

CONTEMPORARY ADMINISTRATION OF CRIMINAL JUSTICE IN MAGISTRATE COURT: A CRITIQUE

BY

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1.0 INTRODUCTION

Magistrate Courts are established in the various districts of the thirty six (36) States as an arm of Judiciary with a view to bringing justice to the door-step of the common man. The court is one of the courts that administer Criminal Justice in Nigeria. It is expected to administer justice that is fair, humane and speedy. That is trial within reasonable time as enshrined in section 36 (4) of 1999 Constitution of Federal Republic of Nigeria.

The nomenclature Magistrate Court is commonly used in common law countries to label judicial institutions having minor jurisdiction, primarily on criminal matters. Magistrate Courts deal mostly with petty crimes and can order the remand of criminal suspects until they are formally charged to the High Court.

The Constitution of the Federal Republic of Nigeria vests judicial power in the courts. The functions of courts include interpretation of law; ensuring that the affairs of State are conducted in accordance with the law. The courts have the role to ensure that governance is in accordance with the rule of law, due process that is totally devoid of arbitrariness and very wide latitude for discretion.

There are many courts in Nigeria. These courts are classified into two, that is superior courts of record and inferior courts as may be established by the legislature. One of the inferior courts in Nigeria is the Magistrate Courts as held in the case of *Nuruku v. Police* (1955) 15 W.A.C.A 23. Osasona describes Magistrate Court as the most important courts in terms of criminal justice administration because more than 90% of criminal cases commence in the court and 80% or more of those cases terminate at Magistrate Court level.

The right of a Nigerian to have unrestrained access to justice is recognized in the Constitution Section 17(2) (e) CFRN, 1999 which provides that:

“the independence, impartiality and integrity of courts of law and easy accessibility thereto shall be secured and maintained.”

The rationale here is that, there should be no form of hindrance whatsoever, be it social or economic, restricting Nigerians from approaching the law courts in their quest for justice. The courts of law should be haven of refuge for those who are oppressed, victimized or wrongly deprived of their rights as against a situation whereby the indigent and powerless will be constantly denied justice by the more powerful aggressors.

1.1 CONCEPTUAL AND THEORETICAL FRAMEWORKS

Criminal Justice Administration is a concept that connotes a complete process to be undergone so as to ensure crime free community. Criminal Justice Administration is the study of theories, concepts, statutes, laws, procedures and methodologies governing the criminal trial.

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Administration of Criminal Justice is therefore the entire activities involved in the planning, organising and dispersing of criminal cases by the various agencies involved in the Administration of Criminal Justice. Criminal Justice Administration as a concept is not limited to hearing of cases. It involves the preliminary steps to hearing of cases which includes filing of complaints with a view to deciding whether an arrest should be made or not. Thus, criminal justice as a system significantly commences from where a suspect is arrested on reasonable suspicion, arraignment, trial, conviction and sentencing or acquittal as the case may be.

Criminal justice administration is a collective social institution that protects the society against violation of law. As a social institution, the system attempts to meet the societal needs for the protection of law and order. There is a general agreement that law and order must be fair with the safeguard of the civil rights and liberties of the offenders. Thus, Criminal Justice Administration depends on due process being followed by all the relevant personnel and institutions. These institutions include the Police, the Courts, and the Correctional Service Centres at the Federal, State, and Local levels. In achieving these, due process of law must be followed through procedural law so as to ensure justice that is timely, fair and humane. Criminal Justice Administration must seek to strike equilibrium between delayed and hurried justice. Thus, the question that comes to mind is that to what extent has Criminal Justice Administration in the Magistrate Court been able to achieve its goal of ensuring justice that is timely, fair and humane? Opara believes that the task of Criminal Justice Administration is performed through the means of detecting, apprehending, prosecuting, adjudicating and sanctioning those members of the society who violate its established rules and laws. Thus, Criminal Justice Administration demands placing limits on individual freedoms for the purpose of protecting the society and individuals rights. Limiting human's freedom within the context of Criminal Justice Administration is for the common good of humanity.

The dominant perception of Criminal Justice Administration is to preclude and regulate the criminal acts in the society by punishing offender. However, it should be operated in such a way that the end of the Criminal Justice is to protect the welfare of the State and Society. Furthermore, Criminal Justice Administration aims at delivering an efficient, effective, fair and speedy justice. This will engender justice for all, by convicting and punishing the guilty in order to prevent criminal tendencies in them and protecting the innocent. Criminal Justice Administration involves three main governmental institutions. The first is the Legislature that is responsible for promulgating penal laws. The Second is responsible for interpreting, prosecuting and adjudication, which is being handled by the Courts while the third is in charge of executing the penal laws through Correctional Centres like Prisons, Probation and Parole. These distinct Institutions operate together under the Rule of Law. The promptness of Criminal Justice Administration will ensure speedy trial which is in line with the most important equitable maxim that says 'Justice delayed is Justice denied' No matter how efficient Criminal Justice Administration is, it cannot be fair if it is not achieved within reasonable time.

Criminal Justice Administration is relevant to the Rule of Law, human rights, democracy and good governance coupled with the fact that most of the laws regulating its principles are constitutionally provided for. It is to be noted that the efficiency of Criminal Justice Administration of a particular place depends on the resources made available by the State.

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A theory explain why some people commit crime, identify risk factors for committing a crime, and can focus on how and why certain laws are created and enforced.

The theory of Criminal Justice is the branch of philosophy of law that deals with Criminal Justice and in particular punishment. The theory of Criminal Justice has deep connections to other areas of philosophy, such as political philosophy and ethics, as well as to Criminal Justice in practice.

Typically, legal theorists and philosophers consider four distinct kinds of Justice: Corrective Justice, Distributive Justice, Procedural Justice, and Retributive Justice. Corrective justice is the idea that liability rectifies the injustice one person inflicts upon another (found in modern day contract law). Distributive justice seeks to appropriately distribute pleasure and pain between the offender and the victim by punishing the offender. [Procedural justice](#) focuses on the fairness in the processes that punish criminals. Retributive justice is perhaps best captured by the phrase *lex talionis* (the principle of "an [eye for an eye](#)", which traces back to the [Code of Hammurabi](#)).

Criminal law generally falls under Retributive Justice, a Theory of Justice that considers proportionate punishment a morally acceptable response to crime. The principle of *lex talionis* received its most well known philosophical defense from Immanuel Kant.¹ Criminal law is no longer considered a purely retributive undertaking; deterrence figures prominently in the justification of the practice and in the rules themselves.

Scholars have argued that theory rests at the heart of any social science discipline. This is because, it defines the parameters for how we reflect about our objects of study and affords us the lenses through which we filter our subject matter so as to make sense of multifaceted phenomena. Certainly, Criminal Justice gives us our organizing concepts, guides our scholarly interpretations, gives insight to frame research questions and most importantly, it is inescapable in crime control practice, policy and decision-making. It has been observed that Criminal Justice does not have a recognized and readily available theoretical infrastructure about the Criminal Justice Administration and crime control. This lacuna has been described as a serious disciplinary deficiency by numerous leading scholars in the field.

Criminal Justice Administration is a very delicate concept in Africa due to the fact that a change in government requires good governance and democracy, having regards to the various human rights violation practices of African countries relevant to the Criminal Justice Administration. It is to be noted that germane application and administration of human rights is a sign of good democratic governance. The practice of democracy in the developed countries cannot guarantee social justice, nor is it an indication of how good the Criminal Justice Administration of such Countries is. The Criminal Justice Administration of a particular Country reflects the mode of Administration of Justice by a particular State to its people. Criminal Justice theory therefore, provides an avenue by way of lens for sanitizing the practices and the extent of adherence to the laid down principles and standards.

The theory and practice of Criminal Justice generate results that are either in support or against the political legitimacy of such States because most African Countries are still recovering from Colonialism, dictatorship thus undergoing political transformation, tyrannies and unstable states. All these affect change in the regime of State and it has implication for Criminal Justice and democracy of State. Most African Countries administer their States by integrating the interest of the new political elite with those of their colonial master.

Lack of stability in a State often affects the Criminal Justice Administration. Thus, the Criminal Justice Administration is a very useful and dangerous tool of government and whenever there is a change in regime, it can be used to deal with political opponents. As illustrated in a South Africa case, it was confirmed that the National Prosecution Authority (NPA) was not entirely independent and possibly there had been interference by the State President.

2.0 ROLE OF MAGISTRATE COURT IN ADMINISTRATION OF CRIMINAL JUSTICE

Magistrate Court is established in Nigeria by the Magistrates' Courts Law as enacted by the various legislatures of different States of Nigeria. Though not specifically named in the 1979 and 1999 Constitutions but it has its legitimacy indirectly through the provision of Section 6 (4) a of the 1999 Constitution which provides:

“Nothing in the foregoing provision of this section shall be construed as precluding the National Assembly or any House of Assembly from establishing courts other than those to which this section relates with subordinate jurisdiction to that of the High Court”.

By implication, Magistrate Court is an indirect creation of the Constitution. Magistrate Court has all attributes and power of a court of record such as the High Court. Appeal from the Magistrate Court lies to the High Court which is also the Supervisory Court. For the purpose of exercising the jurisdiction conferred on it by law, the Magistrate Court is properly constituted by one Magistrate sitting alone.

The Magistrate Court was established to champion the course of unrestricted access to justice. This position derives from a cursory comparison of the features of Magistrate Court, such as its summary jurisdiction, less-formal manner of conducting proceedings, and cheaper filing fees with the obtainable practices in the State High Court or Federal High Court. This comparison reveals that the rules and practices of the Magistrate Court are fashioned out in a manner that allow easy and less cumbersome access to the Magistrate Court. These special features of the Magistrate Court make it imperative for Magistrate Courts to be accessible by all and sundry.

Just as a counter poise to executive malfeasance. Above every other consideration, judiciary provides a veritable platform for the ventilation and espousal of constitutionally guaranteed rights. Its orders as the authoritative arbiter of what constitutes the law under the principle of the rule of law are binding on all concerned parties.

No court must avoid its responsibility to enforce the law for the benefit of the rich and the poor. It is salutary to note that the court has taken the progressive view, that it is unfair to predicate a person's legal right on his financial ability or economic status, most especially in a court like the Magistrate Courts.

Vanderbilt believes that Magistrate Court is so significant that the court is referred to as the court of the masses. More so, Kawu argues that Magistrate Courts undertake more than half of the judicial workload in Nigeria. Little wonder the court is popularly referred to as people's court or grass root court. The function of a Magistrate is a sacred one and judicial officers should see themselves as ministers in the temple of justice and perform an umpire role.

Kawu further states:

As Magistrates, your Courts are closer to the public more than the Superior Courts. Existing data have shown that indeed your Courts handle about 50% of cases in the entire justice system. This, I say is because of the closeness of your courts to the grass roots. Thus as far as common Nigerians are concerned, your Courts are the Courts they know.

Socrates opines that, an ideal Judge or Magistrate should possess the following attributes: (a) he should hear courteously (b) answer wisely (c) consider soberly, and (d) decide impartially. The Supreme Court in *Attorney-General of Anambra State v. Attorney-General of the Federation & Ors*, reiterated the binding force of the court's decision or order as the authoritative statement of what the law is in the governance of the State. The law in this regard is clear. It is settled that the plain and unqualified obligation of every person against whom, or in respect of whom an order is made by a court of competent jurisdiction is to obey it unless and until that order is discharged. It is so even in cases where the person affected by the order believes it to be irregular or even void. So long as the order exists, it must be obeyed to the letter. An order or judgment of court, no matter the fundamental vice that afflicts it, remains legally binding and valid until set aside by due process of law. The importance of Magistrate Court in the criminal justice system of Nigeria cannot be over emphasized. It is a matter of common knowledge that except for offences that attract capital punishment, most of the offences created in our Penal Laws is attended to by the Magistrate Courts. Offences like stealing or theft, house breaking or burglary, road traffic offences, offences relating to the administration of justice and many others come before the Magistrate Courts.

For the purpose of this paper, a Judge includes a Magistrate. Etigwe defines judge as the umpire that decides between the litigants and at the end administers justice. His role is crucial as his decision can change the course of political governance, the life of a man or a company. Duties of a Judge or Magistrate include hearing and deciding matters assigned to the court on the pillars of fairness and equality; to be faithful to the law and maintain professional competence in it; a judge should not be persuaded by partisan interest, public clamour or fear of criticism, financial gains or material temptation and finally, a judge should perform judicial duties without bias or prejudice. He should not in the performance of judicial duties by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based on race, sex, religion, national origin, disability, age, marital status, sexual orientation or socio-economic status and should not permit staff or court officials and others subject to the judges direction and control to do so.

3.0 ROLE OF RELEVANT PERSONNEL IN CRIMINAL JUSTICE ADMINISTRATION OF THE MAGISTRATE COURT

There are several personnel involved in criminal justice administration sector. This paper shall limit its discussion on personnel to those necessary for determination of criminal cases within the court room; that is, those whose absence shall make a criminal case not to proceed. They determine the pace at which trial proceed. It should be noted that the pace at which the trial goes brings out challenges faced by the court. They all play significant role towards efficient dispensation of criminal justice administration.

3.1 Prosecutor

This is the legal officer responsible for the institution and conduct of legal proceedings against suspect in criminal cases at the Magistrate Court. The prosecutor has the task of prosecuting the offenders before the Magistrate Court and must show the Court how the defendant has breached the law. He may be a police officer or a law officer from the Ministry of Justice. Prosecution plays an important role in the administration of criminal justice. Without successful prosecution, the desired objective cannot be achieved. The role of prosecutors commences soon after registration of a case and lasts up to when the final verdict is delivered by the Magistrate Court. The role of the prosecutor is very pivotal because he has to finalise the trial after the prosecution witnesses are examined and cross-examined by the defence counsel and after he has cross examined the defence witnesses produced by the defendant. In order to succeed, the prosecution is under obligation to lead witnesses who are credible and tender document(s) to sustain the conviction of an accused person.

It has been observed that more than half of the prosecutors available have no legal background; they rather rely heavily on their experience as investigating officer. Due to this handicap, they mostly apply for adjournment. Again, a little objection or legal arguments from defence counsel usually frustrate the prosecutor to apply for adjournment. This invariably becomes a challenge to the effective administration of criminal justice. Also cases do not proceed as a result of the failure of the accused person's family to give out some money. The overall effect is lack of efficient criminal justice administration. The prosecutor is like a counsel in criminal cases; they ask the witnesses a lot of questions in ensuring that a case is proved beyond reasonable doubt. As the name implies, prosecutor is the one responsible for prosecuting a criminal case before the court. He presents before the court some other colleagues as witnesses based on their schedule of duties like the Investigating Police Officers (I.P.O), Exhibit Keepers, as well as other members of the public that are ready to testify in the case.

3.2 Investigating Police Officer (I.P.O.)

The work starts with the Investigating Police Officer (I.P.O) who is an officer of the Police Force directly in charge of investigating crime. Once a case is reported, it is assigned to a police investigating officer who handles the case file and reports to his superiors. It is argued that what becomes of that case depends majorly on who the IPO is, his knowledge, biases and idiosyncrasies. IPO is so useful but mostly untrained, raw, and lack knowledge in the application of law and enforcement. There have been calls for training of IPOs at this crucial stage of Nigeria democratic experience particularly in policing. The major duty of IPO is to thoroughly investigate the crime committed by the suspect. At the same time, he leads evidence of the investigation conducted by him. The evidence given by him is crucial to the success or otherwise of the trial. Despite these plausible duties, IPOs are usually handicapped by (i) unexpected and incessant transfer from jurisdiction to jurisdiction and (ii) lack of funds to make available necessary document. When an IPO is transferred shortly after investigation, it becomes practically difficult for the court to proceed with trial because he is not available to give evidence. Again the IPO is constrained to carry out thorough investigation due to lack of required fund. At times, he has no money to duplicate case file or transport himself to court. The aftermath effect of this is that trial lingers for months or years.

3.3 Exhibit Keeper

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This is an officer of the Police Force that has been designated to keep and tender the recovered exhibit in a criminal case. The presence of exhibit keeper is necessary in criminal trial in order to tender some exhibits recovered from the accused person (s). He is the police officer attached to the Intelligent Division (CID) as exhibit keeper. Recovered exhibits are registered with the exhibit keeper assigned to a case. He is expected to appear before the court to tender the available exhibit and his absence for any reason often delay cases. The Federal nature of the Nigerian Police Force (NPF) often gives room for transfer of officers from one State to the other with its resultant effect of delaying trials. At times, a replaced exhibit keeper often comes to court with wrong exhibit which negatively compel the court to adjourn or admit it. Wrong admission of exhibit ultimately leads to injustice which is a major challenge to criminal justice administration.

3.4 Correctional Service Centre Officers (Warders)

The major duty of these officers who are mostly referred to as warders is the proper upkeep of the inmates and those who are awaiting trial. In performing this duty, they monitor the movement of the defendant from the centre to court as long as they remain in the centre. They are further saddled with the responsibility of taking the defendant to court on every adjourned date. Research however shows that there are instances when defendants are not taken to court on adjourned date due to various reasons; among which is non-availability of fuel, vehicle, wrong recording of adjourned dates, etc. All these are responsible for delay in criminal justice administration.

3.5 Court Clerk

Court Clerk is an officer of the court who works closely with the litigant and Magistrate. He is the intermediary between the Court and the litigant or their representatives. The duties of court clerk ranges from arrangement of files, reading FIR to the defendant, asking accused to take his plea, recording the date of the adjournment on the file, correctly maintaining scheduling of court appearances, providing information as to whether the Magistrate would sit or not. He sits with the Magistrate and attends to his need and that of the lawyers. Due to these numerous duties, his presence and punctuality in court are very essential. However, in certain cases, the court clerk may misplace case files, provide wrong information to the parties, keep files of litigants in order to extort money from them, as well as collect money in form of a bribe. All these have negative effect of prolonging a rather short trial. The resultant effect of these is delay in the administration of criminal justice. The clerk takes care of the court papers and helps the Magistrates in the daily discharge of the judicial exercise, for example, calling the cases, allocating dates to counsels and litigants, keeping updates of proceedings and the likes, safe keep of admitted exhibit and so on.

3.6 Interpreter

An interpreter helps the Court to interpret what a witness says to the understanding of the Court in situations where one of the parties does not understand the language of the Court. He does not answer question for any party but interprets the exact message to the affected party. His position is provided for in the Evidence Act and Constitution. His absence in Court may lead to adjournment of cases because defendants or witnesses do not understand the language of the Court. It is trite that no matter how beautiful a proceeding in court is conducted, such proceeding becomes a nullity once either of the parties does not understand the language of the proceedings. Hence, his absence in court usually hinders effective trial of criminal cases.

3.7 Defendant (Accused Person)

A defendant is a person who is blamed for a wrongdoing. Therefore, a person who has been arrested or formally charged by information is formally referred to as accused person but now refer to as defendant. A defendant is someone against whom enough information exists to lay a charge in connection with a criminal incident/offence. A criminal is a person found guilty of an indictable offence. An offender is not only the person who has acted wrongly but also the person who has failed to act.

The criminal code elaborately defines accused person thus: When an offence is committed, each of the following persons is deemed to have taken part in committing the offence and to be guilty of the offence, and may be charged with actually committing it, that is to say:

- (a) Every person who actually does the act or makes the omission which constitutes the offence;
- (b) Every person who does or omits to do any act for the purpose of enabling or aiding person to commit the offence;
- (c) Every person who aids another person in committing the offence; and
- (d) Any person who counsels or procures any other person to commit the offence.

It is important to mention that an accused person is a generic name for the defendant in a criminal case. A person becomes accused within the meaning of a guarantee of speedy trial only at the point at which either formal indictment or information has been returned against him or her, or when he or she becomes subject to actual restraints on liberty imposed by arrest, whichever occurs first. It is significant to note that suspect or a person who is accused of a crime has some rights guaranteed by the Constitution and within the context of international human rights.

3.8 Director of Public Prosecutions (DPP)

In all serious cases, the DPP decides whether or not to prosecute as well as what the charge should be. A prosecution is instituted where there is a *prima facie* case against the suspect (i.e. there is admissible, substantial and reliable evidence that a criminal offence has been committed by the suspect). The evidence must be such that a presiding judicial officer, properly instructed by the relevant law, could conclude beyond a reasonable doubt that the defendant is guilty of the offence charged. At the Magistrate Court, the presence of DPP is not required. Yet, legal advice is a major factor to be considered at the Magistrate Court in criminal matters, this is because his advice determines, in most cases, whether or not the matter will proceed.

3.9 Witness

Witnesses are those who have relevant personal knowledge of the matters at hand. They assist the court by providing evidence which may be oral, written or others in cases before the court. Important justification for the system of giving oral evidence includes the right to cross examine witnesses and to see the demeanour and hearing the evidence of a witness in the witness box to ascertaining the truth. The prosecution or the defence can call anyone who has information about a crime to be a witness at a trial, including the victim. In general, all persons are competent to give evidence and may be compelled to attend to give evidence. The trial court may need to issue a

witness summons, requiring a person to appear before the court to give evidence. A person who disobeys a witness summons is guilty of contempt of court.

A witness position is regulated in the Evidence Act. What is told in court is called evidence. Some questions are put across to such witnesses during trial. A witness may be categorized differently depending on the circumstance of the evidence to be given. For example, he may be called 'eye-witness' (where he personally witnessed something that happened which is relevant to the case). A witness may also be called an 'expert witness' in a case where what he knows is outside the ordinary knowledge of the judge or jury to give an opinion on something that is relevant to the case.

3.10 Victim in Criminal Justice Administration

A victim is an aggrieved party in a criminal case, the unfortunate person who suffers the injury or upon whom the act is committed. In common law countries, the place of victim within the criminal justice system had until lately been rather partial. A general condemnation is that the victim is regarded simply as a witness in a crime being investigated and prosecuted by the State. Recently, however, the rights and hope of victim have taken a new dimension and are reflected in a range of legislative and administrative measures in many jurisdictions of the developed countries. Infact, Oputa JSC while aligning with this development stated in the case of *Josiah v. State* that justice is three ways traffic. Some of these rights include what is commonly called a victim impact statement whereby victims are allowed to give a statement on the impact of such crime at hearing and sentencing stages especially for vulnerable victims. Another right is called victim impact report where the Court asks a professional person such as a probation officer or a member of a rape crisis centre to prepare a written report on the crime's impact on the victim or the family. **Criminal Injuries Compensation is another emanating right of victim.** This allows a victim to seek payment for expenses and losses suffered as a direct consequence of a violent crime. Another important right of victim is **Restorative Justice.** Restorative justice has been defined as 'a victim-sensitive response to criminal offence, which through engagement with those affected by crime, aims to make amends for the crime which has been caused to victims and communities and which facilitates offender rehabilitation and integration into the society' Victim waiting room is another important right. It is now available in some countries in a bid to provide adequate protections to victim of crime and a system of reserved seating is operated in courtrooms for victims' families in murder and manslaughter cases.

Also in most common law countries, legal representations are avoided for victim because it is contended that to add a third legal party to this process would impact on the even-handedness of the trial process and conflict with constitutional protections for procedural justice in criminal matters.

3.11 The Magistrate

The Magistrate Courts are headed by Magistrates who, before being appointed, were legal practitioners, called to the Nigerian Bar. The Magistrate is a member of the magisterial bench. He is a judicial officer. His court is in all the nooks and crannies of the Federal Republic of Nigeria and indeed, throughout the common law countries. It is pertinent to note that each Magistrate is the head of his/her court with supporting staff like Court Registrars, Bailiffs, Court Clerks, Clerical Officers, Secretary, Messengers and Police Orderly. They adjudicate over both criminal and civil

cases. The attitude and style of Magistrate to work depends largely on job satisfaction of these personnel which may be based on adequate remuneration, provisions of adequate facilities and good working environment. Where these are available, there would be job satisfaction and as such, positive attitude to work. If it is in the contrary, there is negative attitude to work. It is worthy of note that all categories of judges ought to fulfil the vision of judgeship envisioned by Aristotle when he described the Judge as “*living justice*” or “*animate justice*.”

4.0 CHALLENGES MILITATING AGAINST THE ROLE OF MAGISTRATE COURT AND THE ROLE OF PERSONNELS IN THE ADMINISTRATION OF CRIMINAL JUSTICE IN MAGISTRATE COURT

4.1 Lack of Efficient Personnel Involved in Criminal Justice Administration

The Personnel handling criminal justice needs to be up and doing in order to achieve efficiency in the system. At times, police officers that handle prosecutions are not conversant with the law. The legal practitioner for defence often exploits this opportunity. Many good cases have been lost because prosecutors lack knowledge of the law. Thus, rate of conviction secured by Police prosecutor is very low. Bulk of the ineffectiveness in the criminal justice trial of the Magistrate Court is traceable to the prosecutor, who is the Chief Law Officer in the trial before this court.

The duration it takes an Investigating Police Officer before investigation could be completed is a challenge to criminal justice administration in Magistrate Court. “Investigation is yet to be concluded” has become a daily prayer of the prosecution which continues until after about six months at the minimum and which may span for two years or more, in such circumstances there is nothing the presiding Magistrate could do. In spite of the fact that the Administration of Criminal Justice Act which came into existence in Nigeria since 2015 and domesticated in various States provides that the prosecutions in the Magistrate Court should be carried out by the counsel in the ministry of justice, up till the present year 2022, the law remain unenforceable as the police officers still prosecute in the Magistrate Court particularly here in Kwara State.

4.2 Corruption

It is not in doubt that corruption permeates every stratum of Nigeria. Corruption in Judiciary however, is not expected. This is because the judiciary is regarded as the last hope of the common man. It is unfortunate that the hope of the common man has become a commodity to be bought and sold in the temple of justice. Corruption in the Judiciary comes in different ways. For instance, for the complainant to bring the accused to court, he needs to pay for duplication of case file to the Ministry of Justice. To get legal advice from Ministry of Justice, the complainant has to do the needful.

It is equally no longer news that there is abuse of office by some judicial officers engaging in corrupt practices; as such litigants are ready to buy the services of Magistrates and Judges as well as other judicial officers handling their matters. Corruption as alleged in the Judiciary seems to

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have cut across all strata of court. This is as seen in the recent prosecution of judicial officers of High Courts, Courts of Appeal and the Supreme Court.

A former Chief Justice of Nigeria, Maryam Aloma Mukhtar, asserted that corruption had become rampant among judicial staff - secretaries, court registrars, process clerks and bailiffs across Nigeria. She went further to state:

Now more than ever, the public has become more critical of the conduct of judicial staff, perhaps buoyed by public outcry against unwholesome conduct of the judicial staff, like leakage of judgments before delivery, demanding bribes before the preparation of records of appeal, acting as go-between for some overzealous litigants and some corrupt judicial officers, ostentatious life styles beyond legitimate earnings, and host of other activities.

Justice Ibrahim Tanko Mohammed, the retired Chief Justice of Nigeria while appearing before the Senate for screening prior to his confirmation as the substantive CJN also confirmed that the judiciary is infested with corruption. He recalled his experiences when he was a Magistrate in Bauchi years back, noting that corruption in the judiciary began when indigenous judges took over adjudication in courts. In his words, he said:

I was a Magistrate in Bauchi then, but by the time I finished law school, went for NYSC and came back then we had a White man as our boss, there was no corruption. Later, when we had a black man we started having problems.

4.3 Inadequate Court Room

For efficient performance of officers in administration of criminal justice, there should be a comfortable court room equipped with other necessary facilities that will make it conducive. It is discovered that adequate court rooms are lacking, in some Magistrate Court for example in some jurisdiction more than fifty (50) Magistrates operate from only twelve (12) court rooms. The few available court rooms lack enough fan, generator, tables and chairs; This is an indication that about four Magistrates share a court room between 9am and 3pm. Thus Magistrate sits for only two or three hours in a day. Infact some Magistrate only sit twice or thrice in a week though, they make themselves available in court in case a new F.I.R is directed to them.' This pitiable court room condition cannot be compared to what is obtainable in some few other States in Nigeria where many magisterial complexes are constructed.

4.4 Library with Modern Facilities

Administration of criminal justice is not restricted to court rooms alone as library and other modern facilities can encourage effective administration of criminal justice. In Kwara State Magistrate Court for several years back no issue of building of new library or upgrading the existing library to a modern one is ever mentioned or done. This has made it practically impossible for Magistrates to consult most of the authorities cited by counsel except on personal effort.'

4.5 Modern facilities like laptops, Internet and electronic law report

Modern facilities like laptops, Internet and electronic law report for efficient dispensation of criminal justice are necessary. As good as all these are, they are basically lacking in many Magistrate Court particularly Kwara State Magistrate Court. It was revealed that no single Magistrate is provided with laptop, Internet facilities or electronic law report. This has majorly contributed to poor performance of Magistrates. Some Magistrates are of the view that they usually undergo research in a law firm of their former boss. Under normal circumstance, which is not good for a Magistrate because they can be compromised and it will lead to miscarriage of justice.

4.6 Inadequate Training and Facilities on Forensic Investigation

In order to have effective and complete criminal justice administration, adequate and positive investigation is necessary. Without thorough investigation, the actual criminal may not be discovered and which may in turn lead to arrest and trial of an innocent person. It was discovered that in the Police Command of many States, modern gadgets for investigation are not available and this has really reduced the capacity IPO have to properly investigate matters.

Many IPOs rely on their three (3) months training at the Police College. When confronted with the question of how they would investigate forensic matter they said expert would be brought from Abuja Headquarters on special request.

It is trite that where there is lack of training and forensic investigating materials it causes unnecessary delay at the Magistrate Court. Specifically, a significant number of offenders have cheated the justice system by escaping punishment as explained in *Inusa Saidu v. The State* that it does not give the Court joy to see offenders escape the penalty they richly deserve, but until they are proved guilty under the appropriate law, in Nigerian law courts, they are entitled to walk about in our streets and trek the Nigerian soil, breathe Nigerian air as free as innocent men and women.'

5.0 CONCLUSION

The paper commenced by examining conceptual and theoretical frameworks of Criminal Justice Administration, The role of the Magistrate court in criminal justice administration was examine depicting its significance. The paper went further to identify and examine the role of relevant personnel in the criminal justice administration of the magistrate court. At the end some challenges militating against the role of magistrate court and the role of relevant personnel in administering efficient criminal justice administration was examined. It was discovered that failure in this direction had contributed greatly to the delay being encountered in the Magistrate court. To achieve efficient administration of criminal justice in Magistrate Court each of the relevant personnel should discharge his duty promptly and meticulously. Otherwise there will continue to be challenges here and there and it will definitely affect trial and delay judgment.

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