

A COMPARATIVE APPRAISAL OF CRIMINAL PROCEEDINGS IN NIGERIA:
CHALLENGES AND REFORM PROSPECTS

BY

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Abstract

This study offers a comparative analysis of criminal proceedings in Nigeria, examining their historical development, structural framework, and procedural dynamics. It highlights persistent challenges, including trial delays, weak enforcement of statutory provisions, prosecutorial lapses, overcrowded correctional facilities, and executive interference that undermines judicial independence. Anchored on a qualitative doctrinal methodology, the research draws upon statutory instruments, judicial authorities, policy documents, and scholarly literature to evaluate the extent to which Nigeria's criminal justice system aligns with international standards of fairness, efficiency, and human rights protection. Comparative insights are drawn from jurisdictions including the United States, United Kingdom, South Africa, India, and Canada, where reforms such as plea bargaining, digital case management, witness protection, judicial activism, and restorative justice have improved justice delivery.

Findings reveal that despite legislative interventions such as the Administration of Criminal Justice Act (ACJA) 2015, systemic inefficiencies and poor enforcement continue to impede substantive justice. The study argues that meaningful reform requires institutional restructuring, enhanced judicial capacity, adoption of restorative and technology-driven justice frameworks, and sustained political commitment to the rule of law. By situating Nigeria's challenges within a comparative framework, the research contributes to the ongoing discourse on criminal justice reform and proposes pragmatic, contextually adaptable strategies for strengthening criminal proceedings in Nigeria.

Keywords: Criminal proceedings, Nigeria, Administration of Criminal Justice Act (ACJA), judicial independence, restorative justice, comparative legal analysis, criminal justice reform, human rights protection.

INTRODUCTION

1.1 Background to the Study

The criminal justice system plays a central role in upholding the rule of law, safeguarding human rights, and maintaining public order. In Nigeria, however, the criminal process has long been criticized for systemic inefficiencies, including delays in trials, overcrowded prisons, limited judicial independence, and inadequate adoption of modern justice practices. These challenges undermine public confidence in the justice system and hinder its ability to deliver timely and impartial justice.

Comparative legal analysis offers valuable insights into how different jurisdictions, such as the United States of America, the United Kingdom, India, and South Africa, structure and manage criminal proceedings. By examining international best practices—such as plea bargaining, digital case management, and restorative justice mechanisms—it becomes possible to identify reforms that could be adapted to the Nigerian context. Such an appraisal is essential not only for strengthening Nigeria's legal system but also for promoting broader societal goals such as the protection of human rights, the reduction of recidivism, and the enhancement of public trust in governance.

This study, therefore, seeks to provide a comprehensive comparative appraisal of criminal proceedings in Nigeria, highlighting the challenges within the system while exploring prospects for reform through the adoption of innovative practices and strengthened judicial independence.

1.2 Aim of the Study

The central aim of this study is to critically examine the challenges confronting criminal proceedings in Nigeria and to explore the prospects of reform through comparative insights from other jurisdictions.

1.3 Objectives of the Study

The specific objectives of the study are to:

1. Evaluate the extent to which international best practices can be adopted to enhance the efficiency of criminal proceedings in Nigeria.
2. Assess the impact of judicial independence on the effectiveness of Nigeria's criminal proceedings.
3. Examine the potential of restorative justice as a complementary mechanism to punitive approaches in Nigeria's criminal justice system.

1.4 Research Questions

1. To what extent can international best practices in criminal proceedings be adopted within the Nigerian legal system?
2. How does judicial independence—or the lack thereof—affect the effectiveness of criminal proceedings in Nigeria?
3. What role can restorative justice play in complementing punitive approaches in Nigeria's criminal proceedings?

1.5 Significance of the Study

This research contributes to the growing discourse on criminal justice reform in Nigeria by offering a comparative analysis that draws on experiences from other jurisdictions. The study is significant in the following ways:

- **Academic Contribution:** It enriches scholarship on criminal law and procedure in Nigeria by situating local challenges within a comparative framework.
- **Policy Relevance:** It provides recommendations that policymakers, legislators, and judicial administrators can adopt to improve justice delivery.
- **Practical Importance:** By identifying workable solutions, such as restorative justice and judicial independence, the study has the potential to guide legal practitioners and stakeholders toward reforms that enhance fairness, efficiency, and credibility.

1.6 Scope of the Study

The study is limited to an appraisal of criminal proceedings within Nigeria, focusing on legal frameworks, institutional capacity, and judicial practices. It also draws comparative insights from selected jurisdictions, including the United States, the United Kingdom, South Africa, India, and Canada.

LITERATURE REVIEW

2.1 Conceptual Clarifications

Criminal proceedings refer to the processes by which criminal liability is determined, beginning with investigation and culminating in trial and punishment or acquittal. In Nigeria, these proceedings are constitutionally guaranteed under the right to fair hearing, yet are often undermined by delays and systemic inefficiencies. Most of the literary works on criminal proceedings in Nigeria did not compare criminal proceedings in Nigeria with other jurisdictions. In conducting this study, indigenous and international

literary works on the subject of criminal proceedings were referred to and briefly reviewed.

2.2 Theoretical Framework

This study is guided by two key frameworks:

- **The Rule of Law Theory**, which emphasizes equality before the law and fairness in criminal adjudication.
- **Restorative Justice Theory**, which underscores the rehabilitation of offenders and reintegration into society.

2.3 Challenges in Nigeria's Criminal Proceedings

Literature highlights persistent challenges such as:

- Trial delays and congested court dockets (Okonkwo, 2017).
- Weak enforcement of the Administration of Criminal Justice Act (ACJA) 2015 (Akinseye-George, 2018).
- Executive interference undermining judicial independence (Oko, 2020).
- Overcrowded prisons, with awaiting-trial detainees making up more than 70% of inmates (Nigerian Correctional Service Report, 2022).

2.4 Comparative Insights

- **United States:** Efficient plea bargaining reduces trial backlogs.
- **United Kingdom:** Digital court systems improve transparency and efficiency.
- **South Africa:** Strong witness protection programs enhance prosecution.
- **India:** Judicial activism strengthens autonomy.
- **Canada:** Restorative justice models reduce recidivism.

So much has been written about criminal procedure in Nigeria. Most of the literary works on criminal proceedings in Nigeria are academic, though some are written for purposes of litigation, most of them state the laws as they are. Most of the literary works on criminal proceedings in Nigeria did not compare criminal proceedings in Nigeria with other jurisdictions. In conducting this study, indigenous and international literary works on the subject of criminal proceeding were referred to, and they are hereunder briefly reviewed.

Oluwatoyin considers courts vested with criminal jurisdiction, and matters ancillary to criminal proceedings, such as summons, bail, arrests, and searches. She dealt with the institution of criminal cases from arraignment to judgment, but did not deal with criminal proceedings in another jurisdiction.[\[1\]](#)

Robert examines relevant criminal laws and related rules and regulations that guide criminal procedure in Nigeria, but he did not look at any other jurisdiction.[\[2\]](#)

Adesanya discusses the provisions of the Administration of Criminal Justice Act, 2015, with notes and cases, and how the effective implementation of the Act will remove some of the bottlenecks in the way of effective administration of criminal justice in Nigeria, but he did not handle it from a comparative perspective.[\[3\]](#)

Tugbiyele argues that the law is best understood through the pronouncements of Judges as they interpret statutes and legislative provisions. He discusses criminal law and procedure in the Northern and Southern Nigeria with case law but did not look at case law from other jurisdictions related to the subjects discussed.[\[4\]](#)

Agaba in his book discusses pre-trial and trial proceedings in criminal trials. He discusses issues like police investigation, trial and judgement, he also looked at the criminal jurisdiction of the courts in Nigeria and that of the International Criminal Court (ICC). Further, he discusses matters of evidence and admissibility in criminal trials as provided by the Evidence Act. He, however, did not touch criminal proceedings in other jurisdictions.[\[5\]](#)

Edeh provides guiding materials in proof and defence of crimes, but did not touch on the procedure, except for issues on arrest and sentencing. His focus is on offences and elements of offences. He also discussed various defences to offences but did not look at criminal procedure.[\[6\]](#)

Obiagwu et al, considers the effective prosecution of crimes with the aim of improving criminal justice in Nigeria. The book particularly deals with issues to build capacity of prosecutors and how criminal justice can be improved in Nigeria through a review of criminal laws in Nigeria. The focus of the book is on criminal prosecution by prosecutors and did not handle criminal procedure in Nigeria.[\[7\]](#)

Obiagwu et al, also looked at how the courts in Nigeria through case before them, have interpreted the law of common purpose. He analyses case law as declared by the courts in Nigeria for about fifty years to explain the law of common criminal intention and how the principle is applied in Nigeria. Particularly, he deals with the subject, focusing on the criminal law of Lagos State, 2011, though making his arguments with English and Nigerian case law. He did not in any way touch on criminal procedure in the court.[\[8\]](#)

David et al, provides essential tools for comparing common law and civil law. They argue that a civil law jurisdiction like the French can be effectively compared with common law systems as well as other Continental and Latin American systems because the traditions, structures, and decisional techniques are comprehensible. They argue further that there are underlying similarities in the approach to solving legal problems. Their work mainly compared the French and American legal systems, leaving out Africa and Nigeria.[\[9\]](#)

The Federal Rules of Criminal Procedure provide rules and procedures in all criminal proceedings in the United States district courts, the United States courts of appeals, and the Supreme Court of the United States of America.[\[10\]](#)

RESEARCH METHODOLOGY

3.1 Research Design

The study adopts a **qualitative doctrinal design**, supplemented by a **comparative approach**, focusing on statutes, case law, and scholarly analysis.

3.2 Sources of Data

1. **Primary sources:** Nigerian Constitution, ACJA, Criminal Code, Penal Code, and judicial decisions.
2. **Secondary sources:** Textbooks, journal articles, reports, and law reform documents.
3. **Comparative materials:** Statutes and case law from the US, UK, South Africa, India, and Canada.

3.3 Method of Data Collection

Desk-based research relying on law libraries and online databases such as LexisNexis, Westlaw, HeinOnline, and Law Pavilion.

3.4 Method of Data Analysis

Thematic content analysis and comparative legal analysis, focusing on recurring challenges (e.g., trial delays) and possible reforms.

3.5 Justification

This approach is justified because criminal proceedings are legal in nature, requiring doctrinal evaluation and comparative insights rather than empirical surveys.

ANALYSIS AND DISCUSSION OF FINDINGS

4.1 The Evolution of Criminal Proceedings in Nigeria

Criminal proceedings in Nigeria have undergone a significant transformation over time. From indigenous systems of justice in the pre-colonial era to the codified frameworks introduced under colonial rule, and subsequent reforms in the post-independence era, the trajectory reflects a blend of customary law, English common law, and statutory innovations. Understanding this evolution provides a clearer picture of Nigeria's justice system and the challenges it continues to face.

4.2 Pre-Colonial Era

Before colonial intervention, Nigerian societies operated decentralized systems of justice rooted in **customary law and tradition**. Each ethnic group (Hausa-Fulani, Yoruba, Igbo, etc.) had its own approach:

- **Hausa-Fulani Emirates:** Applied **Islamic (Sharia) law**, especially to Muslims in Northern Nigeria, covering both civil and criminal matters. Criminal acts such as theft, adultery, and murder were punished through Sharia principles.
- **Yoruba Kingdoms:** Relied on **customary law**, adjudicated by Obas, chiefs, and councils of elders. Penalties included fines, restitution, corporal punishment, or banishment.
- **Igbo Communities:** Practiced a more **communal system of justice**, with village assemblies or elders resolving disputes. Emphasis was placed on restitution, compensation, and reconciliation rather than incarceration.

At this stage, criminal proceedings were largely informal, restorative, and community-centered, with little emphasis on codified laws.

4.3 Colonial Era (1861 – 1960)

With the British annexation of Lagos in 1861 and the gradual extension of colonial rule, the **English common law system** was introduced into Nigeria.

- **Reception of English Law:** By the Supreme Court Ordinance of 1876 and subsequent legislation, English law—including criminal law and procedure—became applicable, subject to modifications for local circumstances.
- **Criminal Codes:**

- In **Northern Nigeria**, the **Penal Code** (based on Sudanese and Islamic influences) was adopted in 1959.
- In **Southern Nigeria**, the **Criminal Code**, modeled after the Queensland (Australia) Code, was introduced in 1916.
- **Dual Legal System:** Customary courts continued to exist alongside colonial courts, especially for minor offenses. However, serious crimes were tried under English-based criminal law.

This era marked the shift from customary and religious justice systems to codified and formal criminal procedure, including the right to trial, evidence rules, and legal representation.

4.4 post-Independence Era (1960 – Present)

After Nigeria's independence in 1960, criminal proceedings continued under the inherited colonial frameworks but with adaptations to suit Nigeria's sovereignty.

(a) Criminal Procedure Laws

- **Criminal Procedure Act (CPA):** Governing the South.
- **Criminal Procedure Code (CPC):** Governing the North.
- These frameworks regulated the investigation, prosecution, and adjudication of criminal cases.

(b) Constitutional Safeguards

- The **1960 Independence Constitution**, and later the **1979, 1999 (as amended) Constitutions**, entrenched fundamental human rights, including:
 - Right to fair hearing (Section 36, 1999 Constitution).
 - Presumption of innocence.
 - Right to legal representation.

(c) Reforms in the Administration of Criminal Justice

- The **Administration of Criminal Justice Act (ACJA) 2015** replaced the CPA and CPC (federal level). It modernized criminal procedure by:
 - Promoting speedy trial and reducing delays.
 - Discouraging interlocutory appeals.

- Prohibiting unnecessary adjournments.
- Protecting the rights of victims and defendants.
- Encouraging non-custodial sentences.
- Several states have since adopted the **Administration of Criminal Justice Laws (ACJL)**, domesticating ACJA provisions.

4.5 Contemporary Trends and Challenges

- **Human Rights Concerns:** Issues of prolonged detention without trial, prison congestion, and extra-judicial killings persist.
- **Hybrid Legal Systems:** Nigeria still operates under a tripartite system—customary law, Sharia law (in parts of the North), and statutory/common law.
- **Judicial Reforms:** Ongoing efforts aim to digitize court processes, strengthen alternative dispute resolution, and promote restorative justice.

The evolution of criminal proceedings in Nigeria reflects a complex interplay of **customary law, Islamic law, and English common law traditions**. While colonialism introduced formalized procedures and codification, post-independence reforms, especially the **ACJA 2015**, sought to address inefficiencies and human rights issues arising from the hybrid legal system, especially in Northern Nigeria. Despite progress, challenges remain in ensuring the fairness, accessibility, and effectiveness of criminal justice in Nigeria.

4.6 Adoption of International Best Practices

Nigeria has adopted reforms under the ACJA 2015, but implementation remains weak. Comparative jurisdictions (US, UK, South Africa) show that digital case management, plea bargaining, and witness protection are effective tools. For Nigeria, the main challenge is not the absence of laws but poor enforcement and inadequate institutional capacity. For instance, contrary to the clear provisions of the Cyber Crime Act 2015 vesting exclusive jurisdiction on the Federal High Court to hear and entertain offences of cyber-crimes, the Nigeria Police instead of handing over the case file to the office of the Attorney General to file charges at the Federal High Court, always charge suspects of cyber stalking, cyber bullying and other cybercrimes to the Magistrate Court just to remand the suspect to prison as an awaiting trial inmate (ATM).

4.7 Constitutional Guidelines for Criminal Trials

There are constitutional provisions that ensure that any person accused of a crime enjoys access to justice before and during his or her trial. These constitutional

provisions that guarantee access to justice in criminal matters are entrenched in section 36 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), and these constitutional provisions override any other provision in other enactments that are not consistent with the constitutional provisions on access to justice in criminal trials. Access to justice and fair trial are fundamental to the administration of criminal justice; they give integrity to the legal system and ensure that the citizens have confidence in the administration of criminal justice. Constitutional guarantees for access to criminal justice are as follows:

1. **Fair Hearing:** Section 36(1) and (4) of the Constitution of Nigeria 1999 provides that in the determination of his civil rights and obligation including any question or determination against any government or authority, a person shall be entitled to a fair hearing. Section 36(4) specifically provides that: "Whenever any person is charged with a criminal offence, he shall, unless the charge is withdrawn, be entitled to a fair hearing in public within a reasonable time by a court or tribunal." The concept of fair hearing is at the very foundation
2. of the legal system and access to justice. The Supreme Court in the case of *Effium v. The State*^[11] established the essential elements of a fair hearing to include: *easy access to the court, right to be heard, impartiality of the adjudicating process, principles of nemo judex in causa sua, and whether there is inordinate delay in delivering judgment, etc.*
3. **Publicity of trials:** The publicity of trials is one of the hallmarks of the fairness of trials. Members of the public are free to attend court and witness criminal trials even when they are not parties or witnesses to the proceedings. Though by the proviso to section 36(4) of the Constitution, there are situations when criminal trials may not be conducted in the open, but this does not authorize the exclusion of bona fide representatives of the media and other persons required in court for purposes connected with their employment.
4. **Presumption of Innocence:** Every person who is charged with a criminal offence shall be presumed innocent until he is proven guilty.^[12] It is the responsibility of the prosecution that alleges that the defendant committed the offence to prove it beyond a reasonable doubt; and until the guilt of the defendant is proved, he has the rights and privileges of every other citizen, except the court, by an order says otherwise. The Constitution further stipulates the rights of a defendant to include; rights to be informed of the offence against him,¹³ granted adequate time and facilities to prepare his defence,¹⁴ rights to

legal representation of his choice,¹⁵ rights to examine witnesses,¹⁶ rights to an interpreter,¹⁷ rights not to be tried on retrospective enactment,¹⁸ rights not to face double trial on the same or similar offence¹⁹ and rights to be tried only on existing and known law at the time of committing the alleged offence. From the above constitutional provisions on fair hearing and access to criminal justice, the rights of an accused person are many and intended to ensure access to justice, a fair and just trial. However, the issue of whether they are complied with by the various institutions concerned with the administration of criminal justice depends on the facts of each case.²¹

5. Administration of Criminal Justice Act (ACJA) 2015

The Administration of Criminal Justice Act (ACJA) is a result of stakeholders' research and discussion since 1999, when Nigeria returned to a democratic system of government. It has a number of underlying principles and innovations on which it is built at all the various levels where it is effective. The ACJA is considered an adequate instrument to confront the challenges facing criminal justice administration in Nigeria, and particularly access to criminal justice. The ACJA was enacted to promote speedy criminal trials, decongest the prisons, protect the interests of victims of crime, and the rights of the defendant.²² Substantially, the provisions of the Act preserved the existing criminal procedure system, but introduced innovative provisions to enhance the efficiency of the criminal justice system. The basic principles that reflect in the Act and the various versions enacted by the State House of Assembly of States that have domesticated the Act include the following:

1. **Uniformity:** the ACJA creates for the country a uniform criminal procedure system for all parts of the country. The introduction of the Act is meant to abolish the use of the Criminal Procedure Act (CPA) for the South and the Criminal Procedure Code (CPC) for the North. Regrettably, the continuous application of both ACJA and Sharia law in Northern Nigeria brings a challenge to the effective administration of the criminal justice system in Nigeria.
2. **Clarity of objectives:** The ACJA sets out to achieve a set of objectives which are clearly targeted to ensure that the system of administration of criminal justice in Nigeria promotes access to criminal justice, efficient management of criminal justice institutions, speedy dispensation of justice, protection of the society from crime and protection of the rights and interests of the suspect, the defendant, and the victim. Section 1(1) of the Act.
3. **Restorative Justice:** The measures that promote restorative justice in the ACJA are suspended sentence, Plea bargain, community service, probation,

Parole, compensation, restitution, rehabilitation, and treatment. Sections 270, 319, 321, 342, 453- 468 of the Act.

4. **Criminal Justice statistics and data:** Modern Criminal Justice Administration demands the use of data for tracking offenders, forecasting criminality trends, and planning appropriate preventive measures in response to such trends. This is to be achieved using the Central Criminal Records Registry (CCRR) provided in section 16 of the ACJA.
5. **Technology-aided justice system:** Courts are expected employ technology in documenting court proceedings. The same applies in e-recording of the process of taking confessional statements. Section 17, 307, and 364 of ACJA.
6. **Human Rights compliance:** the ACJA makes a deliberate attempt to ensure that the constitutional rights of suspects are well protected by law enforcement agents and the courts. This regards arrests, bail, and detention of persons. Sections 30 – 32 and 158 of the Act.
7. **Gender parity:** the ACJA makes attempts to address the problem of discrimination against women by ensuring they can serve as sureties and hold property in their own name. Sections 66-67 and 167 of the Act.
8. **Control of pre-trial detention and automatic review of remand cases:** The ACJA tackles the detention of suspects without trial by regulating the duration of remand before trial. Section 283 – 298 of the Act.
9. **Prohibition of Stay of Proceedings:** the ACJA expressly prohibits the entertaining of an application for Stay of Proceedings in a criminal matter. Sections 293 – 298 of ACJA.
10. **Timelines:** Another unique feature of the ACJA is the imposition of timelines on officials of the criminal justice agencies for performing stipulated functions. Section 376 of ACJA.
11. **Mandatory Reporting Requirements:** The ACJA demands accountability on the part of public officials through the stipulation of reporting obligations. Section 29, 33 and 111 of the Act.
12. **Synergy:** The ACJA addresses the problem of poor collaboration among stakeholders by creating a statutory committee that will provide an institutional framework for cooperation and synergy among the various agencies. This body is known as the Administration of Criminal Justice Monitoring Committee (ACJMC). Sections 469-476.

13. **Sentencing Guidelines:** the ACJA makes robust provisions to guide judges in dishing out appropriate redress for various kinds of criminal behaviour. Sections 401-431 of the Act.
14. **Plea Bargaining Guidelines:** Clear guidelines on the application of the plea bargain option were set by the ACJA. Section 270 of the ACJA.
15. **Other Innovative Provisions:** There are a few guidelines for preventing the delay of the investigation. These include stipulation of time to conduct interrogation of suspects, clarity of protocols to adopt following arrest, reporting requirements with respect to properties found during investigation, etc. Parts two and four of the ACJA.

By its purpose, the Administration of Criminal Justice Act and Administration of Criminal Justice Law of the various States make a deliberate shift from punishment as the main goal of the Nigerian criminal justice system to restorative justice. Restorative justice is an approach to criminal justice that is concerned with healing victims' wounds, restoring offenders to law-abiding lives, and repairing harm done to interpersonal relationships and the community.

4.8 Judicial Independence

Although constitutionally guaranteed, Nigeria's judiciary suffers from executive dominance, particularly in financial matters. Comparatively, South Africa and India demonstrate stronger judicial independence mechanisms. Without true financial autonomy, Nigeria's judiciary will continue to struggle with efficiency and credibility. Most of the judges in Nigerian courts still record proceedings with longhand instead of the use of stenographers, and the court lacks legal assistants, thus leaving the Judge with no option but to read the bundle of documents filed before judgment is delivered in a case.

4.8 Restorative Justice

Nigeria's criminal justice system remains punitive and incarceration-driven, leading to prison overcrowding. Comparative jurisdictions (Canada, New Zealand, South Africa) show that restorative justice can reduce recidivism and promote community healing. For Nigeria, restorative justice is a feasible complement to punitive approaches, particularly for juveniles and non-violent offenders. The practice of charging suspects to the Magistrate or Sharia courts when the law vests jurisdiction in the High Court or Federal High Court remains one of the greatest shortcomings of the criminal proceedings and a major reason for prison congestion in Nigeria.

1. Synthesis of Findings

The findings reveal that Nigeria's criminal justice challenges stem more from weak institutions and poor political will than from inadequate laws. Prospects for reform exist if Nigeria strengthens itself.

SUMMARY, CONCLUSION, AND RECOMMENDATIONS

5.1 Summary

This study critically appraised criminal proceedings in Nigeria, identifying key challenges and examining prospects through comparative analysis. It found that while Nigeria has modern legal frameworks like the ACJA 2015, systemic weaknesses hinder effective justice delivery. Comparative jurisdictions offer valuable lessons for reform.

5.2 Conclusion

The findings underscore that Nigeria's criminal justice system requires more than statutory reform; it demands institutional restructuring, technological adoption, capacity building, and genuine political commitment to the rule of law. Restorative justice frameworks, if properly implemented, can complement punitive measures by reducing recidivism and promoting rehabilitation. Judicial independence, particularly financial autonomy, remains critical to ensuring impartial adjudication and credibility.

Ultimately, the study concludes that Nigeria's criminal proceedings can be strengthened through a holistic reform agenda that integrates international best practices with contextually adaptable strategies. Such reforms will not only improve access to justice and human rights protection but also restore public trust in the criminal justice system, thereby advancing the broader goals of governance, security, and societal stability.

Nigeria's criminal justice system is not lacking in law but in effective implementation. Genuine reform requires strengthening institutions, ensuring judicial independence, embracing technology, and adopting restorative justice mechanisms.

5.3 Recommendations

1. Guarantee financial and administrative autonomy of the judiciary.
2. Digitize criminal proceedings nationwide.
3. Restrain Police prosecutors from instituting charges at the Magistrates Court merely to remand the accused person to prison as an awaiting trial member (ATM), when the law governing the offence provides the High Court's exclusive jurisdiction.

4. Standardize and strengthen plea bargaining.
5. Institutionalize restorative justice programs.
6. Increase funding and capacity building for justice sector stakeholders.
7. Establish effective monitoring and oversight mechanisms.
8. Establish a human rights desk in every police station, headed by a qualified legal practitioner who should approve all charges against alleged accused persons to ensure that cases are instituted at the appropriate courts.

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