

Dealing With the Obstacles in the Administration of Justice in Nigeria

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ABSTRACT

The administration of justice remains the ultimate structural foundation of any civilized state. It serves as the primary mechanism for maintaining civil order, protecting fundamental human rights, and actualizing the rule of law. In Nigeria, however, the administration of justice is severely constrained by an array of systemic, institutional, procedural, and socio-legal obstacles. This work evaluated these barriers through rigorous doctrinal research methodology. It examined the operational and structural failures across the entire justice ecosystem, which includes the judiciary, law enforcement, and correctional institutions. The paper provides an in-depth analysis of the primary legislative frameworks designed to reform the sector. These include the Administration of Criminal Justice Act 2015, the Nigeria Police Act 2020, the Nigerian Correctional Service Act 2019, the Evidence Act 2011, and the recently enacted Arbitration and Mediation Act 2023. This study revealed that despite these progressive legislative interventions, substantial gaps remain. The system continues to suffer from chronic docket congestion, poor infrastructure, fiscal starvation by the executives, deep-seated corruption, and a persistent culture of prioritizing procedural technicalities over substantive justice. By analyzing seminal judicial precedents and academic literature, this paper isolates the structural bottlenecks that stall trials and cause overcrowding in custodial centers. Ultimately, this research offered a comprehensive legal and policy blueprint for systemic reform. It advocates complete technological integration, genuine financial autonomy for the judiciary, the widespread expansion of alternative dispute resolution mechanisms, and the strict enforcement of ethical accountability across the bench and bar.

Key words: Justice, Administrative law, Constitution, Nigeria,

INTRODUCTION

The core purpose of any state is to establish order, maintain peace, and guarantee justice for its citizens. The concept of justice is not an abstract political idea. It is a practical, living necessity that directly impacts the survival of society. When the legal and institutional frameworks designed to deliver justice fail, the entire social contract between the citizen and the state collapses, opening the door to self-help and anarchy. The Constitution of the Federal Republic of Nigeria 1999 recognizes this foundational truth by explicitly vesting the judicial powers of the state in the courts.¹ The courts are constitutionally mandated to resolve disputes between individuals, corporate entities, and arms of government without fear or favor.

Unfortunately, the administrative reality of the Nigerian legal system is characterized by severe operational failure. Litigants face an agonizingly slow and frustratingly complex path to justice. Simple civil or commercial claims routinely drag on for decades in the courts, draining the financial resources of parties and destroying business certainty. Criminal trials are equally paralyzed. Thousands of citizens remain trapped within custodial centers across the country as awaiting trial inmates, enduring long periods of detention without ever having their guilt or innocence determined. The widely cited legal maxim that justice delayed is justice denied is not just an academic phrase in Nigeria; it is a daily institutional reality.²

¹ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 6.

² A Obilade, *The Nigerian Legal System* (Spectrum Books 1979) 45.

This deep systemic crisis stems from a historical build-up of multiple obstacles. These range from obsolete physical infrastructure and manual administrative processes to the chronic underfunding of the judicial arm of government. Furthermore, the human element within the justice delivery chain presents significant challenges. Allegations of corruption, political compromise, and ethical decay among judicial officers and court administrative staff continue to erode public confidence in the courts.

Procedurally, the Nigerian legal system remains heavily burdened by an outdated legal culture that favors procedural technicalities over substantive justice. Lawyers routinely exploit loopholes in the law to delay proceedings through endless interlocutory applications and objections, completely frustrating the efficiency of the trial process.

This research adopted a doctrinal methodology to critically examine these multi-dimensional challenges. It does not merely list the problems but provides an exhaustive legal analysis of the primary statutes designed to sanitize the system. These include the Administration of Criminal Justice Act 2015, the Evidence Act, and the modern provisions of the Arbitration and Mediation Act 2023. By evaluating the gaps between legislative intent and administrative execution, this paper maps out a clear path forward. It presents a detailed legal blueprint for a restructured, technological, accountable, and accessible justice delivery system capable of serving the needs of the modern Nigerian state.

Administration of Justice: Towards an Understanding

To appreciate the challenges facing the justice system, it is apropos to clarify the concept of the administration of justice. Jurists often view the administration of justice as a purely judicial activity performed exclusively by judges within the courtroom. However, a more comprehensive conceptualization reveals that the administration of justice is an interconnected, multi-agency continuum.³ It is a long chain of legal and institutional processes that depends entirely on the efficiency of multiple independent bodies.

The process begins with the legislature, which creates the statutory framework and codifies offenses and civil remedies. It moves to law enforcement agencies, such as the Nigeria Police Force and specialized anti-graft bodies, which are responsible for crime prevention, intelligence gathering, and criminal investigation. The chain then connects to the Ministry of Justice and private legal practitioners, who process these disputes and present them before the courts. The courts serve as the adjudicatory hub where evidence is weighed, laws are interpreted, and judgments are delivered. Finally, the correctional service executes the court's sentences through rehabilitation or custody.

Because the administration of justice operates as an interdependent ecosystem, a failure in any single link instantly paralyzes the entire chain. For instance, if the police conduct a poor, unscientific criminal investigation, the prosecution cannot present credible evidence. This forces the court to grant numerous adjournments or ultimately dismiss the case, leaving the victim without justice and the state with a broken criminal justice policy. Therefore, the administration of justice must be understood as an administrative system where institutional cooperation is essential for the rule of law.

Utilitarianism and Restorative Justice: Theoretical Perspectives on Justice

The discourse on dealing with obstacles in the justice system is enriched by two primary theoretical perspectives: Utilitarianism and Restorative Justice.

The Utilitarian Theory

The utilitarian theory, popularized by Jeremy Bentham, posits that the primary objective of law and its administrative machinery is to maximize the overall well-being and happiness of society while minimizing pain.⁴ Applied to the administration of justice, a utilitarian framework demands that the legal system must be efficient, cost-effective, and swift. Any legal system that allows cases to linger for decades or absorbs

³ N Tobi, *The Nigerian Judge and his Court* (Snaap Press 2001) 88.

⁴ J Bentham, *An Introduction to the Principles of Morals and Legislation* (Clarendon Press 1907) 12.

enormous public resources without delivering timely outcomes fails the utilitarian test. The persistent delays and structural inefficiencies in Nigerian courts represent a massive drain on societal utility, as they discourage foreign direct investment, breed civic frustration, and diminish public security.

Restorative Justice Theory

Conversely, the theory of Restorative Justice shifts the focus from purely state-centric punishment and adversarial litigation toward healing, reconciliation, and the restoration of communal balance.⁵ Traditional African society, including pre-colonial Nigerian communities, relied heavily on restorative principles to settle disputes through family heads, elders, and open communal dialogue. The colonially inherited English common law system, which forms the basis of Nigeria's current legal architecture, is deeply adversarial. It treats disputes as win-lose battles, alienating the parties and congesting court dockets with matters that could be resolved through mediation. Integrating restorative justice principles into the modern statutory framework is not a step backward; it is a vital theoretical and practical strategy for removing trivial disputes from the formal court system, thereby relieving overburdened judges.

Legal Framework for Administration of Justice in Nigeria

The Administration of Criminal Justice Act (ACJA) 2015 and State ACJLs

The enactment of the Administration of Criminal Justice Act 2015 was widely celebrated as the most ambitious legislative effort to reform criminal justice administration in Nigeria. Prior to its passage, criminal proceedings in federal courts were governed by the Criminal Procedure Act in the South and the Criminal Procedure Code in the North. These old laws contained archaic procedures that allowed defense attorneys to stall criminal trials indefinitely, particularly in high-profile corruption cases. The ACJA 2015 successfully merged the progressive elements of both regimes into a single federal statute, which has now been adopted across various states as the Administration of Criminal Justice Law (ACJL).⁶

The most revolutionary provision of the ACJA 2015 is Section 306, which completely outlaws the grant of a stay of proceedings in criminal trials. Before 2015, a defendant could object to a charge, and if the trial judge overruled the objection, the defendant would immediately appeal and apply for a stay of proceedings. This effectively halted the trial for years while the interlocutory appeal slowly made its way to the Supreme Court. Section 306 effectively dismantled this obstructive practice by requiring that all objections must be raised alongside the substantive defense, and the trial court must proceed to judgment regardless of any pending interlocutory appeal.

Additionally, Section 396 of the Act introduced strict timelines for trial management. It mandates that criminal trials must proceed day-to-day. Where day-to-day trial is impossible, the law restricts adjournments to a maximum of five intervals per party, with each adjournment lasting no more than fourteen days. To prevent the frequent problem of trials starting all over again when a judge is elevated to the Court of Appeal, Section 396(7) empowers an elevated judge to sit as a High Court judge for the sole purpose of concluding part-heard criminal matters.

Despite these clear statutory commands, the operational execution of the ACJA faces immense resistance. Defense lawyers have devised new ways to bypass the day-to-day trial rule by raising complex constitutional questions that require reference to higher courts. Furthermore, the lack of institutional sanctions for prosecutors and judges who violate these statutory timelines means that the day-to-day trial requirement is frequently ignored in everyday practice.

⁵ I Oraegbunam, 'Restorative Justice in Classical African Jurisprudence' (2019) 6 *Unizik Law Journal* 24.

⁶ Y Akinseye-George, *The Administration of Criminal Justice Act 2015: An Explanatory Note* (Centre for Socio-Legal Studies 2017) 102.

The Nigerian Evidence Act 2011 (As Amended)

The administration of justice relies entirely on the evaluation of legally admissible evidence. For decades, the old Evidence Act of 1945 obstructed justice because it did not contain clear provisions for admitting electronic records, computer-generated documents, and digital forensics. In a rapidly changing digital world, this legislative gap meant that financial crimes committed via electronic banking, automated emails, or digital signatures could easily escape prosecution. The enactment of the Evidence Act 2011 completely resolved this issue by modernizing the rules of admissibility, particularly through Section 84, which explicitly regulates the admissibility of electronically generated evidence.⁷

Section 84 provides that a computer-generated statement is admissible if the party seeking to tender it satisfies the court that the computer was operating properly at the material time, and that the data was fed into the device in the ordinary course of business. This provision is supported by a required certificate of compliance signed by the person responsible for the operation of the device. While this provision was a monumental step forward, its strict implementation has become a procedural hurdle.

Many Nigerian judges and legal practitioners struggle to interpret the technical requirements of Section 84. Courts have frequently rejected vital electronic evidence simply because the certifying officer missed a minor technical detail in the accompanying certificate. This rigid approach recreates the very technical justice that the law was meant to eliminate. To fix this, the legislature amended the Evidence Act to clarify electronic signatures and digital tracking, yet the real solution lies in providing continuous technical training for judicial officers to prevent them from misapplying these electronic standards.

The Nigeria Police Act 2020

The police force is the gatekeeper of the criminal justice system. The quality of a police investigation determines the success or failure of any criminal prosecution. The old Police Act of 1943 was a colonial law focused on protecting state power rather than respecting human rights or ensuring administrative efficiency. To address these systemic problems, the National Assembly passed the Nigeria Police Act 2020, which redefines the operational mandate of the force.⁸

The 2020 Act introduces strict provisions to curb the systemic abuse of prosecutorial and investigative powers. Section 37 of the Act explicitly prohibits the police from arresting a citizen purely on a civil or contractual matter, an administrative practice that had heavily congested police cells and lower courts with non-criminal cases. Furthermore, Section 66 of the Act mandates that the police must report all arrests to the nearest Magistrate monthly, ensuring judicial oversight over police detentions and reducing the problem of secret, indefinite detentions.

However, the major obstacle to the success of the Nigeria Police Act 2020 is institutional funding and cultural resistance. The police force lacks modern forensic laboratories, digital tracking infrastructure, and centralized crime databases. Police personnel are often forced to rely on confessions extracted under duress rather than scientific investigation. When these poorly investigated cases are brought to court, they quickly fall apart under cross-examination, leading to prolonged trials and high acquittal rates that weaken public security.

The Nigerian Correctional Service Act 2019

The Nigerian Correctional centers are the final stage in the criminal justice administration chain. For decades, Nigerian prisons were known for severe overcrowding, disease, and little rehabilitative value. The Nigerian Correctional Service Act 2019 was enacted to transform this punitive system into a reform-focused institution.

The Act splits the service into two distinct operational wings: the Custodial Service and the Non-Custodial Service. The Custodial Service manages traditional institutional confinement, while the Non-Custodial Service

⁷ Evidence Act 2011, s 84.

⁸ Nigeria Police Act 2020, s 4.

administers alternative sentencing options such as community service, probation, parole, and restorative justice measures.

The most important provision for dealing with overcrowding is Section 12(8) of the Act. This section empowers the State Controller of Correctional Services to notify the Chief Judge of the State and the Attorney General when a custodial center is about to exceed its maximum capacity. Upon receiving this notification, the relevant judicial authorities must take immediate steps to evacuate the excess inmates within a specific timeframe, either by granting bail, releasing minor offenders, or transferring inmates to less congested centers.

Regrettably, this statutory safety valve has rarely been deployed since 2019. Custodial centers across major urban areas in Nigeria operate at double or triple their official capacities. The primary reason is that the non-custodial infrastructure remains unfunded and unorganized. There are few trained probation officers, no standardized tracking systems for community service workers, and little coordination between the lower courts and the correctional service management.

The Arbitration and Mediation Act 2023

While criminal justice requires structural changes, civil and commercial justice delivery requires systemic diversion. The congestion in Nigerian courts is largely caused by an influx of commercial disputes, land claims, and breach of contract cases that do not need a formal trial. The passage of the Arbitration and Mediation Act 2023 provides a modern statutory solution to this problem, completely replacing the outdated Arbitration and Conciliation Act of 1988.⁹

The 2023 Act introduces international best practices, including the explicit statutory recognition of mediation as an independent and enforceable dispute resolution mechanism. Under the new Act, settlement agreements resulting from mediation are directly enforceable in Nigerian courts as consent judgments, eliminating the need to file a fresh lawsuit to enforce a settlement.

Furthermore, the Act introduces the "Award Review Tribunal" mechanism, which allows parties to challenge an arbitral award before a specialized tribunal rather than heading straight to the High Court. This significantly limits the long delays associated with traditional litigation, where losing parties routinely file frivolous appeals to stall the enforcement of arbitral awards. By protecting the finality of alternative dispute resolution processes, the Arbitration and Mediation Act 2023 provides a clear framework for businesses to resolve their disputes swiftly outside the court system, allowing judges to focus their energy on cases that strictly require formal judicial resolution.

Systemic And Infrastructural Obstacles In The Administration Of Justice

Chronic Docket Congestion and the Tyranny of Longhand Recording

The sheer volume of unresolved cases pending before Nigerian courts is a major systemic crisis. The cause list of an average State High Court or Federal High Court judge is a testament to an overburdened system. A single judge often has to deal with dozens of matters in a single day, ranging from complex commercial litigations to fundamental human rights applications and criminal trials. It is humanly impossible for a judge to give adequate intellectual attention to such a high volume of cases, which naturally leads to constant adjournments.¹⁰

This congestion is worsened by the archaic practice of manually recording court proceedings in notebooks and pads. In most Nigerian courtrooms, the judge must sit for hours, manually writing down every word spoken by lawyers, witnesses, and defendants. This practice slows down the pace of trials and takes a severe physical and mental toll on the health of the judges.

⁹ Arbitration and Mediation Act 2023, s 1.

¹⁰ O Fagbohun, 'Re-examining the Administration of Justice in Nigeria' (2015) 2(1) *Nigerian Journal of Legal Studies* 12.

A trial that should take a few weeks to conclude under an automated recording system drags on for years because the judge must constantly interrupt proceedings to catch up with their writing. Furthermore, manual notes are highly prone to human error and misinterpretation, which can compromise the quality of the final judgment and lead to avoidable appeals.

Fiscal Starvation: State Executive Capture and the Myth of Judicial Financial Autonomy The Constitution explicitly establishes the judiciary as an independent arm of government, complete with financial autonomy under the principle of the first-line charge. This means that funds allocated to the judiciary should be paid directly from the federation account or state consolidated revenue funds to the heads of court, completely free from executive interference. While this principle is largely functional at the federal level through the National Judicial Council, it remains an operational illusion across many states of the Federation.¹¹

State governors routinely ignore these constitutional guarantees, forcing state judiciaries to depend on the executive branch for their operational funds, capital projects, and overhead allowances. This fiscal control allows the executive to starve the judiciary of vital resources, leaving courtrooms without constant electricity, functional air conditioning, or updated law libraries.

More importantly, fiscal dependence undermines the separation of powers. A judiciary that must beg the executive for basic operational funds cannot confidently sit in judgment over politically sensitive cases involving the state government. This financial stranglehold effectively cripples the judiciary's ability to upgrade its infrastructure, hire competent staff, or build a truly independent legal environment.

Human Capital Deficits: Appointment Politics and Lack of Continuing Legal Education The efficiency of any administration of justice system depends heavily on the intellectual capacity, moral integrity, and professional competence of its judicial officers. Unfortunately, the process of appointing judges and magistrates in Nigeria is increasingly criticized for being influenced by political favoritism, nepotism, and regional bias rather than merit and intellectual capacity. When individuals are elevated to the bench based on political connections rather than deep legal scholarship, the entire justice system suffers from poorly reasoned judgments and administrative incompetence.¹²

This human capital deficit is further compounded by the absence of mandatory, continuous professional development for lower-court judges, magistrates, and registry staff. The legal landscape is constantly changing with the regular passage of new laws, electronic evidence standards, and complex corporate practices. Without regular, institutional training through organizations like the National Judicial Institute, many judicial officers struggle to handle modern legal disputes effectively. This knowledge gap leads to procedural errors, wrong applications of the law, and a high volume of appeals, all of which heavily congest the higher courts.

Socio-Legal And Ethical Challenges

Systemic Corruption and Judicial Perversion: The Registry to the Bench Pipeline

No obstacle undermines the administration of justice more completely than corruption. Public perception of the Nigerian judiciary has been deeply damaged by recurring allegations of financial compromise. Corruption within the justice sector is not confined to the bench; it operates as an organized network that runs from the court registry to the courtroom itself.¹³

At the registry level, litigants are routinely forced to pay bribes to administrative staff simply to get their case files processed, have processes served by bailiffs, or secure a trial date from the registrar. Files are frequently hidden or misplaced intentionally to extort money from desperate parties.

¹¹ A Ibidapo-Obe, 'Funding the Judiciary in Nigeria: A Constitutional Imperative' (2018) 12(2) *University of Lagos Law Review* 45.

¹² Y Osinbajo, *The Administration of Justice in Nigeria: Challenges and Prospects* (Nigerian Institute of Advanced Legal Studies 2011) 56.

¹³ O Aguda, *The Crisis of Justice* (Eresu Hills Publishers 1986) 78.

At the higher levels, the integrity of the system is compromised by the buying and selling of judicial orders, particularly ex-parte injunctions in politically sensitive election matters. When justice is sold to the highest bidder, the poor are automatically shut out, and the law becomes a tool of oppression rather than a shield for protection. Although the National Judicial Council regularly dismisses erring judges, the structural roots of corruption persist due to weak internal audit mechanisms and a lack of criminal prosecution for corrupt court officials.

Executive Impunity: Disobedience of Court Orders

The rule of law is completely dependent on the principle that the judgments and orders of the court must be obeyed by all persons and authorities, including the state itself. In Nigeria, a major socio-political obstacle to justice delivery is the recurring pattern of executive impunity and the blatant refusal of government agencies to comply with judicial directives.¹⁴

Law enforcement bodies, such as the Department of State Services and the Nigeria Police Force, have repeatedly ignored court orders granting bail to citizens or directing the release of illegally detained individuals. Similarly, monetary judgments awarded against government ministries are rarely paid, as officials exploit the provisions of the Sheriffs and Civil Process Act, which requires the prior consent of the Attorney General before state funds can be attached via a garnishee order. This culture of executive disobedience ridicules the institutional authority of the judiciary, discourages corporate investment, and teaches citizens that power matters more than the law.

Socio-Economic Barriers: Poverty and the Inequitable Legal Aid Architecture

Access to justice in Nigeria is highly unequal, separating wealthy litigants from poor citizens. The high cost of litigation, which includes filing fees, costs for processing evidence, and the professional fees of private legal practitioners, makes formal legal remedies inaccessible to many Nigerians. Consequently, many poor citizens face criminal prosecutions or civil dispossessions without any professional legal help.¹⁵

The Legal Aid Council of Nigeria, established to provide free legal representation to indigent persons, is severely underfunded, understaffed, and poorly equipped. A small team of legal aid attorneys is expected to handle thousands of cases across an entire state, which is an impossible task. This severe capacity gap means that poor defendants are often forced to rely on irregular legal representation or simply navigate the criminal justice system completely alone. This often results in wrongful convictions and long, unlawful pretrial detentions.

The Implications Of Archaic Laws And Procedural Technicalities

The Weaponization of Interlocutory Appeals and Preliminary Objections

The Nigerian legal culture is deeply adversarial, and legal practitioners routinely exploit procedural rules to delay trials. The most common method of delaying justice is the strategic weaponization of preliminary objections and interlocutory appeals. Rather than addressing the substantive merits of a case, defense lawyers frequently file preliminary objections challenging minor procedural matters, such as the format of the legal processes or the exact manner of service.¹⁶

When a trial judge overrules these objections, the lawyer immediately files an interlocutory appeal to the Court of Appeal, accompanied by an application to stay proceedings if it is a civil case. Even in criminal matters where the ACJA 2015 explicitly prohibits stays of proceedings, lawyers still find ways to stall trials by raising jurisdictional questions that force courts to halt work. This hyper-technical approach turns the courtroom into a

¹⁴ C Okonkwo, *Introduction to Nigerian Law* (Sweet & Maxwell 1980) 114.

¹⁵ A Oko, *The Challenges of the Nigerian Judiciary* (Law Nigeria 2023) www.lawnigeria.com/articles accessed 12 June 2026.

¹⁶ *Bello v Attorney General of Oyo State* [1986] 5 NWLR (Pt 45) 828.

place for procedural games, completely overshadowing the court's core mission to deliver substantive justice based on the facts of the case.

The Labyrinth of Service of Processes and Jurisdictional Bottlenecks

The administration of justice is also heavily delayed by the rigid rules governing the service of court processes. Under the rules of various courts, personal service of originating processes is a strict requirement to establish the court's jurisdiction over a party. If a defendant intentionally avoids service, or if the court bailiff fails to locate the defendant due to poor logistics, the entire lawsuit is completely stalled.¹⁷

Lawyers must then spend weeks applying for orders of substituted service through newspapers or pasting on walls. This mechanical process adds months of delay before a case can even be heard on its merits. Furthermore, complex jurisdictional boundaries between the Federal High Court and State High Courts create significant confusion. Litigants often spend years fighting all the way to the Supreme Court just to determine which court has the proper jurisdiction to hear their case, wasting valuable time and resources before the actual dispute is ever examined.

Overcoming The Obstacles In The Administration Of Justice

Comprehensive Institutionalization of E-Justice and Case Management Systems

To completely dismantle the obstacles of delay and manual administrative errors, the Nigerian judiciary must urgently transition to an institutionalized electronic justice system. This reform requires more than just installing computers; it demands a complete overhaul of the judicial workflow through integrated Case Management Systems.¹⁸

Every judicial division across the country must establish functional e-filing registries where legal practitioners can submit court processes, track case statuses, and pay filing fees via secure online networks. This digital reform eliminates physical registries, stopping the loss or intentional hiding of case files.

Furthermore, courtrooms must be equipped with automated audio-to-text recording systems and digital stenography equipment. This technology frees judges from the exhausting task of longhand writing, allowing them to focus entirely on evaluating witness behavior and analyzing legal arguments. Virtual court proceedings, which proved highly effective during the pandemic, must be fully regularized for interlocutory applications, bail hearings, and expert testimony. This digital shift reduces the logistical costs of moving inmates and lawyers to physical courtrooms, accelerating the pace of justice delivery.

Operationalizing Restorative Justice and Diverting Minor Offenses

The severe overcrowding in Nigerian custodial centers and the congestion of court dockets can be directly alleviated by fully implementing the non-custodial and restorative justice provisions contained in the Nigerian Correctional Service Act 2019 and the ACJA 2015. The justice sector must aggressively move away from its punitive focus on incarceration for minor offenses.¹⁹

State judiciaries must establish functional community service centers, probation registries, and mediation clinics attached to the lower courts. Magistrates must be strictly trained to divert minor criminal matters, such as petty theft, simple assault, and minor traffic violations, away from custodial sentences into community service, restitution orders, and victim-offender mediation.

¹⁷ *Ariori v Elemo* [1983] 1 SC 13.

¹⁸ E Azinge, 'Information Technology and the Adjudicatory Process in Nigeria' (2014) 4(1) *Nigerian Journal of Contemporary Law* 112.

¹⁹ M Adeyemi, 'Reforming the Criminal Justice System in Nigeria' (2019) 8(3) *Journal of Public Law and Jurisprudence* 88.

This diversion strategy keeps minor offenders out of overcrowded prisons, prevents them from becoming hardened criminals, and frees up court resources to handle complex criminal prosecutions. Furthermore, corporate disputes must be systematically directed to alternative dispute resolution centers under the enforcement protections of the Arbitration and Mediation Act 2023, making litigation a tool of absolute last resort.

Legal Education Reform and Strict Ethical Accountability Mechanisms

Dealing with socio-legal obstacles requires a profound cultural and ethical transformation within the legal profession itself. The National Judicial Council and the Legal Practitioners Disciplinary Committee must enforce accountability across the bench and bar. The appointment process for judicial officers must be fully reformed to prioritize merit, character, and academic capacity over political connections.²⁰

The selection process should include open examinations, public interviews, and deep background checks conducted by independent panels. Once appointed, judges must undergo mandatory, continuous training at the National Judicial Institute to stay updated on digital evidence, international arbitration, and modern trial management techniques.

On the other hand, lawyers who intentionally abuse court processes, file frivolous interlocutory applications, or deliberately misplace documents to delay trials must face severe professional discipline, including heavy fines and suspension from practice. This dual approach ensures that both judges and lawyers remain focused on delivering swift and substantive justice.

The Role And Challenges Of Specialized Courts In Dispensing Justice

To understand the full scope of justice administration in Nigeria, one must look beyond the regular High Courts and examine the role of specialized tribunals and courts. The creation of specialized courts is a deliberate legislative strategy to deal with the obstacles of delay and lack of technical expertise in the regular court system. The most prominent example of this is the National Industrial Court of Nigeria. Following the Constitution of the Federal Republic of Nigeria (Third Alteration) Act 2010, the National Industrial Court was elevated to the status of a superior court of record under Section 254C of the Constitution. This court exercised exclusive jurisdiction over all labor, employment, trade union, and industrial relations disputes.²¹

The rationale behind this specialization is straightforward. Labor disputes often involve the livelihoods of workers and the economic survival of corporations, requiring swift adjudication by judges who possess specialized knowledge of industrial relations and international labor standards. By removing these cases from the dockets of the State and Federal High Courts, the National Industrial Court significantly decongests the regular judicial system. Similarly, the Investments and Securities Tribunal handles complex capital market disputes, ensuring that corporate investments are not tied down in endless regular court litigation.

However, these specialized courts face their own unique obstacles. A major procedural hurdle has been the controversy surrounding appellate jurisdiction. For several years, there was intense legal debate over whether appeals from the National Industrial Court could proceed to the Court of Appeal on all matters or only on questions of fundamental human rights. This ambiguity caused immense delays until the Supreme Court finally resolved the issue in the landmark case of *Skye Bank Plc v Iwu*, clarifying the appellate pathways.²² Furthermore, specialized courts suffer from limited geographical reach. Unlike State High Courts, which have divisions in almost every local government area, specialized courts are usually restricted to state capitals. This geographical limitation forces indigent workers to travel long distances at great expense just to access justice, thereby creating a geographical obstacle to the administration of justice.

²⁰ P Idornigie, 'The New Arbitration and Mediation Act 2023: Implications for Commercial Dispute Resolution in Nigeria' (2024) 15(2) *Journal of Commercial Arbitration and Law* 88.

²¹ Constitution of the Federal Republic of Nigeria 1999 (Third Alteration Act 2010), s 254C.

²² *Skye Bank Plc v Iwu* [2017] 16 NWLR (Pt 1590) 24.

The Role Of The Legal Profession In Facilitating Or Hindering Justice

A critical analysis of the administration of justice is incomplete without examining the conduct of the legal practitioners who operate the system. Lawyers are ministers in the temple of justice, legally bound by the Rules of Professional Conduct for Legal Practitioners to promote the rule of law and assist the courts in the speedy dispensation of justice. However, empirical observation of the Nigerian legal system reveals that legal practitioners frequently act as major obstacles to the very justice they are sworn to uphold.²³

The adversarial nature of the common law system encourages a win at all costs mentality. Many lawyers, particularly in high profile political or corruption cases, intentionally exploit loopholes in procedural laws to delay trials. They file frivolous preliminary objections, pursue meritless interlocutory appeals, and constantly seek adjournments on medically unverified health grounds simply to frustrate the opposing party or the prosecution. This deliberate weaponization of court rules heavily congests the judicial dockets and exhausts the resources of the courts. Additionally, there are grave ethical breaches, such as lawyers coaching witnesses to commit perjury, or serving as intermediaries for bribing corrupt judicial officials.

While the Legal Practitioners Disciplinary Committee exists to sanction unethical lawyers, its disciplinary processes are notoriously slow. Complaints against powerful senior lawyers often take years to resolve, creating a culture of professional impunity. For the administration of justice to be genuinely reformed, the Nigerian Bar Association must take proactive steps to cleanse its ranks. The rules governing the award of costs must be strictly enforced, allowing trial judges to impose heavy personal financial penalties on any lawyer who deliberately institutes frivolous applications aimed at wasting the time of the court.

International Human Rights Law And Nigerian Justice Administration

In the modern globalized legal environment, the administration of justice in Nigeria is also influenced by international law and regional human rights tribunals. Nigeria is a signatory to numerous international treaties, including the African Charter on Human and Peoples Rights and the International Covenant on Civil and Political Rights. Under Section 12 of the Constitution of the Federal Republic of Nigeria 1999, an international treaty only has the force of law when it has been domesticated by an Act of the National Assembly. The domestication of the African Charter has significantly expanded the human rights jurisprudence of Nigerian courts, allowing citizens to seek redress for state sponsored violations.²⁴

Furthermore, the establishment of the Community Court of Justice of the Economic Community of West African States (ECOWAS Court) has provided an alternative avenue for justice. When Nigerian citizens feel that the domestic courts are compromised or too slow, they frequently approach the ECOWAS Court to enforce their fundamental rights. The ECOWAS Court has delivered several landmark judgments against the Nigerian government, particularly concerning unlawful detentions and extrajudicial killings.

However, the major obstacle in this international dimension of justice administration is the recurring refusal of the Nigerian government to obey the judgments of the ECOWAS Court. The executive arm of government often claims domestic sovereignty to justify its noncompliance with regional judicial orders. This selective obedience to international judgments weakens the authority of regional justice systems and demonstrates a deeply flawed democratic commitment to the rule of law. A justice system cannot claim to be effective if it only obeys the judgments that are favorable to the state. Ensuring total compliance with both domestic and regional court orders is essential for the complete administration of justice.

CONCLUSION AND RECOMMENDATIONS

Conclusion

The administration of justice in Nigeria is currently operating under a severe operational strain. This doctrinal research shows that despite progressive laws like the Administration of Criminal Justice Act 2015, the Nigeria

²³ Rules of Professional Conduct for Legal Practitioners 2023, r 14.

²⁴ *Abacha v Fawehinmi* [2000] 6 NWLR (Pt 660) 228.

Police Act 2020, and the Arbitration and Mediation Act 2023, the practical delivery of justice is still crippled by systemic obstacles. Chronic docket congestion, archaic manual recording methods, state executive capture of judicial funds, corruption, and an over-reliance on procedural technicalities continue to delay trials and weaken public confidence in the rule of law.

A democratic society cannot survive when its citizens lose faith in the judicial system's ability to protect their rights and resolve disputes fairly. Overcoming these administrative bottlenecks requires a deliberate, systematic commitment to institutional reform. Nigeria must fully embrace technology, protect judicial financial autonomy, expand alternative dispute resolution mechanisms, and enforce strict ethical standards across the legal profession. Only then can the judiciary truly fulfill its constitutional role as the independent protector of human rights and the hope of the common citizen.

Recommendations

To systematically remove these obstacles and reform the administration of justice in Nigeria, the following recommendations are proposed:

Secure Absolute Judicial Financial Autonomy: State governments must fully implement the constitutional first-line charge for the judiciary. All funds allocated to state judiciaries must be paid directly to the heads of court, completely removing executive interference. This financial independence is essential to modernize court infrastructure, maintain constant power supply, and insulate judicial officers from corruption.

Mandatory Transition to Digital Recording: The National Judicial Council should establish a mandatory policy requiring all courts of record to eliminate longhand writing. Courtrooms must be fully equipped with automated speech-to-text recording systems and digital stenography equipment to accelerate the pace of trials.

Enforce the Capacities of the Correctional Service Act: The Chief Judges of the various states must strictly operationalize Section 12(8) of the Nigerian Correctional Service Act 2019. When a custodial center reaches its maximum capacity, immediate measures must be taken to release minor pretrial detainees, grant bail, or transition inmates to non-custodial options like community service.

Sanction the Abuse of Court Processes: The Legal Practitioners Disciplinary Committee must actively penalize lawyers who file frivolous preliminary objections or interlocutory appeals to stall trials. Heavy personal costs should be awarded against attorneys who engage in dilatory tactics.

Institutionalize Pre-Trial Alternative Dispute Resolution: State rules of court should be amended to make mediation or arbitration an obligatory preliminary step for all commercial and civil disputes. A case should only proceed to formal litigation if it cannot be resolved through alternative dispute resolution mechanisms under the Arbitration and Mediation Act 2023.

Modernize Police Investigative Capabilities: The Federal Government must invest heavily in upgrading the Nigeria Police Force's forensic laboratories, digital tracking infrastructure, and fingerprint databases. Shifting the police force away from dependency on confessionals toward scientific, evidence-based investigation will shorten trial lengths and improve prosecution success rates.