

An X-Ray of the Nigerian Criminal Justice System: Issues and Opportunities for Reform

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Abstract

This study provides a comprehensive analysis of the Nigerian criminal justice system, tracing its historical evolution from colonial origins to contemporary challenges and opportunities for reform. Utilizing a qualitative doctrinal review and synthesis of recent empirical studies, legislative developments, media reports, and civil society assessments, this paper highlights systemic deficiencies such as police brutality, weak prosecutorial capacity, judicial delays, pre-trial detention, and correctional overcrowding. The study also identifies reform opportunities through legislative innovation, institutional capacity building, technology integration, and professionalization of criminal justice actors. Drawing on Systems Theory and Conflict Theory, the analysis argues that the system's dysfunction stems from interlocked institutional failures and entrenched power hierarchies that disadvantage the poor and marginalized. The paper concludes with actionable recommendations, including the establishment of a National Standard Prosecutorial School, enhanced oversight mechanisms, digitized court and case management systems, and alignment with international human rights standards to promote efficiency, accountability, and public trust.

Keywords: Criminal justice system, reform, prosecutorial school, pre-trial detention, ACJA

Introduction

The criminal justice system is a foundational institution in democratic governance and societal order. Ideally, it should uphold the rule of law, ensure fair adjudication of disputes, protect rights, and deliver justice efficiently. In Nigeria, however, the criminal justice system has been widely criticized for its structural deficiencies and chronic inability to deliver timely and equitable justice. These challenges have fostered public disillusionment and calls for comprehensive reform.

African Journal of Peace and Social Inclusion, AJPSI (2026)

Historically, the Nigerian criminal justice system is deeply rooted in colonial legal frameworks instituted by the British. Colonial governance prioritized social control and protection of imperial interests over the protection of indigenous rights (Alemika, 2010). The police were designed as instruments of coercion rather than community protection, courts served colonial legal order, and prisons functioned primarily as punitive detention centers. Upon independence in 1960, Nigeria retained much of this inherited structure with limited transformation toward citizen-centric justice delivery.

In the decades that followed, military rule and authoritarian governance further weakened judicial independence, normalized impunity, and entrenched systemic inefficiencies. Even after the return to democracy in 1999, many institutional weaknesses have persisted, producing chronic backlogs, procedural stagnation, and human rights concerns. Recent years have seen the Nigerian public increasingly vocal about police misconduct, particularly following nationwide protests such as #EndSARS in 2020 and later movements, which highlighted widespread grievances against law enforcement and criminal justice administration.

Despite this backdrop of systemic dysfunction, the Nigerian justice system is not without reform potentials. Legislative innovations like the Administration of Criminal Justice Act (ACJA) 2015 and subsequent Administration of Criminal Justice Laws (ACJLs) across states provide tools for procedural modernization. Civil society organizations and international partners actively engage in capacity-building initiatives. Judicial digitization efforts and monitoring frameworks such as the Administration of Criminal Justice Monitoring Committees (ACJMCs) have begun to foster institutional accountability and coordination.

The primary objective of this study is to critically analyze the historical evolution, systemic challenges, and reform prospects of Nigeria's criminal justice system. It aims to identify practical and implementable interventions that can enhance justice delivery, accountability, and public confidence.

This research employs a qualitative doctrinal approach combined with secondary empirical review. Data were collected from scholarly journals, policy reports, statutory instruments, official statements, civil society assessments, and reputable media outlets covering justice sector performance in Nigeria. Key sources include empirical studies on pre-trial detention and conviction rates, assessments of ACJA/ACJL compliance, workshop communiqués on parole and justice administration, and reports on policing and judicial reforms.

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Data were analyzed thematically to identify recurring structural weaknesses, institutional bottlenecks, and emerging opportunities for reform within the Nigerian criminal justice sector. The analytic framework draws on Systems Theory, which conceptualizes the justice system as interdependent components whose dysfunction in one area affects the whole, and Conflict Theory, which locates systemic disparities within broader socio-political inequalities.

Conceptual Clarification

A criminal justice system encompasses all formal institutions tasked with enforcing criminal laws, adjudicating criminal matters, and administering punishment or rehabilitation (UNODC, 2019). In Nigeria, this network includes law enforcement agencies such as the Nigeria Police Force (NPF), prosecutorial bodies, the judiciary, correctional services, and oversight institutions. Each plays a defined role, but the system's effectiveness depends on coordination, accountability, and adherence to legal and human rights frameworks.

Academics characterize Nigeria's criminal justice system as predominantly punitive, procedurally inefficient, and disproportionately burdensome on the poor and marginalized (Alemika & Chukwuma, 2011). The institution often results in prolonged detention without trial, arbitrary arrests, and human rights violations, undermining both the rule of law and public trust.

Theoretical Framework

This paper adopts Systems Theory which posits that complex institutions function as interrelated subsystems whose performance affects overall outcomes (Easton, 1965). In the context of criminal justice, policing inefficiencies, weak prosecution, judicial delays, and correctional overcrowding are not isolated problems but interconnected issues that cumulatively weaken the system's capacity to deliver justice.

Conflict Theory

Conflict Theory foregrounds power relations and inequality in understanding social institutions, including criminal justice. In Nigeria, justice institutions often reflect and reinforce socio-economic hierarchies, with the poor facing harsher treatment, limited access to counsel, and greater risk of pre-trial incarceration. Wealthy and politically connected

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defendants, in contrast, more often secure bail or favorable legal outcomes, illustrating structural disparities that impede equitable justice.

Historical Evaluation of the Nigerian Criminal Justice System

Colonial legal institutions in Nigeria were designed for control rather than justice. Policing was organized for suppression of dissent and protection of colonial economic interests, while courts adjudicated matters in ways that facilitated colonial authority. Prisons were punitive spaces primarily for detaining those who resisted colonial rule or failed to comply with foreign laws.

Following independence in 1960, Nigeria retained much of the colonial justice infrastructure. Although Nigeria adopted a federal constitution and introduced reforms like the Criminal Code and Penal Code, these changes did little to dismantle core institutional legacies. Military rule (1966–1999) further weakened judicial independence and normalized executive interference in criminal processes.

Systemic Issues in the Contemporary Nigerian Criminal Justice System

Police brutality and excessive force remain pervasive concerns. Amnesty International reported Nigerian police shootings of civilians during nationwide protests in 2024, including incidents where officers fired live ammunition at close range, resulting in civilian deaths and human rights violations (Reuters, 2024). The Nigeria Police Force also continues to face allegations of unlawful arrests and custodial deaths, which contribute to a culture of fear and distrust between citizens and law enforcement.

Prosecutorial capacity in Nigeria is underdeveloped. Many prosecutors lack standardized training, clear guidelines, and case management competencies. Delays in charging decisions and poor evidence presentation contribute to prolonged pre-trial detention and weak convictions. Recent statistical research indicates Nigeria's overall conviction rate remains low, highlighting systemic inefficiencies and judicial backlog issues that are compounded by inadequate prosecution practices (Ayenigba et al., 2025).

Empirical Evidence of Criminal Justice Challenges

One of the most urgent problems confronting Nigeria's criminal justice system is the high number of awaiting-trial detainees. Estimates by civil society and criminology organizations suggest that over 53,000 individuals are awaiting trial across Nigerian correctional facilities,

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reflecting profound procedural delays, inadequate legal representation, and systemic gridlock in court processes (Agboluaje, 2025). In some facilities, over 70% of inmates are awaiting trial rather than serving convictions, demonstrating a critical human rights concern and the misapplication of incarceration as a default sanction rather than a last resort.

Issues and Opportunities for Reform

The Administration of Criminal Justice Act (ACJA) 2015 and subsequent state Administration of Criminal Justice Laws (ACJLs) are landmark legislative interventions aimed at modernizing criminal justice processes, enforcing speedier trials, and reducing procedural delays. However, implementation remains uneven across states due to capacity gaps, low awareness, and limited funding for enforcement infrastructure (CLEEN Foundation reports, 2024–2025).

Capacity-building initiatives supported by civil society and international partners have trained stakeholders in ACJMC functions and established monitoring committees in multiple states, providing a framework for collaborative justice reform (CLEEN Foundation program reports, 2025).

Digitalizing court systems and integrating case management software can reduce delays, enhance transparency, and strengthen records management. Prior advocacy efforts have highlighted the need for judicial infrastructure to support digital processes, which can streamline hearings and case tracking in line with ACJA requirements. (Agboluaje, 2025)

Conclusion and Policy Recommendation

The Nigerian criminal justice system stands at a critical juncture. Its colonial legacies and systemic dysfunctions have produced pervasive inefficiencies, human rights concerns, and public distrust. Nevertheless, the emergence of reform-oriented legislation, growing civic engagement, and international support provides a fertile basis for substantive transformation.

Meaningful reform depends on strategic institutional investments, professional capacity building, and the reimagining of justice processes around fairness, efficiency, and accountability. The recommendations provided — including the establishment of a National Standard Prosecutorial School, digital court infrastructure, policing oversight, and strengthened legal aid — are designed to be implementable and impactful.

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By embracing these reforms, Nigeria can move toward a justice system that not only punishes crime but also upholds constitutional rights, protects the vulnerable, and enhances public confidence in the rule of law.

Policy Recommendations

To build an effective, equitable, and sustainable criminal justice system in Nigeria, the following recommendations are proposed:

Establish a Prosecutorial Academy

The federal and state government should establish a prosecutorial academy to professionalize and standardize prosecutorial practice across federal and state jurisdictions. By creating a dedicated prosecutorial academy responsible for curriculum development, certification, and continuing professional development and provide mandatory training in criminal law, evidence, trial advocacy, case management, human rights, and ethics and develop standardized prosecutorial guidelines aligned with ACJA/ACJL provisions. For cost effective the Ministry of Justice with partnerships from Nigerian Bar Association and National Judicial Council can coordinate the running of the school in each state.

Strengthen Police Accountability and Community Policing

Federal government should establish independent police oversight bodies with prosecutorial authority. Integrate community-oriented policing models that build trust and reduce confrontation. Mandate regular human rights and procedural training for law enforcement.

Judicial Process Optimization

The judiciary at all government tiers should expand digital case management and e-court systems and enforce statutory timelines under ACJA/ACJL for case disposition. Create special dockets for pre-trial detainee cases and enhance legal aid resources to provide free representation to indigent defendants.

Budget and Resource Allocation

Federal and state government should increase funding for judiciary infrastructure, legal aid councils, and prioritize fiscal allocations for digitization, monitoring, and oversight structures.

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