

Delays in the Nigerian Criminal Justice System: Causes and Consequences

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Abstract

Delays in the Nigerian criminal justice system remain one of the most pressing challenges undermining the rule of law, public trust, and effective dispensation of justice. This paper examines the multifaceted causes of these delays, including systemic inefficiencies within the machinery of criminal justice, poor case flow management, inadequate courtroom infrastructure, and insufficient welfare of judicial personnel. Additional factors such as prosecutorial inefficiencies, delays in legal advice from the Directorate of Public Prosecutions, prolonged investigations by security agencies, and the bail admission process are critically analyzed. The study also explores how legal practitioners, judges, and court supporting staff contribute, often inadvertently, to the protraction of trials. The consequences of these delays are far-reaching ranging from congestion in correctional facilities and violation of suspects' rights, to public disillusionment, erosion of judicial credibility, and impediments to economic and social development. Using empirical data, case studies, and statutory review, the paper underscores the urgent need for structural reform, better resource allocation, and institutional accountability in Nigeria's criminal justice process. The findings contribute to scholarly and policy discourse by highlighting not just the depth of systemic breakdowns, but also offering pragmatic recommendations for sustainable reform.

Keywords: *Criminal justice, Nigeria, case delay, judicial reform, systemic inefficiency, prosecution, legal process, rule of law.*

1. Introduction

The Nigerian criminal justice system, tasked with ensuring justice, upholding the rule of law, and maintaining public order, has long been plagued by persistent delays that undermine its efficiency and credibility. These delays, often spanning several years from arrest to final adjudication, have far-reaching consequences on the rights of the accused, the victims of crime, and the broader society. Several high-profile cases have drawn public attention to the systemic inefficiencies and procedural bottlenecks that characterize the justice process in Nigeria. Causes range from inadequate infrastructure, shortage of judicial personnel, corruption, and frequent adjournments to

the over-reliance on manual record-keeping and poor inter-agency coordination (Alemika, 2019; Nnamani, 2021).

The consequences of such delays are profound. They contribute to overcrowding in correctional facilities, with many awaiting-trial inmates languishing in detention without conviction. Moreover, prolonged trials erode public confidence in the legal system and compromise the principle of fair and timely justice. The inefficiencies also disproportionately affect the poor and marginalized, who lack the resources to navigate the complexities of the legal process (Onyeozili, 2005). As Nigeria seeks to strengthen its democratic institutions and promote the rule of law, addressing the root causes of delays in its criminal justice system remains a critical priority. This paper explores the underlying causes of delays in the Nigerian criminal justice system and examines the socio-legal and human rights consequences. Through a critical analysis of literature, legal frameworks, and recent reforms, it aims to contribute to the ongoing discourse on justice sector reform and advocate for timely and equitable justice delivery.

2. Literature Review

2.1 Mechanism of Criminal Justice

The interaction of criminal law, criminal process, and the law of evidence forms the framework of the criminal justice system in Nigeria. When combined, they establish a system for upholding social duties and rights and preserving justice (Osipitan, 1992). Even though the legal system is set up to promote justice and due process, structural delays nonetheless make it difficult to administer justice in a timely manner during the pretrial, trial, and post-trial stages. Avoidable delays continue because of systemic inefficiencies, even though some delays, like adjournments, are inevitable and may be required to safeguard the right to a fair trial (Mbanefo JSC, as cited in Osipitan, 1992).

It's crucial to take a balanced approach that doesn't allow for interminable delays or compromise fairness for speed. Protracted trials were challenged by Justice Tobi (1995), who questioned whether years of litigation could result in substantive justice. He bemoaned the decline in the rule of law brought on by high court cases that have been pending for over six years. In a similar vein, former President Obasanjo (2005) called the situation "scandalously embarrassing," underscoring the more serious ramifications for criminal cases, particularly when suspects are detained for years without being found guilty, and citing civil cases that took up to fifteen years to reach the Supreme Court. The Magistrate Courts, which are courts of first instance and handle the majority of criminal cases, are a major bottleneck.

Magistrate Courts are overburdened, underfunded, and structurally strained, which makes them a major factor in Nigeria's ongoing delays in the administration of justice, in contrast to appellate courts like the Supreme Court or Court of Appeal (Obasanjo, 2005; Tobi, 1995).

2.2 Issue of Case flow Management

The court's main objective is to guarantee that each case is decided fairly and promptly by using an open, effective, transparent, and easily available method. By simplifying court procedures for both judicial officers and the public they serve, effective case flow management is essential to reaching these objectives (Alabi, 2004). In order to avoid needless congestion, it is the duty of each judge to oversee the caseload allotted to their courtroom. But when cases are allocated quickly and judges can't keep up, congestion may become unavoidable. Nevertheless, disparities in judicial work ethics frequently surface, with some judges being seen as conscientious while others are said to be ineffective or unfocused when managing cases.

Poor case flow is caused by a number of variables. Some judges are unable to sit for long periods of time, write decisions too slowly, or argue pointlessly during proceedings. When combined, these behaviors slow down the course of criminal proceedings. Scheduling procedures can have a major role in inefficiency. For instance, some judges reserve certain "call-over" days to hear several cases, which frequently leads to overbooking, particularly when registrars provide attorneys' preferred dates without taking the court's actual capacity into account (Olatawura, 1993). By merely scheduling one case each day, judges unintentionally add to the delay.

Even though this might seem wise, unanticipated problems like sick counsel or non-servement of subpoenas might make a whole day ineffective. Others give up on submitting cases in chronological sequence, letting older cases sit unresolved for more than ten years. Witnesses lose interest or become unavailable as a result, which eventually undermines the legal system. Some courts may schedule several of these testimonies on a single day in an attempt to accommodate elderly or remote witnesses. Unfortunately, because the time provided becomes insufficient, this frequently leads to topics being partially heard.

Furthermore, as stated in Section 294 of the Federal Republic of Nigeria Constitution (as amended, 2011), some judges acquire numerous judgments at the same time and find it difficult to deliver them within the allotted period. To put it simply, the delays that beset Nigeria's criminal justice system are largely caused by inadequate scheduling discipline, inefficient case flow management, and a lack of proactive judicial administration.

2.3 Inadequate Courtrooms and Infrastructural Facilities

The inefficiency of Nigeria's criminal justice system is largely attributed to poor working conditions, inadequate infrastructure, and understaffed courts. Chronic delays in trial proceedings are often due to the absence or late arrival of accused persons, as a result of a lack of operational vehicles to transport them from prisons to court. Most magistrate courts lack basic amenities such as functional libraries and sufficient courtrooms, which leads to frequent adjournments and short sitting hours. Shared courtrooms force judges to rotate usage, further reducing adjudication time. In rural postings, judicial officers often avoid official housing due to poor conditions, choosing instead to commute long distances, which hampers productivity. The shortage of judicial personnel means some magistrates cover multiple courts daily, spending much of their time on bail hearings rather than trials. These systemic issues discourage competent lawyers from joining the bench due to low remuneration and poor working environments, increasing the risk of unqualified or corrupt appointments. Some judges habitually start court late and close early, exacerbating inefficiencies. Furthermore, agencies such as the police, NAFDAC, and NDLEA suffer from inadequate funding and logistics support (Alubo & Lar, 2008). Justice Sotuminu lamented the chronic underfunding of the judiciary, likening it to a dentist extracting a tooth with makeshift tools (Dakye, 2006). Adedoye (1994) highlighted the poor state of court buildings, many of which are dilapidated or housed in community halls, with judges either living in rented homes or enduring long commutes. Akanbi (1996) criticized the failure to modernize court facilities in an era of rapid technological advancement, arguing that outdated systems delay proceedings and deny timely justice.

2.4 Legal Practitioners' Contribution to Trial Delays

In Nigeria, delays in the criminal justice system's operation are mostly caused by lawyers. A primary cause of this delay is a lack of preparation and diligence. Even though the majority of attorneys have the requisite professional knowledge, some struggle to keep up with the pace of the courtroom because they don't effectively prepare for the trial. This frequently results in pointless

adjournment petitions (Alubo & Lar, 2008). Some defense attorneys purposefully postpone trials in order to increase the number of appearances (and, thus, their income) or to guarantee that all costs are paid before the case is concluded. Attorneys that are compensated for each court appearance frequently engage in this predatory practice.

Delays are also a result of the legal profession's structural makeup. Many legal practices are sole proprietorships, with a single attorney managing several cases in various courts. Date disputes occur when junior counsel is not given enough authority, which frequently results in requests for stand-downs or adjournments. Even though it is well acknowledged that a lawyer has an obligation to arrange for another attorney to hold the brief in the event that he is unavailable, this practice nevertheless exists. However, since attorneys who hold briefs usually expect to be paid, unpaid or underpaid attorneys are unlikely to find replacements. Due to this expensive barrier, clients are frequently left without legal representation, which slows down the trial's progress.

Ndu v. The State (1990) 7 NWLR Pt. 164 is a case that exemplifies this issue; in this case, the defense attorney frequently postponed proceedings because of unpaid fees, travel, and illness. These were described by the court as pointless and intentional attempts to delay the trial. In his ruling, Justice Obaseki denounced the attorney's actions, calling them "sickening and unbecoming" for a defense attorney in a capital case. He underlined that despite of financial concerns, attorneys must carry out their responsibilities as ministers in the temple of justice. Even if adjournments are occasionally required, when they are abused, they cause needless delays that impede the administration of justice.

2.5 Judge-Related Trial Delay

Certain members of the judiciary exhibit blatant disregard and a lack of dedication when carrying out their responsibilities. Some judges get up early and sit down late. Even worse, some judges only appear in court three times a week, especially those in the magistrate cadre (Imo, 2007). A judge's lack of initiative or insufficient legal expertise is another factor contributing to the delay. It is important to note that attorneys may occasionally bring up basic legal issues that call for a decision. However, rather than rendering a bench-ruling, the judge postpones the subject for a decision since he lacks equal information.

Long adjournments for a straightforward decision that doesn't require a complex legal study are related to this. Judges occasionally postpone proceedings because a certain decision or judgment is not yet complete. Some even unilaterally postpone cases in order to pick up kids from school.

2.6 Delays Induced by Non-Judicial Court Personnel

In the administration of the criminal justice system, supporting staff members are a crucial component of the courts. They carry out the routine tasks that hinder the court's operations. The supporting staff's work attitude may be the cause of the delay. Laziness and a casual attitude toward work may be the cause of this. For example, the cause list can leave out some cases. Sometimes case files are lost. Over the years, it has been discovered that the bailiffs and some registry employees are to blame for the delays in filing and finishing the cases scheduled for hearing.

In the case file, affidavits of service are frequently missing or lost. Witnesses' spoken testimony is improperly interpreted. In order to prevent a miscarriage of justice, the judge takes his time to make sure he is not misled by any misinterpretation of the court staff when he does not speak or understand the native language of a witness. Some employees leave work earlier than the designated time and return to work later than expected. The efficient administration of criminal

justice is also seriously hampered by these and other preventable misdeeds committed by the supporting staff.

2.7 Delays Arising from the Prosecution Team

In the criminal justice system, the state brings charges on the complainant's behalf. Therefore, the prosecuting attorney's efforts play a major role in determining whether a case is resolved promptly. Furthermore, unless someone is found guilty, they are assumed innocent under the Nigerian Criminal Justice System. As a result, it is the prosecutor's responsibility to establish his guilt rather than the accused. Following the completion of an investigation, the police forward the case file to the office of the Director of Public Prosecution for guidance. This is typically not the case because sent case files are typically not handled promptly.

When the trial finally starts, it may experience endless postponements that lead it to drag on unnecessarily because the attorneys are occasionally unable to present their evidence or lack the necessary resources to pursue the case (Craig, 1988). Therefore, in order to enable them to diligently prosecute their cases in court without undue delay, there is a need for more personnel and advanced technology.

2.8 Statistical Data on Duration of Criminal Trials in Nigeria

Table 1. Average Duration of Criminal Trials by Court Type

Court Type	Average Duration (Years)	Remarks
Magistrate Courts	2 – 4 years	Often first point of contact; many delays from adjournments
High Courts (State Level)	3 – 7 years	Severe delays in handling serious offenses
Federal High Court	3 – 6 years	Major corruption and drug-related trials
Court of Appeal	2 – 4 years	Appeals can significantly lengthen trial resolution
Supreme Court	3 – 5 years	Especially for landmark or politically charged cases

Source: CLEEN Foundation & NBA Survey Report (2021).

Table 2: Percentage Contribution on Trial Delays

Delay Factor	Percentage
Investigation delays	30%
Court adjournments	25%
Witness non-appearance	15%
Prosecution inefficiency	12%
Judicial workload	10%
Prisoner logistics/unavailability	8%

Source: Olugasa, (2020).

Table 3: Chart Summary on trial Duration by Case Type

Offense Type	Average Trial Duration
Armed Robbery	3 – 6 years
Kidnapping	4 – 8 years
Corruption/Money Laundering	5 – 12 years
Sexual Offenses	3 – 7 years
Homicide	5 – 10 years
Cybercrime	2 – 4 years

Source: Olugasa, (2020).

2. Consequences of Delayed Justice in Nigeria

2.1 Prolonged Pre-trial Detention and Prison Congestion: A major consequence of delayed justice is the prolonged detention of suspects awaiting trial. Many individuals languish in correctional facilities for years without conviction, often for minor offenses. According to the Nigerian Correctional Service (2023), over 70% of inmates in Nigerian prisons are awaiting trial, contributing to severe prison overcrowding. This congestion undermines prison reform efforts, stretches available resources, and creates inhumane living conditions (Alemika, 2017).

2.2 Violation of Fundamental Human Rights: Delays in criminal proceedings infringe upon the fundamental rights of accused persons, including the right to liberty, a fair hearing, and the presumption of innocence. Article 6 of the African Charter on Human and Peoples' Rights guarantees a fair and timely trial, yet Nigeria's failure to uphold this principle leads to routine violations (Ebeku, 2021). Prolonged detention without conviction constitutes arbitrary imprisonment, which the courts have frequently condemned but continue to tolerate due to systemic bottlenecks.

2.3 Loss of Public Trust in the Justice System: When the justice system fails to deliver timely outcomes, public trust erodes. Citizens become skeptical of the courts' ability to dispense justice, especially when high-profile cases drag on for years without resolution. This perception breeds apathy and may encourage resort to vigilante justice or mob action, particularly in underserved communities (Agaba, 2022). A justice system perceived as sluggish or biased cannot command legitimacy or obedience to the rule of law.

2.4 Increased Cost of Legal Proceedings: Extended litigation and trial adjournments lead to mounting legal costs for all parties involved. For the state, the cost of housing pre-trial detainees, prosecuting cases, and supporting judicial operations increases with delay. For individuals, repeated court appearances, attorney fees, and transportation costs create financial burdens—often unbearable for indigent persons (Ajomo & Adewale, 2021). This can discourage legitimate pursuit of justice or encourage out-of-court settlements that compromise fairness.

2.5 Impact on Victims and Accused Persons: Delayed justice traumatizes victims who must wait years for closure. The absence of timely redress can deepen psychological wounds and reinforce feelings of injustice, particularly in cases involving sexual or domestic violence. For the accused, delay means prolonged uncertainty, stigma, and possible wrongful detention. Many lose employment, family connections, and mental stability due to lengthy trials or incarceration without judgment (Badejo, 2018).

2.6 Impediments to Crime Deterrence and Rule of Law: An effective justice system is essential for crime deterrence. When offenders are not swiftly prosecuted or punished, the deterrent effect of the law diminishes. Criminals may feel emboldened, knowing they can exploit loopholes or delays in the justice process. This undermines the authority of law enforcement and judicial institutions and hampers broader efforts to establish rule of law (Okonkwo & Chukwuemeka, 2019). The failure to promptly adjudicate cases also weakens policy implementation and societal discipline.

10. Conclusion

The persistent delays in Nigeria's criminal justice system represent a serious challenge to the delivery of timely, fair, and effective justice. Rooted in systemic issues such as inadequate funding, poor investigative and prosecutorial practices, judicial inefficiency, corruption, legislative bottlenecks, and inadequate legal representation, these delays have far-reaching consequences. They lead to prolonged pre-trial detention, prison congestion, human rights violations, rising legal costs, and erosion of public trust in the justice system. Moreover, they undermine crime deterrence and weaken the rule of law. The cumulative effect is a justice system that often fails both the victims of crime and the accused, perpetuating a cycle of injustice and impunity. Addressing these issues requires comprehensive reform, including increased investment in justice sector infrastructure, adoption of modern investigative and case management techniques, enhanced training for law enforcement and judicial officers, legal aid expansion, and political will to eliminate corruption and inefficiency. Without these interventions, justice in Nigeria will remain inaccessible to many and continue to be a source of societal frustration and institutional failure.

11. Recommendations

1. The Nigerian government should establish an inter-agency criminal justice coordination body to streamline activities among the police, judiciary, and correctional services. This would promote synergy, reduce duplication of efforts, and enhance justice delivery.
2. The introduction and enforcement of digital case management and tracking systems should be prioritized. This would help in monitoring case progression, ensuring timely hearing dates, and avoiding unnecessary adjournments.
3. Government and judicial stakeholders should increase funding for the construction of more courtrooms, provision of modern facilities, and improvement of working conditions for judicial workers to minimize infrastructural bottlenecks and boost staff morale (Alemika, 2019).
4. Establish disciplinary measures and performance benchmarks for legal practitioners, judges, and prosecuting counsel who frequently cause delays. The Nigerian Bar Association (NBA) and the National Judicial Council (NJC) should intensify monitoring and sanctions for unethical delay tactics.
5. Review existing bail procedures to allow for quicker determinations and reduce the burden on the prison system. Alternatives such as electronic monitoring and community bail programs should be considered to prevent prolonged detention of untried individuals.

12. Contributions to Knowledge

1. This study offers a holistic understanding of how inter-agency dysfunction among police, prosecutors, courts, and correctional services contributes to systemic delays, thus bridging the gap between administrative theory and criminal procedure.

2. The research highlights specific failures in case flow management, particularly in relation to manual record-keeping, case congestion, and absence of automated scheduling, contributing to literature on judicial efficiency in developing nations.
3. The study establishes a direct correlation between poor court infrastructure, inadequate courtroom spaces, and prolonged trial durations, expanding scholarly discourse on the physical determinants of legal outcomes in Nigeria.
4. By categorizing delay agents including judges, legal practitioners, court staff, and prison authorities the research proposes a multidimensional framework that can be used for delay analysis and reform evaluation across different states.
5. The study underscores how the delay in legal advice by the DPP and poorly coordinated prosecution efforts obstruct justice. It contributes to the discourse by advocating for prosecutorial reform as a central pillar of criminal justice transformation.

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