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Criminal Law Reform and Justice Delivery in Nigeria: Addressing Legal Bottlenecks in Crime Prosecution

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Abstract

This article explores the significant legal bottlenecks that hinder criminal prosecution and justice delivery in Nigeria. It highlights how systemic issues contribute to delays, inefficiencies, and an erosion of public trust in the justice system. Drawing on A.V. Dicey's theory of the Rule of Law as its theoretical foundation, the study analyses how departures from its core principles undermine fair and timely justice. The study adopted a qualitative research design. It relied

on secondary data and the use of thematic analytic processes. The study identifies four key impediments: inadequate investigation and evidence management, prolonged pre-trial detention and the abuse of holding charges, persistent judicial delays and case backlogs, and pervasive systemic corruption. The findings reveal that despite legislative efforts like the Administration of Criminal Justice Act 2015, these bottlenecks continue to impede effective crime prosecution. The article concludes by emphasising the urgent need for comprehensive reforms, including improved infrastructure, stricter adherence to legal provisions, technological integration, and robust anti-corruption measures, to foster a more equitable and efficient criminal justice system in Nigeria.

Keywords: *Criminal law, Justice delivery, Nigeria, Crime prosecution, Rule of law*

Introduction

The pursuit of justice stands as a cornerstone of any thriving society. When a society's legal system works well, it helps keep things orderly, protects people's rights, and makes sure wrongdoers are held accountable³³². A strong criminal justice system is especially important because it directly deals with crime, which affects everyone's safety and sense of fairness. Effective jurisprudence requires that criminal acts are met with rigorous investigative standards, formal legal accountability, and the application of proportionate sentencing. This system is not just about punishing people; it is also about deterring others from committing crimes and helping to heal the harm caused to victims and communities.³³³ When the system functions as it should, it builds trust among the people and strengthens the rule of law.

However, in many parts of the world, including Nigeria, the criminal justice system faces a lot of bottlenecks. These bottlenecks can slow down

³³²Steven Vago and Steven E Barkan, *Law and Society* (12th edn, Routledge 2021); Benjamin Okorie Ajah and Cyril O Ugwuoke, 'Juvenile Justice Administration and Child Prisoners in Nigeria' (2018) 13 *International Journal of Criminal Justice Sciences* <<https://ijcjs.com/menu-script/index.php/ijcjs/article/view/230>> accessed 31 July 2025.

³³³Benjamin Okorie Ajah, Chinedu Ernest Dinne and Kabiru K Salami, 'Terrorism in Contemporary Nigerian Society: Conquest of Boko-Haram, Myth or Reality' (2020) 15 *International Journal of Criminal Justice Sciences* 312; Swati Kaushal, 'Punishment for Crimes: An Instrument of Social Change' (2020) 9 *Proceedings of International Young Scholars Workshop* <<https://journals.sdu.edu.kz/index.php/iysw/article/view/177>> accessed 31 July 2025.

the process of getting justice, make it hard for people to trust the system, and even lead to innocent people being locked up or guilty ones walking free.³³⁴ Nigeria, a diverse and populous nation, has seen its share of these bottlenecks. For many years, the country's criminal justice system has struggled with various issues that hinder its ability to deliver justice effectively and efficiently. These problems often come in the form of delays in court cases, overcrowded prisons, and a general feeling that the system is not working as it should.³³⁵

The challenges are deep-seated and complex. They involve everything from how crimes are investigated by the police to how cases are handled in court and even to the conditions in correctional facilities.³³⁶ These issues are not just administrative; they are fundamental flaws that create bottlenecks and slow down the entire system. These bottlenecks mean that cases drag on for years, suspects remain in custody for too long without trial, and the public loses faith in the system's ability to provide fairness and accountability. They also make it easier for criminals to escape justice and harder for victims to find closure.³³⁷

Recognising these significant bottlenecks, there has been a growing call for extensive criminal law reform in Nigeria.³³⁸ This push for reform is not new, but it has gained more urgency in recent times. The idea behind these reforms is to fix the bottlenecks that make the justice system slow and unfair. Efforts like the Administration of Criminal Justice Act (ACJA) of 2015 were important steps taken by the government to improve things.

³³⁴Benjamin Okorie Ajah and others, 'Investigating the Awareness of Virtual and Augmented Realities as a Criminal Justice Response to the Plight of Awaiting-Trial Inmates in Ebonyi State, Nigeria' (2022) 77 *Crime, Law and Social Change* 111; Benjamin Okorie Ajah, Ifeyinwa Angela Ajah and Cletus O Obasi, 'Application of Virtual Reality (VR) and Augmented Reality (AR) in the Investigation and Trial of Herdsmen Terrorism in Nigeria' (2020) 15 *International Journal of Criminal Justice Sciences* 1.

³³⁵Benjamin Okorie Ajah and others, 'Behind Bars But Not Sentenced: The Role of Computerized Central Repository in Addressing Awaiting-Trial Problems in Ebonyi State, Nigeria' (2022) 12 *Sage Open* 21582440221079822.

³³⁶GR Nnamani and others, 'Use of Noncustodial Measure and Independent Monitoring Body as Panacea to Awaiting-Trial Problems in Ebonyi State, Nigeria' (2021) 16 *International Journal of Criminal Justice Sciences* 51.

³³⁷Olutomiwa Samson Fayomi and Agbana Julius Olaseinde, 'Eradication of an Abnormal Use of Holding Charges: A Panacea for the Efficient Administration of Criminal Justice in Nigeria' (2025) 4 *African Journal of Law and Justice System* 89.

³³⁸Tosin Osasona, 'Time to Reform Nigeria's Criminal Justice System' (2015) 3 *Journal of Law and Criminal Justice* <<http://jlcjnet.com/vol-3-no-2-december-2015-abstract-7-jlcj>> accessed 31 July 2025; Akeem Olajide Bello, 'Criminal Law in Nigeria in the Last 53 Years: Trends and Prospects for the Future' (2013) 9 *Acta Universitatis Danubius. Juridica* 15.

This act aimed to speed up trials, protect people's rights, and generally make the system better.³³⁹ For instance, section 296 of the Act stipulates "that an order of remand shall not exceed a period of fourteen (14) days in the first instance, which may be extended for a period not exceeding fourteen days."³⁴⁰ Upon the expiration of the 14 days extension, the court may, on application of the suspect, grant bail in accordance with section 158 to 188 of the Act. Also, at the expiration of the further order and where the suspect is still on remand, the court can "suomoto" issue a hearing notice to the Inspector General of Police, Commissioner of Police and/or Attorney-General of the Federation, or any other authority in whose custody the suspect is remanded, to show cause why the suspect should not be unconditionally released. The suspect is further remanded for another period not exceeding 14 days. Should justifiable grounds be established, the court may authorise a final 14-day extension of remand pending the suspect's formal arraignment in the appropriate venue. However, where a good cause is not shown for the continued remand, the court shall, with or without an application, discharge the suspect, and he shall be released immediately from custody. No further remand application shall be entertained by any court after the above proceedings have been followed".³⁴¹ But even with these good intentions, putting the reforms into practice has been difficult. There are still many obstacles that prevent these new laws from fully achieving their goals. Some states have been slow to adopt the reforms, and there are often not enough funds or resources to make them work properly.³⁴²

Similarly, the provision of section 35(5) of the Constitution of the Federal Republic of Nigeria (CFRN) 1999 provides that "a person must be taken

³³⁹Ngozi J Udombana, 'Administration of Criminal Justice Act of Nigeria 2015: A Critique of Selected Legislative Expressions' (2020) 7 IALS Student Law Review 51.

³⁴⁰Reason Abajuo, 'An Appraisal of the Administration of Criminal Justice Act, 2015' (Social Science Research Network, 25 September 2015) <<https://papers.ssrn.com/abstract=2665611>> accessed 31 July 2025.

³⁴¹Benjamin Okorie Ajah, 'Educational Training of Inmates in Awka and Abakaliki Prisons, Nigeria' (2018) 13 International Journal of Criminal Justice Sciences <<https://ijcjs.com/menu-script/index.php/ijcjs/article/view/219>> accessed 31 July 2025; Ajah and others (n 3); Chukwuemeka Dominic Onyejebu and others, 'Special Courts as Nigerian Criminal Justice Response to the Plight of Awaiting Trial Inmates in Ebonyi State, Nigeria' (2021) 10 International Journal of Criminology and Sociology 1172.

³⁴²John IshakuMantu, 'The Administration of Criminal Justice in Nigeria and a Call for Amendment of the Administration of Criminal Justice Act, 2015' (Social Science Research Network, 17 January 2024) <<https://papers.ssrn.com/abstract=4698078>> accessed 31 July 2025.

to court within 24 hours from the date of arrest, where there is a court of competent jurisdiction within the radius of 40 km or within 2 days or such period considered by the court to be reasonable". Persistent breaches of this provision continue unabated; the existing legal framework has failed to catalyse any significant shift in behavioural or procedural standards.

Accordingly, this study interrogates the various legal and procedural bottlenecks that undermine the efficiency of criminal justice administration in Nigeria. It examines the core issues that contribute to delays, inefficiencies, and injustices within the system. Furthermore, it explores how these bottlenecks affect victims, suspects, and the overall functioning of justice. Understanding these specific bottlenecks will help us to unravel how to make the justice system even better. The goal is to highlight the urgent need for ongoing criminal law reform that is not just about passing new laws but also about making sure those laws are actually put into practice in a way that truly serves the people and ensures justice is delivered fairly and swiftly across the nation.

Theoretical framework

To understand the bottlenecks facing criminal justice delivery in Nigeria, it is helpful to look at it through the lens of the Rule of Law. This theory, prominently articulated by A.V. Dicey in 1885 in his influential work, "Introduction to the Study of the Law of the Constitution", provides a foundational ideal for how a legal system should operate. Dicey's concept of the Rule of Law posits three main principles that he believed characterised the English constitution and, by extension, any system committed to true legality. First, he emphasised the absolute supremacy or predominance of regular law over arbitrary power. This means that no person can be punished or made to suffer in body or goods except for a distinct breach of law established in the ordinary legal manner before the ordinary courts of the land.

Second, equality before the law. This principle dictates the equality of all citizens before the law, mandating that individuals—irrespective of socio-political status—remain subject to the uniform application of national law and the exclusive jurisdiction of the ordinary courts. It implies that there should be no special laws or tribunals for government officials; everyone, from the highest official to the humblest citizen, stands equal under the law. Third, Dicey posited the predominance of the legal spirit or, more precisely, that the general principles of the constitution are the result of judicial decisions determining the rights of private persons, rather than the constitution being the source of these rights. In other words, the

rights of citizens are not granted by a grand constitutional document but rather emerge from the everyday rulings of courts protecting individual liberties.

The relationship of the Rule of Law to this study is central. Dicey's principles provide a critical benchmark against which the Nigerian criminal justice system can be assessed.³⁴³ If the system is plagued by legal bottlenecks that lead to prolonged detentions, unfair trials, or impunity for the powerful, it directly contradicts the supremacy of regular law and the principle of equality before the law. The rule of law underscores the importance of a transparent, predictable, and accountable legal framework where laws are clear, known, and applied equally to all. It highlights that an effective justice delivery system is one where investigations follow due process, prosecutions are timely and fair, and judgments are based on established legal principles, not arbitrary discretion or influence. Consequently, these systemic impediments constitute a significant erosion of the Rule of Law, effectively obstructing equitable access to justice and undermining the foundational trust essential to the Nigerian social contract.

However, the Rule of Law, particularly Dicey's formalistic interpretation, is not without its weaknesses. One notable limitation is its over-emphasis on procedural fairness at the expense of substantive justice. Critics argue that a strict adherence to Dicey's formal principles might ensure that laws are consistently applied, but it does not guarantee that the laws themselves are fair or just.³⁴⁴ A system can follow all the procedural rules, but if the underlying laws are oppressive or if legal strictures become overly complex and costly, it can still lead to unfair outcomes. This exaggerated legalism can distract from the real-world impact and consequences of legal actions, potentially legitimising acts that are technically "lawful" but deeply unjust.³⁴⁵

Methodology

³⁴³Adeejat-Kubra Kolawole, 'Good Governance, Constitutionalism and the Rule of Law: Imperatives for Sustainable Development in Nigeria' (Social Science Research Network, 21 January 2014) <<https://papers.ssrn.com/abstract=2382402>> accessed 31 July 2025.

³⁴⁴Avantika Rawat, 'Rule of Law, Dicey's Concept and Criticism: Critical Analysis' (2023) 5 Issue 2 Indian Journal of Law and Legal Research 1.

³⁴⁵'The Rule of Law Lecture' <<https://www.lawteacher.net/lectures/public-law/the-rule-of-law/>> accessed 31 July 2025.

This study adopts a qualitative research approach to explore and understand the intricate legal bottlenecks hindering criminal prosecution and justice delivery in Nigeria. Qualitative research is well-suited for this topic because it allows for an in-depth examination of complex social phenomena.³⁴⁶ The research design employed is descriptive and analytical. The study employs a descriptive research design to provide a comprehensive analysis of the extant criminal law reform framework and the specific systemic impediments to effective prosecution in Nigeria. It aims to paint a clear picture of the bottlenecks, identifying their characteristics and manifestations. An analytical design then goes a step further by critically examining these identified issues. It involves dissecting the bottlenecks, exploring their underlying causes, and analysing their impact on the overall justice delivery process. This dual approach allows for both a comprehensive understanding of the situation and a critical assessment of the factors at play.

The study relies on secondary data sources. In other words, the information used for analysis has already been collected and published by other researchers, organisations, or government bodies. Relying on secondary data is particularly appropriate for this study given the focus on legal frameworks, policy documents, and existing analyses of the Nigerian criminal justice system. Data sources and collection for this research include a wide range of academic, legal, and policy documents. Specifically, data is drawn from scholarly articles and journals, legal statutes and legislation, government reports and policy documents, reports from reputable non-governmental organisations (NGOs) and international bodies, textbooks, and legal commentaries. These sources offer foundational knowledge and interpretations of Nigerian criminal law and procedure.

Data collection involves a systematic review and synthesis of these documents. This process includes identifying relevant publications through academic databases, legal repositories, and official government websites. Once identified, the documents are carefully read, summarised, and key information pertinent to the research questions is extracted. This iterative process allows for a comprehensive understanding of the existing knowledge base concerning criminal law reform and legal bottlenecks in Nigeria. The data analysis process involves thematic analysis. After gathering and reviewing the secondary data, common themes, patterns, and recurring issues related to legal bottlenecks in crime prosecution are

³⁴⁶Patrik Aspers and Ugo Corte, 'What Is Qualitative in Qualitative Research' (2019) 42 *Qualitative Sociology* 139.

identified. This involves familiarisation, coding, generating initial themes, reviewing and refining themes, defining and naming themes and writing up.

Legal Bottlenecks in Crime Prosecution

The Nigerian criminal justice system, despite ongoing efforts at reform, continues to grapple with significant legal and operational bottlenecks that undermine effective crime prosecution and delay justice delivery. These issues often interlink to create a complex web of challenges. We will discuss four key substantive issues that represent major impediments.

1. Inadequate investigation and evidence management

The journey of criminal prosecution begins with investigation, and this foundational stage is often where the first and most critical bottlenecks emerge in Nigeria. The quality of police investigation is a persistent problem that directly affects the strength of cases presented in court.³⁴⁷ Law enforcement agencies, particularly the Nigeria Police Force, frequently operate with limited resources, outdated equipment, and insufficient training in modern forensic techniques.³⁴⁸ This often forces officers to rely on manual, traditional, and sometimes questionable methods of gathering evidence. For example, scenes of crime are not always secured properly, leading to contamination or loss of crucial physical evidence.³⁴⁹ The lack of robust fiscal support and political will to modernise investigative capabilities leaves the police under-equipped, resulting in a significant disparity between available resources and the sophisticated demands of modern criminal inquiries.

³⁴⁷Yung Hyeock Lee, 'How Police Policies and Practices Impact Successful Crime Investigation: Factors That Enable Police Departments to "Clear" Crimes' (2020) 41 Justice System Journal 37; Ajah, Ajah and Obasi (n 3).

³⁴⁸Gabriel Izokpu Oikhala, 'The Police and Crime Management in Nigeria: Implications for National Development' (2020) 6 NIU Journal of Social Sciences 7; Yewande Fatoki, 'A Legal Analysis of the Challenges of Criminal Prosecution in Nigeria' (2023) 4 Law and Social Justice Review 8.

³⁴⁹Dominic Chukwuemeka Onyejebu and others, 'How Nollywood Can Facilitate Criminal Justice Responses to Herdsmen Issues in Nigeria' (2024) 7 Journal of African Films & Diaspora Studies 273; Osadebe Nnabuike Oguguam and others, 'Incorporating Virtual Reality and Augmented Reality into the Rehabilitation and Re-Empowerment of Victims of Sudanese Political Unrest' (2024) 21 African Renaissance 437.

Another significant issue is the over-reliance on confessional statements. Historically, and even currently, there is a strong emphasis on extracting confessions from suspects, sometimes through coercive means.³⁵⁰ This deeply rooted practice often stems from a lack of capacity for sophisticated investigative methods, which makes a quick confession seem like the most straightforward path to solving a case. While sections 15(4) and 17(2) of the Administration of Criminal Justice Act (ACJA) 2015 attempt to curb this by requiring video recording of confessional statements or their making in the presence of a legal practitioner,³⁵¹ practical implementation remains a challenge. Many police stations lack the equipment for video recording,³⁵² and access to legal practitioners during interrogation is not always readily available, especially for indigent suspects.³⁵³ When investigations primarily hinge on confessions rather than robust forensic evidence, witness testimony, or digital trails, cases become vulnerable to bottlenecks in court. Defense lawyers often argue that confessions were not voluntarily given, leading to their inadmissibility and weakening the prosecution's case.³⁵⁴ This preoccupation with confessions incentivises the coercion of innocent suspects, thereby compromising the integrity of the judicial process and precipitating wrongful convictions.

Furthermore, the lack of forensic capabilities means that crucial evidence like DNA, fingerprints, or digital data is often not properly collected, preserved, or analysed. This absence of scientific evidence makes it difficult to link suspects definitively to crimes, especially complex ones like cybercrime, terrorism, or organised crime.³⁵⁵ Many investigations are hampered because there are simply not enough trained forensic experts

³⁵⁰Ijalana Emmanuel Folayan and Fayomi Olutomiwa Samson, 'An Appraisal of the Police in Criminal Prosecution under the Nigerian Law' (2025) 16 Beijing Law Review 445.

³⁵¹Omotan Olusola Ogunmodede, 'Procedures for Admitting Confessional Statements under the Evidence Act, 2011, Administration of Criminal Justice Act 2015 and the Administration of Criminal Justice Laws of Various States: Inconsistent or Complimentary?' (2020) 8 ABUAD Law Journal 122.

³⁵²Noëlle van der Waag-Cowling and Louise Leenen, *ICCWS 2019 14th International Conference on Cyber Warfare and Security: ICCWS 2019* (Academic Conferences and publishing limited 2019).

³⁵³Orowhuo WA Okocha, 'The Detention Rights of Suspects and Accused Persons in England (and Wales) and Nigeria: Rights Development as a Work in Progress' (Thesis, Brunel University London 2020) <<http://bura.brunel.ac.uk/handle/2438/21083>> accessed 31 July 2025.

³⁵⁴Chinazor Queen Umeobika and Anulika Chinazom Udegbuma, 'The Police and Crime Investigation in Nigeria: An Appraisal' (2023) 8 African Journal of Criminal Law and Jurisprudence 49.

³⁵⁵Oikhala (n 17).

or the necessary equipment to process complex evidence. When investigators cannot gather comprehensive and irrefutable evidence within a reasonable timeframe, it hampers the prosecution's ability to build a strong case,³⁵⁶ leading to frequent adjournments, prolonged detentions, or even the discharge of suspects due to insufficient proof. This challenge at the investigative stage sets a weak foundation, making successful prosecution an uphill battle and allowing many guilty individuals to evade accountability.

2. Prolonged pre-trial detention and abuse of holding charges

One of the most glaring human rights concerns and a significant legal logjam in Nigeria's criminal justice system is the problem of prolonged pre-trial detention, often worsened by the misuse of holding charges.³⁵⁷ The preponderance of inmates within Nigerian correctional facilities consists of pre-trial detainees, many of whom endure prolonged incarceration exceeding the statutory maximum sentences prescribed for their alleged offenses.³⁵⁸ This distressing situation is not just an administrative issue; it is a clear violation of constitutional rights to personal liberty and a fair trial within a reasonable time, as enshrined in Nigeria's constitution. This backlog contributes heavily to the severe overcrowding in prisons, leading to inhumane conditions and increased risk of disease outbreaks.

The Administration of Criminal Justice Act (ACJA) 2015 was specifically designed to address this. Section 293 of the ACJA, for example, sets limits on how long a suspect can be remanded in custody without trial, typically not exceeding 14 days initially, with judicial oversight for any

³⁵⁶Handar Subhandi Bakhtiar, "THE ROLE AND NATURE OF EVIDENCE: FORENSIC INSIGHT" (2023) 10 Jurnal Yuridis 10.

³⁵⁷Onyejebu and others (n 18); Taiye Joshua Omidoyin and Omolade Oniyinde, 'Law Clinics and Access to Justice for Pretrial Detainees in Nigeria' (2019) 10 Nnamdi Azikiwe University Journal of International Law and Jurisprudence 101.

³⁵⁸Obinna Chukwudalu Dilibe Okeke, 'ASSESSMENT OF THE ROLE OF NIGERIA CORRECTIONAL SERVICE (NCS) TOWARDS IMPROVING THE WELFARE OF AWAITING TRIAL PERSONS (ATPS) IN NIGERIAN CORRECTIONAL CENTRES (PRISONS): A CRITICAL APPRAISAL' (2024) 10 Nnamdi Azikiwe University Awka Journal of Sociology <<https://journals.aphriapub.com/index.php/NAUJS/article/view/2463>> accessed 31 July 2025; Charles T Orjiakor and others, 'Prolonged Incarceration and Prisoners' Wellbeing: Livid Experiences of Awaiting Trial/Pre-Trial/Remand Prisoners in Nigeria' (2017) 12 International Journal of Qualitative Studies on Health and Well-being 1395677.

extensions.³⁵⁹ The Act also mandates periodic reviews of remand orders to prevent indefinite detention. These provisions were meant to introduce a sense of urgency and accountability into the pre-trial process. However, despite these progressive provisions, the practice of prolonged detention persists due to various factors, including the systemic inefficiencies of the investigative process and the sheer volume of cases.³⁶⁰

A major contributor to this is the abuse of holding charges. These are charges filed by law enforcement agencies, typically at a Magistrate Court (which often lacks jurisdiction to try serious offenses like murder or armed robbery), to secure the detention of a suspect while investigations continue or while awaiting legal advice from the Director of Public Prosecutions (DPP).³⁶¹ While proponents contend that holding charges mitigate flight risks and facilitate complex investigations, in practice, these instruments are frequently co-opted as mechanisms for indefinite detention.³⁶² This practice circumvents the constitutional safeguards for personal liberty and gives room for suspects to be held for months or even years without proper arraignment before a court of competent jurisdiction or without formal charges being filed. This leads to significant prison congestion and gross human rights abuses, as individuals, presumed innocent until proven guilty, languish in dehumanising conditions. This legal loophole creates a system where procedural delays function as *de facto* punishment, thereby eroding the fundamental tenets of justice and exacerbating public skepticism toward the judiciary.

³⁵⁹Brown E Umukoro and Ejiro Kore Okiti, 'The Power of Arrest under the Administration of Criminal Justice Act 2015: Emerging Issues and Challenges' (2022) 7 *African Journal of Criminal Law and Jurisprudence* 52.

³⁶⁰Ngozi J Udombana, 'Administration of Criminal Justice Act of Nigeria 2015: A Critique of Selected Legislative Expressions' (2020) 7 *IALS Student Law Review* 51; Kingsley Obumunaeme and others, 'How a Digital Repository Platform Can Be Used In the Administration of Awaiting Trial Issues in Uganda' (2025) 12 *Journal of Somali Studies : Research on Somalia and the Greater Horn of African Countries* 171; Uzochukwu Chukwuka Chinweze and others, 'Prospective Strategies for the Use of Virtual and Augmented Realities by the Somali Criminal Justice System in Bringing Al-Shabab Terrorists to Justice' (2024) 11 *Journal of Somali Studies : Research on Somalia and the Greater Horn of African Countries* 89.

³⁶¹Diyeli Segun Aigbe and others, 'Nigeria Criminal Justice System and Awaiting Trial Problem in Afokang Correctional Centre Calabar, Cross River State, Nigeria' (2025) 1 *NIGERIAN JOURNAL OF CRIMINOLOGY AND SECURITY STUDIES* 122.

³⁶²Aliyu Ibrahim, 'Decongestion of Nigerian Prisons: An Examination of the Role of the Nigerian Police in the Application of the Holding-Charge Procedure in Relation to Pre-Trial Detainees' (2019) 19 *African Human Rights Law Journal* 779.

3. Judicial delays and case backlog

Even when a case manages to navigate the investigative and pre-trial stages, it often runs into another formidable challenge: the prevalent issue of judicial delays and case backlog. The Nigerian judiciary is frequently criticised for the slow pace at which cases are resolved, with many criminal matters taking years, if not decades, to conclude.³⁶³ This phenomenon, often encapsulated by the adage “justice delayed is justice denied,” hugely impacts the fairness of trials and erodes public confidence in the judicial system.³⁶⁴ Systemic delays subject victims to enduring emotional trauma and the denial of timely closure, while concurrently imposing profound socio-economic and reputational burdens upon defendants, regardless of the final verdict.

Several factors contribute to these chronic delays. One significant issue is inadequate court infrastructure and resources. Courts across Nigeria lack sufficient courtrooms to handle the sheer volume of cases, modern recording equipment, and adequate support staff; this leads to a reliance on old manual processes like handwritten records.³⁶⁵ This manual approach slows down proceedings, increases the risk of errors and lost documents, and makes efficient case management nearly impossible.³⁶⁶ Additionally, evidence shows that there is a clear shortage of judges and magistrates in proportion to the burgeoning caseload, leading to an overwhelming burden on the existing judicial officers.³⁶⁷ This disparity between available personnel and the number of cases means that each judge has a massive docket, which makes quick resolutions very difficult. In addition, frequent and often unwarranted adjournments are another major culprit that plague the judicial system. Cases are often adjourned due to the absence of a prosecutor, defense counsel, or witnesses, sometimes without a strong justification or a proper tracking mechanism to prevent

³⁶³CJ Ubanyionwu, ‘Solving the Problem of Delay in Adjudication of Cases in Nigeria through Artificial Intelligence (AI)’ (2025) 2 *Journal of Customary and Religious Law* 136.

³⁶⁴Jayanth K Krishnan and C Raj Kumar, ‘Delay in Process, Denial of Justice: The Jurisprudence and Empirics of Speedy Trials in Comparative Perspective’ (2011) 42 *Georgetown Journal of International Law* 746.

³⁶⁵Emmanuel Owushi, ‘Legal Records and Justice Dispensation in Federal and State High Courts in Port Harcourt, Nigeria’ (2024) 22 *MiddleBelt Journal of Library and Information Science* 149.

³⁶⁶Ramesh Pingili, ‘AI-Driven Intelligent Document Processing in Government and Public Administration’ (2025) 15 *World Journal of Advanced Engineering Technology and Sciences* 1316.

³⁶⁷Oikhala (n 17).

abuse.³⁶⁸ Lawyers, too, can exploit procedural inefficiencies by filing excessive motions, seeking unnecessary interlocutory appeals, or requesting adjournments, intentionally delaying trials for various strategic reasons.³⁶⁹ Furthermore, the transfer of judicial officers or prosecuting attorneys without proper handovers also contributes to delays, as new officials need considerable time to familiarise themselves with complex case files, sometimes leading to lost documents or difficulties in locating previously scheduled witnesses.³⁷⁰

Furthermore, the process of obtaining legal advice from the Director of Public Prosecutions (DPP), especially for serious offenses, can cause considerable delays. Once police investigations are concluded, case files are often sent to the DPP's office for review and advice on whether to prosecute and what specific charges to file.³⁷¹ This administrative process can take an excessively long time, during which suspects remain in custody. This phenomenon exacerbates the congestion of correctional facilities by significantly swelling the population of pre-trial detainees. The cumulative effect of these interconnected delays is a justice system that moves at a glacial pace that does not give room for timely resolution for victims and prolongs uncertainty for defendants. This breeds a growing sense of frustration and disillusionment among the populace.

4. Systemic corruption and its impact on due process

One of the sneakiest and most persistent bottlenecks undermining criminal prosecution and justice delivery in Nigeria is systemic corruption. This problem permeates every layer of the criminal justice system, from law enforcement agencies to the judiciary and correctional services, significantly compromising due process, fairness, and accountability.³⁷² By

³⁶⁸Fatoki (n 17).

³⁶⁹Adetomiwa Fowowe, 'Guerrilla Tactics In International Arbitration: Strategic Delays, Procedural Abuses, And Their Impact On Dispute Resolution' (Social Science Research Network, 18 March 2025) <<https://papers.ssrn.com/abstract=5184049>> accessed 31 July 2025.

³⁷⁰Peter M Mulwa, 'The Effects of Magistrates' Transfer on the Administration of Justice in Kenya- a Case Study of Courts in Nairobi City County' (Thesis, University of Nairobi 2020) <<http://erepository.uonbi.ac.ke/handle/11295/153210>> accessed 31 July 2025.

³⁷¹Aaron Olaniyi Salau, 'The Abuse and Misuse of Prosecutorial Discretion in High-Profile Corruption Cases in Nigeria: A Call Paradigm Shift' (2024) 8 *Journal of Anti-Corruption Law* 112.

³⁷²Oikhala (n 17); Buhari Edun Jimoh and others, 'Corruption in the Nigerian Judicial System: A Critical Discourse' (2023) 4 *JALINGO JOURNAL OF SOCIAL AND MANAGEMENT SCIENCES* 65.

subverting the foundational tenets of the legal system, these failures diminish the perceived legitimacy of the state and weaken the bond of trust between the citizenry and the protective institutions of the law. Corruption manifests in various forms and at different stages of the prosecution process. At the investigative stage, it can involve law enforcement officers soliciting bribes to drop charges, manipulating evidence to favor one party, or deliberately obstructing investigations into influential individuals.³⁷³ This means that serious crimes might not be properly investigated, evidence could be tampered with or disappear, and sometimes, innocent individuals are implicated while the truly guilty may be allowed to escape.³⁷⁴ The integrity of initial evidence collection and the subsequent investigation are crucial for a successful and fair prosecution, and when this stage is tainted by corruption, the entire case is compromised. This may lead to weak prosecutions or outright collapse.

Within the judicial process, corruption can influence case outcomes through various means. This includes judges and court officials accepting bribes for favourable rulings, deliberately delaying judgments, or granting preferential treatment to certain litigants or their legal representatives.³⁷⁵ It can also involve lawyers engaging in unethical practices like colluding with officials, submitting false documents, or influencing processes to manipulate proceedings.³⁷⁶ The perception that judicial outcomes are contingent upon financial influence or political pressure, rather than established legal principles and factual evidence, fundamentally undermines the perceived neutrality and fairness of the court system. This directly undermines the very concept of equality before the law, a core tenet of the Rule of Law. It makes justice appear to be a commodity for sale rather than an inherent right.

The impact of corruption on due process is profound and far-reaching. It leads to a biased administration of justice, thus creating a two-tiered system where wealthy or politically connected individuals can pay their way out of prosecution or receive lenient sentences, while the poor and

³⁷³Johnson Olusegun Ajayi, 'Public Perception of the Police and Crime Prevention in Nigeria' (2014) 7 *International Journal of Criminology and Sociological Theory* <<https://ijcst.journals.yorku.ca/index.php/ijcst/article/view/39712>> accessed 31 July 2025.

³⁷⁴Ugo Chuku Okolie and Thomastina Nkechi Egbon, 'Challenges and Strategies in Nigeria's Fight Against Corruption: The Role of Public Administration and Anti-Corruption Agencies' (2025) 14 *PERSPEKTIF* 242.

³⁷⁵Ajayi (n 42).

³⁷⁶Vasudev Das, 'Judicial Corruption: The Case of Nigeria' (2018) 25 *Journal of Financial Crime* 926.

vulnerable suffer unduly under the full weight of the law.³⁷⁷ This obvious inequality creates a harmful cycle of impunity, where criminals believe they can operate without fear of genuine accountability, and honest citizens lose faith in the system's ability to protect them or punish wrongdoers. Despite numerous anti-corruption initiatives and the establishment of specialised agencies, the problem persists.³⁷⁸ This highlights the urgent need for more robust integrity mechanisms, greater transparency in all legal dealings, and stringent accountability measures across all justice sector institutions. Until systemic corruption is effectively tackled with unwavering commitment, efforts to reform criminal law and genuinely enhance justice delivery will remain hampered, which undermines the very fabric of society.

Conclusion

The pursuit of an efficient and equitable criminal justice system in Nigeria remains a critical national endeavour, yet it is significantly hindered by a range of bottlenecks. This article has shown that despite important legislative strides, such as the Administration of Criminal Justice Act (ACJA) 2015, the actual delivery of justice often falls short of expectations. The bottlenecks identified are not merely anomalous occurrences; rather, they signify systemic vulnerabilities that permeate every phase of the criminal justice process, from preliminary investigation to final adjudication. We have seen how inadequate investigation capacity, marked by a lack of modern forensic tools and an over-reliance on coercive confessional statements, forms a weak foundation for prosecution. Furthermore, the persistent problem of prolonged pre-trial detention, often facilitated by the abuse of "holding charges," has been highlighted as a serious human rights concern that also contributes massively to prison overcrowding.

The judicial process itself is riddled with bottlenecks, primarily through chronic delays and case backlogs. Factors such as insufficient court infrastructure, a shortage of judicial officers, frequent adjournments, and slow legal advice processes combine to create a system where 'justice delayed is justice denied.' This not only frustrates victims and defendants but also undermines the credibility of the entire judicial institution. Finally, the pervasive nature of systemic corruption within the police, judiciary,

³⁷⁷Ajayi (n 42).

³⁷⁸Lukman Adebisi Abdulrauf, 'Using Specialised Anti-Corruption Agencies to Combat Pervasive Corruption in Nigeria: A Critical Review of the ICPC and EFCC' <https://brill.com/view/journals/ajls/12/3-4/article-p215_1.xml> accessed 31 July 2025.

and correctional services serves as a formidable barrier that subverts due process, facilitates impunity for select actors, and further diminishes public confidence. The Rule of Law, as propounded by A.V. Dicey, sets out an ideal of legal supremacy, equality before the law, and rights derived from judicial precedent. The current state of criminal justice in Nigeria, with its procedural inefficiencies and systemic corruption, stands in contrast to these principles, signifying a deficit in the practical application of the Rule of Law. While legislative reforms like the ACJA 2015 represent commendable efforts, their effectiveness is severely limited by inconsistent implementation, insufficient resources, and entrenched practices. The journey towards a truly robust and trustworthy criminal justice system requires not just more laws, but a sustained, concerted, and honest commitment to making existing laws work as intended.

Recommendations

1. It is highly essential to strengthening investigative capacity and forensic science. The government should significantly increase funding for the establishment and equipping of state-of-the-art forensic laboratories across the country. This includes investing in technology for DNA analysis, digital forensics, ballistics, and toxicology.
2. Again, it is crucial to curb the menace of prolonged pre-trial detention and abuse of holding charges. The judiciary, particularly magistrates, must strictly enforce the 14-day remand period and the periodic review mechanism stipulated in the ACJA.
3. There is a need to expedite judicial processes and case management. It is necessary to implement digital case management systems, e-filing, e-service of court documents, and electronic recording and transcription of court proceedings across all judicial levels. This will reduce human error, speed up trials, and ensure accurate record-keeping.
4. Efforts should be geared toward combating systemic corruption in the justice system. It is necessary to empower existing anti-corruption bodies like the EFCC and ICPC with greater independence, adequate funding, and specialised training to investigate and prosecute corruption within the justice sector itself.

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