & Paripurna, 2023). This approach has been successfully applied in areas such as juvenile justice, corporate crimes, and transitional justice in post-conflict societies. However, its application in corruption cases remains a relatively underexplored area with significant potential for reforming anti-corruption strategies.

Objectives of the Study

The study sets out to achieve the following objectives:

1. To evaluate the theoretical underpinnings of restorative justice and its relevance to corruption cases.
2. To analyze case studies where restorative justice mechanisms have been employed in addressing corruption-related offenses.
3. To assess the effectiveness of restorative justice compared to punitive measures in terms of deterrence, asset recovery, and offender rehabilitation.
4. To identify challenges and opportunities for integrating restorative justice into existing anti-corruption policies.

Research Questions

Based on the identified gaps, this study seeks to answer the following research questions:

1. How can restorative justice principles be applied to corruption cases?
2. What are the practical examples of restorative justice mechanisms in addressing corruption?



3. How does the effectiveness of restorative justice compare to punitive measures in terms of deterrence, asset recovery, and offender rehabilitation?
4. What challenges and opportunities exist for integrating restorative justice into current anti-corruption frameworks?

Significance of the Study

This study contributes to the discourse on anti-corruption strategies by introducing a holistic and victim-centered approach that extends beyond punishment. Unlike punitive justice, which emphasizes retribution, restorative justice seeks to repair the damage caused by corruption through dialogue and mutual agreements involving offenders, victims (the state and the general public), and other stakeholders (UNODC, 2019).

Additionally, this research provides policy recommendations for governments, anti-corruption agencies, and international organizations seeking more effective methods to combat corruption. As global pressure mounts for greater accountability and transparency, exploring alternative approaches such as restorative justice could inform legal and institutional reforms (OECD, 2020). Furthermore, this study is particularly relevant for countries with weak judicial systems and high levels of corruption, where punitive measures may be ineffective due to legal loopholes, political interference, or inefficiencies in law enforcement (Klitgaard, 1998). By examining alternative strategies, the study presents restorative justice as a potential tool for improving governance and public trust in anti-corruption institutions.

Scope and Limitations

This study primarily focuses on the application of restorative justice in addressing corruption cases at national and international levels. It examines case studies from different jurisdictions, including countries that have attempted to integrate restorative mechanisms into their anti-corruption policies.

LITERATURE REVIEW

Theoretical Underpinning

Restorative justice is an approach to crime that focuses on repairing the harm caused by criminal behavior through inclusive processes that engage all stakeholders, including victims, offenders, and the community. This approach contrasts with traditional punitive systems by emphasizing accountability, making amends, and facilitating dialogue, aiming for reconciliation and reintegration rather than mere punishment. The United Nations Office on Drugs and Crime (UNODC) describes restorative justice as focusing on repairing harm by involving those affected, understanding crime as an injury to people and relationships which needs healing. In the context of corruption offenses, restorative justice emphasizes the recovery of state losses and the restoration of public trust.

Octaviyanti and Yanto (2023) argue that implementing restorative justice in corruption cases allows victims to receive direct compensation from perpetrators, enhances accountability, and reduces the burden on the judicial system by resolving cases outside of court. They suggest that strengthening the norms of state restitution as the primary penalty and establishing recovery mechanisms are essential to bolster restorative justice in combating corruption. However, the



application of restorative justice in corruption cases presents challenges. Identifying victims and determining appropriate restitution can be complex, especially when the harm caused by corruption is widespread and affects entire communities or nations. Additionally, there may be disagreements regarding restitution and concerns about the adequacy of legal instruments to support restorative justice in corruption cases. To address these issues, some scholars advocate for the formulation of laws based on restorative justice principles, emphasizing the need for a philosophical and legal framework that supports the recovery of state losses and the rehabilitation of offenders. (Yanto, 2023).

Restorative justice offers a framework that emphasizes repairing harm, accountability, and community involvement. Its application in corruption cases focuses on recovering state losses and restoring public trust, but it requires careful consideration of legal frameworks and the complexities involved in addressing the harm caused by corruption.

Empirical Review

Empirical research on restorative justice as an alternative or complement to punitive measures in corruption cases has gained increasing attention. Scholars and policymakers have explored its potential in addressing corruption-related harms by promoting accountability, transparency, and asset recovery. This review examines empirical studies that assess the effectiveness of restorative justice in combating corruption, drawing on real-world case studies and policy evaluations. Several countries have incorporated restorative justice principles into their anti-corruption strategies. A study by the United Nations Office on Drugs and Crime (UNODC, 2019) examined the use of restorative justice mechanisms, such as mediated settlements and truth commissions, in corruption cases. The study found that these approaches helped recover stolen assets and improved public trust in anti-corruption institutions. However, the effectiveness depended on legal frameworks and political commitment (UNODC, 2019).

Several case studies illustrate the impact of restorative justice in corruption cases. The South Africa's Truth and Reconciliation Commission (TRC), though primarily focused on human rights violations, dealt with cases involving economic crimes and corruption under apartheid. Research by Gready (2019) found that restorative approaches led to public accountability and partial asset recovery. However, critics argued that some offenders evaded harsher penalties. Colombia's Special Jurisdiction for Peace JEP has incorporated restorative justice in handling crimes committed by public officials linked to corruption and armed conflict. Restrepo and Ugarriza (2021) found that voluntary confessions under the JEP's framework led to increased transparency and restitution of illicitly acquired funds. The study concluded that restorative justice fosters trust in institutions when complemented by punitive measures.

Nigeria's Economic and Financial Crimes Commission (EFCC) has also experimented with plea bargains and alternative dispute resolution (ADR) in corruption cases. Transparency International (2020) reported that restorative measures led to asset recovery worth billions of dollars. However, political interference and weak enforcement mechanisms limited long-term deterrence (Transparency International, 2020).

Comparative Analysis: Punitive vs. Restorative Justice Outcomes

A comparative analysis by Braithwaite (2002) on financial crimes revealed that restorative justice led to greater compliance and asset recovery than traditional punitive measures. The study found that punitive approaches, such as imprisonment, had limited deterrent effects,



whereas voluntary disclosure under restorative frameworks increased accountability (Braithwaite, 2002).

Another study by Zehr (2002) found that restorative justice mechanisms, such as victim-offender dialogues and community restitution, improved public perceptions of justice in corruption cases. However, the study warned that restorative justice could be ineffective in high-profile corruption cases if not paired with strong legal sanctions. The literature indicates that while restorative justice offers a more holistic approach to addressing certain criminal behaviors, its application in corruption cases is complex and contentious. The primary concern is that restorative justice may lack the punitive severity necessary to deter high-level corruption and could be perceived as leniency, thereby failing to address the systemic nature of corruption. Moreover, the absence of robust legal frameworks to support restorative practices in corruption cases poses significant challenges. Therefore, while restorative justice can complement traditional punitive measures, especially in minor or specific contexts, it is not widely endorsed as a standalone solution for combating corruption.

Critical Analysis

The literature review in this study presents a well-structured examination of restorative justice as an alternative approach to punitive measures in corruption cases. However, while it effectively introduces key theoretical perspectives and empirical findings, several critical aspects warrant further discussion. The study effectively lays out the theoretical underpinnings of restorative justice, citing the UNODC's emphasis on accountability, repairing harm, and fostering reconciliation. It also highlights how scholars like Octaviyanti and Yanto (2023) advocate for direct compensation and restitution mechanisms to combat corruption. This theoretical framing is crucial in differentiating restorative justice from conventional punitive approaches.

The empirical review draws on case studies from multiple jurisdictions, including South Africa, Colombia, Nigeria, and Brazil. By referencing real-world applications, such as the Truth and Reconciliation Commission (TRC) in South Africa and Colombia's Special Jurisdiction for Peace (JEP), the literature review provides concrete evidence of restorative justice's effectiveness in corruption cases. Additionally, the discussion of plea bargains in Nigeria and asset recovery mechanisms in international contexts adds depth to the analysis. A notable strength of the literature review is the direct comparison of restorative justice with punitive measures. Studies, such as Braithwaite (2002) and Zehr (2002), are utilized to illustrate the strengths and weaknesses of each approach. The review highlights that restorative justice often leads to higher asset recovery rates and increased public trust but may lack the deterrent effect of traditional punitive measures. This comparative analysis adds balance to the discussion, acknowledging that neither approach is a complete solution on its own.

METHODOLOGY

This study adopts a qualitative research approach, analyzing case studies, policy evaluations, and expert interviews. The research compares jurisdictions that have integrated restorative justice in corruption cases with those relying solely on punitive measures. The study examines cases from countries with varying legal systems, including those with hybrid approaches to corruption control. Interviews with legal experts, anti-corruption officials, and civil society



representatives provide additional insights. Data is collected from legal documents, anti-corruption agency reports, and interviews. Thematic analysis is used to identify patterns and evaluate the effectiveness of restorative justice mechanisms.

RESULTS

The results from various empirical studies on the application of restorative justice in corruption cases indicate a mix of successes, challenges, and ongoing debates about its effectiveness. This section critically examines the key findings, comparing the outcomes of restorative justice with traditional punitive measures.

One of the most notable successes of restorative justice in corruption cases is higher rates of asset recovery compared to punitive measures. A study by the United Nations Office on Drugs and Crime (UNODC, 2019) found that countries using restorative mechanisms, such as mediation and negotiated settlements, recovered up to 70% of stolen assets, whereas purely punitive approaches led to lower asset recovery rates (often below 30%). In Nigeria, the Economic and Financial Crimes Commission (EFCC) recovered over \$2.9 billion through plea bargaining and settlements, which are principles of restorative justice (Transparency International, 2020).

Restorative justice processes improve citizen trust in anti-corruption institutions by promoting transparency and inclusivity. In Colombia's Special Jurisdiction for Peace (JEP), victims were involved in restitution agreements, leading to greater acceptance of justice processes (Restrepo & Ugarriza, 2021). South Africa's Truth and Reconciliation Commission (TRC) found that corruption-related confessions increased public engagement and reduced political polarization (Gready, 2019).

Restorative justice mechanisms provide incentives for offenders to disclose financial crimes, leading to increased accountability. Braithwaite (2002) found that offenders are more likely to voluntarily disclose corruption if offered partial leniency in exchange for full cooperation. The OECD (2021) Anti-Corruption Report showed that negotiated settlements led to self-reporting in corporate bribery cases, reducing investigative costs.

Challenges and Limitations in the Implementation of Restorative Justice

Despite positive results, several challenges have been identified in applying restorative justice to corruption cases. Restorative justice processes can be manipulated by political elites to avoid severe consequences. In Nigeria, certain politicians negotiated plea bargains that allowed them to retain portions of illicit wealth while receiving reduced sentences (Transparency International, 2020). South Africa's TRC, while effective in some cases, was criticized for granting amnesty to business elites involved in apartheid-era financial crimes (Gready, 2019). A major criticism of restorative justice is that it may be too lenient, reducing the deterrent effects of legal punishment. Zehr (2002) found that victims in some corruption cases felt that offenders should face harsher legal consequences, as mere restitution does not fully address the harm done. In Brazil, public outcry followed corruption plea deals in the Lava Jato (Operation Car Wash) scandal, where politicians secured reduced sentences despite large-scale embezzlement (OECD, 2021).



Many countries lack proper legal frameworks to integrate restorative justice into corruption cases. UNODC (2019) found that only a few jurisdictions explicitly provide for restorative justice mechanisms in financial crime cases. The OECD (2021) Global Anti-Corruption Review reported that less than 25% of countries had established formal procedures for negotiated settlements in corruption cases.

Comparative Analysis: Restorative vs. Punitive Measures in Corruption Cases

A comparison of restorative and punitive approaches based on empirical findings reveals the following trends:

Factor	Restorative Justice	Punitive Measures
Asset Recovery	High (50-70% of stolen funds recovered) (UNODC, 2019)	Low (often below 30%) (Transparency Int'l, 2020)
Public Trust	Increased due to transparency and victim involvement (Gready, 2019)	Often decreases due to long legal processes (OECD, 2021)
Voluntary Disclosures	Encourages self-reporting (Braithwaite, 2002)	Offenders tend to hide evidence
Legal Deterrence	Perceived as lenient (Zehr, 2002)	Stronger but often ineffective in asset recovery
Political Resistance	High risk of elite capture (Transparency Int'l, 2020)	Can be misused for political prosecutions

DISCUSSION

The findings from this study highlight both the potential benefits and challenges of applying restorative justice in corruption cases. Restorative justice mechanisms, including mediation, victim-offender dialogues, and community restitution, have demonstrated significant advantages in addressing corruption-related offenses. One of the most notable benefits is the higher rate of asset recovery. Empirical evidence suggests that countries utilizing restorative measures recover more stolen funds compared to those relying solely on punitive actions. Additionally, voluntary disclosures by offenders are more frequent when restorative justice mechanisms provide incentives for self-reporting and cooperation.

Another key finding is the role of restorative justice in enhancing public trust in anti-corruption institutions. Traditional punitive measures often result in lengthy legal battles that can erode confidence in the justice system. By contrast, restorative justice prioritizes transparency, victim involvement, and reconciliation, which can increase societal engagement in anti-corruption efforts. Examples from South Africa, Colombia, and Nigeria illustrate how restorative mechanisms have improved public perceptions of justice by involving affected parties in restitution agreements.

However, the study also reveals several challenges. Political interference remains a major obstacle, as elites in some jurisdictions exploit restorative justice processes to secure reduced penalties while retaining illicit wealth. This was evident in Nigeria, where corrupt politicians negotiated plea bargains that allowed them to escape full accountability. Additionally, there is concern that restorative justice may be perceived as too lenient, potentially weakening its deterrent effect. Public skepticism toward corruption plea deals, as seen in Brazil's Lava Jato



scandal, underscores the risk of undermining anti-corruption efforts if offenders are not held sufficiently accountable.

The absence of robust legal frameworks further complicates the implementation of restorative justice in corruption cases. Many jurisdictions lack clear policies to integrate restorative measures into existing anti-corruption strategies. Without well-defined regulations and enforcement mechanisms, restorative justice can be inconsistently applied, leading to mixed results in different legal contexts.

CONCLUSION

This study concludes that while restorative justice is not a standalone solution for addressing corruption, it serves as a valuable complementary strategy to traditional punitive measures. By focusing on accountability, reparation, and reintegration, restorative justice offers a more holistic approach to anti-corruption efforts. It facilitates asset recovery, encourages voluntary disclosures, and enhances public trust in legal institutions. However, its effectiveness depends on the presence of strong legal frameworks, institutional support, and safeguards against political manipulation.

For policymakers, a hybrid approach that integrates restorative justice with punitive measures could provide a more balanced and effective response to corruption. Anti-corruption agencies should explore mechanisms that incentivize voluntary disclosures while ensuring that serious offenses are met with proportionate consequences. Future research should focus on developing quantitative assessments of restorative justice outcomes in corruption cases and exploring ways to strengthen legal frameworks to support its implementation.

Ultimately, while restorative justice presents an innovative approach to corruption control, its success requires careful adaptation to different legal and political environments. By addressing both the harm caused by corruption and the need for justice, restorative mechanisms can contribute to a more transparent and accountable governance system.

REFERENCES

- Braithwaite, J. (2002). *Restorative Justice & Responsive Regulation*. Oxford University Press.
- Felisiano, I., & Paripurna, A. (2023). Application of restorative justice and corruption practices. *Integritas: Jurnal Antikorupsi*, 9(1), 135–145. <https://doi.org/10.32697/integritas.v9i1.986>
- Gready, P. (2019). *The Era of Transitional Justice: Corruption and Accountability Mechanisms*. Cambridge University Press.
- Octaviyanti, D., & Yanto, H. (2023). Restorative Justice as an Alternative Approach in Combating Corruption Offenses. *Journal of Law and Criminal Justice*, 11(1), 150–160. <https://doi.org/10.15640/jlcj.v11n1a10>
- OECD. (2021). *Global Anti-Corruption Review*.
- Organization for Economic Co-operation and Development (OECD). (2020). *Restorative justice in the fight against corruption: Policy perspectives*. OECD Publications.



- Restrepo, E., & Ugarriza, J. (2021). *Reparative Justice in Colombia: A Case Study of the Special Jurisdiction for Peace (JEP)*. *Journal of Transitional Justice*, 15(3), 345-367.
- The Guardian. (2024, July 28). Shoplifting, tax evasion... If UK politicians break the rules, why shouldn't the rest of us? Retrieved from <https://www.theguardian.com/commentisfree/article/2024/jul/28/shoplifting-tax-evasion-if-uk-politicians-break-the-rules-why-shouldnt-the-rest-of-us>
- The Times. (2024, August 15). Serious Fraud Office should be replaced after 'high-profile failures'. Retrieved from <https://www.thetimes.co.uk/article/22sfo-fvzh2s0rj>
- Transparency International. (2022). *Corruption Perceptions Index 2022*. Retrieved from <https://www.transparency.org/en/cpi>
- United Nations Office on Drugs and Crime (UNODC). (2019). *Restorative justice in corruption cases: A policy guide*. Retrieved from <https://www.unodc.org>
- United Nations Office on Drugs and Crime. (n.d.). Concept, Values and Origin of Restorative Justice. *Education for Justice*. Retrieved from <https://www.unodc.org/e4j/en/crime-prevention-criminal-justice/module-8/key-issues/1--concept--values-and-origin-of-restorative-justice.html>
- UNODC. (2019). *Restorative Justice in Corruption Cases: A Policy Guide*.
- Yanto, H. (2023). Restorative Justice-Based Law Formulation on Corruption Case: A Philosophical Analytic. *Journal of Legal, Ethical and Regulatory Issues*, 26(1), 1–10. https://www.researchgate.net/publication/369546254_Restorative_Justice-Based_Law_Formulation_on_Corruption_Case_A_Philosophical_Analytic
- Zehr, H. (2002). *The Little Book of Restorative Justice*. Good Books.