

## **INSTITUTIONAL PRACTICES AND JUSTICE OUTCOMES IN CONTEMPORARY NIGERIA: ASSESSING THE CRIMINAL JUSTICE SYSTEM AS AN INSTRUMENT OF REPRESSION OR AGENT OF JUSTICE**

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**ABSTRACT**

The criminal justice system in contemporary Nigeria occupies a paradoxical position as both an instrument of repression and a potential agent of justice. This article critically examines this duality through a qualitative and doctrinal analysis of laws, institutional practices, and judicial outcomes between 2020 and 2025. Drawing upon Conflict Theory, Structural Functionalism, and Labeling Theory, it explores how the Nigerian Police Force, the judiciary, and correctional institutions simultaneously uphold and undermine the rule of law. Findings reveal persistent patterns of police brutality, political interference, corruption, and prolonged pre-trial detention that perpetuate repression. However, emerging judicial reforms, civil society advocacy, and technological innovations demonstrate a gradual shift toward fairness and accountability. The article concludes that Nigeria's criminal justice system remains structurally imbalanced but retains transformative potential, provided reforms are sustained through institutional independence, transparency, and civic participation.

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**KEYWORDS:** Criminal Justice System, Justice, Repression.

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### **INTRODUCTION**

The criminal justice system is the backbone of any nation's rule of law, determining how justice is delivered, sustained, or denied. In contemporary Nigeria, this system is under intense scrutiny, praised in moments of fairness and condemned in waves of repression. From the bustling urban centers of Lagos, Abuja, and Port Harcourt, to the conflict-ridden regions of the North-East, the Nigerian justice system bears witness to stories of victims and victors, injustice and intervention.

At the heart of public discourse is a troubling question: Is the criminal justice system in Nigeria a mechanism for protecting rights and ensuring justice, or is it an oppressive tool in the hands of the powerful? Citizens, legal practitioners, civil society groups, and international observers have all raised concerns about a system that too often mirrors authoritarian tendencies while occasionally achieving landmark justice victories. This article seeks to explore this critical duality by examining Nigeria's criminal justice system through both its historical underpinnings and contemporary realities. It will analyze how law enforcement, judicial practices, and correctional institutions function sometimes to uphold justice, and other times, to perpetuate repression.

Ultimately, the article probes whether Nigeria's criminal justice system can be reformed to consistently serve as a true agent of justice, or whether it is structurally predisposed to repression. Understanding this tension is vital not just for academics and policymakers, but for every Nigerian citizen whose freedom and dignity depend on the fair application of the law.

### **Historical Context**

Understanding the current dynamics of the Nigerian criminal justice system requires a look into its historical evolution from its colonial roots to the post-independence reforms that have shaped its structure and ethos.

### **Colonial Legacy**

The foundation of Nigeria's criminal justice system was laid during British colonial rule, which established a legal framework primarily designed to protect colonial interests and suppress dissent. Colonial authorities introduced statutes, police structures, and court systems not to serve indigenous justice needs, but to enforce colonial authority. As such, the system was inherently repressive, emphasizing control over rights, and punishment over rehabilitation.

This legacy created a justice system that valued hierarchy, control, and the consolidation of power features that, unfortunately, still echo in contemporary institutions. The colonial police, for example, were notorious for brutality and allegiance to colonial masters rather than to the communities they policed.

### **Post-Independence Developments**

Following independence in 1960, Nigeria inherited the British-style adversarial system but struggled to adapt it to local realities. While efforts were made to Nigerianize the judiciary and expand access to justice, the core structure and character of the criminal justice system remained largely unchanged. (Sulayman, 2024)

Post-independence military regimes, marked by authoritarianism and repeated suspension of constitutional rights, further entrenched a culture of repression. Decrees and tribunals were established outside the regular court systems to try political opponents, and due process was often undermined. This created a dangerous precedent: the use of state institutions, including the police and courts, to silence dissent and protect ruling elites.

### **Democratic Transition and Reforms**

With the return to civilian rule in 1999, hopes were high for a justice system that would uphold democratic ideals. Some reforms followed:

*The Judicial Reform Committee was set up to review outdated laws.*

*Institutions like the Legal Aid Council and National Human Rights Commission gained prominence. (Legal Aid Council of Nigeria, 2023)*

*Civil society and media advocacy began to expose injustices within the system.*

However, despite these efforts, many of the colonial and military-era structures and attitudes persist. The police remain underfunded and poorly trained. Judicial independence is frequently compromised by political interference. Prisons are overcrowded, with a significant proportion of inmates awaiting trial for years. (Sulayman, 2024; Tiwa, 2024) (Agwu, Dibiazue, & Chijioke, 2023; UNODC, 2021)

This historical journey reveals a system born in repression, minimally modified by democracy, and still grappling with its identity. As we proceed, we will examine how the key components of the Nigerian criminal justice system function today—often

suspended between upholding justice and reinforcing repression.

## **An Overview of the Criminal Justice System in Nigeria Key Components of the Criminal Justice System**

### **Law Enforcement Agencies**

#### **Nigeria Police Force (NPF)**

The NPF is the primary law enforcement agency, empowered to detect, investigate, and prevent crime. However, it is plagued by serious structural and operational challenges:

*Allegations of brutality, extortion, and corruption are rampant.*

*Officers often act with impunity, especially in poor or marginalized communities.*

*Lack of forensic tools, modern equipment, and adequate training affects professionalism.*

Public distrust of the police reached a boiling point during the #EndSARS protests of 2020, where youths demanded an end to a rogue police unit infamous for torture and killings. This event brought global attention to the repressive tendencies of the police system in Nigeria. (BBC News, 2020; Akinyetun, 2021) (Akinyetun, 2021; Etim, 2025)

#### **Economic and Financial Crimes Commission (EFCC) and Independent Corrupt Practices Commission (ICPC)**

These specialized agencies were created to tackle financial crimes and corruption. Though they have secured convictions in high-profile cases, they are often accused of:

*Selective prosecution—targeting opposition figures while shielding allies of the ruling class.*

*Being used as political tools rather than impartial institutions.*

#### **Nigeria Security and Civil Defence Corps (NSCDC)**

Established to complement the police and protect public infrastructure, the NSCDC has grown in prominence. While less controversial than the police, issues of overlapping roles, poor training, and misconduct have surfaced in recent years.

### **The Judiciary**

The judiciary interprets the law, adjudicates disputes, and safeguards constitutional rights. It is the most visible symbol of justice in any democracy. At its best, the judiciary has delivered landmark judgments defending human rights and electoral integrity. However, systemic issues abound: (Sulayman, 2024)

*Delays in justice delivery: Cases can drag on for years, undermining public confidence.*

*Corruption: There are reports of judges accepting bribes or yielding to political pressure.*

*Poor funding and infrastructure hinder court operations, especially in rural areas.*

Magistrate courts handle the bulk of criminal cases but often lack autonomy and resources. High Courts and appellate courts face enormous backlogs, and prison congestion is partly due to trial delays. (Agwu, Dibiaezue, & Chijioke, 2023; UNODC, 2021).

#### **Correctional Institutions (Prisons)**

Now renamed the Nigerian Correctional Service (NCoS), this arm is tasked with

rehabilitating offenders and managing custody.

*Despite reform efforts, Nigerian prisons are largely punitive rather than rehabilitative. (Agwu, Dibiaezue, & Chijioke, 2023; UNODC, 2021)*

*As of recent reports, over 70% of inmates are awaiting trial, many for minor offenses.*

*Inadequate facilities, poor hygiene, and overcrowding are widespread problems.*

*Education, vocational training, and psychological counseling—which are central to rehabilitation—are mostly absent or poorly executed.*

Efforts at prison reform, such as the 2019 Correctional Service Act, which introduced provisions for non-custodial sentences (community service, probation), remain largely under-implemented. (Federal Republic of Nigeria, 2019) (Agwu, Dibiaezue, & Chijioke, 2023; UNODC, 2021)

Together, these three components form the operational core of Nigeria's criminal justice system. Yet, their effectiveness is diminished by underfunding, weak oversight, corruption, and lack of synergy. In the following section, we will critically examine how these components sometimes function as instruments of repression, rather than as defenders of justice.

## THEORETICAL REVIEW

This theoretical framework provides the intellectual foundation for analyzing the dynamics of Nigeria's criminal justice system. It helps explain why the system simultaneously exhibits tendencies toward justice and repression. This article draws upon three major sociological theories: Conflict Theory, Structural Functionalism, and Labeling Theory, to interpret the contradictions within the Nigerian context.

### **Conflict Theory (Karl Marx, 1848; Quinney, 1970)**

Conflict theory posits that law and justice systems are shaped by the dominant class to preserve their power and control resources. In capitalist and stratified societies, the criminal justice system serves the interests of elites by criminalizing the behavior of the poor, the powerless and dissenting groups.

In the Nigerian context, this theory is evident in:

*The selective enforcement of laws, where influential individuals often evade justice while marginalized citizens face harsh punishment.*

*The politicization of policing and courts, particularly in cases involving protests, corruption, or political opposition.*

*The criminalization of poverty, where street traders, sex workers, and protesters are disproportionately targeted.*

Thus, the criminal justice system often functions as an instrument of repression, reinforcing structural inequalities and protecting elite interests rather than delivering equitable justice (Human Rights Watch, 2022; Amnesty International, 2024). (Human Rights Watch, 2022) (Amnesty International, 2024)

### **Structural Functionalism (Emile Durkheim, 1893; Talcott Parsons, 1951)**

Structural functionalism views society as an integrated system whose parts work together to maintain stability and social order. From this perspective, the criminal justice system exists to enforce collective norms, deter deviance, and rehabilitate offenders for social reintegration.

Applied to Nigeria, this theory explains:

*The intended function of institutions like the police, courts, and correctional*

*services to protect lives, uphold law, and promote public order.*

*The dysfunctions (corruption, delays, and abuse of power) that distort these institutions' ability to maintain balance in society.*

*The role of reform and modernization, such as digital court processes and non-custodial sentencing, in restoring systemic equilibrium.*

Therefore, while dysfunctions exist, the functionalist approach suggests that reform, education, and accountability mechanisms can restore the justice system's stabilizing role in Nigerian society (UNODC, 2021; Federal Republic of Nigeria, 2019). (UNODC, 2021).

### **Labeling Theory (Howard Becker, 1963)**

Labeling theory argues that crime and deviance are not inherent in an act but are the result of societal reactions and labels. Once an individual or group is labeled as "criminal," "deviant," or "terrorist," that label shapes their identity and how institutions treat them.

In Nigeria, this theory illuminates:

*The stigmatization of protesters, youth, and marginalized communities, such as those involved in the #EndSARS movement. (BBC News, 2020; Akinyetun, 2021) (Akinyetun, 2021; Etim, 2025)*

*The over-policing of poor communities, where mere suspicion can lead to arrest or prolonged detention.*

*The societal reintegration challenges faced by ex-convicts due to stigmatization.*

Labeling perpetuates repression, as societal and institutional prejudice limits the ability of individuals to access justice or rebuild their lives (BBC News, 2020; SERAP, 2024). (BBC News, 2020) (SERAP, 2024)

### **Synthesis of Theories**

Together, these theories provide a multidimensional understanding of Nigeria's criminal justice system:

*Conflict theory explains why repression persists.*

*Functionalism reveals how the system could ideally function.*

*Labeling theory exposes the human and social consequences of state control.*

This theoretical triangulation underscores that the Nigerian criminal justice system is not inherently oppressive or just—it is a social construct, influenced by power relations, institutional design, and societal perceptions. True transformation, therefore, requires not only legal reform but also a reorientation of societal values and institutional culture.

## **CONCEPTUAL REVIEW**

The conceptual review establishes the intellectual foundation upon which this study is built. It clarifies the meanings and interrelationships of the key concepts that frame the analysis of criminal justice, repression, and justice, and explores how these concepts are situated within Nigeria's socio-legal context. Understanding these terms is essential to interpreting whether the Nigerian criminal justice system serves as an agent of justice or a tool of oppression.

### **The Concept of Criminal Justice**

Criminal justice refers to the system of practices, institutions, and laws established by the state to maintain social order, prevent and punish crime, and uphold legal and moral standards (UNODC, 2021). It is composed of three main pillars: law

enforcement (the police), adjudication (the courts), and corrections (the prison or rehabilitation system). (Agwu, Dibiaezue, & Chijioke, 2023; UNODC, 2021)

The underlying philosophy of criminal justice is due process, which ensures that individuals accused of crimes are treated fairly, presumed innocent until proven guilty, and tried within the boundaries of established legal procedures.

However, in Nigeria, the operation of the criminal justice system often deviates from this principle. The prevalence of pre-trial detentions, extra-judicial killings, corruption, and unequal access to justice reflects a system struggling between its constitutional ideals and authoritarian tendencies (Human Rights Watch, 2022; Legal Aid Council of Nigeria, 2023). (Human Rights Watch, 2022) (Legal Aid Council of Nigeria, 2023) (Agwu, Dibiaezue, & Chijioke, 2023)

Thus, conceptually, the Nigerian criminal justice system represents a hybrid entity, one designed for justice, but frequently manipulated as an instrument of control.

### **The Concept of Repression**

Repression can be defined as the exercise of power through coercive or punitive means to silence dissent, restrict freedom, or enforce conformity (Amnesty International, 2024). In political and legal contexts, repression occurs when state institutions such as the police, judiciary, or military are used to sustain dominance rather than uphold justice. (Sulayman, 2024)

In Nigeria, repression manifests through:

*Police brutality and arbitrary arrests, often targeting youth, activists, and marginalized groups. (Human Rights Watch, 2022; Amnesty International, 2024)*

*Judicial complicity, where political influence determines outcomes.*

*Legislative overreach, with laws like the Cybercrime Act (2015) used to curb free speech.*

Conceptually, repression distorts the purpose of law, turning justice institutions into instruments of fear and domination rather than guardians of rights. It reflects what Foucault described as the disciplinary power of the state, where surveillance and punishment maintain control rather than order (Foucault, 1977).

### **The Concept of Justice**

Justice is a multidimensional concept that encompasses fairness, equality, and moral rightness (Rawls, 1971). Philosophically, justice requires impartiality in the application of laws and the protection of individual rights against arbitrary power. In legal terms, justice involves adherence to due process, proportional punishment, and respect for human rights. Socially, it entails restoring balance and dignity to victims, offenders, and communities.

In Nigeria, however, the pursuit of justice is often undermined by systemic inequalities. Justice is accessible to the wealthy but punitive toward the poor. This imbalance aligns with Marxian conflict theory, which posits that justice in capitalist societies tends to favor the powerful (Quinney, 1970). Thus, justice in Nigeria remains an aspirational ideal, challenged by institutional weakness, political interference, and moral contradictions.

### **Interrelationship among the Concepts**

The interplay between criminal justice, repression, and justice forms the core paradox of this study:

*Criminal justice is the formal mechanism through which justice is supposed to be*

delivered.

Repression occurs when that same mechanism is abused to maintain control or silence dissent.

Justice, therefore, becomes contingent on whether the institutions of criminal justice operate according to the rule of law or under the influence of coercive power.

This relationship highlights the duality of Nigeria’s justice system — capable of both defending citizens’ rights and violating them.

**Conceptual Model for Analysis**

The conceptual model underpinning this article can be summarized as follows:

Concept	Definition	Manifestation in Nigeria	Implication
Criminal Justice	The institutional process of enforcing laws, adjudicating crimes, and rehabilitating offenders.	Exists as a three-tier system of police, courts, and correctional services.	Designed for justice but often subverted.
Repression	The use of state institutions to control or silence opposition.	Police brutality, arbitrary arrests, and politically motivated prosecutions.	Erodes public trust and fosters fear.
Concept	Definition	Manifestation in Nigeria	Implication
Justice	Fairness, equality, and protection of rights under the law.	Inconsistent application; often favors elites.	Remains a contested and aspirational goal.

This conceptual framework thus helps in analyzing the contradictions between ideal justice and operational reality in Nigeria’s criminal justice system. The conceptual review reveals that the Nigerian criminal justice system exists in a state of moral tension—between its constitutional duty to uphold justice and its historical role as a tool of control. The concepts of justice and repression are not mutually exclusive; rather, they coexist within the same institutional framework, alternating in dominance based on the political climate and institutional integrity.

Understanding this conceptual tension is crucial for any meaningful reform, as it points to the need for a moral and institutional reawakening—one that prioritizes fairness, accountability, and human dignity above state power.

**Case Studies**

Real-life examples offer a powerful lens through which to understand the practical workings of Nigeria’s criminal justice system. They expose the system’s dual identity—showcasing how it can be an agent of repression in one instance and a beacon of justice in another. Below are selected case studies that highlight both extremes.

**Case Studies Illustrating Repression**

The #EndSARS Protests (2020) (BBC News, 2020; Akinyetun, 2021) (Akinyetun, 2021;

Etim, 2025) In October 2020, Nigerian youths took to the streets to protest the brutality of the now-defunct Special Anti-Robbery Squad (SARS).

*Protesters shared harrowing accounts of extortion, torture, and extrajudicial killings by SARS officers.*

*The peaceful protests were met with state violence, most notably the Lekki Toll Gate shooting, where armed soldiers opened fire on unarmed demonstrators.*

*Many protesters were arrested, detained without trial, and had their bank accounts frozen under questionable legal grounds.*

This event laid bare the institutionalized repression within Nigeria's security apparatus and the dangers of unchecked police power.

### **The Case of Ibrahim El-Zakzaky and the Islamic Movement in Nigeria (IMN)**

El-Zakzaky, leader of the IMN, was arrested along with his wife in 2015 after a deadly military clash in Zaria.

*Despite a federal court ruling in 2016 ordering their release and compensation, the government defied the ruling and held them in custody for years.*

*The prolonged detention without due process showcased executive disregard for judicial independence. (Sulayman, 2024; Tiwa, 2024)*

It revealed how the justice system can be undermined by political interests, particularly in cases involving dissent or religious minorities.

### **Minors Detained Over #EndBadGovernance Protests (Aug–Oct 2024)**

At least 29 minors were arrested, charged with treason or terrorism, and remanded for 60 days in Kuje Borstal.

*Despite legal challenges, the judge initially refused to vacate detention—showcasing the criminal justice system's use as a tool of repression*

### **Case Studies Illustrating Justice and Reform**

#### **The Supreme Court's Nullification of 2019 Gubernatorial Elections in Imo State**

In an unexpected ruling, the Supreme Court nullified the election of the sitting governor and declared a new winner based on presented evidence.

*The judgment, though controversial, demonstrated the assertiveness of the judiciary in high-stakes political cases. (Sulayman, 2024)*

*It highlighted that courts, when insulated from external pressures, can act as defenders of electoral justice.*

This decision reinforced the potential for the judiciary to function independently, even under political scrutiny. (Sulayman, 2024)

#### **The Aluu Four Lynching Case (2012–2017)**

Four university students were falsely accused of theft in Aluu, Rivers State, and lynched by a mob.

*Public outcry led to an investigation, and 12 suspects were arrested and tried.*

*In 2017, a High Court sentenced three individuals to death and discharged five others.*

Although mob justice is a sign of public distrust in the formal system, this case showed that the system can deliver justice when pressured and properly mobilized.

#### **Justice for Uwaila Omozuwa (2020)**

The rape and murder of a young student inside a church in Edo State sparked national outrage.



*Following intense advocacy and a police investigation aided by forensic evidence, several suspects were arrested and charged.*

*The swift action demonstrated how public engagement and institutional response can align in the pursuit of justice.*

This case highlighted the growing role of digital advocacy and civil society in holding the justice system accountable.

### **Death Sentence for Sergeant Drambi Vandi (2023)**

**Background & Verdict:** On October 9, 2023, a Lagos High Court convicted Sergeant Drambi Vandi for the shooting of 41-year-old pregnant lawyer Bolanle Raheem, who was killed at a checkpoint on December 25, 2022. Justice Ibrorke Harrison sentenced him to death by hanging—the first high-profile police officer to receive such punishment in many years.

### **Why it Matters**

This ruling was hailed as a landmark moment in the fight against police repression. Civil rights advocates saw it as a signal that security personnel could be held accountable, breaking the usual pattern of impunity.

### **Limitations and Questions**

However, Nigeria hasn't executed a death sentence since the late 1990s—the final step still resides with the state governor. Discussions also rekindled the debate on whether capital punishment itself should be abolished in favor of reformatory justice. The case unearthed underlying issues: Will this lead to systemic accountability—and will more officers face similar justice?

### **Headfort Foundation's Prison Decongestion Work (Oct 2023–Jul 2024) (Agwu, Dibiaezue, & Chijioke, 2023; UNODC, 2021)**

After wrongly spending nearly 14 years awaiting trial, 60-year-old Nyeche Uche was freed thanks to pro bono legal efforts by women lawyers. Over 200 detainees have been released under the "Lawyers Without Borders" initiative—spotlighting community-driven justice and reform in action.

### **Mubarak Bala's Blasphemy Case Appeal & Release (2020–2025) (U.S. Commission on International Religious Freedom, 2024)**

On April 5, 2022, Mubarak Bala, president of the Humanist Association of Nigeria, was sentenced to an astonishing 24 years imprisonment on 18 charges of causing public disturbance—essentially for Facebook posts critical of Islam. He'd already spent over two years in pre-trial detention. (Agwu, Dibiaezue, & Chijioke, 2023) (U.S. Commission on International Religious Freedom, 2024) (Agwu, Dibiaezue, & Chijioke, 2023; UNODC, 2021).

In May 2024, the Court of Appeal in Kano State overturned the harsh ruling: Bala's sentence was reduced from 24 to just 5 years—a remarkable judicial correction. This decision was celebrated globally, with calls for complete exoneration.

Bala was released in early January 2025 after serving his reduced sentence. However, he remains under threat and under protective watch, underscoring the lingering impact of state-sanctioned repression.

### **The Role of Civil Society**

International pressure, from groups like USCIRF, Humanists International, and Amnesty, was critical. Digital campaigns and global advocacy were instrumental in

securing both his reduced sentence and eventual freedom.

## **#EndBadGovernance: Treason Charges Against Minors (Aug–Nov 2024)**

### **Repression**

Dozens of minors (aged 14–17) were arrested during nationwide protests against economic hardship and charged with treason, carrying potential death sentences. Some fainted in court from exhaustion and malnourishment.

### **Justice**

Public outcry, pressure from NHRC, SERAP, and global advocacy prompted President Tinubu and the AGF to withdraw charges and secure bail. Federal Court struck out charges against 119 minors and granted their release in November 2024. (SERAP, 2024)

## **METHODOLOGY**

This article adopts a qualitative, analytical, and descriptive methodology to examine the dual role of the criminal justice system in contemporary Nigeria, as both an instrument of repression and an agent of justice. The approach focuses on interpreting existing data, laws, institutional practices, and case studies to develop a theoretically grounded and context-specific understanding of the system's operations. This methodological approach provides a structured, theory-driven analysis of the Nigerian criminal justice system.

### **Research Design**

The study is designed as a conceptual and doctrinal analysis:

*The conceptual component explores philosophical and sociological questions about justice, repression, and human rights within the Nigerian legal order.*

*The doctrinal component involves examining existing laws, judicial decisions, policies, and institutional frameworks, including the Constitution of the Federal Republic of Nigeria (1999), the Police Act (2020), and the Nigerian Correctional Service Act (2019). (Federal Republic of Nigeria, 2019) (Federal Republic of Nigeria, 2020)*

The article does not rely on field data collection; rather, it uses secondary sources and critical interpretation to explain the patterns of repression and justice observed in Nigeria's legal system.

### **Data Sources**

The analysis draws from secondary data comprising:

*Legal documents such as Nigerian statutes, judicial precedents, and policy frameworks.*

*Reports and press releases from reputable organizations including Amnesty International (2024), Human Rights Watch (2022), UNODC (2021), and SERAP (2024). (Human Rights Watch, 2022) (UNODC, 2021) (Amnesty International, 2024) (SERAP, 2024)*

*Academic and media publications (e.g., Premium Times, BBC News, AP News) that document specific cases of human rights violations, police reform efforts, and judicial decisions. (BBC News, 2020) (AP News, 2023) (Premium Times, 2023)*

*Scholarly literature and sociological theories (e.g., Marx's Conflict Theory, Durkheim's Functionalism, Becker's Labeling Theory) to interpret how institutional behavior reflects broader social structures.*

### **Analytical Approach**

The data is analyzed through qualitative content analysis — a systematic review of texts, laws, and reports to identify recurring patterns of:

*Repression (e.g., arbitrary arrests, corruption, political interference)*

*Justice delivery (e.g., court reforms, landmark judgments, legal aid interventions)*

This interpretive process allows the author to connect empirical realities with theoretical insights, revealing the duality of Nigeria's justice institutions.

### **Theoretical Integration**

The analysis is guided by the three sociological theories outlined in the Theoretical Framework:

*Conflict Theory explains power and inequality within legal enforcement.*

*Structural Functionalism contextualizes the role of justice institutions in maintaining societal balance.*

*Labeling Theory explores the stigmatization of marginalized groups and its impact on justice outcomes.*

By synthesizing these perspectives, the study produces a multilayered interpretation of how Nigeria's criminal justice system alternates between serving justice and enforcing repression.

### **Limitations of the Study**

The article's reliance on secondary data limits its ability to provide direct empirical evidence or first-hand accounts of justice sector actors. Nonetheless, the use of reliable, triangulated sources ensures analytical accuracy and interpretive depth. Future research could employ empirical or mixed methods including interviews with law enforcement officers, judicial officers, and inmates to validate and expand upon the findings.

### **Ethical Considerations**

All data used in this study come from publicly available, verified sources. The analysis maintains objectivity, academic integrity, and non-partisanship, adhering to ethical standards for qualitative research and scholarly writing.

## **ANALYSIS AND DISCUSSION OF FINDINGS**

### **Instruments of Repression: The Case against the System**

While the Nigerian criminal justice system is constitutionally designed to uphold the rule of law and ensure fairness, in practice, many of its institutions function as instruments of repression. These repressive tendencies are most apparent in the daily experiences of ordinary Nigerians—particularly the poor, the politically marginalized, and those without access to legal representation. The following subsections explore the major areas where repression is entrenched within the system.

Police Brutality and Extrajudicial Killings (Human Rights Watch, 2022; Amnesty International, 2024) The Nigeria Police Force is frequently accused of operating with excessive force and little accountability:

*Torture, harassment, and unlawful killings are widespread, often during interrogations or raids.*

*The now-disbanded Special Anti-Robbery Squad (SARS) became notorious for targeting young Nigerians, especially those perceived as "wealthy" or "suspicious" based on appearance alone.*

*Despite the #EndSARS protests and government promises of reform, structural*

*changes have been minimal, and many abusive officers remain unpunished. (BBC News, 2020; Akinyetun, 2021) (Akinyetun, 2021; Etim, 2025)*

This pattern has instilled fear rather than trust in the police, particularly among the youth and marginalized groups.

### **Arbitrary Arrests and Prolonged Detention**

Another hallmark of repression is the routine practice of detaining suspects without charge or trial:

*Inmates languish in correctional facilities for months or even years without a court date.*

*Bail is either denied or monetized, leaving indigent citizens trapped in a system they cannot navigate.*

*Many are arrested on vague or fabricated charges, often during police raids or crackdowns.*

This not only violates constitutional rights but also clogs the judicial system, rendering justice inaccessible for many.

### **Political Manipulation of the Judiciary (Sulayman, 2024)**

While the judiciary is ideally an impartial arbiter, there have been troubling instances of: (Sulayman, 2024)

*Executive interference in the appointment, removal, or intimidation of judges.*

*Selective justice, where court decisions are influenced by political affiliations or the interests of powerful elites.*

*The use of special courts and tribunals to try political dissidents or activists under questionable legal processes.*

These actions undermine the doctrine of separation of powers and erode public confidence in the judicial process.

### **Repression of Protest and Dissent**

Civil liberties, including the right to protest, have often been met with state violence:

*Peaceful protesters are frequently tear-gassed, arrested, or assaulted by security forces.*

*Activists, journalists, and whistleblowers are harassed, detained, or charged under ambiguous laws, such as the Cybercrime Act or terrorism laws.*

The use of state machinery to silence dissent demonstrates how the criminal justice system can be weaponized against legitimate civic engagement.

### **Discriminatory Practices and Social Injustice**

The justice system disproportionately targets the poor, youth, and ethnic minorities:

*Petty offenders often face harsher treatment than white-collar criminals.*

*Ethnic profiling and regional biases have led to unequal treatment before the law, particularly in areas experiencing conflict or insurgency.*

While the elite can afford top legal counsel and secure their rights, justice for the common man is frequently delayed or denied.

In sum, the Nigerian criminal justice system, whether through the police, judiciary, or correctional institutions has, in many instances, functioned as an apparatus of control rather than a pillar of justice. The pattern of systemic abuse, political interference, and neglect of human rights reveals a troubling reality: for many Nigerians, the criminal justice system is a source of fear rather than protection. (Sulayman, 2024)

In the next section, however, we will explore the other side of this narrative, highlighting efforts, reforms, and institutions that are working to make the system an agent of justice.

### **Agents of Justice: Positive Interventions and Progress**

Despite the challenges and repressive elements within the Nigerian criminal justice system, there are also encouraging signs of reform, resistance, and resilience. Various actors, including parts of the judiciary, civil society, and legal advocacy groups, have contributed to moments where justice triumphed over abuse. These developments demonstrate that the system, though deeply flawed, is not beyond redemption. (Sulayman, 2024).

### **Legal Aid and Pro Bono Services**

Access to justice is often limited by poverty, but legal aid schemes are helping to close the gap:

*The Legal Aid Council of Nigeria (LACoN) offers free legal services to indigent Nigerians, particularly those facing criminal charges without the means to hire a lawyer. (Legal Aid Council of Nigeria, 2023)*

*Several non-governmental organizations, such as the Public Interest Law Partnership (PILP) and Access to Justice, are actively involved in defending victims of police abuse, unlawful detention, and unfair trials.*

*Law clinics and moot courts in universities are also playing a role in expanding grassroots legal education and support.*

These initiatives help ensure that justice is not only for the rich, but also for the vulnerable.

### **Judicial Independence and Landmark Judgments (Sulayman, 2024; Tiwa, 2024)**

Although often under pressure, the judiciary has shown remarkable courage and professionalism in several instances: (Sulayman, 2024)

*Nigerian courts have nullified elections, released political prisoners, and struck down oppressive laws. (Agwu, Dibiaezue, & Chijioke, 2023; UNODC, 2021)*

*The Supreme Court and Court of Appeal have made strong rulings in defense of constitutional rights and civil liberties.*

*In cases of unlawful detention and police brutality, courts have awarded damages to victims, affirming the principle of accountability. (Human Rights Watch, 2022; Amnesty International, 2024)*

These judgments serve as precedents and moral benchmarks, reinforcing the potential for justice within the system.

### **Reforms in Correctional Services**

In 2019, Nigeria passed the Nigerian Correctional Service Act, replacing the colonial-era Prisons Act. This reform introduced: (Federal Republic of Nigeria, 2019) (Agwu, Dibiaezue, & Chijioke, 2023; UNODC, 2021)

*Non-custodial sentencing such as community service, probation, and parole.*

*A renewed emphasis on rehabilitation, reintegration, and humane treatment of inmates.*

*Provisions for skills acquisition and educational programs within correctional facilities.*

Though implementation is still inconsistent, this law represents a paradigm shift from punitive incarceration to restorative justice.

## **Role of Civil Society and Human Rights Organizations**

Civil society continues to be a powerful force for reform and justice:

*Organizations like SERAP (Socio-Economic Rights and Accountability Project), Human Rights Watch, and Amnesty International have shone a global spotlight on rights violations within Nigeria's criminal justice framework. (Human Rights Watch, 2022) (Amnesty International, 2024) (SERAP, 2024)*

*Media houses and investigative journalists have exposed judicial corruption, police brutality, and prison abuse. (Human Rights Watch, 2022; Amnesty International, 2024) (Agwu, Dibiaezue, & Chijioke, 2023; UNODC, 2021)*

*Grassroots campaigns (e.g., #EndSARS, BringBackOurGirls, SayNoToRape) have mobilized citizens and influenced policy debates. (BBC News, 2020; Akinyetun, 2021) (Akinyetun, 2021; Etim, 2025)*

This public pressure has led to arrests of abusive officers, resignation of corrupt officials, and policy changes.

## **Engagement of Technology and Digitization**

There is a growing movement to modernize justice through technology:

*Virtual court sittings were introduced during the COVID-19 pandemic to reduce trial delays.*

*Some courts now use digital case management systems and e-filing platforms.*

*NGOs are developing mobile apps and platforms to report police abuse or access legal help.*

These innovations improve transparency, efficiency, and accessibility, marking a step toward a more responsive justice system.

Despite its deep-seated problems, these interventions prove that Nigeria's criminal justice system is capable of transformation. They reflect the efforts of brave judges, committed activists, and empowered citizens who are pushing the boundaries of justice in a difficult environment.

In the next section, we will further strengthen our analysis by looking at real-life case studies that capture both the repressive and just dimensions of the system.

## **RECOMMENDATIONS**

For the Nigerian criminal justice system to serve its constitutional mandate and earn the trust of its citizens, a holistic reform approach is urgently needed. These recommendations span across the key pillars of law enforcement, the judiciary, and corrections, as well as cross-cutting institutional issues. (Sulayman, 2024)

### **Police Reform and Accountability**

**Establish Independent Oversight Bodies:** Strengthen institutions like the Police Complaints Response Unit (CRU) and create state-level independent police ombudsman boards to investigate and prosecute police misconduct transparently.

**End Impunity:** Enforce disciplinary measures, including prosecution of officers involved in extrajudicial killings or torture.

**Retrain the Police Force:** Reorient the force from "force-first" to community-based policing, with a focus on human rights, mediation, and non-lethal interventions.

**Review Recruitment and Promotion:** Recruit educated, emotionally intelligent officers, and ensure merit-based promotions to incentivize professionalism.

### **Judicial Independence and Efficiency (Sulayman, 2024; Tiwa, 2024)**

**Protect Judges from Political Pressure:** Reform the appointment process for judges to reduce executive interference; empower the National Judicial Council (NJC) to act independently and transparently.

**Speed Up Trial Processes:** Introduce strict case management rules and time-bound hearings; deploy more judges and magistrates to reduce caseloads.

**Digitize the Courts Nationwide:** Roll out electronic filing, virtual hearings, and digital case tracking systems across all 36 states.

**Establish Small Claims and Mobile Courts:** Make justice more accessible for low-income individuals and in remote areas.

### **Correctional Service and Rehabilitation**

**Decongest Prisons:** Enforce non-custodial sentences (community service, parole, house arrest) especially for minor and non-violent offenses. (Agwu, Dibiaezue, & Chijioke, 2023; UNODC, 2021)

**Improve Inmate Welfare:** Provide inmates with adequate nutrition, healthcare, and psychological support.

**Rehabilitation Programs:** Expand access to vocational training, literacy programs, and counseling, so prisoners can re-enter society as productive citizens. (Agwu, Dibiaezue, & Chijioke, 2023; UNODC, 2021)

**Audit Awaiting Trial Cases:** Set up task forces to review and dispose of long-pending pre-trial detention cases. (Agwu, Dibiaezue, & Chijioke, 2023)

### **Legal Aid and Access to Justice**

**Strengthen the Legal Aid Council:** Increase funding, staffing, and outreach so that indigent defendants across Nigeria can get representation. (Legal Aid Council of Nigeria, 2023).

**Pro Bono Incentives:** Encourage private lawyers to take on pro bono criminal cases by offering tax incentives or professional recognition.

**Civic Legal Education:** Launch nationwide public awareness campaigns to inform citizens of their rights and how to access legal remedies.

### **Human Rights Protections**

**Uphold Freedom of Expression and Assembly:** Repeal or amend laws that criminalize peaceful protest, journalism, and dissent, such as vague provisions in the Cybercrime Act or anti-terrorism laws.

**Protect Vulnerable Groups:** Implement clear anti-discrimination frameworks and prohibit profiling based on gender, ethnicity, sexual orientation, or religion.

**Establish Victim Compensation Funds:** Set aside public funds to compensate victims of wrongful arrest, torture, and state violence.

### **Institutional Transparency and Anti-Corruption**

**Mandatory Asset Declarations:** Enforce public declarations for senior justice officials and create channels for anonymous reporting of bribery and corruption.

**Transparent Budgeting:** Justice Institutions (courts, police, corrections) should publish and account for their expenditures to foster public trust.

**Use Technology for Monitoring:** Equip courtrooms and police stations with CCTV surveillance, and digitize case progress to reduce manipulation and “disappearing” files.

### **Legislative and Policy Reform**

**Review Outdated Laws:** Repeal colonial-era laws that no longer reflect democratic

values or human rights norms.

**Harmonize Criminal Codes:** Streamline Nigeria's multiple criminal codes (e.g., Penal Code in the North, Criminal Code in the South) into a unified, rights-based framework.

**Constitutional Reform:** Grant greater autonomy to state justice systems to enable localized reform and innovation.

### **Collaboration and Civic Engagement**

**Engage Civil Society:** Include NGOs, media, youth groups, and religious institutions in policymaking, training, and monitoring of justice delivery.

**Strengthen Public Trust:** Conduct periodic public dialogues and town halls to explain policies, hear citizen concerns, and build confidence in reform.

**Encourage International Partnerships:** Collaborate with global human rights bodies, justice networks, and donor agencies to adopt international best practices and secure technical support.

True reform requires more than policy changes—it demands political will, civic participation, and cultural transformation. Nigeria's criminal justice system can evolve from its current repressive tendencies into a structure that embodies fairness, protects the innocent, punishes the guilty appropriately, and safeguards human dignity.

In the final section, we will tie together the arguments presented and reflect on the core question:

Is the criminal justice system in Nigeria an agent of justice or a mechanism of repression?

## **CONCLUSION**

### **The Criminal Justice System in Contemporary Nigeria: Instruments of Repression or Agents of Justice?**

This question is not merely rhetorical—it is a profound reflection on the lived experiences of millions of Nigerians and the state's obligation to uphold the rule of law. Throughout this article, we have examined the historical evolution, institutional structures, real-life case studies, and challenges of Nigeria's criminal justice system. What emerges is a picture of profound contradiction.

On one hand, the system functions as an instrument of repression:

*Police brutality, arbitrary detention, and torture remain widespread. (Human Rights Watch, 2022; Amnesty International, 2024)*

*Judicial processes are often weaponized against activists, journalists, the poor, and minorities.*

*The correctional system still leans toward punitive incarceration rather than rehabilitation.*

*Political elites often manipulate justice to serve private ends.*

These realities are not abstract—they are felt in the unlawful detention of children, the deaths of peaceful protesters, and the silencing of dissenting voices.

Yet, on the other hand, there are signs of resilience and transformation:

*Brave judges have ruled against political interests and delivered justice to the oppressed.*

*Civil society organizations have secured the release of unlawfully detained individuals and forced long-overdue reforms.*

*Legislative efforts like the Police Act and Correctional Service Act mark progress toward modernization. (Federal Republic of Nigeria, 2019) (Federal Republic of Nigeria, 2020)*



*Technology, civic engagement, and public advocacy are reshaping how justice is demanded and delivered.*

The duality of the system—its ability to both repress and to deliver justice—makes the answer to our central question complex. It is both an instrument of repression and, increasingly, an agent of justice.

But this dual identity is not sustainable. Nigeria must decide which face of justice it wants to uphold: one that protects power and punishes the powerless, or one that delivers fairness, equality, and dignity to all.

### **Final Reflection**

A truly just society cannot exist without a just criminal justice system. The moment the police are feared more than they are trusted, when courts delay justice until it is denied, and when prisons become warehouses of the poor, then justice becomes a farce. (Agwu, Dibiazue, & Chijioke, 2023; UNODC, 2021)

However, with sustained reform, courageous leadership, and empowered citizenry, Nigeria's criminal justice system can become a true guardian of rights and the rule of law.

The path is difficult—but it is not impossible.

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