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THE NIGERIAN CRIMINAL JUSTICE SYSTEM: A CURSORY LOOK AT SALIENT ISSUES AND AREAS OF REFORM

Habeeb Abdulrauf Salihu
Monsurat Isiaka
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Abstract
This paper examines the roles of the Nigerian criminal justice actors- the police, courts and correctional service in justice administration and identifies some of the impending issues (including prison congestion, extrajudicial practices and pre-trial detention) affecting effective dispensation of justice, rehabilitation and reformation of prison inmates. Essentially it offers strategies on how to effectively address these issues within the context of legal and administrative reforms. The paper argued that for any criminal justice system to effectively protect lives and properties, safeguard the fundamental rights of individuals, and ensure fairness, rule of law must be allowed to guide the operations of justice institutions and administration of justice.

Keywords: Nigerian criminal justice system; Nigeria police force; judiciary; correctional service;

Introduction
Crime and how to control it has been the major phenomenon and subject of concern throughout human history. This is because crime remains an inevitable part of human society (Okereke, 2012). No society is free of crime; in fact, to think of a society without a crime is to think of the impossible. As a social control measure, every society consciously creates boundaries for members' behaviour (embedded in the established standard) and attach definite sanctions to any infraction (Salihu, 2020). Equally, the society carefully puts in place mechanisms assigned with the responsibility to enforce the law and compliance and prosecute transgressions (Colvin et al., 2002). For instance, in primitive societies, informal mechanisms embedded in the customary and religious beliefs of the people were the instruments of social control. Any transgression was seen as deviance and attracts definite punishment (Salihu, 2020). However, in contemporary modern societies, social control is rooted in the formal criminal justice system comprising the police, courts and correctional institutions. These bodies see to the administration of justice, and maintenance of law and order which are significant to the application of a democratic system (Okereke, 2012).

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In Nigeria, like other democratic societies, the protection and promotion of the welfare of citizenry- safeguarding lives and properties within and across the borders and assurance of justice are the fundamental obligations of the state (see Section 14 of the Constitution, Laws of the Federation of Nigeria, 1999). Largely, the state tries to achieve these responsibilities (among other means) through strict enforcement of the law, effective crime management and control strategy (Salihu&Gholami, 2018a). Hence, the ability of the state to control crime, maintain orderliness, security, and justice lies with the institutionalised criminal justice apparatus. Accordingly, the effectiveness of the criminal justice system is significant to the socio-economic and political development of any democratic society (Daly &Marchetti, 2012).

While the criminal justice system remains an essential instrument all civilized nations employs in ensuring a fair application and practice of rule of law, the system also appears to be a major hindrance that undermines justice administration in most African countries, particularly Nigeria. In recent decades, the roles and responsibilities performed by the Nigerian criminal justice institutions have been an issue of debate due to the widespread unethical practices among the personnel. For instance, the police that ought to protect life and property are known for their various extrajudicial practices such as unjustified killing of innocent Nigerians, indiscriminate arrest and unlawful detention of both criminal and non-suspects, alteration of investigation reports and evidence tampering etc (Salihu&Gholami, 2018a). Also, juduciary engages in all forms of corrupt practices ranging from taking bribes to misapplication of legal instruments, and perversion of justice (Salihu&Gholami, 2018b). Moreover, drug peddling and smuggling of forbidden items into the prison facility, diversion of items (such as foodstuff, medication,and toiletries) meant for the inmates to personal use are widespread among the prison wardens (Badru et al., 2018; Shajobi-Ibikunle, 2014).

Consequently, the fundamental rights of Nigerians which the state seeks to protect are threatened. This is evident in the continuous violation of citizens' rights by law enforcement agents with impunity, the inability of the state to protect people from increasing rate of criminal activities and the consequent effects, criminality and victimisation, increasing rate of incarceration and prison congestion (Salihu&Fawole, 2020; Adebayo &Ojo, 2009). Specifically, prison congestion is responsible for the deficiency in rehabilitation facilities in the correction centres across the country and consequently affects the quality of rehabilitation programs available for the inmates (Human Rights Watch, 2010). On the whole, the widespread corruption and misconduct among the police officers, judicial administrators and juries, and warden officers have weakened the legitimacy and credibility of these instruments of justice and bastardised the image of the Nigerian criminal justice system (Oluwaniyi, 2011; Wahab, 2015).

To revamp the system, the Nigerian authority introduced several measures in the form of legal, administrative and welfare policy reforms. These measures include the re-orientation of the ethical codes of conduct program for the criminal justice

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practitioners through workshop and training, enactment of Administration of Criminal Justice Act of 2015 to enhance speedy trial, improved welfare package for staff, and institution of panels to investigate and punish unethical practices. Largely, these meausres are designed to guide the operations and promote the integrity of the system by ensuring strict compliance to the rules (Osasona, 2015; Hills, 2008).

Unfortunately, government's efforts to achieve these objectives appear unsuccessful as there is an increase in the occurrence of extrajudicial practices by the Nigerian criminal justice practitioners, judicial corruption and the increasing rate of reoffending (Salihu, 2018). Osasona (2015) attributed this failure to the deficiencies in the policy reforms, particularly in the area of formulation and implementation strategies, and lack of consideration for issues concerning prison congestion, rehabilitation and reformation deficiency. It is on this account that this paper identifies some of the concerns that are yet to be addressed effectively and that are contributing immensely to the present challenges of the Nigeria criminal justice, particularly in the area of human rights violation and justice administration, prison congestion, rehabilitation and reformation of inmates. It aims to offer reform strategies to address these issues within the context that can be most effective.

Criminal justice system defined

The Criminal Justice System has the obligation of establishing, determining, and defending citizens' constitutional rights in accordance with the rule of law (Osude et al., 2014). A well organised and productive criminal justice system serves as an efficient mechanism to settle grievances and bring offenders to justice. More importantly, it serves as a pillar upon which the rule of law is built and enforced (Dambazau, 2009). Scholars from related fields of study have made several attempts to define criminal justice.

Moore (1997) submitted that criminal justice can be defined either as a system or as a process. As a system, criminal justice refers to the set of interdependent state agencies established to manage crime, enforce the law and impose appropriate penalties on violators of criminal law. Criminal justice as a process involves the various procedure for making arrest, investigation, and trial. However, Moore (1997:15) noted that criminal justice is

> …not a system in the sense that the agencies were being explicitly directed toward a particular objective by some coherent centralized authority. It was only a system in the far more limited sense that the different agencies were linked together through a process in which one agency's outputs became the next agency's inputs.

Either as a system or process, criminal justice is a complex social institution saddled with the responsibility of governing, regulating, and controlling social disorder in a particular society (Lynch, 2002). The criminal justice system has also been defined as an academic discipline that studies and understands criminal justice in relation to the

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general society. Its scope covers criminal law, criminal procedure and legal process work, the interdependent and operation of the various apparatus of justice in relation to crime management and control, research methodology in criminal justice, investigation procedure and techniques, protection of human rights, prison and prisoners' rights and so on (Dambazau, 2009).

Criminal justice according to Olonisakin et al.(2017:33) is

> .. a system comprising of many bodies, groups, institutions or agencies that have been charged with the responsibilities of ensuring social agreement and mass compliance with the law, and deciding whether or not an individual is guilty of violating the laws of the society, and the appropriate punishment to be meted to such an individual. In addition to such responsibility, the CJS is also responsible for the care and rehabilitation of individuals found guilty of breaking the laws and to whom prescribed punishment is meted out.

In general, the criminal justice system encompasses various activities and processes by different agencies established by the government to control crime and impose punishments on violators of law. The system comprises at least three components namely, the law enforcement (Police), the court process (judges, prosecutors, and defence lawyers) and the corrections (prison: officials, probation and parole officers) (Dambazau, 2009). These agencies are separate entities but are interdependent and closely related, this is because they are all part of the broader criminal justice process. The relationship is in such a way that the action of one agency has a consequence for others in the line of the process (Lynch, 2002). The outcome of the police investigation, for instance, affects the caseload of the courts. In the same way, the courts' decision also affects prison workload. This is the more reason the criminal justice is often referred to as a system (Lynch, 2002).

From the foregoing, this paper defines criminal justice as a system or structure of the state through which the laws guiding the affairs of the society is applied and the fundamental rights of the citizens are defended and guaranteed. It ensures equity, fairness, justice, proportionality, and appropriateness of punishment.

The Nigerian Criminal Justice System

The history and evolution of modern Nigerian criminal justice dates back to the colonial period in the late 1800's. The British subverted the longstanding customary justice system common among the indigenous people by introducing a western justice system that encompasses the police, adversarial courts and prison system (Badru et al., 2018). The system forms the basis for the contemporary Nigerian criminal justice system. Today, the Nigerian justice system derives its legal foundation from the 1999 Constitution of the Federal Republic of Nigeria (as amended).

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The various institutions involved in the administration of justice include the Nigeria Police Force, the Courts (Judiciary), and the Nigerian Correctional Service. The mandates of these institutions can best be understood with an illustration of how the system works. The process begins with a reasonable suspicion by the police or report that a person has either committed a crime or is committing a crime. It follows with the arrest of the person in question, then the filing of criminal charges, investigation and the bail process, and continues through the trial (acquittal or conviction) in court. In the case of conviction, the process continues through sentencing, imprisonment (or alternative punishment) and release upon the completion of the sentence term (Dambazau, 2009; Olonisakin et al., 2017). It can be observed from the foregoing that the criminal justice system involves various processes or stages.

It should be noted, however, that some other agencies operate within the Nigerian criminal justice system. Most of these agencies are empowered to also enforce the law and prosecute offenders. They include the Nigeria Security and Civil Defence Corps, Nigerian State Security Service, Independent Corrupt Practices and other Related Offences Commission (ICPC), Economic and Financial Crimes Commission (EFCC), the National Drug Law Enforcement Agency, the Legal Aid Council of Nigeria, Nigerian Judicial Council, among several others. However, this paper specifically focused on the key apparatus of the Nigerian criminal justice system. Therefore, subsequent sections describe in detail the functions and responsibilities of the Nigeria Police Force, Courts, and the correctional service.

The Nigeria Police Force

The Nigeria Police Force is a paramilitary institution empowered by the 1999 Constitution of the Federal Republic of Nigeria (as amended) to act exclusively as the national police with jurisdiction to all states in the country. The Nigerian Police, by law, is vested with the power and responsibility of detecting, investigating, prosecuting, and controlling crime, and above all ensuring peace and stability in the country (see Section 241[1], Laws of the Federation of Nigeria, 1999). CAP 359, Part II, Section 4 of the Police Act summarises the roles of the Nigeria Police Force. It provides thus:

> The police shall be employed for the prevention and detection of crime. The apprehension of offenders, the preservation of law and order, the protection of life and property and the due employment of all laws and regulation with which they are directly charged and shall perform such military duties within and outside Nigeria as maybe required by them or under the authority of this or any other Act (Laws of the Federation of Nigeria, 1990a).

Furthermore, Section 23 of the same Act gives the Police the power of public prosecution. With this power, the police can initiate criminal proceedings, charge and prosecute any person suspected to have committed a crime before any court of law in Nigeria. In addition, Section 24 and 29 of the Act further broaden the powers of the

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Nigeria Police by providing conditions to arrest any person suspected to have committed a crime with or without warrants and detain any person reasonably suspected to have stolen property or property that is reasonably believed to be unlawfully obtained (Laws of the Federation of Nigeria, 1990).

To avoid arbitrary use of these powers, Part XV, Sections 353-368 of the Police Act provide for the Nigeria Police Ethical Code of Conduct:

a. Police officers shall conduct themselves, whether on or off duty, in accordance with the Constitution of the Federal Republic of Nigeria and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.
b. Police officers shall not knowingly exceed their authority in the enforcement of
c. the law;
d. Police officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants and preservation of evidence;
e. Police officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitution and laws of the Federal Republic of Nigeria;
f. Police officers, whether on or off duty, shall not knowingly commit any criminal offence under any laws of the Federal Republic of Nigeria or any state or local jurisdiction in which the officer is present, except where permitted in the performance of duty under proper authority.
g. Police officers shall carry out their duties with integrity, fairness, and impartiality.
h. Police officers shall take no action knowing it will violate the constitutional rights of any person.
i. Police officers shall provide every person in our society with professional, effective and efficient law enforcement services.
j. Police officers shall not allow their law enforcement decisions to be influenced by race, religion, or any other sentiment whatsoever. It should, however, be noted that any exercise of police powers that contravenes the laid down procedures would be rendered ultra-vires and void (Laws of the Federation of Nigeria, 1990).

The Nigeria Police is composed of able men and women who are the personnel trained to face enormous challenge and responsibility of maintaining law and order in the six geopolitical zones of the country (Adebayo, 2005). The Nigeria Police personnel are the most feasible and essential components of the Nigerian criminal justice system. They are considered to be public friends because they operate within the society or communities where people live and they respond to public needs and requests on time (Shajobi-Ibikunle, 2014). Police officers are expected to exercise discretion (individual and command judgment: deployment, policy enforcement, patrol, investigation, arrest etc.) while on duty (Dambazau, 2009).

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The Courts of Law

While the Nigeria police initiate the process of a criminal proceeding, the courts are charged with the responsibility of ensuring that due process is cautiously applied in the dispensation of justice. The court is the second most prominent apparatus of justice. By virtue of constitutional provisions, all cases (civil or criminal) must be referred to the Nigerian courts for adjudication (see Section 6 (1-3) of 1999, Laws of the Federation of Nigeria). On the strength of this, no institution or body can condemn anyone or organization except the court of law or tribunal established by the law. The Nigeria courts, therefore, possess the obligation to establish (based on the available evidence and witnesses), without doubt, the guilt or innocence of individuals brought before the law, in order to ensure that adequate and appropriate punishment is imposed (Igbanugo, 2013). In addition, Nigerian courts are empowered by the law not only to deliver judgment and settle the dispute but also to enforce, uphold and protect the fundamental rights of Nigerians (Salihu&Gholami, 2018a).

The important roles played by the courts in the administration of justice in any country cannot be overemphasized. The Nigeria courts, for instance, are to interpret the constitution, ensure that any law made by the legislative arm of government does not go against the provisions of the constitution, and use their discretionary powers impartially (Okereke, 2012). The courts, as Onyekachi (2012) described, play an unquantifiable role in the administration of justice, decide the outcomes of elections if challenged by an aggrieved party, determine the legality of various kinds of behaviour referred to it by litigants, and play a crucial role in impeachment proceedings.
Like in other democratic countries, courts in Nigeria are supervised and controlled by the judiciary (i.e. judges and other judicial crew such as the registrar, clerk etc.). Nigerian juries supervise the actions of the prosecution and defence counsel, preside over pre-trial and hearing process, and determine whether there is sufficient reason to continue the trial, hold a suspect and decide whether to grant bail or not to an accused person (Okereke, 2012). Also, the juries possess the discretionary powers to accept or deny a guilty plea, determine whether evidence may be admitted at trial, rule on the admissibility of expert testimony, grant or deny motions made by the defence and the prosecution counsel (Salihu, 2020). Furthermore, judges also have the powers to issue a search warrant and warrant of arrest, protect the defendant's constitutional and statutory rights and determine the sentences of convicted offenders (Edossa, 2012). However, the discretionary power of the court is often restricted in several ways, where there is a guideline for a maximum and minimum sentence for some categories of offences, and how the sentence should run- concurrently or consecutively (Salihu and Gholami, 2018a).

The courts that represent the Nigeria's judicial system consist of a national Supreme Court which is the highest court in the country, the Federal High Courts in each state and the Federal Capital Territory Abuja, the Court of Appeal, the Customary Court of Appeal, the State's High Courts, the Sharia Court of Appeal of the States, the Customary Court of Appeal of the states, Magistrate or District Courts, and other special courts. All these courts are saddled with the functions or duties of interpreting

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the law and administering justice in accordance with the jurisdiction vested in them.

The Nigerian (Prison) Correctional Service

Prison or correctional institution is the third agent in the ladder of justice administration in the criminal justice process. It is the institution that accommodates the accused person on trial, awaiting trial and criminal convicts sentenced to prison for a specified term (Stojkovic, 2010). Simply put, prison is a place where those who are accused or found to have wronged or violated the criminal laws are legally confined while awaiting trial or while the trial is ongoing or serving punishment after conviction. The prison, as Goffman (2001) described it, is a total institution where offenders are completely confined for a term/period. It is a place where the offenders have limited or no control over their affairs, what they eat, when they sleep, what they wear and so on.

The history of the modern prison system in Nigeria dates back to the colonial period in 1872 when the first prison- Broad Street was commissioned in Lagos. The Nigeria Correction Service derives its operational powers from CAP P29 of Prison Act to:

i. Take into custody all those certified to be so kept by courts of competent jurisdiction;
ii. Produce suspects in courts as and when due;
iii. Identify the causes of their anti-social disposition;
iv. Set in motion mechanisms for their training and reformation for eventual reintegration into society as normal and law-abiding citizens on discharge; and
v. Administer prison farms and industries for rehabilitation purpose and for generating revenue for the government (Laws of the Federation of Nigeria, 2004).

Succinctly, the roles of the Nigerian correction service include: keeping offenders and the larger society (or victims), away from all things that motivate and facilitate criminal activities, and making denial of certain rights and material possession (Dada et al., 2015). Additionally, prison serves as a rehabilitation and reformatory institution where inmates can be reformed by creating an avenue for them to realize the seriousness of the acts that led to their conviction, and possibly, acquire skills from the various programs designed to enable them to easily re-integrated into the society (Olonisakin et al., 2017).

Furthermore, regarding the training of prison inmates, the correction service organises skills acquisition programmes where inmates can learn from various vocational skills (such as carpentry, tailoring, shoemaking, draughtsmanship, joinery, electrical, painting, metalwork and so on) and/or formal education program where they can obtain educational certificates while serving their sentence term (Ayuk et al, 2013). Acquiring these skills would lead to self-development and assist them to have a source of income on discharge without relapsing into crime (Olonisakin et al., 2017). In addition, prison inmates are encouraged to participate in religious and psycho-remedial and developmental programs that would assist them to understand the reality

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of life, the damage they have caused their victims and the society, and to see their present situation as a punishment for their wrongs. (Osefo, 1990).

Challenges associated with the Nigerian Criminal Justice System

The Nigerian criminal justice system is faced with different problems from pre-trial stage to the completion of sentence term. The criminal justice process and the various agents of justice encounter different challenges which have also affected their constitutional obligations and, in turn, ruined citizens' hope for justice. This section focuses on the key areas that require attention in the Nigerian criminal justice system.

Pre-trial detention/remand order

Holding charge or remand order is generally referred to as a system of arraigning an accused before a lower court that has no jurisdictional competence to try the offence charged, primarily to obtain a remand order and thereafter keep the accused in detention under the pretence of awaiting trial (Adekola, 2013). This is a common practice among Nigerian law enforcement agencies. When a remand order is issued by a court that lacks jurisdiction to hear a substantive criminal case, it enables the police to detain the suspect while conducting an investigation or gathering facts to prosecute him (Shosanya, 2015).

The logic behind approaching such a court for a remand order, as Adekola (2013) has noted, is that an accused (according to Nigerian law) cannot be said to be awaiting trial when he has not been arraigned before a court to hear such trial, and more importantly, when a plea has not been taken. The Nigerian law enforcement agencies, particularly the police always justify the adoption of the practice with provisions in Section 292 (1-2) of the Administration of Criminal Justice Act 2015 which appears to have given legal backing to the practice. The provisions provide thus

(1) A suspect arrested for an offence which a magistrate court has no jurisdiction to try shall, within a reasonable time of arrest, be brought before a magistrate court for remand.

(2) An application for remand under this section shall be made ex parte and shall: (a) be made in the prescribed 'Report and Request for Remand Form' as contained in Form 8, in the First Schedule to this Act; and (b) be verified on oath and contain reasons for the remand request (Laws of the Federation of Nigeria, 2015).

However, these provisions contravene Section 35(4-5) of the 1999 Constitution of the Federal Republic of Nigeria (as amended), which provides that any person who is charged with a crime, must be presented within 48 hours before a court that has jurisdiction to stage such trial for him to face charges (Laws of the Federation of Nigeria, 1999). Thus, the practice of holding charge or remand order is contrary to the law of the land and amounts to a breach of fundamental human rights.

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Corruption and unethical conducts

Among the major problems facing the Nigerian criminal justice system are corruption and extrajudicial practices such as human rights abuses and unjustified killing of innocent Nigerians among others. According to Usman (2013), corruption has become a way of life among the Nigerian criminal justice practitioners, most especially Nigerian police and judiciary. For instance, Dada et al. (2015) reported that suspected offenders suffer a lot at the hands of the Nigerian police personnel most especially when the offenders are illiterate. The police exploit this condition and make their cases more complicated. Any suspect who is ready to give a bribe might be set free without going through any trial. In addition, Akpunonu-Ogu (2004) narrated that there are several reported cases of police assault, harassment and random arrests of innocent people for frivolous offences, extortion from the arrested suspects and their family members. Academic literature has also documented the various acts of corruption and all manners of illicit activities among the Nigeria prison officials. They extort money from inmates and their families, rent prison cells to the inmates as VIP cells, smuggle and sell drugs to the inmates, mismanage funds and prisoners' food and materials, and so on (Oluwaniyi, 2011; Ogunode, 2015; Salihu&Gholami, 2018b).

Delay in the administration of justice

Delay in the administration of justice is another major problem facing the Nigerian criminal justice process. Numerous criminal cases lie in courts for several years. The justice system is rather generally slow, ineffective and inefficient to meet the needs of the common man for justice (Igbanugo, 2013). When the legal redress which is often seen as the last hope for the common man is not forthcoming within the specified period, the trust and confidence people have in the system will disappear. It gives people the impression that seeking redress in such a system amounts to a waste of time (Ugochukwu, 2011). Legal experts have attributed the sluggish and inactive nature of the Nigeria justice system to overburden of the judges, unnecessary adjournment, the complex nature of the legal system, poor investigative techniques, lack of access to legal representation, outdated sentencing procedures, lack of properly trained prosecutors, and political interference, among others (Ogunode, 2015; Olonisakin et al, 2017).

Prison congestion

One major challenge that results from all the challenges stressed earlier is prison overcrowding. Prison overcrowding is an endemic problem that has continued to confront the Nigerian criminal justice system. A survey report carried out in 2020 indicates that the number of inmates held in the Nigerian prisons is beyond the maximum capacity. The inmates awaiting trial outnumbered those serving the normal prison term (Okiwe et al., 2020). Aluko et al. (2021) noted that the number of persons awaiting trial constitutes over 70% of the Nigeria prison population. The Nigeria Bureau of Statistics also reported in a data covering Nigeria prison from 2011 to 2017 that 72.5% of the prison population in Nigeria constitutes inmates awaiting trial (NBS, 2017).

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Due to prison overcrowding, the available resources are not enough to take care of the number of inmates. As a result, the correction service is confronted with several challenges which include: lack of adequate medical facilities and inadequate medical service, poor hygiene and sanitation, the spread of preventable diseases, prison-gang-clash, incidents of jailbreak and violent attacks on prison officers (Okiwe et al., 2020). In addition, the facilities for vocational and educational training and reorientation of inmates are inadequate, there is also shortage of welfare and motivation of instructors and staff (Omoni and Ijeh, 2009). The implication of this is, is that a considerable number of inmates may not have the opportunity of being trained and reformed. This simply means that the purposes for which the Nigerian correctional service was reformed (to reform/rehabilitate prisoners) may be defeated. Therefore, the state's effort to rehabilitate and reform inmates through the various programs may be fruitless. This accounts for a countless number of ex-convicts who relapse into crime or unlawful means of earning a living because they are unfit to cope with life after prison (Falayi, 2015).

Areas of Reform

Reforming the Nigerian criminal justice system does not need to start with the institutions charged with the responsibility of administering justice in the country, rather the starting point should be the laws and legislations enforced by these apparatuses. For instance, the Nigerian criminal procedural laws, as Leonard (2014) noted, seem not to conform to the international standard regarding certain development in the administration of justice around the world today. The two primary criminal procedural codes (Criminal Procedure Code: applicable in the Northern States and Federal Capital Territory, and the Criminal Procedure Act: applicable in the Southern States) which administer and guide the criminal prosecution in the country, practically since independence, are lagging behind particularly in the area of addressing the major legal challenges the country is facing and meeting the requirement of the modern day justice system (Ogunode, 2015). Countries around the world, even in Africa, have reviewed their laws severally to meet up with the modern justice system.

These laws remain the same without periodic review to solve the persistent encounters in the country's justice system and administration (Osasona, 2015). The areas that need to be looked into among others include promptness or time-frame within which the apparatuses of justice should carry out their statutory duties, the use of sentencing guidelines (minimum and maximum sentence for category of offences), and holding charge. In addition, the provision for speedy trial in the Criminal Justice Administration Act 2015 through the adoption of plea bargaining should be extended to non-violent and petty crimes rather than restricting it to high profile cases such as corruption. Also, there should be a provision in the law that will restrict the number and interval of case adjournments in courts.

In addition, electronic recording of trials should be introduced for a better and functional system. This will reduce the problem associated with the archaic pen-and-

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paper method used by many judges and it will enhance easy retrieval of statements whenever reference is made. Also, provision of a policy that will reduce caseload per judge and increase the disposal rate of cases should be considered. This can be done by appointment of more credible judges, creation of specialised criminal courts, and adoption of alternative methods of trial such as Alternative Dispute Resolution and restorative justice in criminal matters and using modern case management and tracking system.

The primary responsibility of the criminal justice system is to prevent and detect criminal activities, prosecute and dispose of perpetrators of crime. In doing this, the various apparatuses of justice are expected to be just and ready to protect the dignity of the institution they represent. If for one reason or the other, these institutions are perpetrating corrupt practices they are charged to prevent, then the state's efforts to fight crime have failed. Reform in the area of corruption and extrajudicial practices in the criminal justice system requires a systematic war against indiscipline. This can be done by resuscitating the war against indiscipline policy adopted in the country in the 1980s, re-introduction of a national campaign against indiscipline and the fundamental rights of the citizen.

The aim of the campaign should be designed to change the minds of Nigerians on corruption and for people to know their constitutional rights. People should be made to understand that the reason the criminal justice system failed to protect them is the corruption that has permeated the entire system. In addition, there should be a synergy of activities between the anti-corruption agencies, criminal justice institutions and other government bodies in the form of checks and balances. These will make the institutions accountable for their actions and decisions.

Reform in the area of the persistent use of remand order can best be handled with legal reform. Presently, the only legislation that backs the use of remand order is the Administration of Criminal Justice Act 2015 (See Section 293 of the Administration of Criminal Justice Act, 2015). The law enforcement agencies rely on this section of the law to justify the adoption of the practice. It should be noted, however, that the section violates the clear provisions of Section 35(4) and (5) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) and undermines the supremacy of the constitution of the land. Holding a person in custody in the name of awaiting trial beyond the legally prescribed time, or even longer than the time suspects would have spent if he/she had been sentenced for the offence(s) charged is an infringement of their fundamental human rights as entrenched in the constitution. In addition, any practice that is against the constitution of Nigeria has been pronounced illegal by the apex court of Nigeria (See the Nigeria Weekly Law Report, 1993: Pt. 303:49; and 299:33; 2003: Pt. 806:158; 2006: Pt. 962:765). To stop the use of holding charge or remand order, the law enforcement agencies need to operate within the ambit of the constitution that established and empowered them.

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No amount of prison reform will solve the problem of prison congestion. Once the flow of detainees into the system is regulated, the pre-trial detention or the number of persons awaiting trial behind bars will drastically reduce. However, the inmates' living conditions should be improved in terms of healthy food, hygienic environment, provision of medical facilities and services and so forth. In addition, provision of vocational and educational facilities and well-planned reformation programs with well trained and motivated instructors will assist inmates to become better individuals on completion of their sentence term. It should be noted, however, that all these can be achieved only if the prison is well funded. Nonetheless, the activities of the prison officers should be monitored by an independent body to make sure that all the resources and funds are well utilized. Generally, all the criminal justice apparatuses require funding to function effectively, it is the responsibility of the state to support them. However, transparency and accountability are very important in fighting against corruption in the system. In addition, monitoring is very important this is because when an institution is aware that it is being watched by an independent body, there is every possibility of uprightness.

Generally, justice can be achieved only if it is made available to every individual in the country regardless of the status, class, ethnicity or religion. The right to counsel should be given to anyone that needs it. Report indicates that average Nigerians cannot afford to hire the services of a lawyer because they are poor. This is one of the major reasons many suspects are kept behind bars for years without trial (Ogunode, 2015). The Nigeria Legal Aid is responsible for assisting indigent Nigerians to access legal advice, assistance, and representation in court (Laws of the Federation of Nigeria, 2011). This institution is rather not in existence because it is understaffed and poorly funded (Osude et al.,2014). For ordinary Nigerians to have access to legal representation, a careful consideration aimed at providing legal assistance for indigent Nigerians in criminal cases within the specified period after an arrest is needed. There are other areas that require reform which this paper did not cover. It is hoped that if the areas of reform enumerated are given adequate consideration, the Nigerian criminal justice system will function effectively and the issue of denial of justice, lack of legal representation will be addressed.

Conclusion

The criminal justice system is an essential instrument that ensures justice, fairness, and equity. It is a system that promotes and ensures effective application and practice of rule of law in a proper democratic system. The criminal justice system incorporates various activities and processes of different agencies established by governments to control crime and impose punishments on violators of criminal laws. The system usually comprises the Police (and other law enforcement agencies), the courts (judiciary) and the prison. These agencies are separate entities but are closely related in term of goals. The action of one agency has a consequence for others. It is important to note, however, that for any criminal justice system to effectively protect lives and properties, safeguard the fundamental rights of individuals, and ensure fairness, rule of law must be allowed to guide the administration of justice. The various apparatuses of

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justice should be guided and operated within the laws that established and empowered them.

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