

JUSTICE DELAYED IN COURTS IN NIGERIA: CAUSES, EFFECTS AND WAY FORWARD

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Abstract

Justice delayed is not just denied but justice destroyed. Justice is the foundation of a democratic society. Where Justice is unduly delayed, fundamental rights is denied. The Judiciary is constitutionally empowered to provide legal redress for any breach. The judiciary is facing the challenge of delay in the delivery of justice. This paper appraised Justice Delayed in Nigerian Courts: Causes, Effects and Way Forward and finds that there is no all-encompassing provision in our criminal or civil law that can compel quick dispensation of justice. The absence of such compelling instrument makes the Bar and the Bench vulnerable. The paper adopts the doctrinal methodology by examining statutes, case laws, existing literature. This paper recommends a review of the Administration of Criminal Justice Act to accommodate timeframe within which a matter can stay in court after which it will be struck out from the court unless there is an exceptional circumstance that can retain the matter in court. This paper recommends also a mechanism by the judiciary of recognizing and celebrating

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judgments that meets the essential indices of a quality judgments, delivered within reasonable time.

Keywords: Justice Delayed, Nigerian Courts. Causes, Effects, Way forward.

1.0 INTRODUCTION

Delay in justice delivery in Nigeria has become a cankerworm eating deep into the very fabric of judicial integrity. In the case of *Nahuche & Ors v Governor of Sokoto State*,¹ the court warned that no man should walk out of our courts disappointed in the administration of justice. It is left to be seen how much this warning has been heeded. It has been noted that a year-2000 appeal was struck out by the Supreme Court on grounds of incompetence because the appellant failed to obtain leave to appeal. If leave had been granted, the appeal (already 25 years old) would have been the oldest in Nigeria's legal history.² In the case of *Plliers v Desborders*³, Hon. Justice Agim (JSC) noted that the appeal before the Supreme Court, arising from a Lagos High Court decision, delivered in December 2000, had been pending since 2009: a judicial delay spanning over 28 years.⁴ Chief Emeka Obegolu SAN, had stated that an appeal filed in 2005 came up for hearing

¹ (2021) LCN 14254 (CA)

²Sylvester U, "Justice Delayed, Justice Destroyed: A SYSTEMATIC Decay in the Nigerian Judiciary" (2025) <https://thenigerianlawyer.comm>. Accessed on December 7, 2025. This was at the recently bheld 2025 edition of the JASAN Foundation's Legacy Dialogue 2.0 in Abuja.

³ (2021) LLJR- SC

⁴ Sylvester U, "Justice Delayed, Justice Destroyed: A SYSTEMATIC Decay in the Nigerian Judiciary" (2025) <https://thenigerianlawyer.comm>. Accessed on December 7, 2025. This was at the recently bheld 2025 edition of the JASAN Foundation's Legacy Dialogue 2.0 in Abuja

in 2022 only for the Courts to discover that both parties had died, the matter was then adjourned to 2024 for substitution.⁵

A situation therefore where litigants die waiting for justice is an aberration. This paper shall examine Justice delayed in Nigerian Courts: Causes, Effects and Way Forward and finds that there is no all-encompassing legal provision in our criminal or civil law that can compel quick dispensation of justice. The absence of such compelling instrument makes the Bar and the Bench Complacent. This work is segmented. This work is segmented. The first segment clarified the concept of justice delay, the second segment provided the theoretical framework on justice delivery, the third segment discussed constitutional provisions for Justice Delivery in Nigeria, the fourth segment examined the legal framework for Justice Delivery in Nigeria while the fifth segment discussed the challenges of the justice sector in Nigeria, the sixth segment looked at the causes of Justice Delay in Nigeria, the seventh segment discussed the effects of Justice Delay on the Social, Political and Economic Climate in Nigeria, the eight segment compared perspectives on justice Delivery Duration in selected Jurisdiction, the ninth segment discussed prospects of enhanced Justice Delivery System in Nigeria, the tenth segment summarized findings, the final segment concluded the paper and made some recommendations.

2.0 CONCEPTUAL CLARIFICATION

2.1 Justice Delayed

Justice delayed refers to any intentional or negligent act by a party or counsel that prolongs litigation beyond what is reasonably necessary. A

⁵ *ibid*

delay is undue if it is unwarranted or inappropriate or excessive or disproportionate.⁶

In the case of *Nwosu v PDP*⁷, the Supreme Court held that where a party uses court processes to delay or frustrate proceedings, such conduct amounts to an abuse that warrants judicial sanction, including dismissal of the action. The court has in several cases frowned and considered some sharp practices by some practicing lawyers as actions which occasion delay in justice delivery in Nigeria. Examples are frivolous interlocutory applications,⁸ repeated requests for adjournments,⁹ failure to file processes within stipulated timelines,¹⁰ absence of parties or their legal representatives,¹¹ use of appeals as a tactical tool to stall proceedings,¹² filing multiple applications in the same suit¹³ and so many other devices employed by lawyers to delay Justice.

3.0 THEORETICAL FRAMEWORK

3.1 Rule of Law Theory

The Rule of Law theory of Justice Delivery has its roots in strong emphasis on the values of the rule of law in promoting justice, stability and human rights. The rule of law guides and provides the key and framework for

⁶ <https://kariatlaw.com> “Undue Delay of Litigations: An Abuse of Court Process” Accessed on December 7, 2025

⁷ (2018) 14 NWLR (PT 1640) 532

⁸ *Obiesie v Obiesie* (2007) 16 NWLR (Pt.1060) 223 at pg. 230. Para H

⁹ *Abena v Obi* (2004) 10 NWLR (Pt. 881) 319 p. 384. Paras B-D

¹⁰ *Moore v Flour Mills (Nig) Plc.* (2022) 11 NWLR (Pt.1841) 365 p. 392 paras F –H.

¹¹ *Abena v Obi* (2004) 10 NWLR (Pt. 881) 319 p. 384. Paras B-D

¹² *Seriki v Aduralere* (2007) 3 NWLR (Pt1020) 127 p.146 paras D-E

¹³ *Lokpobiri v Ogola* (2016) 3 NWLR (Pt. 1499) 328

understanding the role of the judiciary in upholding the law and ensuring justice delivery. The absence of it spells chaos in a democratic society¹⁴

3.2 Access to justice Theory

This theory sees access to justice as a fundamental right for individuals and communities. These rights are sacrosanct and admits of no derogation unless as provided by the law. The theory also sheds lights on the challenges faced by individuals and communities in accessing justice in societies with multiple security challenges. This theory recognizes that lack of access to Justice leaves the society into the dark ages where might is right.¹⁵

3.3 Human Rights Theory

The human right theory recognizes the necessity of upholding human rights, particularly the right to a fair and speedy trial. Human rights theory provides a framework for understanding the impact of delayed justice delivery on human rights.¹⁶

3.4 Institutional Theory

The institutional theory recognizes the judiciary as an institution with roles including promotion of justice and stability in the society. Institutional

¹⁴ <https://thenigerialawyer.com> (2025) “Judiciary and Causes of Speedy Justice Delivery in a Society with Multiple Security Challenges” Accessed on December 7, 2025. A paper presented by Prof. Abiodun Amuda –Kannike SAN, jp, FC Arb, FCE, FIHP, FCIAP at the Judicial Retreat organized by Civic Enlightenment organization of Nigeria on behalf of the National Judicial Institute of Nigeria for judicial officers taking place at Four Points by Sheraton Hotel, Kigali, Republic of Rwanda from 22nd -26th of September, 2025.

¹⁵ *ibid*

¹⁶ *ibid*

theory informs our understanding of the challenges faced by the Judiciary in delivering speedy Justice in societies with multiple security challenges.¹⁷

3.5 Security and Justice Theory

This theory explores the complex relationship between security and justice. Security and justice theory provide a framework for understanding the impact of security challenges in justice delivery.¹⁸

4.0 CONSTITUTIONAL PROVISIONS FOR JUSTICE DELIVERY IN NIGERIA

4.1 Vesting of Judicial Powers in Court

The constitution of the Federal Republic of Nigeria is the bedrock for justice delivery in Nigeria. It vests the judicial powers of the federation in the courts established for the federation.¹⁹ The courts are the Supreme Court of Nigeria, the Court of Appeal, the Federal High Court, the National Industrial Court, the High Court of the Federal Capital Territory, Abuja, High Court of a State, the Sharia Court of Appeal of the Federal Capital Territory, Abuja, Sharia Court of Appeal of a State, the Customary Court of Appeal of the Federal Capital Territory Abuja, customary Court of Appeal of a State.²⁰ It also includes such other courts as may be authorized by law to exercise jurisdiction on matters with respect to which the National Assembly may make laws²¹ and such other court as may be authorized by

¹⁷ *ibid*

¹⁸ *ibid*

¹⁹ The 1999 Constitution of the Federal Republic of Nigeria. s. 6

²⁰ *Ibid* s. 6 (5) (a) –(i)

²¹ *Ibid.*(j)

law to exercise jurisdiction at first instance or on appeal on matters with respect to which a house of Assembly may make laws.²²

The Constitution guaranteed the independence, impartiality and integrity²³ of courts of law, and easy accessibility of the courts by the people. This gives the judiciary a unique duty of fair administration of justice in an independent manner.

4.2 Fair Hearing

The constitution also provides for right to fair hearing²⁴ as the bedrock of justice delivery in Nigeria. In the case of *Garba v State*.²⁵ Fair hearing was seen as a trial conducted in accordance with due process designed to ensure justice is served to all parties involved.

To ensure fair hearing, two pillars of natural Justice must be adhered to. They are the principle of *Audi alterem Partem* rule which means (Hear the other side) and *Nemo Judex in causa sua*, meaning, no man shall be a judge in his own cause. see *Udo v Cross River State Newspaper Corporation*,²⁶ It was noted in the case of *Umar v Williams & ors*²⁷ that fair hearing is a fundamental aspect of court's jurisdiction and a universal concept founded on natural law which states that no man shall be condemned without being heard or given opportunity to be heard in defense.

²² Ibid (k)

²³ Ibid. s.17 (2) (e)

²⁴ The 1999 Constitution of the Federal Republic of Nigeria. s. 36

²⁵ (2021) LPELR-55468 (ca)

²⁶ (2002) FWLR (Pt.104) 665

²⁷ (2022) LPELR -57443 (CA)

It therefore implies that all parties to an action must be given equal opportunity to present their case before the court, the way they know best either in person or with their counsel.²⁸

A negation of any of the rules of fair hearing may result to reversal of court decision by a higher court. In *Owners of MT Ventures v NNPC*,²⁹ the approach of the court was declared a nullity because the court upheld a preliminary objection that was not moved and subsequently dismissed the plaintiff's case. The Appeal court saw this as a violation of the principles of fair hearing.

The denial of the right to be heard in one's defence, including irregularities that amount to a breach of the rules of natural justice is a key ground for invalidating the actions of an administrative tribunal or body as established in *Muhammed v Abu Zaria*.³⁰

In criminal proceedings, the components of fair hearing are provided for in the constitution.³¹

4.3 INSTITUTIONAL FRAMEWORK

4.3.1 National Judicial Council

The Constitution of Nigeria established the National Judicial Council.³² The council has powers to make appointments or to exercise disciplinary control over persons independently.³³ The Council is composed of distinguished

²⁸ *Longterm Global Capital Ltd & Another v Stanbic IBTC Bank Plc & Another* (2022) LPELR- 59027 (SC)

²⁹ (2006) 11 FWLR (Pt 318) at 106 -108

³⁰ (2012) LPELR -22366 (CA)

³¹ The 1999 Constitution of the Federal Republic of Nigeria s. 36 (5) –(12)

³² *Ibid.* s 153 (1) (i)

³³ *Ibid.* s. 158 (1)

legal luminaries including the Chief Judge of Nigeria.³⁴ The power³⁵ and duties of the council include dealing with matters relating to broad issues of policy and administration.

The Council by this function occupy a central position in the fulfillment of the national aspiration for the improvement of an efficient and credible administration of justice through justice delivery institution. The capacity of the superior Courts to perform their role transparently and efficiently becomes central for an effective and efficient judicial system.

To deal with the various challenges facing the judiciary, the council puts in place a judicial policy that would guide, provide principle and guidelines for tackling and dealing with issues and providing actions for objective and durable solutions to the problems.

The objective of a National Judicial Policy is to promote and ensure the higher possible standard of qualitative justice delivery. In formulating a holistic National Judicial Policy, there is the need to merge the National Judicial Policy formulated and published by the National Judicial Institute Act³⁶ and that formulated by the National Judicial Council as empowered by the Constitution.³⁷

4.3.2 National Judicial Institute

The National Judicial Institute is a body established by the Law.³⁸

³⁴ Ibid. Third schedule, part 1, s.20

³⁵ Ibid.S.31

³⁶ The National Judicial Institute Act, Cap N55, LFN 2004. S. 3 (2) (e)

³⁷ The 1999 Constitution of the Federal Republic of Nigeria as amended, paragraph 21 of part 1 of the third Schedule.

³⁸ The National Judicial Institute Act, cap N55, LFN, 2004.

In line with the Act,³⁹ the institute shall serve as the principal focal point of judicial activities relating to the promotion of efficiency, uniformity and improvement in the quality of judicial services in the superior and inferior courts.

The Institute is empowered to⁴⁰ conduct courses for all categories of judicial officers to expand and improve knowledge and performance in service and provide continuing education judicial officers by facilitating study courses, lectures, seminars, workshops, conferences and other programmes relating to judicial education among other functions.

The Policy relating to judicial officers include some of the following:⁴¹

a. Judicial code of conduct policy

The policy ensures that judges perform their functions with restraints and uphold the dignity of the court and of all persons involved.⁴²

b. Judicial education and training policy

This policy is aimed at capacity building and improvement of judicial officers for better performance of their duty and efficient administration of justice.⁴³

c. Judicial Performance policy

This policy provides strategies to strengthen judicial performance through constant monitoring and evaluation of the adequacy of the facilities available to judges for efficient performance.⁴⁴

d. Access to justice policy

³⁹ Ibid. s. s. 3 (1)

⁴⁰ Ibid. s. section 2 (2)

⁴¹ <https://www.njc.gov> 'National Judicial Policy' (2025), Accessed on October, 2nd 2025.

⁴² ibid

⁴³ ibid

⁴⁴ ibid

The policy ensures that justice is brought to the doorsteps of all citizenry by siting courts in remote places. It also aims at the appointment of more judges to man all the courts with adequate supporting staff.

e. Case flow management policy

It is aimed at designing measures to promote flexibility in the handling of cases, while reducing cost, delay and unnecessary burdens to litigants in the adjudication of cases.⁴⁵

f. Judicial administration and court management policy

This Policy ensures the entrenchment of strategies that will lead to the achievement of the goals of judicial administration as provided in the constitution of Nigeria.⁴⁶

g. Transparent and Anti-corruption Policy

This policy highlights and recognizes the damaging effect of corruption to the administration of justice and insists on pragmatic tackling of the menace.⁴⁷

h. Judicial independence policy

The independence of a judge is sacrosanct and very necessary to impartial justice delivery. All institutions and authorities must respect, protect and defend that independence⁴⁸

5.0 LEGAL FRAMEWORK FOR JUSTICE DELIVERY IN NIGERIA

5.1 The Constitution of the Federal Republic of Nigeria

⁴⁵ *ibid*

⁴⁶ The Constitution of the Federal Republic of Nigeria. s. 6 (6)

⁴⁷ *ibid*

⁴⁸ *ibid*

The Constitution of the Federal Republic of Nigeria is the bedrock for the Administration of Justice in Nigeria. It made significant provisions that enables the court function independently in its quest for impeccable justice delivery in Nigeria. The court therefore acts as a check on the excesses of the executive thereby bring balance and stability in the society.

The Constitution provided for separation of powers and made the judicial arm independent.⁴⁹ The constitution also made provision for the fundamental rights of all citizens. The rights are so important for human dignity, equality and societal development. The court therefore is imbued with the powers to enforce these rights and to ensue justice when these rights are violated. The Criminal and Civil Justice system and their legal framework are highlighted below.

5.2 Criminal Justice System

Criminal justice system is a multifaceted framework designed to manage crime within society. It involves components like the law enforcement, court system and correctional centers.⁵⁰ The legal framework are as discussed hereunder,

5.2.1 The Administration of Criminal Justice Law adopted by various State

The Administration of Criminal Justice Act was signed into law in 2015 to revolutionize the administration of criminal justice in Nigeria. It repealed the Criminal Procedure Act (CPA) and Criminal Procedure Code (CPC) of

⁴⁹ The 1999 Constitution of the Federal Republic of Nigeria. s. 6

⁵⁰ <https://www.ebsco.com> "Criminal Justice System/Research Starters" Accessed on December 4, 2025

the Southern and Northern Nigeria respectively.⁵¹ The purpose of the Act is to ensure that the system of Administration of Criminal Justice in Nigeria promotes efficient management of Criminal Justice institutions, speedy dispensation of Justice, protection of society from crime and protection of the rights and interests of the suspects, defendant, and victim.⁵²

It has been clearly stated by the Attorney General of the Federation that: *“The adoption of the Act by States also ensures that offenders cannot move from state to state with a view to escaping justice, a term commonly known as “Forum Shopping.” Thus, with improved and uniform implementation of Criminal Justice reforms across the country, there will be no escape route for criminals which will in turn contribute to socio-economic development in Nigeria”*⁵³

The Act ensures speedy and fair trial to suspects, defendants and victim.

5.3 Civil Justice System

Civil litigation deals with the enforcement of civil rights and obligations that have been defined in the various substantive law subjects. It is aimed at providing orderly and expeditious means of enforcing claims in civil courts. Some of the sources of the laws and rules applicable in civil litigation in Nigeria are as follows:

⁵¹ <https://hurilaws.org> “The Role of the Administration of Criminal Justice in the Speedy Dispensation of Justice in Nigeria” Accessed on 2nd December, 2025

⁵² Ibid.

⁵³ <https://www.justice.gov.ng> “Press Release” (2024) Accessed on 2nd December, 2025
The Honorable Attorney General of the Federation and Minister of Justice made the comment at the commencement of a three –day review and validation of the National Minimum Standards Document and inauguration of the National Working Group on the Implementation of the Administration of Criminal Justice Act/Law 2015

5.3.1 The various Rules of Court

They are rules made specifically for specific courts to guide them in administration of civil suits. They facilitate orderly enforcement of private rights in the various courts from the Supreme Court to Customary Courts. . They provide the procedure for administering the court process from commencement of actions to rendering of judgment in a smooth manner.⁵⁴

5.3.2 Sheriff and Civil process Act.

This is a Federal Act.⁵⁵ It is concerned with the appointment and duties of the sheriffs and the service and execution of civil process of courts throughout Nigeria and the states.

5.3.3 Judgment (Enforcement) Rules

This is made pursuant to Sheriff and Civil Process Act and it deals with the enforcement of court judgments and orders.

5.3.4 Foreign Judgment (Reciprocal Enforcement) Act

This Act,⁵⁶ deals with the enforcement of foreign judgments before Nigerian Courts.

5.3.5 Evidence Act

The Nigerian evidence Act⁵⁷ is the backbone of legal proof in Nigeria. It is the primary enactment that govern admissibility of evidence in our courts. It is listed in the exclusive legislative list.⁵⁸ The implication of such listing

⁵⁴ <https://www.legalempereors.com.ng> "Laws and Rules Applicable to Civil Litigation in Nigeria" Accessed on December 4, 2025

⁵⁵ Sheriffs and Civil Processes Act, Cap 56, LFN, 2004

⁵⁶ Foreign Judgment (Reciprocal Enforcement) Act, Cap F35 LFN, 2004

⁵⁷ Evidence Act 2011

⁵⁸ The 1999 Constitution of the FrN, SECOND Schedule, item 23.

is that it is only the National Assembly that can legislate on it. The guides the court on how evidence is presented, evaluated and admitted in Nigerian Courts. The Act ensures that court decisions are based on relevant and credible facts. The Act has now been amended to incorporate technology like digital signature and electronic records.⁵⁹

5.4 Law Enforcement Agencies

These agencies are also involved in the dispensation of Justice in Nigeria. they are:

5.4.1 The Nigerian Police

The Nigeria Police Act created the Nigeria Police Force and made it subject to the Constitution of the Federal Republic of Nigeria.⁶⁰ Among the duties of the Police force is the prevention and detection of crimes including corporate crimes and the protection of the rights and freedom of every person in Nigeria as provided in the Constitution, the African Charter on Human and Peoples Rights and any other law; maintenance of public safety, law and order; protection of lives and property of all persons in Nigeria etc.⁶¹

Police officers are trained in the act of crime detection and enforcements; investigation and gathering of evidence etc.⁶² The primary duty of the police officers is that of investigation and arrest. Where an alleged offence including corporate offence is reported to the police, or a person is brought to the police station on the allegation of committing an offence, the police

⁵⁹ Evidence Act (Amendment) Act, 2023 s 109 for audio-visual testimony

⁶⁰ The Police Act, 2020. s. 3

⁶¹ Ibid s. 4 (a) – (c)

⁶² Ibid. s 18

shall investigate the allegation in accordance with due process and report its finding to the Attorney-General of the Federation of State for legal advice.⁶³

5.4.2 The Economic and Financial Crimes Commission

The Economic and Financial Crimes Commission (Establishment) Act 2004 created the Economic and Financial Crimes Commission (Commission).⁶⁴ The EFCC is one of the financial Intelligence Unit in Nigeria charged with the responsibility of coordinating the various institutions involved in the fight against money laundering and enforcement of all laws dealing with economic and financial crimes in Nigeria.⁶⁵

The EFCC has powers to cause investigation to be conducted as to whether any person, corporate body or organization has committed any offence under the Act or other law relating to economic and financial crimes.⁶⁶ The EFCC also has powers to cause investigations to be conducted into the properties of any person if it appears to the commission that the person's lifestyle and extent of the properties are not justified by his source of income.⁶⁷

5.4.3 The Independent Corrupt Practices commission

The Act⁶⁸ created the Independent Corrupt and other Related Offences Commission.⁶⁹ The interpretation section defined corruption to include

⁶³ Ibid. s. 31

⁶⁴ Economic and Financial Crimes Commission (Establishment) Act, 2004. S. 1

⁶⁵ Ibid. 2 (c)

⁶⁶ Ibid 7 (1) (a)

⁶⁷ Ibid. s.7 (b)

⁶⁸ The Independent Corrupt Practices and other Related Offences Act, 2000

⁶⁹ Ibid. s. 1

bribery, fraud and other related offences.⁷⁰ Corporate body means any legal entity artificial or otherwise recognized by the companies and Allied Matters Act or created under the authority of law in Nigeria.⁷¹

The duties of the commission include to receive, investigate complaint and prosecute offenders.⁷² Where reasonable grounds exists for suspecting that any person has conspired to commit or has attempted to commit or has committed an offence under the Act or any other law prohibiting corruption, the commission receives and investigates any report of the conspiracy to commit, attempt to commit or the commission of such offence and, in appropriate cases prosecute the offenders.⁷³

6.0 Challenges of the Justice Sector in Nigeria

There are so many challenges facing the justice sector in Nigeria, here are a few of them:

i. Corruption

Corruption in the justice system takes away from the core values of fairness, equity and impartiality. Corruption is the abuse of power in Justice Delivery. It leads to perversion of justice. The guilty is acquitted and the innocent is convicted. Corruption creates an unequal justice system.

ii. Political interference

Politically exposed individuals often influence judicial outcomes in one way or the other. Wealthy and influential individual can bribe judges to steer the course of Justice in their direction. These all go to erode public confidence in the judiciary.

⁷⁰ Ibid 2

⁷¹ Ibid.

⁷² Ibid. s. 6

⁷³ Ibid.

iii. Inefficiency leading to delay in trial

The inefficiency envisaged here is by both the Bar and the Bench. Some lawyers are yet to come to grips with the rudiments of the profession. The consequence is constant application for adjournment and filing of unnecessary motions. This ultimately leads to delay in justice delivery. The Bench is also not exonerated as ineptitude could result in poor case management and court control which leads to delay in trial.

iv. Violence and insecurity

The intractable violence and insecurity in the country is a huge challenge to justice dispensation in the Country. The Bench and the Bar cannot freely move to their courts for fear of meeting bandits on the way. Though Remote Court proceedings has been advocated as a viable alternative, it is still not a perfect system.

The challenges of the judiciary are quite huge but they are not insurmountable. It requires a reorientation and commitment to the course of justice by the players.

7.0 Causes of Justice Delay in Nigeria

Justice delay can be caused by both external and internal factors. Internal factors are those generated by the lawyers purposely and external factors are those caused by circumstances like transfer of judges, inability to secure a witness timeously etc. it is worthy to mention a few.

I. Frivolous interlocutory applications and repeated requests for adjournments

Frivolous applications have the capacity to stall judicial process. These motions are sometimes filed with the intent to delay the matter. A huge chunk of adjudicatory time will therefore be lost between filing the motion by the applicant, response from the other party and the ruling.

II. Failure to file processes within stipulated timelines

The penalties introduced by the various Court Rules for late filing of processes are inappropriate to deter lawyers from the mischief which the rules set out the correct. This attitude can delay court proceedings and hence delay justice.

III. Absence of parties or their legal representatives

Sometimes a party to a case or the legal representative may be absent in court and the court will be left with no option than to adjourn the matter. This situation causes the lingering of cases in court.

IV. Use of appeals as a tactical tool to stall proceedings

Some lawyers are specialists in using interlocutory appeals to tie down a matter in court for years. Until the appeal is determined one way or the other, that matter in the lower court will not proceed.

8.0 EFFECTS OF JUSTICE DELAY ON THE SOCIAL POLITICAL AND ECONOMIC CLIMATE IN NIGERIA

8.1 SOCIAL EFFECTS

8.1.1 Erosion of Public Trust

The most potent armour of the judicial arm of a country in a democratic society is public trust. Where this is lost due to delay in Justice Delivery, everything is lost.

8.1.2 Social unrest

Delayed Justice can lead to increased crime rates. The free operation of terrorists, bandits without prosecution can result in continuous killing, destruction of property all over the country.

8.1.3 Reliance on extra judicial measures

Where public trust in the judiciary is eroded due to delay in justice, recourse to courts for redress will not be a desired means by the generality of the people. Self-help and other forms of illegal means of getting justice will be resorted to.

8.2 POLITICAL EFFECTS

8.2.1 Political interference and Corruption

Delay in Justice Delivery definitely gives an inroad to politicians and money bags to seek to buy justice. It is also a breeding ground for corruption as compromised judges could deliberately cause a matter to linger in court to the benefit of their benefactor.

8.2.2 Lack of judicial independence

It robs the judiciary of the constitutionally guaranteed independence. Where justice is delayed as a favour, the judiciary is no longer independent.

8.3 ECONOMIC EFFECTS

8.3.1 Deters Foreign Direct and Foreign Portfolio investment

Nobody will like to invest in a country where its judicial mechanism or legal system are not reliable. Justice delay therefore has the capacity to deter investors from investing in Nigeria.

8.3.2 Increases Business Cost

Delayed Justice encourages wasting of money on lengthy legal battles. The cost of lengthy trial could impact on the economic fortunes of the litigant.

9.0 COMPARATIVE PERSPECTIVES ON JUSTICE DELIVERY DURATION IN SELECTED JURISDICTIONS

Generally, similar factors affect the justice delivery duration of the compared jurisdiction. These factors include the complexity of the case, the case load of a court, quality of legal representation, case management strategy of the court etc.

9.1 UK

In England and Wales, magistrate Court criminal cases (cases for summary jurisdiction) have an average time of few weeks from the first hearing to completion. In Crown Courts, the median average time from charge to completion is 179 days. Where the defendant pleads not guilty, the median duration from charge to completion is 392 days.⁷⁴

In Civil cases, the duration also depends on the claims, value and complexity of the case. Small claims for simple cases can take about 6 weeks if the claim is undefended and about 6 months or more if the case is defended and hearing will be conducted.⁷⁵ A typical claim in High Court may take approximately 12 to 18 months from trial to judgment but in complex cases it can take several years from the start to judgment.⁷⁶

⁷⁴ <https://stuartmillersolicitor.co.uk> “ How Long can a Court Case Stay Open in the Uk” Accessed on December 3, 2025

⁷⁵ Bernard, How Long Does a Civil Litigation Take? An Overview of Timelines. (2024). <https://civillitigationlawyer.co.uk>. Accessed on December 3, 2025

⁷⁶ *ibid*

9.2 Canada

In Canada, the estimated Average Timeline for case type in civil cases varies. Small claims take an average of 6 to 18 months to conclude. Simple contract disputes take 1 to 2 years; complex commercial litigation- 2 to 5 years plus; Motor Vehicle Injury Claim- 15 months to 3 years; uncontested Divorce 3-6 months while contested ones take about 1 to 3 years; child protection takes a statutory period of under 12 months. Non-contested Probate matters take about 6 -12 months while contested ones take about 1 to 3 years.⁷⁷

In Criminal matters like minor offence e.g. theft, simple assault etc. take about 6 months to 1 year. These cases are easily resolved if the accused pleads guilty or accepts a plea deal.⁷⁸ Moderate cases like impaired driving, fraud under 5,000 financial value has 1 year to 18 months.⁷⁹ However, the duration can be long where there is full hearing involving witness testimony.⁸⁰ Serious indictable offences like sexual assault, drug trafficking, aggravated assault requires up to 1 and half years to years. In the case of *R v Jordan*,⁸¹ the Supreme Court of Canada established a guideline for what constitutes an unreasonable delay in Criminal cases. According to the Jordan ruling, cases in provincial Court should be concluded within 18 months while cases in superior courts or cases requiring preliminary inquiry should be concluded within 30 months. If a case takes longer than these timeframes, the defense can apply for a stay of proceedings (dismissal of

⁷⁷ <https://chandsnider.com>. "How Long Does Litigation take in Canada? Statistical Overview. Accessed on December 2, 2025

⁷⁸ <https://www.yourcriminallayer.ca> (2024) "How Long Does it Take for a Criminal Charge to come to a Conclusion" Accessed on December, 4, 2024

⁷⁹ *ibid*

⁸⁰ *Ibid.*

⁸¹ (2016) S.C.C 27, (2016) 1 S.C.R 63

charges) based on unreasonable delay unless the Crown can justify the delay with exceptional circumstances.

The core of the ruling delivered on the 8th of July, 2016 is that the law sets a presumptive ceiling of 18 months for provincial court and 30 months for Superior Court for presumptive unreasonableness in section 11 (b) of the Canadian Charter of Rights and Freedom found with the Constitution Act 1982, protecting the right for anyone charged with an offence to be tried within a reasonable time.

9.3 South Africa

In South Africa, cases like uncontested Divorce can be finalized within 4 to 8 weeks while contested ones can take from 12 months to 3 year.⁸² Simple Civil Matters at the Magistrate Court may be finished within months. However, complex Litigation at the High Court runs into a year or more.⁸³

In Criminal cases, the Constitution of South Africa requires a Criminal trial to not be unduly delayed. However, the actual duration can range from several months for less serious offences to several years for serious charges like murder or complex fraud.⁸⁴

⁸² <https://www.vdm.law> (2025) “ Civil Litigation Procedure in South Africa – What Happens After you File Suit” Accessed on December 3, 2025

⁸³ Ibid.

⁸⁴ Ibid.

10. PROSPECTS OF ENHANCED JUSTICE DELIVERY SYSTEM IN NIGERIA

The prospect of enhanced justice delivery system in Nigeria is huge. Where the infrastructure for efficient delivery of justice is in place in terms of men and materials, with proper checks and balances it will be achieved. Nigeria has covered quite some miles in its quest for enhanced justice delivery, but is yet to get there. It is a process.

11. Summary of Findings

Delay in justice delivery is not peculiar to Nigeria. Every of the jurisdiction compared is faced with delay in justice delivery and have over the years struggled to improve their justice delivery system. However, of note is the Jordan ruling in Canada, where cases in provincial Courts are to be concluded within 18 months while cases in superior courts or cases requiring preliminary inquiry are to be concluded within 30 months. If a case takes longer than these timeframes, the defense can apply for a stay of proceedings (dismissal of charges) based on unreasonable delay unless the Crown can justify the delay with exceptional circumstances.

The law sets a presumptive ceiling of 18 months for provincial court and 30 months for Superior Court for presumptive unreasonableness in section 11 (b) of the Canadian Charter of Rights and Freedom found within the Constitution Act of 1982, protecting the right for anyone charged with an offence to be tried within a reasonable time.

The adoption by the Nigerian Courts of this timeframes established for the Canadian courts may be the remedy for the delay in delivery of Criminal Justice in Nigeria.

A situation where criminal charges against a defendant in the magistrate courts and High Courts which are not concluded within 18 months and 30 months respectively will be dismissed on the application of the defendant, unless the Court thinks otherwise, will go a long way in keeping the prosecution alert on their duty of prosecution.

12. CONCLUSION AND RECOMMENDATIONS

Delayed Justice is an albatross in Justice delivery system in Nigeria. There is an urgent need to deal with it legally so as to save the Judiciary and the Country at large from unwholesome consequence. It is therefore recommended that the Administration of Criminal Justice Act be reviewed to accommodate timeframe within which a matter can stay in court after which it will be struck out from the court unless there is an exceptional circumstance that can retain the matter in court. This paper recommends also that judiciary should find a mechanism that recognizes and celebrates judgments that meet the essential indices of a quality judgment, delivered within reasonable time.