

A Review of the Fundamental Aspects and Dimensions of Alternative Dispute Resolution (ADR) as Important Components in the Promotion of Social Justice in Nigeria

Authors : Odoh Ben Uruchi

Abstract : Access to Justice implies access to social and distributive Justice. Access to social justice in Nigeria remains an illusion where cases last in courts for unduly long period of time, as is currently the situation in the country. As the popular saying goes- justice delayed is justice denied. It is, however, important to underscore the point that these perspectives are not necessarily disconnected since the extent to which one can have distributive justice in any system is largely determined by the level and effectiveness of social justice in the country. Generally, Alternative Dispute Resolution (ADR) Processes are increasingly being accepted in Nigeria as appropriate mechanisms for resolving disputes. While some jurisdictions have institutionalized ADR through the concept of a Multidoor Courthouse, many other are at different stages of doing same. With these developments, it is obvious that stakeholders in the administration of justice in Nigeria, can no longer be indifferent about understanding and fully mainstreaming ADR into their various activities and professional practice. Any framework for promoting social justice in Nigeria should therefore of necessity include provision of avenues for use of ADR in the protection and enforcement of citizen's rights. The constitutional and other legal provisions that guarantee various rights of citizens cannot of itself ensure the enjoyment of the rights in the absence of an effective framework for dispute resolution. Excessive reliance on litigation and other adversarial approaches will also fail to ensure a sound regime of social justice. There should be structured mainstreaming of alternative dispute resolution mechanisms in justice delivery if the society must provide and guarantee social justice to the citizens. This paper seeks to address some of the fundamental issues affecting the perception, knowledge and skills of ADR in the provision of social justice. In doing this, the paper proposes to unlock the full enormous potentials of Alternative Dispute Resolution (ADR) in promoting access to justice in Nigeria.

Keywords : aspects, dimensions, alternative dispute resolution, social justice

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