

# The Vicissitude of Awaiting Trial Prisoners in the Nigerian Criminal Justice System

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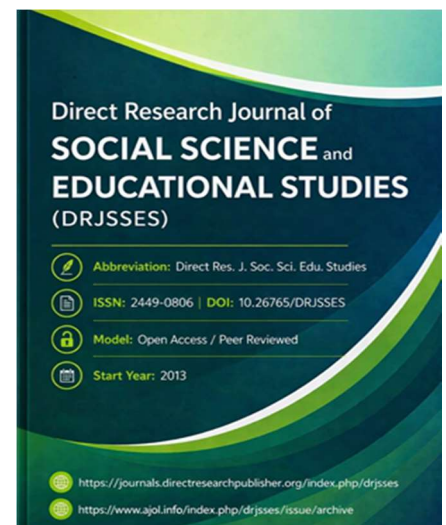
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### ABSTRACT

*The study investigated the phenomenon of awaiting trial detainees in Nigeria as a systemic problem with implications for prison management, criminal subculture formation, socio-economic inequality, and judicial delays. The research adopted descriptive survey design with the help of four objectives. The research was carried out in three different correctional facilities which include Kuje, Port Harcourt and Agodi. The data were collected by the questionnaires filled in by 353 respondents and interviews with the prison staff and justice professionals. The data were analysed by means of descriptive statistics, correlation analysis and thematic interpretation. The results revealed that firstly the detainees awaiting trial placed a heavy burden on the resources of correctional facilities. Second, criminal networks and subcultures spread due to overcrowding. Thirdly, the judiciary is inefficient causing prolonged detention. Fourth, people's socio-economic disadvantage limits their access to bail and fair representation. The study concludes that the practice of incarcerating people on remand is not just a slip but a problem that pervades the entire Nigerian criminal justice system. Among the suggestions were the establishment of organised remand management, the legitimisation of some alternative measures for the institution of decongestion, the implementation of case management reforms and the increase of the legal aid fund to address systemic injustices.*

**Keywords:** Awaiting trial prisoners, Overcrowding, delayed trial, Criminal Justice System, Criminal Subculture, System-level theory, Differential Association Theory, Nigeria



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## INTRODUCTION

The administration of criminal justice is a fundamental responsibility of the state, aimed at maintaining law and order while safeguarding the constitutional rights of individuals accused of criminal offences. Central to this responsibility is the principle that every accused person is presumed innocent until proven guilty by a competent court of law. However, the growing population of awaiting trial inmates in Nigeria has become a major challenge to the realization of these principles. The phenomenon of prolonged pre-trial detention has increasingly attracted scholarly, policy, and human rights concerns due to its implications for justice delivery, prison administration, and the protection of fundamental human rights.

Awaiting trial inmates are persons who have been arrested and detained pending the determination of their cases by the courts. Although pre-trial detention is intended to ensure the attendance of suspects at trial and protect the integrity of criminal investigations, its excessive and prolonged use has transformed it into a systemic problem within Nigeria's criminal justice system. Rather than serving as a temporary measure, detention before conviction has become a prolonged experience for many suspects, particularly those who lack adequate legal representation or the financial resources to secure bail. Consequently, custodial remand has become a routine response to criminal allegations, especially among socially and economically disadvantaged groups. The magnitude of the problem is reflected in recent correctional statistics. Reports indicate that awaiting trial inmates constitute the majority of the prison population in Nigeria. According to the Nigerian Correctional Service (2025), out of 81,121 inmates in correctional facilities nationwide, 53,145 were awaiting trial, while only 27,976 had been convicted. This situation has contributed significantly to prison overcrowding, as correctional facilities originally designed to accommodate approximately 50,000 inmates now house populations far beyond their intended capacities. The overcrowding crisis is particularly pronounced in major urban correctional centres such as Kirikiri and Port Harcourt, where institutional resources are severely overstretched.

The consequences of prolonged awaiting trial detention extend beyond prison congestion. Overcrowded correctional facilities face challenges such as inadequate healthcare services, poor sanitation, food shortages, and deteriorating security infrastructure. These conditions undermine the rehabilitative objectives of correctional institutions and expose detainees to physical and psychological hardships. More importantly, the detention of legally innocent individuals alongside convicted offenders raises serious concerns regarding human dignity, fairness, and the administration of justice. Criminological perspectives, particularly Differential Association Theory, suggest that prolonged exposure of first-time or minor offenders to hardened criminals may facilitate the acquisition of criminal attitudes and

behaviours, thereby increasing the likelihood of future offending. The persistence of prolonged pre-trial detention in Nigeria is closely linked to broader structural deficiencies within the criminal justice system. Previous studies have identified several contributing factors, including judicial delays, inadequate legal aid services, prosecutorial inefficiencies, police misconduct, poor case management practices, and political interference in judicial processes (Aniebonam, 2025; Yunusa, Agbo, & Malumfashi, 2025). Socioeconomic inequality further exacerbates the problem, as many detainees are unable to meet bail conditions or secure competent legal representation. Consequently, detention before trial often becomes a form of punishment for poverty rather than a legitimate procedural mechanism for ensuring justice.

Recognizing these challenges, the Nigerian government has introduced several reforms aimed at reducing prison congestion and improving access to justice. Such measures include the enactment of the Administration of Criminal Justice Act (ACJA) 2015, the establishment of prison decongestion committees, the promotion of non-custodial sentencing options, mobile court initiatives, and reforms to bail procedures. Despite these interventions, the population of awaiting trial inmates remains disproportionately high, suggesting that existing reforms have achieved only limited success in addressing the underlying institutional and procedural causes of prolonged detention.

Recent scholarly investigations have examined various dimensions of the awaiting trial phenomenon. Aniebonam (2025) highlighted the adverse effects of prolonged detention on defendants' constitutional rights, including violations of the rights to liberty, fair hearing, and human dignity. Similarly, Yunusa et al. (2025) assessed the implementation of the Administration of Criminal Justice Act and found significant gaps between legal provisions and practical realities. Adesanya (2025) emphasized the continued prevalence of arbitrary detention, police brutality, and systemic delays despite constitutional safeguards. Furthermore, Yushau (2026) identified weaknesses in the administrative framework of criminal justice institutions, including inadequate coordination, staffing shortages, and budgetary constraints, as major contributors to delays in justice delivery.

While these studies have provided valuable insights into the legal and administrative dimensions of prolonged detention, there remains a need for a more comprehensive examination of how awaiting trial incarceration affects prison management, institutional effectiveness, and human rights protection simultaneously. Existing literature has largely focused on legal rights and procedural challenges, with limited attention given to the interconnected relationship between prison overcrowding, correctional administration, criminal subculture formation, and broader social justice concerns.

This study seeks to address this gap by examining the implications of awaiting trial detention on prison management in Nigeria. Specifically, it investigates how the growing population of awaiting trial inmates contributes to overcrowding, strains correctional resources, affects institutional operations, and undermines the protection of human rights. The study also explores the structural factors responsible for prolonged detention and assesses the effectiveness of existing policy interventions designed to address the problem. By doing so, the research contributes to the growing body of criminological and socio-legal scholarship on criminal justice administration in Nigeria and provides evidence-based recommendations for improving correctional management and ensuring equitable access to justice.

The significance of this study extends beyond academic discourse. Its findings are expected to inform policymakers, judicial authorities, correctional administrators, and human rights advocates on strategies for reducing prison congestion, strengthening procedural safeguards, and enhancing the efficiency of the criminal justice system. Furthermore, the study aligns with the objectives of the United Nations Sustainable Development Goal 16, which promotes access to justice, effective institutions, and the protection of fundamental human rights. Against this background, the study seeks to answer the research questions that guide the investigation.

1. What is the impact of awaiting trial on jail management in Nigeria?
2. How does overcrowding affect the criminal subculture in Nigerian prisons?
3. What is the link between Nigerian systemic inequalities and judicial trials?
4. How do delays in Nigeria's criminal justice system affect those awaiting trial?

By addressing these topics, the study aims to promote both scholarly understanding and practical remedies to a long-standing national crisis. The next part examines relevant literature, theoretical viewpoints, and empirical data to place this inquiry within existing academic discourse and highlight the gaps that this study seeks to fill.

## LITERATURE REVIEW

Pre-trial imprisonment, sometimes known as "awaiting trial" in Nigeria, has long been a feature of the criminal justice system, with far-reaching implications for

correctional facility administration, inmate welfare, and the justice system as a whole. Various research and policy papers identify three stages in the development of the issue: prison management issues, the social impact of overcrowding and the emergence of a criminal subculture, and the issue of the court system's poor functioning.

### Awaiting Trial Prisoners and Prison Management

Without a doubt, ATPs are a significant contributing factor to the primary issues with Nigeria's penal system, which the authorities have occasionally highlighted. According to Onota and Oloya (2025), ATPs make up more than 70% of all inmates in different jails, which presents a problem for allocating resources designated for both community care and custodial care.

This results in ongoing overcrowding, which puts a great deal of strain on the infrastructure and makes the Nigerian Correctional Service's (NCS) administrative duties more challenging. According to Amnesty International (2023), correctional personnel are forced to conduct security duties instead of their primary rehabilitative responsibilities due to the enormous number of ATPs that need to be supervised. This reduces the efficacy of programs focused on skill development and reintegration of prisoners.

Nwankwo and Adeoye (2021) add that the shifting of personnel, combined with dwindling resources, maintains a mindset in which the service is more reactive and less reformative, which is contrary to the NCS's objectives as outlined in the Nigerian Correctional Service Act 2019. Transporting a significant quantity of ATPs is a logistical nightmare for jail personnel. They are required to perform more escorts, are more likely to be asked to assist in medical situations, and have a greater amount of paperwork to complete.

The institution's security is typically reduced and planned programming are canceled as a result of the offenders' daily need to be transported to and from courts. Furthermore, Uzochukwu and Eze (2023) emphasize that prolonged pre-trial detention makes it difficult to classify the inmates; consequently, ATPs are placed in the same category as those who have already received sentences without taking into account international standards that mandate the separation of convicted and remand populations.

The prison governance structure is also impacted by the stress brought on by these operational strains. Among other things, the ongoing congestion brought on by ATPs will result in a deterioration in the standard of hygiene, a shortage of essential supplies, and a rise in hostility between the prisoners and the staff (Onota & Oloya, 2025). It has been demonstrated that these conditions are the primary cause of violence, escapes, and health issues within the facilities (Amnesty International, 2023). As a result, correctional officials are

forced to prioritize containment above correction, which reduces the institution's effectiveness in carrying out the rehabilitative mandate.

### **Overcrowding and the Formation of Criminal Subcultures**

Overcrowding is a key underlying cause of insecurity in Nigeria's correctional facilities. It is a challenge that impedes the Nigerian Correctional Service's ability to carry out its rehabilitation mandate. According to Ojeh and Ekanem (2022), due to a lack of sufficient treatment, awaiting trial detention was recognized as the leading cause of congestion, and several institutions were reported to be operating at more than 200 percent of their intended capacity. This level of overpopulation not only violates the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), but it also significantly alters the classification and separation of inmates based on their risk profile.

Overcrowding's geographical limits increase inmate contact, making the spread of criminal subcultures easier. According to Nwankwo and Adeoye (2021), in situations where little or no rehabilitative activities are planned and surveillance is distributed, inmate groups form formidable networks that seize control of resources, establish their own laws, and engage in illegal trade. Members of these organizations use a significant level of social pressure on new entrants, particularly first-time offenders, to get them habituated to prison-based codes of conduct, allowing for the rapid adoption of deviant norms.

Furthermore, overcrowding is closely linked to an increase in violence, extortion, and coercion in prison yards, according to Onota and Oloya (2025). Criminal networks compete to gain more influence as a result of restricted access to essential services like food, bedding, and medical treatment. Correctional personnel are greatly impacted by this flow of influence since they must bargain for control with the dominant inmate groups, which causes them to lose control over their institutional authority.

From a public health standpoint, overcrowding greatly increases the likelihood of infectious disease outbreaks since diseases like skin infections and tuberculosis spread quickly in densely inhabited, poorly ventilated cells (Ojeh & Ekanem, 2022). The ensuing health crises not only jeopardize the offenders' well-being but also place a significant strain on prison healthcare systems, which quickly diminishes their ability to provide rehabilitation and maintain order.

These interrelated consequences, which include criminogenic socialization, violence, a decline in official authority, and worsening health conditions, are just a few of the numerous ways that overcrowding not only presents a logistical challenge but also plays a significant role in the emergence of criminal subcultures that complicate reform initiatives and prolong offenders'

criminal cycles.

### **Judicial Delays and Structural Inefficiencies**

The most important and primary systemic issue facing Nigeria's criminal justice system is a court delay, which is one of the many reasons for extended pre-trial imprisonment. A number of procedural obstacles are mentioned by Nwankwo and Adeoye (2021) as the main cause of cases that linger in court for years. These include a lack of judges, cases that are repeatedly postponed, ineffective prosecution, and inadequate investigative capabilities. Defendants who are impoverished suffer the most from these delays. Regardless of how serious the alleged misdeeds are, they are the ones who spend the most time behind bars since they are the least able to obtain bail or hire legal counsel.

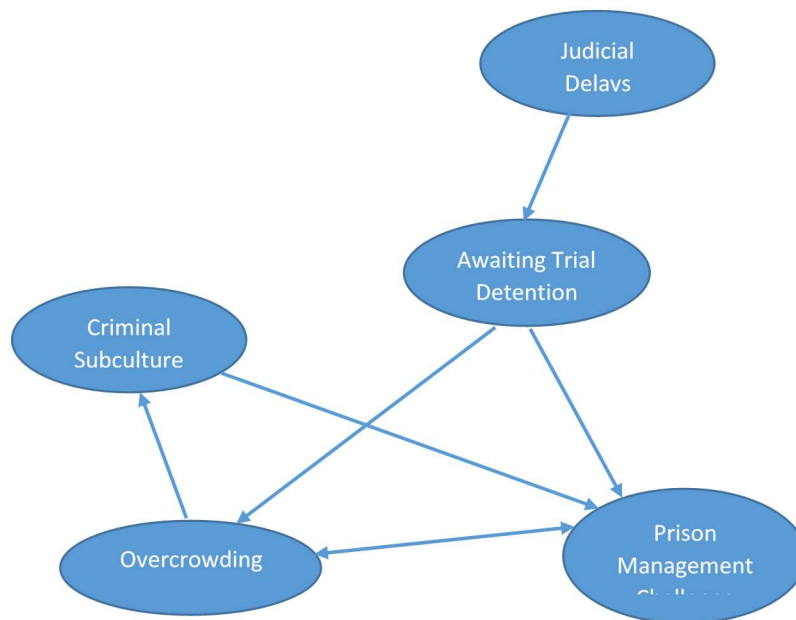
Onota and Oloya (2025) claim that these inefficiencies not only produce a feedback loop that exacerbates prison overcrowding, but they also make matters worse because new inmates enter the system more quickly than cases can be resolved. They bring up the "mention without trial" problem, in which defendants are merely brought to court for procedural mentions while significant hearings are put on hold indefinitely. Apart from jail being delayed as a result of this, public trust in the justice process also suffers.

Judicial delays are linked by Ojeh and Ekanem (2022) to more general governance issues such the judiciary's underfunding, the inadequate use of case management technologies, and the ineffective coordination of the police, prosecution, and courts. They contend that these systemic inefficiencies undermine the prompt administration of justice and increase the likelihood that detainees will endure pre-trial detention periods longer than the maximum sentence for their alleged offenses, which is against both Nigerian law and international human rights standards.

In addition to violating people's rights, the total of these delays results in significant operational expenses for the Nigerian Correctional Service, which must continue to house and care for inmates whose cases are still pending. The institution's capacity to accomplish its rehabilitative goals is diminished by the resulting lack of resources, which perpetuates the cycle of overcrowding and the emergence of a criminal subculture that was noted in the earlier sections.

After reviewing the literature, the study concludes that prison management challenges are linked to the following phenomena: overcrowding, awaiting trial detention, criminal subculture, and court delays. These elements are interwoven in such a way that their combined effect maintains the system's inefficiencies while also weakening the Nigerian Correctional Service's (NCS) rehabilitative mandate.

The first stage of the cycle is awaiting trial detention,



**Figure 1:** Conceptual Framework

which is the primary way correctional facilities receive input. As a result, an oversupply of people on the waiting list for trial places a significant pressure on prison management, diverting resources away from institutionalized treatment and toward custodial duties. Congestion causes overcrowding, which not only deprives inmates of their right to a decent life, but also fosters the growth of criminal subcultures. As these groups of criminals expand in numbers, they become difficult to regulate, consequently, prison management is faced with the difficulty of a more unstable prison environment. While these changes are taking place, the individuals who will be included in the judicial process face a backlog of cases, which keeps them in custody for an extended period of time, contributing to the cycle of overcrowding and diverting equipment and human resources from prison management activities. As a result, these processes create self-reinforcing loops that reduce institutional capacity, weaken the justice system, and raise human rights concerns. The conceptual framework (Figure 1) demonstrates these relationships, as well as the directional flow and feedback loops between the studied variables.

### Theoretical Framework

Detainees awaiting trial in Nigerian jails have an impact on the country's operations, criminology, and human rights. As a result, the use of several theories such as

Systems Theory, Differential Association, and Human Rights-Based Approach (HRBA) is critical. System theory explains the structural interrelations within the judiciary; Differential Association Theory describes the behavioral effects of detention; and the HRBA as a whole defines the state's legal and moral obligations. This integration makes it possible to conduct state, behavioral, and rights-based evaluations.

### Systems Theory

The premise behind systems theory is to see institutions as units that rely on one another for survival, and the success of one unit is determined by the performance of others. According to Nwankwo and Adeoye (2021), the number of inmates awaiting trial is the common denominator for the inefficiency of Nigeria's courts and police. These inefficiencies have overstretched prison resources, resulting in overcrowding and the failure of the rehabilitation process.

### Differential Association Theory

According to this hypothesis, interaction is the fundamental mechanism of acquiring criminal talents (Onota & Oloya, 2025). Thus, criminals who are in jail for petty infractions and those who are there for felony charges mix in the packed jails, exchanging not just their abilities but also their positive and negative attitudes

toward crime. As a result, the recidivism rate among criminals increases.

### **Human Rights-Based Approach (HRBA)**

The human rights-based approach (HRBA) is a strategy for incorporating human rights principles and norms such as universality, interdependence, and non-discrimination into various parts of governance, including policies, legislation, programs, and budgets. Ojeh and Ekanem (2022) and Amnesty International (2023) both state that lengthy incarceration violates the rights to freedom, the presumption of innocence, and a timely trial, making reform not only desirable but also legally required.

### **Integration of Theories**

Each theory, when considered separately, provides only a limited analysis of the issue of waiting for trial detention. However, when combined, they provide a more complete picture. Systems Theory reveals inefficient interactions between policing, prosecution, and the courts, resulting in a large number of people being imprisoned before trial and then kept there.

Differential Association Theory emphasizes this idea by demonstrating how the jail setting is not simply a passive place of crime, but also a place where offenders learn new criminal skills and ways of thinking, disengaging them from rehabilitation programs and raising their chances of recidivism. The Human Rights-Based Approach (HRBA) fundamentally connects the debate to legal and moral imperatives, recasting lengthy pre-trial incarceration as both an administrative failure and a violation of constitutional and international rights obligations.

This integrated theoretical anchor enables the study to address the problem's systemic roots, behavioral consequences, and normative urgency for reform, ensuring that proposed solutions are operationally sound, socially informed, and in accordance with international human rights standards.

### **METHODOLOGY**

The use of a descriptive survey research approach was critical to this study since it allowed for the simultaneous collection of data from a wide population. The conditions, connections, and perspectives on awaiting trial detention, jail management, overcrowding, and legal delays were discussed. To undertake such extensive research, the study included quantitative and qualitative data. This study focused on three Nigerian correctional facilities with large populations of awaiting trial, each with its own set of operational issues and regional, security, and urbanization contexts. The Nigerian Correctional Service Act of 2019 established Nigeria's correctional system,

which includes both custodial and non-custodial units; however, this study focuses primarily on medium and maximum security custodial facilities, where overcrowding and judicial delays are the most severe.

The facilities of Agodi Medium Security Custodial Center (Oyo State, Semi-urban, South-West), Port Harcourt Maximum Security Custodial Center (Rivers State, Urban, South-South), and Kuje Medium Security Custodial Center (FCT, Urban, North) have been selected. Based on NCoS (2024) and Amnesty International (2023) findings, these three institutions are working at twice the capacity or more; awaiting trial inmates form around 65% of the population, as seen in table 1. The number of inmates awaiting trial, prison employees, and members of the justice sector (judges and attorneys) in the three prisons chosen are all included in the study.

The overall number of prisoners in these facilities was 3,640, of which 2,430 (66.8%) were awaiting trial (Table 1), according to the Custodial Center Daily Inmate Population Report (NCoS, 2024) and Amnesty International (2023). Each facility employed between 150 and 200 people, and the detainees' cases were handled by attorneys. The method of multi-stage sampling was applied. Initially, three correctional facilities Kuje Medium, Port Harcourt Maximum, and Agodi Medium Security Custodial Centers were purposefully selected due to their high percentages of pending trials and regional variety (Table 2). Following that, a proportionate representation was achieved with the aid of stratified sampling. 361 was found to be the minimum sample size. It was computed using Taro Yamane's method for a population of 3,640 prisoners with a 5% margin of error.

$$n = \frac{N}{1 + N(e)^2} = \frac{3640}{1 + 3640 (0.05)^2} = 361$$

Following the inmates population in these three facilities, the sample was proportionally distributed as seen in (Table 2).

Furthermore, 30 prison staff and 15 legal/judicial personnel from the three locations were specifically chosen for in-depth interviews to supplement the quantitative data with qualitative insights. A structured questionnaire with both closed and open-ended questions associated with the research objectives was created. The questionnaire was divided into sections that addressed demographic information, experiences and perceptions of pre-trial detention, prison administration techniques, overcrowding effects, and judicial delay consequences. To investigate the qualitative observations, a series of interviews were performed with prison wardens, magistrates, and defense attorneys. The questionnaire was first reviewed by professionals in criminology and legal studies to ensure its content validity. To develop the instrument, a pilot test was done using 30 non-sampled facility respondents. Cronbach's

**Table 1:** Description of the population of the selected facilities.

| Facility                                        | Location     | Security Level | Designed Capacity | Current Inmate Population | Awaiting Trial Detainees | % Awaiting Trial |
|-------------------------------------------------|--------------|----------------|-------------------|---------------------------|--------------------------|------------------|
| Kuje Medium Security Custodial Centre           | FCT, Abuja   | Medium         | 560               | 1,143                     | 764                      | 66.8%            |
| Port Harcourt Maximum Security Custodial Centre | Rivers State | Maximum        | 804               | 1,852                     | 1,245                    | 67.2%            |
| Agodi Medium Security Custodial Centre          | Oyo State    | Medium         | 290               | 645                       | 421                      | 65.3%            |

Sources: Nigerian Correctional Service (2024).

**Table 2:** Sample distribution.

| Facility                                        | Inmate Population | Sample Size |
|-------------------------------------------------|-------------------|-------------|
| Kuje Medium Security Custodial Centre           | 1,143             | 113         |
| Port Harcourt Maximum Security Custodial Centre | 1,852             | 184         |
| Agodi Medium Security Custodial Centre          | 645               | 64          |

**Table 3:** Demographic Characteristics of Respondents (n = 353).

| Variable                  | Category                | Frequency | Percentage (%) |
|---------------------------|-------------------------|-----------|----------------|
| <b>Gender</b>             | Male                    | 289       | 81.9           |
|                           | Female                  | 64        | 18.1           |
|                           | 18–29 years             | 98        | 27.8           |
| <b>Age Group</b>          | 30–39 years             | 126       | 35.7           |
|                           | 40–49 years             | 84        | 23.8           |
|                           | 50 years and above      | 45        | 12.7           |
|                           | No formal education     | 54        | 15.3           |
| <b>Education Level</b>    | Primary education       | 88        | 24.9           |
|                           | Secondary education     | 139       | 39.4           |
|                           | Tertiary education      | 72        | 20.4           |
|                           | Awaiting trial detainee | 238       | 67.4           |
| <b>Status</b>             | Convicted inmate        | 47        | 13.3           |
|                           | Prison staff            | 45        | 12.7           |
|                           | Legal/justice personnel | 23        | 6.5            |
|                           | Less than 6 months      | 102       | 28.9           |
| <b>Length in Facility</b> | 6–12 months             | 83        | 23.5           |
|                           | 13–24 months            | 94        | 26.6           |
|                           | More than 24 months     | 74        | 21.0           |

Source: Field Survey, 2025

alpha coefficient was calculated to assess dependability, and the result of 0.82 indicates a good level of internal consistency. The researchers summarized the survey responses by processing quantitative data using descriptive statistics such as frequencies, percentages, and means. Inferential statistics, such as chi-square tests and correlation analysis, were used to determine the link between variables. The interview data was thematically examined to identify recurring themes and insights that could enhance the quantitative findings. The research was approved by the Nigeria Prison Management Board. After being made aware of their freedom to withdraw at any time, their voluntary participation, and the secrecy of their names, participants gave their consent to participate in the study. The ethical precepts of beneficence, justice, and respect were adhered to throughout this study.

## RESULTS

Out of the 361 questionnaires distributed across the three

correctional facilities Kuje Medium Security Custodial Centre, Port Harcourt Maximum Security Custodial Centre, and Agodi Medium Security Custodial Centre a total of 353 were correctly completed and returned, representing a response rate of 97.8%. This exceptionally high response rate can be attributed to the diligent follow-up efforts of the research team, as well as the cooperation and support provided by the administrators of the respective custodial facilities. The high level of participation enhances the reliability and representativeness of the study findings.

## Demographic Characteristics of Respondents

The respondents are made of awaiting trial detainees, convicted inmates, prison staff, and justice sector personnel. The demographic characteristics as gleaned from the questionnaire responses are presented in (Table 3).

**Table 4: Impact of awaiting trial on prison management (n = 353).**

| Impact Area                                                                                                      | SA (%) | A (%) | D (%) | SD (%) | Mean | S    | Remark    |
|------------------------------------------------------------------------------------------------------------------|--------|-------|-------|--------|------|------|-----------|
| Overcrowding impedes efficient management of correctional facilities                                             | 65.7   | 25.8  | 5.4   | 3.1    | 3.54 | 0.75 | Agreement |
| High population of awaiting trial detainees put excessive strain on resources in food, health care, and security | 59.5   | 31.7  | 5.1   | 3.7    | 3.47 | 0.78 | Agreement |
| Large awaiting trial population negatively impacts rehabilitation programmes due to limited access               | 56.1   | 28.6  | 10.5  | 4.8    | 3.36 | 0.86 | Agreement |
| Overcrowding escalates conflict and fear among the incarcerated                                                  | 58.1   | 29.5  | 7.6   | 4.8    | 3.41 | 0.83 | Agreement |
| High awaiting trial population causes a change of administration focus from reform to control                    | 54.7   | 30.6  | 9.1   | 5.7    | 3.34 | 0.87 | Agreement |

Source: Field Survey, 2025

The sample was primarily composed of males (81.9%), which is consistent with the gender composition of Nigeria's jail population. The majority of responders were between the ages of 30-39 (35.7%) and 18-29 (27.8%), which is consistent with the skew in young adult jail demographics around the world. A sizable proportion of respondents (39.4%) graduated from high school, whereas 15.3% had no formal education. The bulk of detainees awaiting trial (67.4%) were unconvicted, which is consistent with official numbers indicating that more than two-thirds of Nigeria's prison population is unconvicted (NCoS, 2024). The data on length of stay shows that a high percentage of respondents were jailed for more than six months, indicating an issue with lengthy pre-trial custody.

#### **Awaiting trial and prison management in the Nigeria correctional centres?**

The objective of this question was to examine how the predominance of awaiting trial detainees influence operational efficiency, resource allocation, and the rehabilitative functions of correctional facilities. The data analysis is shown in (Table 4).

When utilizing a 4-point Likert scale, all five effect areas had mean values more than 3.0, indicating that respondents agreed with the negative impacts described. The item "Overcrowding hinders effective management" had the highest mean score of 3.54, while the item "Shifts administrative focus from reform to containment" received the lowest (3.34), despite the fact that both indicated agreement. Standard deviations ranging from 0.75 to 0.87 indicate that the participants' responses were substantially similar.

The quantitative results show high agreement, which is corroborated by qualitative replies from prison officials, judiciary personnel, and detainees awaiting trial. The interview topics that developed not only provide insight into the operational and human ramifications of a large awaiting trial population, but also demonstrate how these

difficulties influence both staff and convicts. The qualitative data revealed that overcrowding limits effective management, as participants reported that the congestion was so persistent that even the most basic management tasks were difficult to complete. For example:

*"Our everyday activity is crisis management, because the crowding has made it that every day all we do is balancing act to maintain order while ensuring basic needs are met." (Prison Staff, Port Harcourt Maximum Security)*

Along with that, resource strain on facilities was noted by the respondents who indicated that the high number of the awaiting trial detainees puts significant pressure on food supply, healthcare, and security provisions. Most of the respondents noticed that when the numbers go as high as it is in these facilities, meals get stretched, health issues pile up, and they just hope no outbreak happens.

The other significant themes that were identified by the author also include the limitation of rehabilitation chances, the danger of insecurity and tension, and a change from reform to control as illustrated by the following excerpts:

*"We also stopped the vocational training as there is no room, its serious that some of our classrooms have been changed to accommodation." (Rehabilitation Officer, Kuje)*

*"one thing I'm most worried about is that the level of the crowd makes it such that any small incident, the next thing you see is fight, because they are all struggling for survival, so everything becomes a threat for them." (Prison Staff, Port Harcourt)*

*"these days, what we do is more of fighting to prevent crisis, than the reform activities that is our primary responsibility. We spend more time managing tensions than on actual rehabilitation." (Senior Officer, Kuje)*

**Table 5:** Effect of overcrowding on criminal subculture formation (n = 353).

| Overcrowding impact on criminal subculture                                                | SA (%) | A (%) | D (%) | SD (%) | Mean | s    | Remark    |
|-------------------------------------------------------------------------------------------|--------|-------|-------|--------|------|------|-----------|
| Overcrowding increases daily tension and inmate conflicts                                 | 60.9   | 29.5  | 6.2   | 3.4    | 3.48 | 0.79 | Agreement |
| Overcrowding encourages the spread of criminal skills among inmates                       | 57.8   | 31.7  | 6.8   | 3.7    | 3.44 | 0.81 | Agreement |
| Prolonged detention increases likelihood of joining prison gangs or cliques               | 55.5   | 32.9  | 7.6   | 4.0    | 3.40 | 0.83 | Agreement |
| Interactions with convicted criminals influence detainees to adopt pro-criminal attitudes | 54.7   | 33.4  | 8.0   | 3.9    | 3.39 | 0.83 | Agreement |
| Overcrowding limits supervision, making criminal networks difficult to control            | 53.8   | 33.2  | 8.5   | 4.5    | 3.37 | 0.85 | Agreement |

Source: Field Survey, 2025

**Table 6:** Correlations.

|                     | Overcrowding | Criminal Subculture | Sig. (2-tailed) | N   |
|---------------------|--------------|---------------------|-----------------|-----|
| Overcrowding        | 1.000        | 0.691               | -               | 353 |
| Criminal Subculture | 0.691        | 1.000               | 0.000           | 353 |

### Overcrowding and Criminal Subculture Formation

This objective investigated how overcrowding in Nigerian prisons contributes to the emergence and entrenchment of criminal subcultures.

It is evident from the mean scores (3.37–3.48) that overcrowding creates an environment that is favourable to the emergence of criminal subcultures (Table 5). "Overcrowding limits supervision" had the lowest mean, but it still showed strong agreement, while "Overcrowding increases daily tension and inmate conflicts" had the highest mean, indicating that interpersonal friction is the most obvious symptom. A Pearson correlation was performed to better understand the relationship between the perceived degree of criminal subculture growth in Nigerian correctional facilities and the perceived severity of overcrowding. The results are as follows.

There is a substantial statistically significant positive link between the perception of criminal subculture formation and crowding, as indicated by the bivariate correlation coefficient ( $r = 0.691$ ,  $p < .001$ ) (Table 6). Higher levels of criminal subculture within the facilities were therefore more likely to be observed by those respondents who considered overcrowding to be severe. This result is in line with the hypothesis that overcrowding is a criminogenic factor that leads to the development of inmate networks, gang recruitment, and the propagation of pro-criminal norms in addition to being a logistical management issue.

The results of the interviews confirm the statistical data by demonstrating that overcrowding is a significant obstacle that impacts the prison's civil process, particularly as it serves as both a source of evil and a

conduit for the criminal subculture. According to the qualitative statistics, the dissatisfaction caused by overpopulation makes correctional facilities ideal for the formation of gangs and alliances.

Observations showed that regular conflicts over basic needs like sleeping quarters, meal quantities, and access to water are caused by overcrowding, and that an ongoing argument appears to be pushing the inmates to form protective coalitions that are turning into gangs. According to a Port Harcourt prison guard, "the overcrowding in the cells, leads the inmates to naturally evolve into gangs, initially for survival, but before you know it power tussle rises."

Importantly, these affiliations are not short-lived: the detainees often maintain in touch after they are freed, thus building a network that stretches far beyond the prison walls. Convicts and staff even referred to the jail as a "school" with seasoned offenders serving as the "teachers" and recently arrived or inexperienced convicts serving as the "students." This informal education thrives since there are no organized rehabilitation programs, which is made worse by traffic. This is in line with the Differential Association Theory, which holds that exposure to pro-criminal terminology has a greater impact than counterarguments. For example:

*"There are things I didn't know exist until I came in here. There are many things people can learn here o, it all depends on what one decides, from scams to how to handle police."* (A detainee at Kuje facility)

Additionally, officials have acknowledged that it is more difficult for them to monitor inmate contacts because of congestion, which contributes to the lack of control and

**Table 7:** Delays in Trial and Awaiting Trial Detention (n = 353).

| Delay-Related Factor                                                         | SA (%) | A (%) | D (%) | SD (%) | Mean | SD   | Remark    |
|------------------------------------------------------------------------------|--------|-------|-------|--------|------|------|-----------|
| Court adjournments keep defendants in custody longer                         | 61.2   | 28.7  | 6.0   | 4.1    | 3.47 | 0.80 | Agreement |
| Slow police investigations lead to prolonged detention before trial          | 59.5   | 29.5  | 6.5   | 4.5    | 3.44 | 0.82 | Agreement |
| Case transfers between courts increase time in detention                     | 57.6   | 31.7  | 6.8   | 3.9    | 3.43 | 0.81 | Agreement |
| Lack of early legal representation increases detention length                | 55.8   | 32.3  | 8.2   | 3.7    | 3.40 | 0.81 | Agreement |
| Most awaiting trial detainees could be released sooner if trials were faster | 53.9   | 33.1  | 8.5   | 4.5    | 3.38 | 0.84 | Agreement |

Source: Field Survey, 2025

**Table 8:** Correlations

|                         | Trial Delays | Detention Length | Sig. (2-tailed) | N   |
|-------------------------|--------------|------------------|-----------------|-----|
| <b>Trial Delays</b>     | 1.000        | 0.598            | -               | 353 |
| <b>Detention Length</b> | 0.598        | 1.000            | 0.000           | 353 |

deeply ingrained subcultures. There is very little prospect of stopping gang recruitment, secret meetings, and contraband tending when one guard is in charge of more than forty prisoners. Criminal subcultures have the chance to grow firmly established in jail life due to the lack of oversight. "They are known as inmates by law, but I can assure you that what we have here is a society of its own, with cliques of different sizes, each with its own rules," said a senior officer at the Agodi facility.

In general, this issue can be analysed as the prison system's debate over the extent to which the combination of high cell population, long waiting times for trials, and almost no rehabilitation provision turns prisons into places where criminal identities are reinforced rather than reformed. This is consistent with the literature, which views overcrowding as a criminogenic state that must be treated logically.

### **The effects of delay in trial within Nigeria's Criminal Justice System on awaiting trial.**

This objective examined the extent to which delays in the Nigerian trial process contribute directly to the high proportion of awaiting trial detainees, as measured in (Table 7).

All items got strong agreement (mean 3.38-3.47), indicating that trial delays are the principal cause of awaiting trial detention. Notably, court adjournments received the highest rating, closely followed by slow police investigations. However, because the level of agreement is insufficient to determine the extent to which delays in the Nigerian trial process contribute directly to the high proportion of awaiting trial detainees, the study went on to conduct a Pearson correlation analysis to

assess the association between perceptions of trial delay factors such as adjournments, slow investigations, and perceived length of detention among awaiting trial detainees, and the following results were observed (Tables 7 and 8).

The study found a relatively high, statistically significant positive association between perceptions of trial delays and prolonged detention length ( $r = 0.598$ ,  $p < .001$ ). As a result, responders can be more confident in their assessment that delays in trials are perceived as lengthening the time that those in detention must wait. Furthermore, despite the overwhelming presence of delays as a major factor, the strength of the less-than-perfect correlation indicates the issues that may be involved, such as the inability to meet bail conditions and a lack of legal representation, both of which are at the root of the awaiting trial population.

The interview data also shows that delays are a major impact in the situation of people awaiting trial, but it also reveals two hitherto unexplored processes by which the relationship operates. The data reveals a delay-induced procedural limbo caused by continual rescheduling. Not only are detentions prolonged, but the detainees' files are "lost in the system" for an extended period of time due to an administrative backlog. A legal aid lawyer illustrated the situation by saying: "*When a case misses two or three mentions, it can drop off the court's active list, and if nobody moves it, it stays there.*" This bureaucratic attrition effect is one that extends detention not through judicial decision but by administrative inertia.

Additionally, a number of inmates revealed that the police utilize sluggish investigations as a bargaining weapon by purposefully delaying information in order to exert pressure for bribes or plea deals.

The allegation being made repeatedly in many facilities is likely to indicate the existence of multiple systemic vulnerabilities, most of which have not been recorded in literature, though this is difficult to determine. An example is taken from the response of a prisoner at Port Harcourt facility, who said: *"If you haven't settled with the police, your file will still be with them; but when you give them something then they will say that the investigation is complete."* Qualitative data also revealed that the lack of representation and case transfers had a compounding impact. Changing a case often means that you have to start over with a new judge who doesn't know the case, thus the progress of the trial is virtually reset. This become worse when a defendant is unrepresented, and uninformed of procedural steps. For instance: "...the thing is that without a lawyer, the defendant doesn't know how to push for hearing dates, so they just wait, and that waiting time is the challenge we are talking about because they must be secured somewhere, and where else than the correctional facilities" (*Magistrate, at Kuje facility*). Thus, the connection between trial postponements and longer jail terms is confirmed because the delays push the affairs into a state of administrative invisibility, where ongoing legal proceedings are in a state of quasi-abandonment; additionally, investigations are given leverage because the delay in procedures can be used as a weapon against the informal gain. These findings suggest that modifications to the legal system should go beyond just increasing court capacity or enacting legislative deadlines. The topic of police accountability in crime investigation timelines and the bureaucratic tracing of cases must also be covered.

## DISCUSSION

The research looks at the phenomenon of awaiting trial detention in Nigeria as a systemic model, here the prison environment is seen as the system with operational, criminological, and socio-economic consequences interconnected. In the context of three distinct correctional facilities situated far apart from one another, the authors' interpretation of primary data collected from both a quantitative and qualitative perspective reveals that awaiting trial occurrence is not only a statistical error of the Nigerian legal system but also the fundamental condition around which prison administration, inmate social networks, and judicial proficiency are related. While the existing body of knowledge has delineated the elements of this predicament, the present research unpacks these effects by substantiating the extent of their national uniformity, measuring the strength of previously assumed relationships, and delineating them as part of an integrated systems framework.

### Awaiting Trial and Prison Management

This study demonstrates how the predominance of the

inmate population awaiting trial, known as awaiting trial prisoners (ATPs), has fundamentally altered Nigerian correctional facilities, turning them into crisis-management organizations rather than reform-oriented ones. Respondents in the examined jails said that overcrowding, a lack of resources, and staff distraction from their rehabilitative responsibilities occurred frequently. In this way, ATP prevalence is repositioned from being one of many operational challenges to the point where it not only influences management outcomes but also serves as the structural baseline for all of those outcomes, such as program suspension and a shift to purely custodial priorities.

Previous research by Nwankwo and Adeoye (2021) linked resource diversion primarily to the problem of prison overcrowding. However, the present findings extend this perspective by demonstrating that tensions and rivalries between Awaiting Trial Persons (ATPs) and convicted inmates generate a chain of institutional pressures, including food shortages, delays in healthcare delivery, and heightened security risks. These interconnected challenges contribute to a gradual reorientation of the correctional institution away from its intended rehabilitative and reformatory functions. Qualitative evidence, such as the conversion of vocational training classrooms into inmate sleeping quarters, illustrates both the inadequacy of existing infrastructure and the resulting shift in institutional priorities. Furthermore, the consistency of these patterns across urban maximum-security, urban medium-security, and semi-urban medium-security custodial centres suggests that the problem is systemic rather than site-specific. Consequently, the findings indicate that the observed challenges reflect structural deficiencies within the correctional system as a whole, rather than isolated failures at individual facilities.

### Overcrowding and Criminal Subculture Formation

This study identifies prison overcrowding as a fundamental driver of criminal subculture formation within Nigerian correctional facilities, rather than merely a consequence of administrative inefficiency. The findings provide empirical support for propositions advanced in previous studies (Nwankwo & Adeoye, 2021; Ojeh & Ekanem, 2022) and align with the assumptions of Differential Association Theory (Akers, 2017), which posit that criminal behaviour is learned through social interaction. However, the present study extends these perspectives by demonstrating the specific mechanisms through which overcrowding facilitates the development and consolidation of criminal subcultures.

The findings reveal that congestion intensifies interpersonal contact among inmates while simultaneously reducing the effectiveness of supervision and institutional control. Under such conditions, inmates are compelled to establish protective alliances to secure access to scarce resources, personal safety, and social

support. These alliances frequently evolve into gangs or informal governance structures that regulate inmate interactions and influence prison life. Importantly, the emergence of such groups is not solely attributable to exposure to criminal peers; rather, it is structurally induced by resource scarcity, spatial constraints, insecurity, and weakened institutional capacity. By conceptualising inmate affiliations as adaptive survival mechanisms within overcrowded environments, this study advances existing interpretations that primarily emphasise behavioural transmission and criminal learning. The findings suggest that overcrowding creates a social ecology in which criminal networks become functional responses to institutional deficiencies. The recurrence of this pattern across different correctional facilities further indicates that the criminogenic effects of overcrowding are embedded within the broader prison system rather than confined to isolated institutions. Consequently, the study repositions overcrowding from a secondary administrative concern to a primary structural factor contributing to the formation and perpetuation of criminal subcultures within Nigerian correctional centres. Through its documentation of survival-based recruitment practices and the widespread nature of these dynamics, the research highlights the need to address overcrowding as a critical component of correctional reform and crime prevention strategies.

### **Judicial Delays and Systemic Inefficiencies**

This study identifies judicial delay as a fundamental structural factor underpinning the crisis of prolonged pretrial detention in Nigeria, rather than merely an administrative or procedural challenge. The findings reveal a convergence of perspectives among detainees, correctional personnel, and legal practitioners, all of whom associate delayed case progression with extended detention periods, prison overcrowding, and the emergence of criminogenic environments. These findings suggest that inefficiencies within the judicial system contribute significantly to the infringement of inmates' rights and undermine the effectiveness of the correctional system.

While previous studies (Ayinla-Ahmad & Salman, 2025; Ojeh & Ekanem, 2022) have identified court backlogs, prosecutorial absenteeism, and investigative deficiencies as major sources of judicial delay, the present study advances the literature by situating these factors within a broader systemic framework. Specifically, the findings demonstrate that judicial inefficiencies generate large populations of awaiting trial persons, which in turn exacerbate prison overcrowding. Overcrowding subsequently places considerable strain on correctional resources and management structures, creating conditions that facilitate the development of criminal subcultures and other forms of institutional instability. These outcomes further complicate prison administration

and may indirectly hinder the timely resolution of cases, thereby reinforcing the cycle of delay. This cyclical interpretation represents a significant departure from the linear cause-and-effect models commonly presented in earlier studies. Rather than viewing judicial delays solely as isolated procedural shortcomings, the findings conceptualise them as components of a self-reinforcing system in which deficiencies within the criminal justice process generate conditions that perpetuate further inefficiencies. Consequently, the study highlights the need for comprehensive reforms that address both judicial and correctional institutions simultaneously, recognising the interdependence between court performance, prison conditions, and the protection of inmates' rights.

### **Socio-economic Inequality and Court Trial Processes**

This research work redefines socio-economic inequality related to pretrial detention in Nigeria as a structural issue that influences the entire pretrial detention process, rather than a peripheral characteristic of the demographic distribution. Most of the individuals awaiting trial were single males, with low levels of education, unstable sources of income, and limited access to legal representation. The respondents' accounts showed the idea that the most frequent result of the inability to obtain bail or competent defense, is the extended custody. Through this, the authors present a fresh perspective that is richer than that provided by the assertions of Oyeyipo (2011) which merely note the predominance of poverty as a characteristic in the sample of ATPs. The new evidence illustrates how sorting mechanisms operate to generate a detention regime based on social class with the pre-trial justice outcomes already virtually set by the socio-economic status of the detainees. Besides sociological implications, the data tie disadvantage to the interaction with other systemic drivers that operate through poverty in a vicious cycle: the inability to provide bail leads to an increase in the number of ATPs which have to be housed in overcrowded cells and the presence of the latter then fosters criminal subcultural activities and the continuation of case delays.

Hence, the current research treats socio-economic vulnerability as a dynamic phenomenon, showing its practical impact in the prisons. The indigent detainees are mostly located in the areas that are most congested and are the least provided for in terms of resources thus, their level of deprivation is increased and they are also exposed to the presence of hardened networks. Consequently, inequality not only determines being stuck in the cycle of arrest but also shapes the entrance and lived experience of people in detention thus, providing the opportunity to adopt a more efficient and focused analytical framework for targeting fairness and other types of reforms in Nigeria's justice system.

## Conclusion

This study has demonstrated that awaiting trial detention constitutes a structural crisis within Nigeria's criminal justice system rather than merely an administrative challenge. The findings reveal that the predominance of awaiting trial detainees has significantly undermined the effective management of correctional facilities by contributing to chronic overcrowding, straining institutional resources, and shifting the primary focus of correctional centres from rehabilitation to containment. Consequently, correctional institutions are increasingly constrained in fulfilling their rehabilitative mandate.

The study further established that overcrowding serves as a catalyst for the formation and consolidation of criminal subcultures within correctional facilities. Inmates frequently develop protective alliances as adaptive responses to resource scarcity, insecurity, and institutional deficiencies. Over time, these survival-oriented associations often evolve into gangs and networks that facilitate deviant learning and reinforce criminal behaviours, thereby transforming correctional facilities into environments that may inadvertently promote criminality rather than rehabilitation. In addition, judicial delays were identified as a major contributor to prolonged pretrial detention. Factors such as repeated adjournments, inadequate investigations, prosecutorial inefficiencies, and weak inter-agency coordination contribute to extended detention periods, thereby exacerbating overcrowding and institutional instability. The findings suggest that inefficiencies within the judicial process are closely linked to the challenges confronting correctional administration.

Finally, the study highlights the role of socio-economic inequality in shaping detainees' experiences within the criminal justice system. Poverty and limited access to quality legal representation were found to increase the likelihood of prolonged detention and unequal treatment within the justice process. These conditions contribute to disparities in access to justice and reinforce existing social inequalities.

Overall, the study concludes that awaiting trial detention is a systemic problem that reflects interconnected deficiencies in correctional administration, judicial efficiency, and access to justice. Addressing this challenge requires comprehensive and evidence-based reforms that target the structural causes of prolonged pretrial detention while promoting institutional effectiveness, human rights protection, and equitable justice outcomes.

## Recommendations

Based on the findings of this study, the following recommendations are proposed:

1. The Nigerian Correctional Service should develop and implement a comprehensive remand

management framework that clearly distinguishes between awaiting trial detainees and convicted inmates. This framework should be supported by a digital inmate-tracking system and strengthened by the expanded use of non-custodial measures, including probation, community service, and restorative justice programmes. Such reforms would help reduce prison congestion and enable correctional facilities to refocus on rehabilitation.

2. To address the criminogenic consequences of overcrowding, government authorities should institutionalise periodic prison decongestion exercises through expedited bail reviews, alternative dispute resolution mechanisms, diversion programmes, and increased utilisation of non-custodial sentencing options. Furthermore, correctional facilities should prioritise the preservation and expansion of vocational, educational, and rehabilitation spaces to reduce inmate idleness, discourage gang formation, and support successful reintegration into society.

3. The judiciary should implement comprehensive case-management reforms aimed at reducing delays in criminal proceedings. These reforms should include legally enforceable limits on adjournments, automated case-management systems, improved coordination among criminal justice agencies, and time-bound investigative procedures. In addition, specialised fast-track courts should be established to handle minor offences and reduce case backlogs, thereby minimising unnecessary pretrial detention.

4. Access to justice for economically disadvantaged detainees should be strengthened through increased funding for legal aid services, expanded partnerships with private legal practitioners to provide pro bono representation, and the adoption of bail conditions that take into account the financial circumstances of indigent defendants. These measures would promote greater fairness, reduce unnecessary detention, and enhance public confidence in the criminal justice system.

5. A coordinated criminal justice reform strategy should be established to improve collaboration among the judiciary, law enforcement agencies, prosecution services, legal aid providers, and correctional institutions. Such an integrated approach would facilitate timely case resolution, reduce institutional inefficiencies, and address the structural factors contributing to prolonged awaiting trial detention in Nigeria.

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