

**Evaluating the Impact of Administrative Framework of the Criminal Justice System on  
Awaiting Trial Inmates in Nigeria: Insights from Kwara State**

By

Abubakar S. Yushau, Alfakoro  
Kwara State Polytechnic  
Department of Public Administration  
[abubakaralfakoro@gmail.com](mailto:abubakaralfakoro@gmail.com)

ALABI ABDULLAHI (PhD)  
Department of Politics & Governance  
Kwara State University, Malete  
[ALABI.abdullahi.kwasu.edu.ng](mailto:ALABI.abdullahi.kwasu.edu.ng)

Ajao Yusuf Ibrahim  
Department of Politics & Governance  
Kwara State University, Malete  
[Yusuf.ibrahim@kwasu.edu.ng](mailto:Yusuf.ibrahim@kwasu.edu.ng)

**Abstract**

The thrust of this paper is to assess the impact of the administrative framework of the criminal justice system on the growing number of awaiting trial inmates across correctional facilities in Kwara State. The study adopted the system theory as its theoretical framework for the study. This is in addition to the cross-sectional research design employed. The methodology consisted of primary and secondary data. The primary data were sourced through structured interviews and secondary data through journal, internet and newspapers. The study population was drawn from different institutions responsible for the implementation and administration of criminal justice. These include the Nigeria Police, officials of the Nigeria Correctional Service, and judges, within the justice delivery system, while the data analysis was presented in thematic or narrative forms. The study revealed that administrative functions such as staffing, delegation, planning, and coordination of affairs within the component units of the criminal justice system have been inadequately administered leading to delays in justice delivery, it was also discovered that budgetary constraints negatively affected the administration and constitutional hitches. The study recommended increased budgetary allocation to all stakeholders in criminal justice administration in Nigeria. It also advocates for the infusion of information and communications technology within the court system in Kwara State judiciary. The study will no doubt provide insight to government agencies and researcher's on the key administrative challenges faced in the administration of criminal justice and other sister agencies and also provides policy recommendations in addressing such challenges.

*Keywords:* administration, criminal justice system, awaiting trial inmates, correctional facilities,

JEL classification: D82, M10, M15

Abubakar S Yushau Alfakro – Graduate Assistant, Department of Public Administration Kwara State Polytechnic Ilorin Nigeria.; e-mail: [abubakaralfakoro@gmail.com](mailto:abubakaralfakoro@gmail.com) Orcid.org/0009-0007-5708-315X

## **Introduction**

The functions of government anywhere in the world are similar but differ in complexities. This is given by the educational, technological, and ecological differences amongst these countries. Social services expected of governments span across the provision of potable water, stable economic system, justice delivery, and security of life and properties. Performing these functions is becoming difficult for governments because of the expanding needs and growing population of modern citizens. Citizens now demand effective and prompt service delivery, cheap media, and convenient approaches to public service deliver.

Doing all these by the government, using the administrative structure is not just difficult but also time-consuming and this has complicated the business and functions of government globally. Therefore, administering government functions is now accompanied by great difficulties and diverse challenges. However, these challenges and difficulties are neither restricted nor limited to a particular sector or institution. This is because they all deal with people in large numbers in the process of delivering public goods or rendering public services due to the monopoly of such functions.

Considering this, the administration of the criminal justice system is expected to be effective and efficient if its values are to be utterly realized. These values range from reducing prison congestion, creating a just and egalitarian society, equity in the distribution of public goods, and upholding rule of law to reducing the rate of crime and criminality in the state. Adebisi (2007), however, indicated a contrary scenario to this improvement to the administration of the criminal justice system in Nigeria that there has been a large number of awaiting trial inmates across Nigeria prisons. It is worrisome that despite the efforts and plethora of institutions that are created to ensure easy and quick administration of the criminal justice system, only efforts have been recorded instead of success. In the word of Alh Abdullahi a one-time (solicitor

and a permanent secretary at the ministry of justice), “affirms that Nigeria's administration of criminal justice lacks adequate policies and rules making that could enhance the fair trial of accused persons” (The Guardian, March 2017). The consequences of the failure of this administrative system have contributed to the incapability of the criminal justice system. Because the effectiveness of the criminal justice system is dignified by its capability to meet the goals of deterrence, incapacitation, retribution, rehabilitation, and reintegration of convicted criminals. Equally, as submitted by Ukwai & Okpa (2017), the number of awaiting trial inmates is alarming in Nigeria. In a report by the World Prison Trial/Remand Imprisonment List, there are over 3.2 million people held in pre-trial detention around the world (World Prison Awaiting Trial List, 2021). In Nigeria specifically, data indicates that about 73 % of Nigeria's prison population is on awaiting trial (World Prison Brief, 2021). Going further, according to the Institute for Criminal Policy Research (ICPR), one-third of the world's prison population consists of those who have not been convicted of any crime. There are also many others in police custody waiting for months while their cases remain in congested court lists. The condition of service and working environment of agencies in the administration of criminal justice is nothing to write off. From the salary structure to the number of courtrooms, office equipment, infrastructure facilities, availability of personnel in relation to the population of the country, timely promotion, and security of their lives are all lowest to ebb. Ukwai and Okpa (2017: 13) buttress that the cause behind the delay in the trial of accused inmates is associated with many factors within the criminal justice system such as disconnection in communication between the police, prosecutor, and court, bureaucratic nature of courts proceedings, shortage of judges, and lack of proper filing and tracking systems in prisons to ensure that pre-trial detainees are taken to court on dates fixed

by the court system. It's glaring that all the above-mentioned factors are administratively inclined problems.

## **LITERATURE REVIEW**

### **The Concept of Administration**

The concept of administration just like many other concepts in management and social sciences is often difficult to conceptualize. The concept is often conceptualized based on respective scholar view point and environment peculiarities. However, the concept of administration is believed to be coined from two Latin words “Ad” and “Ministrare” which encompasses groups of words like direct, control, administer, serve, and organize. The concept of administration is however a holistic term that gathers many meanings in the discharging of people's affairs. In the words of Sergiovani et al as cited in Ibrahim and Mazin (2017), avers that the concept of administration entails a systematic process of working with and through others to realize or attain organizational goals efficiently and efficiently. Going further, the asserted administration to be the art and science of accomplishing a given task effectively and efficiently. In a similar view, Gladden in Naidu (2005) views administration as a cooperative group effort to accomplish a common or group goal. Eyre (1984, p.1) conceptualizes administration as the activity involving the implementation of policy decisions and also the narrow activity of overseeing the day-to-day operations of an organization or office.

The concept of administration is essential in attaining a goal when it has to do with a large number of people attending to a large group of people. Saleh (2002) sees administration as the act of getting the job done through people in a corporate and organized manner. He buttressed that the process involves, organizing, directing, controlling, and supervising. Going further, Jaiyeoba (2006) posits that the word administration is the process of effectively

coordinating human and material resources for the achievement of organizational goals. Therefore, the concept of administration refers to a detailed procedure or to say a manual procedure for the running of affairs of an organization to effectively attain forecast goals and objectives using the available human and material resources.

### **Administrative Principles**

There are several administrative principles which are also called the principles of management. These principles were developed by Henry Fayol (1841-1925) a French industrialist. According to Fayol, this set of principles are applicable in both the private and public sectors. He stated that;

The soundness and working order of the corporate body depends on a certain number of conditions termed indiscriminate principles.

Fayol went further to state 14 principles which are known as Principles of Administration or Management. These are outlined below:

- **Division of labour:** division of labour entails the breaking down or segmenting of the production process into stages. This process allows job specification among workers which helps improve specialization in job areas and the hierarchy of job duties and authority.
- **Authority and responsibility:** responsibility is the assigning of individual job functions to have specification and authority in carrying out respective duties without fear or intimidation. It is also for easy identification of lapses in the administrative processes.

- **Discipline:** discipline entails a sense of moral and outward respect for superiors. It also has to do with the rules and regulations on our activities should be carried out and the mode of operations with co-workers and outsiders.
- **Unity of command:** the term unity of command emphasis the source of authority. It emphasis that authority should be received from a single superior or from a single source in other to avoid conflict of command.
- **Unity of direction:** the unity of direction preaches that every employee should be directed towards one general objective of the organization. There should not be diverse aims and objectives regarding the organizational goal.
- **Subordination of individual interests to general interests:** the subordination of general interest to individual interest's entails that the general interest of the organization should be the biggest aim, individual interest should come after the general interests. There should not be a clash of interests among employees.
- **Remuneration of personnel:** the remuneration of an employee should come from a consolidated fund and should be reviewed timely following hierarchy, promotion, and educational qualification.
- **Centralization:** centralization means every procedure should be followed in hierarchical order. Authority rest with the management and order should be steered down ward to the last person.
- **Scalar chain:** scalar chain is also referred to as hierarchy. It means that every authority and order must come from the superior to the next person down to the last person in the chain of transmission of authority. Everything is in hierarchical order and there should not be a deviation.

- **Order:** order signifies a logical arrangement of activities. This process allows for the coordination of activities in a well effective manner. It serves as a guide for conducting activities.
- **Stability of tenure of personnel:** stability of tenure of personnel means there should be stability in office in terms of year of service. An employee should not be dismissed without any tangible reasons or facts unless when he goes contrary to the rules and regulations establishing that office. There should be a security of term in the office
- **Initiative:** the word initiative entails that employees should be allowed to use personal discretion on some issue that may be new or that requires urgency while the superior is not present to give orders or delegate responsibility.
- **Equity:** equity here means every action should be treated with justice and fairness. Equity includes being fair, and kind and having a listening ear about employee problems while dealing with them.
- **Esprit de corps:** esprit de corps means a sense of oneness. Everybody is working toward one objective. There should be teamwork and the level of interpersonal relationships should not be negated in dealing with each other.

### 2.2.2 Administrative functions

Henry Fayol also went further to list some functions that are carried out by administrators he termed them as administrative functions they include:

- **Planning:** planning is the method of deciding in advance what should be done or how activities should be carried out. It entails a forecast of what to do, how to do it when to do it, who to do it, and resources to do it. Planning gives detailed steps on how organizational goals are to be attained properly and effectively.

- **Organizing:** organizing entails putting action in place. It involves duties specification on individual assign responsibilities across different departments available in such organizations and coordination of both human and material resources.
- **Staffing:** staffing is the filling of the most qualified and suited candidates across different job positions in the organization. It involves the human resource needs of an organization in terms of its workforce strength and capability for changing organizational destiny.
- **Directing:** directing involves giving orders by a superior for the attainment of organizational goals. It implies leading the work force and the allocation of resources in the same direction for the realization of common objectives
- **Controlling:** controlling is the act of ensuring employees do follow the right procedure. It ensures workers do not deviate from the normal standard of operation or organizational plans.
- **Coordinating:** coordination is the act of ensuring that the human and material resources are aligned on the same level across different departments and production stages. Without proper coordination of activities, no objective can be realized despite the workforce strength and material resources available.
- **Reporting:** reporting is a feedback mechanism of communicating organizational activities to the superior in other to know if there is any deviation from normal standard work or expected outcome.

## **The Criminal Justice System**

The institutional arrangement that propels impartial, classless, peaceful, and stimulation of a perpetual state is often described as the criminal justice system. The agencies involved are referred to as the custodians of the justice system. The criminal justice system is a doctrine of the

Rule of Law as it preaches equality, impartiality and supremacy of the law. Moses (2011) asserted that the criminal justice system comprises crime-regulating mechanisms, which represent the structures of government and that serve as the instrument of the state for the realization of the set objectives in terms of maintaining peace, justice, and order. The criminal justice system is essential for the smooth running of all state affairs. It encompasses bodies of institutions saddled with the responsibility of ensuring justice and fairness. The criminal justice system is a summary of the crime-controlling mechanism, which comprises of several governmental bodies and institutions that are saddled with the responsibility of making, regulating, and enforcing this set of rules to create a peaceful, orderly, and working system.

Schubert (2018), conceptualizes the criminal justice system as a web of inter-governmental agencies and strategies which are designed to monitor crime, curb crime and prescribe penalties that are commensurate with such crimes. The criminal justice system is established to question the guilty or innocence of a suspect, and pass the required judgment by the jurisdictional court and the allotment of punishment that is intended with the committed crime (Alemika, 2005). The agencies that chair the criminal justice system are the police, courts, and the correctional service (Igbo, 2007).

In a related view, Nwolise (2010) sees correctional facilities organization and administration as a form of the social clinic where different specialists in the field of medical, psychological, social, researchers and clergy, and other key officials cooperate alongside the correctional officers to transform the inmates into a changed, productive, crime-free and patriotic citizen. Bamigbose (2010) asserted that prison as a facility is the narrow funnels of the criminal justice system into which new offenders or awaiting trial suspects are poured. They are

responsible for the custody of the final product in the criminal justice process among other functions (Nwolise, 2010).

Adebisi and Oyewo (2015) conclude that correctional facilities serve as the stomach of the state to keep the offender from action against the laws of the state. In the word of Chukudi, (2012) asserted that the main aim of the creation of prison service in Nigeria is to carter for the rehabilitation and corrections of those who breach the laws or rules of the land. In a different view, prison facilities according to Oduyela (2003) are separate structures institutionalized to identify peculiar individual inmates' problems and work out solutions to attend to each problem. The prison is perceived to be the darkest region of the apparatus of the criminal justice system in Nigeria (Dambazau, 2007).The prisons service is also known for the safekeeping of the final product in the criminal justice process (Nwolise, 2010).

According to Nigerian prison Services (NPS) (2009) as cited in Nweze (2012) the following as the elements of penitentiaries:

1. Taking into legitimate authority those guaranteed to be so kept by courts of the skillful ward.
2. Delivering suspects in courts as and when due.
3. Recognizing the reasons for their hostile staff conduct.
4. Getting under way, components for their treatment and preparing for inevitable reintegration into the general public as should be expected and well-behaved natives on release.
5. Directing prison ranches and enterprises for this reason and in the process create income for the government.

It was also pointed out by the Nigerian Correctional Service Law, 2019 under custodial service, while prisoners serve their jail terms the prominence should be more on correctional service tailored towards readmitting them to society upon the completion of their jail services (Agbede and Agiobu-kemmer, 2019). Also, Nelson (2012) emphasized that the greatness of any nation is judged by the kind of treatment given to persons in her prisons.

However, the Nigerian correctional service has several shortcomings in the system. The Nigeria correctional service is the most unstructured body among the components of the criminal justice system (Ojukwu & Briggs, 2005). Tanimu (2005) also asserted that the castigatory, depriving, and dehumanizing nature of Nigerian prisons has made it difficult that the objectives of reformation, correction, and rehabilitation can hardly be realized (Tanimu, 2006). According to Oshodi (2010), the prison system in Nigeria is a waste of energy especially the imprisonment of petty offenders. In a similar view Otite and Albert (2004), they argued that the prison system in Nigeria is worse presently than in the days after colonial rule. The Nigerian prison system was built with a gross capacity of 25,000 inmates but is today overcrowded with over 417,000 inmates, and about 70 percent of these inmates are Awaiting Trial Inmates (ATI). (Mosses, 2011). On the issue of welfare administration, Chukwumerije (2012) deplored that correctional facilities in Nigeria are not anyway different from that non-express proclamation on recovery, non-renewal, insufficient subsidizing, deficient structure, and preferences. Usman (2014) lamented that prison inmates get back into society hardened after serving their sentences, thereby frustrating security operatives' efforts to curb criminal acts in society.

Awaiting trial also refers to a situation where a person has been traced to have affiliation with a particular alleged crime or offense in which through this process they are deprived of liberty as the result of an order from a judicial or a similar legal process, but judgment has not

been delivered by the court regarding its applicable punishments. Walmsley (2017) went further to see it as the act of committing an accused person to custody after a preliminary examination. The growing issue of awaiting trial inmates across the globe made the United Nations include the need for a reduction of awaiting trial among goal 16 of the UN Sustainable Development Goals 2015 - 2030 aims at promoting peaceful and inclusive societies for sustainable (UN, 2016). Remand detention also refers to those persons who, in connection with an alleged offense or offenses, are deprived of liberty following judicial or other legal processes, but have not been definitively sentenced by a court for such crime (Walmsley, 2017).

According to the Institute for Criminal Policy Research asserted that,

In many countries, very large numbers of people in prison have not been convicted of a criminal offense but are waiting for their guilt or innocence to be established by a court. Some will eventually be acquitted of any crime; all should be presumed innocent. Yet in many cases, their period of detention on remand may last months or years. Conditions are often worse than for convicted offenders and in many countries, detainees are subject to highly restricted regimes with limitations on visits and on opportunities to take part in education, training or work.

In the word of a senior British probation officer, he put forth that:

In a situation where an individual is remanded in custody for over 24 hours, they gradually lose their accommodation, and job, open to different health hazards and the shame of being imprisoned. Going further, he points out that awaiting trial inmates usually find it hard to get access to legal representation, and the suicide rate is usually high among remanded prisoners due to frustrations. (ICPR)

Notwithstanding, the International Covenant on Civil and Political Rights (ICCPR), provides guidance for those involved in a criminal process but who have not yet been convicted or sentenced. Article 9.3 of the ICCPR provides that:

It shall not be the general rule that persons on awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and should occasion arise, for the execution of the judgment.

## THEORETICAL FRAMEWORK

### **System Theory**

The work made use of the system theory. The system theory was accredited to the work of David Easton in (1965). Easton in his explanation of the theory, he focused on the political system as the point of analysis. He see a political system as an open and adaptive system which receives and responds to demands between the political system and the environment. To Buckley, “that a system is open means not simply that it engages in interchanges with its environment, but that this interchange is an essential factor underlying the systems viability, its reproductive ability or continuity, and its ability to change”. The political system receives; input in form of challenges and support which the political system is expected to manage through its mechanism and support it receives from the environment in form of election, abiding by the laws and payment of tax. These challenges, issues and opinions are referred to as demands or input. The political system must be able to convert the demands into policies and sent back into the system as an output and get responses about the result through the feedback mechanism, in which it comes as new demand or support of the policy. The output comes in form of laws, rules, or judicial decisions. To Easton, demand is referred to as the claims for action that individuals and groups make to satisfy their interests and values while outputs are seen as decision or action of authority that are critical.

## METHODOLOGY

The research methodology adopted in this study was the qualitative research method. The research design was the cross-sectional research design, while primary and secondary source of data was employed. The structured interview serves as source of primary data while the internet, textbook, journals, articles serves as the secondary data. The population of study comprises of

the police, court officials and correctional officers. The interview were latter presented in thematic and narrative forms which serves as the method of data analysis.

## **FINDINGS**

The rate of increases among awaiting trial inmates is very alarming. Awaiting trial inmates account for over 70% of the Nigerian correctional centers' populations. Administrative procedures are been set up to ensure easy, effective, and efficient discharging of governmental functions to ensure speedily and fast discharging of public services. The administrative process entails a different spectrums from staffing, administrative expenses, logistics, and operation. However, there have been cogs in the administration of criminal justice which are anticipated to be an administratively inclined problem and that have accumulated into the large numbers of awaiting trial inmates across correctional facilities in Nigeria.

Acclaiming the above statement, a correctional officer stated that the inability of the prisons to reform and rehabilitate offenders appropriately is associated with the problem of administrative expenses provided to correctional officers. He voice out that they do incur expenses in typing, photocopying, and buying office stationery which administrative expenses were not provided. Going further he said sometimes they need to incur fuel to start up their office appliance due to poor power supply. Reckoning with the above statement Opara (2010), proclaimed that lack of sufficient administrative expenses is a major impediment to the realization of these manifest objectives of carrying out prisons operations which is another factor militating against the smooth delivery of justice in Nigeria. One of the court officials also stressed that there are several administrative expenses incurred by them when it comes to typing report and bail forms that they always run around or sometimes goes to business centers to pay for the typing and printing of these document incurring transport expenses together.

No institution can function effectively without finances hence, the judiciary needs finances to sustain itself as well as function efficiently. Sections 81(3), 121(3), and 162(9) of the Constitution of the Federal Republic of Nigeria stipulate some level of financial autonomy and funding for the judiciary to enhance its efficiency.

Section 81(3) of the Constitution of the Federal Republic of Nigeria provides as follows:

Any amount standing to the credit of the judiciary in the Consolidated Revenue Fund of the Federation shall be paid directly to the National Judicial Council for disbursement to the heads of the courts established for the Federation and the State under section 6 of this Constitution.

Section 121(3) provides as follows:

Any amount standing to the credit of the judiciary in the Consolidated Revenue Fund of the State shall be paid directly to the heads of the courts concerned.

However, there have been inadequate administrative expenses set aside for the discharging of public function now leading to delays in justice dispensation as personnel will deter from carrying out some function that involves administrative expenses which in the long run causes a delay in the criminal justice process.

A court official who is one of the respondents said there is the shortage of equipment from the computer, typewriters, photocopy machines, and adequate power supply. In a similar response a prison official also complained of obsolete equipment and infrastructural facilities saying it was just difficult to carry out their duties with this obsolete equipment and poor infrastructure. The necessary facilities and logistics required for effective reformation and rehabilitation are not adequately provided as listed by (Olawale, 2005). Olawale (2005), went further to stress that prison workshops are grossly neglected with only obsolete and non-

functional machines and equipment. The prison is also incapacitated as a result of the non-availability of the basic logistics the workers require in carrying out their professional assignments.

Sometimes, the trials of accused persons, who are remanded in prison custody, are often adjourned due to either the lateness in the arrival of the no arrival of such accused in court on dates fixed for trial. The lack of vehicles with which to convey accused persons to the court during trials also accounts for such lateness or non-arrival of such accused persons in court. There is also the problem of inadequacy of infrastructural facilities. Most courts lack adequate library facilities to facilitate prompt legal research to guarantee prompt delivery of judgments and rulings.

Other time, there are inadequate courtrooms; the facilities of such courtrooms are shared by more than one judicial officer. So some Courts sit for only two hours, out of the expected six hours sitting period in a day. Invariably, many criminal cases suffer adjournments as a result of the inadequacy of courtroom facilities (Ali, 2006).

One respondent claims that the Shortage of personnel and poor training of personnel is one of the challenges confronting the system. Absence of advancement to qualified staff the resultant low confidence, disappointments, and by expansion, low efficiency. Bashir (2010) revealed that either in terms of its facilities, personnel, or programs, the prison was not predisposed to reforming or rehabilitating convicted criminal offenders. This was associated with the perceived inconsistencies in equipment, trainers, and attitude of program instructors.

The former Inspector General of Police, Mr. Sunday Ehindero, confirmed this position in his first press conference in January 2005 upon assuming office, when he stated that:

the era where neophytes would be assigned to investigate criminal offenses is gone....we are not going to put a tailor to go and investigate, we must have the census of all those people with professional knowledge, accountants ... we will make use of them and nobody will be routinely posted to CID (Criminal Investigations Department) unless he has something to offer.

A Divisional Police Officer stated that in the criminal justice process, it is the state that prosecutes on behalf of the complainant. Thus, whether a case would be disposed of timeously depends largely on the efforts of prosecuting counsel. In line with this, a court official stated that under the Nigerian Criminal Justice System, an accused person is presumed innocent until proven guilty. Consequently, the burden of proving his guilt rests on the prosecutor and not the accused to prove his innocence. The police, after the conclusion of the investigation of a case, send the case file to the Director of Public Prosecution's office for legal advice.

A divisional police officer stressed that there is dismal number of police officers that are responsible for prosecuting cases. The number of cases is large in number due to population growth and the increase in the level of crime and criminality. The continuous rise in the population of persons awaiting trial in prison is traceable to the ineptitude of the police and its allied agencies and the office of the director of public prosecution in the various states of the federation (Obidiba, 2008).

In a similar reply, a correctional officer stresses upon staffing issue stating that their number of staff is incomparable with the number of inmates in different correctional facilities across the country. That is why Orakwe (2011) in his study of the high rate of recidivism in Southern Nigeria discovered that the nature of staffing in correctional facilities could facilitate and enhance the correction of inmates in prisons.

Another respondent claims that corruption is one of the greatest cancer worms to administrative problems. All the agencies involved in the administration of criminal justice lays

more emphasis on the issue of corruption. One of the members of a non-governmental organization said corruption is the reason for all other problems encountered within the criminal justice process and that corruption and greediness are the root causes of the administrative delay saying the more the delay the more the extra illegal income. Ewelukwa (1980) argued that corruption is a factor that poses an enormous challenge to the goal of correction in prisons. To him, most staffs of the prisons are not honest enough to do their job diligently. Many previous studies have discovered that corruption remains one of the major limitations to the achievement of the Millennium Development Goals and justice is part of such goals. (Transparency International, 2010; World Bank, 2010).

Corruption has been a major obstacle to the judicial component the criminal justice system has been battling within the process of justice delivery. Corruption in the judiciary system comes in a form of bribes given to Judges and court officials to temper justice or give sides during litigation of cases. A lot of Judges have fallen to these bribes and have sold justice to the highest bidders. The transaction of giving and taking bribes happens behind the scene and in most cases, with evidence of these transactions destroyed. Though there ought not to be any reason to explain away or justify corruption in the judiciary, the working condition of some of these judges, particularly the judges of the inferior courts, is deplorable and pathetic such that it makes them vulnerable to receiving bribes (Oke, 2017)

Another respondent claims that the welfare of their staff was neglected and that there was no little concern about their welfare. A warder when talking about their welfare said he often asks himself if he is working under a state or local government. Backing this above assertion, Obi (2000) in a survey of the Nigerian prisons and the correctional facilities available to them and its consequent impact on the correction of inmates in Okigwe prison. In his findings, he

states that the reality on the ground is that what is expected for correction is not available in Nigerian prisons. He identified the gross neglect of the welfare of prison staff as an obvious obstacle to the correction of inmates. The nonchalant behavior of the government toward staff welfare has contributed to the social demoralization and respect accorded to staff. This was the result of their shelter, housing, and standard of living which will have a resulting effect on their primary functions of reformations of inmates.

A court Clerk stresses that one of the administrative problems causing delay is due to stringent bail conditions. The situation of the process after the police bail is the copy of the form to be sold by the court clerk depends on the bagging power of the accused relation. It is mandatory for a citizen to log a complaint when he/she is alleged of a particular crime to the police which is to investigate the matter. In practice, however, is for investigating the matter. In practice, however, is for the complaint to back it up with a huge amount in order for the police to commit themselves towards that particular criminal investigation. It is more worrisome in the pre-trial process where there is a need for bail. Bail is free but that is only in written form. If the related claims that, the more the number of days that person spends in detention because they will deliberately be applying more tactics. Concerning the above claims, Aduba and Alemika (2010) revealed that many a time, courts asked for a certificate of occupancy (C of O) as a condition prerequisite for bail in an area where most buildings are accustomed to customary and family ownership.

Another respondent claims that there is the poor culture of record keeping. That there are often cases of loss of files due to negligence and poor record-keeping. Buttressing this point Olifemi( 2010) confirms that Criminal investigations are not an esoteric science, thus it often requires the reconstruction of criminal acts and crime scenes through the piecing together of facts

with seemingly unconnected pieces of information such as the weather, and soil typology among so many others. These seemingly unconnected pieces of information though are not directly connected with the facts in the issue, they might be so relevant that they may turn out to be the key to unraveling a criminal mystery case (Olufemi, 2010).

A respondent maintained that the most antagonizing administrative problem that someone could ever encounter is the transfer of Personnel transfer. The Nigerian Police is a federal setup. This invariably means that all officers in the force are subject to transfer to any part of the federation at any time. Most times, especially in rural and semi-urban areas, police officers serving in police stations or divisions are very few and are transferred without any regard to the assignments they have at hand. Invariably, they might be at different stages of investigation. If they had gone far with investigations the cases might be handed over to another officer, but if the investigations are already completed, this would mean that the officer would have to return to the particular court at his former serving post to which the case was charged for trial, to testify whenever he was required to do so. However, most of the time, it turns out that the prosecuting police officer would inform the court that he had sent Hearing Notice to the Investigation Police Officer (I.P.O) but was yet to get any reply, while at some other times, the IPO himself might send a reply to such hearing notice to the effect either that he was already billed to appear before another court of co-ordinate or higher jurisdiction or that he would not be available to give evidence because of other urgent matters assigned to him in his new station. These excuses whether genuine or not have always caused the delay in the trial.

Transfer of personnel and judicial personnel has a negative impact on the speedy disposal of the case. Investigating police officers are constantly being transferred from their stations to other stations. When this happens there are no longer available in courts to give first-hand

evidence or trace the witness whom they had early interacted with. Sometimes matters are struck out of court for the non-appearance of police in court. Magistrate also suffers the same faith once a magistrate is transferred he or she automatically cease to adjudicate over matters in his former court. Which leads to loss of fails, unduly long detentions, miscarriage of justice, increase in the cost of litigations, and death. Incomplete investigation (Ali, 2006).

A court official stated that another issue are that of the holding charge. Which simply refers to the wrong allocation of the court that does not have jurisdiction over the intended cases. Over the years, the Nigerian police have systematically sent suspects of capital offenses, such as armed robbers or murderers, to a Magistrate Court instead of following the statutory procedure of sending the case to the prosecutor of the Ministry of Justice for a decision on whether or not to take the case to the High Court (Ali, 2006). Magistrate Courts usually do not refer the case to the High Court, but remand the suspects to prison pending the police investigation. In many cases, this takes several years. This practice has been declared unconstitutional and is often referred to as the main reason for the high level of awaiting trial detainees resulting in overcrowding of detentions and prisons in Nigeria. (Ajayi, 2012). The Nigeria law stipulates that when an accused person is arrested he or she should be arraigned before a court of competent jurisdiction within 24 hours. The law did not make provision for “holding charges”. Justices of the Appellate Court and the Supreme Court of Nigeria have reported that the practice of “holding charges” is unconstitutional and illegal. The fact that it is being practiced by the Police brings to the fore one of the problems of our criminal justice system. The problem arises from the inadequacy of the Police. The Police cannot cope with the 24 hours constitutional requirement within which they were supposed to arraign a suspect in court. They, therefore, rush to the court and secure an order of remand against an accused person pending when they would conclude their investigation.

Holding charge is therefore being applied to cover up the inadequacies of the police and those vested with the duty of investigating cases.

Another respondent claims that there is the absence of legal representation to defend people. That many people have no access to lawyers to defend themselves or collect bail when such issues arise. Holding to the above statement, Ukwai, Okpa, Adewoyin, Angioha, and Udom (2017), confirmed that Stakeholders in the administration of the criminal justice system have argued that holding charges are responsible for the rising number of ATP in Nigeria's prison, and as such, a major source of delay and increase in awaiting trial. In a similar study, Miera (2005) reported that access to justice is an essential part of any criminal justice system. Access to justice entails, having adequate legal support and undue interruption in the dispensation of justice. Delay in the delivery of justice, is largely responsible for the problem of ATP, which results in prison congestion.

In a related development Osinbajo (2006), asserted that the major reason for prolonged pretrial detention in many third-world countries is the absence of lawyers to represent the majority of the accused persons in detention; though several legal practitioners do render free legal services (Probono) to indigent accused persons, insignificant to assuage for the backlog; the number of persons awaiting trial was still very high.

According to an Amnesty International report (2008: 20): Prison inmates in Nigeria experience limited legal protection... unequal access to justice perpetuates a situation in which the poor and other vulnerable groups are highly susceptible to arrest and subsequent imprisonment. In most cases, those arrested are not tried but are kept in detention for a period lasting between one and ten years or more. This situation is not fair in consideration of the

provisions of international and local human rights laws that condemn the imprisonment of a person for over twenty-four hours without trial.

Another respondent avers that there is the negligence of cash flow guidelines is another major administrative hindrance to the speedy administration of justice. The overall objective of the court is a just and timely determination of every case that comes before the court. The court's process should be open, efficient, understandable, and accessible. Case flow management processes are intended to contribute to the achievement of these objectives and in the process, to make a better day for those who work within the system and for the public they serve (Alabi, 2004: 57).

Each judge is expected to manage the cases filed before him or assign to him to avoid congestion in his court. But when new cases come to him in rapid succession as does happen in some jurisdictions, congestion will build up and become unavoidable. However, even in such circumstances, one can easily discover a lazy judge from a hardworking judge. If a judge's output is low, the pending cases can build up which is not necessarily that many cases have been placed before him to handle. Some judges crawl in writing, others engage in unnecessary arguments with counsel during hearings, while still others cannot sit for long at a stretch. Delays encountered in the processing of cases before a final sentence is passed have a significant impact on the size of the pre-trial prison population in many countries including Nigeria (Ayo, 2008).

One of the respondents put forward that there is tactical delay by layers. Legal practitioners also cause a delay in the administration of criminal justice. One major cause of delay on their part is the lack of industry. Though it is a fact that most counsels has the professional expertise, the problem is that some counsels do not sufficiently involve themselves in pre-trial preparations, and so, can hardly keep up with the tempo in court. Some defense

counsel, deliberately delay trials by requesting adjournments, purposely to ensure the full payment of their professional fees, before the conclusion of the trial. Some defense counsels who are paid based on the number of court appearances, consciously delay criminal trials to beef up their fees. Aside from the delay, due to non-payment of professional fees, the structural organization of the legal profession further contributes to the delay of criminal trials. Most law firms are basically, the sole practice in outlook. Private legal practitioners with sole practices, personally handle most of their cases. They either refuse to employ junior counsel or where they employ such juniors, they fail to entrust these juniors with the cases. Such legal practitioners frequently experience a conflict of dates in different courts (Agbonika, 2014).

One of the respondents also mentioned the issue of unqualified and inappropriate requirements as the cause of administrative delay stating this led to slow and wrong work due to a lack of appropriate skills and relevant knowledge. The downturn in our economy has led to a situation where some persons accepted to be magistrates not because they desire to make a career of it but out of exigency of no other thing to do.

It is also apparent now many people who find themselves in the magistrate courts lack many of the basic qualities of an adjudicator, like deep knowledge of the law, patience, independence, and impartiality. In the days of old, many magistrates believed that they had an automatic ticket to the high court bench but thanks to the stringiest rules laid out by the National Judicial Council now for elevation from the magistracy to the high court bench (Ali, 2006).

## **Conclusion**

The perpetual existence of the state depends out rightly on justice system to ensure peace, security and protection of life's and properties. Peace, progress, development and political stability are mirage without a buoyant justice system. Any society that lacks an efficient justice

system has potential threats to its socio-societal security and stability. The Nigerian justice system has been characterized by constant slowness and delay. This has consequently increase the number of awaiting inmates trail in correctional facilities across the country.

### **Recommendations**

1. There should be infusion of information communication technology into the administration of criminal justice system in other to fasting service delivery program.
2. There should be increase in the budgetary allocation in other to improve their provision and condition of service.
3. There should be free legal service to individuals who cannot afford to acquire legal service by Non- Governmental Organization NGOs.
4. There should be increase harmonious working relationship between the components of the criminal justice system.

### **References**

- Adebisi, K. S. (2009). Basic Issues in Sociology for Students in Nigerian Tertiary Institutions Ibadan, K.T. Publisher.
- Adebisi, K. S., & Oyewo, O. O. (2015). Prisons and Security Challenges in a Democratic Nigeria. *Research on Humanities and Social Sciences*, 5 (6), 2224-5766.
- Administration of Criminal Justice Act, 2015.
- Alemika, E.E & Chukwuma, I, (2005) ( Eds), Crime and Policing in Nigeria Challenge Options. CLEEN Foundation 1-196.
- Alemika, E.E, (2014), Crime and Public Safety in Nigeria CLEEN Foundation.
- Agbonika, J., & Alewo, M. (2014). Delay in the Administration of Criminal Justice in Nigeria: Issues from a Nigerian Viewpoint. *Journal of Law, Policy and Globalization*, 26(12), 45–57.
- Ali. O. Y. (2016). ‘Delay in the Administration of Justice at the Magistrate Court- Factors Responsible Solution; Retrieved from

[http://www.yusufali.net/articles/delay\\_in\\_the\\_administration\\_of\\_justice.pdf](http://www.yusufali.net/articles/delay_in_the_administration_of_justice.pdf)

- Ajah, B. O., & Okpa, J. T. (2019). Digitilization as a Solution to the Problem of Awaiting-Trial Inmates in Ebonyi State, Nigeria. *International Journal of Criminal Justice Sciences*, 14(2), 99-20.
- Ayorinde, B. (2014, February 18). Nigeria: A reformatory approach to the criminal justice system in Nigeria. *Mondaq*. Retrieved February 23, 2022, from <http://www.mondaq.com/Nigeria/x/293894/Public+Order/A+Reformatory+Approach+To+The+Criminal+Justice+Syst em+In+Nigeria>
- Bamgbose, O. (2010), *The Sentence, the Sentencer, the Sentenced: Towards Penal Reform in Nigeria*, Ibadan, Ibadan University press.
- Chukwudi, F. (2012). Challenges of Reforms in the Nigerian Prison System: Lessons from the USA and South Africa. *Journal of Social Science and Public Policy*, 4 (9), 35-46.
- Chukwumerije, U. (2012). *Prison Act Bill: Explanatory Memorandum on Amendment of Prison Act*. Encarta Encyclopedia (2004) Microsoft Corporation.
- Constitution of the Federal Republic of Nigeria (1999) Lagos: Federal Government Printer.
- Dambazau AB. Criminology and Criminal Justice. 2<sup>nd</sup> Edn. Ibadan: *University Press*, 2007.
- Jaiyeoba, A.O (2006), School Administration and Supervision in Babablola, Ayemi, A. O.,
- Kehinde A. Aliyu, Jamaldin, B., Mustafa, Norruzeyati, M. Nasir (2016), The Difficulties of Staff Welfare in the Organization of Nigeria Prison Service: An Investigation of Oke kura Prison kwara State. International Seminar on Generating Knowledge through Research University Utara Malaysia.
- Mosea. U. Ikoh (2011), The Nigeria Prison System and Failure of Rehabilitation: An Examination of Incarceration Alternative; The Nigeria Academic Forum Volume 2, No 1 April 2011.
- Ogundipe (2009):“*Delay in criminal trials*”. *Consequences on nascent trial: A Paper Presented at All Nigeria Judges Conference at National Judicial Institute November 23-27, 2009*.
- Naidu. S. P (2005), Public administration: concept and theories, new age international ltd, publishers New Delhi India.
- Nnam, M. U. (2015). The Sociological Analysis of kidnapping in Abia and Ebonyi States of Nigeria. *An M.Sc. dissertation submitted to the department of psychology and sociological studies, Ebonyi state university, Abakaliki*.
- Nweze, G. (2012). *Education in prison, Benefits of inmate Education in Prison programme*. Aba: Ami printing press.

- Nelson, M. cited in Ejiofor, O. N. (2012) Prison Administration in Nigeria. The Reformer, a Bulletin of the Nigerian Prison Service. Pp 66-69.
- Nigerian Prisons Service Annual Report (2014). *Statistical information*. Retrieved from [www.prisons.gov.ng](http://www.prisons.gov.ng).
- Nwolise, O. B. C. (2010): “*Bridging the Funding Gap in Corrections: The Urgent Need for Increased Financial Vitamins in African Prisons Service*” in Igbinedion Journal of Diplomacy and Strategy. (p. 239)
- Orakwe, I.W. (2012) The Role of Nigeria Prisons Service in International Politics and Security. The Reformer, A Bulletin of the Nigerian Prison Services.
- Orakwe I.W. (2005). ‘Killing the Nigerian Prisons through Prosecutorial Ineptitude.’ The Reformer, 2 (1): 45 – 48. Abuja: Nigerian Prisons Service.
- Obioha, E. E. (2011). Challenges and reforms in the Nigeria prisons system. *Journal of Social Sciences*, 27(2), 95-109.
- Oduyela, S., (September 23, 2003). Prisons of Horror. *Nigeria world*. Retrieved from [nigeriaworld.com/feature/publication/oduyela/092303.html](http://nigeriaworld.com/feature/publication/oduyela/092303.html)
- Oshodi, J. E. (2010, August 10). Nigerian prisoners: an open letter to Mr President. *Next Newspaper*, pp4.
- Okorie, Ajah, Cyril O, Ugwuoke, Bonavature, Nwokeom, Rebecca, Naman(2020), Ameliorating the Plight of Awaiting-Trial Inmates in Ebonyi State, Nigeria Through Reasonable Bail Conditions; *Pertanika Journal of Social Sciences and Humanities* 28(4) : 2897-2911(2020).
- Saleh, B (2002), Public Administration Workers Guide Vol 1, Printed by Midland Press Ltd Jos, Nigeria.
- Schubert, J. (2018). What is the criminal justice system? - definition, components & problems. *Study.com*. Retrieved June 27, 2022, from [https:// study.com/academy/lesson/what-is-the-criminaljustice-system-definition-components-problems](https://study.com/academy/lesson/what-is-the-criminaljustice-system-definition-components-problems).
- Tanimu, B. (2006). Convict View of the Criminal Justice System in Nigeria. In Hassan Saliu, et al.(eds). (2006). The National Question and some Selected Topical Issue in Nigerian. Ibadan: Vintage Publishers.
- Tosin, Osasona(2015), Time to Reform Nigeria’s Criminal Justice System; *Journal of Law and Criminal Justice* December 2018 Vol:3, No2 pp 73-79.
- Ukwayi, J. K., & J. T. Okpa (2017). Critical assessment of Nigeria Criminal Justice System and the Perennial Problem of awaiting trial in Port Harcourt Maximum prison, Rivers State. *Global Journal of Social Sciences*, 16, 17-25

Ukoji, V and James Okolie (2016), Prevalence of Lethal and Non-lethal Crimes in Nigeria; Journal of Advance Research in Humanities and Social Sciences 2016 Volume 3(1).

Usman, E. (March 2, 2013). Nigeria prisons: our travails, triumphs, inmates open up. *Vanguard newspaper*.

Walmsley, R. (2012). World pre-trial/Remand imprisonment list. (2nd ed.). International Centre for Prison Studies. Retrieved October 30, 2022, from [www.prisonstudies.org](http://www.prisonstudies.org)

World Prison Population Lists (2008, 8th ed.). International centre for prison studies. Retrieved from <http://www.prisonstudies.org/images/news-events/wppl9.pdf>.

World Prison Population Lists (2011, 9th ed.). International centre for prison studies. Retrieved from <http://www.prisonstudies.org/images/news-events/wppl9.pdf>.

Wikipedia online dictionary [www.wikipedia.org](http://www.wikipedia.org)

NO CONFLICT OF INTEREST

Neither INTERNAL NOR EXTERNAL FUNDING

Research ethics committee not applicable