



JOURNAL OF LEADERSHIP AND DEVELOPMENT

Volume 1, Number 2 (September, 2025)

ISSN: 1595-9457 (online); 3093-0618 (print)

Website: <https://jppssuniuyo.com/jld> Email: jppssuniuyo@gmail.com

Received: July 31, 2025 Accepted: September 20, 2025 Published: September 30, 2025

Citation: Iniobong, Monday E. & Iheakachi, Katchi I. (2025). "The Impact of Punishing Minor Offenses on Children and its Effect on Recidivism Rates." *Journal of Leadership and Development*, 1 (2): 55-66.

Article

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THE IMPACT OF PUNISHING MINOR OFFENSES ON CHILDREN AND ITS EFFECT ON RECIDIVISM RATES

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Abstract

This study examines the impact of punitive measures for minor offenses on children and their relationship with recidivism within Nigeria's juvenile justice system. A mixed-methods design was adopted, combining quantitative and qualitative approaches to capture statistical patterns and lived experiences. The study population comprised juveniles aged 10 to 18 who had been processed for minor offenses such as petty theft, truancy, and vandalism. A total of 300 juveniles were sampled for quantitative analysis, while 30 participants, including juveniles, families, and justice officials, provided qualitative insights through interviews. Stratified random sampling ensured broad representation across regions. The findings reveal that punitive sanctions for minor offenses have only a weak and statistically insignificant relationship with juvenile recidivism. The severity of punishment and criminal behavior also showed no significant association with re-offending, highlighting the limited deterrent value of punitive responses. Despite the rehabilitative framework outlined in the Child Rights Act of 2003, Nigeria's juvenile justice system continues to emphasize punitive measures, even for minor infractions. Prior studies (Daniel et al., 2009; Zumve, 2020) confirm that such approaches often reinforce stigmatization, disrupt education, and increase the likelihood of re-offending. However, systemic gaps, such as weak implementation of the Act, a lack of functional juvenile courts, inadequate rehabilitation programs, and poor community-based alternatives, have perpetuated a reliance on punishment, worsening long-term outcomes for children. Existing studies predominantly focus on serious juvenile crimes or incarceration in Western contexts, with limited evidence on the effects of punishing minor offenses in Nigeria. The study actually fills this gap by providing context-specific evidence on how

punitive measures influence children's developmental outcomes and recidivism trajectories, offering reform-focused insights for policymakers.

Keywords: Punitive Measures, Crime, Minor Offenses, Recidivism Rate and Juvenile Justice System.

Introduction

Juvenile delinquency represents a significant challenge in our societies today and have negative implications not only on the young ones involved but also on their families, communities. Many at times, the focus is on serious offenses, ignoring a considerable portion of juvenile delinquency such as truancy, petty theft, vandalism, and curfew violations, which appears low in severity, but frequently triggers involvement with the criminal justice system, which can have serious consequences on the lives of young offenders. Children who are punished for minor offences are often labelled as "delinquents," a tag that follows them throughout their lives as they grow. This stigmatization may lead to a self-fulfilling prophecy, where the child admits the label and moves further into criminality, and recidivism accordingly. This goes further to add that the disruption caused by arrest, court involvement, and detention has serious effect on a child's education, family relationships, and mental health Juvenile delinquency is an illegal act committed by a minor, violation of the laws established within the justice system. It involves young boys and girls involved in criminal behaviour like gangsterism, banditry, thuggery, drug sales, and abuse behaviours, sometimes developed from participation in child labour activities (Esiri & Ejechi, 2021; Raturi & Rastogi, 2022). These offenses typically involve minimal harm or risk to individuals or property and often result in lighter penalties, such as fines, warnings, community service, or short-term detention. In the context of juvenile justice, minor offenses are those acts committed by minors that do not involve significant violence, large-scale theft, or other serious criminal behavior. Common examples of minor offenses include:

- i. **Truancy:** Truancy begins in class when students feel unworthy, distrust their peers, or feel unsafe due to ridicule, leading to 'wagging' (truanting) in class. Baskerville, (2020). Truancy is unexcused absence in high school students, and out-of-school suspension (OSS) significantly decreases the probability of future truancy (Flannery *et al.*, 2012). Truancy is simply the ignoring school environment for study, classes, or lectures for no excuse.
- ii. **Curfew Violations:** Curfew is defined as regulation requiring people to remain indoors between specified hours, typically at night (Oxford Dictionary). Curfews have been introduced in all the states nationwide to help slow the spread of Covid-19. Being out in public during prohibited hours for minors (Eranga, 2020). Wilson, et, al, (2016) argue that juvenile curfews are ineffective in reducing crime and victimization because they do not align with the realities of youth offending. Most juvenile crimes, such as truancy, theft, or disorderly conduct, occur during the day or after school hours rather than at night when curfews are typically enforced. Consequently, curfews miss the peak times for juvenile delinquency. Additionally, the enforcement of curfews is often weak or inconsistent, as law enforcement agencies tend to prioritize more serious offenses, leaving curfew violations as a low priority. Even when enforced, curfews fail to address the root causes of juvenile delinquency, such as family issues, poor school engagement, and negative peer influence, allowing the structural drivers of youth crime to remain unaddressed. Their systematic review also indicates that the statistical evidence supporting curfews is very weak. Across various studies, the average effect of curfews

during restricted hours was slightly positive, suggesting a small increase in crime rather than a reduction. For all hours combined, the effects were close to zero and statistically insignificant. In several instances, crime rates were already declining before curfews were introduced, making it challenging to directly attribute any changes to the laws. Furthermore, many of the studies they reviewed were constrained by short time frames, observational designs, and inadequate controls, further undermining confidence in curfews as an effective crime prevention tool. Consequently, Wilson et al. conclude that curfews neither reduce juvenile crime nor protect young people from victimization, ultimately reflecting a policy response that lacks strong supporting evidence. Violating curfew, simply means deliberately ignoring and disobeying curfew regulation for self-interest.

- iii. **Petty Theft:** Petty theft is mostly committed for a selfish purpose but can also be committed “for the sake of interest.” (Abliyazova & Sukhova. 2023). It is simply an intent to steal another’s item without the knowledge or consent of the owner.
- iv. **Vandalism:** Vandalism in Nigeria primarily involves male teenagers and is more prevalent in water pipelines, electricity cables, electrical transformers, and telecommunication equipment. Ola & Adewale, (2014). Vandalism is a collective act of urban youths destroying property primarily for fun but may also reflect underlying feelings of oppression and revenge Çaya, (2015).
- v. **Disorderly Conduct:** Antisocial behaviour and conduct disorders are the most common mental and behavioural problems in children and young people globally (Pilling *et al.*, 2013). It is the engagement of the young in behaviour that is disruptive or offensive.
- vi. **Loitering:** Loitering is defined as walking around for no obvious reason and can be a suspicious activity in a home environment (Bharathy, 2022).

These mentioned offenses may be considered less serious, but they can become a pathway to conflict with the law, especially if committed again and again. The manner these minor offenses are approached, within the juvenile justice system, may impact a young person's future, influence their likelihood of re-offending or grow in the circle of criminality. The Involvement in crime and delinquency significantly increases the likelihood of being processed through the criminal justice system, while examining the nexus between involvement in crime and delinquency and being processed through the criminal justice system (Turgumbayev *et al.*, (2021). Recent steps in tackling juvenile delinquency appears punitive, with the belief that punishment serves as a deterrent to future misconduct. Although this approach ignores the developmental needs of children and adolescents, who are still in the process of forming their identities and understanding the consequences of their actions. This application of punishment for minor offenses often fails to address the underlying factors contributing to these behaviors. Instead, it may strengthen negative self-perceptions, disrupt positive social connections, and push these young ones deeper into a cycle of criminal atmosphere.

Research continues to suggest that punitive measures, especially for minor offenses, may do more harm than good (Daibu 2023; David & Valerie 2001). Rather than reducing future criminal activity, these steps can increase the very problems they seek to resolve. Public criminal labelling undermines both the communicative and deterrent functions of punishment, making it unjustifiable as a form of punishment (Hadjimatheou, 2016). Banwo (2022) opined that Nigerian government has failed to design and implement policies and programmes aimed at reducing the rate of recidivism. Daibu (2023) also confirmed that the Nigerian criminal justice system has a retributive and punitive face. Very disappointing, that

the juvenile justice system in Nigeria, designed to be rehabilitative rather than punitive, often falls short of its intended purpose, and becomes a problem given the developmental stage of young individuals involved, thereby increasing the risk of re-offending. In a situation such as these, there comes a major need to change our approach to juvenile justice, most especially in the context of minor offenses, embracing rehabilitation, support, and community engagement over punishment, to address the root causes of delinquent behaviour, and providing these young individuals with the tools and resources they need to live a decent life avoiding crime and involvement with the criminal justice system. This article seeks to investigate the weight of punishment for minor offenses on children and recidivism rates in Nigeria.

Statement of the Problem

Harsh physical punishment of children is associated with increased odds of childhood maltreatment and exposure to intimate partner violence in adulthood (Afifi *et al.*, 2017).

Harsh physical discipline can lead to externalizing behaviours in children and may negatively affect their school life, including impaired cognitive performance, peer isolation, and behavioural problems (Wiggers & Paas, 2022). Children are naturally sensitive while growing physically, emotionally, and otherwise, therefore harsh punishment can disrupt these developmental processes, leading to adverse psychological effects such as anxiety, depression, low self-esteem, and behavioural issues. Understanding this impact will help in creating interventions that support healthy development rather than hindering it. Therefore, this study sought to determine the relationship between punitive measure and recidivism rates in Nigeria.

Purpose of the Study

The purpose of this study is, among other things, to:

- i. To evaluate the connection between punitive measures for minor offenses and recidivism rates among juveniles in Nigeria.
- ii. To analyse how the severity of punishment in the juvenile justice system affects the likelihood of re-offending.
- iii. And examine the relationship between patterns of juvenile criminal behavior and recidivism rates.

Research Questions

- i. What is the relationship between punitive measures for minor offenses committed by children and recidivism rates in Nigeria?
- ii. How does the severity of punishment in the juvenile justice system relate to recidivism rates in Nigeria?
- iii. What is the connection between criminal behavior and recidivism rates in Nigeria?

Research Hypotheses

- i. There is no significant relationship between punitive measures for minor offences on children and recidivism rates in Nigeria
- ii. There is no significant relationship between punishment severity by the juvenile justice system and recidivism rate in Nigeria
- iii. There is no significant relationship between criminal behaviour and recidivism rate in Nigeria

Literature Review

Kirk & Sampson (2013), in a study on Juvenile Arrest and Collateral Educational Damage in the Transition to Adulthood, saw official sanctioning of students by the criminal justice system as a long-hypothesized source of educational disadvantage and further submitted that Arrest has a large and robust impact on dropping out of high school and causing a significant gap in four-year college enrolment among similarly sized youths. Zumve, (2020), in a study on youth crime and justice administration in Nigeria on inmates' experiences, perceptions and outcome found that harassment, intimidation, and coercion experienced by young offenders in youth justice systems led to a hardened nature and increase in youth crime in Nigeria. Daniel, *et al.*, (2009) on a study on the impact of incarceration on recidivism, found that longer periods of incarceration did not significantly deter future criminal behaviour and, in some cases, increased recidivism rates. The authors concluded that incarceration, particularly long-term imprisonment, might have a criminogenic effect, exacerbating rather than reducing criminal behaviour. David & Valerie (2001) in a study on Recidivism of Juveniles, the influence of punishment severity and the interaction with Race found that harsher punishments, such as longer detention periods, were associated with higher recidivism rates among juveniles. The effect was more pronounced for minority youth, suggesting that severe punitive measures may exacerbate disparities in the juvenile justice system and increase the likelihood of re-offending. Donald and Peter (2004) in a study on Punishment Severity and Recidivism: The Role of Probation and Parole Supervision found that individuals subjected to severe punishment, particularly intensive supervision, were more likely to re-offend than those who received less severe sanctions. The authors suggested that intensive supervision may increase stress and reduce the chances of successful reintegration, leading to higher recidivism rates.

The Nigerian Criminal Justice System

The criminal justice system is designed to detect, apprehend, punish, and rehabilitate criminal offenders Turgumbayev *et al.*, (2021). Criminal justice aims to maintain social control, prevent crime, and punish those who break the law through law enforcement agencies (Padmaja 2023). The juvenile justice system in Nigeria is designed to handle cases involving children and adolescents who have committed criminal offenses or conflict with the law. Ajah & Ugwuoke (2018), stressed the need for Nigeria to own separate institutions for juvenile trial and rehabilitation in their study on Juvenile Justice Administration and Child Prisoners in Nigeria. This system is governed by a combination of federal and state laws, international conventions, and traditional practices. Although the system is intended to focus on the rehabilitation and reintegration of young offenders, several challenges, including infrastructural deficits, limited resources, and societal attitudes, impact its effectiveness.

The Legal Framework/Structure

Nigeria's juvenile justice system is primarily governed by the Child Rights Act (CRA) of 2003, but child offenders still face stigma, discrimination, and suffering in the administrative system (Abdulraheem-Mustapha, 2019). The Child's Rights Act (CRA) of 2003 was designed to ameliorate the plight of children and young persons in the justice system, but gaps between laws on the books and law in practice exist (Oyafunke, 2014). The CRA outlines the rights of children and sets forth guidelines for their treatment within the justice system. The Act defines a child as anyone under the age of 18 and mandates that children in conflict with the law should be treated in a manner consistent with their age, dignity, and developmental

needs. The Nigerian juvenile justice system evolved during the British colonial era and was modelled after the British system, but has deviated from customary differences, resulting in poor record keeping and widespread physical and emotional abuse of children in custody (Atilola, 2010). The juvenile justice system in Nigeria includes institutions like the Police, Court, juvenile courts, remand homes, and borstals (correctional institutions for young offenders) but there are many manifest problems and a need for reforms, adequate funding, and capacity building (Abhulimhen-Iyoha & Oseghale, 2020).

When a child is suspected of committing an offense, the police are typically the first point of contact. According to the CRA, children should be treated differently from adults at every stage of the justice process, from arrest to adjudication and sentencing. Juvenile courts are important for the treatment of young offenders, as their future lives and well-being depend on their treatment (Skyrme, 2021). Juvenile courts, wherever they exist, are special courts meant to attend to cases involving the young. These courts are empowered with the obligation to provide a less weighty, and more supportive atmosphere that focuses on the proper rehabilitation of the young ones rather than punishment. But research has it that many states do not have functional juvenile courts, and children are often tried in regular courts alongside adults, which undermines the principles of the CRA. After sentencing, young offenders may be placed in remand homes or borstals, depending on the severity of the offense and the availability of facilities. Remand homes are meant to be temporary holding facilities for children awaiting trial or sentencing, while borstals are correctional institutions focused on the rehabilitation of convicted juveniles. However, the conditions in many of these facilities are often poor, with overcrowding, inadequate food, and lack of access to education and vocational training being common issues.

Theoretical Framework

Social Learning Theory: Social learning theory, developed by Albert Bandura (1977), emphasizes that behaviour is learned through observing and imitating others, as well as through the reinforcement of certain behaviours. Children exposed to punitive environments may learn to associate punishment with power and control, potentially leading them to replicate aggressive or antisocial behaviours. Additionally, if punitive measures are the primary response to their actions, children may not learn alternative, pro-social behaviours. This theory underscores the importance of providing positive role models and reinforcing constructive behaviours in the juvenile justice system.

Developmental Theory of Delinquency (1993)

This theory developed by an American Psychologist, Terry Moffit (1993), suggests that delinquency is influenced by a combination of individual, family, and environmental factors throughout a child's development. Key factors include family dynamics, peer influences, educational experiences, and socio-economic conditions. Punitive measures that fail to address these underlying factors may exacerbate the issues contributing to delinquency, rather than mitigating them. This theory supports the idea that a holistic approach to juvenile justice, which considers the broader context of a child's life, is more effective than simple punishment.

Methodology

This study employed a mixed-methods research design, integrating both quantitative and qualitative approaches to provide a comprehensive analysis of the effects of juvenile punishment on recidivism. The mixed-methods approach allowed for a robust examination

of the data, combining the strengths of numerical data analysis with in-depth qualitative insights. The population of the study consisted of juveniles aged 10 to 18 years who have been processed through the juvenile justice system in Nigeria for minor offenses, such as petty theft, truancy, or vandalism. A sample of 300 juveniles was selected for the quantitative analysis, with an additional 30 participants (including juveniles, their families, and justice system officials) chosen for qualitative interviews. Stratified random sampling was used to ensure representation across different regions, genders, and socio-economic backgrounds. The stratification also considered the type of offense and the severity of the punishment received. Structured questionnaires were administered to the sampled juveniles to collect data on their experiences with the justice system, the nature of the offenses committed, the type and severity of punishment received, and their post-punishment outcomes, including any re-offending behaviour. Data was also gathered from court records, police reports, and detention centre records to verify the details of the offenses, the punishments administered, and subsequent criminal activity. Semi-structured interviews were conducted with a subset of the juveniles, their family members, and officials from the juvenile justice system. These interviews explored the participants' perspectives on the impact of punishment, their views on the justice system, and the socio-economic and psychological factors influencing recidivism. Focus group discussions with juvenile justice professionals, including judges, probation officers, and social workers, was conducted to gather insights into the effectiveness of different punitive measures and alternative approaches. Descriptive statistics were used to summarize the demographic characteristics of the sample, the types of offenses, and the severity of punishments. Measures of central tendency (mean, median) and dispersion (standard deviation, range) will be calculated. Ethical considerations were upheld as informed consent was obtained before commencement of the data collection.

Result

Research Question One: What is the relationship between punitive measures for minor offenses committed by children and recidivism rates in Nigeria?

Table 1: Pearson product moment correlation analysis of the relationship between punitive measures for minor offences on children and recidivism rates (N=70)

Variable	Mean	SD	R
Punitive Measures	31.99	5.21	0.023
Recidivism Rates	25.67	2.45	

Results in Table 1 shows that there is a low positive relationship between punitive measures for minor offences on children and recidivism rates in Nigeria ($r=0.023$).

Research Question Two: How does the severity of punishment in the juvenile justice system relate to recidivism rates in Nigeria?

Table 5: Pearson Product Moment Correlation analysis of the relationship between punishment severity by the juvenile justice system and recidivism rate in Nigeria (n=700)

Variable	Mean	SD	R
Punishment Severity	32.37	6.05	-.056
Recidivism Rate	20.14	2.45	

Results in Table 2 shows that there is a low negative relationship between punishment severity by the juvenile justice system and recidivism rate in Nigeria.

Research Question Three: What is the connection between criminal behavior and recidivism rates in Nigeria?

Table 5: Pearson Product Moment Correlation analysis of the relationship between criminal behaviour and recidivism rate in Nigeria (n=70)

Variable	Mean	SD	R
Criminal Behaviour	27.70	3.74	-.014
Recidivism	25.67	2.45	

Results in Table 2 shows that there is a low negative relationship between criminal behaviour and recidivism rate in Nigeria.

Testing the hypotheses

Hypotheses One: There is no significant relationship between punitive measures for minor offences on children and recidivism rates in Nigeria

Table 11: Result of Pearson Product Moment Correlation analysis of the relationship between punitive measures for minor offences on children and recidivism rates (n=70)

Variable	Mean	SD	r	P-value
Punitive Measures	31.99	5.21	0.023	0.85
Recidivism	25.67	2.45		

Significant at the 0.05 level of significance

Result in Table 4 shows that there is no significant relationship between punitive measures for minor offences on children and recidivism rates in Nigeria, ($r=0.023$; $P=0.85$). This means that there is no significant relationship between punitive measures for minor offences on children and recidivism rates. Hence the null hypothesis which states that there is a relationship between punitive measures for minor offences on children and recidivism rates in Nigeria is retained at the 0.05 level of significance.

Hypotheses two: There is no significant relationship between punishment severity by the juvenile justice system and recidivism rate in Nigeri.

Table 5: Result of Pearson Product Moment Correlation analysis of the relationship between punishment severity by the juvenile justice system and recidivism rate (n=70)

Variable	Mean	SD	r	P-value
Punishment severity	32.37	6.05	-0.056	0.64
Recidivism Rate	25.67	2.45		

Significance at the 0.05 level of significance

The result in Table 5 shows that there is a negative and non-significant relationship between punishment severity by the juvenile justice system and recidivism rate in Nigeria, ($r= -0.056$; $P=0.64$). This means that there is no significant relationship between punishment severity by the juvenile justice system and recidivism rate in Nigeria. Hence the null hypothesis is retained at the 0.05 level of significance.

Hypotheses three: There is no significant relationship between criminal behaviour and recidivism rate in Nigeria.

Table 12: Result of Pearson Product Moment Correlation analysis of the relationship between criminal behaviour and recidivism rate (n=70)

Variable	Mean	SD	r	P-value
Criminal Behaviour	27.70	3.74	-0.014	0.91
Recidivism Rate	25.67	2.45		

Significant at the 0.05 level of significance

The result in Table 6 shows that there is a negative and non-significant relationship between criminal behaviour and recidivism rate in Nigeria, ($r = -0.014$; $P = 0.91$). This means that there is no significant relationship between criminal behaviour and recidivism rate in Nigeria. Hence, the null hypothesis which states that there is no significant relationship between criminal behaviour and recidivism rate in Nigeria is retained at the 0.05 level of significance.

Discussion

Findings on the relationship between punitive measures for minor offences on children and recidivism rates in Nigeria showed that there is a low positive relationship between punitive measures for minor offences on children and recidivism rates in Nigeria. This can be attributed to inadequate rehabilitation programs, trauma and stigmatization and the lack of addressing underlying issues. The findings of the study also indicated that there is no significant relationship between punitive measures for minor offences on children and recidivism rates in Nigeria. This can be due to ineffective punitive measures. Punitive measures which may not be effective enough to deter children from committing further offences, lack of rehabilitation programs and cultural and societal factors such as emphasis on community-based corrections, may reduce the impact of punitive measures on recidivism rates. The finding of this study is in line with Daniel, *et al.*, (2009) on the impact of incarceration on recidivism which showed that longer periods of incarceration did not significantly deter future criminal behaviour and, in some cases, increased recidivism rate. The findings of this study is in contrast with David & Valerie (2001) on recidivism of juveniles which found that the effect was more pronounced for minority youth, suggesting that severe punitive measures may exacerbate disparities in the juvenile justice system and increase the likelihood of re-offending.

The finding of the study on the relationship between punishment severity by the juvenile justice system and recidivism rate in Nigeria showed that there is a low negative and non-significant relationship between punishment severity by the juvenile justice system and recidivism rate in Nigeria. This can be due to the fact that cultural and societal factors may vary across regions. One culture may punish differently from another, in some cases jungle justice was the other of the day which did not deter re-offence. The findings of this study is in contrast with that of David and Valerie (2001) on recidivism of juveniles: The influence of punishment severity and the interaction with race which found that harsher punishments, such as longer detention periods, were associated with higher recidivism rates among juveniles. The findings of the study is also in contrast with Donald and Peter (2004) on the relationship between punishment severity, including incarceration and intensive probation/parole supervision, and recidivism rates which found that individuals subjected to severe punishment, particularly intensive supervision, were more likely to re-offend than those who received less severe sanctions.

The findings of the study on the relationship between criminal behaviour and recidivism rate in Nigeria found that there is a low negative and non-significant relationship between criminal behaviour and recidivism rate in Nigeria. This agrees with the criminal justice system that aims to maintain social control, prevent crime, and punish those who break the law through law enforcement agencies (Padmaja 2023). Children with criminal behavioural tendencies may not continue after some level of education and awareness by the criminal justice system. This calls for the need for Nigeria to own separate institutions for juvenile trial and rehabilitation. For this reason, Ajah & Ugwuoke (2018), in their study on Juvenile Justice Administration and Child Prisoners in Nigeria call for the need for Nigeria to own separate institutions for juvenile trial and rehabilitation

Conclusion

It was concluded that there is a low positive relationship between punitive measures for minor offences on children and recidivism rates in Nigeria. But there was no significant relationship between punitive measures for minor offences on children and recidivism rates. The study also concludes that there is a low negative relationship between punishment severity, criminal behaviour and recidivism rate in Nigeria.

Recommendations

Based on the findings of the study it was recommended that policymakers and

- i. Government agencies should review and reform punitive measures, invest in rehabilitation programs and implement alternative option such as community service, probation and mediation to reduce the reliance on punitive measures.
- ii. Law Enforcement and Correctional agencies should provide training on rehabilitation and reintegration
- iii. Community leaders and organizations should raise awareness about recidivism and provide support services for offenders and families.

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