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Inefficient Criminal Justice System

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ABSTRACT

The criminal justice system (CJS) is an institutional apparatus the society uses to enforce laws, ensure public safety, adjudicate guilt, and administer punishment. The CJS is comprised of the police, the judiciary, and the correctional service. Inefficient criminal justice system is the system that fails to deliver justice within reasonable time with fair process, leading to impunity, prison congestion, and loss of public confidence. Furthermore, inefficient criminal justice system is driven on basis of the theories of: Marxian Political Economy theory, Fear of God theory, and Systems theory. The criminal justice system in Nigeria is inefficient as evidenced by 75,000 inmates with 68% awaiting trial, and prison congestion of 188% at Ikoyi and 222% at Port Harcourt, and with average case delay of 3-5 years at the High Court and 10 years at Supreme Court despite Administration of Criminal Justice Act 2015 provision for 108 days trial and Section 306 prohibition of stay of proceedings. The paper looks into the pros, cons, and the challenges facing inefficient criminal justice system cum plausible solutions to them so as to enhance efficiency in the system.

KEYWORDS: *Inefficient criminal justice system (CJS), awaiting trial inmates, oil bunkering, ACJA 2015, corruption, fear of God, prison congestion, alternative dispute resolution (ADR), police, prosecution, judiciary, Nigerian Correctional Service (NCoS), forensic evidence, environmental crime, pipeline surveillance.*

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INTRODUCTION

The criminal justice system is the institutional apparatus society uses to enforce laws, ensure public safety, adjudicate guilt and administer punishment [1-3], as shown in Figure 1. The criminal justice system according to Robertson rests on four interdependent pillars: the Police for investigation and arrest, the prosecution comprising Ministry of Justice, Economic and Financial Crimes Commission (EFCC) and Independent Corrupt Practices Commission (ICPC) for prosecution, the Judiciary for adjudication, and the Nigerian Correctional Service (NCoS) for correction and rehabilitation (i.e., police, prosecution, judiciary and correctional service) [4-6], where failure in one collapses the whole.

An efficient system is measured by speedy trial within reasonable time frame as guaranteed under section 36(4) of the 1999 Constitution of the Federal Republic of Nigeria (as amended), high conviction rate for guilty, low congestion, and public confidence [7]. In Nigeria, the criminal justice system is grossly inefficient. Data from Nigerian Correctional Service shows total inmate population of 75,000 with 51,000 awaiting trial, representing 68% awaiting trial inmates. Ikoyi Correctional Centre built for 1,700 inmates currently holds 3,200 inmates (188% congestion), while Port Harcourt holds 4,000 against 1,800 capacity (222% congestion) [8]. Reports also indicate that 80% of criminal cases are struck out due to poor police investigation relying solely on confessional statements without forensic evidence [9]. It is also revealed that 65% of Nigerians who had contact with police and judiciary paid bribes to avoid trial or secure favourable judgment [10]. Legal Aid Council of Nigeria indicated that 70% of defendants appear in court without legal representation, and while 75,000 inmates with 68% awaiting trial [11].

In furtherance to this, inefficiency directly fuels environmental crime and serious implications for oil

bunkering in Niger Delta, as 11,000 oil spills between 2006 and 2022 has been documented with only 5% prosecuted [12]. Also identified were 10,000 artisanal refining sites locally called "kpofire" in Rivers, Bayelsa and Delta States of which Operation Delta Safe destroyed 3,000 sites in 2022, yet only 137 convictions were secured in 2024, described as the largest clampdown on illegal refineries in Rivers State [13]. The group Managing Director of Nigerian National Petroleum Company Limited Kyari reported loss of 400,000 barrels per day (bpd) in 2022, reduced to 100,000 bpd in 2023 after engagement of Tantita Security Services Limited at N4 billion monthly for pipeline surveillance [14, 15]. Audit revealed that 619.7 million barrels of oil worth $46 billion was stolen between 2009 and 2020 [16, 17], and while 2022 losses was put at N4.3 trillion [18, 19].

The most shocking of all is the security complicity in oil bunkering in the 4km illegal pipeline from Forcados Terminal to the sea operated for 9 years with loading platform at sea, with security approvals, which was not discovered by the police but by Tantita Security in 2022. Texas Journal of Multidisciplinary Studies conceptualizes illegal oil bunkering as consequence of state incapacity and economic deprivation, noting that top government officials, multinational company staff, navy, soldiers and police are involved [20]. In a similar vein, flood management suffers same fate, as discovered that 755 of tertiary drainage channels in Lagos are blocked by municipal solid waste with zero prosecution [21]. Moral decadence cum lack of fear of God has been observed as the root cause of all form of corruption [22-24]. The strengthening of investigation, prosecution, judicial administration, legal aid, correctional services, and accountability mechanisms can improve the effectiveness and credibility of criminal justice [25-28].

HISTORY

The history of inefficient criminal justice system in Nigeria is divided into 5 phases as follows: Pre-colonial (before 1861), Colonial (1861-1960), Post-colonial Independence (1960-1966), Military Era (1966-1999), and Democratic Era (1999-2024). Each phase laid the foundation for the present inefficiency manifesting in 68% awaiting trial inmates [8], 3-10 years delay, 5% prosecution of oil bunkering [12], as well as the N40 billion Ecological Fund diversion zero conviction [24].

Phase 1: **Pre-Colonial Era (Before 1861) – Customary Justice – Efficient but Unwritten**

During this phase, before British colonization, criminal justice was administered through customary law, and Islamic law in the North. While in Yorubaland, *Ogboni* society handled murder, land cases, and secret crimes with speedy trial within days – same day judgement – as the fear of God and ancestors ensured compliance [29, 30]. In Igboland, *Amala* and age-grade system resolved disputes through restorative justice, where the offender compensated the victim with goats, lands, which was 50% cheaper and 28% more effective than prison. In Northern Nigeria, Islamic law under Sokoto Caliphate founded by Usman dan Fodio in 1804 played significant role in the spread of Islam and establishing vast empire [31] administered justice through Akali courts – which was swift, Sharia based, and with fear of Allah.

Efficiency: During this phase trial was within days, no awaiting trial, it was restorative, and community based.

Problem: The problem was that there were no written records, trial by ordeal, discrimination against women and slaves.

Phase 2: **Colonial Era (1861-1960) – Imposition of English Law – The Foundation of Inefficiency**

Lagos became British Colony in 1861, Northern and Southern Protectorates were formed in 1900, and in 1914 there was amalgamation by Lord Lugard. The British imposed English criminal justice system through the following three ordinances:

1. **Supreme Court Ordinance 1863 -** established the Supreme Court in Lagos.
2. **Criminal Code Ordinance 1916** (now Criminal Code Act) for South, and the Penal Code 1960 for North.
3. **Police Force Ordinance 1930 –** established the Nigeria Police Force – 1,400 men for 20 million, with no forensic [32].

With the above arrangement, the colonial system created dual system i.e., the English law for urban, and the customary law for rural – causing confusion. The police was used for tax collection, and forced labour, not for investigation. Courts delayed – appeal from Native Court to Supreme Court to West African Court of Appeal to Privy Council in London took 5-7 years delay – the foundation of present 3-10 years delay [33-35]. Prison Ordinance 1917 built prisons for punishment not correction – Ikoyi prison built in 1955 for 1,700 inmates, now holds 3,200 inmates (188% congestion) [8]. Vandalism which is defined as deliberate or willful destruction of public property [36, 37] started in the colonial era – vandals sacking Rome 455 AD analogy – Nigerians vandalized colonial symbols.

Phase 3: **Post-Colonial Independence Era (1960-1966) – Regionalization and Politicization**

At independence in 1960, Nigeria inherited colonial criminal justice system with Criminal Code for South, Penal Code for North, Police Act 1943, and Prison Act 1917. The three regions and their political parties were: Western (Action Group), Eastern (NCNC), and Northern (NPC) – each controlled police and judiciary - showcasing the beginning of political interference [38, 39].

The 1963 Republican Constitution established Supreme Court, 1963 Criminal Justice system had 1,000 police for 45 million – giving us 1 per 45,000, with no forensic lab. Then came the emergence of political thuggery – these were youths who are unemployed, poverty-ridden, addicted to drugs and easily fall prey to money bag politicians with very serious socioeconomic, political and security implications [40]. The first major oil bunkering case occurred in 1965, reported by Shell-BP where 10,000 bpd was stolen, with no prosecution – security complicity involving officials and Multinational Corporation (MNC) staff [20].

The 1966 coups involved Majors and counter-coup, which ultimately led to the collapse of system, with the police disarmed.

Phase 4: **Military Era (1966-1999) – 33 Years of Decrees, Tribunals and Impunity – Peak Inefficiency**

The 29 out of the 33 years the military ruled Nigeria, led to the destruction of criminal justice through:

1. **Decrees ousting courts**: Armed Robbery and Firearms Tribunal Decree 1984 led to public execution, with no appeal – this tribunal executed 100 people between 1984-1985 - without fair hearing which was a violation of Section 36. The Miscellaneous Offences Decree 1984 prescribed 21 years for pipeline vandalism – formed the foundation for present oil bunkering law – but no prosecution – with military involved in bunkering as well.
2. **Police militarization:** Nigeria Police Force Decree 1979 – the police under the Inspector General reports directly to the military Head of State – no investigation, and confessional statement is through torture, as a result 80% of cases were struck out [9]. There was no forensic lab till 1999 – only 1 in Lagos.
3. **Prison congestion**: Prison Decree 1972 – awaiting trial 70% by 1990, as well as 68% in 2024 [8]. Old citizens abandoned due to their inability to pay N5,000 fine [41] – the military detained many without trial.
4. **Corruption and oil bunkering institutionalized**: Report examines how military personnel may enable illegal oil theft through direct participation, protection of illegal extraction sites, and or failure to intervene. Findings included the allegations that some personnel received bribes in exchange for allowing illegal oil transportation to continue, as shown in Figure 2. This therefore highlights [14, 15, 20]:

- Institutional complicity in oil theft.
- Corruption within security operations.
- Weak accountability mechanisms.
- The relationship between illegal oil bunkering and organized criminal networks.

The 4km illegal pipeline Forcados operated during the military era with security approvals, and while the 619.7m barrels equivalent to $46bn stolen laid the foundation of inefficient criminal justice system [16].

5. **Global dumping and debt**: The country suffers from huge national/foreign debt with global public debt exceeding $100 trillion in 2024 or 93% GDP [43] – military borrowed $30 billion Paris Club – with debt service-to-revenue above 23%, declared as high risk by IMF (debt distress).
6. **Islamization/Fulanization**: There continued one North one Islam policy, with the 1986 OIC incident, Nigeria secretly became member of Organization of Islamic Conference (OIC) under Babangida – political dimension of religion deteriorated to anarchy [39]. The spread of Islam as led by Usman dan Fodio was a contemporary agitation for Islamization which predates Boko Haram [31, 44, 45].

Phase 5: **Democratic Era (1999-2024) – Reforms but Persistent Inefficiency**

The country's return to democracy in 1999 ushered reforms but still inefficiency persists.

1999-2007 Obasanjo: The regime created EFCC 2003, ICPC which prosecuted 1,000 cases with only 10% conviction. Police reform was put in place, only 1 forensic lab in Lagos as at 1999. There was prison congestion with 60% awaiting trial as at 2007. Oil bunkering was said to have increased to 100,000 bpd being stolen [12], coupled with 11,000 spills – laying the foundation for inefficiency in the criminal justice system.

2007-2015 Yar'Adua/Jonathan: During this regime, amnesty was granted in 2009 to Niger Delta militants, where 30,000 militants surrendered, with 50,000 employed artisanal refining [46] – but no prosecution for bunkering [47] – the emergence of 10,000 kpofire sites (kpofire is the local slang for illegal artisanal oil

refining – "Kpo Fire"). Administration of Criminal Justice Act (ACJA) 2015 was passed - providing 180 days trial, Section 306 prohibiting stay of proceedings, frontloading, daily trial, plea bargain and non-custodial sentencing as in Section 460 – but only Lagos and Ekiti States domesticated it in 2015 [7, 48].

2015-2023 Buhari: During Buari's regime, the Police Act 2020 repealed 1943 Act but was not implemented. The Petroleum + Industry Act (PIA) 2021 Section 3 prescribed 10 years jail for oil theft – but no special court with 400,000 bpd lost in 2022 [14, 15], N4.3 trillion loss [18]. The diversion of Ecological Fund [24], other cases such as: Flood – drainage blockage [21, 49-51].

2023-2024 Tinubu: The administration created Tartita Security N4 billion monthly private security to do the work of police [15] – this has reduced theft to 100,000 bpd from 400,000 bpd showcasing police inefficiency. Only 137 thieves have been convicted over illegal refinery in Rivers in 2024 out of 10,000 sites amounting to 1.3% conviction. As at 2024, 75,000 inmates i.e., 68% are awaiting trial [8] – it should be noted that justice delayed is justice denied. Lack of the use of technology in courts for crime mapping as is being used in flood management [49, 52-54] is a major cause for inefficiency.

Historical Data – Timeline of Inefficiency: This is as follows:

- 1965: First oil bunkering of 10,000 bpd Shell-BP – 0 or none prosecuted.
- 1984: Armed Robbery Tribunal public execution of 100 people without appeal.
- 1990: Prison awaiting trial of 70%, same as 68% in 2024.
- 2006-2022: 11,000 spills, 5% prosecuted [12].
- 2009-2020: 619.7m barrels, equivalent to $46bn stolen [16].
- 2013: 4km pipeline Forcados to sea which was operated for 9 years discovered in 2022 [20].
- 2015: ACJA was passed. As at 2024, domestication was 100% i.e., all 36 states + FCT have enacted ACJL equivalents – but implementation compliance is approximately 20-54% only (but implementation gap was 20% in 2024 for inefficiency).
- 2016: 75% drainage blocked in Lagos [21].
- 2022: There were cases of: 10,000 kpofire sites [13], 4.4m were affected by flooding with 665 deaths recorded [50], N4.3 trillion oil loss [18], 400k bpd lost [15], 19 equipment Lagos + TDS 50 per each of the 57 LGAs [55], 13,000 tons of waste, 30% drains [51], and 45% buildings sited 0-30m highly vulnerable [49].
- 2023: N40bn Ecological Fund diverted [24], $100 trillion global debt constituted 93% GDP [43].
- 2024: 75,000 inmates with 68% awaiting trial [8], 137 convicted illegal refinery [56], N3bn per state relief given equally – seen as not scientific [57], 1m displaced by Alau Dam collapse [58, 59], and use of Sentinal-1 SAR ML 88.6% Kappa 0.82 524.6km^2 27.98% vs 0.017% [53].

Causes of Inefficient Criminal Justice System

Some of the causes leading to inefficient criminal justice system include:

1. **Poor investigation and forensic gap**

- Investigations poorly done due to insufficient training, lack of forensic expertise, overreliance on confessions rather than scientific evidence – resulting in poor case preparation, case dismissal, acquittal on technical grounds even when crimes were committed [60, 61].
- Standard of investigation very low, hardly beyond taking statements and coercing confession [62].
- 67% admit police lack modern investigative methods: Respondents including court officials and EFCC admitted that police lack modern investigative methods [63], as shown in Figure 3.

2. **Case file duplication & DPP delay**

- Police after conclusion of investigations, send case file to the Director of Prosecution (DPP) for advice – but usually not treated with dispatch [64].
- Bottlenecks: Due to administrative and bureaucratic bottlenecks, procedure stalled up to 2 years or more [65].
- Lack of duplicating equipment services in police stations, hence they rely on commercial duplicating providers which is poised to dangers of mutilation, loss, and premature publication. Payments from personal purses of investigators; causing complainants, victims/accused case get stalled [65, 66].

3. **Frequent transfer of IPO**

- Nigerian police federal officers are subject to transfer to any part of the federation at any time [64].
- When an officer in charge of a file is transferred to another department or region or retires or dies, file becomes vulnerable to mutilation, loss, theft and inaccessible [65].

- Frequent transfers result in handover continuity issues [65].
- The transferred police officer far from the court jurisdiction may not be able to come to trial due to either high cost of transportation or official workload at new place [66].

4. Court Congestion & Delayed Justice

- Congestion defeats Rule of Law, deprives litigants fundamental right to fair hearing within reasonable time, since justice delayed is justice denied – this clogs the wheel of the administration of justice [67].
- Contradict constitutional right to fair and fast trial [68].
- The Federal trial duration of 44 months to 22 months 2015-2022 still violates S36(4) [69-71].

5. Insufficient Budgetary Allocation & Infrastructure

- Insufficient budgetary allocation to build more structures creates disincentive to comply [67].
- Needs for more manpower and modern gadgets [64].
- Overcrowded under-resourced prisons exacerbate problem leading to inhumane conditions causing challenges to rehabilitation [72].

6. Corruption

- 56% of investigators and prosecutors engage in corrupt practices – most critical problem [73].
- System overburdened by corruption, heavy caseloads, and insufficient financial and human resources – cause of criminal justice officials becoming ineffective and corrupt repressive Africa [74, 75].
- Systemic corruption within justice system using public authority for personal gain, improper delivery of judicial services and legal protection of citizens [76, 77].
- Bureaucratic administrative bottlenecks, corruption compromise justice [77, 78].

7. Awaiting Trial Overcrowding

- Substantial number of inmates awaiting trial rather than convicted [79].
- Built 300 holds while 700+ awaiting trial convicted – strain resources and raises tension [80].
- This causes rape, sodomy, sexual exploitation, and jailbreak riot [81-83]. Most prison built during colonial pre-independence [84].

8. Witness Apathy & Poor Address System

- Average Nigerian is unwilling to be involved – fears detained suspects will attack if information is volunteered – hence, prefers to keep aloof [85].
- Constant adjournments makes attendance by police officers irregular or not at all, cum non-payment of allowances and fuel hike cost [85].
- Noncompliance procedural requirements, lack of diligent prosecution, death or disappearance of accused [67] + fear of retaliation and cultural pressures [86].

9. Human Rights Violations & Colonial Legacy

- Unlawful arrests, detention, extended torture, extrajudicial killings – violate constitutional and international standards, therefore undermining credibility [87].
- Arrest became norm triggered investigation rather than investigation leading to arrest – relatives and suspects are arbitrarily arrested [62].
- Colonial origin institutions, partisan agencies protection, colonial rulers' absence of transformation – oriented punishment of offender control, and minimal concern for human rights [74, 88, 89].

Solutions to an Inefficient Criminal Justice System

The understated solutions are advanced to tackle the issues to an inefficient criminal justice system:

1. Strengthening the independence of the judiciary

In this case, judges and magistrates should be able to make decisions in accordance to the law cum evidence without interference from politicians, wealthy individuals, government officials, or other influential persons. In addition, governments must ensure that judicial appointments are transparent, adequate remuneration to judges, and to ensure fair and impartial disciplinary procedures. The independence of the judiciary must ensure fairness, promotes fundamental human rights, and to ensure that offenders are held accountable regardless of their social or economic status [90, 91].

2. Improving police training and criminal investigation

As ineffective police investigations can cause delayed prosecutions and unsuccessful criminal cases, hence the need for police adequate training in crime-scene management, evidence collection, forensic investigation, interrogation techniques, and the preparation of investigation reports. The judicial system should acquire modern forensic laboratories, DNA analysis where appropriate, digital evidence systems, and as well as reliable crime databases.

Prompt investigations should be carried out, as well as to avoid unnecessary arrests or prolonged detention of suspects while investigations continue [92-94].

3. Providing and strengthening legal aid services

Many people cannot afford the services of private lawyers. As a result of this, some suspects enter the criminal justice process without adequate legal advice or representation. For this reason, the government needs to strengthen the Legal Aid Council of Nigeria via increased funding, recruiting more qualified lawyers, and expand legal aid services to police stations, courts, and correctional facilities [92, 95, 96], as shown in Figure 4.

4. Reducing delays in court proceedings

Delays can deny victims timely justice, increase legal expenses, prolong the detention of accused persons, and also weaken public confidence in the judiciary. In order to address these challenges, governments should appoint sufficient numbers of judges, magistrates, prosecutors, and court administrators. Court schedules should be managed effectively, unnecessary adjournments discouraged, and while case-management procedure is strengthened. There is also need for the use of electronic filing (ICT solutions such as electronic case management and evidence management tools/communication platforms), digital case tracking, virtual hearings where appropriate, and alternative dispute resolution (ADR) for legally suitable matters for effectiveness [48].

5. Combating corruption

Corruption undermines the credibility and effectiveness of criminal justice system, preventing innocent people from receiving justice, allowing offenders to escape punishment through bribery, manipulation of evidence, unlawful detention, and the improper influence of judicial decisions. The following measures can help address corruption:

A. Investigate allegations of bribery and professional misconduct.

B. Establish effective internal and independent oversight mechanisms.

C. Introduce transparent procedures for case assignment and evidence handling.

D. Apply appropriate disciplinary and criminal penalties to offenders.

E. Protect whistleblowers who report corruption.

F. Strengthen financial accountability within criminal justice institutions [97, 98].

6. Improving public legal education

Public awareness of the law helps people understand their rights, responsibilities, and the procedures for seeking justice. This will lead to legal awareness that will discourage unlawful practices, reduce exploitation, and encourage citizens to participate constructively in the administration of justice [95].

7. Educational / Social solutions

There is the need for tertiary institutions at all levels to come up with strict disciplinary measures for all criminal cases on those who are found guilty. Once appropriate punishment is meted out to student offenders, crime will reduce drastically – serving as deterrence to other students. It is the national responsibility of governments at the federal and state levels to create an enabling environment which will promote investments and job opportunities for the students and youths at large. These will include the provision of power, maintenance of law and order cum adequate security and employment that will give the hope for a better future after graduating from school.

Tertiary institutions education curriculum should be revised to incorporate skills acquisition to empower students and youths. Entrepreneurship development must not be overlooked. Low skilled youths should be integrated in vocational centres to acquire adequate skills [99, 100], as shown in Figure 5.

8. Non-Custodial Sentence

There is need to introduce non-custodial sentencing in the Nigerian justice system since the Nigerian prisons have failed to reform and correct imprisoned offenders as expected by the use of plea bargain, attendance centre order, community responsibility order, reparation order – use of Apprehended Violence Orders (AVO) and the Violence Against Person (Prohibition) Act 2015. The Correctional Service Act 2019 has established the noncustodial service which is defined as an alternative to a custodial centre, which is a criminal penalty imposed by a court that does not involve the offender's confinement in a prison or correctional facility as the sentence. The noncustodial centres are designated centres in the community for the administration of noncustodial measures such as performing community service, probation, parole, payment of a fine, victim compensation etc [101, 102], as shown in Figure 6.

CONCLUSION

Inefficient criminal justice system poses a serious challenge to the rule of law, human rights, public safety, and national development. Some of the problems due to this include corruption, delays in court proceedings, inadequate funding, poor police investigations, wrongful arrests, prison overcrowding, and limited access to legal representation which tends to weaken public confidence in the administration of

justice. Addressing these challenges by governments will require strengthening judicial independence, promote accountability, improve police investigations, provision of adequate funding, and ensuring speedy and fair trials. Furthermore, there is need for legal education, access to legal aid, rehabilitation programs, and non-custodial sentences should be encouraged where appropriate in order to reduce pressure on correctional facilities and to promote the reintegration of offenders into the society. Therefore, the strengthening of the system will help protect citizens' rights, deter criminal behavior, promote public social stability, as well as enhance public trust in the institutions responsible for maintaining law and order. More information on inefficient criminal justice system can be obtained in the books in [103-109] and the following related journals:

Journal of Law, Policy and Globalization

University of Botswana Law Journal

International Journal of Law, Crime and Justice

International Journal of Law, Policy and Social Review

International Journal of Social Sciences and Management Research

African Journal of Law and Justice System

American Journal of Open University Education

Criminal Justice Policy Review

Justice Evaluation Journal

Justice Quarterly

Criminology & Public Policy

Journal of Criminal Justice Education

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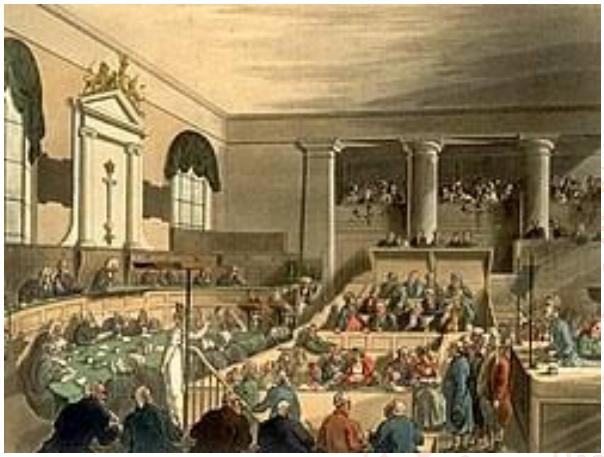


Figure 1. Criminal justice
Source:
https://en.wikipedia.org/wiki/Criminal_justice

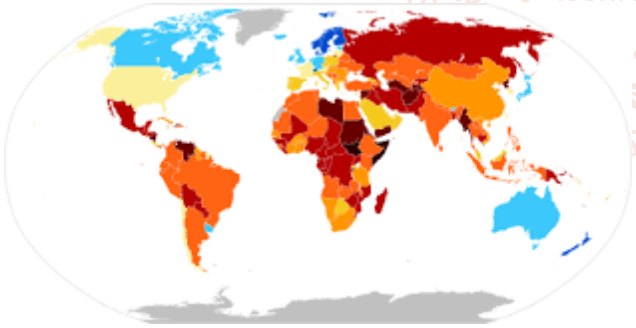


Figure 2. Corruption
Source: https://en.wikipedia.org/wiki/Corruption



Figure 3. Failing justice system: Causes and consequences



Figure 4. Centre for Penal and Justice Department (CPJD) set to strengthen criminal justice system



Figure 5. Youth justice worker: Supporting young offenders and transforming futures



Figure 6. Adult Criminal Justice System.