

## SPECIALIST AND PROBLEM-SOLVING COURTS: THE NEW PARADIGM FOR JUSTICE ADMINISTRATION IN NIGERIA

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### 1.0 INTRODUCTION

The courts of law are government bodies responsible for the adjudication of disputes and the administration of justice. In Nigeria, the courts are vested with the judicial powers of the States and the Federation.<sup>1</sup> They exercise these powers to settle disputes between parties,<sup>2</sup> interpret statutory and constitutional provisions,<sup>3</sup> review the decisions of government functionaries and administrative agencies,<sup>4</sup> as well as issue orders and make recommendations where appropriate.<sup>5</sup>

Since the colonial era, there have been several innovations and shifts in the courts' operations, structure and processes in Nigeria.<sup>6</sup> These include the creation of more courts, broadening the jurisdiction of courts, the establishment of regulatory bodies, and altering judicial processes among others.<sup>7</sup> In many cases, these reforms were initiated by the legislature through the amendment or repeal of the Constitution and relevant laws.<sup>8</sup> In other cases, the reforms were initiated through the adoption of new rules of court or the review of existing ones.<sup>9</sup> In all these cases, the reforms were initiated to tackle the challenges facing the courts, make the courts' processes and operations more efficient or to adapt them to changing circumstances and times.

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<sup>1</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended) s 6(1) (2).

<sup>2</sup> Ibid s 6(6) (b); Akpoghome Theresa, 'Introduction into the Civil Jurisdiction of Nigeria: Court System, Jurisdiction, and Legal Proceedings' (2017) 4 KAS *African Law Study Library – Librairie Africaine d'Etudes Juridiques* 236.

<sup>3</sup> Ari Tobo-Aiyemo, 'The Act of Judging on Nigeria: A Matter of Interpretation and Discretion' (Master's Thesis, University of Nevada Reno 2019); Ijaiya Hakeem, 'Law as a Means of Serving Justice in Nigeria' (2018) 13 *Pandecta: Research Law Journal*.

<sup>4</sup> CA Ogbuabor, 'Expanding the Frontiers of Judicial Review in Nigeria: The Gathering Storm' (2011-2012) 10 *Nigerian Juridical Review*; BO Nwabueze, *Judicialism in Commonwealth Africa* (London: C Hurst & Co Ltd, 1977).

<sup>5</sup> Wigwe Christian, 'Orders and the Nigerian Judiciary' (2012) *Researchgate* <[https://www.researchgate.net/profile/Dr-Christian-Wigwe/publication/274374901\\_ORDERS\\_AND\\_THE\\_NIGERIAN\\_JUDICIARY/links/551c72670cf20d5fbde540f5/ORDERS-AND-THE-NIGERIAN\\_JUDICIARY.pdf?origin=publication\\_detail&tp=eyJjb250ZXh0Ijp7ImZpcnN0UGFnZSI6Ii9kaXJlY3QiLCJwYWdlIjoicHVibGljYXRpb25Eb3dubG9hZCJ9fQ](https://www.researchgate.net/profile/Dr-Christian-Wigwe/publication/274374901_ORDERS_AND_THE_NIGERIAN_JUDICIARY/links/551c72670cf20d5fbde540f5/ORDERS-AND-THE-NIGERIAN_JUDICIARY.pdf?origin=publication_detail&tp=eyJjb250ZXh0Ijp7ImZpcnN0UGFnZSI6Ii9kaXJlY3QiLCJwYWdlIjoicHVibGljYXRpb25Eb3dubG9hZCJ9fQ)> accessed 20 May 2024.

<sup>6</sup> David Enweremadu, 'the Judiciary and the Survival of Democracy in Nigeria: Analysis of the 2003 and 2007 Elections' (2011) 10(1) *Journal of African Elections* 114.

<sup>7</sup> Muhammad Kamaldeen Imam-Tamim and others, 'Judicial Reform in Democratised Nigeria' (National Law Teachers Association Conference, Lagos, July 2012).

<sup>8</sup> Ibid

<sup>9</sup> See GA Onuoha, 'Special Jurisdiction of the High Court and the Fundamental Rights Enforcement Procedure Rules 2009' (2012) 1 *Journal of Nigerian and Comparative Law* 100.

In recent years, the courts have faced monumental challenges. While it may not be possible to enumerate these challenges exhaustively, it is safe to say that the backlog of cases,<sup>10</sup> judges' lack of experience and expertise in some aspects of law,<sup>11</sup> and a vicious sentencing regime make the top of the list.<sup>12</sup> A plethora of measures have been canvassed as solutions for these innumerable challenges. In this paper, the writer will demonstrate how the establishment of specialized and problem-solving courts is the panacea to the challenges facing the courts in Nigeria and hamstringing the country's criminal and civil justice system.

## 2.0 DEFINITION OF CONCEPTS

It is important to, from the onset, provide precise definitions of the key terms used in this essay. This holds several benefits. First, it will help to steer the discourse on the right track while at the same time preventing unnecessary deviations. More importantly, it will help create a better understanding of the content of this paper. Lastly, the definitions provided will help to narrow down the understanding of the terms used to conform to the author's intention. This will be particularly useful for terms which have different meanings and implications which may be broader or narrower than the scope of its use in this paper.

Specialised courts are courts of law with limited or exclusive jurisdiction in a field of law presided over by a judge with expertise in that field.<sup>13</sup> In other words, they are courts which exercise jurisdiction over a particular field or aspect of law. Their jurisdiction over the field may be limited to certain facets of that field or over a certain category of persons. It may be exclusive, in which case it exercises jurisdiction over all matters and persons in respect to that field.

Problem-solving or problem-oriented courts, on the other hand, are courts which exercise their judicial power and authority to 'address the underlying problems of individual litigants, the structural problems of the justice system, and the social problems of communities'.<sup>14</sup> They share certain common characteristics with specialized courts but differ from the latter in that they adopt principles and methods rooted in therapeutic jurisprudence, including integration of treatment services with judicial case processing, ongoing judicial intervention, close monitoring of, and immediate response to behavior, multi-disciplinary involvement, and collaboration with

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<sup>10</sup> See Lohya Laka, 'The Nigerian Judiciary in the 21st Century and the Challenges in Justice Delivery' (2017) 4 African Law Study Library – Librairie Africaine d'Etudes Juridiques 424; Muiz Banire, 'The Challenges of the Judiciary in Contemporary Nigeria' (Annual Judges' Conference of Ogun State Judiciary, Ogun State, September 2021).

<sup>11</sup> Adetokunbo Ademola, 'Personnel Problems in the Administration of Justice in Nigeria' *Law and Contemporary Problems* 476.

<sup>12</sup> Udosen Jacob Idem and Nkokom Eyo Udofia, 'Sentencing and the Administration of Criminal Justice in Nigeria' (2018) 4(1) *Donnish Journal of Law and Conflict Resolution*.

<sup>13</sup> Judicial Reform and Institutional Strengthening Project, 'Specialized Courts/Divisions' (Jurist Project) <<http://juristproject.org/specialized-courts-divisions/>> accessed 10 May 2024.

<sup>14</sup> Erin Collins, 'The Problem of Problem-Solving Courts' (2021) 54 *University of California Law Review* 1573.

Community-based, and government organizations.<sup>15</sup> The core of the difference between specialized courts and problem-solving courts is the nature of the approach they adopt in handling the cases that come before them.

### **3.0 SPECIALISED AND PROBLEM-SOLVING COURTS IN NIGERIA: THE STATUS QUO**

It is important to examine the present state of affairs regarding the existence and operation of specialised and problem solving courts in the country. In other words, it is essential to ascertain whether these courts are in existence in the country, and if yes, whether they are operational. Ascertaining the status quo regarding the existence and operation of specialised courts in Nigeria is fundamental to determining the changes that need to be effected for better justice delivery and effective functioning of the justice system.

Specialised courts exist in Nigeria. They exist either as full courts or divisions of general courts. While some are federal courts, others are established by laws of various states. Examples of specialised courts in the country include the National Industrial Court, environmental courts, family courts, tax courts (tribunals) and traffic courts.

At present, problem-oriented or problem-solving courts are yet to be established in the country. In particular, the states and the Federal Government are yet to adopt problem-oriented courts like drug courts, mental health courts, domestic violence courts,<sup>16</sup> and community courts. As a result of the non-adoption of these forms of problem-oriented courts, cases touching on these fields of law are resolved by general courts.

### **4.0 TRANSFORMING THE CURRENT PARADIGM**

In the preceding part of this paper, it was shown that specialised courts are in existence in the country. Examples of these courts were cited. However, it is instructive to point out that there are other forms of specialised courts which are yet to be adopted in the country. These include commercial courts, intellectual property courts, and land courts. This is not an exhaustive list of specialised courts operating in other jurisdictions. The courts mentioned were selected based on their suitability for the Nigerian justice system and the need for their adoption. It is the writer's considered opinion that the adoption of these courts will provide the solutions to problems currently facing the country's justice system.

### **5.0 Specific Forms of Specialised and Problem-Solving Courts Required in Nigeria**

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<sup>15</sup> Freiberg Arie, 'Problem-oriented Courts: Innovative Solutions to Intractable Problems?' (2001) 11 Journal of Judicial Administration 8.

<sup>16</sup> Except Lagos State which has established a Sexual Offences and Domestic Violence Court

There are many forms of specialised and problem-oriented courts which exist in many parts of the world. However, their existence in other countries does not necessarily mean that they must be established in Nigeria. Each country adopts and operates a court system and structure which meet their peculiar local needs and circumstances. Where the need for a particular form of court does not exist, a country may not be inclined to establish it, taking into consideration the resources which may be required to establish and maintain such a court, including its staff. It is therefore necessary to highlight the specific forms of specialised courts which are required in Nigeria.

### 5.1 Drug Court

A drug court is a court specifically designated to administer cases referred for judicially supervised drug treatment and rehabilitation within a jurisdiction.<sup>17</sup> It is a court specially designed to reduce drug use and abuse by offenders through the use of drug-treatment services, supervision programs, incentives and sanctions. Unlike the general courts which are always primarily concerned with the finding of guilt and the imposition of sanctions, drug courts are primarily concerned with preventing offenders' relapse into criminal behaviour through rehabilitation and drug-treatment supervised by the judge. Drug courts also differ from the general courts in the approach they adopt. They adopt a non-adversarial approach in handling cases.<sup>18</sup> Other features of drug courts which distinguish them from the general courts include regular drug testing, offenders' frequent contacts with the court, a dominant and continuing role of the drug court judge and a system of progressive incentives and sanctions.<sup>19</sup>

The need for drug courts in Nigeria has become more pressing with the outbreak of drug abuse epidemic in the country. More people, especially young people, are turning to illicit drugs. A report by the United Nations Office on Drug and Crime (UNODC) in Nigeria shows that 14.4% (14.3 million) of people aged between 15 and 64 years abuse drugs at the time of the survey.<sup>20</sup> Out of this number, close to 3 million drug users were said to be suffering drug use disorders.<sup>21</sup> Many of these cases involve the consumption of illegal substances. The consumption of these substances most often leads to the commission of other crimes. Offenders, when discovered, are usually arrested and prosecuted or imprisoned without trial.<sup>22</sup> The prosecution or imprisonment of individuals involved in the consumption of illegal substances has not proved effective in combating illicit drug abuse as demonstrated by the continued rise in drug use and abuse.<sup>23</sup> The establishment of drug

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<sup>17</sup> James Inciardi and Duane McBride and James Rivers, *Drug Control and the Courts* (SAGE Publications 1996).

<sup>18</sup> Rottman David and Bowman Jordan, *Problem-Solving Courts* (Bruinsma Gerben and Weisburd David (Eds), Springer 2014).

<sup>19</sup> Susan Turner and others, *National Evaluation of 14 Drug Courts* (RAND 200).

<sup>20</sup> United Nations Office on Drugs and Crime, 'Drug Use in Nigeria 2018' (United Nations Office on Drugs and Crime) <[https://www.unodc.org/documents/data-and-analysis/statistics/Drugs/Drug\\_Use\\_Survey\\_Nigeria\\_2019\\_BOOK.pdf](https://www.unodc.org/documents/data-and-analysis/statistics/Drugs/Drug_Use_Survey_Nigeria_2019_BOOK.pdf)> accessed 20 May 2024.

<sup>21</sup> Ibid.

<sup>22</sup> CF Essien, 'Drug Use and Abuse Among Students in Tertiary Institutions – The Case of Federal University of Technology, Minna' (2010) 8 *Journal of Research in National Development* 2010 35.

<sup>23</sup> John Afees Olanrewaju and Others, 'an Assessment of Drug and Substance Abuse Prevalence: A Cross-sectional

courts will go a long way in tackling this challenge with the most effective methods.

## 5.2 Mental Health Courts

Mental health courts are problem-oriented courts which are responsible for the identification of mentally disordered defendants and their referral to mental health agencies as alternatives to prison sentence. They intervene in criminal trials, identify defendants with mental disorders and refer them to mental health agencies after screening processes. Multi-disciplinary teams provide intensive treatment and supervision of offenders, under the control of the mental health court judge.<sup>24</sup>

The jurisdiction of mental health courts is usually limited. It does not extend to all cases involving mentally disordered defendants. First, the consent of the defendant is the basis of the court's authority in each case. Defendants may only be subject to the treatment services or programs mandated by the court if the defendants give their consent. Also, mental health courts intervene in cases where the offences are minor. Moreover, the court may only intervene in cases where the defendant does not pose a threat to the community. Lastly, the jurisdiction of mental health courts are limited to cases where the mental illness of the defendants contributed to the commission of the offences for which they are accused or charged.

## 5.3 Land Courts

Land courts are courts having jurisdiction over land-related matters.<sup>25</sup> A land court's jurisdiction may be exclusive or concurrent, in which case it shares jurisdiction with a court of general jurisdiction. The matters over which a land court could exercise jurisdiction include determination of disputes over title to land, determination of the nature and extent of parties' rights over land and the settlement of cases involving the termination of the rights of a person over land.

In Nigeria, land matters make up a large portion of the cases which are brought before courts both at the trial and appellate court levels.<sup>26</sup> Due to the intricacies of land matters, these cases take a long time to be resolved. The backlog of other cases also contribute to the delay usually experienced in the prosecution of land-related matters. The establishment of a land court will ensure that land-related matters are speedily resolved. Parties will be guaranteed justice in record time and not be denied same through delays. The work of the land courts will not be hampered by backlog of cases

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Study among Undergraduates in Selected Southwestern Universities in Nigeria' (2022) 50(10) *Journal of International Medical Research* 1.

<sup>24</sup> Michelle Edgely, 'Why do Mental Health Courts Work? A Confluence of Treatment, Support and Adroit Judicial Supervision' (2014) 37 *International Journal of Law and Psychiatry* 572.

<sup>25</sup> 25 Bryan Garner (ed), *Black's Law Dictionary* (8th edn, Thompson Reuters 2004).

<sup>26</sup> Epiphany Azinge, 'Towards Effective Justice Delivery System in Nigeria' *The Guardian* (Logos, 22 March 2022) <<<https://www.guardian.ng/2022/03/22/features/flaw-towards-effective-justice-delivery-system-in-nigeria/?usg=AOvVaw0JNiFijkUoFeUdhrfe5NWK&opi=89978449>> accessed 10 May 2024.

as is the case with the courts of general jurisdiction.

The adoption of land courts will also be beneficial to litigants in the aspect of justice delivery. One of the major benefits of specialised courts is the development of experience and expertise in specific fields of law. The judges presiding over specialised courts gain in-depth knowledge, experience and expertise in the field of law concerned. The knowledge, experience and expertise gained over time reflect on the judgments or decisions issued by him. This goes for judges in all specialised courts, including land courts. Establishing land courts in the country will ensure that litigants enjoy access to better justice tailored to meet their specialised needs.

## 5.4 Commercial Courts

Commercial courts are specialised courts with jurisdiction over business disputes. The dispute may border on different varieties of business activities including banking, insurance, shipping, commodities and trade. Commercial courts are usually handled by judges with specialist knowledge and experience in the resolution of commercial or business disputes.

Nigeria's economy has seen an increase in the number of businesses with a corresponding increase of their contributions to the economy.<sup>27</sup> Nigerian and foreign businesses are increasing in their numbers with the passage of each day. Existing businesses are also expanding their operations through acquisitions and mergers. An increase in the number of businesses and investors in the country has also led to an increase in the number of business disputes brought before the courts for resolution.<sup>28</sup> Although there exist alternative mechanisms for the resolution of business disputes, many businesses still bring cases before the courts, either at first instance or after unsuccessfully employing other mechanisms.<sup>29</sup>

Establishing commercial courts will guarantee the speedy resolution of business disputes. In business disputes, time is always of the essence. Protracted court cases cost businesses huge resources, weaken investor confidence, and frustrate business operations.<sup>30</sup> The courts of general

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<sup>27</sup> RU Etuk and GR Etuk and B Michael, 'Small and Medium Scale Enterprises (SMEs) and Nigeria's Economic Development' (2014) 5(7) *Mediterranean Journal of Social* 656; RO Akingunola, 'Small and Medium Scale Enterprises and Economic Growth in Nigeria: An Assessment of Financing Options' (2011) 2(1) *Pakistan Journal of Business and Economic Review* 78; Ekpenyong Bassey Obo and Alex B. Ekeng, 'The Nigerian Business Sector: Its Contributions, Constraints and Remedies' (2006) 8(2) *Sophia: An African Journal of Philosophy* 89.

<sup>28</sup> See Halima Doma, 'Enhancing Justice Administration in Nigeria through Information and Communications Technology' (2016) 32 (2) *The John Marshall Journal of Information and Technology and Privacy Law* 89.

<sup>29</sup> Epiphany Azinge, 'Towards Effective Justice Delivery System in Nigeria' *The Guardian* (Lagos, 22 March 2022) <<https://www.guardian.ng/2Ffeatures%2Ftowards-effective-justice-delivery-system-in-nigeria%2F&usg=AOvVaw0JNiFijkUoFeUdhrfe5NWK&opi=89978449>> accessed 10 May 2024.

<sup>30</sup> Joan Monye and Obiagbaoso and Richard Obidegwu, 'Where are we in Curbing Delays in Administration of Justice in Nigeria?' (Punuka Attorneys, 13 October 2020) <<https://punuka.com/where-are-we-in-curbing-delays-in-administration-of-justice-in-nigeria/>> accessed 10 May 2020.

jurisdiction in Nigeria are overloaded with cases.<sup>31</sup> As a result, business disputes often take a considerable length of time before they are resolved. A business dispute involving a termination of contract may take up to five years or more.<sup>32</sup> Establishing commercial courts will permanently solve this problem particularly in relation to commercial claims and disputes.

Another benefit which the establishment of commercial courts holds is the delivery of ‘specialised justice’. The commercial space is a world of its own with complex rules and practices. Thus, it is necessary to reserve commercial disputes for judges presiding over commercial courts who possess the requisite knowledge, experience and expertise in commercial matters. Through their knowledge and experience gained from their work, they can efficiently and effectively resolve commercial disputes.

### 5.5 Community Courts

Community courts are problem-oriented courts which handle cases involving low-level offenders. They handle cases involving low-level offenders such as persons convicted of prostitution, shoplifting, and similar offences. Unlike traditional courts, community courts provide health care, drug treatment, job placement, training and other services to help address the underlying problems of the offender, including drug use, homelessness and physical and mental health disorders.<sup>33</sup>

However, it is important to note that community courts, like traditional courts, use sanctions. They may impose sanctions such as community service on the offender. Another aspect of the difference between traditional and community courts is the involvement of the local community in the organisation of the court and the provision of services. Community organisations and local residents are usually involved in the organisation of the court. For instance, they may be involved in community or victim-offender mediation. They are also involved in the provision of drug treatment and other services to the offender.

At present, the interests of the local communities in Nigeria in which offenders reside or commit a crime are not usually taken into account during trial or sentencing. Also, community organisations and local residents are not involved in the trial or punishment of offenders. One of the disadvantages of this is that the court is deprived of the opportunity to access the enormous amount of information about the background of the offender. This, in turn, denies the court the chance to impose sanctions

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<sup>31</sup> See Joe Kyari-Gadzama, ‘Delay in the Administration of Justice in the Supreme Court of Nigeria: What is the Way Forward’ (J-K Gadzama LLP, 28 November 2022) <[https://kgadzamallp.com/2Fnews/2Fdelay-in-the-administration-of-justice-in-the-supreme-court-of-nigeria-what-is-the-way-forward&usg=AOvVaw1mM9FS161\\_tT3Ofi9Oasgx&opi=89978449](https://kgadzamallp.com/2Fnews/2Fdelay-in-the-administration-of-justice-in-the-supreme-court-of-nigeria-what-is-the-way-forward&usg=AOvVaw1mM9FS161_tT3Ofi9Oasgx&opi=89978449)> accessed 10 May 2024; ‘With 10,000 Pending Appeals, the Supreme Court is Overworked’ ThisDay (Lagos, 17 August 2021) <<https://www.thisdaylive.com/index.php/2021/08/17/with-10000-pending-appeals-the-supreme-court-is-overworked/>> accessed 10 May 2024.

<sup>32</sup> VA Shima and Bem Aboho, ‘Trial within a Reasonable Time under Nigerian Law: A Legal Myth or Reality?’ (2020) Benue State University Law Journal 352.

<sup>33</sup> Arie Freiberg (n 13).

which would suit the offender's circumstances and encourage behavioural change.<sup>34</sup> This explains why most offenders relapse back into crime upon the completion of their jail term and their release.<sup>35</sup> In some cases, individuals who are imprisoned for simple offences come out of the prison system as hardened criminals.<sup>36</sup> Another drawback is that the community, which may be affected by the offender's acts, are not given the chance to take part in the judicial process thus being denied justice, which they are entitled to as members of the society. As His Lordship, Justice Chukwudifu rightly held in *Josiah v State*,<sup>37</sup> Justice is a three way traffic. Justice must be secured in a trial not only for the victim but also for the offender and the society “who’s social norms and values had been desecrated and broken by the criminal act complained of.” The traditional courts in Nigeria have streamlined their efforts toward securing justice for the victim by punishing the offender mostly through imprisonment without taking into account the interests of the offender and the community or exploring alternative penalties which may be more effective in engendering reform and reconciliation between the offender, the victim and the community.<sup>38</sup>

Community courts will help to drive the justice system away from its current emphasis on punishment, which has proved ineffective in curtailing criminal behaviour, and drive it towards restorative justice with an emphasis on behavioural change.<sup>39</sup> Community courts will ensure that the underlying causes behind the offences committed are addressed to prevent relapse into crime. It would offer the community the opportunity to bring reconciliation between it and the offender, as well as the offender and the victim. This will serve the community's interest in maintaining social harmony and stability.

## 6.0 PREPARING THE WAY FOR SPECIALISED AND PROBLEM-SOLVING COURTS

The legislature has a central role to play in reshaping and revamping Nigeria's justice system. The National Assembly and the States Houses of Assembly have the power to transform the justice system and adapt it to changing circumstances. They can accomplish this through amending the existing substantive and procedural laws in force.<sup>40</sup> Also, new laws are also necessary to establish specialised and problem-oriented courts, and develop new guidelines and procedures for the

<sup>34</sup> Amos Dauda Bivan, ‘the Dialectics of Peace and Conflicts Management in North Central Nigeria: A Retributive or Restorative Justice System’ (2023) 9(1) *African Journal of Arts and Humanities* 143.

<sup>35</sup> T Alabi and SO Alabi, ‘the Pains of Imprisonment: A Sociological Analysis of the Experiences of Inmates in Ilorin and Kirikiri Prisons’ (2011) 1(8) *Journal of Research in Peace, Gender and Development*.

<sup>36</sup> Ibid.

<sup>37</sup> [1985]1 NWLR (Pt 1) 125.

<sup>38</sup> Abubakri Yekini and Mashkur Salisu, ‘Probation as a Non-Custodial Measure in Nigeria: Making a Case for Adult Probation Service’ (2013) 7(1-2) *African Journal of Criminology and Justice Studies* 101.

<sup>39</sup> See Ismaila Adeniyi Olatunbosun, ‘A Critical Analysis of the Death Penalty in Nigeria’ (PhD Thesis, Obafemi Awolowo University 2007).

<sup>40</sup> National Policy on Justice, 2017 available at

[https://3A%2F%2Fnesgroup.org%2Fdownload\\_policy\\_drafts%2F2017%2520NATIONAL%2520POLICY%2520ON%2520JUSTICE\\_1661855386.pdf&usg=AOvVaw3Y7Fq2tu46Lr3ZbSfr2PJ0&opi=89978449](https://3A%2F%2Fnesgroup.org%2Fdownload_policy_drafts%2F2017%2520NATIONAL%2520POLICY%2520ON%2520JUSTICE_1661855386.pdf&usg=AOvVaw3Y7Fq2tu46Lr3ZbSfr2PJ0&opi=89978449).

operation of specialised and problem-oriented courts. The Executive and Judicial Branches of the government both at the federal and state levels should cooperate and partner with the legislature in achieving this goal.

Although the establishment of specialised and problem-oriented courts hold several benefits for litigants and the justice system, there are measures which must be adopted and implemented to reap these benefits. The establishment of these courts may not result in improved justice delivery if these measures are not adopted and effectively implemented.

The first of these measures is the enactment of laws and rules which would facilitate the effectiveness of the specialised and problem-oriented courts to be established. The laws and rules of court which would provide for the jurisdiction of these courts and stipulate their procedures should be well drafted and structured to avoid inhibiting the effective functioning of these courts through inflexible, ambiguous or imprecise language.

Additionally, competent personnel should be enlisted to support the judges.<sup>41</sup> These staff would assist the judges presiding over the specialised courts with certain tasks, including research and documentation. Moreover, the support staff would provide certain services in appropriate cases. Particularly, they will play important roles as members of the multi-disciplinary teams which will intensive treatment to, and supervise offenders, under the control of mental health court judges. Failure to take effective measures in the recruitment of staff for the specialised courts may lead to the recruitment of corrupt or incompetent staff which will limit the effectiveness of the courts.<sup>42</sup>

Lastly, the necessary infrastructure should be provided to the courts upon their establishment.<sup>43</sup> Where technological tools are required, they should be provided to ensure smooth operation. Similarly, the institutions necessary for the functional running of the specialised courts should be created and those in existence should be strengthened and maintained. In particular, community organisations and mental health agencies should be developed. These organisations and agencies will be essential to the effective operation of the specialised courts when established.

## 7.0 CONCLUSION

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<sup>41</sup> Ninette Nyalyen Ninyio, 'Civil Court Staff in Nigeria: Working Conditions and Legal Training for an Effective Procedure' (2018) 5 *Librairie Africaine d'Etudes Juridiques* 68.

<sup>42</sup> The Global Programme against Corruption and United Nations Office on Drugs and Crime, 'Assessment of Justice System Integrity and Capacity in Three Nigerian States' (2004) Technical Research Report <[https://www.unodc.org/documents/corruption/Publications/2004/Draft\\_Assessment\\_of\\_Justice\\_Sector\\_Integrity\\_and\\_Capacity\\_in\\_three\\_Nigerian\\_States.pdf](https://www.unodc.org/documents/corruption/Publications/2004/Draft_Assessment_of_Justice_Sector_Integrity_and_Capacity_in_three_Nigerian_States.pdf)> accessed 10 May 2024.

<sup>43</sup> Ani Chinyere Comfort, 'Towards Eradicating the Problem of Delay in Criminal Justice Administration in Nigeria' (Legalpedia) <<https://3a2f2flegalpediaonline.com/2feradicating-the-problem-of-delay-in-criminal-justice-administration-in-nigeria%2F&usg=AOvVaw0GGHUFICYTnU2VUU-nY58I&opi=89978449>> accessed 10 May 2024.

Specialised and problem-oriented courts have been adopted by many countries to address the specialised needs of litigants. Where they have been adopted, they have reduced the backlog of cases in the courts of general jurisdiction, cultivated the experience and expertise of judges in particular fields of law, enhanced judicial decision making and have also made court processes and procedures effective and efficient for the resolution of disputes.

In Nigeria, there exist some forms of specialised courts. These include the National Industrial Court, traffic courts, tax courts, environmental courts and family courts. However, these courts are not adequate. More specialised and problem-oriented courts are required to meet the specialised needs of certain categories of offenders, businesses, and other court users, including those involved in land-related disputes. The establishment of mental health courts, drug courts, commercial courts, community courts, and land courts will ensure that the needs of these sets of court users are met and the justice system is developed for better justice delivery.

It is recommended that the relevant laws should be amended and where necessary, repealed to allow for the establishment and effective operation of specialised and problem-oriented courts in the country. New laws should also be enacted to provide the legislative framework for the operation of these courts. It is also recommended that other necessary measures should be adopted and implemented to guarantee the establishment of these courts and their effective operation. The measures which should be adopted in this regard include the recruitment of competent court staff, the formulation of appropriate laws and rules, and the establishment and maintenance of relevant institutions.