Published by

British Journal of Contemporary Research

BEXFORD PUBLISHING

Restorative Justice v. Traditional Court: Measuring Effectiveness in Criminal Justice Outcomes in Nigeria

Meta-Analysis | Volume 1 | Issue 2 | 2026 | Article Number: 014

Accepted: 28 June 2026 | Published: 10 July 2026 | ISSN: 2979-8582 (Online)

Crossref doi : **https://doi.org/10.67693/BJCR-4UYXWXNP**

Ahmed II, Jalaludeen Bala[1], Aliyu Hussaini[1], Abdul Ganiyi Abdurroheem Zubaedy[3]

[1]Department of Public and International Law, Faculty of Law, Nasarawa State University, Keffi, Nigeria,
[3]Department of Islamic Law and Jurisprudence, Faculty of Law, Nasarawa State University, Keffi, Nigeria.

Correspondence: Ahmed II, Jalaludeen Bala, ahmedjalaludeen@nsuk.edu.ng

Abstract

The Nigerian criminal justice system has traditionally relied on adversarial court processes that emphasizes punishment, deterrence and retribution as primary responses to criminal behavior which has led to congested court dockets, lengthy trial period and overcrowded correctional facilities. Recently, however, restorative justice has emerged as an alternative framework that seeks to repair harm through victim-centered approach, accountability, community participation, reconciliation and reparation. Restorative justice is an approach to justice that focuses on repairing harm, promoting healing and rebuilding relationships between victims, offenders and the community, thus, preventing future harm by addressing the root causes of crime and criminal behavior, empowering the victim of crime and strengthening communal harmony. This study therefore evaluates key indicators of effectiveness, including recidivism rates, victim satisfaction, offender rehabilitation, cost efficiency, procedural fairness and overall community restoration. The research adopted the doctrinal or library based method of research by relying on both primary and secondary sources of materials. The research argues that while traditional courts remain indispensable in addressing serious crimes and safeguarding due process, restorative justice mechanisms often produce superior outcomes in promoting offender accountability, victim healing and long term social integration. The research found that restorative justice holds the potential to effectively address many of the major concerns that bedevils the Nigerian justice sector. This research contributed to the ongoing debate on the suitability of restorative justice in Nigeria's criminal justice system and highlighted the benefits of integrating restorative justice practices. The study recommended both policy and practice reforms aimed at enhancing access to justice, promoting community safety and improving the overall effectiveness of Nigeria's criminal justice sector.

Keywords: Restorative, Justice, Traditional, Court, Criminal.

© 2026 The Authors. Published by Bexford Publishing Ltd

1.0 BACKGROUND

As a colonial legacy, the Nigerian criminal justice system is rooted in the British Common Law tradition with an over-reliance on accusatorial or adversarial methods of adjudication. This system of adjudication is not only complex but costly and time consuming as it more often than not leads to time wastage through lengthy legal proceedings at a high cost to the litigants and the state, thus making justice inaccessible to many individuals.[1] The adversarial system places emphasis not on the attainment of justice but on lawyers showcasing their advocacy skills by outmaneuvering their opponents using technical rules thus shifting the focus from truth seeking and attaining justice to winning ones' case by hook or crook.[2]

The Nigerian legal system is made up of all the institutions and processes which a 'criminal' defendant will pass through from the period of investigation/arrest until his trial and punishment is concluded. The system is made up of at least four components viz; the law, the law enforcement[3], the judiciary comprising the judges, prosecutors and defence lawyers and administration of the criminal justice sector i.e. the corrections etc.[4] Furthermore, there are other components of the Nigerian Legal System, which includes the Legislature i.e. the body saddled with the responsibility of making the laws upon which the entire framework of the criminal justice system rests and also the Executive, upon whom the actual will to deliver a modern criminal justice system rests[5].

The Laws regulating and institutions saddled with the responsibility of administering the justice sector in Nigeria are a product of colonial heritage and little to nothing has been done since colonial period to improve these systems away from its colonial bearing, thus we have a system built upon a foreign language, developed and administered by foreigners and which has been shoved down the throats of local/indigenous peoples with the sole aim of stereotyping the indigenous populace and grandstanding the foreign laws and institutions heads and shoulders high above local laws and systems. It is for these reasons in the first place that the validity laws were introduced in colonial Nigeria in order to suppress local laws, customs and institutions and this further highlights the neurotic bigotry of eurocentric scholars, eurocentric legal system and eurocentrism in general.[6]

The administration of justice remains a cornerstone of any functional legal system, as it directly influences public confidence in governance, the rule of law and social stability. This study is significant because it engages a pressing and widely acknowledged concern in Nigeria: the growing perception that the formal court system is no longer a reliable or efficient avenue for the attainment of justice. This perceived loss of confidence has, in many instances, contributed to the resort by citizens to extrajudicial and informal mechanisms of dispute resolution, including jungle justice, traditional spiritual interventions ("juju" practices) [7], and other forms of diabolical or unlawful self-help measures. These developments underscore a troubling disconnect between the justice system and the populace it is meant to serve. Against this backdrop, this study is important in that it examines the effectiveness of restorative and retributive justice

[1] R. Osamor, 'The Criminal Processes and Plea-Bargaining in Nigeria.' *African Journal of Criminal Law and Jurisprudence*, (2022) [7], p. 40.
[2] A.O. Bukola and F.C. Ojeih, 'Practical Steps Towards Rejigging the Judiciary in Nigeria.' *University of the Gambia Law Review.* [2021] 3 (1), p. 114.
[3] Comprising chiefly of the Nigerian Police Force and other sister law enforcement agencies such as the Nigerian Securities and Civil Defence Corps, The National Drug Law Enforcement Agency, the Economic and Financial Crimes Commission, etc.
[4] E. Malemi, the Nigerian Legal System: Text and Cases. 4th Ed. (Princeton Publishing Co., 2012) 2.
[5] K.N. Nwosu, Dispute Resolution in the Palace. Ed. (Gold Press Limited, 2010) 181.
[6] Ewulum, B. E., 'Alternative Dispute Resolution Mechanisms, Plea Bargain and Criminal Justice System in Nigeria.' *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*, [2017] 8 (2) p. 19.
[7] Refers to a form of spiritual belief system incorporating objects, such as amulets and spells used in religious practices in West Africa by the people of Nigeria, Benin, Togo, Ghana, and Cameroon.

© 2026 The Authors. Published by Bexford Publishing Ltd

outcomes with regard to improving access to justice,[8] particularly under the ACJA[9] and related state-level criminal justice laws. Although the ACJA was enacted with the primary objective of promoting the speedy dispensation of criminal justice and eliminating undue delays in criminal proceedings, there is a growing perception that its intended objectives have not been fully realized in practice.

2.0 RESTORATIVE JUSTICE

Restorative justice, as a form of ADR offers a more human-centered approach to criminal justice. It seeks not only to punish wrongdoing but to heal relationships and reintegrate offenders into society[10]. This is particularly important in Nigeria, where social cohesion and communal living are deeply valued. When implemented with proper safeguards and legal oversight, restorative justice can enhance the justice system by making it more inclusive and responsive to the needs of the people[11]. While ADR, particularly restorative justice cannot entirely replace the traditional criminal justice system, it serves as a valuable complement. Its effectiveness lies in its adaptability, cultural relevance and emphasis on healing rather than punishment. A hybrid model that incorporates the strengths of both restorative justice and traditional courts could offer a more balanced, effective and people-centered approach to criminal justice in Nigeria. Continued policy support, legal reforms and public sensitization will be key to unlocking its full potential[12].

Moreover, ADR mechanisms in the criminal justice context tend to be more culturally resonant in Nigeria. Many communities are already familiar with indigenous and customary forms of conflict resolution, which align closely with the principles of restorative justice[13]. Traditional leaders, religious bodies, and community elders often serve as mediators, leveraging their moral authority to enforce agreements and restore social harmony[14]. This familiarity increases acceptance and compliance, making ADR more effective in certain contexts than rigid courtroom procedures. However, despite its advantages, ADR in the criminal justice sector is not without limitations. It faces significant challenges in addressing serious crimes such as murder, rape and armed robbery, where the public interest in deterrence and retribution is strong[15]. Restorative justice processes may be seen as too lenient or inadequate for ensuring justice in such grave cases. Additionally, questions arise around power imbalances, coercion and the voluntariness of agreements, especially in rural settings where education and legal awareness may be limited[16].

3.0 TRADITIONAL (RETRIBUTIVE) JUSTICE

In comparison, traditional (retributive) justice is the dominant model used in most criminal justice systems. It is based on the principle that when a person commits a crime, they have violated the law and deserve punishment proportional to the wrongdoing. The theory focuses on moral blameworthiness and the idea of "just deserts".[17] The justification for punishment lies in the moral wrongdoing of the offender rather than in

[8]<https://www.google.com/search?q=nigerians+have+lost+confidence+in+the+judiciary+and+have+resprted+to+jungle+justice+and+juju+practice&gs_icrp=EgZjaHJbWUyBggAEEUYOdIBCTI2MT4ajBqN6gCFLACAfEFi4adTavbMkc&client=ms-android-transsion&sourceid=chrome-mobile&ie=UTF-9> accessed 21 February 2025.
[9] Administration of Criminal Justice Act, 2015.
[10] Rule 10.4 of the United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules, 1990) available in the United Nations Office on Drugs and Crime, Handbook on Restorative Justice Programmes, 2nd Ed. (Criminal Justice Handbook Series, 2020) 26.
[11] National Policy on Justice, 2017, objective no. 3 thereof which aims to promote correctional and restorative justice and Alternative Dispute Resolution.
[12] Nigeria's Restorative Justice Policy (2022), developed by the Federal Ministry of Justice in collaboration with development partners.
[13] E.E. Ojukwu, 'Customary Justice Systems and Restorative Justice in Nigeria,' *Journal of African Law*, [2018] (60) p. 18.
[14] A.O. Popoola, 'The Role of Traditional Institutions in Conflict Resolution in Nigeria,' *Journal of Public Administration and Governance*, [2017] (7) p. 3.
[15] A. Oba, 'Access to Justice in Nigeria: The Role of Informal Institutions,' *Nigerian Judicial Review*, [2021], (12), p. 51.
[16] S. 36, 1999 CFRN.
[17] This theory is in counter distinction with the utilitarian theory which sees deterrence and rehabilitation as the focus of punishment.

© 2026 The Authors. Published by Bexford Publishing Ltd

any future social benefit such as deterrence or rehabilitation. The central concern is not future social benefits but ensuring that justice is served by imposing punishment because it is deserved.[18]

Retributive justice is deeply rooted in moral philosophy. Thinkers such as Kant[19] and Hegel[20] were major proponents of this theory. According to Kant, punishment must be imposed because the offender has committed a crime. According to him, justice requires punishment irrespective of social consequences. He further argues that punishment must be imposed solely because the offender has committed a crime. He stated that even if society were to dissolve, the last murderer in prison must be executed so that justice is done.[21] Similarly, Hegel views punishment as a tool for the restoration of the moral balance disturbed by crime. He argues that retributive justice is backward-looking, it focuses on the past wrongful act rather than future societal benefits. Hegel views punishment as the negation of the wrong and restoring the moral balance disrupted by the criminal act.[22] The theory of retributive justice rests on four core principles: desert, proportionality, moral culpability and equality before the law.

In Nigeria, retributive justice processes are structured, regulated and backed by enforceable legal authority. They provide procedural safeguards for both victims and defendants, ensuring due process and standardized sentencing. However, these same characteristics often result in rigidity, high costs and prolonged litigation. The adversarial model may also leave victims feeling alienated or dissatisfied with the outcomes, especially when emotional and restorative aspects of justice are neglected[23].

4.0 CRIMINAL JUSTICE ADMINISTRATION

Criminal justice administration refers to the institutional framework, administrative and judicial procedures and legal principles governing the processes of prevention, investigation, prosecution, adjudication and punishment of offenders within the justice system.[24] It encompasses the entire gamut of the criminal law, the police and sister agencies, the court system, the correctional service and other relevant agencies operating under constitutional and statutory mandates.[25]

The foundation of Nigeria's criminal justice system is primarily derived from the Nigerian Constitution, the Criminal Code Act[26], Penal Code (Northern Nigeria)[27], the Evidence Act[28] and most recently the Administration of Criminal Justice Act[29] and other state laws, which seek to reform, modernize and humanize criminal procedure.

On constitutional safeguards in an adversarial system, Prof. Nwabueze[30] postulates that constitutionalism and rule of law form the bedrock of Nigeria's justice system, stressing that the legitimacy of criminal justice administration depends on strict adherence to constitutional safeguards. Similarly, Prof. Sagay[31] observed that Nigeria inherited a highly technical adversarial system that often prioritizes procedural

[18] S.T. Amissah, 'The Challenges of Over-reliance on Retributive Justice in Nigeria'. *Lagos State University Journal of Law and Jurisprudence* [2019] 12(2), p. 45–67. <https://nigerianjournalsonline.org/index.php/LASJURE/article/view/525> accessed 17 February 2026.
[19] I. Kant, t*he Metaphysics of Morals* (Cambridge University Press, 1996).
[20] G.W.F. Hegel, *Philosophy of Right* (Oxford University Press, 1967).
[21] I. Kant, (n 158) 55-84.
[22] G.W.F. Hegel, (n 159) 169-182.
[23] E. Okogbule, 'Access to Justice and Human Rights Protection in Nigeria: Problems and Prospects,' *International Journal on Human Rights*, [2007] (6), 26-27.
[24] Y. Akinseye-George, 'The Administration of Criminal Justice Act 2015 and the Quest for Speedy Trial in Nigeria' *University of Ibadan Law Journal* [2017] 5(1) p. 1.
[25] E. Malemi, the Nigerian Legal System: Text and Cases. 4th Ed. (Princeton Publishing Co., 2012) 5.
[26] Criminal Code Act, Cap C38, LFN 2004. Applicable in Southern Nigeria.
[27] Penal Code, Cap P3, LFN 2004. Applicable in Northern Nigeria.
[28] Evidence Act, 2011.
[29] ACJA, 2015.
[30] B.O. Nwabueze, Constitutional Law of the Nigerian Republic (Spectrum Books Ltd., 1982)
[31] I.E. Sagay, Nigerian Law of Criminal Procedure: Principles and Practice 2nd Edn. (Spectrum Books Ltd 1998)

© 2026 The Authors. Published by Bexford Publishing Ltd

compliance over substantive justice, hence the myriads of problems bedeviling the Nigerian criminal justice administration. For instance, the Constitution of the Federal Republic of Nigeria[32], the Criminal Code[33], The Robbery and Firearms (Special Provisions) Act[34] recognizes the lawful deprivation of life in execution of a court sentence on murder. These provisions demonstrate the retributive foundation of Nigerian sentencing principles.[35]

5.0 ACCESS TO JUSTICE

Access to justice generally refers to the ability of individuals to seek and obtain a remedy through formal or informal justice institutions for the violation of legal rights, without discrimination, excessive cost or unreasonable delay. It includes procedural access (being able to bring a case) and substantive access (having effective outcomes once in court). Academically, it has been defined as both the substantive and procedural mechanisms that provide citizens with the opportunity to seek redress for violations of rights within the legal system, including affordable, comprehensible, and non-discriminatory processes.[36]

Ladan[37] opines that access to justice means that people who are in need of legal assistance can find suitable solutions to their legal problem from the justice system through accessible, comprehensive, affordable and speedy dispensation of justice with fairness and without discrimination, fear or favour. The International Bar Association described access to justice as a legal concept which covers various stages of obtaining a solution to civil and criminal problems. It starts with the existence of rights enshrined in Law and the awareness and understanding of such rights. It embraces access to dispute resolution mechanism as part of justice institutions that is formal and informal (i.e. Institutions, Court, Council of elders and similar traditional or religious authorities). It encompasses the ability of such solutions.[38]

Although the Constitution[39] did not explicitly use the phrase 'access to justice', but it guarantees rights that form its core such as the rights contained in Section 36 (1) which states that "in the determination of his civil rights and obligations… a person shall be entitled to a fair hearing…" This provision is seen as foundational to access to justice by enabling citizens to challenge violations of rights before and during trials in court. This constitutional protection underpins access to justice by ensuring that courts are available forums for dispute resolution and rights enforcement.

6.0 MEASURING EFFECTIVENESS

Restorative justice is primarily designed to reduce crime, grant speedy access to justice, restore self-worth, human dignity and heal victims of crime.[40] Restorative justice may reduce recidivism, assist victims in being heard and involve community members.[41] Similarly, it has the effect of reducing delinquent and anti-social behaviours and enhancing public confidence in the justice system due to speedy justice dispensation and inclusivity. It encourages all stakeholders to take active roles in the reintegration and rehabilitation process for all forms of misconduct and antisocial behaviour. Essentially, victims of crime

[32] S. 33 of the CFRN, 1999.
[33] S. 319 of the Criminal Code Act, Cap C38 LFN, 2004.
[34] Robbery and Firearms (Special Provisions) Act, Cap R11 LFN, 2004.
[35] See *Kalu v State* (1998) 13 NWLR (Pt. 583) 531 (SC); *Okoro v State* (1988) 5 NWLR (Pt. 94) 255 (SC); *Onuoha v State* (1989) 2 NWLR (Pt. 101) 23 (SC); *Afolabi v State* (2016) 11 NWLR (Pt. 1524) 497 (SC).
[36] S.O. Daudu and S.O. Idehen, *'The Administration of Criminal Justice Act, 2015: A step forward for access to justice in Nigeria.' Academic Journal of Legal Studies and Research*, [2023] 7(4), p. 160.
[37] M.T. Ladan, 'Justice Sector reform, Imperatives for Democracy.' Being a paper presented at a two day National Seminar on Justice Sector Reform and the Future of Democracy in Nigeria by Centre for Sociolegal Studies, Abuja on January 6 – 8, 2012.
[38] Bejiray and L. Mcnamara, 'International Access to Justice: Barriers and solutions.' Bingham Centre for Rule of Law Report 02/2014, International Bar Association (IBA), October 2014, p. 8.
[39] CFRN, 1999.
[40] J. Braithwaite, Restorative Justice and Responsive Regulation (New York: Oxford University Press, 2002) 69.
[41] Ibid.

© 2026 The Authors. Published by Bexford Publishing Ltd

are able to obtain the support they need to address the harm suffered, while offenders are encouraged to make amends to both the victim and the wider community. This ultimately helps to restore, strengthen and improve relationships among all key stakeholders within the community and the justice system.[42]

It is important to note that some scholars argue that although restorative justice may contribute to reduced recidivism, this alone is not an adequate measure of its success. They maintain that restorative justice seeks to balance the needs of victims, offenders and the community, rather than focusing exclusively on the offender or focusing on re-offending rates.[43] Scholars like Llewellyn's evaluations concluded that restorative justice is a more favourable approach, which may be successful in reducing recidivism and providing greater satisfaction for participants although that is not the goal of restorative justice.[44] The measure of effectiveness can be seen through:

a. Cost Implications

Restorative justice models are generally significantly more cost-effective than traditional court processes for both the victim, the offender and the state, primarily due to lower administrative cost, speedy and efficient disposal of cases without need for long formalities and the requirement for fewer professional staff in the process and less formal infrastructure.[45] While traditional court processes focus on punishment usually through incarceration, which is expensive to maintain as the burden of maintaining the offender, the facility where the offender is kept and the manpower that will maintain the facility relies on the state.

b. Time Efficiency

Restorative justice is generally considered more time effective than traditional court processes in resolving criminal cases, often settling matters in "weeks rather than the years common in standard litigation."[46] Current estimates from the Nigerian judiciary in Nigeria as of March 2026 revealed that there are over 500, 000 (Five Hundred Thousand) cases pending before the court, out of which there are over 81, 000 (Eighty One Thousand) inmates in the correctional facilities within Nigeria. Further, these facilities are designed to hold 60, 000 (Sixty Thousand) inmates.[47] These figures point to one of several deep rooted system inefficiencies in the administration of justice in Nigeria.

c. Victim Participation and Satisfaction

Restorative justice is inherently communal and given the diverse nature of the Nigerian social landscape, community structures play a critical role in dispute resolution which often involves the offender, the victim and elders, community leaders and other stakeholders who facilitate dialogue and reconciliation in legally or culturally accepted ways. Through victim participation, the process thus addresses the emotional, financial and social consequences of wrongdoing, thus leading to more satisfaction for the victim and community.

[42] D.J.O Omale, (n 583) p. 43 cited in M.C. Ogwezzy, 'From Reformation to Deformation: An Approach Towards Sustainable Development of the Defective Prison System in Nigeria.' *Journal of Sustainable Development in Africa,* [2011] 12 (7) p. 72.
[43] J. Llewellyn, 'Building, Strengthening and Transforming Communities: Exploring the Possibilities for Restorative Justice in Jamaica.' *West Indian Law Journal,* [2002] 27, p. 77-110.
[44] Ibid.
[45] UNODC, How Cost Effective is Restorative Justice? <https://www.unodc.org/e4j/en/crime-prevention-criminal-justice/module-8/key-issues/3--how-cost-effective-is-restorative-justice.html#:~:test=Topic%20three%2DHow%20cost%20effective,health%20services%20and%20welfare%20ssytems> accessed 21st March 2026.
[46] H. Kintum, 'The Case for Restorative Justice in Nigeria.' *Centre for Legal Support and Inmate Rehabilitation (CELSIR)*, 19th March 2026 <https://celsir.org/restorative-justice-explained-victims-offenders-and-community-healing/#:~:text=This%20from%20of%justice%20is,trials%20that%20can%20take%20years> accessed 21st March 2026.
[47] Ibid.

© 2026 The Authors. Published by Bexford Publishing Ltd

d. Offender Accountability and Rehabilitation

Through restorative justice processes, offenders are required to take active responsibility for their action, rather than being passive recipients of punishment. This may involve the acknowledgment of wrongdoing, demonstrating genuine remorse and making tangible efforts to repair the harm caused by his action.[48] In contrast, the traditional method requires the state to prove the guilt of the defendant beyond reasonable doubt. This process does not require the active participation of the defendant, rather, he may elect to act as a spectator in a game of chess where the state will consecrate all their genius in trying to establish the guilt of the defendant. Restorative justice therefore prioritizes conciliation rather than adversarial contestation thereby helping to build trust and prevent cycles of retaliation.[49]

e. Impact on Prison Congestion

Overcrowding in correctional facilities across Nigeria continues to pose a serious challenge to the criminal justice system. Many inmates are held in degrading and inhumane conditions,[50] often packed into very small cells. They frequently face hostility from both fellow inmates and prison staff, compete for limited food supplies, and are deprived of their basic rights and entitlements.[51] Although the government has introduced several measures aimed at reducing the inmate population especially among those awaiting trial, the overall numbers in Nigerian prisons have remained largely unchanged.[52]

Statistics in 2014 involving 240 custodial centres in Nigeria revealed that the total inmates population was 50, 153. Of these numbers, those already convicted (male and female) amounted to 17, 544 which represents 32% of the total population, while awaiting trial inmates (male and female) were 39, 577, which represents 68% of the total population.[53] By this statistics, 39, 577 inmates, which represents 68% of the total population, were awaiting trial inmates. From this, it can be safely assumed that the aims of the criminal justice system have been defeated.

The current statistics in 2026 is worse than that of 2014. Currently, Nigerian custodial centers hold more than 80,000 inmates with over 64%, representing approximately 53,000 inmates, awaiting trial. The statistics show approximately 176,000 admissions annually.[54]

By diverting offenders, particularly for minor or first-time offences from custodial centers towards community based solutions such as mediation, restitution and community service, restorative justice holds the potential to massively reduce the crisis of prison congestion in Nigeria. This process can positively and significantly address the problem of over congestion especially as it relates to awaiting trial inmates.

f. Human Rights Considerations

Restorative justice and traditional court processes offer contrasting human rights considerations, primarily centering on the balance between victim empowerment and procedural safeguards for the offender. While the primary focus of traditional processes is to ensure strict legal compliance in trial procedure by ensuring

[48] Ibid.
[49] Ibid.
[50] M.C. Ogwezzy, 'From Reformation to Deformation: An Approach Towards Sustainable Development of the Defective Prison System in Nigeria.' *Journal of Sustainable Development in Africa,* [2011] 12 (7) p. 274.
[51] Y. Akinseye-George, 'Nigerian Prisons: Justice Sector Reform and Human Rights in Nigeria.' (Centre for Socio-Legal Studies CSLS Publishing, 2009) 308.
[52] R.G. Awopetu, 'An Assessment of Prison Overcrowding in Nigeria: Implications for Rehabilitation, Reformation and Reintegration of Inmates.' *IOSR Journal of Humanities and Social Science,* [2014] 19 (3) p. 25. Cited in M.C. Ogwezzy, A.A. Adebayo and A.I. Kekere, 'Restorative Justice and Non-Custodial Measures: Panacea to Recidivism and Prison Congestion in Nigeria.' *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*, [2016] 7, p. 73.
[53] Statistics on prison population in Nigeria, available online at <http://www.prisons.gov.ng/about/statisticalinfo.php> cited in M.C. Ogwezzy, A.A. Adebayo and A.I. Kekere, ibid, p. 75.
[54]<https://www.premiumtimesng.com/news/more-news/865034-awaiting-trial-inmates-account-for64-of-prison-population-in-nigeria-ncos-cg.html?tztc=1> accessed 20th March 2026.

© 2026 The Authors. Published by Bexford Publishing Ltd

that the constitutionally guaranteed rights of the defendant is protected and that the defendant is ultimately punished if found guilty while restorative justice focus more on ensuring that harm is repaired through direct participation of all those affected by the actions of the defendant.

Through restorative justice, the right to dignity of both the offender and the victim are promoted as both are treated as individuals with agency rather than passive participants in the justice process. Further, restorative justice addressed the usurpation of victimhood by the state, thus giving victims a voice in the eventual outcome of the process which may guarantee their emotional healing and closure. Similarly, restorative justice encourages social reintegration by helping victims to live above the societal stigma resulting from the crime, especially for crimes of sexual nature and also encouraging the defendant to eschew crime and gain useful skill.

7.0 CONCLUSION

The effectiveness of restoration and retribution can be measured through various lenses such as reduction in recidivism, satisfaction of stakeholders and restoration of relationships. Empirical studies have shown that victims involved in restorative processes report higher satisfaction levels compared to those who go through the adversarial court system[55]. Offenders, in turn, often experience greater understanding of the consequences of their actions, leading to genuine remorse and behavioral change. These outcomes are less common in the traditional court process, which can alienate both victims and offenders from the resolution process[56].

In contrast, the traditional court system in Nigeria is rigid, formal and adversarial in nature. It is often inaccessible to many, particularly the poor and marginalized due to legal costs, procedural complexities and geographical limitations. Traditional courts tend to focus more on the breach of law rather than the impact of crimes on victims or communities. Furthermore, delays in adjudication which has become the trademark of Nigerian courts can prolong the suffering of victims and hinder the rehabilitation of offenders. The backlogged court dockets often result in prolonged pre-trial detention and overcrowded prisons, exacerbating human rights concerns. However, restorative justice is not without its challenges. In Nigeria, its application remains limited due to lack of awareness, inadequate legal framework and skepticism from legal practitioners. There are concerns about the voluntariness of participation, especially in cases involving power imbalances or gender-based violence.[57] Moreover, there is a risk of trivializing serious crimes if restorative justice is applied without clear guidelines or oversight mechanisms. Therefore, for restorative justice to be effective, it must be integrated into the formal justice system with appropriate safeguards.

8.0 RECOMMENDATIONS

Based on the findings of this study, the following recommendations are made:

1. The government should strengthen the operational capacity of criminal justice institutions such as the police, courts, correctional services and prosecutorial agencies through adequate funding, institutional reforms, improved infrastructure, technological modernization and continuous training of personnel. Measures should also be introduced to enhance accountability, efficiency and coordination among these institutions in order to improve the overall effectiveness of criminal justice administration in Nigeria through:

[55] A.M. Nascimento, et al., The Psychological Impact of Restorative Justice Practices in Victims of Crimes – A Systematic Review. Available at <https://pubmed.ncbi.nlm.nih.gov/35466823/> accessed 18 April 2025.
[56] N. Christie, 'Conflicts as Property.' *British Journal of Criminology*, [1977] 17(1), 5.
[57] N.E. Nwafor and O.C. Aduma, 'Problems of the Administration of Criminal Justice System in Nigeria and the Applicability of Alternative Dispute Resolution.' *NAUJCPL* [2020] 7(2), 141.

© 2026 The Authors. Published by Bexford Publishing Ltd

a. Adequate Funding: adequate funding of courts, the police force, the correctional centers and ministries of justice, inter alia, is critical in strengthening the Nigerian criminal justice sector as it will enable the development of adequate infrastructure and setting up the needed facilities to effectively undertake the onerous responsibilities of ensuring access to justice and speedy discharge of criminal cases. Further, adequate funding will guarantee the availability and provision of personnel, their remuneration, the training and retraining of all the key players in the criminal justice sector, particularly the judges, police and personnel in the office of the Attorney General.

b. Professionalization of the police force: through the improvement of recruitment standards, provision of modern investigation tools and training, and enhanced officers' welfare in order to reduce corruption and misconduct. Community policing should also be introduced and strengthened so that law enforcement agencies can build trust with citizens and obtain intelligence through cooperation rather than intimidation. In addition, independent oversight bodies should be empowered to investigate complaints of unlawful arrests, torture, extortion and other extra-legal abuses by security personnel.

c. Judicial reform: through adopting stricter timelines for criminal proceedings that eschew unnecessary adjournments and poor case management, expanding the number of judges and Magistrates and making greater use of technology such as electronic filing systems and virtual hearings. The full implementation of the ACJA, 2015 and other state Laws is also necessary to ensure speedy trials, protect the rights of suspects and reduce prolonged detention without trial.

d. Reforming correctional facilities through encouraging non-custodial measures such as probation, fines and community service for minor offences. The Nigerian Correctional Service should place greater emphasis on rehabilitation through vocational training, education, counselling and reintegration programmes that prepare offenders to return to society as productive citizens.

e. Improving access to justice particularly for poor and vulnerable citizens who cannot afford legal representation. Greater funding and support should be provided to the Legal Aid Council of Nigeria and other NGO's to enable more citizens to receive free or affordable legal services. Lawyers through the Nigerian Bar Association and civil society organizations should also be encouraged to provide pro bono services and public legal education. Citizens need to be informed about their constitutional rights and the proper procedures for seeking justice.

f. Criminal justice reform: the Nigerian government must reform the criminal justice sector by adopting a more balanced and restorative approach to justice administration that emphasizes reconciliation, victim participation, offender rehabilitation and community involvement alongside punishment and prosecution. This can be achieved through the integration of restorative justice mechanisms and ADR processes into the formal criminal justice framework, particularly in minor and non-violent offences.

©2026 by the authors. Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution (CC BY) license (https://creativecommons.org/licenses/by-nc-sa/4.0/).