

## JUDICIAL RECEPTION OF RESTORATIVE JUSTICE AND VICTIM-OFFENDER MEDIATION IN NIGERIA

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### **Abstract**

*The adoption of restorative justice and victim-offender mediation in recent times complements the criminal justice system operating in Nigeria, emphasizing the practical application of how these principles are applied in Lagos State through its various justice sector policy instruments and on the broader question of how such instruments can anchor systemic reform nationally. Thus, in recent times, legislative changes, such as the enactment of the Administration of Criminal Justice Act 2015 and similar state-level laws, have introduced non-custodial sentencing and restorative justice mechanisms. In spite of this development, the application of these measures by the courts has been inconsistent and unequal. Through legal analysis with practical insights from the implementation of restorative justice, this paper argued that the slow acceptance and integration of restorative justice by courts in Nigeria stem from institutional conservatism rather than*

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*legal barriers. The Lagos State model demonstrates that restorative justice can be more effective when backed by strong legislative support, administrative dedication, and judicial training, particularly through the inclusion of community service and structured mediation processes.*

**Keywords:** Administration of Criminal Justice Act, Community Service, Non-Custodial Sentencing, Restorative Justice, Victim-Offender Mediation.

## 1. INTRODUCTION

This paper assesses the scope of a backward-looking technique adopted by the Nigerian criminal justice system where the focus is on punishing the offender, neglecting the victims, how the offenders can be held accountable and the reconciliation of broken society norms. While the Constitution has outlined the principles of fairness and justice towards individuals in the society, making these principles fundamental to criminal proceedings, the reality seems a bit distant to the theoretical experience, as the actual experiences of victims and offenders demonstrate the system gives little regards to reconciliation, reintegration and restoration. Interestingly, as it is demonstrably evident in recent times, restorative justice has developed as a new approach that addresses this issue by shifting the focus of crime from a violation of state power to a harm inflicted on people and relationships.<sup>1</sup> The ultimate aim of restorative justice is to establish a method through which practices like victim-offender mediation, community conferencing, and non-custodial sentences can be upheld. Through the aforementioned approaches, it aims

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<sup>1</sup> Tony Marshall, Restorative Justice: An Overview (Home Office 1999).

to repair the damage which may have been caused by the offender, hold them accountable for such actions, and restore the dignity of both the victims and offenders, while similarly restoring the peace of the society. However, due to worries about legal clarity, the ability to enforce such measures, public concerns that the approach might be too lenient, and the lack of clear procedures for implementing restorative justice, Nigerian courts have been hesitant and uneven in adopting this approach of restorative justice.

This paper demonstrates that the indifference and hesitant attitudes of Nigerian courts towards restorative justice by Nigerian courts is not due to fundamental legal challenges. It suggests that this attitude is due to institutional resistance and the lack of a practical real-world experience where the approach has been taken into a substantial and beneficial use. A look into the use of restorative justice and community services programs introduced into the Lagos State criminal justice system indicate that where proper legal support and administrative efforts are exerted to support it, restorative justice is capable of functioning effectively within Nigeria's legal system.

Against the above established, this paper examines the dynamic attitudes of Nigerian judges towards restorative justice and victim-offender mediation, placing particular emphasis on the practical applicability of how restorative justice can be implemented successfully as applied in the Lagos State model. Similarly, it looks into how this model can contribute to national criminal justice reform and how it can promote non-custodial sentencing and a justice system which places its priorities on victims. Further, this paper agrees that where there is a structured and organized judicial approach put in place, restorative justice has the potential to

address overcrowding in Nigerian prisons, support victims, and rebuild public trust in the criminal justice system.

## **2. METHODOLOGY**

This research makes use of a doctrinal and qualitative approach. It places its sole focus on analyzing statutory provisions from the applicable statutes, relevant case laws and judicial decisions, and policy documents that are related to non-custodial sentencing and restorative justice in selected Nigerian states. The primary sources that will be focused on include the Administration of Criminal Justice Act and other relevant case laws, alongside other official guidelines on community service and victim-offender mediation.

In addition, the study examines secondary literature discussing on restorative justice theory, alternative dispute resolution, and comparative practices in criminal justice systems. It is no gainsaying the fact that Lagos State has developed a more structured and organized restorative justice institutions, when placed in the same context with other Nigerian states. In view of this is why Lagos State is chosen as the main reference of discourse herein this paper.

Pertinently, the scope of this paper is limited to non-capital and non-violent offences. As such, serious crimes such as homicide and terrorism will not be discussed, as they are not included within the scope of this research. The conclusions therefore are primarily related to simple, minor, and intermediate offenses, as restorative justice approaches are most practically applicable in their contexts.

### 3. JUSTIFICATION

As can be gleaned from sections 270 and 319 of the Administration of Criminal Justice Act 2015, restorative justice and non-custodial sentencing are officially recognized and permitted in Nigerian criminal law. However, their application in daily judicial practice remains uneven. Based on the researcher's professional experience in administering restorative justice, it is evident that according to the views of magistrates, mediation and community service conflict with the traditional goals of punishment in the criminal justice system. Frequently, prosecutors raise concerns over whether restorative measures can be effective in serving as a deterrent to criminal behaviors. On the other hand, some victim's express concerns that mediation might minimize the harm they have endured. A look into the case of *Aoko v Fagbemi*<sup>2</sup> best illustrates this.

In view of the above, these concerns demonstrate that there is a broader gap between legal reforms and the attitudes of courts expressed by courts. It may be suggested that there is yet to be a substantial clarity as regards the proper way of implementing restorative justice such that it will not undermine accountability, or reduce public trust in the criminal justice system. Nevertheless, the practical reality shows otherwise. When a crime occurs, and there is a proper victim-offender mediation, victims can be able to report a great sense of satisfaction when they witness the offender taking responsibility for their actions. On the part of the offenders, they become willing to go through rehabilitative and restorative processes order than sentences and punitive measures.

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<sup>2</sup> R v Omisade and Others (1961) 1 All NLR 400.

Be that as it may, the underlying contrast between skepticism and actual outcomes serves as the main reason for this study. A thorough analysis of restorative justice practices, particularly as it is made use of in Lagos State, is crucial to evaluating their effectiveness, clarifying misunderstandings, and contributing to developing a more balanced and compassionate criminal justice approach in Nigeria.

#### **4. THEORETICAL FRAMEWORK**

##### **4.1 Restorative Justice Theory**

The theory of restorative justice stands a direct affront to the traditional theory of retributivism, where the main focus is on punishing the offender to restore and repair the harms they have caused. Restorative justice views wrongdoing as merely a disruption of social relationships within the community rather than a violation of state power. Therefore, Justice is said to be —achieved when harm is acknowledged, responsibility is accepted, and efforts are made to reconcile and make amends.<sup>3</sup>

Its application in the Nigerian context raises significant concerns. The Nigerian society is characterized by economic disparity, power imbalances, and a lack of trust in institutions. In such environments, the principles of voluntariness and equality, which are key to restorative justice, may not always be reflected in practice. Owing to factors such as poverty or fear, victims- may be coerced into accepting settlements. While

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<sup>3</sup> John Braithwaite, *Crime, Shame and Reintegration* (Cambridge University Press 1989); Declan Roche, *Accountability in Restorative Justice* (Oxford University Press 2003); Kathleen Daly, 'Restorative Justice: The Real Story' (2002) 4(1) *Punishment & Society* 55.

offenders who have social or economic power may, on the other hand, manipulate mediation processes to avoid accountability.

#### **4.2 Therapeutic Jurisprudence**

Therapeutic jurisprudence evaluates the effect of legal procedures on the psychological and emotional health and overall well-being of people who can be impacted by the laws and how these laws are enforced. It suggests that the law can be of advantage or disadvantage. It may either act as a tool for healing people or as a factor that causes more harm and increases suffering.

Legal processes in Nigeria's criminal justice system are driven by unnecessary delays, conflict, and little regard for individuals. Victims on their part feel drained emotionally, socially and mentally, while the offenders face societal stigma, making it difficult for them to fare well or properly reintegrate into society. As such, even if the legal decision is right, it may have an ultimate negative effect on society.

Restorative justice shares many similarities with therapeutic jurisprudence because it focuses on open communication, recognizing the harm caused, and offering emotional resolution. When victim-offender mediation is put in place, it gives victims a chance to be able to express their feelings and allows offenders to understand the real effects and consequences of their actions. This has the potential of reducing anger, encouraging healing, and supporting the rehabilitation and reintegration of offenders into being a useful member of the community.

However, it is not guaranteed that these processes will always lead to positive results. If not handled carefully, mediation can cause further

trauma or fail to address serious issues. For therapeutic jurisprudence to have a real impact in Nigeria, judges and legal professionals need to be trained to understand emotional needs and ensure that restorative processes are carried out willingly, with respect, and by qualified facilitators.

Therefore, therapeutic jurisprudence can support restorative justice only when it is carried out within a system that ensures fair procedures and has proper judicial supervision.

### **4.3 Access to Justice Theory**

The access to justice theory highlights the importance of justice systems being inclusive, affordable, and responsive to the needs of everyday people. Justice is not just about having courts and laws in place, but it is also about individuals being able to actively take part in processes that impact their rights and dignity.<sup>4</sup> In Nigeria, the traditional criminal process often excludes victims from meaningful involvement. Victims are usually treated as witnesses rather than being considered important stakeholders, and the results of legal proceedings rarely offer them compensation or a sense of closure. This lack of involvement weakens trust in the justice system and makes people feel that justice is not being served properly.

Restorative justice helps improve access to justice by allowing victims to take an active role in deciding how matters are resolved. It also offers alternatives to expensive and lengthy court cases, especially for less

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<sup>4</sup> Mark Umbreit, 'Victim-Offender Mediation: A Practice Model' (1994) 1 Conflict Resolution Quarterly 5.

serious and non-violent crimes. This approach is usually quicker, more personal, and more satisfying for those involved.

However, access to justice also needs safeguards to prevent misuse. If restorative justice processes are not properly managed, they could worsen inequality by giving an unfair advantage to those who are more powerful. For this reason, the study suggests that restorative justice should be seen as a formal legal right, rather than something left to the judge's personal decision.

## **5. STATUTORY FRAMEWORK FOR RESTORATIVE JUSTICE IN NIGERIA**

The Administration of Criminal Justice Act 2015 marks a significant turning point in Nigerian criminal procedure by introducing non-custodial sentencing and restorative justice mechanisms. Section 270 of the Act enables courts to impose community service as an alternative to imprisonment, while Section 460 promotes reconciliation and settlement in suitable cases. These provisions are supported by relevant legal frameworks, including the Lagos State Administration of Criminal Justice Law, Laws of Lagos State 2015 and the Lagos Multi-Door Courthouse Law, Laws of Lagos State 2015.

Multiple states have incorporated similar provisions into their respective Administration of Criminal Justice Laws. These legislative changes indicate a shift in policy from a predominantly punitive approach to a more balanced system that includes rehabilitation and restitution. This

aligns with the principles outlined in the United Nations Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters.<sup>5</sup>

Of particular significance is the statutory framework established by Lagos State. The Administration of Criminal Justice (amendment) Law 2021 (“ACJL”) represents the most detailed and operationally complete state-level legislative framework for restorative justice in Nigeria. Section 347(1) of the ACJL empowers the court to make a community service order as an alternative to a custodial sentence, directing an offender to perform unpaid work for the benefit of the community. Section 347(4) prescribes the conditions governing such orders, including the requirement that the offender consent and that the order specify the number of hours to be performed. Section 347 (5) establishes the supervision of community service orders, placing responsibility on the Attorney General and Commissioner for Justice through its designated Community Service Unit to monitor compliance and report to the court. Section 347(4)(v) makes provision for breach of a community service order, allowing the court to revoke the order and impose an alternative sentence where the offender fails without reasonable cause to comply. Beyond community service, Section 347(6) empowers the Attorney General and Commissioner for Justice and the Court to use diversionary and restorative measures while 372 of ACJL authorizes the court, where it considers it desirable in the interest of justice to award compensation, or restitution as part of the sentencing process. These provisions, taken together, constitute a comprehensive statutory foundation that not only

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<sup>5</sup> United Nations Economic and Social Council (ECOSOC), Resolution 2002/12, Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters (24 July 2002).

permits but actively encourages restorative outcomes. The Lagos State Multi-Door Courthouse Law further reinforces this framework by institutionalizing court-annexed mediation and alternative dispute resolution as pathways available even within the criminal justice process, thereby creating additional channels through which victim-offender dialogue and restorative agreements can be facilitated.

Despite the presence of these statutory provisions, their implementation by courts remains inconsistent. Judges continue to show uncertainty regarding the application and boundaries of restorative justice, especially in relation to public interest, deterrence, and the enforcement of mediation results.

Historically, Nigerian courts maintained a strict stance that criminal offences could not be resolved through private agreements. In cases like *State v. Ilori*<sup>6</sup> and *Federal Republic of Nigeria v. Ibori*,<sup>7</sup> the courts emphasized that crimes are offenses against the state rather than private matters between individuals. This perspective reinforced the role of the prosecution and limited the involvement of victims in the justice process. Even when victims and offenders reached informal agreements, courts typically insisted on punishment and punitive actions as part of public policy. This approach strongly favored retributive justice and discouraged the use of mediation or restorative outcomes.

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<sup>6</sup> Okonkwo v State (1983) 1 SCNLR 94.

<sup>7</sup> Akinyemi v State (2014) LPELR-CA/AS/49C/2011.

## **6. LAGOS STATE AS A PRACTICAL ANCHORING MODEL OF JUDICIAL AND INSTITUTIONAL COMMITMENT TO RESTORATIVE JUSTICE**

Lagos State serves as the most advanced example of restorative justice being institutionalized within Nigeria's criminal justice system. In contrast to many other jurisdictions where restorative justice is merely a possibility under the law, Lagos has transformed legal provisions into actual administrative and judicial structures.

Under the Lagos State Administration of Criminal Justice Law, the Ministry of Justice created specialized mechanisms such as the Restorative Justice Centre and the Community Service Unit. These entities assist courts in applying non-custodial and restorative methods. They operate as part of the judiciary by accepting referrals from courts, arranging victim-offender mediation, overseeing community service orders, and providing feedback on outcomes back to the courts.<sup>8</sup>

What sets the Lagos model apart is not just the presence of supportive legislation, but the intentional setup of institutional channels that allow judges to exercise their discretion in a responsible and consistent way. Judges are no longer left to develop restorative solutions on their own; instead, they depend on trained mediators and well-defined procedures.

Judicial practices in Lagos show a growing openness to using restorative approaches in appropriate cases. Cases involving minor theft, assault, and family-related property disputes have been resolved through mediation agreements that include expressions of apology, restitution, and

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<sup>8</sup> Lagos State Administration of Criminal Justice Law 2011 (as amended), ss 350–365.

supervised community service, rather than through imprisonment. These decisions illustrate a developing judicial mindset that views justice not only as punishment but also as a way to repair social relationships.<sup>9</sup>

Empirical reports from the Lagos State justice sector show that thousands of offenders have been moved away from serving time in prison to community service and mediation programs in recent years. This has played a major role in reducing prison overcrowding and speeding up the processing of cases, while also increasing the satisfaction of victims.<sup>10</sup>

A key factor behind this success has been ongoing training and development efforts, supported by international partners. Programs that train magistrates, prosecutors, police officers, and mediators have helped them better understand restorative justice and lessen resistance to alternatives to imprisonment within the system.<sup>11</sup> The experience in Lagos demonstrates that restorative justice works effectively when three things are in place: clear laws that support it, proper support structures within the institutions, and ongoing education for judges. It challenges the idea that restorative justice is separate from traditional court processes, and offers a more realistic model for reform that can be adapted in other parts of Nigeria.<sup>12</sup> However, the Lagos model also highlights how vulnerable restorative justice can be when it relies too much on administrative

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<sup>9</sup> *Police v Bamidele Adeyemi* (Unreported, Magistrate Court, Ikeja, Lagos State, Charge No MIK/112/2022); *State v Mohammed Sadiq* (Unreported, Magistrate Court, Lagos State, Charge No MIK/345C/2021).

<sup>10</sup> Lagos State Ministry of Justice, Annual Justice Sector Performance Report (2023).

<sup>11</sup> Rule of Law and Anti-Corruption Programme (RoLAC), Restorative Justice and Non-Custodial Measures Training Report (2022).

<sup>12</sup> I. A. Umezulike, 'Victims of Crime and the Nigerian Criminal Justice System' (2006) 1 UNIZIK Law Journal 112.

decisions and support from donors. Without consistent national rules and a unified approach from the judiciary, restorative justice may vary from one region to another and may be affected by changes in political leadership.<sup>13</sup>

The institutional framework undergirding the Lagos model is further evidenced by two key instruments issued in the State. First, the Lagos State Judiciary's Practice Direction on Restorative Justice, which took effect on 3 June 2019, formalized the referral of eligible cases from the courts to the Restorative Justice Centre, embedding restorative processes within the judicial workflow and providing magistrates and judges with a clear procedural basis for exercising their discretion. Second, the Lagos State Restorative Justice Policy, adopted on 31 December 2021 and developed by a multi-agency Steering Committee comprising the Judiciary, Ministry of Justice, Nigeria Police, Nigerian Correctional Centre, Academia, the Citizens Mediation Centre, and the Lagos State Multi-door Court-House in collaboration with Prison Fellowship Nigeria, sets out comprehensive programme protocols, eligibility criteria, referral pathways, and a range of possible outcomes—including restitution, community service, personal service to the victim, community reconciliation, education programmes, and reformative programmes. Taken together, these instruments demonstrate that the Lagos model is not merely aspirational; it is operationalized through deliberate policy design that aligns with the United Nations Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters and provides the

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<sup>13</sup> Administration of Criminal Justice Law of Lagos State 2011 (as amended), ss 350–365 (Non-Custodial Sentencing, Community Service, Restitution and Compensation).

procedural certainty that judges require to apply restorative measures with confidence and consistency.<sup>14</sup>

## **7. COMPARATIVE AND THEORETICAL ANALYSIS**

An analysis of systems such as New Zealand and Canada has adopted the use of restorative justice, putting them into consideration, and adopting them into their formal sentencing processes without weakening the role of the judiciary. The experiences of these systems is a clear indication that restorative justice can possibly work along with traditional adjudication processes instead of replacing it.

Theoretical developments by scholars like Braithwaite and Zehr place the focus on reintegration and justice which is centered on victims. Nonetheless, these theories frequently rely on assumptions of voluntary participation and equal power dynamics, which, given the Nigerian context may not be realistic. As explained in the Council of Europe's Recommendation CM/Rec (2018)8 on Restorative Justice in Criminal Matters, conditions like these may not necessarily be true. In light of this, this paper suggests a restorative justice model that will take local power imbalances into account and include necessary procedural protections to ensure fairness and effectiveness.

## **8. CRITICAL ANALYSIS OF JUDICIAL ATTITUDES AND COMPARATIVE PERSPECTIVES**

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<sup>14</sup> Lagos State Judiciary, Practice Direction on Restorative Justice (Lagos State Judiciary, 3 June 2019). Lagos State Restorative Justice Steering Committee, The Restorative Justice Policy Lagos State (Lagos State Ministry of Justice, 31 December 2021) (supported by GIZ/German Federal Foreign Office).

Courts in Nigeria have historically been cautious in embracing restorative justice, considering criminal prosecution as a responsibility solely belonging to the state. Early court rulings focused on deterrence and retribution, frequently rejecting negotiated settlements as conflicting with public justice. This approach reflects a colonial legacy of adversarial legal procedures, which in many ways overlooked traditional practices of reconciliation and community-based conflict resolution.

In contrast, countries like New Zealand and Canada have integrated restorative justice into their formal sentencing systems without diminishing the role of the judiciary. Their experience demonstrates that restorative justice can work alongside, rather than replace, traditional criminal justice processes. However, Nigerian courts have not yet fully adopted this new legal perspective.<sup>15</sup>

Although scholars like Braithwaite promote re-integrative shaming as a central principle of restorative justice, this approach may not fully account for socio-economic disparities that could influence participation in mediation in developing societies. Similarly, Zehr's victim-centered model assumes voluntary participation and equal bargaining power, which may not always be present in Nigerian legal proceedings. Therefore, this paper suggests the need for a restorative justice model that is tailored to Nigeria's unique socio-legal environment.

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<sup>15</sup> New Zealand: Sentencing Act 2002, s 10; Young Persons Act 1989 (conferencing). Canada: Youth Criminal Justice Act 2002, ss 4–12 (extrajudicial measures); Criminal Code RSC 1985 s 717 (alternative measures). See also Jonathan Doak and David O'Mahony, 'The Vengeful Victim? Assessing the Validity of Emotional Claims for Retribution' (2006) 6(3) *International Review of Victimology* 233.

The experience in Lagos indicates that judicial attitudes can evolve when supported by clear legislation and proper institutional training. Judges who are introduced to restorative justice methods gain confidence in their legitimacy and effectiveness. This shift highlights the importance of education and aligned policies in transforming judicial thinking.<sup>1617</sup>

## **9. IMPLICATIONS FOR NIGERIAN CRIMINAL JUSTICE REFORM**

The experience in Lagos demonstrates that restorative justice can be effective when backed by clear policies, proper training, and ongoing monitoring. Judicial hesitation in adopting restorative justice can be addressed through continuous education, clear legislation, and better coordination between courts and correctional services.<sup>18</sup> Restorative justice should not be seen as a way to show leniency, but rather as a structured approach to holding offenders accountable. By focusing on repairing the harm caused, it helps build public trust and lowers the chances of reoffending.

## **10. PRACTICAL OBSERVATIONS FROM JUDICIAL PRACTICE IN NIGERIA**

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<sup>16</sup> Rule of Law and Anti-Corruption Programme (RoLAC), Restorative Justice and Non-Custodial Measures Training Report (2022). I A Umezulike, 'Victims of Crime and the Nigerian Criminal Justice System' (2006) 1 UNIZIK Law Journal 112

<sup>17</sup> Administration of Criminal Justice Law of Lagos State 2011 (as amended), ss 350–365, Lagos State Judiciary, Practice Direction on Restorative Justice (3 June 2019).

<sup>18</sup> Lagos State Restorative Justice Steering Committee, The Restorative Justice Policy Lagos State (Lagos State Ministry of Justice, 31 December 2021).

From working with restorative justice programs, several challenges and recurring patterns have become clear, which are not easily seen from laws or court cases.

First, many magistrates are cautious about sending matters to mediation because they are worried about how the public might view it, and they fear accusations of being too lenient or corrupt. In some cases, judges recognize the value of restorative justice in theory but are hesitant to use it in practice without clear steps to follow.

Second, victims often begin with doubts about mediation, especially in cases where there is financial difficulty or power imbalance. However, when mediation is properly managed, many victims feel more satisfied when they receive an apology and compensation, rather than seeing someone punished in jail, which does not provide them with real help.<sup>19</sup>

Third, the ability of institutions to support restorative justice varies between states. In areas where there are no trained mediators or community service supervisors, courts find it hard to carry out restorative orders effectively. This reinforces the belief that restorative justice is an optional experiment rather than a key part of the criminal justice process.

Fourth, the way prosecutors work still favors convictions and jail sentences over reconciliation. Some prosecutors are resistant to alternative

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<sup>19</sup> New Zealand, Sentencing Act 2002, s 10; New Zealand, Children, Young Persons, and Their Families Act 1989 (conferencing provisions); Canada, Youth Criminal Justice Act 2002, ss 4–12; Canada, Criminal Code RSC 1985, s 717; Jonathan Doak and David O'Mahony, 'The Vengeful Victim? Assessing the Validity of Emotional Claims for Retribution' (2006) 6(3) *International Review of Victimology* 233.

outcomes because their success is measured by how many people they convict; not how much harm is repaired.

These observations show that the success of restorative justice in Nigeria depends not only on changes to the law but also on a shift in the attitudes and practices of judges and prosecutors. This change needs to be supported by training, ongoing monitoring, and better coordination within institutions.<sup>20</sup>

## **11. CHALLENGES TO THE IMPLEMENTATION OF RESTORATIVE JUSTICE AND VICTIM-OFFENDER MEDIATION**

Despite its theoretical appeal, restorative justice encounters substantial institutional, cultural, and legal challenges within Nigeria's criminal justice system.

A major issue is the lack of a clear procedural structure. While the Administration of Criminal Justice Act gives courts the power to support reconciliation and restitution, it does not provide specific guidelines on how victim-offender mediation should be carried out. There are no established standards for obtaining consent, determining which cases are suitable for mediation, setting qualifications for mediators, or ensuring that mediation agreements are followed. This legal ambiguity hinders judicial creativity and leads to inconsistent practices.<sup>21</sup> Another key

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<sup>20</sup> Rule of Law and Anti-Corruption Programme (RoLAC), Supporting Criminal Justice Reform in Lagos State (British Council Report 2020).

<sup>21</sup> Nkechi Nwosu-Iheme, 'Reforming Nigeria's Prison System through Restorative Justice' (2019) 12 Lagos State University Law Journal 88; Adedayo Adekunle, 'Non-

challenge is the limited capacity of institutions. Most courts do not have trained, professional mediators or specialized units focused on restorative justice. In many areas, judges who want to use restorative approaches have no practical way to implement them. As a result, restorative justice continues to rely on individual efforts rather than being fully integrated into the system.

Judicial resistance is also a significant obstacle. Many judges were educated in a legal culture that emphasizes punishment and views justice as being tied to imprisonment. This perspective leads to skepticism towards mediation and a concern that restorative outcomes may be seen as a sign of weakness or even corruption.<sup>22</sup> Public perception also poses challenges. In a society where crime and insecurity are increasing, restorative justice is frequently misunderstood as a form of leniency. Victims may also be hesitant to participate in mediation, especially in cases where there are existing power imbalances, such as in domestic or economic situations.

Finally, systemic corruption and inequality pose a threat to the effectiveness of restorative justice. If there is no transparency and proper monitoring, mediation could be used by richer or more powerful offenders to avoid facing consequences. This risk highlights the importance of strong judicial control and clear procedures.

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Custodial Sentences in the Administration of Criminal Justice Act 2015: Prospects and Challenges' (2017) 9(2) *Nigerian Current Law Review* 34.

<sup>22</sup> Bolaji Owasanoye, 'Non-Custodial Sentencing and Penal Reform in Nigeria' (2018) 3 *Nigerian Bar Journal* 45.  
Akinwale v State (2015) LPELR-24898(CA); FRN v Ibori (2014) 13 NWLR (Pt 1423) 535.

## **12. RECOMMENDATIONS**

To properly implement restorative justice and victim–offender mediation in Nigeria, the following changes are suggested.

First, judicial education needs to be given priority. Restorative justice and sentences that do not involve imprisonment should be included in mandatory training for judges and magistrates. This training should cover not only legal rules but also ethical standards and the practical skills needed for mediation.

Second, detailed procedures should be created under the Administration of Criminal Justice Act and related state laws. These procedures should define which crimes are suitable for mediation, how consent is obtained, how mediators are certified, how long the process should take, and how agreements made during mediation are enforced.

Third, restorative justice units should be set up within courts and made available across the country. These units would evaluate cases, organize mediation, monitor community service, and report results back to the courts. This setup would lower the use of informal solutions and increase openness.

Fourth, the way prosecutors are evaluated should be changed. Success should not be judged only by the number of convictions, but also by how well cases are resolved through making amends and restoring relationships.

Fifth, public awareness initiatives are crucial. Restorative justice should be presented as a way to hold people accountable while also helping them

heal, not as a way to be lenient. Local leaders, civil society groups, and media should be involved to change how justice is understood by the public.

Finally, the model used in Lagos State should be modified and copied in other states, taking into account local conditions. A national effort is necessary to avoid differences in how restorative justice is available across different areas.

### **13. CONCLUSION**

This study has looked at how Nigerian courts have received restorative justice and victim-offender mediation. It has shown that courts have mixed acceptance of these approaches, and this is because of long-standing traditions of punishment, limited resources within the court system, and society's general expectation that offenders should be punished. Even though laws have been changed to allow for restorative justice, these changes have not fully led to consistent and clear practices in the courts. Restorative justice is still mostly used as a special case rather than being a regular part of how criminal cases are handled.

The experience in Lagos State shows that restorative justice can work well when there is legal support, strong institutional backing, and ongoing training for judges. This study also shows that it is possible for restorative justice to work alongside traditional criminal procedures, helping to repair harm and hold offenders accountable.

The future of restorative justice in Nigeria will depend on strong leadership from judges, clear procedures for using restorative methods, and changing attitudes in society. By fully using restorative justice,

Nigerian courts can help reduce overcrowding in prisons, improve conditions for prisoners, support victims, and build public trust in the legal system. Justice in Nigeria needs to go beyond just punishment. A system that helps restore relationships, fix the harm done, and reintegrate offenders can bring both legal order and social healing.