



The Legal Issues Concerning the Implementation of the Administration of Criminal Justice Act of Nigeria

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Abstract. No doubt that the Administration of Criminal Justice Act of Nigeria 2015 brought innovative provisions in ensuring justice is served to society. However, despite the innovative provision of the Act, there seems to be a high level of maladministration of justice. Given this, the study undertook doctrinal and non-doctrinal research on how effectively the police, the prison officers, the office of the Attorney-General of Nigeria, and the court have been able to enforce their functions as provided by the ACJA of Nigeria. The study used online survey questionnaires sent to 302 legal practitioners (randomly selected) in Nigeria, given their pragmatic knowledge of ACJA of Nigeria. A descriptive and analytical statistic was used to analyse the respondents' response in ascertaining if the above ministers of justice have been effective in enforcing their roles as specified by ACJA of Nigeria. Given the data generated, the study found that there has been a lapse in the effective implementation of ACJA in Nigeria. It was therefore concluded and recommended that the Administration of Criminal Justice Monitoring Committee set up by the ACJA of Nigeria exact their duties in check-mating the police, the office of AG of Nigeria, and the courts to ensure the maximum enforcement of their functions.

Keywords: Criminal Justice, Criminal Law, Justice, Law, Nigeria

1. Introduction

The term justice is the most significant interest of man on earth and the ligament which holds civilized nations together. The essence of criminal law in every

given society is to prevent crime and ensure that justice is achieved. The black law dictionary defined the concept of justice as follows: 'The fair and proper administration of laws.' However, it is very apt to state that for decades, the Nigerian criminal justice system had suffered perilously due to the deficiency that existed within the criminal procedure law that was operational. Some of these deficiencies include; abuse of the rights of a suspect, flawed prosecution of criminal cases, and delay in getting justice for the victim, defendant, and society. However, these deficiencies inherent in the criminal justice system are a result of the lapse existing in Nigeria criminal laws.

Given the above anomalies inherent in Nigerian criminal law, the Administration of Criminal Justice Bill was signed into law in 2015. The law repealed the principal legislations that govern the administration of the criminal justice system in Nigeria. The Administration of Criminal Justice Act of Nigeria introduces some innovative provisions to the existing laws governing the criminal justice system. The purpose of the law is to ensure that the system of criminal justice in Nigeria; promotes efficient management of criminal justice institutions, speedy dispensation of justice, protection of the society from crime, and protection of the rights and interest of suspects, the defendants (accused persons) and the victims. Furthermore, the Administration of Criminal Justice Act recognises the major bodies or institutions to ensure effective implementation.

Given the above innovations brought in by the Administration of Criminal Justice Act in Nigeria, this study tends to theoretically and empirically examine how

effective is the implementation of the Administration of Criminal Justice Act in Nigeria, concerning the role of attorney-general, the police, prison, and the court.

2. Research Methodology

This study adopted hybrid research of doctrinal and non-doctrinal survey approach methods. The theoretical session is aimed at theorising and establishing the various institution of the administration of the criminal justice system in Nigeria and their relevant roles in the effective implementation of the Administration of Criminal Justice Act of Nigeria. Furthermore, the authors also made use of descriptive and analytical quantitative research methods in gathering data that are objective, statistical, mathematical, and numerical for analysis. These data were obtained through online questionnaire surveys. In this regard, the quantitative (non-doctrinal) method allows the authors to collect and analysed extensive data (respondent response to the questionnaire) from legal practitioners in various states of the Federal Republic of Nigeria. Using Lawyers in the various state of the Federal Republic of Nigeria as a respondent is concerning the fact that they are very conversant with the Administration of Criminal Justice Act and they have a better practical experience concerning whether or not the various bodies or institutions have been effective and efficient in ensuring effective implementation of the Administration of Criminal Justice Act. Furthermore, it will also enable the researchers to reach a concluded generalization if there is a need to checkmate the institutional bodies in ensuring effective implementation of the Administration of Criminal Justice Act.

3. Literature Review

It has been observed that the reference to crime entails the existence and reference to law. According to Aluyor, crime had been defined as an act or omission, which renders the person doing the act or making the omission liable to punishment under the code. In strict legal definition, a crime is a violation of the criminal law, which is subsequently followed by legal punishment. In this regard, a crime is an act or omission, which affects sanctions, such as fines, imprisonment, or even death. However, the whole essence of curbing crime is to ensure a safe and secure society and ensure justice is attained.

Justice is usually acknowledged as a pre-condition for peace and stability in society. The total of justice is equal to the fair application of rules, with the effect that “laws” should be fair and reasonable in

themselves, according to Denham (1983) he stated that:

“Justice is concerned with content, laws should be fair and reasonable in themselves. It is not just a matter of applying the rules reasonably; whatever those rules might be, it is also about making society a faller and more reasonable place to live. Such justice may be called distributive justice since it is about distributing obligations and opportunities in society.”

Justice from the forgoing ensures peace and stability, a fair and just act necessary for the workability of an effective system in a society. However, in criminal law, for justice to be attained, the bodies (criminal justice system) responsible for implementing the criminal law must jointly effectively discharge their role as stipulated by the criminal law that is operational. In a further statement by Newman, he gave a proper explanation of the components of the criminal justice system when he stated that a significant operating characteristic of a criminal justice system (which is a legal entity comprising of the police, prison, and court) is that what affects the function of one part can potentially affect other parts, as well as the entire system. Furthermore, according to Rush, the criminal justice system involves an interrelated system of agencies or personnel whose duty is to enforce criminal law. In the opinion of Dambazau in evaluating the concept of the criminal justice system, stated the criminal justice system involves a legal process and the machinery through which someone who is suspected of having committed a crime is processed and subsequently disposed of either through sentencing or discharge of the defendant. Given the analysis by the renowned scholar, the criminal justice system is an instrument responsible for the regulation and control of criminal behavior. In this regard, no meaningful and just law can be implemented to the letter without an effective criminal justice system.

However, while various scholars had dealt more with the relevance of the criminal justice system in ensuring that there is just dispensation of justice, this study tends to focus more on the role the police, prison, and the courts in Nigeria have undertaken in order to ensure the effective implementation of the Administration of Criminal Justice Act.

4. Major Innovations Introduce by the Administration of Criminal Justice Law in Edo State

The Administration of Criminal Justice Act of Nigeria was enacted into law in 2015 as a result of deficiency that exists in the criminal justice system. Some of these

deficiencies include the inability of the existing criminal laws to respond to the dire need of the society in checkmating the rising crime rate, flawed litigation procedure, delay and abuse of justice for the society, the victim, and the defendant. Given these deficiencies, the Administration of Criminal Justice Act was enacted, it introduces innovative provisions to ameliorate and alleviate the smooth prosecution of criminal cases to a logical conclusion. The main essence of the law is to ensure justice for society, victims, and defendants. However, irrespective of the beautiful, innovative provision introduced by the Administration of Criminal Justice Act of Nigeria, it can only be effective if the institutional bodies saddled with the responsibilities of ensuring effective implementation of the law duly execute their role or function as specified by the ACJA. In this regard, the role or function of these institutional bodies as specified by the ACJA will consider as follows:

4.1 The Role of Police

The word police was derived from the Greek word “Polis,” meaning that part of non-ecclesiastical administration having to do with the safety and order of the state. It is a government department responsible for the preservation of law and order, detection of crime, and enforcement of civil law. The police are arguably the most visible agent of the government, and citizens often assess the character of a government through its police force. This is because the police are the “guardians” of society. To a large extent, the growth, actions, and behaviors of the police as an institution not only reflect the political and economic character of society but also mirror what those in power are willing or able to tolerate or condone or perhaps even demand of the police.

However, some of the functions and duties of the police as provided by the ACJA are as follows:

- Informing a suspect of the cause of his arrest
- Notification of a suspect of his right to remain silent and not answering or endorsing any statement until after consultation with a legal practitioner
- Not arresting a person in place of a suspect
- Fair and humane treatment of arrested suspect without subjecting a suspect to any form of torture and cruelty
- Not arresting an individual for civil wrong or breach of contract
- Recording the statement of a suspect in the presence of his legal practitioner or before a legal aid officer, or a justice of the peace, or any other person of his choice
- Keeping of adequate record of an arrested suspect and a detailed investigation of a crime

- Granting bail to deserving suspect in accordance with the ACJA without extra monetary charge section
- Submission of record of all arrested suspects without a warrant to the nearest magistrate on the last working day of every month
- Ensuring the recording of confessional statement via electronically retrievable video CompLaw disc or such other audiovisual means

4.2 The Role of the Attorney-General

The office of the Attorney-General, is provided under the constitution of Nigeria. By *section 150 of the 1999 constitution*, which provides at the federal and state level, there shall be an Attorney-General of the federation to be recognized as the chief law officer. The incumbent of the office of Attorney-General must be a legal practitioner with at least ten years of practice. The Attorney-General is also a member of the executive arm of government as a minister of justice or a commissioner of justice. However, Section 174 of the constitution of Nigeria spells out the powers of the Attorney-General of the federation and the state. Furthermore, that of the state Attorney-General power is subsumed under *section 211 of the 1999 constitution* as amended, having the same content as provided for the federal attorney general. However, in the case of *Emeakayi V. C.O.P* court further stated that the power of the Attorney-General is not only provided for directly from the constitution; their role and functions are also provided for in-laws enacted or deemed enacted under the constitution.

Given the above, some of the relevant functions in the administration of justice as provided for by the ACJA are as follows:

- Furnishing of legal advice to the police and the court concerning the prosecution of a criminal case within 30 days of receipt of an investigation report from the police unit
- Diligently prosecuting criminal cases to a logical conclusion within the time limit specified by the ACJA
- Ensuring that lawyers within the Ministry of Justice are always ready for the day-to-day trial of a defendant as prescribed by section 396(3) of the ACJA
- Using the concept of a plea bargain in decongesting prisoner awaiting trial concerning minor offences cases

4.3 The Role of the Prison

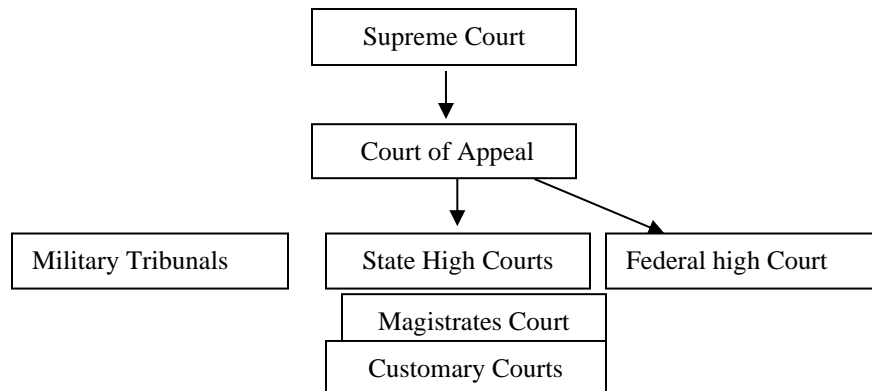
The prison is responsible for the custody of the final product in the criminal justice process. Prison is considered as a reformatory home, organized to make the convicted defendant a better person to reintegrate them into the society for positive contribution to the development of the larger society after conviction or completion of their prison term. However, The Nigerian Prison Service was founded as an institution to correct social deviants, punish and reform criminals, and to complement the processes of legal adjudication and law enforcement. However, the Nigerian prison reform is part of the Nigerian criminal justice system reform policies that are in line with a global trend to shift prison service from a punitive and retributive penal system to a reformatory and rehabilitative system whereby the welfare of the offender is given pride of place. However, the Administration of Criminal Justice Act provide for the role or function of the prison as follows:

- Bringing of the suspect before a trial court when required to be present in a criminal trial
- Submission of a report of a suspect awaiting trial and held in custody to the chief judge of the state at every ninety days (3 months)
- Submission of a report of a suspect awaiting trial and held in custody to the Attorney-General

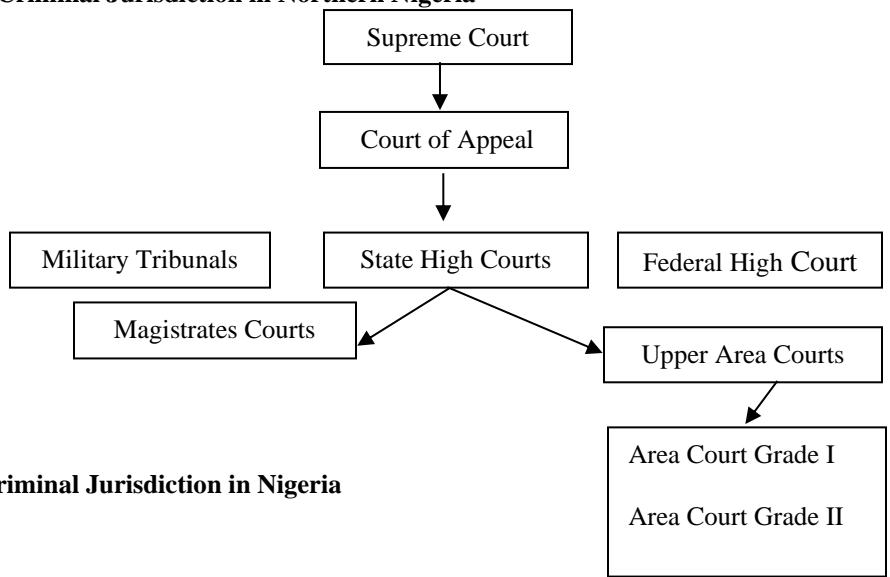
4.4 The Role of the Court

In Nigeria, the judiciary is the third branch of the Government, separate and equal to the Executive and legislative branches and also an ambit of the Nigerian criminal justice system. The courts are mainly presided over by judicial officers who are lawyers. The *Constitution* defines a judicial office to mean the office of Chief Justice of Nigeria or a Justice of the Supreme Court, the President or Justice of the Court of Appeal, the office of the Chief Judge or a Judge of the Federal High Court, the office of the Chief Judge or Judge of the High Court of the Federal Capital Territory, Abuja, the office of the Chief Judge of a State and Judge of a High Court of a State, a Grand Kadi or Kadi of the Sharia Court of Appeal of the Federal Capital Territory, Abuja, a President or Judge of the Customary Court of Appeal of a State, or President or a Judge of the Customary Court of Appeal of the Federal Capital Territory. It also adds that a reference to a *judicial officer* is a reference to the holder of any such office. However, the diagrammatical follow of the Nigeria criminal court is as follows:

Courts of General Criminal Jurisdiction in Southern Nigeria



Courts of General Criminal Jurisdiction in Northern Nigeria



Court of Special Criminal Jurisdiction in Nigeria



However, the Administration of Criminal Justice Act provides for the following functions or role of the court in ensuring the effective implementation of the law; some this function is as follows:

- Ensuring the police officer in charge of a police station nearest to the jurisdiction of any court submit a record of all arrested suspect and bail granted on the last working day of every month
- Directing the arraignment of a suspect kept in custody over a long period
- Admitting bail to a suspect that the police have refused bail
- Conclusion of criminal trial within a reasonable time by ensuring a day-to-day trial of a defendant
- Filing of quarterly return of all criminal cases by a judge to the chief judge
- Ensuring that there is a speedy conclusion of criminal cases to decongest cases in court and prison
- Ensuring that there is an electronic recording of court proceedings
- Ensuring a suspect is not remanded beyond the time limit as specified by section 295 and 296 of ACJA

5. Data analysis

5.1 Sampling Technique and Sample Size

The researchers designed an online questionnaire was designed by the researchers (which suit the purpose of ensuring social distancing as a result of the Covid19) distributed to the respondents. The respondents were randomly picked to provide both predetermined options and free opinions from a cluster of questions. In selecting the respondents, the researcher used ‘simple random sampling techniques,’ which involve a random selection of lawyers (the respondents) from the various state of the Federal Republic of Nigeria. The simple random sampling technique is considered the best for this study, concerning the fact that the sample size focuses on lawyers in Nigeria. As stated by Bajpai *et al.*, in their research work, “Law Research Methodology: ‘Sampling Techniques’” stated that the advantage of simple random sampling techniques is:

- It is a hassle-free method of sampling the population. It is homogeneous.
- There is no chance of a personal bias of the researcher to influence sampling.

Although there are several thousands of lawyers in Nigeria, however, to successfully arrive at an unbiased general conclusion, this study used a sample size of 302 legal practitioners from the various state of the Federal Republic of Nigeria.

6. Data presentation/analysis

The following research questions have been formulated for this study.

Research Question One: Does the ACJA provide for innovative provisions in ensuring justice for the society, the victim, and the defendant?

Do you agree that the ACJA of Nigeria has introduced innovative provisions to ensure efficient and effective management of the criminal justice system?

302 responses

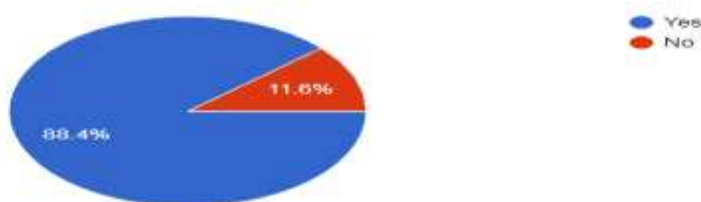


Figure 1: Respondent identification of the fact that the ACJA Provide for Innovative provisions in ensuring justice and fairness.

	Response	Percent
Valid Yes	267	88.4
Valid No	35	11.6
Total	302	100%

Table 1: Valid response of respondents’ identification of the fact that the ACJA provide for Innovative provisions in ensuring justice and fairness

Figure 1 and Table 1 represents respondents’ awareness of the fact that there are several innovative provisions provided for by the Administration of Criminal Justice Act.

Research Question Two: Have the police been effective in enforcing its functions as provided by the ACJA?

Generally, do you agree that the police had been very effective in executing their role in ensuring due implementation of the ACJA of Nigeria?

297 responses

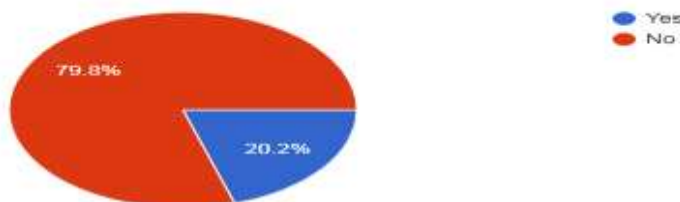


Figure 2: Respondent identifies whether or not the police have been efficient in executing its functions specified by the ACJA.

	Response	Percent
Valid Yes	60	20.2
Valid No	237	79.8
Total	297	100%

Table 2: Valid response of respondents’ of whether the police has been efficient in executing its functions

Figure 2 and Table 2 represent the respondents’ response in ascertaining the effectiveness and efficient implementation of the ACJA by the police, given their role as specified by the ACJA of Nigeria.

Research Question Three: Which of the following functions of the police has not been duly implemented by the police?

If your answer is no, which of the following role of the police as specified by the ACJA of Nigeria had not been duly implemented by the police? You can tick more than one option

238 responses

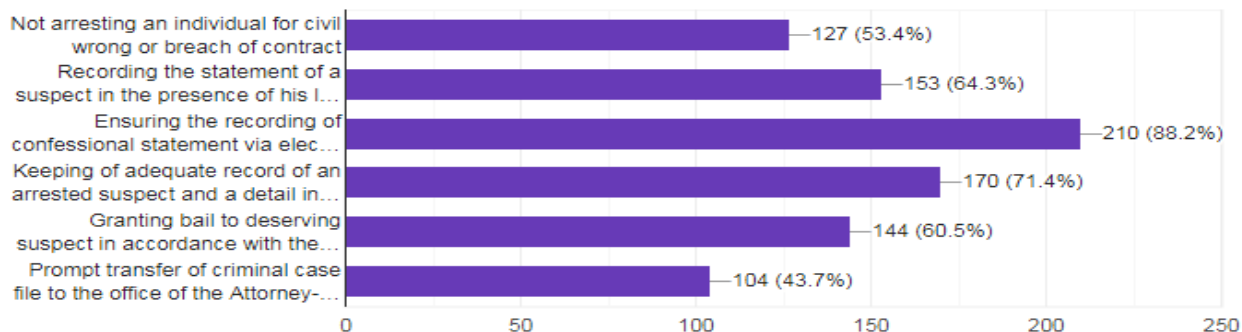


Figure 3: Cluster of respondents' response identifying various roles of the police that have not been duly implemented as specified by the ACJA

S/N	Cluster of response	Response	Percentage
1	Not arresting an individual for civil wrong or breach of contract	127	53.4
2	Recording the statement of a suspect in the presence of his legal practitioner or before a legal aid officer, or a justice of peace, or any other person of his choice	153	64.3
3	Ensuring the recording of confessional statement via electronically retrievable video	210	88.2
4	Keeping of adequate record of an arrested suspect and a detail investigation of a crime	170	71.4
5	Granting bail to deserving suspect in accordance with the ACJA without extra monetary charge	144	60.5
6	Prompt transfer of criminal case file to the office of the Attorney-General upon request or conclusion of an investigation	104	43.7

Table 3: Valid Cluster of respondents' response identifying various roles of the police that have not been duly implemented

Figure 3 and Table 3 is a representation of respondents' response identifying the various roles of the police in ensuring the due implementation of the ACJA but was have not been duly observed and implemented effectively by the police.

Research Question Four: Has the office of Attorney-General been very effective in implementing its functions as specified by the ACJA?

Generally, do you agree that the A-G of Nigeria and his legal team had been very effective in performing their role in ensuring due implementation of the ACJA of Nigeria?

296 responses

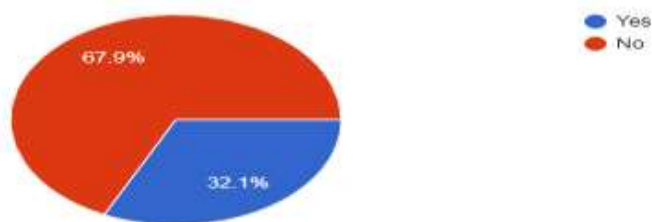


Figure 4: Respondent identification of whether or not the office of the AG has been efficient in executing its functions as specified by the ACJA.

	Response	Percent
Valid Yes	95	32.1
Valid No	201	67.9
Total	296	100%

Table 4: Valid response of respondents' identifying if the office of the AG of Edo State has been efficient in executing its functions

Figure 4 and Table 4 is a representation of respondents' response to research question four, which is aim at ascertaining if the office of the Attorney-General has been effective in enforcing its functions as specified by the ACJA.

Research Question Five: Which of the following role of the office of AG has not been duly implemented as specified by the ACJA?

If your answer is no, which of the following role of the A-G of Nigeria and his legal team as specified by the ACJA of Nigeria had not been duly implemented? You can tick more than one option

205 responses

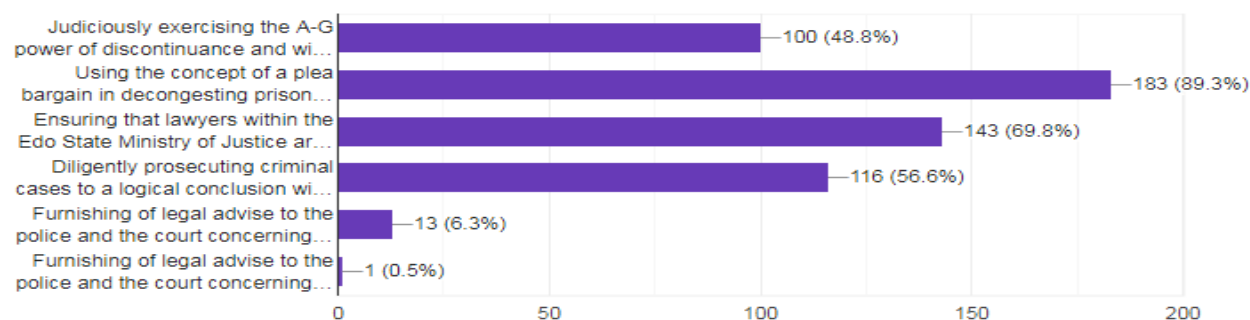


Figure 5: Cluster of respondents' response identifying various roles of the office of the AG not been implemented as against the ACJA

S/N	Cluster of response	Response	Percentage
1	Judiciously exercising the A-G power of discontinuance and withdrawal of criminal charge either in part or in whole	100	48.8
2	Using the concept of a plea bargain in decongesting prison and concluding criminal cases awaiting trial with regard to minor offences cases	183	89.3
3	Ensuring that lawyers within the Edo State Ministry of Justice are always ready for the day-to-day trial of a defendant as prescribe by ACJA	143	69.8
4	Diligently prosecuting criminal cases to a logical conclusion within the time limit specified by the ACJA	116	56.6
5	Furnishing of legal advice to the police and the court concerning the prosecution of a criminal case within 14 days of receipt of an investigation report from the police unit	13	6.3
6	Furnishing of legal advice to the police and the court concerning the prosecution of a criminal case within 30 days of receipt of an investigation report from the police unit	1	0.5

Table 5: Valid Cluster of respondents' response identifying various roles of the office of the AG that have not been duly implemented

Figure 5 and Table 5 is a representation of respondents' response to research question five, which required the respondent to identifying various roles of the office of the AG that been left as blanket functions and have not been duly implemented by the office of AG as specified by the ACJA of Nigeria.

Research Question Six: Have the prison officers been very effective in implementing its functions as specified by the ACJA?

Generally, do you agree that the Prison Officers had been very effective in performing their role in ensuring due implementation of the ACJA of Nigeria?
294 responses

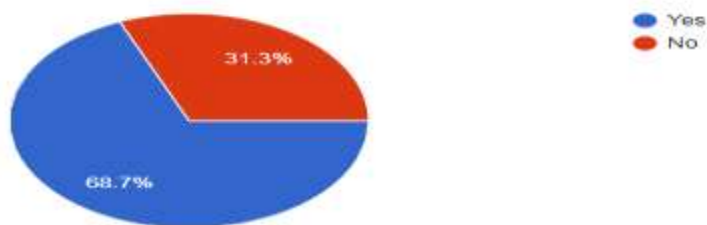


Figure 6: Respondent identification of whether or not the prison officers have been efficient in executing its functions as specified by the ACJA.

Figure 6 represents the respondents’ response in identifying if the prison officers have been very effective in implementing their functions as provided for by the ACJA.

Research Question Seven: Have the courts been very effective in implementing its functions as specified by the ACJA?

Generally, do you agree that the courts had been very effective in performing their role in ensuring due implementation of the ACJA of Nigeria?
294 responses

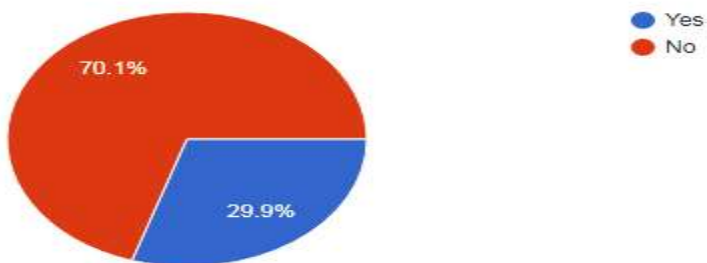


Figure 7: Respondent identification of whether the courts had duly executed its roles as specified by the ACJA.

	Response	Percent
Valid Yes	88	29.9
Valid No	206	70.1
Total		100%

Table 6: Valid respondents’ response if the courts have been efficient in executing its functions

Figure 7 and Table 6 represent respondents’ response in identifying if the courts in Nigeria effectively enforced its roles or functions as specified by the ACJA.

Research Question Eight: Which of the following roles of the courts has not been effectively implemented as specified by the ACJA?

If your answer is no, which of the following role of the court as provided by the ACJA of Nigeria had not been duly implemented? You can tick more than one option

213 responses

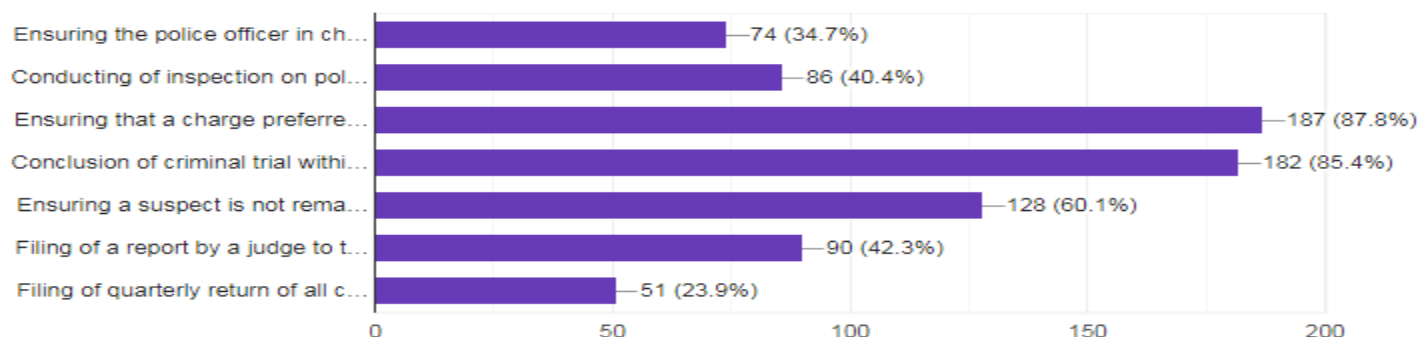


Figure 8: Cluster of respondents’ response identifying various roles of the courts that have not been left unimplemented as against the ACJA

S/N	Cluster of response	Response	Percentage
1	Ensuring the police officer in charge of a police station nearest to the jurisdiction of any court submission of a record of all arrested suspect and bail granted on the last working day of every month	74	34.7
2	Conducting of inspection on police stations or other places of detention	86	40.4
3	Ensuring a suspect is not remanded beyond the time limit as specified by the ACJA	187	87.8
	Conclusion of criminal trial within a reasonable time by ensuring a day-to-day trial of a defendant	182	85.4
4	Ensuring that a charge preferred against a suspect commence not later than thirty days from the date of filing	128	84.8
5	Filing of a report by a judge to the chief judge stating the reason for failing to commence or complete a criminal trial within a period of one hundred and eighty days of arraignment of a defendant	90	42.3
6	Filing of quarterly return of all criminal cases by a judge to the chief judge	51	23.9

Table 7: Valid Cluster of respondents’ response identifying various roles of the courts not been implemented

Figure 8 and Table 7 represent a cluster response of respondents identifying the various roles of the court that have not been effectively implemented as provided for by the ACJA.

7. Discussion of Findings

From the data obtained with regard to the response of the respondent, figure 1 and table 1 above, which is a representation of respondents’ response to research question one, shows that 88.4% (267 Respondents) of the respondents that resides in the various state of the Federal Republic of Nigeria, are not only conversant with the fact that the ACJA enacted to replace the Criminal Procedure Code and Criminal Procedure Act, but also it introduces innovative provisions to ensure prevention of crime in the society, that justice is attained for the benefit of the victim and the defendant. Furthermore, the ACJA of Nigeria was also enacted to

ensure efficient management of the criminal justice system in Nigeria. However, as earlier stated, the ACJA of Nigeria will remain a legislative piece without due implementation by the relevant institutions such as the police, the Office of the Attorney-General (Ministry of Justice), the prison courts. In this regard, figure 2 and table 2 represent respondents’ responses to research question two. The essence of research question two is to ascertain whether the police have effectively ensured due implementation and effective management of the Administration of Criminal Justice Act and system in Nigeria, given their roles or functions as specified by the ACJA. An overwhelming 79.8% (237 respondents) of respondents’ response was “No.” Given this, figure 3 and table 3, which represents a cluster respondents’ response to research question three was aimed at ascertaining the roles or functions of the police that has not been effectively

implemented. 64.3% (153 of the respondents) of the respondents responded that the police do not always record a suspect's statement in the presence of his legal practitioner or the required personnel as required by section 17 of the ACJA⁴¹ of Nigeria. 88.2% (210 respondents) of the respondents stated that in most criminal cases where a defendant wants to give a confessional statement, the police does not record confessional statement via electronically retrievable video CompLaw disc or such other audiovisual means, which is against the intendment of section 15(4) of ACJA. Also, 53.4% (127 respondents) of respondents further identified that police are often involved in arresting an individual for civil wrong or breach of contract, which is against the intendment of section 8(2) of the ACJA. The court, in the case of *Fawehimi V. Inspector General of Police*, had aptly criticized this unholy practice by the police by stating that the area of the duties of the police is purely the prevention of crime and also to investigate and detect crime. The court further stated that they have no business in interfering with civil relations because their duty is essentially crime-related. Furthermore, 60.5% (144 respondents) of the respondents also identified that if arrested for a bailable offence, the police do not grant bail to deserving suspects in accordance with the ACJA without extra monetary charge. However, this is against the intendment of sections 35(4) and 51 of the Nigerian constitution (as amended), which is to the effect that any person who is arrested or detained in accordance with subsection (1) (c) of this section shall be brought before a court of law within a reasonable time and if he is not tried within the limited period.

However, the ACJA also recognizes the office of the Attorney-General as one of the institutional bodies saddled with the responsibilities of ensuring justice is served in implementing the ACJA. Given this, figure 4 and table 4 are to ascertaining how effective has the office of the Attorney-General been implementing its roles as specified by ACJA. 67.9% (201 respondents) of the respondents' response was that the office of the Attorney-General has been ineffective in enforcing some of its functions. Furthermore, figure 5 and table 5 represent the respondents identifying some of the roles of the office of Attorney-General that have not been duly implemented. The response is as follows; 69.8% (143 respondents) of the respondents identify the fact that lawyers within the Edo State Ministry of Justice are always not ready for the day-to-day trial of a defendant as prescribe by section 396(3) ACJA. 89.3% (183 respondents) of the respondents identify that the concept of a plea bargain, which is aimed at decongesting prison and concluding criminal cases awaiting trial concerning minor offences cases, has not been duly utilised. This is against the intendment of section 270 of

the ACJA. Several legal scholars have aptly condemned this unholy; according to Massajuwa and Aidonjje, they stated that using a plea bargain in resolving high profile cases and neglecting its primary essence is against the intendment of the law. Furthermore, 56.6% (116 respondents) of the respondent also identify that most of the lawyers in the ministry of justice do not diligently prosecute a criminal case to a logical conclusion within the time limit specified by the ACJA. However, given the data as presented in figure 6, which is to ascertain if the prison officers in Nigeria have been efficient enough in duly implementing its functions as specified by the ACJA. An overwhelming 68.7% of respondents were of the view that the prison officers are enforcing its functions. Although, the role and functions of the prison officers as provided for by ACJA are very minimal.

Furthermore, the court, which is regarded as the last hope of the commoner, is also part of the institutional bodies recognised by the ACJA. In this regard, given the data generated as represented by figure 7 and table 6, which aimed to ascertain if the courts in Nigeria had been very effective in enforcing its functions as provided for by the ACJA. 70.1% (206 respondents) of the respondents' response was "No," which, in effect, the courts in Nigeria to some extent, had not duly enforced some of its roles. However, figure 8 and table 7 further avail the respondents a cluster of options to identify those functions of the court as specified by the ACJA, which the courts had not effectively enforced in Nigeria. Concerning the data generated, 87.8% (187 respondents) of the respondents identify that the function of ensuring a suspect is not remanded beyond the time limit as specified by the ACJA had not been effectively implemented by the courts in Nigeria. This unholy practice has always been the practice of the Nigeria criminal justice system, although this had been frowned at by courts in Nigeria. In *Ewere V. COP*, the Court of Appeal frown at this procedure (holding charge) by condemning it, that it is unknown to Nigeria law and that an accused person detained under it is entitled to be released on bail within a reasonable time before trial, more so, in non-capital offences. However, despite this whole criticism from the court against this unholy practice by the police officer and the very fact that ACJA had put to rest this unholy practice, most case is still prosecuted by using the same procedure of holding charge which is an offence against the personal liberty of the accused as guaranteed by the constitution. In this regard, holding a charge, therefore, has no legal basis; it is an unlawful device utilized by the police to deprive suspects of that constitutional right of presumption of innocence. Also, 85.4% (182 respondents) of the respondents identify that the conclusion of criminal trial

within a reasonable time, by ensuring a day-to-day trial of a defendant by the courts in Nigeria had not been duly implemented. This, in essence, is against the intendment of section 110(3) and section 396(3) of the ACJA. Furthermore, 84.8% (128 respondents) of the respondents also identified the fact that the charge preferred against a suspect does not always commence not later than thirty days from the date of filing. This, to an extent, is why criminal cases are not always concluded within the time permitted by law.

From the above analysis, it very evident that irrespective of innovation brought in by the ACJA, however, it been observed from the above analysis that the police, the office of the Attorney-General, and the courts in Nigeria need to step-up in enforcing their roles as specified by ACJA in order to ensure that justice is served.

8. Conclusion / Recommendation

The study has been able to visualise the various bodies responsible for the effective enforcement of criminal law and prosecution of criminal cases in Nigeria. Furthermore, it was also stated that to ensure justice is echoed via a practical criminal legal framework, the Administration of Criminal Justice Act of Nigeria was enacted in 2015. The Administration of Criminal Justice Act provides for innovative roles to be implemented by the police, the prison, the office of the Attorney-General, and the courts in ensuring an effective criminal administrative system. However, given the data analysis, it shows that the police, the office of the Attorney-General, and the court have a missing link in enforcing some of their roles.

Given the above, if there must be a smooth, effective, and better enforcement procedure of criminal justice system in combating crime, regard had to be given to the effective implementation of the functions or roles of the police force, the office of the Attorney-General and the courts, which is mainly involved in the prosecution of criminal cases. In this regard, the following recommendation is as a result of this suggested as follows:

The Administration of Criminal Justice Monitoring Committee created by section 110(7) of the ACJA should endeavour to play it roles in ensuring all the police, the office of the Attorney-General, and the courts should effectively enforce their roles as provided for by the ACJA.

Civil society and human right organization that is regarded as the watchdog of human right should endeavour to always at all times demand strict and fair implementation of the ACJA by the police, the office

of Attorney-General, and the courts, given their function as provided for by the ACJA.

References

- Aborisade R. & Oni S. F. (2020). Crimes of the Fighters”: Sexual and Physical Female Arrestees. *Women & Criminal Justice* 30(4), 243-263
- Aborisade R. A. & Oni S. F. (2020). Women’s Inhumanity towards Women?” Treatment of Female Crime Suspects by Female Officers of the Nigerian Police. *Criminal Justice Ethics*, 39(1), 54-73
- Adebayo A., (2018). A Review of Plea Bargain Concept in the Anti- Corruption War in Nigeria. *Brawijaya Law Journal*, p. 10-21
- Adedamola T. (2003). The police and holding charge syndrome- issues and challenges. *Nigeria Bar Journal*, 1(3), p. 281-293
- Aidonojie P. A, Agbale O. P., Ikubanni O. O. (2021). Analysing the land use act, the grazing reserves act and the proposed Fulani cattle colonies (RUGA settlement) and NLTP, *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*, Vol. 12(1), 138-148
- Aidonojie P. A, Majekodunmi T. A., Edetalehn O. I., Adeyemi-Balogun O. J. (2023), “A facile review concerning the Protection of an Invention in Nigeria: Issues and Challenges”, *Jurnal Hukum dan Peradilan*, 12(2), 371-408, <http://dx.doi.org/10.25216/jhp.12.2.2023.371-408>
- Aidonojie P. A. & Egielewa P. (2020). Criminality and the Media: Perception and Legality of the Amotekun Security Agency in Nigeria, *International Journal of Comparative Law and Legal Philosophy*, Vol. 1 (3), p. 47-56
- Aidonojie P. A. & Odojor O. A., (2020) Impact and Relevance of Modern Technological Legal Education Facilities amidst the Covid-19 Pandemic: A Case Study of Law Students of Edo University Iyamho, *NIU Journal of Humanities*, 5(4), 7-19
- Aidonojie P. A. and Majekodunmi T A, Adeyemi-Balogun O J, (2023), The Legal Issues Concerning the Operation of Fin-Tech in Nigeria, *Jurnal Media Hukum*, 30(20): 78-79
- Aidonojie P. A. and Majekodunmi T A, Adeyemi-Balogun O J, (2023), ‘UNETHICAL AND UNCENSORED CONTENT CREATION IN NIGERIA ENTERTAINMENT INDUSTRY: SPRINGING THE LAW TO ACTION’ *Jurnal Hukum Replik*, 11(2): 173-202
- Aidonojie P. A. and O. I. Edetalehn, (2023), ‘A Facile

- Study of the Statutory Challenges Concerning Customary Practice of Intestate Succession in Nigeria' *Jurnal Hukum Replik*, 11(1): 1-11
- Aidonojie P. A., (2022), The Societal and Legal Missing Link in Protecting a Girl Child against abuse before and Amidst the Covid-19 Pandemic in Nigeria" *Jurnal Hukum UNISSULA*, Vol. 38(1), PP. 61-80
- Aidonojie P. A., (2024), Challenges concerning the Legal Framework of an Automated Personal Income Tax in Edo State, Nigeria, *Jurnal Hukum Replik*, 12(1), 83-115, <http://dx.doi.org/10.31000/jhr.v12i1.7717>
- Aidonojie P. A., Adebayo, K. A., Eregbuonye O., Wakili S. A., "Breaking Legal and Socio-economic Challenges to Plastic Waste Regulation in Nigeria: Lessons learned from Singapore", *Yustisia*, 13(1), 64-88
- Aidonojie P. A., Aidonojie E. C., Edetalehn O. I., Ikubanni O. O. and Oyebade A. A., (2022), A Facile Study concerning the Legal Issues and Challenges of Herbal Medicine in Nigeria, *The Indonesian Journal of International Clinical Legal Education*, Vol. 4(4), <https://doi.org/10.15294/ijicle.v4i4.61641>
- Aidonojie P. A., Aidonojie E. C., Mulegi T., and Eregbuonye O., (2024), Legal Issues Concerning Compulsory COVID-19 Vaccination: Nigeria as a Case Study, *Golden Ratio of Law and Social Policy Review*, 3(2), 74-83, <https://doi.org/10.52970/grlspr.v3i2.349>
- Aidonojie P. A., Eregbuonye O., Inagbor M., Ogbemudia O., (2024), "Legal and Socioeconomic Issues Concerning the Nigeria Higher Institution Loan Act 2023", *JURNAL LEGALITAS*, 17(1), 1-23, <https://doi.org/10.33756/jelta.v17i1.23143>
- Aidonojie P. A., Ikubanni O. O. and Okoughae N., (2022), The Prospect, challenges and Legal Issues of Digital Banking in Nigeria, *Cogito Multidisciplinary Journal*, Vol. 14(3), PP. 186 – 209,
- Aidonojie P. A., Ikubanni O. O., Okoughae N, Ayoedeji AO, (2021). 'The challenges and relevance of technology in administration of justice and human security in Nigeria: Amidst the Covid-19 pandemic', *Cogito Multidisciplinary Journal*, Vol. 13(3), p. 149 – 170
- Aidonojie P. A., Majekodunmi T. A., Eregbuonye O. and Adeyemi-Balogun O. J., (2024), Potential and Legal Challenges of Metaverse for Environmental Awareness and Sustainable Practice in Nigeria: A Comparative Study with Singapore, *Administrative and Environmental Law Review* 5 (1):37-64. <https://doi.org/10.25041/aclr.v5i1.3230>.
- Aidonojie P. A., Majekodunmi, T. A., Ikubanni, O. O. and Ibrahim N., (2022), The causes of the Rising incidence of domestic violence in Nigeria: Proposing Judicial Separation as a Panacea, *Jurnal Hukum UNISSULA*, Vol. 38(2), PP. 61-80
- Aidonojie P. A., Odojor A. O., and Agbale P. O., "The Legal Impact of Plea Bargain in Settlement of High Profile Financial Criminal Cases in Nigeria" *Sriwijaya Law Review*, Vol. 5 No. 2, (2021): 161-174 DOI:10.28946/Slrev.Vo15.Iss2.852.pp161-174
- Aidonojie P. A., Odojor O. A., Ikubanni O. O., Oyebade A. A., Oyedeji A. I. and Okuoghae N. (2022). 'The Challenges and Impact of Technological Advancement to the Legal Profession in Nigeria given the Covid-19 Pandemic' *NIU Journal of Humanities* 6 (4), pages 5-19
- Aidonojie P. A., Okuoghae N., Agbale O. P. and Idahosa M. E. (2022). 'Supervisor and Supervisee Relationship: The Legal and Ethical Issues Concerning Academic Theft in Nigeria Tertiary Institution' *Euromentor Journal* Vol. 13(1), pages 113-138
- Aidonojie P. A., Okuoghae N. and Ukhurebor K. E., (2022), The Legal Rights and Challenges of COVID-19 Patients Accessing Private Healthcare in Nigeria, *BESTUUR*, Vol. 10(2), 183-197, <https://doi.org/10.20961/bestuur.v10i2.68118>
- Aidonojie P.A., Adesoji K.A., Eregbuonye O., Antai G. O, Ottah I.O., Muhammad Mutawalli "The Prospect, Legal, and Socio-economic Implication of Metaverse Operation in Nigeria" (2024), Vol. 19(4), *YURISDIKSI*, 455, <https://doi.org/10.55173/yurisdiksi.v19i4.201>
- Aidonojie P.A., Eregbuonye O., Adebayo A. K., and Ibeh S., (2024), "Legal and Socio-economic Issues in Adopting Robotic Lawyers in the Nigerian Legal System" *Journal of Human Rights, Culture and Legal System*, 4(1), <https://doi.org/10.53955/jhcls.v4i1.115>
- Aidonojie P.A., Eregbuonye O., Majekodunmi T.A., Inagbor M.E., (2024), "The Prospect and Legal Issues of Income Tax in the Nigerian Metaverse", *Trunojoyo Law Review (TLR)*, 6(1) 17-50, <https://doi.org/10.21107/tlr.v6i1.23874>
- Aidonojie P.A., Ikubanni O.O. and Oyebade A.A.

- (2022), 'Legality of EndSARS Protest: A Quest for Democracy in Nigeria' *Journal of Human Rights, Culture and Legal System*, Vol. 2(3), 209-224, <https://doi.org/10.53955/jhcls.v2i3.40>
- Aidonojie P.A., Toyin A. M., Obieshi E., and Ogbemudia I.O. (2024), "Legal Issues Concerning of Data Security and Privacy in Automated Income Tax Systems in Nigeria", *Hang Tuah Law Journal*, 8(1), 14-41, <https://doi.org/10.30649/htlj.v8i1.223>
- Aidonojie, P. A. (2023), 'Voluntary Assets and Income Declaration Scheme a Panacea to Tax Evasion in Edo State, Nigeria', *Administrative And Environmental Law Review*, 4(1): 1-20, <https://doi.org/10.25041/aclr.v4i1.2822>
- Aidonojie, P. A. (2023). Environmental Hazard: The Legal Issues Concerning Environmental Justice in Nigeria, *Journal of Human Rights, Culture and Legal System*, 3(1), pp. 17-32, <https://doi.org/10.53955/jhcls.v3i1.60>
- Aidonojie, P. A. (2023). The Legal Impact and Relevance of using the Concept of Plea Bargain in Resolving Tax Dispute in Nigeria. *Brawijaya Law Journal: Journal of Legal Studies*, 9(2). Retrieved from <https://lawjournal.ub.ac.id/index.php/law/article/view/508>
- Aidonojie, P. A., Nwazi, J. and Ugiomo E., (2022), The Legality, Prospect, and Challenges of adopting Automated Personal Income Tax by States in Nigeria: A Facile Study of Edo State, *Cogito Multidisciplinary Journal*, Vol. 14(2), PP. 149 – 170,
- Aidonojie, P. A., Nwazi, J. and Ugiomo E., (2022), The Legality, Prospect, and Challenges of adopting Automated Personal Income Tax by States in Nigeria: A Facile Study of Edo State, *Cogito Multidisciplinary Journal*, Vol. 14(2), PP. 149 – 170
- Aidonojie, P. A., Nwazi, J. and Ugiomo E., (2023), "Illegality of Income Tax Evasion in Edo State: Adopting an Automated Income Tax System as a Panacea" *Jurnal Legalitas*, 16(1): 56-86
- Aidonojie, P. A., Oaihimore, I. E. and Agbale, O. P., (2022), The Legal and Ethical Issues concerning Diagnosing and Treatment of Patients by Pharmacists in Nigeria, *Euromentor Journal*, Vol. 13(2), PP. 113-138
- Aidonojie, P. A., Odojor, A. O., and Oladele, O. O., (2020). An Empirical Study of the Relevance and Legal Challenges of an E-contract of Agreement in Nigeria, *Cogito Multidisciplinary Research Journal*, Vol. 12(3), P. 170-190
- Aidonojie, P.A., & Francis, E.C. (2022). Legal Issues Concerning Food Poisoning in Nigeria: The Need for Judicial and Statutory Response. *Jurnal Media Hukum*, 29(1), 65-78, DOI:<https://doi.org/10.18196/jmh.v29i1.12595>
- Aidonojie, P.A., Abacha, W.S., & David, A. (2023). Effectiveness of the Administration of Justice in Nigeria under the Development of Digital Technologies. *Journal of Digital Technologies and Law*, 1(4), 1105-1131. <https://doi.org/10.21202/jdtl.2023.48>
- Aliyu I. (2019). Decongestion of Nigerian Prison: An examination of the role of the Nigerian Police in the application of the holding-charge procedure in relation to pre-trial detainees. *African Human Rights Law Journal*, 19(2), 1-16
- Aluyor G.B.O, "Performance evaluation of the Nigerian police in crime prevention in urban centre's" journal of land use and development studies Vol1, No.1, 2005. www.Journalanduse.org/assets/vol.1.%252op I accessed 22nd March, 2020
- Ani C. C., (2011). Corruption in Criminal Justice Administration: The Role of the Legal Profession. *Nigerian Bar Journal*, Vol. 7(1), p. 102-183
- Badamasiuy, J. & Bello, M. (2013). An appraisal of administrative justice and good governance in Nigeria. *Journal of Politics & Law*, 6, 216-230
- Bajpai G. S. Maanvi M. T. "Law Research Methodology: 'Sampling Techniques'" http://epgp.inflibnet.ac.in/epgpdata/uploads/epgp_content/law/09_research_methodology/12_tools_and_techniques_of_data_collection/et/8171_et_et.pdf accessed 3rd June, 2020
- Denham P., (1983). *A Modern Introduction to Law*. London Oxford University Press.
- Edetalehn O. I., and Aidonojie P. A., (2023). The Innovative concept and Issues Concerning the Non-Custodial Sentence in Nigerian Criminal Justice System. *Journal of Law and Development*; 8(2): 243–255
- Edoba O. (2004). Power of the Attorney General over public prosecution under the Nigerian constitution, need for judicial Restatement. Faculty of law, University of Benin, Benin City lecture series No. 4 November , p. 5-17
- Egielewa P and Aidonojie PA (2021). Media and Law: An Assessment of the Effectiveness of the Freedom of Information Act by Journalists in Nigeria using Auchi, Edo State as a Case Study, *International Journal of Current Research in Humanities*, Vol. 25, 415-434

- Eze M. C. (2010). Institutional reforms and the development of Nigeria prison services 1999-2007. *Journal of African Studies and Development*, Vol. 2(5), p. 21-34
- Frost, B. (2004). *Errors of Justice*. Cambridge: Cambridge University Press.
- Gunawan Y., Haque A. Y. I. & Aidonojie P. A. (2023). Police Brutality as Human Rights Violation: A Study Case of Black Lives Matter. *Varia Justicia*, 19(1), 19-32
<https://doi.org/10.31603/variajusticia.v19i1.6588>
- Hyden, G. (2015). Rethinking justice and institutions in African peacebuilding. *Third World Quarterly*, 36 (5), 1007-1022
- Idahosa, M., Agbale, O., & Aidonojie, P. (2023). The Causes and Legal Implications concerning Assault against Healthcare Providers by Patients or their Relatives in Nigeria. *NIU Journal Of Humanities*, 7(4), 79-88.
<https://doi.org/10.58709/niuju.v7i4.1558.79-88>
- Idhiarhi S. E., (2016). A Synoptic Appraisal of the Practice and Procedure for Plea Bargaining under the Administration of Criminal Justice Act 2015. *Africa Journal of Law and Criminology*, 6(1), p. 12-24
- Imoisi S. E. and Aidonojie P. A., (2023). Legal and Socio-economic Issues Concerning Black Marketer's Activities of Petroleum Products in Nigeria. *Yuridika*, 38(2), 61-84,
<https://doi.org/10.20473/ydk.v38i2.44999>
- John, A. , & Musa, A. (2014). Delay in the Administration of Criminal Justice in Nigeria: Issues from a Nigerian viewpoint. *J Law Pol Glob*, 26, 130-138.
- Ladapo, O. A. (2011). Effective investigations, a pivot to efficient criminal justice administration: Challenges in Nigeria. *African Journal of Criminology and Justice Studies: AJCJS*, 5(1 & 2), 79-94.
- MacDonald U.E (2018). The significance of separating the office of the Attorney-General from the minister of justice.
<http://m.allfrica.com/stories/20110802086.htm/>? accessed 22nd April, 2020
- Majekodunmi, T. A., Oluwaseun, J. A., Aidonojie P. A., Ikubbanni, O. O. and Oyebade A. A., (2022), Legal Issues in Combating the Scourge of Terrorism: Its Impact on International Trade and Investment: Nigeria as a Case Study, *NIU Journal of Humanities*, Vol. 7(3), PP. 129-139
- Majekodunmi, T. A., Oluwaseun, J. A., Idahosa, M. E., Ikubbanni, O. O. and Aidonojie, P. A., (2022), The causes of the Rising incidence of Terrorism occasioning Deprivation of the Right to Life in Nigeria, *NIU Journal of Humanities*, Vol. 7(2), PP. 5-19
- Masajuwa F. & Aidonojie P. A., (2020). Sustainability of Plea Bargain in Nigeria Legal System: A Comparative Analysis of the Past and the Present. *Nigeria Bar Association on Legal Practice Law Journal*, 9(1), 97-116
- Michael, C. O. (2016). Communication of an interpreter and fair trial under Nigerian criminal justice system. *International Journal of Legal Discourse*, 1 (1), 213-233
- Mukhlis, Mukhlis, Raphael D. Jackson-Ortiz, Muwaffiq Jufri, Evis Garunja, and Paul Atagamen Aidonojie. (2023), "Rejection of Former Shia Community in Sampang Perspective on Human Rights Law: Discourse of Religious Rights and Freedom in Indonesia". *Lex Scientia Law Review* 7, No. 2: 959-994.
<https://doi.org/10.15294/lesrev.v7i2.72156>
- Mutawalli M., Masum A., Aidonojie P. A., Adesoji K. A., (2024), Filling Members of the Financial Audit Board: Constitutional Review and Legislative Intervention, *Al-'Adl*, Vol. 17(1), 55-72
<http://dx.doi.org/10.31332/aladl.v17i1.7707>
- Newman, D. J. (1978). *Introduction to Criminal Justice*, New York: lippincott.
- Oaihimore Idemudia Edetalehn and Paul Atagamen Aidonojie, (2023), 'A Facile Study Concerning Non-Custodial Sentence in Nigeria's Criminal Justice System: Taking a Leap from the Kenya Jurisdiction' Redeemer's University Nigeria, *Journal of Jurisprudence & International Law (RUNJJIL)*, Vol. 3(1), 1-17
- Oduntan, G., & Oduntan, G. (2017). Prescriptive strategies to combat corruption within the administration of justice sector in Nigeria. *Journal of Money Laundering Control*, 20 (1), 35-51.
- Ogunode S. A., (2015). Criminal Justice System in Nigeria: For the Rich or the Poor? (2015) 4(1) *Humanities and Social Sciences Review*, 28-42.
- Ojedokun U. A. & Aderino A. A., (2015). Highway Informal Policing in Kajola Local Government, Oyo State, Nigeria. *The Policing Journal*, 88(3), 251-262
- Okwendi J. S. & Nwankwoala R., (2014). The Role of Restorative Justice in Contemplating the Justice System and Restoring Community Values in Nigeria. *Asian Journal of Humanities and Social Sciences* 2(3), p. 127-141.
- Oladele, O. O., Aidonojie, P. A., Uzualu, J. E., Ikubbanni, O. O. and Oyedeji, A. I., (2022),

- An Empirical Study of Criminalizing Minor Infractions of Tax Laws in Nigeria: The Need for Negotiated Punishments, *NIU Journal of Humanities*, Vol. 7(2), PP. 23-35
- Olubiyi I. A., (2018). Nigerian Criminal Justice System: Prospects and Challenges of the Administration of Criminal Justice Act 2015. *African Journal of Criminal Law and Jurisprudence*, p. 79-86
- Oromareghake P., Oluka N. L. & Adishi E., (2018). The Nigerian Police and Legitimacy Crises: A focus human rights abuses and Protection in Contemporary Nigeria. *Journal of Public Administration and Social Welfare Research*, 3(2), 25-37
- Peak, K. J. (2004). *Justice Administration: Police, Courts, & Corrections Management*. New Jersey: Prentice Hall, Inc.
- Simon Ejokema Imoisi, Paul Atagamen Aidonjje, Oaihimore Idemudia Edetalehn, (2023), Legal Issues and Innovations Introduced by the Petroleum Industry Act 2021 in the Nigerian Oil Industry, *Journal of Commercial and Property Law*, 10(2), 229-243