

A CRITICAL ANALYSIS OF THE SCOPE OF VICTIM COMPENSATION UNDER THE NIGERIAN LAW

Omoniyi Bukola Akinola*

Abstract

The traditional focus of most criminal justice systems, including Nigeria's, has largely been on the punishment of offenders. While this is largely true, the Nigerian criminal justice system has, as a result of this, become excessively punitive and its operators have grown increasingly insensitive to the plight and distress of victims of violent crimes. More so, is the fact that the courts have continued to pay little attention to these concerns and they rarely become the subject of civil actions where other collateral claims can be made. This paper aims to appraise the framework regulating the compensation of victims of violent crime in Nigeria Criminal Justice System. The paper further appraises the framework for victim compensation in Nigeria, ascertain its effectiveness, identify lapses and make recommendations where necessary. The paper adopts the doctrinal research methodology through analytical approach, making recourse to primary and secondary

* PhD, Barrister at Law, Professor of Law, Faculty of Law, Baze University, Abuja. Senior Partner/Head of Chambers, Kayode Ajulo, (SAN) & Co., Castle of Law, Asokoro, Abuja. Former Dean of Law, School of Law, Kampala International University, Uganda and former Dean of Law, Faculty of Law, Redeemer's University, Ede, Osun State, Nigeria. Former Deputy Director (Academics) Nigerian Law School. Email: profobakinola77@gmail.com, omoniyi.akinola@bazeuniversity.edu.ng

sources of law such as statutes, case laws and related opinion of scholars in texts and journal articles among others. The paper finds that victim compensation framework in Nigeria is highly inadequate. The paper recommended the establishment of a victim's compensation trust fund together with mechanisms for enforcement among other recommendations for a better Nigerian criminal justice sector reform.

Keywords: criminal justice system, victim compensation, victims of crime,

1.0 Introduction

Criminal justice systems' concern in restorative justice transcends beyond arresting criminals but also embraces victims' compensation and restoration. This is what many jurisprudences may think of, especially that of the Nigerian Criminal Justice System.¹ This particular awakening has led to the enactment of legislations for victim compensation in countries of the world like United States and Europe. In the United States particularly, there is the Victims of Crime Act (VCA) 1984² which seeks to effectively look into the constraints of crime victims who due to their victimization by violent crimes perpetrators, are unable to lead their normal lives.³

¹ Adebayo Suleiman, Ebeloku Iyanda and Babafemi Blessing 'Insecurity in Nigeria: Causes, Consequences and Solutions' *Wukari International Studies Journal* [2024] (2) (8) 11 <<https://wissjournals.com.ng/index.php/wiss/article/view/312>> accessed 5th May, 2025

² The Victims of Crime Act, 1984.

³ National Crime Victim Law Institute, 'A Review of the American Bar Association's Guidelines for Fair Treatment of Crime Victims and Witnesses' 2006.

In recent times, insecurity no doubt, appears to be the greatest concern of the Nigerian government. In fact, it is status quo that no day passes in Nigeria without menacing reports of insecurity triumphing in our media.⁴ If herdsmen attacks are not occupying the top spot in the North, ransom-driven kidnapping would be holding sway in the east in consonance with other violent orchestrations like rape, theft, arson and murder to mention but a few.⁵ The consequences of these happenings aside the death, maiming and displacement of victims includes not just a prevailing climate of fear and anxiety over the populace about public safety but also emotional, psychological and financial traumas upon those who by chance, become the unfortunate victims of these unbearable violent crimes.⁶

Without watering down the watersheds of the innovations of the Administration of Criminal Justice Act and Laws of the various states in Nigeria, the Nigerian government has churned out enactments geared towards arresting the siege of insecurity ravaging its polity. In fact, enactments like the Anti-terrorism Act have all been deployed in this regard.⁷ This includes not just threatening physical injuries but also constant emotional trauma, financial impecuniosity and even psychology distress extending to their dependents.⁸ With how touching this posits even to a conscionable lay man, it becomes disappointing that Nigeria as a

⁴ Adebayo Suleiman, Ebeloku Iyanda and Babafemi Blessing ‘Insecurity in Nigeria: Causes, Consequences and Solutions’ *Wukari International Studies Journal* [2024] (2) (8) 11 <<https://wissjournals.com.ng/index.php/wiss/article/view/312>> accessed 5th March, 2025.

⁵ *ibid.*

⁶ *Ibid.*

⁷ Terrorism (Prevention and Prohibition) Act, 2022.

⁸ Lukman Ikuhoriah, ‘*Appraisal of the Legal Frameworks on the Compensation of Victims of Violent Crimes in Nigeria*’ A Dissertation Submitted to the Faculty of Law Nasarawa State University for the Award of LLM in Investment and Policy Law 21

country and in this current age of diplomatic advancements, have most of their laws totally empty on victims compensation mechanisms that would enable victims of violent crimes live their normal lives.⁹ It thus appear that the bid of the government is to rehabilitate repentant culprits more than being interested in the social welfare of an individual who labors around in internally displaced camps with no hope of reuniting with his or her family.¹⁰ A perusal of laws like the repealed Criminal Procedure Code¹¹, Administration of Criminal Justice Act 2015 and even the Anti-terrorism Act particularly highlight what has been said so far that little to zero attention has been given to Victim compensation in Nigeria.¹² These laws provide no mechanisms on how to rehabilitate rape victims or victims terribly assaulted by terrorists.

The criminal process pays great attention to the offender and concentrates on speedy and effective dispensation of justice to the public while on the other hand paying very little concern and consideration to the victim at whose instance the State had undertaken the prosecution of the offenders.¹³ This is in part founded on the common belief that, as far as the victim is

⁹ *ibid.*

¹⁰ *Ibid.*

¹¹ Criminal Code Act, Cap C38 LFN 2004

¹² Samuel Idhiah, *Appraisal of the Law on Compensation for Victims of Crimes in Nigeria's* A Thesis Submitted to the Faculty of Law, University of Jos for the Award of PhD in Public Law, p 30.

¹³ Alma Eluwa. 'Witnesses, Experts and Victims: Imperatives for the Criminal Justice System in Nigeria.' Unpublished paper, p. 21
biblioteca.cejamerica.org/bitstream/handle/2015/3732/Eluwa.pdf?sequence=1&isAllowed=y accessed January, 2025.

concerned, the trial and conviction of an accused can adequately redress the injury suffered by victim.¹⁴

The first part of this paper shall explain the concept of victim compensation within the walls of criminal justice system while the second aspect shall explore historical perspectives on victim compensation law, principles and policies. The third part of the paper puts victim compensation in an expository perspective through definition of key terms by way of conceptual clarifications. The fourth part of the paper applied the relevant theoretical perspectives to victim compensation. The fifth part shall review victim compensation provision under the Administration of Criminal Justice Act while the sixth part shall analysed the various views of the existing literature on the subject.

2.0 Historical Perspectives on Victim Compensation Laws, Principles and Policies

Victim compensation was not a central feature of the Nigerian criminal justice system as inherited from British colonization. However, evidence shows that in pre-colonial Nigeria, various ethnic groups practiced forms of victim compensation,¹⁵ offenders' families were often mandated by local courts or councils to pay for victims' treatment, visit them during recovery, and even provide post-treatment welfare to support victims incapacitated by injuries.

¹⁴ Fhameda Qudder. 'Crime Victims' Right to Compensation in Bangladesh: A Comparative Approach.' *European Scientific Journal*, Vol. 11, No. 31, 2015, <https://core.ac.uk/reader/236409510> accessed 4 May, 2025.

¹⁵ Yahya Duro Uthman Hambali, 'Integrating Victim Perspective into the Nigerian Criminal Justice System Through an Assessment of Pre-Colonial Adjudicatory Process' (2022) 30 (1) *African Journal of International and Comparative Law*.

This system changed with colonization, as the British introduced a punitive justice model focused on punishing offenders rather than assisting victims. For a long time, this punitive approach was considered effective, particularly during the crime surge of the 1990s and early 2000s.¹⁶

However, developments in international criminal law and human rights prompted many countries, including the United States and European nations, to adopt a more restorative justice approach, emphasizing victim compensation.¹⁷ Nigeria followed suit with laws such as the Administration of Criminal Justice Act,¹⁸ the Violence Against Persons Act,¹⁹ and the Anti-Terrorism Act,²⁰ formally recognizing victim compensation. These laws aimed to provide victims with medical, financial, and legal support alongside punishing offenders.²¹

These concepts are consistent with the two common approaches in the study and analysis of criminal phenomena; the first approach concentrates on the analysis of criminal offender while the second approach concentrates on the circumstances outside the individual offender that precipitated the commission of the crime. These typologies are of significance because, ultimately, whenever a crime is committed, intellectuals and policy makers are quick to ask what can be done to the criminals and/or the circumstantial

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Administration of Criminal Justice Act, 2015 (Act No. 13 of 2015), Laws of the Federation of Nigeria.

¹⁹ Violence Against Persons (Prohibition) Act, 2015 (Act No. 19 of 2015), Laws of the Federation of Nigeria.

²⁰ Terrorism (Prevention) Act, 2011 (Act No. 10 of 2011), Laws of the Federation of Nigeria.

²¹ Ibid.

events that precipitated such criminality; on the other hand, very few ever ponder over what can be done, in terms of policy, about the victim and/or his or her circumstances arising from the crime.²²

Nigeria's criminal justice system has its roots in its colonial history. In that system, from a historical perspective, the victim was not just a passive participant, excluded from the criminal processes, but had an active position in resolving disputes. Hence, the Anglo-Saxon period has been labeled as the golden time of the victim wherein individual victims were responsible for prosecuting offenders and had a right to compensation until the middle of the nineteenth century²³. During that period, there was what was known as 'altercation trial' which is a procedure without lawyers in which private individuals joined their conflict under a judge.²⁴ The State's failure to take into account the interests of the victims of crime manifests at various levels of the administration of criminal justice, both before, during or after trial. Extensive work has been done by criminologists and legal scholars about the various dimensions in which the interests of a victim of crime may be accommodated in the administration of criminal justice, particularly before and during trial but less so about the interests of the victim of crime after trial. One dimension is the emerging discourse which revolves around restorative justice, of which the award of compensation is a subject.²⁵

²² Usman A. Yusuf and Sarkinnoma Sabo Yahaya. 'Crime Victims and Criminal Justice Administration in Nigeria.' GJISS, vol. 3, no. 5, 2014, pp. 48-52 walshmedicalmedia.com/open-access/crime-victims-and-criminal-justice-criminal-administration-in-nigeria.pdf accessed January 25, 2025.

²³ Ibid.

²⁴ Ibidapo-Obe, Akin, *'A Synthesis of African Law'* (Lagos: Concept Publications Limited, 2005) 117.

²⁵ Ibid.

The law courts in Nigeria have also not done well because of their adherence to technical justice. Thus, our law reports in Nigeria are replete with many instances where gruesome crimes were committed against persons but the supposed offenders went free due to failure by the police to conduct necessary investigation before coming to court, therefore leaving the victim without being assuaged in any form. A classic illustration is the case of *Eric Njiokwuemeni v The State*²⁶. The victim, one Veronica Morka, was attacked at about 1.00 p.m. at home by the appellant and three other men.

The appellant held her neck and then ordered one of the three men he called Awi to open her mouth and hold her jaw. All her pleadings with the appellant to take the sum of N17,000.00 under her bed and one of her vehicles were rejected by the appellant who said all he was interested in was her life. Soon thereafter, one of the three men stabbed the victim with a knife, cut off one of her ears and plucked out one of her eyes. Just as she was being stabbed, the appellant commanded Awi to go and bring acid and, in spite of her passionate appeal, the appellant poured the gallon of acid on her, before leaving her believing she had died. However, despite the victim's positive identification of the appellant as the person who led the attack on her, the Court of Appeal acquitted the appellant on account of the police's failure to investigate his claim to alibi. In the result, even in terms of retribution, the victim was left unrequited, let alone compensated for the grievous hurt she suffered.

²⁶ CA/B/118/95, judgment delivered at the Court of Appeal, Benin-City on the 28th March, 2000.

There have also been cases in which a grievous crime may be committed against a person but the offender was never caught or his identity known for there to be any prosecution. For instance, Nigerian newspapers are rampant with stories of random hit-and-run driver either causing the death of another road user or causing damage to their vehicles, or a thug assaulting an innocent passer-by or dispossessing them of their personal effects. In such circumstances, even if the court could have awarded compensation, there would be no person against whom the compensation award could be made.²⁷

The victim of crime also has to grapple materially and emotionally with what may be described as ‘secondary victimization,’ a situation that further accentuates the causes of dissatisfaction with the criminal justice system and strengthening the need to compensate victims of crime. Secondary victimization can be manifested in a couple of ways. Assuming compensation or some other restorative orders were ever to be made in favour of the victim of a crime, he is burdened with the duty of seeing to its enforcement and incurs the attendant costs of enforcing such award by one of the several windows, unlike a fine which the State enforces. Another manifestation is the compellability of such crime victims as witnesses in the prosecution; they run the risk of imprisonment for contempt if they fail to come to court, and if they do testify could be further emotionally tortured under cross-examination such as a rape victim being insinuated to be a prostitute.²⁸

²⁷ Jana Bednarova. ‘The Heart of the Criminal Justice System: A Critical Analysis of the Position of the Victim.’ *Internet Journal of Criminology*, 2011, p. 12. <https://antoniocasella.eu/restorative/bednarovag2011.pdf> Accessed 6 May, 2025.

²⁸ Ibid.

3.0 Conceptual Framework

To examine the subject preoccupation of this paper, there would be a need to first clarify the concepts that form the foundational background for the paper and, as such, break them into manageable pieces to allow a better appreciation of its context.

3.1 Definition of Crime

A crime can simply be defined as an act or conduct that constitutes a violation of a legal norm.²⁹ This legal norm more often than not, is contained in a code and is prohibitive of certain conducts.³⁰ These conducts when they are perpetuated by individuals or offenders, a crime would be said to have been committed.³¹ In the Nigerian legal system, there are 3 major categories of crime which are simple offences, felony and misdemeanour.³² These does not mean that there are no other permutations for crime but however, all such other classes such as violent crimes which would be seen below, still falls under these ambits. Their definitions are offered below;

- a. Felonies: For felonies, these are offences declares by law to be felonies and are typically punishable without proof of previous conviction, with death or with imprisonment for three years or more.

²⁹ Frank Schmalleger, *Criminal Justice: A brief introduction* (5th edn, New Jersey:Pearson Pretence Hall, 2004) 76.

³⁰ *ibid.*

³¹ *Ibid.*

³² Olanrewaju Olamide, 'Classification of Crimes' (DJet Lawyer, May 30th 2016) <<https://djetlawyer.com/classification-of-crime/&ved=2ahUKEwiXje-vsfaLAXVjWkEAHVkpAVIQFnoECDsOAQ&usg=AOvVaw1drfG 4-9YQKFTE9kcYdqX>> accessed 6 May 2025.

They are often called offences of serious nature because of the punishments attributed to them.³³

- b. Misdemeanours: These are offences lower than felonies and are punishable with fines or imprisonment for a term exceeding 6 months but less than 3 years.³⁴
- c. Simple offences: Simple offences on the other hand, are offences punishable by caution or fine and rarely with imprisonment but where there is to be an imprisonment, it normally does not exceed 6 months.³⁵

3.2. Violent Crimes

From its prefix, violent crimes simply connote those crimes typically committed with the application or adoption of physical force by the perpetrator.³⁶ In fact, for some of these crimes, Nigeria stands tall on the list of nations with the highest occurring rate of violent crimes. According to the 2023 Global Organized Crime Index by the Global Initiative Against Transnational Organized Crime, Nigeria was ranked sixth worldwide and second in Africa for organized crime, with a criminality score of 7.28 out of 10. This places Nigeria behind the Democratic Republic of Congo but ahead of countries like South Africa and Kenya.³⁷ For instance, it has been reported that just in 2015 alone, over 17, 843 murder cases were recorded

³³ VC Okene and NA Adewusi, 'A Critical Examination of the Offence of Treason in Nigeria' *Association of Environmental Lawyers of Nigeria* [2024] (1) 62.

³⁴ *Olarewanju* (n25) 23.

³⁵ Gonna Ogbu and Emmanuel Chukwuemeka, 'Governance and Insecurity in Nigeria: The Nexus (2015-2023)' *National Journal of Social Development* [2024] (13) (2) 61.

³⁶ *ibid.*

³⁷ Aghogho Udi, 'Nigeria ranks sixth in the world, second in Africa for organized crime – Report' (Nairametrics, 27 September 2023) <https://nairametrics.com/2023/09/27/nigeria-ranks-sixth-in-the-world-second-in-africa-for-organized-crime-report/?utm_source=chatgpt.com> accessed 10 May 2025.

in the nation, making it susceptible that 20 out of every 100, 000 Nigerians were victims of murder as judged from such reports.³⁸

3.3. Victims of Violent Crimes

Going from our conception of violent crimes, victims of violent crimes simply connotes those pools of individuals who happen to be unfortunate victims of the commission of crimes, perpetuated through the application and adoption of force.³⁹ These individuals form the fulcrum of people whom this paper advocate that they are to be made entitled to legal, financial, psychological and comprehensive medical assistance from the government and NGO'S to aid them to get back to their normal lives which their unfortunate circumstance of being victims of violent crimes may have significantly imperiled.

3.4. Victim Compensation

Under a criminal justice system, victim compensation simply means the provision of absolute support to victims of crimes who have suffered financial, emotional and even physical trauma as a result of the impact of the violent crimes on their persons.⁴⁰ As such, compensation can range from payment of damages to aid recover physical properties lost, medical assistance to mention but a view.

³⁸ Ibid.

³⁹ *Ebim* (n35) 26.

⁴⁰ *ibid.*

3.5. Restoration

There is a noticeable thin line between victim restoration and compensation when discussions on victim compensation are brought up.⁴¹ The bid here is not to make them two different concepts unrelated to each other. Both go hand in hand and as such, restoration would be defined as the recognition that victims of crimes suffer near to absolute physical harms that may never make them the same even if the offender is prosecuted to a conclusion, hence the need to try the most possible best to restore them to the status they must have been before the crime occurred.⁴² As such, the goal of victim compensation is indeed restoration as the legal system through its bid to provide financial and medical assistance, strives to ensure that the victim is made to live in the realm of his previous status and even better, before the occurrence of the crime by the offender.⁴³

4.0. Theoretical Framework

While the already enumerated part of this paper has been dedicated towards highlighting the foundational concepts that would aid a better understanding of the paper, this part of the paper however, tries to appraise, with some theoretical tools that would portray the relevance of its discussions, especially for the remaining parts of the paper. Seeing the need for this part, as illustrated by the foregoing, we would now go on to adopt

⁴¹ Justice Tijani Abubakar and Gilbert Tor, 'Revisiting the Legal Considerations for Victims of Crime In the Criminal Justice Process in Nigeria' (2020) *Benue State University Law Journal* 263.

⁴² Ebim (34) 27.

⁴³ Lukman Ikuhoriah, 'Appraisal of the Legal Frameworks on the Compensation of Victims of Violent Crimes in Nigeria' A Dissertation Submitted to the Faculty of Law Nasarawa State University for the Award of LLM in Investment and Policy Law 21.

the social contract, compensation/ restorative and utilitarian theories of jurisprudence to shield the synopsis with sufficient life.

4.1. The Social Contract Theory of Jurisprudence

The need to ensure that man lives in a society where order prevails devoid of turmoil necessitated the fact that he had to surrender certain elements of his individual freedom which were naturally accruable to him in the state of nature, in order to safely cohabit with other members of his society.⁴⁴ This realism gave rise to the social contract theory. This theory through its proponents such as Thomas Hobbes (1651), argue that the essence of a government's existence is to avoid the occurrence of rape, arson, murder and all other violent crimes that would bedevil human existence if there is no politically recognized government to maintain order in the legal system.⁴⁵ Thus, there is indeed a social contract between the government and its people which ensures that citizens enjoy a system free from this chaos if they are to surrender some of their brutish nature-oriented elements to a legitimate and politically recognized government. As such, the government has a legal duty to ensure the polity is safe and that citizens live without fear of their public safety.⁴⁶

In applying this theory to the concept of victim compensation, the theory streamlines the legal duty of protection which a state owes its citizens. If

⁴⁴ Manzoor Elahi Laska, 'Summary of Social Contract Theory by Hobbes, Locke and Rousseau' *Social Science Network Security Network Electronic Journal* [2013] 5 <https://www.researchgate.net/publication/261181816_Summary_of_Social_Contract_Theory_by_Hobbes_Locke_and_Rousseau/link/59eb253baca272cdddba694/download?> accessed 6th March 2025.

⁴⁵ Nathanaël Colin-Jaeger, 'An Overview of Social Contract Theories: From Hobbes to Contemporary Theories' (2025) *Hal Open Science* 1.

⁴⁶ *Ibid.*

the government exists because of a social contract between the state and its citizens, it means that the government's duty to maintain law and order transcends beyond creating punitive measures that are geared towards apprehending offenders.

4.2. Utilitarian Theory of Jurisprudence

The utilitarian theory of jurisprudence is a theory of jurisprudence that advocates for the reduction of harm and maximization of happiness through actions that ought to be done by the state for the improvement of its society.⁴⁷ This school of thought asks the question, in a polity where people suffer lots of harm ranging from poverty and other impediments, what should be the role of the government in alleviation of such poverty and reduction of harm in a way that people remain constantly happy.⁴⁸ Whatever that pops up as the right answer, remains what ought to be done to maximize happiness in the society. Now, applying this theory to the concept of victim compensation, Nigeria as a country has often stood imperiled by insecurity concerns ranging from armed robbery, banditry, terrorism, sexual violence, to mention but a few. At any point in time when these offences are committed, the victims suffer consequences ranging from incapacitating physical injuries. To some, their lives are lost in the process, leaving their dependents hopeless of survival especially at a time when economic recession is worse.

⁴⁷ Ikechukwu Kanu and Ejikemuwa Ndubuisi, 'Utilitarian Ethical Theory Vis-A-Vis the Contemporary Society: An Evaluation' *University of Jos Printing Press* [2023] 213 <https://www.researchgate.net/publication/367654951_UTILITARIAN_ETHICAL_THEORY_VIS-A-VIS_THE_CONTEMPORARY_SOCIETY_AN_EVALUATION> accessed March 6th 2025.

⁴⁸ Ibid.

4.3. Compensation/Restorative Theory of Jurisprudence

The compensation/ restorative theory of jurisprudence offers a direct foundation for victim compensation in a criminal justice system.⁴⁹ In simple terms, this theory posits that a jurisprudence should not just be punitive-oriented as the goals of justice is not completely served where offenders are prosecuted whereas their victims are laying about in anguish, without hopes of being restored to their state of life prior to an encountered violence.⁵⁰ The theory owes its origination to the UN General Assembly which in 1985 adopted a declaration on ‘Basic Principles of Justice for victims of Crime and Abuse of Power’⁵¹. The goal of this declaration was to propel nations to move away from punitive-inclined measures of criminal justice administration that were prevailing then which do not go to better the welfare of crime victims whose lives never remain the same after criminal encounters.

As such, the declaration in its article 9⁵² required governments to review their regulations and laws to consider restitution as a sentencing option in criminal cases in addition to other criminal sanctions that their jurisprudence has stipulated as deserving for varying degrees of crimes. In

⁴⁹ Chike Okosa, ‘A Jurisprudence for Operation of Crime Victims Compensation in Nigeria’s Criminal Justice System’ [2022] 13 (2) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 156.

⁵⁰ Samuel Ekpa, ‘Towards the evolution of right to reparation for loss of housing and property of internally displaced persons (IDPS) in Nigeria’ *Mediterranean Journal of Social Sciences* [2015] (6) 380.

⁵¹ UN General Assembly, Res 40/34 (Adopted 29th November 1985) <<https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-basic-principles-justice-victims-crime-and-abuse&ved=2ahUK>> accessed 10th March 2025.

⁵² United Nations General Assembly, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, art 9.

a way, the theory appears to stand akin to the social contract theory and has even been argued by some scholars to have been an off-shoot of the social contract theory as far as victim compensation is concerned.

5.0 Victim Compensation Provisions under the Administration of Criminal Justice Act, 2015

Presently, the ACJA is the most victim-friendly enactment in Nigeria as far as victim compensation is concerned. The Act was enacted to ensure the promotion of efficiency in the criminal justice system of Nigeria, and as such, victims' compensation is one of the innovations introduced by it. The ACJA, in its enactment in 2015, was passed to repeal the provisions of the earlier analyzed Criminal Procedure Code and Criminal Procedure Act. Nevertheless, the ACJA still preserves the criminal procedures that were previously in place and only makes them stronger with its comprehensive additions.⁵³ This means that the ACJA would be relied upon to fill in the gaps left by these enactments.

To start with, the Act provides that regardless of what may be the jurisdiction of any court, criminal or civil-wise, every court shall have the power to award compensation to a victim whilst still handing down judgment on an accused.⁵⁴ The court, as well, is also given the power to order such compensations, especially where there is a need to defray any expenses incurred by the medical treatment of any injury associated with the defendants' violence.⁵⁵ The fact that the court can always uphold a compensation order even in the absence of any other fine imposed on an

⁵³ The Administration of Criminal Justice Act 2015, s 493.

⁵⁴ *Ibid.* s 314.

⁵⁵ *Ibid.* s 319 (1) (c).

accused person is what makes the ACJA's provisions so impressive.⁵⁶ More to add is the fact that any such ordered compensation can be enforceable in the same way a fine is enforced in a civil suit.⁵⁷

6.0 Literature Review

Some scholarly views have provided the basis for the extrapolations of this topic. Having that in mind, it would be necessary to state also that some of these literatures were in most cases highlighting the insecurity misnomer in Nigeria with little to no coverage on adequate strategies for victim rehabilitation/ compensation.

Achumba, Ighotnereho and Akpor-robaro⁵⁸ analysed the scope of victim compensation. The authors noted that insecurity appears to be the greatest puzzle to the Nigerian government. This stems from the fact that terrorism, kidnapping and herdsmen attacks have often bedeviled the quest of the citizens for peaceful cohabitation.⁵⁹ The authors observed that in tackling this insecurity mentioned, the government and its investigative agencies have been to just apprehend offenders with little attention on how to empower the victims to lead their normal life. For crimes like robbery and sexual assaults, they noted that the security agencies only find the victims useful during investigation in order to extract evidence for the prosecution of the defendants after which they part ways with most of these victims with little to no aids or incentives to empower them to live their normal lives.⁶⁰

⁵⁶ Ibid. s 319 (3).

⁵⁷ Ibid. s326.

⁵⁸ Iheanyichukwu Achumba, Salome Ighomereho and Akpor-Robaro, 'Security Challenges in Nigeria and the Implications for Business' *Journal of Economics and Sustainable Development* [2013] (4) (2) 23.

⁵⁹ *ibid.*

⁶⁰ *Ibid.*

Often times, these victims are left wallowing in debt and ill-health accruing from threatening physical injury as a result of their encounter with the attackers. They described it as a misnomer that the Nigerian criminal justice system does not carry its victims along by providing means for their rehabilitation from violent crimes.⁶¹

Okosa⁶² was able to contribute significantly to the subject matter of victim compensation in Nigeria. Unlike the previous authors, Okosa carefully detailed the principles of the ACJA and the VAPP regulating victim compensation in Nigeria. To start with, the author imprinted to our minds that the ACJA introduced victim compensation in the Nigerian criminal justice system when it provided that “a court may, within the proceedings or while passing judgment, order the defendant or convict to pay a sum of money as compensation to any person injured by the offence, irrespective of any other fine or other punishment that may be imposed or that is imposed on the defendant or convict, where substantial compensation is in the opinion of the Court recoverable by civil suit”.⁶³ Okosa pinpointed as well that the introduction of this position made the penal codes of Adamawa and Sokoto become weary of the subject matter as these states according to the author, were pushed to remodel their Penal Codes in 2018 to provide that any person convicted of an offence in those states and especially under the code, may be adjudged to pay compensation to any person injured by

⁶¹ *ibid.*

⁶² Chike Okosa, ‘A Jurisprudence for Operation of Crime Victims Compensation in Nigeria’s Criminal Justice System’ [2022] 13 (2) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 156.

⁶³ The Administration of Criminal Justice Act 2015, s 319(1) (a).

his offence and that this may be in addition or substitution to any other punishment to be served by the offender.⁶⁴

Okosa's work makes a pivotal contribution to the discourse on victim compensation in Nigeria by offering a nuanced exposition of the statutory framework under the Administration of Criminal Justice Act (ACJA) and the Violence Against Persons (Prohibition) Act (VAPP). Unlike earlier literature, Okosa not only illuminates the legislative grounding of victim compensation but also demonstrates its practical influence on regional legal reforms. His identification of how the ACJA's provisions catalyzed significant amendments to the penal codes of states like Adamawa and Sokoto in 2018 reflects a rare intersection of federal legislative innovation and state-level responsiveness. This insight enhances our understanding of the evolving architecture of restorative justice in Nigeria and situates victim compensation as a dynamic legal concept with tangible reformative effects across multiple jurisdictions. Aside the foregoing, Okosa also pinpointed other provisions of the law on both the VAPP and the ACJA such as the right of a victim to refuse compensation,⁶⁵ the question of whether compensation can be ordered as a consequential order without any request for same which he answered that consequential orders can be made for the victim's compensation when an offender is sentenced, but then, the court has no jurisdiction to award sums on its own without particularised heads of injury.⁶⁶

⁶⁴ See the Penal Code of Adamawa State 2018, s40 and the Penal Code of Sokoto State 2018, s40(1).

⁶⁵ The ACJA 2015, s324.

⁶⁶ Okosa (n 67) 165.

This paper agrees with Okosa by aligning with his interpretation that while courts may make consequential orders for victim compensation upon sentencing, such orders must be grounded in clearly defined claims or heads of injury. This position reinforces the principle of judicial restraint and procedural fairness, emphasizing that compensation must not be awarded arbitrarily or at the court's discretion without evidentiary basis. By supporting this view, the paper underscores the importance of preserving the integrity of compensation proceedings within the criminal justice framework and ensuring that awards to victims are both justifiable and guided by established legal standards.

Abubakar and Tor⁶⁷ were also other authors who just like Okosa, dedicated a lengthy emphasis to the bid of the paper and more so, devoted attention to the provisions of the ACJA and VAPP as well as other statutes such as the Criminal and Penal Code, various states ACJL bothering on victim compensation. The authors started by affirming that victim compensation ought to be the most important feature of a criminal justice system as without victims, there are no offenders. As such, the state should not be only invested in apprehending criminals without seeking to empower victims. Abubakar and Tor adopted the expansive definition of victim as obtainable in the UK and even went on to categorize victims into three categories; the direct victims who bear the physical harm, the secondary victims who suffered shock because of their proximity to those bearing the physical harm.⁶⁸ This category includes parents, children and spouses. The

⁶⁷ Justice Tijani Abubakar and Gilbert Tor, 'Revisiting the Legal Considerations for Victims of Crimes in the Criminal Justice Process of Nigeria' *Benue State University Law Journal* [2020] (3) (3) 263.
<<https://bsum.edu.ng/journals/files/law/vol9/article12.pdf&ved=2ahUKewiizdvB4>>
accessed 6th March 2025

⁶⁸ Ibid.

last are the tertiary victims who are primary and secondary victims through criminal acts that lead to denial of social amenities and infrastructure such as, hospitals, schools, roads.⁶⁹

The contribution of Abubakar and Tor to the discourse on victimology is significant as they broaden the scope of who qualifies as a victim in the Nigerian context by adopting and localizing the UK's expansive definition. By categorizing victims into direct, secondary, and tertiary groups, they move beyond the traditional notion of victimhood limited to those who suffer immediate physical harm. Their inclusion of tertiary victims, those indirectly affected through systemic harm such as the denial of social infrastructure caused by criminal acts, introduces a novel dimension to victimology in Nigeria. This classification not only deepens the conceptual understanding of victimhood but also prompts a more inclusive and holistic approach to victim compensation and justice policy in the Nigerian legal framework.

Nwanja⁷⁰ also contributed to the foundation of this paper by affirming that victim compensation is one of the very dutiful ways to ensure that the citizens, especially the victims of unfortunate insecurity circumstances are made to be part of the Criminal Justice System. Nwanja refuted the stance that there are no victim compensation laws in Nigeria. He was of the opinion that embedded into the provisions of the Criminal code⁷¹ and the

⁶⁹ *ibid.*

⁷⁰ Ifeanyi Nwaja, 'Comparative Review of Compensation for the Victims of Crimes Under Nigerian and United States Criminal Justice System' *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* [2024] (15) (2) 153.

⁷¹ Criminal code Act, Cap C38 LFN 2004.

Anti-terrorism Act,⁷² are provisions that attempt to tailor victims' compensation in that these laws provides for the forfeiture and fines on certain offenders which are obviously to be used for no other purpose other than to make better, those whom their activities have imperiled. In essence, Nwanja took the perspective that victim compensation laws are just very ambiguous that the citizens have no idea that it is meant for them. In addition to this is also the views of Nwanja, that these laws are poorly implemented in respect of how they are to improve the lots of victims seeking to lead their normal lives.⁷³ Nwanja's work contributes a foundational perspective to this paper by challenging the prevailing narrative that Nigeria lacks victim compensation laws. He compellingly argues that while such provisions exist, particularly, within the Criminal Code and the Anti-Terrorism Act, they are often obscured by legal ambiguity and suffer from poor implementation. His assertion that fines and forfeitures imposed on offenders are implicitly meant to aid victims brings a restorative justice angle to legislative interpretation. Nwanja's insight underscores a crucial gap between the existence of legal provisions and public awareness or enforcement, highlighting the urgent need for clearer legal articulation and effective institutional frameworks to make victim compensation a functional reality in Nigeria.⁷⁴

Imiera⁷⁵ further contributed to the perspective of this paper by capitalizing more on the human rights perspective. He affirmed that victim compensation should be made analogical to the rights of the victims to life

⁷² Terrorism (Prevention and Prohibition) Act, 2022.

⁷³ *Nwanja* (n75) 383.

⁷⁴ *Ibid.*

⁷⁵ Paul Pius Imiera, 'Rethinking Public Compensation to Crime Victims in Nigeria's Jurisprudence: Justifications for State Compensations and A Comparative Analysis'[2023] 7 (10) *International Journal of Research and Innovation in Social Science* 50.

which the menaces of their perpetrator's crimes may have likely prevented them from achieving.⁷⁶ Imiera opined that it is largely because the right to security is a socio-economic right that makes it possible that most governments can only do as little as trying to curb insecurity without ensuring the aftermath of victim's life after any unfortunate circumstance. As such, Imiera argues that victims should be able to make a claim for compensation which should be settled from the forfeitures of offenders which have been pulled into the public compensation funds.⁷⁷

However, the paper notwithstanding it being canvassed did not portray the counter-productive results that would be pulled to light if victims are given a justifiable right to claim victim compensation for all crimes. This would open up a heaven for litigation where offenders would always claim compensation for petty crimes that do not prevent them to lead a normal life. Thus, this paper would be seeking to proffer more light to the perspective of the author by arguing instead that a justifiable human right regime even if it should be the cloak to be worn by the Nigerian jurisprudence, should be for certain categories of victims who going by the adverse consequences of their circumstances, cannot be able to lead their normal lives. We cannot because of flood of litigation keep citizens whose hearts, minds and dignity are wounded eternally. Some categories of victims deserve compensation.

Lastly, Akpoghome was another author who contributed to the goal of this paper. The author borrowed a leaf from the submissions of Imiera above.⁷⁸

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Theresa Uzoamaka Akpoghome, 'Analysis of the Domestic Legal Framework on Sexual Violence in Nigeria' *Journal of Law and Criminal Justice* [2016] (4) (2)

To Akpoghome, it is the fact that the Nigerian government has not recognized victims of crimes with the legal right to claim compensation for their circumstances that has made the government largely unconcerned about the implementation strategies for victim compensation even when there are traces of the subject matter in most of our crime prescriptive legislations like the Criminal code and the Anti-terrorism prevention Act.⁷⁹ Akpoghome affirmed that it appears that there is an invisible list that relegated such responsibilities to NGO as it is only NGO'S that go about these days seeking to rehabilitate victims of crimes.⁸⁰ The author further noted that this abdication of responsibility by the state reflects a systemic failure to prioritize victim welfare within the criminal justice process, thereby creating a vacuum that non-governmental organizations are struggling to fill with limited resources and inconsistent support.

Bashir⁸¹ in his article explores the evolving framework for the protection of crime victims under the Administration of Criminal Justice Act (ACJA) 2015. The author examines how the Act attempts to reverse the traditional focus of criminal justice in Nigeria which has largely centered on punishing offenders rather than addressing the needs of victims. According to Bashir, Section 319 of the ACJA introduces a form of statutory recognition for compensation to victims by enabling courts to order the defendant to pay compensation in appropriate cases. The author argues that this provision represents a shift toward a more balanced approach that acknowledges the

11<https://www.researchgate.net/publication/342703327_Analysis_of_the_Domestic_Legal_Framework_on_Sexual_Violence_in_Nigeria&ved> accessed 5th March 2025.

⁷⁹ *ibid.*

⁸⁰ Akpoghome (n 83) 13.

⁸¹ Saidu Mohammed Bashir, 'An Appraisal of the Protection of Victims of Crime Under the Administration of Criminal Justice Act, 2015' *African Journal of Law, Ethics and Education* (2024)

harm suffered by victims and seeks to provide them with redress within the trial process.⁸²

Bashir also critiques the practical implementation of these provisions, noting a consistent pattern of underutilization due to poor awareness among stakeholders, judicial reluctance, and lack of a structured victim compensation scheme. The article outlines systemic challenges that prevent the realization of victim-oriented justice, including the discretionary nature of compensation awards and the absence of a victim support fund. Bashir ultimately suggests that unless mechanisms are put in place to institutionalize the rights of victims, the reform goals of the ACJA will remain aspirational rather than transformative.⁸³ This literature contributes to the discourse by calling attention to the disconnect between legislative intention and judicial application of victim compensation, emphasizing the need for structured institutional mechanisms to achieve victim-centered justice.

Ejembi⁸⁴ undertakes a comparative assessment of the Administration of Criminal Justice Act 2015 and the Administration of Criminal Justice Law (ACJL) of Lagos State 2021. Ejembi examines how both legal frameworks address the issue of compensation to victims, focusing on their similarities and divergences. Ejembi further noted that while both instruments aim to promote restorative justice, the Lagos ACJL provides a more concrete and enforceable mechanism for victim compensation. Notably, Section 328 of

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Oowo Joy Ejembi, 'A Comparative Analysis of Compensation Under the Administration of Criminal Justice Act 2015 and the Administration of Criminal Justice Law, Lagos 2021: Implications for Justice Reform' *Journal of Public and Human Rights Law* (2024) 1(1)

the Lagos ACJL goes further than its federal counterpart by requiring courts to consider victim compensation during sentencing.

Ejembi argues that the Lagos ACJL reflects a more progressive legal framework because it embeds compensation more explicitly into the judicial process. She notes that the requirement for courts to document reasons for not awarding compensation indicates a stronger commitment to enforceability. However, Ejembi acknowledges that legal provisions alone do not suffice, as the effectiveness of any reform depends on judicial attitude, legal awareness, and institutional support. He recommends the harmonization of state and federal approaches to enhance consistency and equity in delivering justice to victims.⁸⁵

This paper adds to existing scholarship by highlighting how state-level innovations can improve upon federal models and by advocating for policy harmonization as a pathway toward more effective victim compensation practices.

Nwanja⁸⁶ compares the Nigerian and United States approaches to compensating victims within their respective criminal justice systems. Nwanj focuses on statutory provisions, institutional frameworks, and the actual delivery of compensation to victims. Nwanja observes that while both countries acknowledge the importance of compensating victims, the United States has developed a more comprehensive system through victim compensation boards and dedicated funds. In contrast, the Nigerian

⁸⁵ Ibid.

⁸⁶ Silas Ifeanyi Nwanja, 'Comparative Review of Compensation for the Victims of Crime Under Nigerian and United States Criminal Justice System' *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* (2024) 15(2)

framework, although theoretically inclusive of compensation, lacks the institutional infrastructure to ensure consistent implementation.⁸⁷

Nwanja points out that the United States system provides for victims through a combination of federal and state-funded programs that operate independently of the trial outcome. These programs ensure that victims receive financial support even when offenders cannot pay. The Nigerian system, on the other hand, places the burden of compensation primarily on the offender and offers little state-backed support. The author argues that this model limits the accessibility and reliability of compensation for victims, particularly in cases involving indigent offenders.⁸⁸

The paper makes an important contribution by offering a comparative framework for understanding how institutional commitment and design affect victim compensation outcomes, suggesting that Nigeria can improve its system through structured and publicly funded compensation programs. Okosa⁸⁹ addresses the theoretical and jurisprudential basis for victim compensation in Nigeria's criminal justice system. The author explores how legal principles have historically treated victims, tracing the shift from retributive justice to restorative frameworks. Okosa argues that despite legislative reforms, Nigerian jurisprudence remains slow in developing a coherent theory for the recognition and enforcement of victims' rights, particularly compensation. He identifies that the absence of victim-centered

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Chike B. Okosa, 'A Jurisprudence for Operation of Crime Victims Compensation in Nigeria's Criminal Justice System' *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* (2022) 13(2).

jurisprudence reflects a broader neglect of restorative principles in Nigerian criminal law.⁹⁰

Further, Okosa engages with philosophical underpinnings of justice and their implications for compensation. The author highlights that victim compensation should not be viewed as an act of charity but as an essential aspect of justice that restores social equilibrium. According to the author, compensation schemes require a strong legal foundation supported by normative clarity. He stresses the role of the judiciary in shaping jurisprudence that favors compensatory justice and calls for judicial activism to build doctrinal support for victim redress. The paper ends by recommending legal reforms aimed at embedding compensation within constitutional or statutory rights.⁹¹

A well-structured compensation regime in addition to the prevalent punishment regime will also serve as a deterrent measure against crimes by reinforcing the principle that offenders must take responsibility for their actions through punishment and meaningful compensation to those they have harmed. Additionally, a reliable victim compensation mechanism will also enhance public trust in the legal system, encouraging greater cooperation with law enforcement and judicial authorities.

To Kelly and Erez⁹² there is a curious blend of independence and dependence such that victims have no say as to if or how the state chooses

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Kelly, Deborah P and Erez, Edna, *Victim Participation in the Criminal Justice System* In 'Victims of Crime'. Davis R C Lurigio A. J and Skogan W G. Eds. (2nd ed, Thousand Oaks: Sage Publications, 1997) 204.

to proceed against their assailants. However, the state depends entirely on their cooperation, without which any chance for conviction is dashed. It has been argued that sentencing will be more accurate if victims convey their feelings and that criminal justice process will be more democratic and better reflect the community's response to crime, as against the victims' participation, it has also been argued that allowing victims to participate will expose the court to precisely the public pressure from which it should be insulated; and that a victim's view of sentencing is 'irrelevant to any legitimate sentencing factor, lacks probative value in a system of public prosecution, and is likely to be highly prejudicial. According to Kelly and Erez, a decade after many reforms on victims' participation in the criminal justice system were adopted, paper shows that:

- (a) victim participation does not bog down the criminal justice system;
- (b) victim participation does not necessarily result in more harsh punishment of offenders;
- (c) victim participation may or may not result in increased satisfaction with the judicial system; and
- (d) the existence of so many statutes may be misleading –most victims are unaware of and never benefit from these reforms. The more participation a jurisdiction affords crime victims, the greater victims' levels of satisfaction.⁹³

Olufunmilayo⁹⁴ notes that the concepts of the colonial criminal justice system that was introduced to Nigeria negate the traditional social norms of the societies that form Nigeria, which tended to emphasize the status of the

⁹³ Ibid.

⁹⁴ Olufunmilayo, Olutimehin. 'The Victim in the Criminal Justice System – The Nigerian Case.' In the Victim in International Perspective, edited by Hans Joachim Schneider (Berlin: Walter de Gruyter, 1982) 399.

victim before the crime was alleged was committed. She compares the two systems in cases where death Occurs as a result of the offender's act. Whereas there is no provision for compensation of the family of the victim in the English criminal justice system introduced to Nigeria, in the traditional social norms of communities in Nigeria before the colonial law was introduced, the offender (with the active participation of the members of their extended family where necessary) would be made to pay compensation to the members of the extended family of the victim. This compensation which was known as 'blood money,' had dual purposes: namely, to mitigate the injury suffered by relations of the victim and to create an immediate fund for the sustenance of the immediate family of the victim pending the time when better arrangements could be made by the wider family.⁹⁵

Adeyemi⁹⁶ notes that there is no real institutional scheme to enhance victim remedy and the traditional sentiment of reconciliation in the Nigerian criminal justice system. The arrest and investigation process give rise to hostility, which is further aggravated by the focus of the Nigerian criminal justice system on the punishment of offenders rather than the need to provide a remedy for the victim. Remedies for victims should no longer be left to the whims and caprices of individual magistrates and judges but should be institutionalized and streamlined in a manner that will fit the country's traditional tripartite approach of justice for the victim, justice for the offender, and preservation of the interests of society. He argues that it is essential that the victim becomes a party in all stages of the criminal

⁹⁵ Ibid.

⁹⁶ Adeyemi, Adedokun, *Towards Victim Remedy in Criminal Justice Administration in Nigeria*, In 'Compensation and Remedies for Victims of Crime' (Nigeria: Federal Ministry of Justice, 1990) 76.

justice process, up to and including the sentencing stage. He bemoans the rigid and dichotomous separation of the criminal process as a merely punishing process and the civil process as a remedying process in the administration of criminal justice. Perhaps, what Adeyemi means to opine here is that the practice of living victims to seek remedy for their injury in a civil court when the injury can also be comforted in a criminal process makes the Nigerian justice administration cumbersome alien. We would agree with this submission if this were the case because it offers a sound basis for the need to actively involve victims in the Nigerian criminal justice process, particularly at the trial stage of the process.⁹⁷

7.0 Challenges Bedeviling the Victims Compensation Jurisprudence in Selected Jurisdictions

The underlisted, are the challenges bedeviling the victim compensation regime in Nigeria

7.1 Lack of a Uniform and Definite Legislation on Victim Compensation

Currently, there appear to be numerous legislations impacting victims' compensation in Nigeria. These legislations include the ACJA,⁹⁸ the VAPPA,⁹⁹ the Criminal Procedure Code,¹⁰⁰ the TIPPEAA,¹⁰¹ and other statutes. While one may want to express excitement on the fact that the subject matter of victim's compensation is tritely impacted by a tall list of statutes in Nigeria, it is saddening to learn that none of these statutes,

⁹⁷ Ibid.

⁹⁸ The Administration of Criminal Justice Act 2015,

⁹⁹ The Violence Against Persons (Prohibition) Act 2015.

¹⁰⁰ The Criminal Procedure Code LFN 2004

¹⁰¹ The Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015.

provides detailed or uniform guidelines on the mechanism for seeking compensation. There are no provisions for eligibility, processes, or the sum one can possibly claim in respect of any kind of violence. This is unlike the status quo in the United Kingdom, where we not only have definite legislation for victim compensation but also a scheme detailing the requirements for claiming same. Even in situations where these statutes provide for payment of compensation, the statutes are very obscure on whether such provisions apply for all kinds of compensation or for certain types of offenses. This no doubt portends the susceptibility of a floodgate of legislation where numerous parties can just flock the courts claiming compensation for crimes at large.

8.0 Prospects of Victim Compensation System in Nigeria

Based on the literature review on victim compensation, the under-listed, are the prospects of victim compensation in the Nigerian criminal justice system.

8.1. Financial Reliefs for Victims of Violent Crimes

Most victims of crimes, especially in violent cases, often lose their means of earning, as the severity of certain acts of violence can incapacitate one for life. Even in the absence of this, many bodily injuries associated with violent attacks require constant medical aid. As such, a victim compensation regime is one of the numerous means to ensure that victims of these unfortunate circumstances are given adequate financial aid to either support their medical treatments or even sustain their loss of earnings till they are able to get back on their feet.¹⁰² Where they are as such absent, victims of crimes would continue to see themselves as trapped in a death

¹⁰² Ibid.

sentence, especially where they have a lack of means to come off any incapacity associated with the injuries suffered from an offender's violence.¹⁰³

8.2. Restorative Justice and Healing

One of the obvious benefits of a victim compensation regime in any criminal jurisprudence is its ability to encourage restorative justice and healing, especially as it affects victims of violent crimes.¹⁰⁴ To start with, it is no doubt that numerous offenses can portend economic, physical, and psychological harm to a victim. As such, a victim of a crime cannot always heal when his or her offender is only incarcerated without such victim being restored to his or her previous state of life, psychologically and overall.¹⁰⁵ Thus, with a victim compensatory jurisprudence that is restorative inclined, the state gets to acknowledge the different kinds of violence faced by a victim and, as such, can then go to churn out structures that are targeted towards such heads of harm. Such structures that aid healing and restoration can include the establishment of counseling centers where crime victims can undergo cognitive behavioral therapy to awaken their psychological terrain back to normalcy; the use of victim-offender mediation that encourages a healthy discussion between an offender and his victim in a safe space. This is to enable a victim to express his anger and unequivocally ask the offender questions as to his reasons for imperiling him;¹⁰⁶ These

¹⁰³ *Ebim* (n 35) 92.

¹⁰⁴ *Adebayo* (n 193) 15.

¹⁰⁵ Kelly, Deborah P and Erez, Edna, *Victim Participation in the Criminal Justice System* In 'Victims of Crime' edited by Davis R C Lurigio A J and Skogan W G. (2nd end, Thousand Oaks: Sage Publications, 1997) 204.

¹⁰⁶ Paul Pius Imiera, 'Rethinking Public Compensation to Crime Victims in Nigeria's Jurisprudence: Justifications for State Compensations and A Comparative Analysis' *International Journal of Research and Innovation in Social Science* [2023] (7) (10) 2004.

structures can help a victim find closure and regain himself. However, they are only obtainable where a criminal justice system recognizes that there is more to justice than penal incarceration of offenders, which may not contribute anything positive to a victim's state of life.

8.3. Crime Reporting

Numerous reports have shown that a large chunk of crimes is unreported or even under-reported in Nigeria.¹⁰⁷ The reasons ascribed to this are often sustained on the conviction of victims that they may never get the requisite justice deserving of them, especially in respect of the severity of any violence encountered,¹⁰⁸ and in some other cases, the trauma and victimization that the Nigerian criminal trials open them up to in their bid to seek justice.¹⁰⁹

8.4. Collaboration with Enforcement Bodies

Collaboration with enforcement bodies can significantly aid victim compensation in Nigeria by facilitating the gathering of evidence, freezing assets, and enforcing court orders. This partnership can enable victims to access compensation more efficiently, hold perpetrators accountable, and recover losses. With a justice system being victim compensatory and restorative oriented in such a way that victims are assured of financial relief and support services aside from any fine or imprisonment imposed on offenders, citizens are well convinced that the criminal justice system has their sustenance at heart. Where citizens are certain of financial services

¹⁰⁷ *Ebim* (n 35) 95.

¹⁰⁸ Iheanyichukwu Achumba, Salome Ighomereho and Akpor-Robaro, 'Security Challenges in Nigeria and the Implications for Business' *Journal of Economics and Sustainable Development* [2013] (4) (2) 23.

¹⁰⁹ *Adebayo* (n 86) 17.

and other packages that would always restore them to their position prior to any violence, they would no doubt be collaborative in not only reporting crimes to enforcement agencies but would also participate in the investigation of any such crimes to ensure that justice is achieved, which would be beyond imprisonment terms for offenders.¹¹⁰

In furtherance of these mentioned inadequacies underlying these existing statutes, numerous lapses have been identified in the Nigerian criminal justice system, particularly as it relates to victim compensation. Chief among these is the fact that there is no single statute that clearly outlines the specific peculiarities of victim compensation in Nigeria, not minding that there are numerous statutes impacting the subject matter. Other concerns include the lack of a designated trust fund for the administration of compensations, unfettered discretionary powers of judges in the determination of compensations, as well as the existence of unjustified discrimination in the ability of victims of certain offences to claim compensations, et al.

9.0 Summary of Findings

This paper takes a position by asserting that Nigeria's victim compensation framework is marred by significant inadequacies, hindering victims' access to justice and rehabilitation. One major issue is the limited financial resources allocated for compensation, which restricts the amount of support victims can receive. The lack of comprehensive legislation and insufficient support services for victims further exacerbate the problem. Without robust laws and support systems in place, victims of crime and negligence are left vulnerable and unsupported. Urgent reforms are necessary to address these

¹¹⁰ Festus Emiri, *The Law of Restitution in Nigeria* (Malthouse Press 2012) 98.

gaps and ensure that victims receive fair and timely compensation, enabling them to rebuild their lives and recover from their traumatic experiences.

10. Conclusion and Recommendations

That, to curb these lapses above, however, Nigeria must prioritize a criminal justice system that fully institutionalizes victim compensation, just as is particularly practiced in the United Kingdom. This is very expedient, especially if Nigeria is intentional in improving the diminished public trust of citizens in its justice system. Truly, victims suffer varying levels of injuries when exposed to criminal violence, of which such mere imprisonment of their offenders would hardly mean anything to their abilities, especially when lost through exposure to such injuries. As such, the need to embrace a restorative sense of justice that is complementary to the retributive inclinations of a justice system cannot be overemphasized. Through well-structured victim compensation programs, these citizens can be given a chance to go back to their lives and promising futures without perpetually being a socio-economic burden to the state.¹¹¹ ACJA should go a step ahead to make provisions for psychological trauma compensation

¹¹¹ Paul Pius Imiera, 'Rethinking Public Compensation to Crime Victims in Nigeria's Jurisprudence: Justifications for State Compensations and A Comparative Analysis' *International Journal of Research and Innovation in Social Science* [2023] (7) (10) 204.