



Implementation and Challenges of the Administration of Criminal Justice Act (ACJA) in Nigeria: A Wayforward

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Abstract

The Administration of Criminal Justice Act (ACJA) was enacted in Nigeria to reform the justice system by harmonizing criminal procedures, safeguarding defendants' rights, and incorporating a victim-centered approach. It emphasizes speedy trial mechanisms and introduces alternatives such as non-custodial sentencing to reduce prison congestion. The Act also seeks to modernize processes through improved record-keeping and technology, while ensuring better oversight and monitoring. However, its implementation faces notable hurdles. Some states have been slow in domesticating the law, leading to uneven application across the federation. Judicial resistance to reforms, coupled with entrenched practices within law enforcement, further slows progress. Inadequate funding and weak institutional capacity hinder the adoption of innovations and the effective operation of key provisions and this limited the public awareness. The ACJA have made significant stride toward more efficient criminal justice system to achieve its full potential. This paper concluded that Administration of Criminal Justice Act (ACJA) in Nigeria harmonises criminal procedures, safeguards rights, promotes speedy trials, and encourages non-custodial measures by weak enforcement, funding gaps, and uneven implementation. It was suggested that legislators should try to strengthen the Act's objectives and ensure justice delivery balances efficiency, fairness, and equity in protecting victims and defendants in Nigeria's criminal justice system.

Keywords: Criminal Justice, Administration of Criminal Justice, Justice act, Justice System, Nigeria

Introduction

The Administration of Criminal Justice Act (ACJA) 2015 was enacted to harmonize Nigeria's fragmented criminal procedure laws and modernize its justice system. Prior to its passage, the country operated under dual frameworks: the Criminal Procedure Act (CPA) in the South and the Criminal Procedure Code (CPC) in the North. These parallel systems created inconsistency, prolonged delays, and inefficiency in criminal trials. The ACJA was introduced to address these challenges by streamlining criminal processes, promoting speedy trials, protecting defendants' rights, and enhancing accountability within the criminal justice sector (Daudu, 2023). As such, the Act represents a milestone in Nigeria's attempt to strengthen rule of law and ensure fair hearing in line with global best practices. Mogbo (2025) emphasize that the ACJA is not merely a procedural reform but a transformative framework designed to promote access to justice.

Its innovations include electronic recording of proceedings, prohibition of unnecessary adjournments, restrictions on holding charge practices, and the establishment of a Central Criminal Records Registry. These provisions were introduced to safeguard human rights and reduce congestion in detention facilities. However, the implementation of these reforms has required significant institutional adjustments at both federal and state levels, necessitating domestication of the Act into state laws through Administration of Criminal Justice Laws (ACJLs).

Implementation of the ACJA has been uneven across Nigeria. While states like Lagos, Kano, Oyo, and Delta have adopted ACJLs and set up Administration of Criminal Justice Monitoring Committees (ACJMCs), others remain slow in domesticating the Act (Mondaq, n.d.). The



ACJMCs are meant to ensure compliance, coordinate stakeholders, and monitor justice delivery, yet their functionality has varied widely. According to HG.org (2024), many committees lack funding and independence, leaving enforcement largely ineffective. This partial adoption has weakened the Act's intent of creating a uniform national standard for criminal justice. Despite its promise, the ACJA faces persistent challenges in practice. Poor funding, infrastructural limitations, lack of technical resources, and weak institutional commitment hinder its enforcement. Premium Times (2025) reported that crucial provisions such as digital case management systems, electronic confessional recording, and the Central Criminal Records Registry remain underutilized. The Nation (n.d.) also highlighted how congested prisons, frequent trial delays, and limited awareness among police officers, prosecutors, and judges undermine the Act's objectives. Gender disparities further complicate its implementation, as women often face barriers in securing bail or serving as sureties (Independent, 2024). These realities expose the gap between legislative innovation and practical enforcement.

The purpose of the Administration of Criminal Justice Act (ACJA), enacted in 2015, was to transform Nigeria's criminal justice system into one that is more effective, fair, and responsive to both defendants and victims. By unifying the provisions of the Criminal Procedure Act and the Criminal Procedure Code, the ACJA created a harmonized system that ensures consistency across courts and eliminates confusion arising from procedural differences. Despite this achievement, the federal nature of Nigeria makes state-level domestication essential, but uneven adoption across states has slowed down its nationwide effectiveness. The Act is particularly notable for safeguarding the rights of defendants by prohibiting arbitrary detention and mandating access to legal representation. At the same time, it introduces a victim-centered approach by requiring restitution, compensation, and recognition of victims' voices in proceedings. To curb the culture of prolonged trials, the ACJA prioritizes speedy trial mechanisms and

discourages unnecessary adjournments, while also addressing prison congestion through non-custodial sentencing options such as probation and community service (Atilola, 2018).

However, the implementation of these reforms continues to face practical barriers. Judicial resistance poses a serious challenge, as some judges are reluctant to adopt the procedural innovations introduced by the Act. Law enforcement agencies also struggle to comply due to poor training, weak institutional capacity, and corruption, which undermine the objectives of fair and efficient justice delivery. Financial constraints further complicate matters, with funding gaps limiting infrastructural development, slowing the adoption of technology, and weakening record-keeping systems that are critical for modern case management. Oversight and monitoring mechanisms, though provided for under the Act, remain underutilized, reducing accountability. Public awareness and advocacy efforts have also been limited, meaning that many citizens remain uninformed about their rights and the protections the ACJA offers. These challenges reveal that while the Act is a landmark reform, its full realization requires stronger institutional support, improved funding, robust monitoring, and active public engagement to achieve the goals of fairness and efficiency in Nigeria's criminal justice system (Eze, 2020; Nnamani & Okechukwu, 2021).

Theoretical Framework

The Legal Realism Theory was adopted in this study advanced by Llewellyn (1931). This theory emphasised that the practical application of law often depends not only on the written statutes but also on how judges, lawyers, law enforcement officers, and other institutions interpret and enforce those laws in real-life situations. In the context of ACJA, the theory underscores the gap between the law's progressive provisions such as ensuring speedy trials, reducing delays, and protecting defendants' rights and the realities of institutional weaknesses in Nigeria's justice system. For instance, issues like inadequate funding, corruption, poor infrastructure, and



limited training for judicial personnel often hinder the Act's effective implementation. Legal Realism highlighted that the success of ACJA cannot rest on legislation alone but must involve reforms in practice and institutional behavior. This perspective reviewed why reforms sometimes struggle to achieve their intended outcomes despite their legal soundness. The Administration of Criminal Justice Act (ACJA) in Nigeria was enacted to promote efficiency, fairness, and transparency in the justice system. Its contribution to knowledge lies in offering a unified framework that addresses delays in trials, excessive pre-trial detentions, and the protection of defendants' and victims' rights. However, despite its progressive provisions, a notable gap exists between legislation and practical enforcement. Challenges such as inadequate funding, poor institutional capacity, lack of awareness among stakeholders, and resistance to change by some legal practitioners hinder its effectiveness. This gap reviewed the need for more empirical studies that assess how implementation can be strengthened across different states. In conclusion, while the ACJA has set a solid legal foundation for criminal justice reform, bridging the divide between law and practice remains essential. Effective implementation will ensure that the Act fulfills its promise of delivering timely and fair justice in Nigeria.

Conceptual Review

Purpose of the ACJA

The Administration of Criminal Justice Act (ACJA) 2015 was introduced to reform Nigeria's criminal justice system by tackling long-standing procedural delays, inefficiencies, and inconsistencies across jurisdictions. Before its enactment, criminal justice in Nigeria was governed by multiple laws, such as the Criminal Procedure Act (CPA) and the Criminal Procedure Code (CPC), which often created confusion and prolonged trials. The ACJA's purpose is to modernize criminal procedure, reduce case backlogs, and ensure timely justice delivery for both defendants and victims. It emphasizes speed in arraignment, encourages the use of bail, and

provides mechanisms like electronic recording of proceedings to eliminate reliance on handwritten notes. These innovations represent a deliberate attempt to align Nigeria's justice system with global standards of fairness, efficiency, and human rights. By merging criminal procedure rules into a unified federal framework, the ACJA lays the groundwork for consistency and judicial accountability (Ezenwa-Ohaeto, 2023; The Nation, 2023; Journal of Law, Crime & Justice, 2023).

Implementation and Challenges of the Administration of Criminal Justice Act (ACJA) in Nigeria

The Administration of Criminal Justice Act (ACJA), enacted in 2015, was introduced in Nigeria to address long-standing inefficiencies in the criminal justice system, particularly the issues of delay, congestion of courts, abuse of legal procedures, and poor coordination among justice institutions. The Act consolidated provisions of the Criminal Procedure Act and the Criminal Procedure Code, aiming to create a unified framework for the administration of criminal justice across the country. Its major objectives include promoting speedy trials, protecting the rights of defendants and victims, eliminating unnecessary delays, and ensuring justice delivery that aligns with democratic principles and human rights standards (Akinseye-George, 2019, Oladipo & Ige, 2021). Despite its progressive framework, the implementation of the ACJA has faced several challenges. One of the key hurdles is inadequate funding and infrastructural support for courts, which limits effective compliance with its provisions. Furthermore, gaps in awareness and training among judicial officers, prosecutors, and law enforcement agents undermine the effective application of the Act. Resistance to change from entrenched legal practices and corruption within the justice system further compound these challenges. Scholars argue that while the ACJA has the potential to transform Nigeria's justice delivery, its success largely depends on political will, adequate resources, and continuous judicial reforms (Okogbule, 2020).

Unification of Criminal Procedure



One of the most notable contributions of the ACJA is the unification of criminal procedure at the federal level. Previously, Nigeria's dual legal heritage common law and Islamic law produced fragmented procedural frameworks, making justice delivery uneven across states. The ACJA bridges these gaps by harmonizing rules applicable in all federal courts, thereby reducing conflicts that arise from multiple procedural systems. This unification enhances clarity for law enforcement, judiciary officers, and litigants, ensuring that criminal cases follow uniform rules of practice. Furthermore, provisions within the Act such as time limits for remand orders, recording of statements, and safeguards against unlawful detention are standard tools across federal jurisdictions. However, full realization of this goal requires state-level adoption since criminal justice largely falls under state competence in Nigeria's federal structure. The Act thus provides a model that states can replicate to achieve uniform justice nationwide (Ayinla-Ahmad, 2023; Daily Trust, 2024; BRPI Journal of Law, 2023).

State-Level Domestication

While the ACJA is a federal law, its effectiveness depends on states enacting corresponding legislation known as the Administration of Criminal Justice Laws (ACJLs). This domestication process ensures uniformity in criminal procedure across all states, preventing criminals from exploiting jurisdictional loopholes by moving across state boundaries. Several states, including Lagos and Jigawa, have passed their ACJLs, but the level of compliance varies significantly nationwide. More importantly, most states have yet to fully establish Administration of Criminal Justice Monitoring Committees (ACJMCs), which are critical for supervising implementation. Without these committees, oversight remains weak, leading to persistent delays and disregard for ACJA's provisions. The uneven domestication creates legal uncertainty, undermining the Act's core purpose of unifying Nigeria's justice system. To address this, the Federal Government and civil society organizations continue to advocate for state adoption and effective monitoring as essential

steps for achieving a consistent and reliable justice process (Daily Post, 2024; Mondaq, 2024; HG.org, 2024).

Protection of Defendants' Rights

The ACJA contains several provisions aimed at safeguarding the rights of defendants. It mandates humane treatment, guarantees timely arraignment, and ensures access to legal representation. It also introduces safeguards against unlawful detention by requiring magistrates to inspect detention centers and order the release of suspects where necessary. These protections reflect Nigeria's commitment to human rights and the constitutional principle of fair hearing. However, implementation has been inconsistent due to systemic challenges such as police misconduct, inadequate training, and limited resources. Prolonged pretrial detention remains widespread, undermining the very rights the ACJA seeks to protect. Additionally, lack of awareness among defendants about their rights further limits the law's impact. While the ACJA establishes a robust framework for protecting defendants, bridging the gap between law and practice requires stronger institutional capacity, continuous monitoring, and increased funding to criminal justice agencies (Independent Newspaper, 2024; Nigerian Journals Online, 2024; The Times, 2024).

Victim-Centered Approach

Another innovative feature of the ACJA is its victim-centered approach, which prioritizes compensation, restitution, and participation of victims in the criminal process. By recognizing victims' interests, the Act broadens justice beyond punishing offenders to include restoring those affected by crime. Victims are entitled to claim restitution directly from offenders, and courts can award compensation during sentencing. This approach not only provides relief but also strengthens public confidence in the justice system. However, these provisions remain underutilized due to lack of awareness, limited resources, and weak enforcement. Civil society groups and legal practitioners continue to push for reforms that will ensure victims actually benefit from these rights. Broader challenges, such as



inadequate funding, limited technological infrastructure, and poor inter-agency collaboration, also restrict the victim-centered vision of the ACJA. For Nigeria to fully realize the Act's potential, policymakers must prioritize effective implementation strategies and equip institutions to support both victims and defendants (Leadership, 2024; CaseFile Nigeria, 2024; Federal Ministry of Justice, 2024).

Speedy Trial Mechanisms

A core objective of the ACJA is to guarantee speedy trials, thereby addressing Nigeria's chronic backlog of criminal cases. The Act introduces strict provisions such as limits on adjournments, requirements for day-to-day trial proceedings once started, and mandatory timelines for remand orders. These innovations are designed to prevent the abuse of adjournments, which historically prolonged cases for years. In addition, the ACJA allows for electronic recording of court proceedings, an important tool for reducing delays caused by manual record-keeping. Despite these progressive reforms, the reality in many courts is still far from ideal. Delays persist due to inadequate court infrastructure, poor power supply, and insufficient personnel to manage increased trial demands. Furthermore, lawyers and judicial officers sometimes undermine the provisions by exploiting procedural loopholes or reverting to old practices. Thus, while the ACJA provides mechanisms for speedy trials, full realization depends on systemic reforms, technological adoption, and continuous judicial training to align with the law's intent (Ayinla-Ahmad, 2023; Ezenwa-Ohaeto, 2023; The Nation, 2023).

Non-Custodial Sentencing

Another innovation introduced by the ACJA is the promotion of non-custodial sentencing options, such as probation, community service, and restitution. This approach reduces reliance on imprisonment, which has historically led to severe congestion in Nigeria's correctional facilities. By encouraging alternatives, the Act not only alleviates pressure on prisons but also prioritizes rehabilitation over punishment. Non-

custodial measures help reintegrate offenders into society while reducing the likelihood of recidivism. However, implementation has been sluggish, as many states lack the infrastructure and trained probation officers to monitor offenders effectively. Courts also tend to default to custodial sentences, partly due to entrenched judicial culture and skepticism about non-custodial effectiveness. Additionally, public perception often favors incarceration over alternatives, limiting the social acceptance of reforms. For non-custodial sentencing to thrive, states must invest in institutional frameworks, raise public awareness, and train justice sector actors on its benefits. This shift represents not only a legal reform but also a cultural change in Nigeria's approach to justice (Independent Newspaper, 2024; Leadership, 2024; Federal Ministry of Justice, 2024).

Judicial Resistance

Judicial resistance remains one of the major challenges to the full implementation of the ACJA. Many judicial officers are accustomed to the procedural traditions of the former Criminal Procedure Act and Code, leading to reluctance in adopting the new provisions. For instance, despite ACJA's restrictions on unnecessary adjournments, some judges still allow indefinite delays, citing discretion. Similarly, innovations like electronic recording or non-custodial sentencing are sometimes ignored or minimally applied. This resistance stems from a combination of limited awareness, inadequate training, and entrenched judicial conservatism. In some cases, judges perceive the ACJA as encroaching on their autonomy, creating friction in its application. Resistance also arises from logistical realities, such as lack of facilities or funding, which courts interpret as justification for non-compliance. Overcoming this challenge requires continuous capacity-building workshops, strong oversight by judicial councils, and incentives for compliance. Without addressing judicial resistance, the ACJA risks remaining progressive on paper but ineffective in practice (Daily Trust, 2024; The Times, 2024; Nigerian Journals Online, 2024).

Law Enforcement Challenges



Law enforcement agencies play a crucial role in the success of the ACJA, but their performance has been marred by structural and institutional weaknesses. Police officers, who are often the first contact point in criminal proceedings, struggle with limited training, inadequate resources, and corruption. As a result, unlawful arrests, prolonged detentions, and poorly conducted investigations remain widespread, undermining the ACJA's protections for suspects and defendants. The Act empowers magistrates to oversee detention centers and ensure compliance, but enforcement is inconsistent due to weak inter-agency coordination. Furthermore, lack of forensic tools, digital case management systems, and proper evidence-handling procedures hampers effective investigation and prosecution. These shortcomings not only delay trials but also compromise fair hearing standards. Addressing law enforcement challenges requires reforms such as retraining officers, increasing oversight, and modernizing investigative processes. Civil society organizations and legal advocacy groups have emphasized the need for accountability and institutional restructuring if the ACJA's provisions are to succeed (CLEEN Foundation, 2024; CaseFile Nigeria, 2024; HG.org, 2024).

Funding Gaps

Adequate funding is perhaps the greatest determinant of the ACJA's success, yet it remains one of its weakest points. The law envisions modern facilities, technology-driven record systems, and functional monitoring committees, but financial constraints have crippled these aspirations. Most courts lack digital recording devices, while many correctional facilities remain overcrowded due to insufficient resources to develop non-custodial alternatives. State governments, already burdened with competing priorities, allocate minimal funds for ACJA domestication and implementation. This has led to underfunded monitoring committees, poor public sensitization, and lack of support for judicial training. Moreover, without adequate investment in infrastructure, speedy trial provisions and victims' rights mechanisms remain largely aspirational. Experts argue that the sustainability of criminal justice reform in Nigeria

depends on dedicated budgetary allocations at both federal and state levels, as well as donor and civil society partnerships to bridge funding gaps. Without addressing the financial shortfall, the ACJA risks being a progressive but poorly executed law (Federal Ministry of Justice, 2024; Leadership, 2024; RM Times, 2024).

Technology and Record-Keeping

The ACJA envisions technology as a critical tool for improving Nigeria's criminal justice system, particularly in the area of record-keeping. Section 364 of the Act recommends electronic recording of court proceedings to replace outdated handwritten notes that often lead to inaccuracies and unnecessary adjournments. Technology can also streamline case management through digital filing, centralized criminal registries, and forensic tools that enhance investigation and prosecution. Despite these progressive provisions, implementation has been weak due to limited infrastructure, irregular electricity supply, and insufficient digital literacy among judicial staff. Most courts still rely on manual systems, which prolong trial durations and undermine the principle of speedy justice. Furthermore, law enforcement agencies lack modern databases for criminal records, leading to poor information sharing between police, courts, and correctional services. Closing this gap requires deliberate investment in digital infrastructure, consistent training for justice sector workers, and budgetary prioritization by both federal and state governments. Without embracing technology, the transformative potential of the ACJA will remain unrealized (Ezenwa-Ohaeto, 2023; RM Times, 2024; Federal Ministry of Justice, 2024).

Oversight and Monitoring

Effective oversight is indispensable to the success of the ACJA. The Act provides for the establishment of Administration of Criminal Justice Monitoring Committees (ACJMCs) at federal and state levels to ensure compliance and evaluate progress. These committees are mandated to review the performance of criminal justice institutions, promote accountability, and identify bottlenecks in implementation. However, in practice, very few states have operational



ACJMCs, and where they exist, they often lack adequate funding and independence. Weak oversight allows persistent challenges such as unlawful detention, unnecessary adjournments, and poor victim support to continue unchecked. Civil society organizations and professional associations like the Nigerian Bar Association (NBA) have stepped in to fill this gap by conducting compliance assessments and public reporting. Nevertheless, sustainable reform requires formal, well-funded monitoring systems that can hold institutions accountable. Strengthening ACJMCs, improving data collection, and publishing regular compliance reports are essential strategies for ensuring that the ACJA achieves its intended outcomes (Mondaq, 2024; HG.org, 2024; Independent Newspaper, 2024).

Public Awareness and Advocacy

Public awareness and advocacy are central to driving the successful implementation of the ACJA. Although the Act contains progressive provisions on speedy trials, defendants' rights, and victim participation, many citizens remain unaware of these protections. This ignorance prevents individuals from demanding accountability or asserting their rights when violations occur. Advocacy groups, including legal aid organizations and human rights NGOs, have played a significant role in sensitizing communities through workshops, media campaigns, and policy dialogues. For instance, the Centre for Socio-Legal Studies (CSLS) and the Criminal Justice Reform Advocacy Network (CRAN) have been active in publicizing the Act's provisions and mobilizing stakeholders for reform. Yet, their efforts are constrained by limited funding and poor outreach in rural areas where violations are most severe. Without broad-based public awareness, the ACJA risks becoming an elite-driven reform rather than a people-centered law. Sustained advocacy, civic education, and media engagement are therefore crucial to ensuring that the public understands and benefits from the Act's protections (Leadership, 2024; CaseFile Nigeria, 2024; The Times, 2024).

Conclusion

The paper concluded that the Administration of Criminal Justice Act (ACJA) was introduced in Nigeria to harmonize criminal procedures, strengthen defendants' rights, and prioritize victims' welfare. It seeks to ensure speedy trials, promote non-custodial sentencing, and reduce prolonged detention. By unifying criminal procedures across jurisdictions, the Act enhances consistency, though state-level domestication remains uneven. Despite its progressive framework, challenges persist. Resistance from some judicial officers, weak enforcement by law agencies, and poor funding hinder effectiveness. Inadequate technology, weak record-keeping, and limited public awareness further slow progress. Oversight mechanisms are still fragile, reducing accountability. While the ACJA represents a major step toward justice reform, its impact is limited by institutional bottlenecks. For sustainability, there must be stronger political will, improved funding, enhanced training, wider domestication, and advocacy to build public trust and ensure the Act achieves its transformative purpose.

Suggestions

The study suggested that:

1. Legislators should be intentional in strengthening the Act's objectives, ensuring justice delivery balances efficiency, fairness, and equity, while protecting both victims and defendants in Nigeria's criminal justice system.
2. Governors should be proactive in facilitating the domestication of ACJA within their states, ensuring it reflects local realities while maintaining national standards for fair and speedy justice delivery.
3. Judges should be vigilant in safeguarding defendants' rights, ensuring they are not subjected to unlawful detention, coercion, or unfair practices contrary to the spirit of justice.
4. Prosecutors should be considerate by prioritizing victims' needs, including restitution, psychological support, and active participation in proceedings, to strengthen confidence in the justice system.
5. Magistrates should be diligent in applying



provisions that prevent unnecessary delays, ensuring criminal trials proceed quickly while respecting due process and judicial fairness.

6. Media practitioners should be committed to educating citizens about ACJA provisions, promoting legal literacy, and fostering public support for justice reforms in Nigeria.

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