



RESTORATIVE JUSTICE IN LEGAL EDUCATION: PATHWAY TO SUSTAINABLE PEACE AND SECURITY IN NIGERIA

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This article explores the critical relationship between legal education and restorative justice in fostering sustainable peace and security in Nigeria. In the context of Nigeria's complex socio-political challenges marked by ethno-religious conflicts, insurgency, and a fragile justice system, the paper argues that legal education should be reoriented to incorporate restorative justice principles. Restorative justice offers a paradigm shift from punitive measures to reconciliation, healing, and community involvement, thereby addressing the root causes of conflict. By examining the current state of legal education in Nigeria, the nature of restorative justice, and their intersection, this paper highlights the potential for restorative justice education to serve as a vehicle for peace building and security enhancement. Ultimately, it proposes policy recommendations for integrating restorative justice into Nigeria's legal curricula and justice mechanisms to promote sustainable development and social cohesion.

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1. INTRODUCTION

Nigeria continues to face a plethora of security and developmental challenges that threaten its national cohesion, democratic stability, and socio-economic progress. Among the root causes of these challenges is the failure of the existing criminal justice system to effectively address crime, restore community harmony, or provide adequate redress to victims. The prevailing retributive approach to justice in Nigeria, inherited from the colonial legal architecture, emphasizes punishment over healing and often neglects the needs of both victims and offenders. Against this backdrop, the concept of restorative justice has gained traction globally as an alternative mechanism that seeks to repair harm through inclusive and dialogic processes involving the offender, victim, and community. This paper argues that integrating restorative justice principles into Nigeria's legal education system could play a critical role in promoting sustainable peace and security. By training future legal professionals in restorative justice, the legal system can gradually shift toward more humane, community-centered justice practices. Such a transformation is essential in a country where violent crimes, community conflicts, and widespread disillusionment with state institutions have become normalized.

The paper proceeds in five parts. After this introduction, part two offers conceptual clarifications of restorative justice, legal education, and sustainable peace and development. Part three examines the current state of the Nigerian criminal justice system and its implications for peace and security. Part four explores how restorative justice can be effectively incorporated into Nigerian legal education as a pathway to sustainable peace. The concluding section synthesizes the findings and makes recommendations for reform.

2. CONCEPTUAL CLARIFICATIONS

2.1 Restorative Justice

Restorative justice (RJ) sometimes also regarded as reparative or transformation justice in other jurisdictions, is a theory of justice which refers to a process whereby all stakeholders (the victims, offenders, and the community) affected by a crime, engage in a collaborative process

aimed at restitution and social reintegration.¹ They come together, not only to resolve how to deal with the aftermath of the offence but its implications for the future. Thus, the United Nations *Handbook on Restorative Justice Programmes* defines it as a process for resolving crime by focusing on redressing the harm done to the victim, holding offenders accountable for their actions and, often also, engaging the community in the resolution of that conflict.² It is an approach to problem solving that, in its various forms, involves the victim, the offender, their social networks, justice agencies and the community. Restorative justice is therefore a way of responding to criminal behaviour by balancing the needs of the community, the victims and the offenders. A restorative process is any process in which the victim and the offender, and, where appropriate, any other individuals or community members affected by a crime, participate together actively in the resolution of matters arising from the crime, generally with the help of a facilitator.³

An often quoted definition of restorative justice is that offered by Tony Marshal that restorative justice is a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future.⁴ The Canadian Resource Center for Victims of Crime has observed that restorative justice (RJ) is not a programme, but a way of looking at crime and that it can be defined as a response to crime that focuses on restoring the losses suffered by victims, holding offenders accountable for the harm they have caused, and building peace within communities.⁵ Unlike the retributive model, which views crime as a violation of state law warranting punishment, restorative justice conceptualizes crime as a violation of people and relationships with

¹ Howard Zehr, *Changing Lenses: A New Focus for Crime and Justice* (3rd edn, Herald Press 2015) 45.

² United Nations Office on Drugs and Crime, *Handbook on Restorative Justice Programmes* (New York: United Nations, 2006) 6.

³ *Ibid.*, p. 7.

⁴ Tony F Marshal, *Restorative Justice: An Overview* (London: Home Office Research Development and Statistics Directorate, 1999) p. 5. See also John Braithwaite, *Restorative Justice and Responsive Regulation* (Oxford: Oxford University Press, 2002) p. 12.

⁵ Canadian Resource Center for Victims of Crime, 'Restorative Justice in Canada: What Victims Should Know' (2022) Available at <https://crcvc.ca/wp-content/uploads/2021/09> accessed 20 June 2025.

mechanisms such as dialogue, accountability, and reparation deployed. In other words, it prioritizes healing over punishment. Zehr, as a pioneer in the field, identifies three key pillars of RJ viz: focusing on harm and needs; addressing obligations; and involving stakeholders. These principles facilitate healing, reintegration, and community resilience. Restorative practices such as victim-offender mediation, family group conferencing, and community restitution are employed in various jurisdictions to achieve justice outcomes that are both satisfying and sustainable.

Internationally, restorative justice has been endorsed by various human rights bodies and integrated into criminal justice systems in countries like New Zealand, Canada, and South Africa, yielding promising results in reducing recidivism and promoting social cohesion. The United Nations has recognized restorative justice as a vital component of transitional justice and peacebuilding efforts.

2.2 Legal Education

Legal education refers to the training and academic instruction provided to individuals preparing for a legal career. It encompasses both theoretical understanding of legal systems and practical skills necessary for the application of law. In Nigeria, legal education comprises university education by law faculties and vocational training at the Nigerian Law School, both regulated by the Council of Legal Education.⁶ The formal journey into legal education commences at the university level. Faculties of Law are established in various universities across the country, serving as the foundational institutions for legal training. Admission into these programmes is governed by the criteria set forth in the Joint Admissions and Matriculation Board Act of 1989. Prospective students may also opt to pursue legal studies in foreign institutions. However, only foreign universities situated in common law jurisdictions or those that offer common law-based courses are recognized by the Council of Legal Education.⁷ They must compulsorily register in the Bar Part I programme before admission into Bar Part II.

⁶ Legal Education (Consolidation, etc) Act, Cap L10 LFN 2004. s. 1(2).

⁷ CIN Emelie, 'Legal Education and Access to Justice in Nigeria' (2017) 2(1) Research Journal of Humanities, Legal Studies and International Development 132 – 149.

Upon completion of the Law School's curriculum and the successful passing of the Bar Part II Examination, candidates are awarded a qualifying certificate by the Council of Legal Education and subsequently formally called to the Nigerian Bar by the Body of Benchers, in accordance with the provisions of the Legal Practitioners Act of 1962, as amended.

Legal education plays a pivotal role in shaping the ethical orientation and professional conduct of lawyers, judges, and policymakers. It serves as the backbone of a functioning justice system. A legal curriculum that incorporates restorative values can thus influence the broader justice system and contribute to societal transformation.

2.3 Sustainable Peace and Security

The discourse on sustainable peace and security has evolved significantly within contemporary academic, policy, and legal scholarship. It represents a multidimensional paradigm that moves beyond the traditional understanding of peace as defined by scholars like Francis who expressed it as the mere absence of war, conflict, suffering, violence and security.⁸ Rather, this concept embodies a holistic, enduring state of societal harmony, grounded in justice, inclusivity, and resilience against structural and direct violence. Increasingly, both Nigerian and international scholars have recognized the inseparability of peace, development, and security within sustainable frameworks.

The work of Galtung introduced a two dimensional approach to the issue of peace viz – negative and positive peace highlighting the dichotomy between the two expressing negative peace as the absence of direct violence and positive peace as the presence of justice and equality within social structures.⁹ Galtung's approach reoriented peace studies towards addressing root causes of conflict, such as poverty, marginalization, and

⁸ JD Francis, , 'Peace and Conflict Studies: An African Overview of Basic Concepts', in SG Best (ed), *Introduction to Peace and Conflict Studies in West Africa: A Reader* (Ibadan: Spectrum Books Ltd 2006).

⁹R Galtung, 'Peace and Security Education: A Critical Factor for Sustainable Peace and National Development,' (2006) 2(1) *International Journal of Peace and Development Studies*

inequality, laying the groundwork for later conceptualizations of sustainability in peace building.

Building on this, Lederach in 1997 introduced the notion of conflict transformation, arguing that genuine peace building must involve restoring broken relationships, addressing historical injustices, and constructing inclusive socio-political frameworks.¹⁰ His emphasis on reconciliation and community participation informs many contemporary approaches to sustainable peace, especially in post-conflict societies.

Internationally, the United Nations' conceptualization of sustainable peace emerged prominently in its Sustaining Peace resolutions (A/RES/70/262 and S/RES/2282) of 2016 which delineated the interrelated pillars of preventive diplomacy, peace-making, peacekeeping, and post-conflict peace building. It states that 'sustaining peace encompasses activities aimed at preventing the outbreak, escalation, continuation and reoccurrence of conflict'.¹¹ Additionally, it aims to address root causes, assist parties to a conflict to end hostilities and ensure national reconciliation while moving towards recovery, reconstruction and development.¹²

Security on the other hand according to Meerts, is the measures taken to prevent, or respond to, criminal behaviour.¹³ As defined by Akin, it is 'the situation that exists as a result of the establishment of measures for the protection of persons, information and property against hostile persons,

¹⁰ JP Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (USIP Press 1997) [https://www.defence.ik/upload/ebooks/john Paul Lederach - Building Peace_Sustainable Reconciliation in Divided Societies-United States Institute of Peace \(1998\).pdf](https://www.defence.ik/upload/ebooks/john_Paul_Lederach_-_Building_Peace_Sustainable_Reconciliation_in_Divided_Societies-United_States_Institute_of_Peace_(1998).pdf) accessed 26 July 2025.

¹¹ United Nations, 'What does "sustainable peace" mean?' https://unsdg.un.org/sites/default/files/Guidance-on-Sustaining-Peace.170117.final_.pdf Accessed 25 July 2025.

¹² Joint UNDP_DPA Programme, 'Sustaining Peace' <https://www.peaceinfrastructures.org/thematic/sustaining-peace#:~:text=Sustaining%20peace%20aims%20to%20prevent,towards%20recovery%2C%20reconstruction%20and%20development> accessed 25 July 2025.

¹³ C Meerts, 'Security: Concepts and Definitions' In L Shapiro and MH Maras, (eds) *Encyclopedia of Security and Emergency Management* (Springer, Cham 2018) https://doi.org/10.1007/978-3-319-69891-5_94-2

influences and actions'.¹⁴ It relates to the existence of all conditions which provides the atmosphere for people to go about their normal daily activities without any threats to their lives or properties in a given society.¹⁵ Buzan offers a theoretical insight which elaborates on the understanding of the concept of security by identifying three principal levels viz – individual, national and international security.¹⁶ In his view, individual security also referred to by some scholars as personal security, pertains to the protection of core human values such as life, health, status, freedom and wealth. Threats to these values are encapsulated under the notion of social security, which encompasses a range of risks including physical harm, economic deprivation and violations of human rights. Such threats manifest in various forms including pain, injury, death property destruction, unemployment, unjust imprisonment, lack of access to essential resources, assaults on human dignity and suppression of civil liberties. The other two dimensions of Buzan's framework on security are national and international security. Afolabi observes that as nations focus on the prioritization of a nation's territorial safety, integrity and resources as well as its citizenry, national security is perceived as the preservation of its independence and sovereignty.¹⁷ He also described international security as the efforts and mechanisms employed by nations, regional and international organisations to ensure mutual safety and survival. It captures both the safety of the vulnerable from conflicts and crisis as well as safety from social, economic and political deprivations.¹⁸

¹⁴ I Akin, The Utility of Close-Circuit Television (CCTV) in Intelligence Gathering by Security Operatives in Nigeria. *Proceedings of Conference on Intelligent Security*, Lagos 2008.

¹⁵ BV Oluwasanmi, AC Oluwasanmi and SK Ojo, 'Issues of Peace and Security in Contemporary Nigeria' (2022) 2 NJPDHA 23 -42

¹⁶ B Buzan, New Pattern of Global Security in 'Twenty-First Century' in *Internal Affairs* (Royal Institute of International Affairs) 431-451.

¹⁷ MB Afolabi, 'Concept of Security' <https://www.researchgate.net/publication/303899299> accessed 26 July 2025.

¹⁸ Ibid.

3. THE NIGERIAN CRIMINAL JUSTICE SYSTEM TODAY AND ITS IMPLICATIONS FOR SUSTAINABLE PEACE AND SECURITY

3.1 The State of the Nigerian Criminal Justice System

One of the results of the emergence of organized society is the taking over by the state the duty of maintaining order and security in community. This of course includes the punishment of those who contravene the criminal law. Consequently, the state comes between an offender and his victim to settle the dispute in a way that will secure public order and avoid vendetta among the people. To actualize this goal, the need for a criminal justice system arose. The said system is the contact point between the offender and the law as well as the state. Little wonder Reid¹⁹ observed that:

The accused like a product moves from station to station in the system: at each station something is done to him. If he ‘passes inspection’ he moves on to the next station. Theoretically, if he goes through the entire system and ‘passes’ he is ready to return to the society. But if he commits another offence, and thereby becomes a recidivist, he may be ‘recalled to the factory’ for further adjustment. But unlike a car, he may move in and out of the system at different points. For example, he may be placed on probation after conviction and thus not be institutionalized or the charges may be dropped, and he does not go through the court process. One may however ask, what exactly is the criminal justice system all about? *The Black’s Law Dictionary*²⁰ defines it as:

The collective institutions through which an accused offender passes until the accusation has been disposed of or the assessed punishment concluded. The system typically has three components: law enforcement (Police, Sheriffs, Marshals) the judicial process (judges, prosecutors, defendant lawyers) and corrections (prisons, probations officers and Parole offices).

Jaja, opines that criminal justice system is a process in which the different components co-ordinate their independent functions by processing the

¹⁹ ST Reid, *Crime and Criminology* (Dryden Press 1976) 15.

²⁰ BA Garner, (ed) *Black’s Law Dictionary* (10th edn Thomson Reuters 2014) 456.

accused person from stage to stage.²¹ The system is comprised of law enforcement agencies including the police and all other law enforcement agencies or institutions, the courts inclusive of the bar and the bench and finally the custodial institutions work together to attain a united goal of reducing crime in society. The system is also expected to render justice to the accused, the offender as well as the victim and the society at large. It has been further observed that the criminal justice system is a loose confederation of agencies that perform different functions and are interdependently funded, managed and operated.²² Drawing from the foregoing, it is safe to conclude that the criminal justice system is a commemoration of different agencies or institutions that work together to ensure that the society is safe from crime by at least reducing crime to the barest minimum through the instrumentality of the law.

The position globally is that one major instrument of the criminal justice system in dealing with criminality is punishment although the purpose of the criminal justice system is not just to punish offender. This is true because the main reason why a criminal justice system exists is because crime exists in the society thereby necessitating a means of eliminating or reducing it to the barest minimum. The need to either eliminate or reduce crime is aimed at securing the society by ensuring that there is order. Put simply, because of the menace of crime, there arose a need for a fair and effective criminal justice system that ensures respect of human and propitiatory rights of the accused and the complainant as well as the community or state. The essence of the criminal justice system is captured thus by Garland who described the system as an established framework for the satisfaction of needs, the resolution of disputes and regulation of life in a particular social sphere, having developed as a means of managing tension, arbitrating between conflicting forces and getting certain necessary things done.²³

²¹ Darlington Iwarime-Jaja, *The Study of Crime* (Owerri: Spring Field Publisher 2003) 42.

²² Bureau of Justice Statistics, 'The American Responses to Crime' [1983] Bureau of Justice Statistics 3.

²³ D Garland, *Punishment and Modern Society* (Clardonn Press 1990) 282.

It is thus found that every criminal justice system without doubt aims to deal with crime in the society. It is in this regard that Saunders and Young²⁴ opines that the aim of the Criminal Justice system includes the regulation of potential, alleged and actual criminal activity within procedural limits. It is obvious that the aim of the criminal justice system is to deal with criminality and keep the society safe. It is also in pursuit of this goal that the criminal justice system applies such instruments as punishment. The implication then is that punishment is an instrument for the attainment of the goals of the criminal justice system. To this extent, it will be right to hold that the ends of the criminal justice system merge with that of punishment. It also follows that punishment should be a means to an end, and never an end. Hence, the goal of the criminal justice system in relation to crime is thus to reduce the incidence of crime and not just adequately punish offenders. The big question is how the Nigerian criminal justice system has been able to pursue and attain this noble goal? The answer to this question does not gladden the heart because the system has failed to attain the goals and crime has surged as peace and security has eluded the Nigerian State. This failure is a product of diverse factors.

In the first instance, the Nigerian criminal justice system (NCJS) is characterized by inefficiency, corruption, arbitrary arrests, overburdened courts, and inadequate infrastructure. Long pre-trial detentions with over 70% of inmates are awaiting trial,²⁵ overcrowded prisons, and the slow pace of trials erode public trust in the rule of law. The adversarial justice model, inherited from colonial rule, often pits the state against the accused, marginalizing victims and communities in the process. In one widely reported case, a teenage protester, Kemisola Ogunbiyi, gave birth in custody after months of detention without trial.²⁶ Added to the above is the plague of rarity of rehabilitation with sidelining of victims.

²⁴ A Sanders and R Young, *Criminal Justice* (3rd edition Oxford University Press 2007).

²⁵ Luminous Jannamike, '70% of Inmates Awaiting Trial, says PRAWA' *Vanguard* (Lagos: July 17, 2024) [https:// www.vanguardngr.com/2024/07/70-of-inmates-awaiting-trial-says-prawa/](https://www.vanguardngr.com/2024/07/70-of-inmates-awaiting-trial-says-prawa/)> accessed 27 Jul, 2025.

²⁶ Dayo Johnson, '18-year old girl arrested during ENDSARS protes in Ondo Gives Birth in Prison' *Vanguard* (Lagos: June 18, 2021) [https:// www.vanguardngr.com/2021/06/18-year-old-girl-arrested-during-endsars-protest/](https://www.vanguardngr.com/2021/06/18-year-old-girl-arrested-during-endsars-protest/) accessed 27 July, 2025.

Moreover, the criminal justice architecture inherited from colonial governance was designed to serve the interests of the state rather than the people. This legacy continues to influence policing, prosecution, and adjudication in a way that alienates citizens, especially marginalized groups. Many Nigerians resort to vigilantism or community justice mechanisms due to perceived or real ineffectiveness of the formal system. It needs to be emphasized that the Nigerian criminal justice system the classical and neo-classical theories of crime and penal remedies founded on these theories have shaped and driven the Nigerian criminal justice system.

It is noted that the classical school of criminology is comprised of a group of philosophers that emerged at the age of enlightenment precisely in the 18th century. In the period in question for instance thinkers like John Loc and Jean Jacques Rousseau moved against the demonic and other spiritual explanations of criminal behaviour. They rather insisted that crime was not a product of any form of spiritual infestation or disturbance. They asserted on the contrary, that, man was created a free being with free will and capable of choosing a particular line of behaviour.²⁷ The propositions of the classical school of criminology seem to have been aptly captured by Larry Siege,²⁸ who notes that:

The classical approach to crime causation contains a number of basic elements (a) people in society have free will to choose criminal or conventional solution to meet their needs or settle their problem; (b) criminal solution may be more attractive than conventional ones because they usually require less work for greater payoff; (c) a person's choice of criminal solution may be controlled by fear of societies' reaction to such acts (d) the more severe, certain and swift, the better it can control criminal behaviour (e) the most efficient crime prevention device is punishment sufficient to make crime an unattractive choice. ..

²⁷ Gennaro and Others (n 14).

²⁸ LJ Siegel, *Criminology* (West Punishment Company 1983) 92.

Without doubt, the above constitutes the core principles of classical theories of crime. The emergence of the positive school of criminology meant that classical criminology eventually had a serious decline. It however latter resurged in the form of neo-classical criminology. As a matter of fact, from the years of the 1970s the classical ideas began to rear its head again following the loss of confidence in the correctional ideas of the positive school of criminology.²⁹ Put simply, it was the opposition to the positive school of criminology that laid the foundation for the second era of classical criminology known as the neoclassical school of criminology.³⁰ The classical and neo-classical theories therefore views crime as a product of a 'rational choice' emanating from 'hedonistic calculus.' That is to say that a man will crave for happiness or joy and naturally will avoid pain. Hence, before he commits a crime, he will make a cost/benefit calculation to determine if the benefits of the crime will outweigh the pain that may possibly result from the crime. So, if the punishment for an offence is grave and harsh people will be deterred from committing such an offence. The crux of the theory is that an individual will weigh the benefits of committing a particular crime against its consequences. Hence the person will go ahead and commit the crime if the benefits weigh higher than the consequences.³¹ The so-called benefits of crime has been said to be significant and will include money, property, psychological satisfaction, gaining respect of others etc. On the contrary the consequences of crime will include such punishments like imprisonment, penalty, incapacitation, shaming and what have you.³²

It is however mind-bugling that even as the punishment for rape in Nigeria is life imprisonment, the crime of rape has continued to surge just in the same way that the punishment for murder is death penalty, yet people are being killed indiscriminately in many parts of Nigeria. Again, kidnapping has been made a capital punishment in many states in Nigeria, but it remains a lucrative enterprise. Moreover, terrorism is also a capital offence, but insurgency and terrorism are on the increase. The rational

²⁹ P Buchanan quoted in Vito and Others (n 14) 53.

³⁰ E van den Haag and JP Conrad, *The Death Penalty: A Debate* (Plenum Publishing Corp 1983).

³¹ Vito and Others (n 14) 55.

³² Ibid.

question to ask is why is this the case if deterrence work? This again raises the question as to whether the criminal in thinks or bothers about the consequences of the crime. The adoption of the neoclassical thinking that the imposition of stiffer penalties is the solution to criminality and criminal behaviour has proved to be counterproductive. The idea that punishments that ranges from longer terms of imprisonment, corporal punishments to death penalty will reduce the incidence of crime has failed to work.³³ The whole idea was that things should be made very tough and difficult for the criminally minded people. Making the prison less comfortable was also put on the table and was accepted as reason for which “chain gang crews” as well as the use of striped uniforms was allowed to return in the neo-classical period.³⁴ This seems to be reminiscent in the poor state of correctional and custodial caters in Nigeria. What seems to be the reality is that the neoclassical ideas of criminology have shaped the criminal justice administration system in Nigeria.

In addition, the traditional criminal justice administration system that is currently practiced in Nigeria is adversarial in nature. Therein, the prosecution takes steps to prove beyond reasonable doubt that the accused person is guilty of the offence. On the other hand, the accused person does everything possible to establish his or her innocence. Beyond this, the system aims at ensuring that individuals who break the laws of the society are made to pay a price for the crime they commit. The punishment of offenders as noted previously is also aimed at deterring such offenders as well as future law breakers from taking to criminal behaviour. Unfortunately, in doing this, the actual victim/victims of the crime as well as other critical stakeholder, for instance, the society where then crime occurred, are sidelined or completely neglected. If they get involved at all, it is only to the extent that they help in ensuring that the accused is convicted by giving evidence. It is in this regard that Mara Schiff³⁵ has observed that:

³³ Ibid.

³⁴ Vito and Others (n 14) 55.

³⁵ M Schiff, ‘Satisfying the needs and interests of stakeholders’ In G Johnstone and DW Van Ness, (eds) *Handbook of Restorative Justice* (London: Taylor and Francis Group, 2007) 247.

At best, conventional criminal justice processes meet only a small proportion of victims, offenders and community concerns after a criminal offence. This is because the traditional justice system is focused on establishing legal guilt, assessing blameworthiness and then determining the appropriate degree of punishment to impose on the offender or, in Zehr's words, what laws were broken, who broke them and who needs to be punished. The conventional criminal justice system generally makes victim concerns secondary to the effectiveness and efficiency of the justice process, and community concerns are virtually invisible. Moreover, the justice system assumes it is the government's responsibility to address all stakeholder concerns, rather than considering the possibility that some can be better met through other resources. That is, the government assumes responsibility for representing and managing the concerns of stakeholders, leaving the actual players more or less on the sidelines

It is in this regard that the need to explore alternatives to the current approach in order to enthrone sustainable peace and security in Nigeria cannot be over-emphasized.

3.2 The State of Peace and Security in Nigeria Today as Consequence of a Failed Justice Approach

Peace and security in Nigeria have been a subject of great concern for many years. It is one which is bedevilled by multifaceted challenges. It will not be an exaggeration to state that Nigeria cannot be so characterized as a peaceful and secured nation due to insecurity in manifests in various forms, including terrorism in the Northeast, banditry in the Northwest, secessionist agitations in the Southeast, and Farmer-herder clashes in Benue and Plateau States persist partly because offenders are not prosecuted and victims lack redress³⁶ with the most recent reports on the slaughtering of about 200 or more persons in Benue between 13th/14th June

³⁶ International Crisis Group, 'Stopping Nigeria's Spiralling Farmer-Herder Violence' (Africa Report No 262, July 2018) < <https://www.crisisgroup.org/africa/west-africa/nigeria/262-stoppin-nigeris-spiralling-farmer-herder-violence>> accessed 20 July 2025.

2025 with most of them being internally displaced persons who are sheltered by the 'local Catholic mission.'³⁷ These conflicts are often fuelled by grievances over injustice, inequality, and impunity.³⁸ The inability of the justice system to provide timely, fair, and culturally sensitive responses to disputes contributes to a cycle of violence and mistrust with many communities losing faith in courts and law enforcement and resulting to jungle justice and extrajudicial measures.

Robert Rotberg, a former American ambassador to Nigeria and John Campbell designated Nigeria as a failed State in their article titled 'The Giant of Africa is Failing.'³⁹ Their rationale as highlighted by Punch Newspaper is that 'if a state's foremost obligation is the provision of security and maintenance of monopoly of violence, Nigeria therefore is a failed state regardless of the functioning of some other aspects of the state.'⁴⁰ As has been rightly stated, government troops battle rebels, armed revolts led by one or more warring factions.

The incarceration model of justice has not succeeded in deterring crime or rehabilitating offenders. High recidivism rates and prison radicalization indicate systemic failure.⁴¹ Victims are left without restitution, and offenders are seldom reintegrated into society. This punitive system fails to contribute meaningfully to social cohesion or national development. One appalling example of Nigeria's failed Justice system which further fuels the state of insecurity in the country is the recent supreme court judgment which upheld the death sentence against one Mr. Sunday Jackson for defending himself against an armed herdsman whom he eventually killed during a violent encounter on his farmland. The facts surrounding the case according to Mike Ozekhome, raises significant

³⁷ Joseph Tulloch, Pope Prays for Victims of terrible massacre in Benue State, Nigeria' *Vatican News* (Vatican, 15 June 2025). <https://www.vaticannews.va/en/pope/news/2025-06/pope-terrible-massacre-guma-yelwata-benue-state-nigeria.html> accessed 26 July 2025.

³⁸ International Crisis Group, 'Violence in Nigeria's North West: Rolling Back the Mayhem' (Africa Report No. 288, 2020).

³⁹ Obadiah Mailafia, 'Is Nigeria a Failed State?' *Punch Newspaper* (30th August 2021) <https://punch.ng.com/is-nigeria-a-failed-state/> accessed 26 July 2025.

⁴⁰ Ibid.

⁴¹ Prisoners' Rehabilitation and Welfare Action (PRAWA), Rehabilitation and Reintegration of Offenders in Nigeria (2018).

questions about fairness, judicial reasoning and the fundamental right to self-defence.⁴²

4. RESTORATIVE JUSTICE APPROACH TO CRIMINAL WRONG AND THE NEED FOR ITS INTEGRATION IN NIGERIAN LEGAL EDUCATION SYSTEM

4.1 Restorative Justice Approach to Criminal Wrong

Restorative justice is an approach to justice which offers a paradigm shift from punitive retribution to restorative healing thereby reframing crime as relational harm. Through processes like victim-offender dialogue, group conferencing and mediation, restorative justice encourages offenders to acknowledge harm, take responsibility, and make amends. Such amendments may include the payment of money by the offender to those who are victims of the offence.⁴³ Victims, in turn, are empowered to voice their pain and participate in crafting the remedy with communities also playing a central role in supporting reintegration and preventing recidivism.⁴⁴ The key objectives of restorative justice have been vividly captured in the Restorative Justice Handbook thus:

- (a) Supporting victims, giving them a voice, listening to their story, encouraging them to express their needs and wishes, providing them with answers, enabling them to participate in the resolution process and offering them assistance
- (b) Repairing the relationships damaged by the crime, in part, by arriving at a consensus on how best to respond to it.
- (c) Reaffirming community values and denouncing criminal behavior.
- (d) Encouraging responsibility taking by all concerned parties, particularly by offenders.
- (e) Identifying restorative, forward-looking outcomes.

⁴²Sahara Reporters ‘Ozekhome Slams Supreme Court’s Death Sentence Ruling for Farmer who killed Heardsman in self Defence’ <https://saharareporters.com/2025/06/05/ozekhome-slams-supreme-courts-death-sentence/> June 5, 2025.

⁴³ CS Nwakoby, TM Ihediuche and CB Nwakoby, ‘Beyond conviction and punishment: Exploring the integration of restorative justice in the 21st Century Nigeria criminal Justice System’ (2025) 2(1) NAU Journal of Private and Property Law 129 – 140.

⁴⁴ Zehr (n 1) 25

- (f) Preventing recidivism by encouraging change in individual offenders and facilitating their reintegration into the community⁴⁵

Braithwaite describes restorative justice as a collaborative process involving everyone impacted, giving them a chance of expressing how they have been affected and to help decide on actions that can mend the harm. In the context of crime, the approach focuses on the belief that since crime causes pain, justice should centre on healing.⁴⁶

It is important to note that restorative justice is not always and should not necessarily be a process outside the criminal justice system but can also be an integral part of it as is the case in Canada. This point is critical because one of the major fears in using restorative justice in dealing with rape is the fear of power imbalance and possible re-victimization. The fact that restorative justice processes can be imbibed in the judicial process is not in doubt as it has been observed that:

Restorative Justice is a response to a crime which invites and enables victims, offenders and the community to repair some of the injuries resulting from crime. Restorative Justice can be defined as a set of processes which can take place within or outside of the formal criminal justice system which aim to make the victim central to the process of resolving the crime committed against them. The victim may be an individual, group of individuals or a community since crime is perceived as having both individual and social dimensions of responsibility. The offenders are expected to accept accountability by assuming responsibility for their behaviour and taking subsequent action to repair harm done to the victim, directly or indirectly.⁴⁷

⁴⁵European Forum for Restorative Justice *Handbook On Restorative Justice Programmes Second Edition* (2edn) United Nations Office on Drugs and Crime Vienna, 2020) 4.

⁴⁶ <https://www.unodc.org/e4j/en/crime-prevention-criminal-justice/module-8/key-issues/1> accessed 26 July 2025.

⁴⁷N Tutt 'Restorative Justice in Practice in Great Britain and Ireland' (1997)5(4) European Journal on Criminal Policy and Research, 99-112.

The restorative justice approach is already yielding result in other places, for instance, it has been observed that:

A consortium of universities in Canada and the United States (*Campus PRISM*) has successfully piloted restorative conferencing, community circles, and prevention circles to address sexual misconduct and hostile campus environments... Conferencing is led by trained facilitators to guide dialogue between an offender who has accepted responsibility, a victim who has been harmed, affected community members, and support people to “repair the harm, support true accountability, and re-establish trust”... The focus of the conference is on the harms experienced, not on deliberating whether or to what degree a violation of a formal code of conduct was made. They are thus non-adversarial and avoid turning victims into witnesses for the purpose of investigation... Victims tell their stories without cross-examination, meeting their need for voice.⁴⁸

It is critical to also note that a proper appreciation of the basic differences between the traditional criminal justice approach and that of the new restorative justice approach will help in elucidating the importance of imbibing restorative justice in Nigeria in dealing with offences. In this regard it is important to state that it is the dissatisfaction with the punitive approach to criminal justice administration that has led to the development of restorative justice. The criminal justice system has been criticized for failing to meet the needs of victims⁴⁹ as well as its failure to reduce crime.⁵⁰ No doubt the rise of the restorative justice approach has been encouraged by the development of alternative dispute resolution

⁴⁸ Sophia Boutilier and Lana Wells, ‘The Case for Reparative and Transformative Justice Approaches to Sexual Violence in Canada: A Proposal to Pilot and Test New Approaches’ (2018) Calgary, AB: The University of Calgary, Shift: The Project to End Domestic Violence available at <http://hdl.handle.net/1880/109349> accessed 20 May 2025.

⁴⁹ L Sebba, *Third Parties: Victims and the Criminal Justice System* (Ohio State University Press, 1996) 25.

⁵⁰ A Ashworth and L Zedner, ‘Defending the Criminal Law: Reflections on the Changing Character of Crime, Procedure, and Sanctions’ (2008) (2) CRIM. L. & PHIL 21.

(ADR) as well as community justice since the hallmark of restorative criminal justice is to provide a more adequate response to the problem of crime by the society.

Punitive justice views crime primarily as harm to ideals that are protected by society. One of the distinctive aspects of criminal behaviour is the belief that crime leads to conflict between an individual and law of the society. In the traditional criminal justice system, the rights of defendants are so crucial, and this finds credence in liberal ideology that seem to prevail in many societies or places. Hence, the sovereign's job is to control behaviour and, via that control, to assess guilt and punishment. Consequently, the defendants' rights are created to shield people from powerful sovereigns and their possibly arbitrary and damaging use of authority.⁵¹ In line with the above the traditional approach to criminal justice and those responsible for its administration are usually concerned with three critical questions which will include; who committed the crime, has the elements of the offence been established, and what is the punishment provided under the law for the offender? Once these questions have been answered beyond reasonable doubt for instance, what is left is to pronounce the accused guilty and sentence him accordingly. In sentencing the victim, effort is made to see that the punishment imposed is as much possible the same as that imposed on other like offenders.

On the contrary the restorative justice approach is more interested in the person who has been wronged and the harm suffered as it views criminal act from the perspectives of a harm against the person and not just against the state. Consequently, it adopts the approach of having discussions between the people involved and the community to find out who the direct and indirect victims are with a view to providing reprieve. It is in this regard that the restorative justice approach poses three different questions from those presented by the traditional deterrent and punitive oriented criminal justice system. These three questions will include who

⁵¹ Ibid.

has suffered harm, what are the persons needs as a result of the wrongdoing and finally whose responsibility is it to provide these needs.⁵²

In Nigeria, attempts have been made at integrating these objectives in the criminal justice system. This comes with the introduction of the Administration of Criminal Justice Act (ACJA) 2015. Section 1 of the Act states that the purpose of the Act is to ensure that the system of administration of criminal justice in Nigeria promotes not just the efficient management of criminal justice institutions but speedy dispensation of justice, protection of the society from crime and protection of the rights and interests of the suspect, the defendant, and the victim. Ikpeze and Eze distilled and outlined copious provisions in the ACJA which portray the ideas of restorative justice.⁵³ These includes the restoration of possession of immovable property under s. 336(1) which provides for circumstances where a defendant convicted of a crime has dispossessed the victim of an immovable property by criminal force to be divested of such possession and possession restored to the victim without prejudice to any interest the victim of offender can establish in a civil suit. Pursuant to section 321 of the ACJA, a court may in addition to or in lieu of any penalty under the law order for compensation of the victim of a crime, restitution or compensation for loss of property. Such restitution must be of same and equal value to that which was destroyed.⁵⁴ Plea bargain which allows the prosecutor and defendant to enter into an agreement with respect to restitution and compensation where appropriate is also captured. This must however be weighed to determine whether it will be of public interest⁵⁵ It is however observed that while there have been cases of plea bargain leading to forfeiture of assets to the state, the provisions on victim compensation still does not receive much implementation if at all it has.

⁵² H Zehr and A Gohar, *The Little book of Restorative Justice* (Pennsylvania, USA: Good Books, Intercourse, 2003).

⁵³ OVC Ikpeze and MO Ezech, 'The Concept of Restorative Justice and Criminal Justice System in Nigeria' (2021) 1 *Journal of International Human Rights and Contemporary Legal Issues* 92-106

⁵⁴ ACJA 2015, s. 321 (a)(b) (i-iii).

⁵⁵ Ibid, s. 270 (4) (b)

It is the view of this paper that restorative justice would go a long way in addressing the plethora of inadequacies or shortcomings in the current criminal justice system dispensation in Nigeria. There is not only theoretical but also strong empirical support for the integration of restorative justice in Nigeria's legal education curricula. Omale in an empirical analysis had found that 81.1 % of victims and 81.8% of professionals support restorative justice in Nigeria.⁵⁶ The study also found that cultural and communal factors influence the acceptance of restorative justice in Nigeria while victims expressed a strong desire to understand offenders' motivations to prevent future victimization; and restorative justice was viewed cost-effective alternative to conventional prosecution. These findings are consistent with the findings of Ogbuabor, Nwosu and Ezike that alternative dispute resolution in criminal justice could lead to prevention and better management of most relationship-based crimes; reduction in prison intake and cost of maintenance of prisoners making cost-benefit analysis in favour of the State; and also lead to better satisfaction with outcomes.⁵⁷

4.2 The Current State of Legal Education in Nigeria

Legal education in Nigeria has traditionally followed the English common law system due to the country's colonial heritage.⁵⁸ Thus, it remains largely conservative, with limited innovation in curriculum design or pedagogical methods. The curriculum often prioritizes procedural and substantive law, with less attention paid to practical skills, alternative dispute resolution, or transformative justice frameworks such as restorative justice. Most law faculties predominantly emphasize black-letter law, doctrinal teaching methods and courtroom advocacy, with a focus on the mastery of statutes, case law, and legal principles through lecture-based approaches while subjects like restorative justice,

⁵⁶ Don John Omale, *Restorative justice as an alternative dispute resolution model: Opinions of victims of crime and criminal justice professionals in Nigeria*, *Community & Criminal Justice*, 2009, pp. 185 – 196.

⁵⁷ CA Ogbuabor, EO Nwosu and EO Ezike, 'Mainstreaming ADR in Nigeria's criminal justice system,' (2014) 45(1) *European Journal of Social Sciences* 32-43.

⁵⁸ CS Nwakoby, TM Ihediuche and CB Nwakoby, 'Beyond conviction and punishment: Exploring the integration of restorative justice in the 21st Century Nigeria criminal Justice System' (2025) 2(1) *NAU Journal of Private and Property Law* 130.

transitional justice, or therapeutic jurisprudence are conspicuously absent. The Nigerian Law School's training is equally traditional, reinforcing adversarial litigation as the gold standard of legal practice as opposed to the inquisitorial system applied by civil law countries.⁵⁹

The Nigerian legal education system predominantly comprises of the Nigerian Law School and various universities offering law degrees. While the Nigerian Law School is responsible for professional training and bar qualification, university law faculties primarily provide academic training. However, both sectors exhibit challenges including outdated curricula, inadequate practical training, and limited exposure to interdisciplinary approaches that link law to social justice, peace studies, or conflict resolution. This narrow focus deprives future lawyers of the interdisciplinary tools needed to address Nigeria's complex justice challenges. Moreover, ethical training is often limited to formal professional conduct rules, with insufficient emphasis on empathy, community engagement, or alternative dispute mechanisms.

Also included in the training process of lawyers in Nigeria is the Nigeria Bar Association recent introduction of Mandatory Continuing Professional Development Rules⁶⁰ for the Mandatory Continuing Legal Education Training programmes intended to assure that lawyers enrolled to practice in Nigeria amongst other requirements remain current with respect to requisite skills, knowledge and values necessary for the effective discharge of their professional responsibilities and obligations geared towards improving the standards of the profession. It is observed that post enrolment training in the legal profession in Nigeria is also focused on ethics with little or no attention to the incorporation of restorative justice theories.

⁵⁹ Ibid.

⁶⁰ The National Executive Committee of the NBA approved the Mandatory Continuing Professional Development Rules in Akure, Ondo state on February 6, 2025. This was made pursuant to Rule 11 of the Rules of Professional Conduct 2023.

Nigeria's complex socio-political context, characterized by persistent communal conflicts and insecurity, demands a reorientation of legal education to produce lawyers equipped with conflict-sensitive skills and a restorative mindset. The gap created by the lack of effective reorientation in the country's legal education undermines the justice system's capacity to address the root causes of conflict and promote sustainable peace.

Some Nigerian institutions and several scholars including Imenger and Oyeboode have begun advocating for curricular reforms that integrate restorative justice principles and alternative dispute resolution mechanisms as well as more practical legal training that includes mediation, negotiation, and restorative processes to enhance the operations of the criminal justice system, supplementing it and reducing overload of cases.⁶¹ Nonetheless, these initiatives are fragmented and not yet mainstreamed within formal legal education. In summary, the current state of legal education in Nigeria as has been examined requires urgent reforms to embrace restorative justice paradigms, which could foster a more holistic understanding of justice and contribute significantly to national peace and security in order to eliminate the feeling of victims being used and dumped by the Nigerian criminal justice system due to a lack of voice.

4.3 Integrating Restorative Justice in Nigeria Legal Education: A Path to Sustainable Peace and Security

For restorative justice to gain traction in Nigeria's legal system, it must be embedded in legal training. The legal cum justice system currently, predominantly emphasizes adversarial litigation,⁶² with minimal focus on alternative dispute resolution (ADR) and restorative practices though there exist some improvements over the years. Introducing restorative justice into Nigerian legal education can have transformative effects. First, it will broaden students' understanding of justice, exposing them to

⁶¹ ET Imenger and MO Oyeboode, 'Restorative Justice and Human Rights Issues in Adopting Alternative Dispute Resolution Platforms to Settle Criminal Matters' (2024) 14(3) African Journal of Social and Behavioural Sciences 1062

⁶² Learn Nigerian Law website, 'The Nigerian Legal System' <<https://www.learnnigerianlaw.com/learn/legal-system/introduction>> accessed 27 July 2025.

alternative paradigms that are more inclusive and humane. Second, it can foster a generation of legal professionals equipped to resolve conflicts in ways that restore rather than rupture social relations. Third, it supports decolonization of legal thought by reconnecting legal practice with African values of oneness, consensus, and reconciliation.

Integrating restorative justice into legal education would involve revising curricula to include comprehensive studies on restorative justice theories, indigenous dispute resolution mechanisms, peace building, and victim-offender mediation techniques. Such Curricula reform could begin with the inclusion of restorative justice as an elective course in undergraduate programs in Nigeria's universities' Law faculties. These dedicated courses on restorative justice should not just cover its principles/theories, applications, but also incorporate case studies locally and internationally.⁶³ Comparative studies of successful restorative justice models (e.g., New Zealand's family group conferencing, and ADR inclusion in criminal justice in the USA) can provide practical insights in this regard. Specialized module at the Law School clinical legal education programs could partner with NGOs, CSOs or courts to offer restorative justice practicum where students mediate real-life disputes under supervision. This approach fosters a practical understanding of how restorative justice can be employed alongside formal legal procedures to address harm holistically while also providing hands-on experience that will enhance their conflict-resolution skills.

The mandatory Continuing legal education training programs for judges, magistrates, and lawyers should be designed to include restorative justice seminars as the intersection between legal education and restorative justice in Nigeria represents a critical juncture for reforming the justice system towards more sustainable peace and security. Legal education is not merely about imparting knowledge of statutes and case law; it shapes the values, attitudes, and skills of future legal professionals, who are instrumental in justice administration. Put in another way, integrating restorative justice into legal education both at the foundational,

⁶³ Kathleen Daly, 'Restorative Justice: The Real Story' (2002) 4(1) *Punishment & Society* 55, 59.

developmental and advanced levels of the legal profession in Nigeria means reimagining the role of lawyers, judges, and policy makers not just as enforcers of statutes and rules but as facilitators of healing and social cohesion.

Indigenous justice systems in Nigeria, such as the Igba Ndu (Igbo peace pact) and Sulhu (Islamic mediation), align with restorative justice principles. Legal education should explore these traditional mechanisms to create hybrid models suitable for modern Nigeria. Such reforms require political will, stakeholder collaboration, and funding. However, the long-term gains in peace building, justice delivery, and social cohesion justify the investment. If Nigeria is to achieve the goals of Agenda 2030 and the Sustainable Development Goals (SDGs), particularly Goal 16 on peace, justice, and strong institutions, restorative justice must become an integral part of legal and judicial reform. The impact of these reforms will be a spark of transformative changes in Nigeria's peace and security landscape systemically and socially. The nation will undeniably witness a reduction in community conflicts escalating into violence and criminal acts. There will be increased de-radicalization and reintegration of offenders, especially the youth. Legal practitioners trained and grounded in restorative principles can facilitate dialogues that reduce mistrust in the policing system and other law enforcement institutions by the citizenry.

Section 43 of the Nigerian Correctional Service Act, 2019 provides as follows:

- 43 – (1) The Controller General shall provide the platform for restorative justice measures including –
 - i. Victim-offender mediation;
 - ii. Family group conferencing’
 - iii. Community mediation; and
 - iv. Any other mediation activity involving victims, offenders, and, where applicable, community representatives.
- (2) The Correctional Service shall liaise with the Court and other relevant agencies in the provision of these measures under subsection (1).
- (3) Restorative justice services may occur –

- (a) at pre-trial stage;
 - (b) at trial stage;
 - (c) during imprisonment; and
 - (d) at post-imprisonment.
- (4) The Correctional Service shall appoint supervisors to monitor the implementation of measures and services under subsections (1) and (3).

This article submits that the Correctional Services Act, 2019, has largely succeeded in providing the requisite legal foundation for the use of restorative justice and ADR in Nigeria's criminal justice system irrespective of any other provision in any other law. Section 43 of Nigerian Correctional Services Act must now be read in conjunction with other pieces of legislation such as the various court establishment Acts and Laws as well as the Criminal Justice Administration Act and Laws in the various States. Section 43 (3) of the Act which enables restorative justice to be used at pre-trial, trial and post-trial stages leaves no one in doubt that restorative justice and ADR are meant to be applied at all stages of the criminal justice process.⁶⁴ Unfortunately, restorative justice currently does not form part of the legal education curricula either at the university level or the Law School level. This ought to be reversed.

5. CONCLUSION

Nigeria's persistent insecurity and developmental stagnation are inextricably linked to the failure of its criminal justice system to deliver equitable, accessible, and healing justice. The retributive model has proven inadequate in addressing the needs of victims, reforming offenders, or restoring social order. Restorative justice offers a culturally congruent and normatively sound alternative that centres dialogue, responsibility, and community involvement.

⁶⁴ CA Ogbuabor and FO Ukwueze, 'Are We Witnessing a Paradigm Shift in Nigeria's Criminal Justice Policy?' in Ngozi Oji, Cyprian O Ajah, and Joy Ezeilo (eds) *Portrait of the Lady Justice: Essays in Honour of Hon. Justice Angela Anidi* (Enugu Nigeria: Acena Publishers, 2023) 29 – 59.

Legal education is a strategic entry point for initiating this paradigm shift. By integrating restorative justice into the curriculum, Nigerian legal institutions can cultivate a new cadre of justice actors capable of promoting sustainable peace and inclusive development. Such reform is not merely academic—it is imperative for national survival and progress.