

RESTORATIVE JUSTICE: EMERGING STRATEGIES FOR DEALING WITH CRIME AND THE INTERESTS OF STAKEHOLDERS

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Abstract

This article explores the growing relevance of restorative justice (RJ) as a viable alternative to the traditional retributive criminal justice system. Rooted in indigenous conflict resolution mechanisms, RJ prioritizes healing, accountability, and reintegration over punitive responses. Drawing on global experiences from New Zealand to South Africa the article examines the conceptual foundations of RJ, including its emphasis on restoration, reconciliation, and stakeholder participation. The study outlines key RJ practices such as victim-offender mediation, community conferencing, circle sentencing, and emerging digital platforms. Particular attention is given to the interests and rights of stakeholders: victims are afforded a voice and restitution; offenders benefit from opportunities for rehabilitation and reintegration; communities are engaged in conflict resolution and healing; and the state gains cost-effective justice outcomes. The article also analyses legal and policy frameworks that support RJ, referencing international instruments such as the UN Basic Principles on the Use of Restorative Justice Programmes and comparative national examples. Through selected case studies, it evaluates the outcomes and limitations of RJ, addressing critical concerns around voluntariness, power imbalances, secondary victimization, and challenges in handling serious crimes. The paper concludes by proposing legislative reforms, stakeholder training, institutional support, and public sensitization as pathways for integrating RJ into formal justice systems. Ultimately, it argues that RJ offers a transformative model that fosters dignity, social harmony, and sustainable peace.

Keywords: Accountability, Conflict resolution mechanisms, Justice, Reconciliation, Restorative justice, Stakeholders

1.0 Introduction

The quest for a fair and effective justice system has long occupied the centre of legal and criminological discourse, particularly in the face of rising crime rates, prison overcrowding, and recidivism. Traditional criminal justice systems across the globe have primarily embraced the retributive model, which centres punishment as the principal response to crime, with the offender as the main subject of legal attention. Under this paradigm, justice is perceived as achieved when a proportionate penalty is imposed on the wrongdoer, often neglecting the needs of victims and communities affected by crime. However, growing evidence suggests that retributive mechanisms frequently fall short in addressing the broader social, emotional, and relational consequences of criminal conduct.

¹ These shortcomings have intensified calls for alternative models that shift the focus from punitive responses to inclusive and reparative solutions.

Restorative justice (RJ) has emerged as one such paradigm, gaining traction in both theoretical and policy circles as a model that prioritises healing, accountability, and reintegration. Rooted in indigenous justice traditions and reinvigorated by contemporary legal reforms, RJ emphasises dialogue, restitution, and community involvement in resolving the aftermath of crime. Jurisdictions such as New Zealand, Canada, and South Africa have implemented restorative mechanisms, such as victim-offender mediation and community conferencing, as viable alternatives to formal adjudication, particularly in juvenile and less serious criminal matters.² The adoption of RJ is increasingly supported by international frameworks, including the United Nations Basic Principles on the Use of

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¹ Howard Zehr, *Changing Lenses: A New Focus for Crime and Justice* (Herald Press 1990).

² John Braithwaite, *Restorative Justice and Responsive Regulation* (Oxford University Press 2002).

Restorative Justice Programmes in Criminal Matters, which advocate for a more participatory and human-centred approach to justice.³

This article, therefore, seeks to explore the conceptual foundations and practical applications of restorative justice in dealing with crime, with a particular focus on its responsiveness to the interests of key stakeholders: victims, offenders, communities, and the state. It asks the following questions: How does restorative justice differ from and potentially improve upon retributive justice? What strategies within RJ have proven most effective across diverse legal systems? How can stakeholder interests be balanced within RJ frameworks, and what are the challenges to broader adoption? By critically engaging with these questions, the paper demonstrates that restorative justice is not merely a complementary tool but a transformative philosophy capable of reshaping our understanding of justice in the modern era.

The significance of this study is particularly pronounced within the Nigerian criminal justice system, where the persistent challenges of prison congestion, trial delays, and high recidivism rates undermine public confidence in justice institutions.⁴ The Administration of Criminal Justice Act 2015 (ACJA) and various state-level reforms have introduced measures aimed at promoting efficiency, but they remain largely anchored in retributive paradigms.⁵ Restorative justice (RJ), by contrast, offers a complementary framework that prioritises victim participation, offender accountability, and community healing. Its potential to reduce reoffending and enhance victim satisfaction directly addresses systemic deficiencies, thereby positioning RJ as a transformative alternative for Nigeria.⁶

The study is also significant because it responds to Nigeria's broader obligations under international and regional human rights instruments, such as the African Charter on

³ United Nations Office on Drugs and Crime (UNODC), *Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters* (ECOSOC Resolution 2002/12).

⁴ Amnesty International, *Nigeria: 'Prisoners of Their Own System': The Mass Trial of Boko Haram Suspects in Nigeria* (AI 2019).

⁵ Administration of Criminal Justice Act 2015 (Nigeria).

⁶ Heather Strang and Lawrence W Sherman, *Restorative Justice: The Evidence* (Smith Institute 2007).

Human and Peoples' Rights, which emphasises dignity and reintegration.⁷ By engaging with both doctrinal and practical dimensions, this research contributes not only to scholarly debates but also to policy discourses on criminal justice reform. For policymakers, it provides a blueprint for embedding RJ into legislation and practice; for practitioners, it highlights procedural safeguards and best practices; and for communities, it affirms indigenous traditions of reconciliation and mediation that resonate with restorative ideals.

This article employs a doctrinal, socio-legal, and comparative research methodology to provide a comprehensive appraisal of restorative justice in Nigeria. The doctrinal method is used to analyse the statutory framework, particularly the provisions of the Administration of Criminal Justice Act 2015 and state-level laws such as the Lagos State Administration of Criminal Justice Law 2011, both of which provide discretionary space for non-custodial measures and plea bargaining.⁸ Judicial pronouncements, including *FRN v Ibori*, have also been considered, as they illustrate the limits of current sentencing practices and the potential space for restorative interventions.⁹

The socio-legal approach situates RJ within the broader Nigerian socio-cultural and institutional context.¹⁰ This involves drawing upon secondary literature, government reports, and empirical insights from restorative practices in pilot projects, such as community mediation centres in Lagos and Abuja. Comparative analysis further enriches the study by examining established RJ frameworks in other jurisdictions,¹¹ most notably the *Daubert* standard in the United States, circle sentencing in Canada, and community conferencing in South Africa, highlighting lessons that could guide Nigeria's integration of RJ principles.¹²

⁷ African Charter on Human and Peoples' Rights (1981) OAU Doc CAB/LEG/67/3 rev 5.

⁸ Lagos State Administration of Criminal Justice Law 2011 (Nigeria).

⁹ *FRN v James Onanefe Ibori* (Unreported, Federal High Court, Asaba, 2010).

¹⁰ United Nations, *Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters* (ECOSOC Res 2002/12, 24 July 2002).

¹¹ Shaileshkumar Jadhav, 'Restorative Justice: Emerging Global Models and Challenges in Implementation' (2020) 14(2) *International Journal of Law, Crime and Justice* 101.

¹² Gerry Johnstone and Daniel W Van Ness, *Handbook of Restorative Justice* (Willan Publishing 2007).

Finally, a case study method is employed to examine both Nigerian initiatives and international models. The inclusion of Nigerian-specific case studies ensures contextual relevance, while the comparative element underscores transferable lessons and pitfalls. This triangulated methodology enhances the robustness of findings and strengthens the foundation for the recommendations proposed in the concluding section.

2.0 Concept of Restorative Justice

2.1 Overview of Restorative Justice

The concept of restorative justice (RJ) has generated significant scholarly attention as a viable alternative to the traditional retributive model of criminal justice. At its core, RJ is premised on the idea that crime constitutes not only a violation of the law but also an injury¹³ to relationships between victims, offenders, and communities. Howard Zehr, often regarded as the pioneer of modern RJ, emphasises that restorative processes seek to repair harm through dialogue, accountability, and reintegration, contrasting this with punitive models that prioritise deterrence and incapacitation.¹⁴

A substantial body of literature identifies the benefits of RJ for victims, offenders, and society. Strang and Sherman argue that RJ mechanisms, including victim–offender mediation and conferencing, tend to increase victim satisfaction and reduce recidivism when compared to conventional adjudication.¹⁵ Similarly, Braithwaite contends that the emphasis on “reintegrative shaming” enables offenders to take responsibility for their actions without being permanently stigmatised, thereby enhancing prospects for rehabilitation.¹⁶ These perspectives highlight RJ’s transformative potential in addressing systemic shortcomings of punitive justice systems, such as prison overcrowding and offender alienation.

International frameworks have also legitimised RJ as a component of modern justice systems. The United Nations Basic Principles on the Use of Restorative Justice

¹³ John Braithwaite, *Crime, Shame and Reintegration* (Cambridge University Press 1989).

¹⁴ Howard Zehr, *Changing Lenses: Restorative Justice for Our Times* (Herald Press 2015).

¹⁵ Heather Strang and Lawrence W Sherman, *Restorative Justice: The Evidence* (Smith Institute 2007).

¹⁶ Braithwaite (n 1).

Programmes in Criminal Matters (2002) recommend its integration at all stages of the criminal process, subject to voluntariness, fairness, and proportionality.¹⁷ Comparative scholarship further shows that RJ has been effectively institutionalised in countries such as New Zealand, where family group conferencing is embedded in juvenile justice legislation, and in Canada, where circle sentencing draws upon indigenous traditions of reconciliation.¹⁸ These models demonstrate the adaptability of RJ to diverse cultural and legal contexts.

In the African context, scholars have observed that restorative practices resonate with indigenous mechanisms of dispute resolution. Ubink and Van Rooij argue that African customary law, with its emphasis on reconciliation and community harmony, naturally aligns with restorative ideals.¹⁹ South Africa provides a notable example, where RJ was incorporated into the Child Justice Act 2008 as part of a post-apartheid shift towards participatory justice.²⁰ These experiences suggest that RJ can serve as both a culturally rooted and globally relevant approach to justice reform.

Within Nigeria, the literature acknowledges the pressing need for alternatives to the punitive model, given systemic challenges of trial delays, prison congestion, and high recidivism. Amnesty International reports that pre-trial detainees account for over 70% of the Nigerian prison population, underscoring the inefficiencies of the existing system.²¹ While the Administration of Criminal Justice Act 2015 introduced innovations such as plea bargaining and non-custodial sentencing, scholars like Akinseye-George argue that these remain underutilised and insufficiently restorative.²² Empirical studies also show

¹⁷ United Nations, *Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters* (ECOSOC Res 2002/12, 24 July 2002).

¹⁸ Gabrielle Maxwell and Allison Morris, *Family Group Conferences and the Youth Justice Process in New Zealand* (Victoria University Press 2006); Ross Gordon Green, *Justice in Aboriginal Communities: Sentencing Alternatives* (Purich Publishing 1998).

¹⁹ Janine Ubink and Benjamin van Rooij, 'Towards Customary Legal Empowerment in Africa' (2011) 44 *Journal of Legal Pluralism and Unofficial Law* 1.

²⁰ Child Justice Act 2008 (South Africa).

²¹ Amnesty International, *Nigeria: 'Prisoners of Their Own System': The Mass Trial of Boko Haram Suspects in Nigeria* (AI 2019).

²² Yemi Akinseye-George, *Legal System, Corruption and Governance in Nigeria* (New Century Law Publishers 2019).

that limited awareness, weak institutional support, and lack of legislative clarity have constrained the practical adoption of RJ in Nigeria.²³

At the same time, Nigerian scholarship increasingly advocates for structured integration of RJ into the justice system. Ogwezzzy and Ajiboye contend that RJ could enhance victim participation and promote community-based solutions to crime, aligning with Nigeria's cultural traditions of reconciliation.²⁴ Similarly, Adeyemi stresses the potential of RJ to alleviate prison congestion and complement the objectives of the Nigerian Correctional Service Act 2019, which emphasises rehabilitation and reintegration.²⁵

Taken together, the literature underscores both the promise and challenges of RJ. While global experiences and African traditions affirm its viability, Nigeria's legal system still lacks a coherent framework for its systematic adoption. This gap in scholarship and practice provides the justification for the present study, which seeks to evaluate RJ's emerging strategies and their alignment with the interests of victims, offenders, communities, and the state.

Restorative justice (RJ) represents a paradigmatic shift from conventional retributive approaches to crime, prioritising healing, accountability, and the repair of social harm over punitive sanctions. It is predicated on the recognition that crime is not merely a breach of state authority but a violation of relationships between individuals, communities, and the broader social fabric. The United Nations defines restorative justice as “any process in which the victim and the offender, and where appropriate, any other individuals or community members affected by a crime, actively participate together in the resolution of matters arising from the crime, generally with the help of a facilitator.”²⁶ This definition highlights the participatory, dialogic, and inclusive character of RJ,

²³ Olanrewaju Olaniyan, ‘Restorative Justice in Nigeria: Potentials and Challenges’ (2020) 11(2) *Nigerian Journal of Human Rights* 145.

²⁴ Ogwezzzy Michael and Ajiboye Oladipo, ‘Restorative Justice and the Nigerian Legal System: Opportunities and Prospects’ (2018) 5(1) *Journal of Law, Policy and Globalisation* 33.

²⁵ Adegbite Adeyemi, ‘Correctional Reforms and the Role of Restorative Justice in Nigeria’ (2021) 25(3) *African Journal of Criminology and Justice Studies* 201.

²⁶ United Nations, *Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters* (ECOSOC Res 2002/12, 24 July 2002).

distinguishing it from adversarial criminal proceedings that often marginalise victims and depersonalise offenders.

At its core, restorative justice creates opportunities for dialogue and collaborative problem-solving between victims, offenders, and communities.²⁷ Unlike retributive models that perceive crime primarily as an affront to legal norms, RJ views wrongdoing as relational harm requiring remedies that restore dignity, trust, and social harmony.²⁸ Its application, once confined to juvenile justice and minor offences, has broadened significantly to include serious crimes such as homicide, sexual violence, and even transitional justice contexts in post-conflict societies where conventional systems have collapsed or lost legitimacy.²⁹ This expanded scope demonstrates RJ's adaptability to different cultural and institutional contexts while affirming its potential as a complementary or alternative framework to state-driven justice.

The philosophical underpinnings of RJ rest on three interrelated values: restoration, reconciliation, and accountability. Restoration requires recognition of harm and active efforts to repair it, whether through apology, restitution, or symbolic gestures.³⁰ Reconciliation emphasises rebuilding trust and facilitating dialogue, thereby enabling victims and offenders to engage in processes of remorse, forgiveness, and mutual understanding. In many communal societies, reconciliation is essential, since crime disrupts not only individuals but also collective harmony. Accountability within RJ differs from the punitive imposition of penalties; it entails offenders voluntarily accepting responsibility, acknowledging the human impact of their actions, and making amends directly to those harmed.³¹ Together, these principles promote a humane and relational approach to justice, one that empowers all parties rather than reinforcing alienation or exclusion.

²⁷ Howard Zehr, *Changing Lenses: Restorative Justice for Our Times* (Herald Press 2015).

²⁸ Gerry Johnstone and Daniel W Van Ness, *Handbook of Restorative Justice* (Willan Publishing 2007).

²⁹ Elrena van der Spuy, 'Restorative Justice in Post-Apartheid South Africa: Prospects and Challenges' (2008) 12(3) *Restorative Justice Online* 14.

³⁰ Kathleen Daly, 'Restorative Justice: The Real Story' (2002) 4(3) *Punishment and Society* 55.

³¹ Allison Morris, 'Critiquing the Critics: A Brief Response to Critics of Restorative Justice' (2002) 42(3) *British Journal of Criminology* 596.

A distinctive feature of restorative justice is its engagement of multiple stakeholders. Victims, who are often sidelined in formal legal proceedings, gain voice, validation, and closure through RJ processes. Offenders benefit by confronting the consequences of their actions in a constructive setting, which research suggests reduces recidivism by fostering empathy and responsibility. Communities, traditionally marginalised in state-centred justice, reclaim an active role in maintaining social order, supporting reintegration, and promoting long-term cohesion. Finally, the state, while retaining oversight, plays a facilitative rather than punitive role, reaping benefits such as reduced incarceration costs and enhanced public trust in justice institutions.³² In this way, RJ functions as a holistic system in which justice is co-created by those most affected by harm rather than imposed from above.

Two seminal theoretical models provide a foundation for restorative justice scholarship and practice. John Braithwaite's theory of reintegrative shaming distinguishes between stigmatising shame, which labels offenders and fosters social exclusion, and reintegrative shame, which denounces the wrongful act while affirming the offender's capacity for reintegration.³³ According to Braithwaite, reintegrative shaming is most effective when supported by strong community networks capable of combining moral condemnation with pathways to rehabilitation. Complementing this, Howard Zehr's restorative justice theory advocates a shift in perspective from the punitive "lens of justice" to a restorative lens that emphasises relational harm, community healing, and shared responsibility.³⁴ In *Changing Lenses*, Zehr underscores that restorative processes rooted in empathy, dialogue, and accountability provide a more just and sustainable response to crime than adversarial, state-dominated procedures.³⁵

Taken together, these conceptual and theoretical perspectives confirm that restorative justice is not merely an adjunct to formal legal systems but a transformative model of justice. By centring human dignity, accountability, and social restoration, RJ challenges

³² Heather Strang, *Repair or Revenge: Victims and Restorative Justice* (Clarendon Press 2002).

³³ John Braithwaite, *Crime, Shame and Reintegration* (Cambridge University Press 1989).

³⁴ Zehr (n 2).

³⁵ Ibid

prevailing punitive paradigms and reimagines how societies might respond to wrongdoing. Its principles of restoration, reconciliation, and reintegration offer not only a normative ideal but also a practical framework for criminal justice reform in contexts as diverse as advanced democracies, transitional societies, and developing states such as Nigeria.

2.2 Comparative Practices in Restorative Justice

Restorative justice (RJ) has gained traction globally as a flexible and context-sensitive alternative to retributive justice. Its adaptability lies in its ability to incorporate local cultural practices while responding to modern legal frameworks, thereby allowing jurisdictions to address crime in ways that resonate with their socio-political contexts. A comparative review of select jurisdictions highlights both the strengths and challenges of RJ models worldwide.

New Zealand stands as a pioneering jurisdiction in embedding RJ within its statutory justice system, particularly in relation to juvenile justice. The *Children, Young Persons, and Their Families Act 1989* introduced Family Group Conferencing (FGC), a model influenced by Māori indigenous traditions that emphasises communal participation, family involvement, and culturally grounded solutions.³⁶ Research demonstrates that FGCs not only reduce reoffending but also enhance victim satisfaction and empower families in the resolution process.³⁷ The integration of Māori customs illustrates the potential of RJ to thrive when rooted in indigenous epistemologies and supported by legal structures.

Canada represents another strong example of institutionalised RJ, with practices extending across both formal and community-based contexts. Indigenous sentencing circles and victim-offender mediation are widely applied, particularly in rural and Indigenous communities.³⁸ The *Youth Criminal Justice Act 2003* explicitly endorses RJ,

³⁶ Children, Young Persons, and Their Families Act 1989 (NZ).

³⁷ Gabrielle Maxwell and Allison Morris, *Family, Victims and Culture: Youth Justice in New Zealand* (Social Policy Agency and Institute of Criminology, Victoria University of Wellington 1993).

³⁸ Rupert Ross, *Returning to the Teachings: Exploring Aboriginal Justice* (Penguin 1996).

emphasising reintegration, fairness, and the reduction of systemic discrimination.³⁹ Furthermore, the annual *Restorative Justice Week* and government-funded RJ initiatives reflect a policy environment conducive to sustainable RJ practices. Evaluations show positive outcomes in terms of offender accountability and victim healing, highlighting how state endorsement enhances the credibility and reach of RJ.⁴⁰

In South Africa, RJ gained prominence during the country's transition from apartheid. The Truth and Reconciliation Commission (TRC) remains one of the most widely studied RJ-inspired mechanisms. It offered conditional amnesty in exchange for full disclosure of politically motivated crimes, thereby privileging truth-telling and national healing over strict retribution.⁴¹ While the TRC has been critiqued for its perceived neglect of victims' justice and limited reparations, it nonetheless demonstrated the potential of RJ in post-conflict societies, providing a platform for collective memory and reconciliation.⁴² Its legacy continues to influence transitional justice frameworks globally.

Nigeria and other African jurisdictions present a distinct trajectory where indigenous justice systems long practised restorative principles even before formal legal codification. Traditional mechanisms, often led by village elders or community leaders, prioritised restitution, reconciliation, and social harmony over punitive sanctions.⁴³ However, colonial legal legacies and the predominance of centralised statutory systems have constrained the incorporation of these indigenous models into formal judicial structures. Scholars have increasingly argued for hybrid frameworks that integrate statutory rights with customary practices, thereby legitimising RJ within modern legal systems while preserving cultural authenticity.⁴⁴

³⁹ Youth Criminal Justice Act 2003, SC 2002, c 1 (Canada).

⁴⁰ Julian Roberts and Carolyn Hoyle, *Restorative Justice in Practice: Evaluating What Works for Victims and Offenders* (Routledge 2019).

⁴¹ Truth and Reconciliation Commission of South Africa, *Final Report* (1998).

⁴² Richard A Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State* (Cambridge University Press 2001).

⁴³ Elias O Aiyedun, 'Customary Justice Systems and Restorative Justice in Nigeria' (2019) 3 *African Journal of Criminology and Justice Studies* 45.

⁴⁴ Chinedu U Okafor, 'Hybridising Justice: The Future of Restorative Justice in African Legal Systems' (2020) 12 *African Human Rights Law Journal* 67.

These comparative experiences affirm that RJ is not a monolithic or universal model but one that must be tailored to each jurisdiction's cultural and institutional realities. Jurisdictions with supportive legal frameworks, adequate resourcing, and well-trained facilitators consistently demonstrate stronger outcomes, including reduced recidivism, greater victim satisfaction, and enhanced community cohesion. The evidence suggests that the success of RJ lies less in its form and more in the alignment of its principles with the broader values and needs of the societies in which it is applied.

2.3 Stakeholder Impact Analysis of Restorative Justice

Restorative justice (RJ) fundamentally reshapes the architecture of justice delivery by redistributing focus from the state as the sole custodian of justice to the immediate stakeholders victims, offenders, communities, and justice officials.⁴⁵ This pluralist orientation stands in contrast to the adversarial criminal justice model, which privileges punishment, deterrence, and state authority over the relational and human dimensions of harm. By rebalancing power among stakeholders, RJ advances a justice framework that is dialogic, participatory, and relational rather than adversarial and punitive.⁴⁶

Victims occupy a particularly central role in RJ processes, as they are no longer treated merely as witnesses for the state but as rights-holders entitled to voice, recognition, and restitution.⁴⁷ The victim's ability to describe their harm, demand accountability, and negotiate remedies such as financial compensation, community service, or symbolic gestures of repair contributes to a stronger sense of closure. Empirical evidence from jurisdictions like New Zealand and Canada shows that victims who participate in RJ are more satisfied with the process and its outcomes compared to those engaged in conventional trials.⁴⁸ Moreover, victims report higher perceptions of fairness, emotional

⁴⁵ John Braithwaite, *Restorative Justice and Responsive Regulation* (Oxford University Press 2002) 55.

⁴⁶ Gerry Johnstone, *Restorative Justice: Ideas, Values, Debates* (2nd edn, Routledge 2011) 33.

⁴⁷ Shadd Maruna, 'Reentry as a Rite of Passage' (2011) 13 *Punishment & Society* 3.

⁴⁸ Gabrielle Maxwell and Allison Morris, *Family, Victims and Culture: Youth Justice in New Zealand* (Victoria University Press 1993) 71.

healing, and safety after participating in victim-offender mediation.⁴⁹ Yet challenges persist, including the possibility of coercion, power imbalances between victim and offender, and secondary victimisation, especially in cases involving gender-based violence.⁵⁰ As such, safeguards such as voluntary participation, trained facilitators, and judicial oversight are indispensable to prevent RJ from re-traumatising victims.⁵¹

Offenders are similarly transformed under RJ models. Instead of being passive recipients of punishment, offenders are required to actively engage with the consequences of their actions.⁵² Confronting the victim directly often provokes genuine remorse and can foster empathy, leading to behavioural change.⁵³ Reintegrative mechanisms, such as public apologies, restitution agreements, and community service, allow offenders to restore their moral standing and reduce social stigmatisation. Studies indicate that offenders participating in RJ exhibit lower rates of recidivism compared to those subjected to conventional punitive sanctions.⁵⁴ Nonetheless, voluntariness remains essential: coerced admissions or forced participation may erode the legitimacy of the process and compromise offender rehabilitation.⁵⁵ Moreover, there is an ongoing scholarly debate about whether RJ is sufficiently robust to deal with serious crimes, where offenders may manipulate the process to secure leniency without genuine reform.⁵⁶

Communities are critical stakeholders in RJ, as they serve both as moral guardians and as reintegration platforms. In adversarial systems, crime is treated as a violation of state law; in RJ, however, it is understood as a violation of relationships within a community.⁵⁷ Mechanisms such as peace circles, family group conferences, and community panels

⁴⁹ Lawrence W Sherman and Heather Strang, *Restorative Justice: The Evidence* (Smith Institute 2007) 64–67.

⁵⁰ Heather Strang and John Braithwaite (eds), *Restorative Justice and Family Violence* (Cambridge University Press 2002) 9–10.

⁵¹ Joanna Shapland and others, *Restorative Justice in Practice: Evaluating What Works for Victims and Offenders* (Routledge 2011) 92.

⁵² Howard Zehr, *Changing Lenses: Restorative Justice for Our Times* (3rd edn, Herald Press 2015) 45.

⁵³ Carolyn Hoyle, 'Restorative Justice: Assessing the Evidence' (2010) 20 Crim LR 83.

⁵⁴ Sherman and Strang (n 5) 73.

⁵⁵ Theo Gavrielides, *Restorative Justice Theory and Practice: Addressing the Discrepancy* (European Institute for Crime Prevention and Control 2007) 76.

⁵⁶ Kathleen Daly, 'The Limits of Restorative Justice' in Dennis Sullivan and Larry Tifft (eds), *Handbook of Restorative Justice* (Routledge 2006) 134–136.

⁵⁷ Braithwaite (n 1) 99.

empower local actors to define harm, negotiate remedies, and reassert collective values.⁵⁸ This participatory approach strengthens social bonds, restores collective responsibility, and reduces the alienation often produced by state-led punitive justice. In fragile or post-conflict societies such as Rwanda and South Africa, community-driven RJ initiatives have proven instrumental in rebuilding trust where state institutions were either weak or delegitimised.⁵⁹ Nevertheless, the extent to which communities can be entrusted with justice functions remains debated, particularly where entrenched hierarchies risk reinforcing discrimination against women, minorities, or vulnerable groups.⁶⁰

Justice system officials, including judges, prosecutors, and police officers, also experience a profound shift in roles under RJ frameworks. Instead of acting primarily as arbiters or enforcers of state sanctions, their role becomes that of facilitators, gatekeepers, or monitors of RJ processes.⁶¹ For example, judges may refer cases to mediation, prosecutors may negotiate diversion agreements, and police officers may act as facilitators in community conferencing. This shift can reduce case backlogs and improve efficiency in criminal justice delivery, while enhancing public trust in the system.⁶² However, it requires structural reforms, extensive training, and a cultural transformation within the judiciary and law enforcement agencies to align institutional practices with RJ's principles of dialogue and restoration.⁶³ Without these adjustments, RJ risks being perceived as a marginal or tokenistic diversion rather than a meaningful alternative to adversarial justice.⁶⁴

Finally, a critical concern across all stakeholder groups is the balancing of interests and rights. While RJ offers flexibility and empowerment, it must not undermine fundamental

⁵⁸ Kay Pranis, *The Little Book of Circle Processes: A New/Old Approach to Peacemaking* (Good Books 2005) 22–23.

⁵⁹ Luc Huyse, *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences* (International IDEA 2008) 41–42.

⁶⁰ Christine Alder and Joy Wundersitz, *Family Conferencing and Juvenile Justice: The Way Forward or Misplaced Optimism?* (Australian Institute of Criminology 1994) 58.

⁶¹ Daniel Van Ness and Karen Heetderks Strong, *Restoring Justice: An Introduction to Restorative Justice* (5th edn, Routledge 2015) 121.

⁶² Ibid 125.

⁶³ Gerry Johnstone and Daniel W Van Ness (eds), *Handbook of Restorative Justice* (Willan Publishing 2007) 399.

⁶⁴ Gavrielides (n 11) 102.

legal safeguards such as voluntariness, due process, equality before the law, and proportionality of sanctions.⁶⁵ Particularly in cases involving power asymmetries, such as domestic violence, sexual offences, or crimes involving vulnerable populations, RJ must operate under judicial supervision to avoid reinforcing existing inequalities or trivialising serious harm.⁶⁶ International practice demonstrates that RJ thrives not as a replacement for conventional justice but as a complementary paradigm that enhances justice delivery by embedding dialogue, empathy, and accountability within the criminal justice process.⁶⁷ In this respect, RJ's stakeholder-centred approach enriches justice systems by humanising outcomes while preserving the rule of law.

3.0 Historical Evolution and Global Developments

3.1 Global Developments of Restorative Justice

The roots of restorative justice (RJ) are deeply embedded in indigenous and customary justice systems, long before its formal adoption by modern legal frameworks. Indigenous societies across the globe, including the Māori of New Zealand, the Navajo in North America, and various ethnic communities in Africa, developed dispute resolution models centred on restoration, reintegration, and communal healing rather than retribution.⁶⁸ In these traditional systems, crime was often perceived not merely as a violation of the law but as a disruption of social harmony requiring reparative action among affected parties.⁶⁹

The formal integration of restorative justice into national legal systems began in earnest during the latter half of the 20th century. New Zealand was among the first to institutionalize RJ in its youth justice system through the *Children, Young Persons, and Their Families Act 1989*, which introduced Family Group Conferencing (FGC) as a statutory alternative to court proceedings.⁷⁰ This model drew heavily from Māori conflict resolution traditions, illustrating how indigenous principles could be adapted into formal

⁶⁵ Andrew Ashworth, *Sentencing and Criminal Justice* (6th edn, Cambridge University Press 2015) 201.

⁶⁶ Strang and Braithwaite (n 6) 15.

⁶⁷ Van Ness and Strong (n 17) 139.

⁶⁸ Zehr H, *Changing Lenses: Restorative Justice for Our Times* (Herald Press 2015) 31–35.

⁶⁹ Braithwaite J, *Crime, Shame and Reintegration* (Cambridge University Press 1989).

⁷⁰ New Zealand Ministry of Justice, *Youth Justice Indicators Summary Report 2021* (NZMoJ 2022).

legal processes. In Canada, RJ gained traction through victim-offender mediation, sentencing circles, and other community-based approaches, particularly within Indigenous communities seeking to decolonize criminal justice structures.⁷¹ The *Canadian Youth Criminal Justice Act 2003* further solidified RJ as a viable mechanism in mainstream justice policy.

South Africa's adoption of RJ mechanisms during its transitional justice period also reflects its historical significance. The Truth and Reconciliation Commission (TRC), established in 1995, operationalized RJ principles such as truth-telling, amnesty for full disclosure, and public acknowledgment of harm in addressing the atrocities of apartheid.⁷² Though controversial, the TRC provided a model of how RJ could function at a national, post-conflict level and shaped global discourse on transitional justice.

Internationally, RJ has received significant endorsement from multilateral institutions. The United Nations Economic and Social Council (ECOSOC) adopted the *Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters* in 2002, advocating for the development of RJ schemes and the incorporation of restorative practices in criminal justice systems.⁷³ These principles stress voluntariness, procedural safeguards, and the centrality of victim-offender engagement. Global organisations such as the European Forum for Restorative Justice and the International Institute for Restorative Practices have since emerged as influential bodies promoting training, research, and legislative reforms.

Today, RJ is embedded to varying extents in the legal frameworks of over 80 countries, reflecting its growing legitimacy as both a complementary and alternative justice paradigm.⁷⁴ Its continued expansion, however, depends on the delicate balance between

⁷¹ Ross R, *Returning to the Teachings: Exploring Aboriginal Justice* (Penguin Canada 1996).

⁷² Tutu D, *No Future Without Forgiveness* (Random House 2000) 59–65.

⁷³ United Nations ECOSOC Resolution 2002/12, *Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters*, 24 July 2002.

⁷⁴ Van Ness D and Strong K, *Restoring Justice: An Introduction to Restorative Justice* (5th edn, Routledge 2014).

cultural adaptation, procedural integrity, and respect for legal rights—particularly in pluralistic and rights-based legal systems.

3.2 Emerging Restorative Justice Strategies

Contemporary restorative justice (RJ) practices have evolved into structured and diverse models that seek to facilitate healing, accountability, and reintegration among stakeholders. These models are applied in a range of legal systems and social contexts, often tailored to cultural values and institutional capacities. Among the most prominent strategies are victim-offender mediation, community conferencing, circle sentencing, family group conferencing, and more recently, online restorative practices facilitated through digital platforms.

Victim-offender mediation (VOM) remains one of the most established forms of RJ. It involves a structured dialogue between the offender and the victim, typically facilitated by a trained mediator. This process allows victims to express their pain and receive acknowledgment, while offenders are encouraged to take responsibility and offer restitution.⁷⁵ Studies have shown that VOM leads to higher satisfaction rates among victims and reduced recidivism among offenders when compared to traditional adjudication.⁷⁶

Community conferencing, also referred to as restorative conferencing, involves not just the victim and offender, but also their families, supporters, and community members. The process is collaborative, aiming to build a collective agreement on how to repair the harm caused. It places emphasis on community healing and shared responsibility, aligning with Braithwaite's theory of reintegrative shaming, which advocates for condemnation of the act but not the individual.⁷⁷

Circle sentencing is another strategy, often rooted in indigenous traditions. Participants sit in a circle symbolizing equality and discuss the impact of the offence and possible

⁷⁵ Umbreit MS and Armour MP, *Restorative Justice Dialogue: An Essential Guide for Research and Practice* (Springer 2011) 47–53.

⁷⁶ Sherman LW and Strang H, *Restorative Justice: The Evidence* (The Smith Institute 2007) 14–18.

⁷⁷ Braithwaite J, *Crime, Shame and Reintegration* (Cambridge University Press 1989).

reparative measures. This method has been used effectively in Canadian Indigenous communities and has gained international recognition for its potential to build community trust and foster offender reintegration.⁷⁸

Family group conferencing (FGC), originally developed in New Zealand's juvenile justice system, involves extended family networks in the decision-making process. FGC empowers families to support both victims and offenders, making it particularly effective in cases involving young people. It is now adopted in jurisdictions beyond New Zealand, including Australia, the United Kingdom, and parts of the United States.⁷⁹

In recent years, online restorative practices and digital conferencing platforms have emerged as innovative responses to logistical and accessibility barriers. The COVID-19 pandemic significantly accelerated the adoption of virtual RJ sessions, expanding opportunities for participation from remote areas or diasporic communities.⁸⁰ While digital methods can enhance inclusivity, they also raise ethical and technical questions regarding confidentiality, trauma sensitivity, and digital literacy. Nevertheless, with appropriate safeguards, virtual RJ remains a valuable tool in the modern justice toolkit.

Collectively, these emerging strategies demonstrate the flexibility and adaptability of restorative justice across cultures and technological landscapes. They provide scalable models that can be applied in schools, workplaces, and criminal justice systems, with growing empirical support for their effectiveness in conflict resolution and offender rehabilitation.⁸¹

3.3 Legal and Policy Framework for Restorative Justice

The institutionalisation of restorative justice (RJ) across jurisdictions reflects a growing shift in legal and policy thinking, from punitive to reparative approaches to justice. This

⁷⁸ Ross R, *Returning to the Teachings: Exploring Aboriginal Justice* (Penguin 1996).

⁷⁹ Maxwell G and Morris A, *Family Group Conferences: Aotearoa New Zealand Style* (2001) 2 *Youth Justice* 235.

⁸⁰ Zinsstag E and Kersten J, 'Online Restorative Justice: Responses to the COVID-19 Pandemic and Beyond' (2021) 18 *Restorative Justice: An International Journal* 67–84.

⁸¹ Van Ness D and Strong K, *Restoring Justice: An Introduction to Restorative Justice* (5th edn, Routledge 2014).

shift has led to the gradual incorporation of RJ into national legal frameworks, guided by international norms, best practices, and local adaptations. In many jurisdictions, the process has involved legislative reform, judicial guidelines, administrative policies, and pilot programs that serve as precursors to nationwide adoption.

Several countries have integrated restorative justice into their formal legal systems through statutes and judicial practices. New Zealand stands as a global pioneer, having enshrined RJ in its *Children, Young Persons, and Their Families Act 1989*, which made family group conferencing mandatory for certain categories of juvenile offenders.⁸² Canada followed suit through its *Youth Criminal Justice Act 2003*, which encourages the use of extrajudicial measures, including RJ processes, especially for youth and Indigenous populations.⁸³ South Africa, in recognition of its customary law traditions, introduced RJ in its *Child Justice Act 2008* and further supported it through judicial sentencing guidelines that emphasize rehabilitation and reintegration.⁸⁴

Internationally, RJ is endorsed by several legal and normative instruments. The United Nations Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters (2002) encourage member states to develop RJ programs that emphasize voluntariness, offender accountability, and victim empowerment.⁸⁵ The European Council's Recommendation (2018) on RJ in criminal matters calls for legal safeguards, training, and institutional support to mainstream restorative mechanisms within national criminal justice systems.⁸⁶ Furthermore, the Commonwealth Secretariat has promoted RJ as a means to enhance access to justice, particularly in post-conflict and transitional justice contexts.⁸⁷ These frameworks provide states with adaptable models that protect participants' rights while delivering flexible, community-based justice solutions.

⁸² Children, Young Persons, and Their Families Act 1989 (New Zealand), s 208.

⁸³ Youth Criminal Justice Act 2003 (Canada), ss 3 and 4.

⁸⁴ Child Justice Act 2008 (South Africa), s 61; see also Ann Skelton, 'Restorative Justice as a Framework for Juvenile Justice Reform' (2013) 20 *Restorative Justice International Journal* 89.

⁸⁵ United Nations Office on Drugs and Crime, *Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters* (UN 2002).

⁸⁶ Council of Europe Recommendation CM/Rec(2018)8 on Restorative Justice in Criminal Matters.

⁸⁷ Commonwealth Secretariat, *Restorative Justice for All: Preventing and Addressing Harm* (2020).

In Nigeria, restorative justice is gaining traction but remains at the periphery of formal criminal justice structures. The Lagos State Ministry of Justice took the lead by adopting RJ principles in its Administration of Criminal Justice Law (ACJL) 2011, which allows for plea bargaining and encourages victim-offender dialogue.⁸⁸ Additionally, pilot RJ programs have been implemented in correctional facilities and juvenile courts, often supported by NGOs and donor agencies. However, the absence of a national RJ policy or statute limits widespread adoption. Calls for legislative reform have intensified, urging the National Assembly to enact a *Restorative Justice Bill* that would codify RJ procedures, establish diversion programs, and provide judicial guidance.⁸⁹

Nigeria's experience illustrates the challenges and opportunities in incorporating RJ within a plural legal system that blends common law, Sharia law, and customary justice traditions. Effective implementation requires harmonization of legal provisions, stakeholder training, and public sensitization to bridge the gap between legal theory and operational reality.

4.0 Stakeholders' Interests and Rights

Restorative justice (RJ) rests on a stakeholder-centered model that seeks to balance the interests, rights, and responsibilities of all those affected by crime—most notably the victims, offenders, communities, and the state. Unlike the retributive model that focuses primarily on the state versus the accused, RJ emphasizes inclusive dialogue and participatory processes that address harm and promote healing.

One of the primary contributions of RJ is its victim-centered approach. Traditional criminal justice systems often marginalize victims, relegating them to the role of witnesses rather than active participants in justice delivery. In contrast, RJ recognizes victims as key stakeholders deserving of emotional healing, active participation, and material or symbolic restitution. Victims are given the opportunity to express their pain, ask questions, and receive apologies or restitution from offenders. This process not only

⁸⁸ Lagos State Administration of Criminal Justice Law 2011 (Nigeria), ss 75–77.

⁸⁹ Chika Eze and Adeyinka Aderemi, 'Towards a Legislative Framework for Restorative Justice in Nigeria' (2022) 46 *Nigerian Journal of Law Reform* 215.

aids psychological closure but also affirms their dignity and agency.⁹⁰ Studies from jurisdictions like Canada and the UK have shown that victim satisfaction rates are significantly higher in RJ processes compared to conventional court proceedings.⁹¹

For offenders, RJ is designed to promote meaningful accountability rather than mere punishment. Offenders are encouraged to understand the impact of their actions, accept responsibility, and actively engage in repairing the harm caused. This process fosters empathy and remorse, often resulting in behavioral transformation. RJ also supports the rehabilitation and reintegration of offenders into society by providing them with pathways to reconcile with victims and communities. Unlike incarceration, which often alienates offenders, RJ fosters a sense of belonging and responsibility that has been linked to lower recidivism rates.⁹²

Communities are often the silent victims of crime, experiencing fear, tension, and a breakdown in trust. RJ empowers communities to become active participants in the justice process, facilitating collective problem-solving, rebuilding relationships, and strengthening social cohesion. Through community conferencing, neighborhood boards, and peace circles, local voices are incorporated in the resolution of conflicts, thus enhancing legitimacy and resilience.⁹³ This approach is especially relevant in post-conflict and transitional societies where communal involvement is crucial for reconciliation and nation-building.

4.1 The State: Cost-Effectiveness, Crime Reduction, and Justice Outcomes

From a macro perspective, RJ aligns with the state's broader objectives of maintaining social order, reducing crime, and ensuring efficient justice delivery. Empirical evidence suggests that RJ programs are often more cost-effective than traditional court proceedings

⁹⁰ Howard Zehr, *The Little Book of Restorative Justice* (Good Books 2002).

⁹¹ Joanna Shapland et al, *Restorative Justice in Practice: Evaluating What Works for Victims and Offenders* (Routledge 2011).

⁹² Lawrence W Sherman and Heather Strang, *Restorative Justice: The Evidence* (Smith Institute 2007).

⁹³ John Braithwaite, *Crime, Shame and Reintegration* (Cambridge University Press 1989).

and imprisonment.⁹⁴ By diverting minor and non-violent cases away from overloaded courts and prisons, RJ reduces public expenditure while achieving better restorative outcomes. Additionally, the focus on victim satisfaction and offender reintegration supports long-term crime prevention, which in turn fosters public confidence in the justice system.

Despite its transformative potential, restorative justice (RJ) is not without significant criticisms and practical challenges. These concerns revolve around the foundational principles of voluntariness and fairness, its applicability to serious crimes, and questions of procedural and legal enforceability. For RJ to be truly effective and ethically sound, these issues must be critically examined and addressed through policy design, professional training, and judicial oversight.

A fundamental tenet of RJ is that participation by all parties must be voluntary. However, critics argue that voluntariness can be compromised, especially where victims or offenders feel pressured to participate due to systemic, social, or institutional expectations.⁹⁵ Power imbalances especially in cases involving gender-based violence, economic disparities, or familial authority may further distort the RJ process, undermining the autonomy and safety of weaker parties. Where facilitators are not adequately trained to recognize and manage these imbalances, outcomes may reflect coercion rather than genuine consent.⁹⁶

While RJ aims to promote healing, it can unintentionally cause further harm to victims, particularly when the process is not properly managed. Facing the offender in dialogue, especially in traumatic cases, may re-traumatise victims rather than empower them.⁹⁷ This challenge is more pronounced when offenders fail to demonstrate genuine remorse or when the process centers more on reconciliation than restitution. As such, careful

⁹⁴ Latimer, Dowden & Muise, 'The Effectiveness of Restorative Justice Practices: A Meta-Analysis' (2005) *The Prison Journal* 85(2) 127–144.

⁹⁵ Kathleen Daly, 'Restorative Justice and Sexual Assault: An Archival Study of Court and Conference Cases' (2006) 46 *British Journal of Criminology* 334.

⁹⁶ L Walgrave, *Restorative Justice, Self-interest and Responsible Citizenship* (Willan Publishing 2008).

⁹⁷ Heather Strang and Lawrence Sherman, *Repair or Revenge: Victims and Restorative Justice* (Oxford University Press 2003).

screening, psychological support, and victim readiness assessments are essential safeguards.

Another debated issue is the appropriateness of RJ in cases involving serious crimes such as sexual assault, homicide, and terrorism. Critics contend that such crimes require punitive justice to reinforce legal norms, deter offenders, and affirm societal condemnation.⁹⁸ There is concern that offering restorative processes in these cases could trivialize the gravity of the offence or undermine public confidence in the justice system. However, proponents argue that even in serious crimes, RJ can play a complementary role particularly in addressing victim needs and facilitating offender accountability post-conviction.

RJ processes often operate outside the formal court system and may lack binding legal authority. This raises concerns about the enforceability of restitution agreements, protection of due process rights, and consistency in outcomes.⁹⁹ Without clear procedural standards, RJ may fail to uphold the legal principles of impartiality, evidence evaluation, and proportionality in outcomes. To mitigate these risks, some jurisdictions have incorporated RJ within statutory frameworks and linked outcomes to formal judicial oversight.

Restorative justice (RJ) has transitioned from theory to practice in various jurisdictions, demonstrating its adaptability and potential for effective conflict resolution within diverse cultural and legal frameworks. This section examines selected case studies from New Zealand, South Africa, Canada, and Rwanda, highlighting outcomes and drawing lessons for legal reform and policy-making.

New Zealand has been a pioneer in institutionalizing RJ, particularly through the *Children, Young Persons, and Their Families Act 1989*, which mandates Family Group Conferencing (FGC) as a central mechanism in youth justice. FGC convenes offenders,

⁹⁸ J Braithwaite, *Restorative Justice and Responsive Regulation* (Oxford University Press 2002).

⁹⁹ Daniel W Van Ness and Karen Heetderks Strong, *Restoring Justice: An Introduction to Restorative Justice* (Anderson Publishing 2015).

victims, families, and community members to discuss the offence and agree on reparative measures. Empirical studies report high victim satisfaction, reduced rates of reoffending, and enhanced community participation.¹⁰⁰ This model is often cited as a benchmark for jurisdictions seeking alternatives to traditional punitive youth justice approaches.

In South Africa, restorative principles have been integrated at both community and national levels. The *Truth and Reconciliation Commission (TRC)* embodied restorative ideals in addressing crimes of apartheid, while community-based victim-offender mediation initiatives have shown positive effects in healing and accountability, especially in cases of interpersonal violence.¹⁰¹ Despite promising results, challenges related to institutional capacity, public awareness, and formal legal recognition remain significant obstacles to broader RJ adoption.

Canada has adapted RJ practices to align with Indigenous justice traditions, notably through Sentencing Circles and Healing Circles utilized by First Nations communities. The Supreme Court's decision in *R v Gladue*¹⁰² emphasized the need to consider culturally appropriate restorative alternatives when sentencing Indigenous offenders. These approaches have contributed to decreased incarceration rates and strengthened cultural reconciliation.

Following the 1994 genocide, Rwanda implemented the *Gacaca* courts, a hybrid system combining customary justice with restorative principles to address an overwhelming backlog of genocide cases.¹⁰³ Offenders who confessed received reduced sentences and reintegrated through community service and apologies. While the *Gacaca* system accelerated case resolution and promoted communal healing, criticisms include inconsistent procedural fairness and limited victim agency.

¹⁰⁰ Gabrielle Maxwell and Allison Morris, *Restorative Justice for Juveniles: Conferencing, Mediation and Circles* (Hart Publishing 2001) 75-102.

¹⁰¹ Ann Skelton, 'Restorative Justice as a Framework for Juvenile Justice Reform: A South African Perspective' (2002) 42 *British Journal of Criminology* 496, 501-507.

¹⁰² *R v Gladue* [1999] 1 SCR 688.

¹⁰³ Phil Clark, *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice Without Lawyers* (CUP 2010) 128-145.

These cases highlight that RJ's success depends on cultural compatibility, institutional support, legal integration, and inclusive stakeholder participation. Such insights are vital for countries like Nigeria seeking to incorporate RJ into their justice frameworks.

4.2 Pathways for Integrating Restorative Justice into Formal Justice Systems

Integrating restorative justice (RJ) into formal justice systems requires a multifaceted approach involving legislative reform, capacity building, community engagement, and sustained institutional support. This section outlines key pathways to facilitate this integration effectively.

Legislative reform is fundamental to embedding RJ within the legal framework, providing clear statutory mandates for its use and outlining the scope of judicial discretion. Jurisdictions such as New Zealand and Canada have enacted laws enabling courts to refer appropriate cases to restorative processes, thereby formalizing RJ as a complement to traditional adjudication.¹⁰⁴ Such reforms must ensure that RJ is available as a voluntary option, with safeguards for fairness and victims' rights.

The training of legal professionals, police officers, and mediators is critical to RJ's success. Specialized education equips stakeholders with the skills necessary for facilitating restorative processes sensitively and competently. For example, South Africa's Judicial Education Institutes have developed curricula focused on RJ principles, enhancing judicial awareness and enabling informed discretion in case management.¹⁰⁵ Similarly, mediator certification programmes reinforce best practices and ethical standards.

Public awareness and community engagement efforts cultivate understanding, trust, and acceptance of RJ among citizens. Effective campaigns, inclusive of victim and offender voices, reduce misconceptions and increase participation rates. In Rwanda, post-genocide

¹⁰⁴ Gabrielle Maxwell and Allison Morris, *Restorative Justice for Juveniles: Conferencing, Mediation and Circles* (Hart Publishing 2001) 85-90.

¹⁰⁵ Ann Skelton, 'Restorative Justice and Judicial Training in South Africa' (2013) 16 *International Journal of Restorative Justice* 35, 42-45.

community mobilization was vital to the acceptance of the *Gacaca* courts, demonstrating the importance of grassroots involvement.¹⁰⁶

Finally, institutional support and dedicated funding ensure sustainability and scalability of RJ initiatives. Governments must allocate resources for establishing RJ units within justice ministries, supporting research, and monitoring outcomes. The experience in Canada's Indigenous justice programs exemplifies how ongoing funding underpins continuous development and evaluation.¹⁰⁷

Together, these pathways form a comprehensive strategy to integrate RJ, balancing formal legal requirements with community-oriented justice goals.

5.0 Conclusion and Recommendations

Restorative justice (RJ) has emerged as a transformative paradigm in contemporary criminal justice, shifting the focus from retribution to repair, reconciliation, and reintegration. Its core premise lies in addressing the harm caused by crime through processes that actively engage victims, offenders, and communities, thereby fostering accountability, healing, and social cohesion.¹⁰⁸ As demonstrated in comparative practices from New Zealand, Canada, and South Africa, the successful institutionalisation of RJ depends on cultural sensitivity, legal recognition, and sustained state support.¹⁰⁹ Empirical research further underscores its effectiveness in enhancing victim satisfaction, reducing recidivism, and offering cost-efficient alternatives to adversarial proceedings.¹¹⁰

Nevertheless, RJ is not without its limitations. Concerns remain regarding voluntariness, the risk of coercion, unequal bargaining power, and the potential for re-traumatisation of

¹⁰⁶ Phil Clark, *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda* (CUP 2010) 153-158.

¹⁰⁷ Jennifer Llewellyn and Gabrielle Maxwell, *Restorative Justice, Healing and Reconciliation: Bridging the Cultural Divide* (Routledge 2014) 112-115.

¹⁰⁸ John Braithwaite, *Restorative Justice and Responsive Regulation* (OUP 2002).

¹⁰⁹ Gabrielle Maxwell and Allison Morris, 'Restorative Justice in New Zealand' in Gerry Johnstone and Daniel Van Ness (eds), *Handbook of Restorative Justice* (Willan 2007).

¹¹⁰ Lawrence W Sherman and Heather Strang, *Restorative Justice: The Evidence* (Smith Institute 2007).

victims if adequate safeguards are absent.¹¹¹ Similarly, inconsistent institutional commitment and lack of legal frameworks in certain jurisdictions undermine the stability and scalability of RJ programmes.¹¹² These challenges indicate that RJ, while promising, requires careful design and integration into broader justice systems to achieve legitimacy and sustainability.

To advance restorative justice in Nigeria and comparable jurisdictions, several recommendations are apposite:

First, legislative reforms should explicitly define the scope of RJ, prescribe eligibility criteria, and incorporate procedural safeguards that ensure due process and equality before the law.¹¹³ Judicial discretion should be preserved but exercised within clear statutory guidelines to protect the rights of participants, especially vulnerable victims.

Secondly, capacity building is essential. Structured training for judges, prosecutors, police officers, and mediators will strengthen competencies in facilitating RJ processes, while also instilling the ethical standards necessary for impartiality and fairness.¹¹⁴

Thirdly, community awareness and sensitisation must be prioritised. Public education campaigns can demystify RJ, encourage victim participation, and promote societal buy-in, which is indispensable for its legitimacy.¹¹⁵ At the institutional level, sustainable funding, monitoring mechanisms, and policy support are critical. Without financial backing and policy alignment, RJ risks being treated as a peripheral experiment rather than a viable alternative to conventional justice. Jurisdictions such as New Zealand, where Family Group Conferencing is legislatively entrenched, and Canada, where

¹¹¹ Joanna Shapland and others, *Does Restorative Justice Affect Reconviction? The Fourth Report from the Evaluation of Three Schemes* (Ministry of Justice Research Series 10/08, 2008).

¹¹² Daniel W Van Ness and Karen Heetderks Strong, *Restoring Justice: An Introduction to Restorative Justice* (5th edn, Routledge 2015).

¹¹³ Yvon Dandurand, 'Legislating Restorative Justice' (2007) 10 *Contemporary Justice Review* 401.

¹¹⁴ Mark S Umbreit, Robert B Coates and Betty Vos, *The Impact of Restorative Justice Conferencing: A Review of 63 Empirical Studies in 5 Countries* (University of Minnesota, Center for Restorative Justice and Peacemaking 2002).

¹¹⁵ Tony F Marshall, 'Restorative Justice: An Overview' (Home Office Research Development and Statistics Directorate 1999).

sentencing circles and mediation are widely supported, illustrate the importance of embedding RJ within statutory and community frameworks.¹¹⁶

Finally, in Nigeria, effective integration of RJ requires a hybrid approach that aligns indigenous dispute-resolution traditions with statutory law. By leveraging communal practices of reconciliation while ensuring conformity with constitutional rights and international human rights standards, the justice system can provide a uniquely contextualised model of RJ.¹¹⁷ In doing so, Nigeria can move towards a more humane, inclusive, and effective response to crime, one that respects the dignity of all stakeholders and contributes to sustainable peace and justice.

¹¹⁶ Kathleen Daly and Gitana Proietti-Scifoni, 'Defining Restorative Justice' (2009) 62 *Contemporary Justice Review* 79.

¹¹⁷ Chukwuma Innocent, 'Traditional Methods of Crime Control in Nigeria: A Restorative Justice Perspective' (2002) 1 *Nigerian Journal of Human Rights* 45.