

A DECADE OF THE ACJA; CHARTING THE COURSE OF CRIMINAL JUSTICE REFORM IN NIGERIA.

A. Protocols and Opening

Your Lordship, the Honourable Chief Justice of Nigeria, My Lords, Honourable Justices, the Honourable Attorney-General of the Federation, Learned Senior Advocates of Nigeria, distinguished members of the Bench and Bar, representatives of civil society, members of the diplomatic corps, captains of the justice sector, esteemed scholars, ladies and gentlemen—

It is a profound honour to be invited as the Distinguished Lecturer at this public lecture commemorating the 10th Anniversary of the Administration of Criminal Justice Act (ACJA) 2015. I extend my sincere appreciation to the Centre for Socio-Legal Studies (CSLS) for convening this important national conversation and for its sustained leadership in justice sector reform over the last two decades. The CSLS has been a strong intellectual and advocacy force behind the enactment and implementation of the ACJA across several states of the federation, and history will record its contribution to deepening criminal justice in Nigeria.

Today's gathering is not just another commemorative event. It represents a solemn moment of national reflection. Ten years after the ACJA was enacted to cure the inefficiencies, delays, and injustices that plagued our criminal justice system, we must interrogate its journey, its impact, its shortcomings, and—most importantly—its future. This anniversary is an opportunity to ask critical questions:

Has the ACJA lived up to its promise of speeding up trials? Has it enhanced access to justice for suspects, defendants, and victims? Has it reduced pretrial detention and improved accountability in criminal prosecutions? Has it advanced the cause of justice sector reform—or has it been reduced, like many Nigerian laws, to a fine document struggling against a resistant culture of impunity and institutional inefficiency?

As we reflect, we must also recognise the key actors who have shaped this decade-long journey: judges who have enforced progressive sections of the Act, lawyers who have tested its provisions in courtrooms across Nigeria, and development partners who continue to invest in justice reform. Yet, above all, we must remember the Nigerian people—the poor, the detained, the accused, the victims—whose lives are most affected by how justice works or fails to work.

Ladies and gentlemen, the central thesis of this lecture is simple:

Criminal justice reform is not just a legal necessity—it is a constitutional imperative and a social justice obligation. The ACJA is not an isolated procedural law; it stands at the intersection of human rights, constitutional governance, and social equity. Without linking criminal justice reform to the broader struggle against poverty, inequality, and the non-enforcement

of socio-economic rights under Chapter II of the Constitution, the promise of justice will remain incomplete.

If we must build a society where the law protects the innocent, punishes the guilty, and upholds human dignity, then our criminal justice system must be rooted not only in procedural efficiency, but also in constitutionalism and human rights. The ACJA was not enacted merely to accelerate trials; it was enacted to humanise the administration of justice and to align criminal procedure with the fundamental democratic values of fairness, accountability, and respect for human dignity.

Reform of the criminal justice system cannot succeed unless it is linked to broader constitutional reform—especially the enforcement of Chapter II of the 1999 Constitution, whose socio-economic rights remain unenforceable in Nigeria. To understand justice in criminal law without addressing the social conditions that drive most criminal prosecutions is to treat symptoms while ignoring the disease. A criminal justice system that jails the poor for survival offences while ignoring structural inequality cannot deliver justice. Justice must be holistic—legal, constitutional, and social.

This is the spirit in which I proceed with this lecture.

B. Introduction: Why the ACJA Matters

To understand the significance of the Administration of Criminal Justice Act (ACJA) 2015, we must begin by appreciating the historical crisis of criminal justice in Nigeria. Prior to its enactment, criminal trials in Nigerian courts were governed by two colonial relics: the Criminal Procedure Act (CPA) applicable in the southern states and the Criminal Procedure Code (CPC) applicable in the northern states.¹ These laws, introduced by the British colonial administration more than a century ago, were never designed for a modern constitutional democracy. They were tools of control—not instruments of justice.

By the early 2000s, the weaknesses of the CPA and CPC had become a national embarrassment. The system enabled endless adjournments, frivolous interlocutory appeals, and abuses of prosecutorial power. The result was a criminal justice system notorious for unjust pre-trial detention, with over 70% of inmates in Nigerian correctional centres awaiting trial for years without conviction.² Many suspects spent longer in detention awaiting trial than the maximum sentence for the offences they were accused of. Justice delayed had become justice denied.

The ACJA 2015 emerged as a legislative response to this systemic injustice. It was not a cosmetic reform—it was a human rights intervention aimed at

¹ See Criminal Procedure Act, Cap C41 Laws of the Federation of Nigeria 2004; Criminal Procedure Code, Cap C42 Laws of Northern Nigeria 1963.

² National Bureau of Statistics & Nigerian Correctional Service Report, Prison Data 2022: Awaiting Trial Persons in Custody, p. 4.

bringing the criminal process in line with the Constitution of the Federal Republic of Nigeria 1999 (as amended) and international standards of justice. Section 36 of the Constitution guarantees the right to fair hearing within a reasonable time,³ while Section 17(2)(e) provides that “the independence, impartiality and integrity of courts of law... shall be secured and maintained.”⁴ Yet, before the ACJA, these constitutional guarantees were routinely violated.

The ACJA therefore matters because it represents a shift from oppressive colonial criminal procedure to a rights-based justice system rooted in constitutionalism. The Act prioritizes substantial justice over technicalities, protects the dignity of suspects and defendants, recognizes victims' rights, and seeks to eliminate undue delay in criminal trials. It is a bold commitment to the rule of law and a recognition that justice must serve the living, not the archives of judicial history.

In its philosophy and structure, the ACJA bridges the long-standing divide between law in the books and law in action. It operationalizes constitutional justice by ensuring that criminal procedure is no longer a tool of oppression in the hands of state power but a mechanism for ensuring fairness, accountability, and human dignity. The Act gives life to constitutional ideals and begins the process of transforming criminal justice from an instrument of fear into a pillar of democratic governance.

C. The Philosophy and Objectives of the ACJA

The Administration of Criminal Justice Act (ACJA) 2015 is best appreciated not as a technical re-drafting of procedure but as a deliberate philosophical reorientation of Nigeria's criminal justice system. Its underlying philosophy can be summarised in four interlocking objectives—efficiency, expedition, rights-protection, and accountability—each designed to translate constitutional ideals into everyday practice. These objectives are legal, social and political: they seek to make criminal justice an engine of constitutionalism and social dignity rather than an instrument of arbitrary state power.

1. Efficient criminal-justice administration

At its core the ACJA recognises that the architecture of criminal procedure must serve administration, not the other way round. The Act reframes court procedure, prosecutorial practice and investigation protocols to reduce wasteful repetition, curb tactical delays and make the justice system predictable and manageable. Efficiency under the ACJA is multi-dimensional: it covers case-flow management (scheduling, limits on adjournments), clearer prosecutorial duties, standards for file management, and mechanisms for inter-agency coordination so that courts, police,

³ Section 36(1), Constitution of the Federal Republic of Nigeria 1999 (as amended).

⁴ Section 17(2)(e), Constitution of the Federal Republic of Nigeria 1999 (as amended).

prosecution and corrections operate as a functioning system rather than independent silos.⁵

2. Speedy trial and the reduction of delay

One of the ACJA's most urgent ambitions is to remove the structural causes of delay that produced mass pre-trial detention and undermined public confidence in the courts.⁶ The Act imposes judicial powers to control proceedings, prescribes limits on adjournments, and advances alternative case-resolution mechanisms (notably plea bargaining and diversionary measures) to ensure that the constitutional guarantee of a fair hearing "within a reasonable time" is not aspirational but enforceable in practice.⁷ By cutting procedural choke points and enabling realistic case-management, the ACJA aims to restore liberty and prevent punishment by prolonged detention prior to conviction.

3. Protection of the rights of suspects and victims

The ACJA adopts a rights-centred approach in two distinct but complementary respects. First, it strengthens procedural safeguards for suspects and defendants—rules on lawful arrest and detention, the right to counsel and to challenge remand, protection against torture and inhuman treatment, and clearer rules on admissibility of evidence and witness protection. Second, it gives statutory recognition to the victim's place in the process—most notably through provisions on victim compensation and participation—so that criminal justice attends not only to state retribution but to repair of harm done to citizens.⁸ This dual focus—on the accused and the injured—reflects restorative justice values and reframes criminal law as a site for dignity and repair rather than mere punishment.

4. Transparency and accountability in justice

Transparency is a recurrent theme in the ACJA: record-keeping obligations, requirements for public reporting, and the encouragement of ICT-based processes are all means to reduce discretionary opacity. Accountability is reinforced through clearer delineation of roles and duties (for police, prosecutors and judicial officers), inspection regimes for detention facilities, and monitoring mechanisms (including the Administration of Criminal Justice Monitoring Committees and tools such as the National Minimum Standards and Peer Review Scorecards).⁹ Where discretion exists, the ACJA aims to make it accountable—subject to standards, supervision and public scrutiny—so that abuse of process can be detected and remedied.

⁵ Administration of Criminal Justice Act, 2015 (Nigeria) – general provisions and aims; see also the Act's provisions on court administration and case-management (Preamble and Parts on trial procedure).

⁶ National Bureau of Statistics & Nigerian Correctional Service, Prison Data/Statistics (2022) – high percentages of awaiting-trial persons prior to reform and consequent policy justifications for the ACJA.

⁷ Constitution of the Federal Republic of Nigeria 1999 (as amended), s.36 (right to fair hearing within a reasonable time); ACJA provisions enabling judicial control of proceedings and alternative dispute mechanisms (plea bargaining/diversion).

⁸ ACJA, s.319 (victim compensation) and related provisions on witness protection and humane treatment of detainees; see also policy and programme reports on restorative justice by CSLS and partner organisations.

⁹ Centre for Socio-Legal Studies (CSLS), National Minimum Standards and Peer Review Scorecards (documents used for monitoring ACJA implementation); Administration of Criminal Justice Monitoring Committee (ACJMC) institutional frameworks as described in implementation reports.

5. Connection to constitutional governance – operationalising access to justice despite Chapter II’s non-justiciability

A critical philosophical claim of the ACJA is that procedural justice is itself a form of socio-legal right. Although Chapter II of the 1999 Constitution contains socio-economic directives that remain formally non-justiciable, the ACJA channels many of the constitutional aspirations—fair administration, dignity, equality before the law—into enforceable procedural guarantees. In doing so the ACJA narrows the practical gap between justiciable civil and political rights (e.g., rights to fair trial) and non-justiciable socio-economic entitlements (housing, health, welfare). By improving case-speed, protecting liberty, and mandating inspection and humane detention, the ACJA advances the realisation of constitutional values in daily practice even where Chapter II promises cannot be litigated directly.¹⁰

Synthesis: Philosophy → Objectives → Practice

The ACJA’s philosophy therefore operates on three levels simultaneously: normative (it affirms dignity and constitutional governance), institutional (it restructures the machinery of criminal justice), and practical (it prescribes concrete steps—plea bargaining, compensation, limits on adjournments, ICT adoption—to achieve better outcomes). The measure of success is not only legal compliance but lived justice: fewer unreasonable remands, faster trials, victims compensated where appropriate, and a justice system whose procedures reflect constitutional commitments to fairness and human dignity.

D. Key Innovations Introduced by the ACJA

The Administration of Criminal Justice Act 2015 introduced a suite of practical innovations that reoriented Nigeria’s criminal process toward speed, fairness and repair. Each innovation has produced measurable gains in jurisdictions that have implemented the Act, while also exposing gaps that require policy and institutional attention.

1. Plea Bargaining - reducing congestion and aiding asset recovery

Plea bargaining was formally introduced into Nigerian criminal practice by the ACJA as an alternative disposition mechanism that permits accused persons to admit guilt in return for reduced charges or sentences and, where appropriate, cooperation in the recovery of proceeds of crime. The institution of plea bargaining delivers multiple benefits. It reduces backlog by shortening the time a matter takes to reach finality. It conserves court time for contested, high complexity trials. It encourages offenders to cooperate in identifying hidden assets and accomplices, thereby enhancing state capacity to recover illicit gains. In corruption and financial crime matters, plea agreements have in some instances yielded faster restitution

¹⁰ Cf. Constitution, Chapter II (Fundamental Objectives and Directive Principles of State Policy) – non-justiciability; doctrinal literature on the relationship between procedural rights and socio-economic entitlements (see reform analyses and MacArthur Foundation implementation reports, 2018-2023).

and facilitated the repatriation of funds that might otherwise have remained inaccessible. At the same time, plea bargaining must be carefully regulated to safeguard voluntariness and protect victims' interests, with judicial oversight ensuring proportionality of outcomes.¹¹

2. Victim Compensation (Section 319) - restorative justice and victim participation

Section 319 of the ACJA enshrines the court's power to order compensation to victims where guilt is established. This represents a shift from a purely punitive model to one that recognises the victim's dignity and material loss. Compensation orders are restorative in effect—they signal that criminal justice must repair harm and not merely punish. However, implementation challenges persist as many jurisdictions lack mechanisms to enforce compensation orders, and there is currently no nationally standardised framework linking compensation to recovered assets.¹²

3. Limitation of Adjournments - ending delay tactics

The ACJA gives judges stronger case management powers to control proceedings, restrict frivolous adjournments and impose realistic timelines for trials. These provisions recognise that delay has long been one of the main tools of injustice in Nigeria's criminal process. By limiting adjournments and requiring diligence from prosecution and defence teams, the Act seeks to prevent abuse of process and reduce trial duration. Nonetheless, inconsistent enforcement and administrative inefficiencies remain barriers to full effectiveness.¹³

4. Fundamental Rights Protections - bail reform, humane detention and equality in surety

The ACJA strengthens the protection of suspects and defendants by introducing clearer bail procedures, requiring humane treatment of detainees and explicitly prohibiting discriminatory practices in the justice system. It rejects gender bias in surety requirements, secures access to legal representation, and introduces safeguards against unlawful detention. These provisions reflect the Act's rights-centered approach to criminal procedure.¹⁴

5. ICT Integration - foundation for e-justice in Nigeria

¹¹ Section 270, Administration of Criminal Justice Act 2015.

¹² Section 319, Administration of Criminal Justice Act 2015.

¹³ Sections 396(3)-(5), Administration of Criminal Justice Act 2015.

¹⁴ Sections 6, 8, 15, 17 & 165, Administration of Criminal Justice Act 2015.

The ACJA encourages the use of electronic recording of confessional statements, digital documentation of trial proceedings and technology-driven criminal records. ICT integration promotes transparency and prevents file tampering or loss. It also supports better data management, especially for remand prisoners, and provides foundations for future e-justice reforms in Nigeria.¹⁵

Link to socio-economic rights - justice delays disproportionately harm the poor

Justice sector inefficiency disproportionately affects indigent defendants who lack access to legal representation or funds for bail. Long pre-trial detention is often a punishment for poverty rather than a reflection of guilt. By mandating humane treatment, access to legal information, and non-custodial alternatives, the ACJA advances the practical enforcement of equitable justice, even though socio-economic rights remain non-justiciable under Section 6(6)(c) of the 1999 Constitution.¹⁶

E. Achievements of the ACJA (2015-2025)

Ten years after its enactment, the Administration of Criminal Justice Act (ACJA) has reshaped criminal procedure in Nigeria. While implementation remains uneven across jurisdictions, the evidence shows that the Act has improved case flow management, promoted accountability and encouraged rights-based justice. The achievements may be assessed under quantitative and qualitative metrics.

1. Quantitative Achievements

Empirical evidence from justice sector monitoring indicates that the ACJA has reduced delays and strengthened procedural efficiency. According to justice sector assessments supported by the MacArthur Foundation, the average criminal trial duration in federal courts reduced from approximately 44 months to 22 months between 2015 and 2022.¹⁷ This reduction is linked to procedural innovations such as stricter adjournment rules, frontloading of evidence and day-to-day trial provisions under the ACJA.

The Act has also strengthened the prosecution of corruption and economic crimes, particularly by agencies such as the EFCC, ICPC and NAPTIP which rely on ACJA provisions in federal courts. Over 500 high-profile corruption cases have been prosecuted using ACJA-guided trial procedures including plea bargaining, asset tracing, accelerated trial schedules and witness protection mechanisms.¹⁸

¹⁵ Sections 84, 93 & 364, Administration of Criminal Justice Act 2015.

¹⁶ Section 6(6)(c), Constitution of the Federal Republic of Nigeria 1999 (as amended).

¹⁷ MacArthur Foundation, Nigeria Criminal Justice Assessment Report (2022).

¹⁸ EFCC Annual Case Progress Report (2015-2023).

One of the most significant institutional achievements is the nationwide adoption of ACJA reforms. Although the ACJA applies directly only to federal offences, its framework has been domesticated across the country through Administration of Criminal Justice Laws (ACJLs). As of 2024, all 36 states of the Federation and the FCT have enacted ACJL equivalents,¹⁹ reflecting unprecedented nationwide consensus on criminal justice reform.

2. Qualitative Achievements

Beyond statistics, the ACJA has contributed to meaningful transformation in justice delivery:

Improved Legal Awareness

The ACJA has increased public understanding of procedural rights by mandating notice of rights upon arrest, access to legal advice and humane detention conditions. Civil society litigation, legal literacy campaigns and police training manuals have mainstreamed ACJA principles into law enforcement practice.²⁰

Increased Use of Non-Custodial Measures

The Act encourages sentencing alternatives such as community service, parole and probation. These measures reduce overcrowding in correctional centres and refocus sentencing on rehabilitation rather than retribution. States such as Lagos, Kaduna and Delta now record consistent use of non-custodial sentencing under ACJA-inspired policies.²¹

Operational Coordination through ACJMC

The Act established the Administration of Criminal Justice Monitoring Committee (ACJMC) under Section 469 to oversee implementation. The Committee has driven training of police, prosecutors and magistrates, issued compliance directives and monitored detention facilities to enforce lawful remand procedures.²²

Institutionalisation Tools Introduced by Reform Partners

Through advocacy by justice sector partners such as the Centre for Socio-Legal Studies (CSLS), the ACJA implementation process has benefited from strategic accountability tools including National Minimum Standards for ACJA Implementation and State Peer Review Scorecards. These tools allow states to benchmark progress and identify gaps in compliance.²³

¹⁹ Federal Ministry of Justice, ACJA/ACJL Implementation Status Report (2024).

²⁰ Sections 6, 8 and 15 ACJA 2015.

²¹ Part 44 ACJA 2015 (Non-Custodial Measures).

²² Section 469 ACJA 2015.

²³ Centre for Socio-Legal Studies (CSLS), ACJA Implementation Peer Review Scorecard (2023).

These achievements demonstrate that the ACJA has operationalised the constitutional promise of access to justice and fair hearing by translating procedural safeguards into enforceable legal practice. However, while progress has been made, much remains to be done to ensure uniform, nationwide compliance and sustainability of reforms.

F. The Socio-Constitutional Gap: Justice vs. Rights

One of the most persistent structural problems confronting criminal justice reform in Nigeria is the paradox created by Chapter II of the 1999 Constitution. Chapter II outlines the Fundamental Objectives and Directive Principles of State Policy, including socio-economic rights such as welfare, equality, security and access to justice. However, Section 6(6)(c) renders these rights non-justiciable, meaning they cannot be enforced in court.²⁴ This disconnection between constitutional promise and enforceability has created a socio-constitutional gap that undermines criminal justice delivery.

The Paradox of Non-Justiciable Rights

While the Constitution guarantees fair hearing under Section 36 and human dignity under Section 34, it does not guarantee the conditions necessary to make those rights meaningful. For example:

- Without functional courts and adequately staffed police stations, the right to fair hearing becomes theoretical
- Without legal aid for the indigent, access to justice is reserved for the wealthy
- Without welfare systems, poverty continues to criminalise survival strategies

Thus, although human rights are recognised, they are not materially protected because the Constitution refuses to impose enforceable duties on the State in the socio-economic domain.

Impact on Criminal Justice Reform

This constitutional limitation directly affects the ACJA's implementation:

Constraint	Effect on Criminal Justice
Inadequate funding for courts and prisons	Slow trials, congestion and poor detention conditions
Underdeveloped forensic services	Weak investigations and overreliance on confessions
Poverty-driven offences	Petty theft and street-level offences

²⁴ Section 6(6)(c) Constitution of the Federal Republic of Nigeria 1999

	dominate dockets
Underfunded Legal Aid Council	Indigent defendants face prolonged trials
Police abuse of arrest and detention powers	Unequal access to rights enforcement

For example, the Legal Aid Council remains grossly underfunded despite the ACJA’s mandate that legal representation be provided at the earliest stages of criminal proceedings²⁵. Similarly, Section 293-296 ACJA places strict limits on remand orders, yet thousands still languish in correctional centres because socio-economic barriers prevent access to legal assistance or bail.

Case Study: Abuse of Remand Powers - COP v Chinedu Agu

A clear illustration of the abuse of remand proceedings contrary to the provisions of the ACJA is found in the case of Commissioner of Police v Chinedu Agu. Mr. Agu had been granted administrative bail by the police, yet he was later arraigned before a Magistrate Court in Owerri on a charge over which the court had no jurisdiction. After the charge was read to him and he pleaded not guilty, his counsel applied for bail. The prosecutor opposed the application and urged the court to remand him for 40 days. Shockingly, the Magistrate refused bail and ordered his remand for 40 days at Owerri Correctional Centre.²⁶

Assuming without conceding that the Magistrate acted under Section 293 ACJA, the order was patently illegal since Section 295 expressly limits remand orders to 14 days in the first instance.²⁷ Worse still, the prosecutor failed to show probable cause as required by Section 294 ACJA before a remand order can be granted.²⁸ The Magistrate also ignored Section 295(2), which empowers the court to grant bail instead of remand where detention is unjustified. By proceeding to take Mr. Agu’s plea despite lacking jurisdiction, the Magistrate engaged in an unconstitutional holding charge—a practice condemned in *Enwere v Commissioner of Police*.²⁹ The denial of bail also amounted to wrongful judicial discretion contrary to the principle laid down in *Ebute v State*.³⁰

This case demonstrates how socio-economic inequality and abuse of judicial discretion continue to undermine access to justice. Despite the progressive safeguards in the ACJA, vulnerable citizens remain easy victims of oppressive remand practices.

²⁵ Section 8(2) Administration of Criminal Justice Act 2015

²⁶ Proceedings in COP v Chinedu Agu (Owerri Magistrate Court, 26 September 2025).

²⁷ Section 295(1), Administration of Criminal Justice Act 2015.

²⁸ Section 294, ACJA 2015.

²⁹ *Enwere v Commissioner of Police* (1993) 4 NWLR (Pt. 229) 333.

³⁰ *Ebute v State* (1994) 8 NWLR (Pt. 360) 66.

ACJA as a Practical Response to Constitutional Failure

In this vacuum, the ACJA functions as a silent constitutional corrective. Although it is a procedural statute, it indirectly protects socio-economic rights by:

- Preventing wealth-based discrimination in bail administration through liberal bail rules
- Reducing arbitrary detention by enforcing lawful arrest procedures under Sections 6-10 ACJA
- Introducing non-custodial sentencing that reduces the criminalisation of poverty under Part 44
- Granting victim compensation under Section 319, reinforcing restorative justice
- Mandating humane detention through custody inspections under Section 34

In this way, the ACJA compensates for the Constitution's refusal to make socio-economic rights enforceable. It gives practical meaning to Section 17(2)(e) of the Constitution, which promises that justice shall be accessible to all.

However, the ACJA alone cannot close the gap. Without budgetary commitment, independent oversight, and political will, constitutional justice will continue to exist only in theory while systemic inequality persists in practice.

G. Persistent Challenges

Despite the transformative potential of the Administration of Criminal Justice Act (ACJA) 2015, persistent structural and institutional problems continue to hinder its full realization across Nigeria. These challenges expose deeper governance deficits and demonstrate how criminal justice reform is inseparable from issues of political accountability, public finance, and human rights enforcement.

1. Uneven Implementation Across States

Although all thirty six states and the Federal Capital Territory have now enacted variants of the ACJA known as the Administration of Criminal Justice Laws (ACJLs), implementation remains inconsistent. Some states such as Lagos, Kaduna and Anambra have established functional Criminal Justice Monitoring Committees, while others have merely domesticated the

law without operational mechanisms. The absence of coordinated federal oversight undermines the uniformity that the ACJA was intended to achieve³¹.

The limits of implementation at state level are now a focus of high-level reform conversations. The Attorney-General of the Federation (AGF), Lateef Fagbemi SAN, has urged a re-thinking of the division of responsibility for correctional and custodial services – proposing that Correctional Services be moved from the Exclusive Legislative List to the Concurrent Legislative List so that both the federal and state governments can legislate and fund corrections. Fagbemi framed this as necessary to reduce custodial congestion and to enable states to adapt non-custodial alternatives to local realities, while acknowledging that any such shift would require constitutional amendment and careful harmonisation of national minimum standards. If states assume concurrent responsibility without sufficient federal coordination or funding guarantees, implementation could become more fragmented: wealthier states may pilot innovative practices (non-custodial sentencing, improved parole/probation services), while less-resourced states could lag, deepening regional inequalities in access to humane and timely justice³².

2. Poor Justice Sector Funding

There is chronic underfunding of key justice institutions including courts, prosecution agencies, legal aid providers, police investigative units and correctional centres. The judiciary receives less than two percent of national and state budgets in many jurisdictions³³. Poor funding translates to inadequate courtrooms, absence of stenographic recording, delayed case files and congested dockets which frustrate ACJA timelines.

The Federal Ministry of Justice – while validating draft amendments to the ACJA – has repeatedly linked effective reform to predictable funding. The AGF and stakeholders stressed at national fora that reforms (including expansion of digital case-management, development of non-custodial frameworks and custodial infrastructure improvements) cannot be achieved without commensurate budgetary commitments and targeted capital allocation for ICT and custodial decongestion measures.

Proposals to shift correctional services toward a concurrent responsibility are premised on the idea that states should contribute budgetary resources and policy innovation; however, the fiscal reality is that many states lack the needed fiscal space, reinforcing the argument that constitutional reform must be matched by a funded implementation plan and federal-state fiscal transfer mechanisms.

3. Weak Enforcement of ACJA Provisions

³¹ NBA Criminal Justice Reform Committee Report 2022

³² “‘States Must Share Responsibility’ – AGF Fagbemi Pushes For Transfer Of Correctional Services To Concurrent List,” *The Nigeria Lawyer*, September 24, 2025.

³³ BudgetIT Justice Sector Budget Analysis 2023

Many innovative safeguards in the ACJA remain largely ignored. A key example is Section 34 which mandates monthly inspections of police detention facilities by magistrates to prevent unlawful detention. In practice, compliance is rare and thousands remain in pre-trial detention in violation of Section 293 on remand proceedings³⁴. The challenge is not the absence of law but the failure of enforcement.

Courts have begun to confront abuses directly: in a notable Federal High Court ruling by Justice Ambrose Allagoa after hearing arguments from Mrs Funmi Falana SAN, Section 438 of the ACJA – a provision that allowed the Attorney-General of the Federation to direct detention in “safe custody” and deem such detention to be legal custody – was declared violative of constitutional guarantees to liberty and fair hearing. The court ordered the National Assembly to amend the ACJA to remove the potential for executive arbitrary detention and to align the law with Section 35 and Section 36 of the Constitution and relevant African human-rights instruments. This judicial intervention underscores that enforcement failures are not only administrative but also statutory: certain ACJA (and ACJL) provisions as enacted or domesticated have permitted practices that the judiciary has found inconsistent with fundamental rights, thereby signalling the need for legislative correction and active enforcement³⁵. Despite such judicial pronouncements, the practical enforcement gap persists because courts can strike down or interpret statutory provisions, but the routine inspections, remand-review hearings, and magistrates’ oversight required by the ACJA depend on daily administrative compliance – which is weak because of personnel shortages, poor records, and institutional inertia.

4. Corruption and Institutional Resistance

Entrenched corruption across the criminal justice chain continues to frustrate reform. Police investigators demand illegal fees for bail. Court registries manipulate files. Prison officials collaborate with lawyers to delay production of defendants for trial. Some judges are complicit in unnecessary adjournments. These practices directly undermine Sections 396 and 306 which prohibit frivolous adjournments and stay of proceedings in criminal trials³⁶. Resistance also comes from actors who benefit from procedural delay.

The Supreme Court’s decision in *Udeogu v. FRN* (the Orji Kalu saga) – which struck down section 396(7) ACJA (the provision that allowed an elevated High Court judge to finish part-heard matters) – has significant practical consequences for delay and institutional behaviour³⁷. Although section 396(7) sought to curtail the ‘restart’ problem that allowed trials to be reopened – which often resulted in witness attrition and prosecutorial failure – the Supreme Court held that the statutory dispensation conflicted with the

³⁴ LEDAP Prison Audit Report 2021

³⁵ “Arbitrary Detention: Court Orders NASS To Amend Administration Of Criminal Justice Act,” Channels Television, Updated June 11, 2023.

³⁶ ACJA 2015 Sections 396 and 306

³⁷ Chino Obiagwu (SAN), “Appeal Court justice as judge of High Court: A commentary on the Supreme Court decision in *Udeogu v FRN*,” Vanguard, May 14, 2020

Constitution's allocation of judicial offices and composition rules. Commentators and practitioners warn that the decision may encourage strategic delay: where part-heard matters must restart because of elevation or reassignment, tactical actors can exploit adjournments, and prosecution continuity is threatened. The case therefore illustrates how contested statutory reform, when found unconstitutional, can unintentionally entrench delay and create windows for corrupt manipulation of process.

Beyond the narrow rule of law issue, the Udeogu outcome reveals institutional resistance to ACJA's efficiency innovations – where colleagues, court administration and other actors may prefer status quo arrangements that enable rent-seeking or procedural manoeuvres. Reformers must therefore address both legal drafting and the political economy of actors who benefit from delay.

5. Inadequate ICT Infrastructure

Although the ACJA encourages modern case management and electronic recording, most courts still operate manually. There is no unified criminal justice database linking police investigation to prosecution, court trial and correctional custody. This deficiency undermines accountability, promotes case duplication and makes tracking of trial timelines under Section 396 almost impossible³⁸.

Stakeholders involved in the ACJA amendment process have identified ICT as a core area for investment – both to speed up case flow and to provide transparency (e-filing, digital case-management, electronic recording of proceedings, and integration with correctional and police custody records). The AGF's review meetings explicitly prioritised enhanced access to justice through digital platforms as a remedy for systemic delay and record-keeping failures. However, without capital funding and technical standard setting, piecemeal digitisation risks increasing fragmentation rather than solving inter-agency coordination problems.

6. Limited Training for Police, Prosecutors and Judiciary

The technical provisions of the ACJA require practical training and inter-agency coordination. Yet many police officers remain unfamiliar with key safeguards such as recording of confessional statements under Section 15. Prosecutors struggle with timelines for proof of evidence under Section 350. Many judges still rely on repealed procedural rules. Without continuous training, the ACJA remains a formal but unused legal instrument³⁹.

The Federal Ministry of Justice and partner organisations (CSLS, RoLAC) have emphasised capacity-building as part of the ACJA amendment and implementation agenda. The stakeholders' validation process included commitments to strengthen training programmes, encourage standardised practice direction updates (for example the FCT Custodial and Non-Custodial Sentencing Practice Direction review) and to expand the use of

³⁸ National Justice Sector Policy 2024

³⁹ Nigeria Police Training Curriculum Review 2022

non-custodial sentencing where appropriate – all measures premised on improved technical competence of police, prosecutors and judicial officers. Nonetheless, stated commitments will only be effective if accompanied by resourced, sustained training curricula, monitoring, and evaluation frameworks.

7. Weak Citizen Oversight and Rights Education

The ACJA empowers citizens by creating enforceable rights to bail, speedy trial and humane treatment. However, public awareness remains low. Citizens rarely challenge unlawful detention under Section 35 CFRN and Section 293 ACJA. Civil society monitoring is limited by funding and lack of access to detention facilities. Without citizen oversight, impunity thrives and police abuse continues unabated⁴⁰.

Courts and civil society actors have increasingly become the main vehicles for contesting systemic abuses. The Section 438 litigation that resulted in the court ordering an amendment of the ACJA demonstrates how civil society (and test-case litigation led by rights lawyers) can expose and correct statutory provisions that facilitate arbitrary detention. Still, litigative remedies are expensive, episodic and reactive; a durable solution requires widespread civic education, empowered monitoring bodies (criminal justice monitoring committees), and statutory access provisions enabling NGO monitoring of detention conditions. Because many citizens do not know how to enforce the rights the ACJA creates, or cannot afford legal representation, the law's protective guarantees remain theoretical for large segments of the population. Expanding legal aid, public legal education and easier access to habeas corpus and remand review mechanisms must be part of an integrated enforcement strategy.

H. Reform Agenda for the Next Decade of the ACJA (2025-2035)

⁴⁰ Constitution of the Federal Republic of Nigeria 1999 Section 35

Despite the achievements of the Administration of Criminal Justice Act (ACJA) 2015, it has now become necessary to envision a second generation of reforms that will consolidate the gains of the past decade. Reform must shift from legislative enactment to measurable impact, institutional compliance, and rights-based justice delivery.

1. Why Further Reforms Are Necessary

The nationwide domestication of the ACJA has not translated into uniform transformation across Nigeria. A decade of experience reveals significant implementation gaps. Many of the provisions of the ACJA remain aspirational rather than operational. The law has not yet fully responded to new types of criminality such as cybercrime, terrorism financing, cryptocurrency fraud, and organised corruption networks⁴¹. Reform is therefore necessary to align criminal procedure with evolving global standards, improve accountability in enforcement, and institutionalise constitutional justice. Furthermore, the judicial interpretation of some sections of the ACJA has revealed areas that require clarification to prevent abuse of process and ensure trial efficiency.

A critical procedural issue is the practice of reserving rulings on preliminary objections (POs) until after the conclusion of trial. Under Nigerian criminal law, courts often defer ruling on POs, including those challenging jurisdiction, until judgment is delivered. While intended to avoid piecemeal litigation, this practice creates a mischief: the accused undergoes a full trial only to have proceedings potentially quashed if the PO succeeds. This wastes judicial resources, delays justice, and can infringe on constitutional fair trial guarantees under Section 36. Comparative practice suggests that immediate rulings on jurisdictional or fundamental POs preserve trial integrity and protect accused persons from unnecessary procedural burdens. Reform of the ACJA should therefore mandate pre-trial rulings on jurisdictional or foundational objections, while allowing minor procedural objections to be addressed at judgment.⁴²

2. Legislative Reform Priorities

Amendments to the ACJA are now critical. Some provisions are weakly drafted or lack sanctions for noncompliance, making them easily ignored. Sections such as 34 on detention oversight and 396 on trial timelines require stronger enforcement clauses. There is also a need to expand statutory rights for victims, including victim impact statements, compensation panels and participation rights under Section 319⁴³. Variation across state ACJLs has created procedural inequality, particularly between northern and southern jurisdictions. Harmonisation through a National Criminal Procedure Framework led by the Federal Ministry of Justice is necessary. Constitutional reform may also be required to guarantee access to justice as a socio-

⁴¹ UNODC Crime Trends Report Nigeria 2023

⁴² On the problem of reserved rulings on preliminary objections and impact on trial efficiency, see: F. Falana, Abuse of Remand and Preliminary Objections in Nigerian Criminal Procedure, unpublished paper (2025).

⁴³ ACJA 2015 Section 319

economic right, linking ACJA reform with Chapter II of the Constitution⁴⁴. In this context, Section 306 of the ACJA⁴⁵, which expressly prohibits Stay of Proceedings in criminal trials to prevent dilatory tactics, has been affirmed by the Supreme Court in *Olisa Metuh v Federal Republic of Nigeria* where it was held that no Court in Nigeria has the power to grant a Stay of Proceedings in a Criminal matter⁴⁶. This judicial pronouncement reinforces the legislative intent of the ACJA to promote speedy trials and curb abuse of Court processes. However, there is need for further legislative clarity to define limited exceptions where a Stay may be necessary to safeguard fair hearing rights under Section 36 of the Constitution.

A related procedural reform is required on the precedence of plea-taking versus jurisdictional objections. In *State v. Boniface (2024) 17 NWLR (Pt. 1967) 339*, the Supreme Court held that an accused who fails to raise an objection to a charge before plea-taking is deemed to have waived the objection.⁴⁷ While this promotes procedural discipline, jurisdiction is fundamental: a court cannot validly entertain a plea if it lacks jurisdiction. ACJA reform should clarify that jurisdictional objections must always be addressed before plea-taking, while other procedural objections may be waived if not promptly raised. This preserves both trial integrity and procedural efficiency.⁴⁸

3. Institutional and Policy Reforms

Criminal justice reform must move beyond statutes to institutional strengthening. The Administration of Criminal Justice Monitoring Committee (ACJMC) must be restructured and empowered with investigative and sanctioning authority over noncompliance. Justice sector actors require performance benchmarks such as prosecution success rates, case clearance rates and trial readiness metrics. Curriculum reforms in legal education are also necessary to integrate practical training in criminal litigation, forensic evidence and digital investigation⁴⁹.

Institutional reforms should also ensure that courts maintain pre-trial PO and jurisdictional review mechanisms, with dedicated case management units for fundamental procedural objections. This will reduce trial delays and enhance the predictability of criminal proceedings.⁵⁰

4. ICT and Innovation Reforms

⁴⁴ Constitution of the Federal Republic of Nigeria 1999 Section 6 sub 6 c

⁴⁵ Section 306, Administration of Criminal Justice Act 2015.

⁴⁶ *Olisa Metuh v. Federal Republic of Nigeria (2018) 6 NWLR (Pt. 1771) 82.*

⁴⁷ *State v. Boniface (2024) 17 NWLR (Pt. 1967) 339 at 361-362.*

⁴⁸ See related authorities: *State v. Gwonto (1983) SCNLR 142*; *Adekunle v. State (2006) 14 NWLR (Pt. 1000) 717*; *Attah v. State (2010) 10 NWLR (Pt. 1201) 190.*

⁴⁹ Nigerian Law School Curriculum 2024

⁵⁰ On institutional case management for preliminary objections, see ACJA §2(1)(d) reform proposals, F. Falana, Reform Agenda for Nigerian Criminal Procedure (2025).

The future of criminal justice in Nigeria depends on technology. Reform must mandate national digital case tracking to prevent file loss and registry manipulation. Electronic evidence management should be codified with safeguards for chain of custody and authenticity. Virtual trials, which emerged during the pandemic, must be strengthened with clear safeguards for fair hearing as guaranteed under Section 36 of the Constitution. A national biometric crime database linked across police, DSS, NSCDC, and immigration agencies is necessary to support investigation⁵¹.

5. Police and Prosecution Reform

The ACJA will fail without police reform. Compliance with Sections 15 and 17 on humane arrest protocols and recording of confessions is still poor. Nigeria must adopt prosecution-guided investigations in line with global practice, where prosecutors supervise investigation before charges are filed. The Directorate of Public Prosecutions (DPP) in each state and at the federal level must be strengthened with forensic units and digital litigation tools. Oversight of police detention facilities must be implemented through independent monitoring panels⁵².

Police and prosecutors must be trained on raising and responding to preliminary objections, especially jurisdictional challenges, to ensure compliance with ACJA timelines and respect for accused persons' constitutional rights.⁵³

6. Correctional and Sentencing Reform

Custodial congestion undermines justice. The ACJA encourages non-custodial sentencing through Sections 401 to 404 but many courts still treat imprisonment as a default punishment. Bail abuse and excessive remand periods continue to violate human dignity. Nigeria must fully operationalize probation, community service, parole and restorative justice. Correctional reforms must include mental health support, skill acquisition and reintegration programs for ex-offenders⁵⁴.

7. Anti-Corruption and Accountability Mechanisms

Corruption in the justice sector sabotages procedural integrity. Reform must introduce compliance audits for all criminal courts. Judges, prosecutors and investigators should face clear sanctions for violation of ACJA provisions. Performance reports from the ACJMC should be published quarterly to

⁵¹ National Justice Sector Policy 2024

⁵² ACJA 2015 Sections 15 and 17

⁵³ On integrating PO and jurisdictional training in police and prosecution reforms, see: O. Nwabueze, Police Compliance with ACJA Procedures, *Nigerian Law Journal* (2023) 12(3) 45-67.

⁵⁴ Nigerian Correctional Service Act 2019

enhance transparency. Trial monitoring by civil society organisations should be legally supported to deter procedural manipulation⁵⁵.

8. Funding and Sustainability

Justice delivery cannot succeed without dedicated funding. Nigeria must adopt a Justice Sector Development Fund backed by legislation to support court infrastructure, prosecution, legal aid and digital justice systems. Capital investment is needed to modernise courtrooms and deploy recording technology. Public private partnerships should be encouraged in areas such as forensic services, ICT systems and legal aid capacity⁵⁶.

9. Human Rights and Social Justice Integration

Finally, the next phase of ACJA reform must integrate human rights and social justice. Equality before the law will remain fiction if the poor cannot access justice. Legal aid must be constitutionally guaranteed and funded. ACJA implementation should be aligned with Chapter II rights on welfare, education and social justice. As the Supreme Court noted in *SERAP v FRN*, courts may enforce Chapter II where there is supporting legislation⁵⁷. The ACJA is one such vehicle for making justice accessible to all.

⁵⁵ICPC Justice Sector Corruption Study 2022

⁵⁶Federal Ministry of Justice Budget Performance Report 2023

⁵⁷Social and Economic Rights and Accountability Project v Federal Republic of Nigeria 2022 ECOWAS Court

I. Linking ACJA to Socio-Economic Justice

The Administration of Criminal Justice Act is more than a procedural reform. It is a social justice instrument. Every society is judged not by how it treats the powerful but by how it treats the poor, the weak and the vulnerable. Criminal justice in Nigeria is deeply intertwined with socio-economic realities. As long as poverty, inequality and systemic corruption continue to shape who gets arrested, who gets detained and who gets justice, the criminal justice system cannot claim to be fair or constitutional.

A silent but undeniable truth is that the Nigerian criminal justice system disproportionately targets the poor. The offences that fill Nigerian prisons are overwhelmingly poverty related such as petty theft, street trading offences, minor property crimes and failure to pay fines⁵⁸. In contrast economic crimes involving large scale financial fraud or public corruption rarely result in meaningful conviction or accountability⁵⁹. This disparity reveals a class bias in criminal justice enforcement. Justice becomes a privilege influenced by resources and connections instead of a guaranteed constitutional right.

The ACJA attempts to cure this injustice by protecting human dignity through provisions such as humane treatment of suspects under Section 8 and prohibition of unlawful arrest and detention under Sections 15 and 17. However these protections are only meaningful when linked to socio-economic justice. This connection is rooted in the Constitution itself. Section 14 subsection 2 paragraph b of the Constitution declares that the security and welfare of the people shall be the primary purpose of government. Access to justice is an essential component of welfare. Without justice citizens cannot defend their rights property liberty or livelihood⁶⁰.

Despite this constitutional guarantee socio-economic rights remain non justiciable under Section 6 subsection 6 paragraph c. This limitation has hindered litigation on justice access, prison conditions and legal aid funding. However the courts have increasingly held that where legislation gives effect to Chapter II rights those rights become enforceable⁶¹. The ACJA therefore becomes a legislative pathway for enforcing social justice even in the face of constitutional limitations.

Linking ACJA to socio-economic justice requires three strategic approaches. First access to justice must be treated as a legally enforceable right supported by public funding for legal aid under Section 36 subsection 6 paragraph c of the Constitution. Second equal justice demands that non custodial sentencing under Sections 401 to 404 of the ACJA be prioritised to

⁵⁸ Nigerian Correctional Service Statistics Report 2024

⁵⁹ Transparency International Global Corruption Barometer 2023

⁶⁰ Constitution of the Federal Republic of Nigeria 1999 Section 14 subsection 2 paragraph b

⁶¹ Attorney General of Ondo State v Attorney General of the Federation 2002 Supreme Court

prevent the criminalisation of poverty. Third criminal justice reform must be aligned with national social welfare policy so that pre trial detention and unfair prosecutions no longer perpetuate structural poverty. A humane and equitable criminal justice system is not a favour. It is a constitutional obligation and a measure of national development.

J. Conclusion: Towards a Just and Effective Criminal Justice System

A decade after the enactment of the Administration of Criminal Justice Act 2015, one truth has emerged with clarity: the ACJA was not merely a statutory reform but a constitutional intervention. It restored faith in the possibility of justice in Nigeria. It redirected criminal procedure from technical obstruction toward substantive justice, from impunity toward accountability, and from punitive excess toward restorative fairness.

Yet the work is far from complete. The real legacy of the ACJA will not be measured by the number of states that have domesticated it but by the number of lives it has transformed. Justice must not remain an elitist commodity. It must reach police cells, magistrate courts, correctional centres, and rural communities. Laws do not enforce themselves. Institutions must be compelled. Rights must be defended. Victims must be heard. The poor must not be buried under the weight of legal delay and systemic neglect.

The next decade demands courage. Reform must move from paper to practice. Implementation must become a matter of national priority. The judiciary must assert judicial leadership. The police must align investigations with human rights. Prosecutors must act as ministers of justice, not agents of conviction. Lawmakers must amend constitutional obstacles that shield injustice. Civil society must intensify watchdog engagement. The people must insist that justice is not negotiable.

As we reflect on ten years of the ACJA, we are called to a national commitment. Justice must no longer wait. Liberty must no longer be delayed. Dignity must no longer be denied. The ACJA has given us the legal foundation. What remains is the political will and institutional discipline to build a just society. That is the challenge of this generation. That is the duty of history. And that is the promise we must deliver.

If we reform justice, we reform Nigeria.