



**LEGAL SYSTEM OF NIGERIA: INVESTIGATING STRATEGIC WAYS OF
MITIGATING DELAY IN JUDGMENT**

By

Prof. EMMANUEL Amos Umana, FNIM, FCIARB, FCIMC, CFE (USA)
Vice Chancellor (VC)
Obong University, Obong Ntak,
Akwa Ibom State

ABSTRACT

This study examined the legal system of Nigeria, investigating strategic ways of mitigating delay in judgment. The legal system of any nation serves as the backbone of justice, order, and societal progress. In Nigeria, a country with a vibrant and diverse population, the judiciary holds the crucial mandate of safeguarding the rule of law and ensuring that justice prevails. To carry out this research, numerous subheads were taken into consideration, some of which included the concept of legal system and the concept of delay in judgment. Some of the noted cases of delay in judgment as mentioned in the study included cases of Ekiri v. Kemiside & Ors, NWLR145 (1976), Joseph Ozoma & Ors v. M. Osanwuta UHC/30/679 (1969), and Atejiroye v. Ayeni. The study mentioned the causes of delay in judgment to include overloaded judicial systems, procedural complexities, inadequate infrastructure/resources, and tactical delays by parties. The study mentioned the ways to mitigate delay in judgment to include judicial system reformation, enhancing judicial infrastructure/capacity, leveraging technology, and addressing corruption/bureaucratic bottlenecks. The study concluded that the legal system is the backbone of justice and societal progress, ensuring order and fairness. One of the recommendations made was that the Nigerian judiciary should embrace technology to enhance efficiency. Digitising court records, implementing e-filing systems, and introducing virtual court hearings can reduce delays associated with manual processes.

KEYWORDS: Legal System, Delay in Judgment and Nigeria

INTRODUCTION

The legal system of Nigeria is a complex framework comprising the common law, customary law, and Islamic law, which operate concurrently. While the judiciary plays a critical role in upholding justice and ensuring the rule of law, one of the most persistent challenges it faces is the undue delay in delivering judgments. Judicial delays have severe implications, including the erosion of public confidence, congestion in courts, and the denial of justice, as captured by the adage, justice delayed is justice denied (Onnoghen, 2002).

The causes of delays in the Nigerian legal system are multifaceted, ranging from procedural bottlenecks, inadequate infrastructure, and insufficient judicial personnel to corruption and frivolous adjournments (Ogunye, 2001). The Constitution of the Federal Republic of Nigeria (1999) provides for an independent and efficient judiciary, yet systemic inefficiencies continue to hinder timely dispensation of justice (Agu, 2003). In civil and criminal litigation, cases often take years before reaching a



final determination, frustrating litigants and affecting economic and social stability (Niki Tobi, 2000).

To address these challenges, strategic reforms are imperative. Measures such as judicial automation, stricter case management policies, alternative dispute resolution (ADR) mechanisms, and the adoption of technology in legal proceedings have been proposed to enhance efficiency (Uwais, 2001). This paper investigates the causes of delay in the Nigerian judicial process and explores strategic ways of mitigating these delays to ensure a more effective legal system.

Concept of Legal System

A community's institutions, regulations, and practices for enforcing and interpreting its laws make up its legal system. It also covers the legal institutions and procedures involved, as well as cultural expectations regarding roles. A legal system is generally defined as the set of laws and legal institutions that govern a particular society. (Raz, 2001) Laws originate from multiple sources, including constitutions, statutes, case law, administrative regulations, and customary practices. These sources provide the legal norms that guide behavior and decision-making within a jurisdiction

Additionally, the ideas or processes used to categorise laws, matters, or procedures pertaining to them can be referred to as a legal system. A body of rules, including the guiding principles, regulations, or doctrines that are part of it and have legal effect in a particular community, is another way to describe it. Legal Institutions: The administration of the law is facilitated by institutions such as legislatures, courts, and law enforcement agencies. The legislature is responsible for making laws, the judiciary interprets and applies them, and executive bodies enforce legal provisions (Dworkin, 2000). The administration of the law is facilitated by institutions such as legislatures, courts, and law enforcement agencies. The legislature is responsible for making laws, the judiciary interprets and applies them, and executive bodies enforce legal provisions

The legal system is not only the book law; rather, it is all about the procedure of law in action, which varies from society to society. The legal system can be defined as the principles or procedures for the classification of laws, matters, or procedures relating to them. It can also be defined as a body of rules, including the principles, rules, or doctrines associated with them that have the force of law in a given society.

Concept of Delay in Judgment

Delay in judgment refers to the act of postponing or taking an excessive amount of time to make a decision, often due to hesitation, uncertainty, or the need for further information, potentially leading to negative consequences like missed opportunities or frustration for those awaiting the decision. This phenomenon is commonly observed in courts, arbitration panels, or other decision-making bodies where cases take longer than anticipated to reach a verdict. Such delays can result from various factors, including procedural inefficiencies, an overwhelming volume of cases, lack of adequate resources, or intentional stalling by parties involved. These delays



compromise the principle of timely justice, often encapsulated in the phrase "justice delayed is justice denied." Vereeck & Mühl, (2000) suggests that while delays might serve as a rationing mechanism, they often lead to increased conflicts and reduced legal certainty.

Judicial delay, or delay in judgment, results in a situation wherein the right heard in a case filed in a court cannot be exercised after it has been obtained from the court. Means to judges appears to be much broader than what might be traditionally assumed. For example, judges in this study described the importance not only of knowledge of the law and court rules, policies, and procedures, but also of a wider body of practical and operational knowledge.

Moreover, judicial delay is very difficult to avoid due to several reasons, but it can be set right to some extent. Filling up of vacancies in the judiciary and appointing more judges are some of the means by which judicial delay may be avoided. Several factors contribute to delays in judgment. Procedural complexities, including lengthy evidence-gathering processes and legal technicalities, are common culprits. In some jurisdictions, systemic issues such as inadequate infrastructure, underfunding, and a shortage of judicial personnel exacerbate the problem. Additionally, litigants and lawyers may deliberately engage in tactics that prolong proceedings to gain strategic advantages. Vinceti, (2003). The use of surveys goes to the origins of judicial performance evaluation. The first example is the well-known Chicago Bar Association's surveying of judges' performances in 1873 to inform voters before judicial elections

On a broader scale, delays erode public trust in the judicial system, creating a perception of inefficiency and reducing citizens' willingness to seek justice through formal mechanisms. This situation often leads to alternative, and sometimes extralegal, methods of dispute resolution, further weakening institutional authority. A judicial system that is bogged down by delay and inefficiency soon loses credibility, resulting in fewer and fewer people patronising it, and that could be the highway to self-help and anarchy.

Cases of Delay in Judgment

The nadirs and depths of delays in judgments are as old as the history of mankind itself. In Nigeria, the cases of justice delay are as old as the history of the country itself. There are so many cases, both famous and infamous, in which justice was/is delayed for years. This menace is no new thing in Nigeria or any other African country. The issue of delayed court cases in Nigeria is emblematic of the inefficiencies that plague the country's judiciary system. The following are some of the known cases of delay of judgment in Nigeria among many others as mentioned by numerous scholars,



❖ ***Ekiri v. Kemiside & Ors, NWLR145 (1976):***

In this case, the Supreme Court set aside a judgment delivered 16 months after the conclusion of the trial. The delay violated the principle of prompt justice delivery, as timely rulings are critical to maintaining the integrity and credibility of the judiciary.

❖ ***Joseph Ozoma & Ors v. M. Osanwuta UHC/30/679 (1969):***

A staggering 17 years passed before judgment was delivered, prompting the Supreme Court to order a retrial. This case is a glaring example of the extreme delays that result in justice being inaccessible for an extended period, effectively eroding trust in the system.

❖ ***Atejioye v. Ayeni:***

This case lasted for 14 years, further underscoring the judiciary's inability to resolve disputes in a timely manner. Such prolonged litigation discourages parties from pursuing justice, as the financial and emotional toll of lengthy legal battles often outweighs the benefits of a favourable ruling.

❖ ***Ariori v. Elemo (1983) 1 SC 13***

Spanning 23 years from its initiation to conclusion, this case highlights the severe systemic bottlenecks that hinder the judicial process in Nigeria. The extended timeline reflects inefficiencies at multiple levels of the court system, including procedural delays and an overloaded docket.

❖ ***Adisa v. Oyinwola [2000] 10 NWLR (Pt.674) 116***

Initiated in 1985, the appeal in this case was not determined until 2000, spanning 15 years. This illustrates how appeals contribute significantly to judicial delays, as higher courts often grapple with large caseloads, prolonging case resolutions.

❖ ***Akpor&Ors v. Ighorigo, 2SC, 115 (1972):***

A delay of two years and nine months between the conclusion of the trial and the delivery of judgement led to the Supreme Court setting aside the ruling. This case underscores the importance of timely judgement to preserve the fairness and credibility of judicial outcomes.

❖ ***AgiendeAyambi v. The State, 6NCLR141 (1985):***

In this criminal trial, which lasted over two years, Justice Olatawura declared that it could not be deemed to have been conducted within a reasonable time. Delays in criminal cases are particularly concerning, as they can result in prolonged detention of accused persons or compromise the ability of witnesses to provide accurate testimony.

Causes of Delay in Judgment

The timely delivery of judicial decisions is a cornerstone of an effective justice system. However, delays in judgment have been a persistent issue in many legal



systems worldwide. Delays undermine public confidence in the judiciary and may result in prolonged suffering for litigants. Several factors contribute to these delays, including institutional inefficiencies, procedural complexities, resource constraints, case backlogs, enforcement challenges, and litigant behavior.

➤ **Institutional Inefficiencies**

One of the primary causes of judicial delay is inefficiency within the judicial system itself. Courts in many jurisdictions lack proper administrative structures, leading to unnecessary postponements and slow case progression. Litan and Kritzer (2000) argue that poor judicial administration, such as ineffective case management and lack of automation in court processes, results in prolonged case resolutions. They emphasize that judicial delays often arise from outdated administrative practices that fail to adapt to increasing caseloads.

➤ **Procedural Complexities**

Legal procedures play a crucial role in ensuring fairness; however, excessive procedural requirements can hinder the timely delivery of judgments. Buscaglia and Dakolias (2001) highlight how intricate legal procedures, including excessive paperwork, extended evidentiary hearings, and the appeal process, contribute to court delays. The study further indicates that procedural abuses, where parties exploit legal loopholes to delay proceedings strategically, exacerbate the problem. Simplifying legal procedures and reducing unnecessary formalities can significantly reduce delays.

➤ **Resource Constraints**

A shortage of judicial resources, including an insufficient number of judges, court clerks, and legal professionals, directly impacts the efficiency of courts. Dakolias (2001) found that many developing countries experience prolonged court delays due to inadequate resources. The study revealed that judicial caseloads often exceed the capacity of available judges, leading to case backlogs and delays. Moreover, the lack of proper court infrastructure, such as technology for case management, further slows the process.

➤ **Case Backlogs**

Excessive case backlogs are one of the most frequently cited reasons for judicial delays. According to Zuckerman (2001), when courts receive more cases than they can handle, the processing time for each case increases, leading to prolonged delays. The study found that courts with high caseloads often prioritize urgent matters, leaving non-urgent cases unresolved for years. To address this issue, Zuckerman suggests increasing the number of judges and adopting alternative dispute resolution mechanisms to reduce the burden on courts.

➤ **Enforcement Challenges**

Even after a judgment is rendered, difficulties in enforcement can prolong the resolution of disputes. Hammergren (2002) states that in many legal systems,



particularly in civil cases, enforcing court decisions is a complex and time-consuming process. The study found that delays in the execution of court orders, particularly in cases involving government agencies, can further erode public confidence in the judicial system. Improving enforcement mechanisms, such as ensuring compliance with court orders and holding defaulters accountable, is essential for an effective legal system.

➤ **Litigant Behavior**

The actions of litigants themselves can contribute to delays in judicial processes. Parties involved in litigation may intentionally seek adjournments, file frivolous appeals, or refuse to cooperate with court proceedings to prolong cases for strategic advantages. Kritzer (2002) notes that such tactics are particularly prevalent in commercial disputes, where one party may benefit from delaying financial obligations. Addressing this issue requires stricter regulations on adjournments and sanctions for abusive litigation practices.

How to Mitigate Delay in Judgment

Delays in judicial proceedings have long been a challenge in legal systems worldwide. Efficient and timely judgments are critical to maintaining public trust in the judiciary and ensuring access to justice. Various strategies have been proposed to mitigate delays, including judicial case management, alternative dispute resolution (ADR), and the application of technology.

➤ **Judicial Case Management**

Active judicial case management is one of the primary mechanisms for reducing delays in court proceedings. According to Steelman, (2000), courts that employ structured case flow management experience significantly lower delays compared to those that do not. The study emphasizes the importance of early intervention, continuous monitoring of case progress, and strict adherence to procedural timelines (Steelman, Goerdt, & McMillan, 2000). Similarly, Church et al. (2001) highlight that judges who actively manage cases, set deadlines, and enforce them contribute to a more efficient judicial process.



➤ **Alternative Dispute Resolution (ADR)**

ADR mechanisms, such as mediation and arbitration, provide viable solutions to excessive delays in traditional court systems. Research by Wissler (2002) indicates that mediation not only reduces the time required to resolve disputes but also improves litigant satisfaction and compliance with outcomes. The study further suggests that ADR can significantly decrease caseload burdens on courts, freeing judicial resources for more complex cases (Wissler, 2002). Similarly, McAdoo and Welsh (2003) found that courts implementing ADR programs experienced substantial reductions in case backlog and resolution time.

➤ **Use of Technology in Case Management**

Technological advancements have played a crucial role in addressing judicial delays. The introduction of electronic case management systems has facilitated efficient case tracking and scheduling. According to Greacen (2002), the implementation of electronic filing (e-filing) and automated case tracking systems enhances judicial efficiency by reducing paperwork and expediting administrative procedures. The study found that courts with advanced case management software recorded faster case resolution times compared to those relying on traditional methods (Greacen, 2002). Additionally, Schauflier (2003) emphasizes the role of integrated court information systems in minimizing administrative delays and ensuring real-time access to case statuses.

➤ **Legislative and Procedural Reforms**

Legislative measures aimed at streamlining court procedures can also contribute to reducing delays. Studies suggest that procedural simplification and statutory time limits for case resolution can enhance judicial efficiency (Steelman et al., 2000). Furthermore, Heise (2001) argues that legal reforms focusing on reducing unnecessary adjournments and promoting early case settlements help mitigate prolonged litigation.

CONCLUSION

The legal system is the backbone of justice and societal progress, ensuring order and fairness. In Nigeria, judicial delays undermine confidence, hinder access to justice, and exacerbate societal discontent. Prolonged court proceedings, case backlogs, and outdated procedures affect litigants, disrupt businesses, and infringe on rights. These inefficiencies particularly impact criminal trials, commercial disputes, and family law cases, leaving many without timely justice. Addressing these challenges requires reforms such as adopting technology, promoting alternative dispute resolution, and improving judicial capacity. By tackling delays, Nigeria can restore faith in its judiciary, enhance justice delivery, and foster national stability.



RECOMMENDATIONS

1. The Nigerian judiciary should embrace technology to enhance efficiency. Digitizing court records, implementing e-filing systems, and introducing virtual court hearings can reduce delays associated with manual processes.
2. Expanding the use of ADR methods, such as mediation and arbitration, can divert non-contentious cases from conventional courts. Establishing dedicated ADR centres and encouraging legal practitioners to utilise these platforms can reduce the volume of cases in the judicial system and expedite resolution.
3. Enhancing the capacity of the judiciary through training and recruitment of more judges and court staff is critical. Adequate funding should be allocated to improve court infrastructure, reduce case congestion, and ensure proper remuneration for judicial officers to foster efficiency and accountability.



REFERENCES

- Agu, S. (2003). *Judicial Delays and Their Impacts on the Legal System in Nigeria*. Lagos: *Legal Press*.
- Buscaglia, E., & Dakolias, M. (2001). *An Analysis of Court Delay in Latin America*. *World Bank Publications*.
- By the Nigerian Courts*. An article submitted to Department of Sociology, Faculty of Social Sciences, Ahmadu Bello University, Zaria.
- Church, T., Carlson, A., Lee, J., & Tan, T. (2001). Trial court delay reduction programs: An empirical assessment. *National Center for State Courts*.
- Dakolias, M. (2001). Court Performance around the World: A Comparative Perspective. *The Yale Law Journal*, 110(3), 467-503.
- Greacen, J. M. (2002). Electronic filing, case management, and court automation: Best practices for improving efficiency. *Justice System Journal*, 23(2), 105-123.
- Hammergren, L. (2002). *Judicial Performance and Court Administration in Latin America*. *World Bank Publications*.
- Hart, H.L.A. (2002). *The Concept of Law*. Oxford University Press.
- Heise, M. (2001). Judicial workload and efficiency: Assessing legal reforms and procedural innovations. *American Law and Economics Review*, 3(1), 1-25.
- Kritzer, H. M. (2002). The Impact of Delays in Civil Litigation. *Law & Society Review*, 36(4), 631-659.
- Litan, R. E., & Kritzer, H. M. (2000). *Reforming the Judiciary: Evaluating Solutions for Delays in Civil Litigation*. *Brookings Institution Press*.
- McAdoo, B., & Welsh, N. A. (2003). Alternative dispute resolution in court systems: Evaluating its impact on case backlog. *Dispute Resolution Journal*, 58(3), 36-45.
- Niki Tobi, E. (2000). *Case Management and the Nigerian Judiciary: The Way Forward*. Ibadan: *University Press*.
- Ogunye, J. (2001). *The Nigerian Legal Framework: Challenges and Prospects*. Lagos: *Temidayo Publications*.
- Onnoghen, W. S. (2002). *Judiciary and the Rule of Law in Nigeria: A Critical Analysis*. Abuja: *Supreme Court Review*.
- Raz, J. (2001). *The Authority of Law: Essays on Law and Morality*. *Oxford University Press*.
- Schauffler, R. Y. (2003). Judicial performance and caseload management: The role of integrated court information systems. *Court Review*, 39(1), 18-25.
- Steelman, D., Goerdts, J., & McMillan, J. (2000). *Caseload management: The heart of court management in the new millennium*. *National Center for State Courts*.



- Uwais, M. L. (2001). *Judicial Reforms and the Nigerian Legal System: A Contemporary Review*. Abuja: Nigerian bar Association.
- Vereeck, L., & Mühl, M. (2000). An economic theory of court delay. *European Journal of Law and Economics*, 10(3), 243-268.
<https://doi.org/10.1023/A:1026547515846>
- Vinceti, S. R. (2003) Innovating Judicial Performance Evaluations: Toward Academic-Style Peer Review? *The International Journal for Court Administration (IJCA)*.15(1)2.
- Wissler, R. L. (2002). Mediation and adjudication in courts: A comparative analysis of dispute resolution methods. *Journal of Dispute Resolution*, 2002(2), 51-73.
- Zuckerman, A. A. S. (2001). *Civil Justice in Crisis: Comparative Perspectives of Civil Procedure*. Oxford University Press.