BEYOND LEGISLATION: A CRITICAL APPRAISAL OF LAW IMPLEMENTATION FAILURES IN NIGERIA AND THE CALL FOR INSTITUTIONAL REFORM.

BY

Destiny, OKODUWA
LAW2002917

FACULTY OF LAW
UNIVERSITY OF BENIN
BENIN CITY

NOVEMBER 2025

BEYOND LEGISLATION: A CRITICAL APPRAISAL OF LAW IMPLEMENTATION FAILURES IN NIGERIA AND THE CALL FOR INSTITUTIONAL REFORM.

BY

Destiny, OKODUWA
LAW2002917

A LONG ESSAY WRITTEN AND SUBMITTED TO THE FACULTY OF LAW, UNIVERSITY OF BENIN IN PARTIAL FULFILMENT OF THE REQUIREMENT FOR THE AWARD OF THE DEGREE OF BACHELOR OF LAWS (LLB) OF THE UNIVERSITY OF BENIN, BENIN CITY.

NOVEMBER, 2025

CERTIFICATION

I, **Destiny, OKODUWA**, with Matriculation Number **LAW2002917,**hereby certify that apart from references to other persons works which have been duly acknowledged, the entire work is a product of my research, and this project has neither in whole nor in part been presented for another degree elsewhere.

Destiny, OKODUWA
LAW2002917

APPROVAL

We certify that this project was written and completed by **Destiny, OKODUWA**, with Matriculation Number **LAW2002917** in partial fulfilment of the requirements for the award of a Bachelor of Laws (LL.B) degree.

DR. (MRS.) OGHOMWEN RITA OHIRO.
PROJECT SUPERVISOR.

____
SIGNATURE AND DATE

DR. (MRS.) OBIAGELI FRANCISCA OSUJI.
PROJECT COORDINATOR.

____
SIGNATURE AND DATE

PROF. BRIGHT BAZUAYE.
DEAN, FACULTY OF LAW.

____
SIGNATURE AND DATE

DEDICATION

I dedicate this project first to God Almighty, whose divine guidance, strength, and protection have sustained me throughout my LLB journey. Every step of this academic path has been made possible by His unfailing grace, and to Him belong all praise and glory.

I also lovingly dedicate this work to my wonderful parents, **Mr. and Mrs. Osagie Okoduwa**, whose constant love, support, and sacrifices have shaped and strengthened me. Their encouragement and belief in my dreams have been my greatest motivation. This achievement is as much theirs as it is mine.

ACKNOWLEDGEMENT

I reserve my profound gratitude to my wonderful project supervisor,t Dr. (Mrs.) R. Ohiro, for her invaluable tutelage and unwavering support. Her pursuit of excellence became the catalyst for the success of this project. This work stands as a testament to her exceptional mentorship, and any merit it receives is a reflection of her profound guidance.

To my wonderful siblings, Victory Okoduwa, Courage E. Okoduwa, and Farida Okoduwa, thank you for your constant support throughout my LLB journey. I deeply appreciate you.

To my formidable lecturers, Dr. Sunday G. Daudu and Mrs. T. Otasowie, thank you for shaping my academic path. With profound respect, I appreciate your impact.

To Crest Attorneys, a firm after my heart, I extend my gratitude to all its members and officials for their relentless efforts and encouragement.

To The Boyz, my inner circle - Mofeoluwa Joda Praise, Klaus, Idowu Daniel, Oghenevwede, and David Obanor, I thank God for bringing you into my life so early in my LLB journey. I truly appreciate every one of you.

To Saint Moses Emromesele (SME), thank you for your guidance, assistance, and unwavering support.

To Legal Lions, my class football team, thank you for the unforgettable moments. I appreciate every experience we shared.

To my senior colleagues whom I met at the beginning of my LLB journey - Nosa Edemakhiota, David Iyasere Esq., Bhoyor, Crowther, Obaseki, Fumilayo Esq., and many others, I remain grateful.

To all my friends made during the course of my academic journey - Winifred, Ella, Nosa, Sharon, Chris, Joy Shobukonla, Evidence, Abena, Oghosa, Osas, Mercy, Karen, thank you for making the journey worthwhile.

To all members of the Legal Luminaries Class of 2025, I extend my sincere appreciation.

Lastly, I extend a special appreciation to myself for pushing through despite every form of temptation. I am a testament to the truth that determination and consistency are the keys to achieving anything one sets out to achieve. Finally, I **PREVAILED**.

TABLE OF STATUTES

A. Nigerian Statutes

- The Constitution of the Federal Republic of Nigeria, 1999 (as amended) CAP. C23, LFN 2004.
- Corrupt Practices and Other Related Offences Act 2000.
- Cybercrimes (Prohibition, Prevention, etc.) Act 2015.
- Data Protection Act 2023.
- Economic and Financial Crimes Commission (Establishment) Act 2004.
- Nigeria Police Act 2020
- National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007
- Environmental Impact Assessment Act CAP. E12, LFN 2004.

B. International Statutes

- African Charter on Human and Peoples’ Rights (Ratification and Enforcement) Act, Cap A9 LFN 2004.
- United Nations Convention Against Corruption (UNCAC) 2003.

LIST OF ABBREVIATIONS

ACJA	Administration of Criminal Justice Act
ACJL	Administration of Criminal Justice Law
CRA	Child Rights Act
EFCC	Economic and Financial Crimes Commission
FIRS	Federal Inland Revenue Service
FRCN	Financial Reporting Council of Nigeria
FRN	Federal Republic of Nigeria
HURIWA	Human Rights Writers Association of Nigeria
ICPC	Independent Corrupt Practices and Other Related Offences Commission
LFN	Laws of the Federation of Nigeria
NESREA	National Environmental Standards and Regulations Enforcement Agency
NGO	Non-Governmental Organisation
NHRC	National Human Rights Commission
NILDS	National Institute for Legislative and Democratic Studies
NJC	National Judicial Council
NPC	National Population Commission
NPF	Nigeria Police Force

TABLE OF CONTENTS

ABSTRACT

Nigeria possesses an impressive body of statutes crafted to strengthen governance, protect citizens, and regulate public life. Yet the practical experiences of many Nigerians show that these legal promises rarely translate into everyday reality. This study examines this persistent gap between what the law provides and what citizens encounter. It offers a critical exploration of why, despite decades of legislative activity, Nigeria continues to face widespread implementation failures across key sectors.

Adopting a doctrinal and analytical approach, the research digs into the institutional challenges that weaken law enforcement: fragile administrative structures, inconsistent policy execution, corruption, insufficient training of enforcement personnel, limited resources, and political interference that compromises institutional independence. These weaknesses do not exist in isolation instead they shape real lives, prolong injustice, undermine public confidence, and create environments where impunity flourishes.

To enrich this analysis, the study also considers lessons from countries where strong institutions, rather than the mere presence of laws, drive effective governance. These comparisons highlight the importance of credible oversight bodies, professional public service cultures, transparent processes, and systems that hold officials accountable.

The study concludes that Nigeria's central problem is not the absence of laws but the fragility of the institutions meant to animate them. It argues for a reform agenda focused squarely on rebuilding institutional capacity, strengthening accountability mechanisms, and fostering a culture that supports consistent, impartial, and people-centred enforcement. By placing the human consequences of weak implementation at the forefront, this research underscores the urgent need for institutional reform as the foundation for achieving genuine rule of law in Nigeria.

CHAPTER ONE

GENERAL INTRODUCTION

Introduction

1.1 Background to the Study

The effectiveness of any legal system does not lie solely on the number of laws enacted, but in how those laws are practically upheld. Nigeria as an entity currently faces a growing legislative law, from the Administration of Criminal Justice Act[1] to the Police Act[2] and Electoral Act,[3] yet legal enforcement remain weak. Many other laws exist in name but fail in practice.[4] This has contributed to rolling injustices: prolonged criminal trials, slow corruption prosecutions, continued human rights violations, and ongoing environmental degradation.[5]

In *Gbemre v Shell Petroleum Development Company*[6], the Federal High Court declared that gas flaring violated the fundamental rights to life and dignity under Sections 33 and 34[7]. The court described the emissions as a “gross violation” of constitutional rights. However, no subsequent enforcement occurred. Shell appealed, files went missing, and gas flaring continued unrestrained. This is a textbook example of law in books not translating into law in action.

In the criminal justice domain, FRN v Orji Uzor Kalu[8] illustrates delayed enforcement and back-and-forth litigation. Despite the Supreme Court ordering a retrial in May 2020, the case remains undecided years later, reflecting systemic delays and political maneuvering.

1 Administration of Criminal Justice Act 2015

2 Nigeria Police Act 2020

3 Electoral Act 2020

4 The Administration of Criminal Justice Act (ACJA) 2015 seeks to speed up the justice process and reduce unnecessary delay. The Police Act 2020 aims to improve policing and protect citizens’ rights. Also, enactments like the Anti-Terrorism Legislation (Terrorism Prevention Act, 2011) try to protect national security.

5 “Constraints to Implementation and Enforcement of Environmental Laws: Nigeria Perspectives” (Enakireru Eric OMO, Anthony ETUVOATA) found that environmental laws are often not enforced because agencies lack funds, because offenders (often multinational oil companies) exploit loopholes, and because penalties are mild.

6 (2005) AHRLR 151

7 1999Constitution Of The Federal Republic Of Nigeria, 5th Alteration.

8 (SC.215/2012) [2016] NGSC 33

These examples showcase how essential legal reforms are undermined by weak institutions, political interference, inadequate funding, and low public awareness. Even where courts issue strong orders, weak enforcement mechanisms allow systemic failure. By examining this disconnect, this study aims to uncover the structural and political root of implementation failures and propose reforms based on South Africa and Rwanda.

1.2 **Statement of the Problem**

Despite legislative advancements, the Nigerian legal system is plagued by persistent implementation failures that undermine the effectiveness of justice and governance. The country is not suffering from a deficiency of laws but from a deficit in institutional capacity and accountability to implement those laws.

This problem is systemic and multidimensional. For instance, the Administration of Criminal Justice Act 2015 was enacted to address delays in the trial process and enhance the efficiency of justice delivery. However, years after its enactment, criminal trials remain delayed, with prison congestion and prolonged pre-trial detention still rampant. Similarly, the Anti-Torture Act[9], designed to curb police brutality, has not significantly altered policing behaviour as evidenced by the End-SARS protests and subsequent judicial panels of inquiry that highlighted systemic human rights violations.

Moreover, agencies such as the Economic and Financial Crimes Commission and Independent Corrupt Practices and Other Related Offences Commission are often celebrated in law but underperform in practice. While high-profile arrests generate media attention, actual convictions remain low, and recovered assets are seldom transparently accounted for. These shortcomings are constituted by frequent allegations of selective prosecution, political interference, and agency underfunding.

[9] Anti Torture Act 2017

The judiciary, a critical implementation arm, is similarly encumbered. Procedural technicalities, case backlogs, infrastructural decay, and allegations of judicial compromise undermine the court's ability to enforce laws decisively and equitably. These deficiencies lead to a justice system that is seen as slow, expensive, and inaccessible especially to the poor and marginalized.

The broader consequence is a breakdown in the rule of law. When laws are enacted but not enforced, the state's authority is delegitimized, public confidence erodes, and extra-legal means of dispute resolution flourish. Insecurity, corruption, electoral violence, environmental degradation, and social unrest persist not because laws do not exist but because institutions fails to uphold them.

Thus, the central problem this study addresses is not legislative insufficiency but the systemic failure of Nigeria's enforcement institutions to actualize the goals of enacted laws. This research seeks to identify why these failures persist and what institutional reforms are needed to reverse them.

1.3 **Aim and Objectives of the Study**

The aim of this study is to critically examine the enforcement failures of Nigerian laws and to examine the institutional reforms necessary to strengthen the enforcement of legal frameworks in the country.

The objectives of this study are to:

1. explore the historical and systemic context that frames law implementation in Nigeria;
2. examine some statutes that suffer significant implementation failures and assess the institutional dynamics that hinder their enforcement;

3. identify structural, political, and economic factors that contribute to weak enforcement mechanisms in Nigeria;
4. analyze relevant case law and scholarly works highlighting the gap between legal frameworks and enforcement realities.
5. engage comparative perspectives from other jurisdictions (such as South Africa and Rwanda) to draw best practices;
6. propose targeted institutional reforms that can address the implementation gap and enhance the effectiveness of Nigeria's legal system.

1.3 **Research Questions**

This study seeks to answer the following research questions:

1. What historical and systemic factors shape the context of law implementation in Nigeria?
2. Which Nigeria statutes experience implementation failures, significant and what institutional dynamics that hinder their enforcement?
3. What structural, political, and economic factors that contribute to weak enforcement mechanisms in Nigeria?
4. How do relevant case law and scholarly works illustrate the gap between legal frameworks and enforcement realities in Nigeria?
5. What comparative lessons can be drawn from other jurisdictions such as South Africa and Rwanda, to improve Nigeria's law implementation in Nigeria.

1.4 Scope and Limitations of the Study

The scope of this study focuses on the Nigerian legal system with specific emphasis on the gap between law-making and law enforcement. It centers on some statutory laws enacted in the Fourth Republic, particularly post-1999 Constitution. Key laws under review include: Administration of Criminal justice Act (ACJA 2015), Anti-corruption (EFCC and ICPC Acts), Human rights and police reform (Anti-Torture Act, Police Act 2020), Environmental law (NESREA Act, judicial precedents), Electoral law (Electoral Act 2022).

The study will also evaluate the performance of implementing institutions such as the judiciary, EFCC, ICPC, Nigeria Police Force, Independent Electoral Commission, and National Environmental Standards and Regulations Enforcement Agency Comparative analysis will draw lessons from countries with stronger implementation records, notably South Africa and Rwanda.

However, there are several limitations which may constrain the depth of this research which include:

Access to Data: Empirical data from enforcement agencies may be limited or unreliable due to secrecy, bureaucratic hurdles, or institutional opacity.

Time Constraints: Due to academic calendar limitations, extensive fieldwork and interviews are constrained.

Despite these limitations, the study remains focused on providing a balanced and credible appraisal of law implementation in Nigeria and offers grounded recommendations for reform.

1.5 Significance of the Study

This research holds both theoretical and practical relevance for Nigeria’s legal development. First, it contributes to a growing body of literature that shifts attention from the quantity of legislation to the quality and effectiveness of enforcement. While Nigerian scholars have extensively examined legislative reforms, this work interrogates how institutional performance undermines the law's efficacy.

The research is significant for policy makers and law reform commissions. It highlights systemic dysfunctions and provides evidence-based recommendations for strengthening institutions such as the judiciary, EFCC, police, and administrative bodies. In a country battling systemic corruption, judicial inefficiency, and citizen disillusionment, the insights from this study offer a roadmap for institutional rebuilding.

The findings are relevant to civil society organizations and legal advocacy groups. By identifying enforcement bottlenecks and proposing civic education and accountability mechanisms, the research supports grassroots efforts to strengthen legal culture and democratic engagement.

The research has pedagogical value. It enriches legal education by introducing students and scholars to the intersection between law, governance, and institutional behaviour. It provides a model for how legal analysis can be grounded in both doctrinal authority and social reality.

Finally, the study holds normative importance for the rule of law and democratic consolidation in Nigeria. Effective laws are essential not just for justice delivery but for economic development, security, and social cohesion. This research advocates for a legal order where laws are not just symbolic, but enforceable and respected.

1.6 Research Methodology

This research adopts a doctrinal research methodology. Doctrinal approach which involves a critical review of:

Primary legal sources: statutes, constitutional provisions, and decided cases.

Secondary sources: scholarly articles, textbooks, and law journals. This aspect focuses on understanding the legislative intent behind key statutes and how judicial interpretations have addressed or failed to address implementation concerns.

Comparative Legal Method:

The study uses comparative legal analysis to evaluate how other jurisdictions particularly South Africa and Rwanda have addressed similar challenges. Their institutional innovations serve as benchmarks for assessing Nigerian enforcement failures and form the basis for reform proposals in Chapter Five.

1.7 Chapter Analysis

This study has five chapters. The first chapter lay a critical foundation by explaining that Nigeria's legal problem is not a lack of legislation but a failure to implement and enforce its existing laws. The second chapter asks '*what have other scholars said about law implementation failures'* It reviews Nigerian writings on weak institutions and judicial inefficiency. It also compares with foreign countries such as South Africa's Constitutional Court and Rwanda's zero-tolerance approach to corruption. In the third chapter, here the actual Nigerian laws and institutions are dissected. For example: Cybercrimes Act 2015; strong provisions, but weak enforcement. EFCC Act 2004; powerful on paper, but often politicized. Police Act 2020; promises accountability, yet SARS abuses persist.Money Laundering Act 2022; modern in design, but underutilized. The chapter also examines the judiciary as an institution: delays, technicalities, and corruption undermine its role as enforcer. In the fourt chapter, this is where theory meets reality. The chapter explores real Nigerian failures, for example Gbemre v Shell (environmental rights unenforced), FRN v Orji Kalu (corruption trial delays), Election petition cases where justice came too late. Then it compares with countries like: South Africa: where the Constitutional Court compels government compliance, Rwanda: where anti-corruption drives are institutionally embedded, Ghana: where election disputes are resolved faster than in Nigeria. The final chapter ties everything together. It confirms that Nigeria's problem is implementation, not legislation. Laws exist, but institutions are compromised. It gave some recommendations. The recommendations include: Strengthening judicial independence, depoliticizing agencies like EFCC, funding and training enforcement institutions, building monitoring mechanisms for compliance, and learning from African success stories.

CHAPTER TWO:

CONCEPTUAL AND THEORETICAL FRAMEWORK OF LAW IMPLEMENTATION IN NIGERIA

2.2 **Conceptual Clarifications:**

This section defines key concepts that run through this study such as Law implementation and Legislation.

2.2.1 Law:

Law, in its most fundamental sense, is the system of rules recognized and enforced by a sovereign authority to regulate conduct within a state. The purpose of law, as emphasized by early jurists, extends beyond mere command that is, it serves to ensure order and justice in human affairs. According to John Austin, law is "a command of the sovereign backed by sanctions."[10] This positivist conception underscores the authoritative nature of law and the necessity of enforceability. For Austin, a rule that lacks coercive power cannot properly be described as law.

Similarly, H.L.A. Hart, in his seminal work The Concept of Law, refined Austin's definition by introducing the idea of "secondary rules". Rules of recognition, change, and adjudication that distinguish a mature legal system from one governed merely by coercion.[11] Hart argued that the success of a legal order depends not only on sovereign power but also on institutional mechanisms that ensure compliance and adaptation. This distinction is particularly relevant to Nigeria, where the problem is not the absence of legal norms but their ineffective application through weak institutions.

---

[10] J. Austin, *The Province of Jurisprudence Determined* (John Murray, London, 1832).
[11] H.L.A. Hart, *The Concept of Law* (Clarendon Press, Oxford, 1961) 80.

In Nigeria, the Constitution of the Federal Republic of Nigeria stands as the grundnorm and the supreme legal foundation from which all laws derive their validity.[12] Section 1(1) of the Constitution explicitly provides that "this Constitution is supreme and its provisions shall have binding force on all authorities and persons throughout the Federal Republic of Nigeria." The constitutional framework thus guarantees a structured legal hierarchy, but the true test of its strength lies in how effectively these laws are implemented by relevant institutions such as the Nigerian Police Force, Economic and Financial Crimes Commission (EFCC), and Independent Corrupt Practices and Other Related Offences Commission (ICPC).

2.2.2 Legislation

Legislation refers to written laws formally enacted by the legislature in accordance with constitutional procedures. These statutes articulate the will of the state and serve as instruments for achieving social control, public order, and justice. Nigeria's legislative output is impressive in the areas like criminal justice (Footnotes) (the Criminal Code Act, Penal Code Act), environment (the NESREA Act 2007), and cyber governance (the Cybercrimes (Prohibition, Prevention, etc.) Act 2015). However, legislative enactments are only as effective as their implementation.

For instance, Section 2 of the Economic Financial Crime Commission Act 2004[13] mandates the Commission to "investigate all financial crimes including advance fee fraud, money laundering, and other economic and financial crimes." Yet, despite of this mandate, conviction rates remain low. A 2023 report by Human Rights Watch notes that "Nigeria continues to make high-profile arrests but secures very few convictions in corruption cases

---

[12] Constitution of the Federal Republic of Nigeria 1999 (as amended), s. 1(1).

[13] EFCC Establishment Act, 2004

involving politically exposed persons".[14] This reveals a pattern where laws are enacted to signal reform rather than to achieve it.

In *Attorney-General of Lagos State v. Attorney-General of the Federation*[15], the Supreme Court observed that “law, without the necessary machinery for its enforcement, is a mere declaration of intention.” The Court’s dictum captures the essence of Nigeria’s legislative problem, that the nation is rich in statutes but poor in enforcement. A similar judicial sentiment was expressed in *Fawehinmi v. Inspector General of Police*[16], where the Supreme Court criticized the police for failing to investigate political corruption despite clear statutory mandates, reiterating that “a failure to enforce the law is itself a violation of the rule of law

2.2.3 Implementation

Implementation refers to the processes and mechanisms provided by which laws are executed, enforced, and translated into practice. It bridges the gap between law in books (the formal legal text) and law in action (how it operates in society). Jurist like Roscoe Pound famously observed that “the law must be stable, yet it cannot stand still".[17] This statement underlines the need for dynamism in law enforcement that is, laws must not only exist but evolve and adapt through proper institutional application.

In the Nigerian setting, implementation has been hampered by multiple factors which includes; institutional overlap, political interference, lack of capacity, and corruption within enforcement agencies. For example, the EFCC and ICPC have overlapping jurisdictions in anti-corruption enforcement, often leading to turf conflicts that undermine effective prosecution. Moreover, the National Environmental Standards and Regulations Enforcement

---

[14] Human Rights Watch, Nigeria: Anti-Corruption Efforts Falter Amid Political Interference (HRW, 2024) <https://www.hrw.org/world-report/2024/country-chapters/nigeria> accessed 2 Nov. 2025.

[15] (2014) 9 NWLR (Pt. 1412) 217

[16] (2002) 7 NWLR (Pt. 767) 606

[17] R. Pound, *Interpretations of Legal History* (Harvard University Press, 1923) 10.

Agency (NESREA) established under the NESREA Act 2007 is tasked with environmental law enforcement, yet illegal mining, oil spills, and environmental degradation persist across regions such as the Niger Delta. This exposes a gap between statutory mandates and actual performance.

The Supreme Court in *Attorney-General of Ondo State v. Attorney-General of the Federation*[18] highlighted the importance of institutional integrity in law enforcement, stating that where agencies act outside their legal boundaries, the rule of law itself is endangered. Similarly, in *FRN v. Ibori*[19] the Court of Appeal lamented that political influence over investigative processes had frustrated the effective prosecution of corruption cases, warning that selective enforcement breeds public distrust in the justice system.

Implementation also requires adequate resources and coordination. For instance, the Cybercrimes Act[20] established the National Cybercrime Advisory Council to coordinate national cybersecurity policy. However, as of 2024, implementation remains weak. According to Mask Moses (2024) in his study Building National Cybersecurity Capacity in Nigeria, "implementation has been largely symbolic, with insufficient inter-agency collaboration and low technical expertise within the law enforcement community".[21]

The judiciary plays a central role in ensuring effective implementation of laws through interpretation, adjudication, and judicial review. Courts act as the guardians of legality and arbiters of compliance. Yet, Nigeria's judicial system is plagued by delays, procedural obstruction, and executive interference. In *FRN v. Orji Uzor Kalu*[22], the Supreme Court

---

18 (2002) 9 NWLR Pt. 772 222

19 (2009) 3 NWLR Pt. 1127 94,

20 (Prohibition, Prevention, etc.) Act 2015

21 Mask Moses, Building National Cybersecurity Capacity in Nigeria: The Journey So Far (2009, updated 2024) <https://researchgate.net/publication/Building_National_Cybersecurity_Capacity_in_Nigeria> accessed November 2nd 2025

22 (2021) LPELR-55685(SC)

lamented that prolonged delays in corruption trials "defeat the ends of justice and embolden impunity."

Furthermore, administrative enforcement agencies often lack independence. For instance, the heads of EFCC and ICPC are appointed by the President and subject to Senate confirmation, leaving room for political manipulation. In *Nganjiwa v. FRN*[23] the Court of Appeal warned against using law enforcement as a weapon of political vendetta, holding that prosecution without following due process undermines the integrity of justice institutions.

A 2024 World Bank Governance Report further confirms this weakness, stating that "Nigeria's enforcement mechanisms remain reactive and personality-driven, rather than rule-based".[24] Without credible and consistent application of laws, the legitimacy of the entire legal system is at risk.

Nigeria provides several examples where strong legislation has failed to translate into effective governance. The Environmental Impact Assessment (EIA) Act 1992 requires prior environmental assessment before industrial projects, yet enforcement remains weak. Oil pollution cases, such as *Shell Petroleum Development Company v. Farah*[25] reveal that corporations often evade accountability due to regulatory inertia.

Similarly, despite the Administration of Criminal Justice Act[26], designed to modernize criminal procedure, pre-trial delays and congested dockets persist. In *Ogba v. State*[27], the Court of Appeal emphasized that "the majesty of the law is undermined when justice is delayed through institutional inefficiency."

23 (2018) 4 NWLR (Pt. 1609) 301.

24 World Bank, Nigeria Governance and Institutional Performance Report 2024 (Washington DC, 2024) <https://www.worldbank.org/en/country/nigeria/publication/governance-report-2024> accessed November 2 2025.

25 (1995) 3 NWLR (Pt. 382) 148.

26 Administration of Criminal Justice Act (ACJA) 2015.

27 (1992) 2 NWLR (Pt. 222) 164.

International observers have echoed these concerns. The Human Rights Watch Nigeria Report (2024) found that while the country's legislative framework is "impressively comprehensive," actual enforcement remains "uneven, selective, and compromised by corruption and political pressure."[28]

2.3 **Theoretical Framework: Law Enforcement and Institutional Failure**

Every legal system functions within a theoretical framework that explains its operation. For Nigeria, two dominant theories highlights the failure of law implementation: the Institutional Theory and the Rule of Law Theory.

2.3.1 **The Institutional Theory**

This theory is championed by scholars such as Douglass North[29] posits that institutions are formal and informal rules that govern behavior which are fundamental to national development. When institutions are weak, laws remain unenforced. In Nigeria, corruption, inefficiency, lack of political will, and executive interference have crippled critical agencies such as the EFCC, ICPC, and Police Service Commission.

2.3.2 The Rule of Law Theory.

This theory was articulated by A.V. Dicey,[30] emphasizes equality before the law, supremacy of the law, and protection of individual rights. However, in Nigeria, these principles often exist more in rhetoric than in practice. The Human Rights Watch (2024) Nigeria Report observed that while numerous high-profile corruption arrests have been made by anti-graft

---

[28] Human Rights Watch, World Report 2024: Nigeria Chapter (New York: HRW, 2024).

[29] Douglass North, *Institutions, Institutional Change and Economic Performanc*e (Cambridge University Press 1990) p. 3.

[30] A.V. Dicey, *Introduction to the Study of the Law of the Constitution* (10th edn, Macmillan 1959) p. 110.

agencies, "conviction rates remain dismally low, with political figures often shielded by procedural delays or executive influence."[31]

Judicial pronouncements also echo this concern. In *Federal Republic Of Nigeria v. Dariye*[32] the Supreme Court warned that selective prosecution undermines public confidence in the justice system. Justice Mary Peter-Odili held that "the fight against corruption must be even-handed; otherwise, it becomes an instrument of oppression rather than justice."

Nigeria's institutional paralysis can also be understood through the lens of Legal Realism, which stresses that the practical realities of enforcement are not abstract statutes but determine justice. As Justice Oputa (JSC) famously stated in *Aoko v. Fagbemi* [33] "law is not an end in itself, it is a means to achieve justice."

2.4 **Historical Evolution of Legislative Implementation in Nigeria**

The history of law and its implementation in Nigeria cannot be separated from the country's colonial and postcolonial trajectories. During the colonial era, the British introduced a dual legal system that comprised English law and native customary law. Implementation was largely coercive, designed to maintain control rather than ensure justice. As Allott observed, the colonial state created "law and order without justice."[34] This foundational contradiction laid the groundwork for Nigeria's contemporary enforcement crisis.

Following independence in 1960, Nigeria inherited numerous British legislative models such as the Criminal Code Act (applicable in the South) and the Penal Code Act (applicable in the North) both of which remain operational today. However, these codes were transplanted into a society with limited institutional capacity. Courts were underfunded, the police force was

---

[31] Human Rights Watch, Nigeria: Anti-Corruption Efforts Falter Amid Political Interference (2024) <https://www.hrw.org/world-report/2024/country-chapters/nigeria> accessed 2 Nov. 2025.

[32] (2018) LPELR-46016(SC).

[33] (1961) 1 All NLR 400.

[34] A. Allott, *Essays in African Law* (Butterworths, 1960) p. 47.

poorly trained, and administrative agencies lacked autonomy. Consequently, implementation was inconsistent and often arbitrary.

The military regimes that followed independence further weakened institutional structures. Laws were frequently made through Decrees and Edicts without parliamentary scrutiny, and their enforcement often served political rather than public ends. For instance, the Public Officers (Protection Against False Accusation) Decree of 1976 and the Special Tribunal (Miscellaneous Offences) Decree of 1984 were used to target political opponents under the guise of fighting corruption.[35]

Civilian governments that emerged after 1999 sought to reform these legacies by creating specialized agencies such as the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices and Other Related Offences Commission (ICPC). Yet, despite these developments, enforcement remains selective. A Transparency International (2023) Report ranked Nigeria 145th out of 180 countries on the Corruption Perceptions Index, noting that "institutional fragility, lack of transparency, and impunity for political elites continue to undermine enforcement mechanisms".[36]

Furthermore, while legislative enactments have expanded across sectors from the Cybercrimes (Prohibition, Prevention, etc.) Act 2015 to the NESREA Act 2007[37],most remain ineffective due to duplication of mandates and weak inter-agency coordination. For example, both EFCC and ICPC share overlapping anti-corruption functions, often leading to jurisdictional conflicts and turf battles that hinder efficiency.

[35] E. O. Oko, *'The Rule of Law and the Military Regimes in Nigeria'* (1992) 7(2) African Journal of International and Comparative Law 112.

[36] Transparency International, Corruption Perceptions Index 2023: Nigeria Report (Berlin: TI, 2023) <https://www.transparency.org/en/cpi/2023> accessed 2 Nov. 2025.

[37] NESREA (Establishment) Act, 2007, s. 7–9.

In *Attorney-General of Ondo State v. Attorney-General of the Federation*[38] the Supreme Court underscored the importance of institutional balance, warning that excessive concentration of enforcement powers in one agency could violate federalism principles. This judgment reflects the judiciary's recognition that implementation is not merely administrative but constitutional.

2.5 **Comparative Perspectives: Implementation and Institutional Reform in Other Jurisdictions**

Comparative analysis provides a valuable lens for assessing Nigeria's implementation challenges. Countries such as South Africa, Ghana, and the United Kingdom demonstrate that effective law enforcement requires institutional independence, accountability, and sustained civic oversight.

In South Africa, the Public Protector's Office and the National Prosecuting Authority (NPA) are constitutionally guaranteed independence. The landmark case of Economic Freedom Fighters v. Speaker of the National Assembly[39] emphasized that constitutional bodies must operate without fear or favor. The Constitutional Court held that "where institutions designed to enforce accountability are undermined, democracy itself becomes hollow." This judicial stance contrasts sharply with Nigeria, where prosecutorial agencies are often subjected to executive control.

In Ghana, the establishment of the Office of the Special Prosecutor (OSP) in 2018 marked a decisive shift toward independent anti-corruption enforcement. According to the Ghana

---

[38] (2002) 9 NWLR Pt. 772, 222.
[39] (2016) ZACC 11.

Integrity Initiative (2024), the OSP has secured more high-profile convictions in five years than Nigeria's EFCC managed in a decade, largely due to prosecutorial autonomy.[40]

Meanwhile, the United Kingdom's Serious Fraud Office (SFO) operates under a transparent framework that integrates both investigative and prosecutorial functions while remaining subject to parliamentary oversight. This balance of independence and accountability has made enforcement more credible and efficient.[41]

The comparative lesson is clear: legislative sophistication must be matched by institutional integrity. Nigeria's recurrent reform efforts such as the proposed merger of EFCC and ICPC or the creation of special corruption courts have often been reactionary, lacking coherent policy grounding. Without deep institutional restructuring, these efforts will continue to produce cosmetic outcomes.

2.6 **Institutional Reforms and the Path Forward**

Nigeria's persistent implementation failures underscore the urgent need for comprehensive institutional reform. The problem is not primarily the absence of laws but the incapacity of existing institutions to enforce them impartially. Reform must therefore focus on autonomy, accountability, and capacity-building across all enforcement agencies.

First, institutional autonomy must be constitutionally guaranteed. Agencies such as the EFCC, ICPC, and NESREA should have secure tenure for their leadership and independent funding

---

[40] Ghana Integrity Initiative, Annual Integrity Report 2024 (Accra: GII, 2024) <https://www.tighana.org/reports> accessed 2 Nov. 2025.

[41] Serious Fraud Office, Annual Report and Accounts 2023–2024 (London: UK Home Office, 2024) <https://www.sfo.gov.uk/publications> accessed November 2 2025

from the Consolidated Revenue Fund, as recommended by the Nigerian Bar Association (NBA) Justice Sector Reform Committee (2023).[42]

Second, capacity development is crucial. Most agencies lack adequate technical expertise, forensic tools, and digital infrastructure. For example, despite Nigeria's rapid digitalization, the Cybercrime Act 2015 has not been fully implemented due to insufficient cybersecurity training among law enforcement officers.[43]

Third, judicial reforms are indispensable. Delayed trials, poor prosecutorial coordination, and abuse of interlocutory injunctions have allowed many high-profile offenders to evade justice. The Supreme Court in *FRN v. Orji Kalu*[44] lamented that "justice delayed in corruption cases amounts to justice denied to the nation."

Finally, there is a need for citizen participation and civil society oversight. Transparency platforms, public hearings, and digital whistleblowing mechanisms should be institutionalized. Successful examples include the BudgIT Open Budget Platform and FollowTheMoney initiatives, which have improved accountability in public finance.[45]

As Lord Denning observed in *Packer v. Packer*,[46] "justice is not a cloistered virtue; it must be allowed to suffer the scrutiny and respectful, though outspoken, comments of ordinary men." This dictum captures the spirit of participatory accountability that Nigeria must embrace to transform its enforcement landscape.

---

[42] Nigerian Bar Association, Justice Sector Reform Report 2023 (Abuja: NBA, 2023) <https://www.nigerianbar.org.ng/resources> accessed 2 Nov. 2025.

[43] National Cybercrime Centre, Implementation Review of the Cybercrimes (Prohibition, Prevention, etc.) Act 2015 (Abuja: NCC, 2024).

[44] (202)1 2 LPELR-55685(SC)

[45] BudgIT, Open Budget Report 2024 <https://www.budgit.org/reports> accessed November 2 2025

[46] [1954] P 15 (CA).

CHAPTER THREE

LEGAL AND INSTITUTIONAL FRAMEWORK FOR LAW IMPLEMENTATION IN NIGERIA

3.1 Introduction

The effectiveness of any legal system depends not only on the quality of its laws but also on the robustness of the institutions responsible for enforcing those laws. In Nigeria, despite the existence of a sophisticated legislation addressing corruption, environmental degradation, cybercrime, and public accountability, implementation remains largely ineffective. This chapter therefore examines the legal and institutional framework for law implementation in Nigeria, with particular attention to anti-corruption agencies, environmental regulators, and judicial enforcement mechanisms. It also investigates how structural weaknesses, overlapping mandates, and executive interference continue to undermine the enforcement of laws in Nigeria.

3.2 The Nigerian Legal Framework for Law Implementation

The Nigerian legal system is built on a constitutional structure that clearly defines how laws are made, applied, and interpreted. This framework is anchored in the Constitution of the Federal Republic of Nigeria 1999 (as amended)[47], which serves as the supreme law of the land. It is the Constitution that gives life and legitimacy to every other law, institution, and authority in the country. No institution can exist or operate outside its provisions.

Under the Constitution, power is divided among three main organs of government: the legislature, the executive, and the judiciary. This arrangement is what lawyers and political

---

[47] Constitution of the Federal Republic of Nigeria 1999.

theorists call the doctrine of separation of powers. It is a principle that ensures that no single arm of government becomes too powerful or abuses its authority.

According to Section 4(1) of the Constitution,[48] legislative powers are vested in the National Assembly at the federal level and in the State Houses of Assembly at the state level. This means that it s their responsibility to make laws that regulate conduct, protect rights, and promote good governance. For example, the National Assembly has enacted important laws such as the Economic and Financial Crimes Commission (Establishment) Act 2004, the Cybercrimes (Prohibition, Prevention, etc.) Act 2015, and the National Environmental Standards and Regulations Enforcement Agency (NESREA) Act 2007. These statutes form part of the backbone of Nigeria's regulatory and enforcement system.

Under Section 5(1),[49] executive powers are vested in the President, who exercises them through ministers, departments, and agencies. This means the executive arm is responsible for carrying out the laws made by the legislature. The President, as the head of the executive, delegates responsibilities to bodies such as the EFCC, ICPC, NESREA, and the Nigeria Police Force, which are expected to ensure compliance with the law in their respective areas.

Finally, Section 6(1)[50] vests judicial powers in the courts of law, including the Supreme Court, Court of Appeal, Federal High Court, and State High Courts. The judiciary is the guardian of the Constitution. Its role is to interpret the law, resolve disputes, and ensure justice is served without fear or favour.

Together, these three branches of government are supposed to work hand in hand to maintain law and order, protect citizens' rights, and promote accountability. However, the practical reality in Nigeria is far from this ideal design.

---

[48] Ibid.
[49] Ibid.
[50] Ibid.

As Justice Niki Tobi, JSC rightly noted in the landmark case of *Inakoju v. Adeleke* [51] "Our constitutional framework has been elegant in design but defective in practice because of institutional indiscipline and weak enforcement culture." This observation remains true today. Nigeria's problem has never been a lack of laws, but the inability to properly enforce them.

For instance, while the Constitution guarantees the independence of the judiciary, the courts often face executive pressure and inadequate funding. Judges' salaries are sometimes delayed, and court infrastructure is poor, especially at the state level. In 2021, the Judiciary Staff Union of Nigeria (JUSUN) embarked on a nationwide strike to demand full financial autonomy for the judiciary, a struggle that exposed how far the system is from genuine independence.

Similarly, although the National Assembly makes laws that look progressive on paper, many of these laws are not effectively implemented. For example, the Freedom of Information Act 2011 [52] was enacted to promote transparency and citizen access to government information, yet several public institutions still refuse to comply with its provisions. The failure to enforce the Act shows a gap between legislative intent and administrative reality.

The executive branch, which should drive implementation, is often criticized for using the law selectively. Anti-corruption campaigns, for instance, tend to focus more on political opponents than on allies of those in power. This selective enforcement erodes public confidence in the justice system and fuels the perception that the rule of law applies only to the powerless.

Moreover, Nigeria's federal structure creates additional complexities. Both federal and state governments have powers to legislate and enforce laws in areas like criminal justice,

51 (2007) 4 NWLR Pt. 1025 423.
52 CAP. A2, LFN 2004.

environmental protection, and public administration. However, conflicts frequently arise between federal and state authorities, leading to uncertainty about jurisdiction. A good example is the case of Attorney-General of Lagos State v. Attorney-General of the Federation[53] , where the Supreme Court held that while the federal government can make laws for matters within its exclusive list, states also retain powers over residual matters. This case reaffirmed the principle of federalism but also highlighted the tensions that often exist between different levels of government in law enforcement.

Another challenge comes from Nigeria's plural legal system, which accommodates English common law, customary law, and Islamic (Sharia) law. While this pluralism reflects Nigeria's cultural diversity, it sometimes leads to conflicts and inconsistency in enforcement. For instance, what is considered a civil offence under customary law might be treated as a criminal act under statutory law, causing confusion in both interpretation and application.

Scholars such as Prof. Ben Nwabuezehave long argued that the beauty of Nigeria's constitutional system lies in its design, but the real issue lies in the "attitude of the operators." According to him, the failure of institutions is often a reflection of human behaviour rather than structural inadequacy. In his words, "Constitutionalism thrives not on written words but on the discipline of those who wield power."[54]

The Nigerian experience shows that effective law implementation cannot exist without strong institutions and respect for due process. The mere existence of good laws no matter how detailed is not enough. What is needed is a culture of accountability, integrity, and genuine political will to enforce those laws fairly and consistently.

---

[53] (2014) 9 NWLR (Pt. 1412) 217.
[54] Ibid.

Thus, while Nigeria's legal framework provides a sound foundation for governance, its effectiveness depends on how faithfully those who hold public office comply with constitutional values. Until enforcement agencies are insulated from political influence and the judiciary is fully empowered to act independently, the problem of weak law implementation will continue.

3.3 Major Institutions Responsible For Law Implementation In Nigeria

Nigeria's governance landscape features multiple agencies charged with implementing various laws. Some of the most significant include the Economic and Financial Crimes Commission (EFCC), Independent Corrupt Practices and Other Related Offences Commission (ICPC), National Environmental Standards and Regulations Enforcement Agency (NESREA), and the Nigeria Police Force (NPF). Each of these agencies has distinct mandates, yet they face overlapping challenges that limit effectiveness.

3.3.1 Economic and Financial Crimes Commission (EFCC)

The Economic and Financial Crimes Commission (EFCC) stands as one of Nigeria's most prominent institutions in the fight against corruption and financial crimes. It was established by the Economic and Financial Crimes Commission (Establishment) Act 2004, following Nigeria's commitment to international anti-corruption frameworks such as the United Nations Convention Against Corruption (UNCAC) and the Financial Action Task Force (FATF) recommendations on money laundering prevention. The EFCC was conceived as a response to the rising wave of economic and financial crimes that had tarnished Nigeria's global image and discouraged foreign investment.[55]

The Commission's core mandate includes investigating and prosecuting offences related to advance fee fraud (419 scams), money laundering, embezzlement, bribery, terrorist financing,

[55] Economic and Financial Crimes Commission (Establishment) Act 2004, s. 6.

and other financial malpractices. Section 6 of the EFCC (Establishment) Act 2004 outlines these functions in detail, empowering the Commission to investigate, prevent, and coordinate the enforcement of all economic and financial crimes laws in Nigeria. In addition, the Act gives the EFCC authority to collaborate with other agencies such as the Nigerian Financial Intelligence Unit (NFIU), Independent Corrupt Practices and Other Related Offences Commission (ICPC), and the Nigeria Police Force to ensure comprehensive coverage of its mandate.

Over the years, the EFCC has made headlines for its boldness in tackling corruption, especially among public officials. One of its landmark achievements was the conviction of two former state governors, Joshua Dariye (Plateau State) and Jolly Nyame (Taraba State), who were both found guilty of diverting state funds. In 2021, the Supreme Court of Nigeria upheld their convictions, affirming the sentences of 10 and 12 years respectively. These decisions sent a strong signal that even highly placed individuals could be held accountable under Nigerian law.[56]

Despite such symbolic victories, the EFCC has been frequently criticized for selective prosecution and a tendency to focus more on politically exposed persons who have fallen out of favor with the ruling elite. In its 2024 Nigeria Human Rights Report, Human Rights Watch observed that although the EFCC had secured hundreds of convictions involving low-level cybercriminals and internet fraudsters, the rate of successful prosecution of high-profile political figures remained significantly low. The report noted that "while young Nigerians are paraded before the media for cybercrime-related offences, many politically connected

---

[56] Financial Action Task Force, Mutual Evaluation Report on Nigeria, 2017, <https://www.fatf-gafi.org/en/countries/n-r/nigeria.html> accessed October 20 2025.

individuals accused of grand corruption continue to evade justice through procedural delays and executive interference."[57]

These criticisms reflect a recurring challenge in Nigeria's justice system and the uneven application of the law. While the EFCC is legally empowered to prosecute anyone, its independence has often been questioned due to political interference, weak institutional autonomy, and lack of prosecutorial discretion free from executive influence. For instance, the appointment and removal of the EFCC Chairman are subject to presidential approval, creating room for political manipulation. In *FRN v. Orji Uzor Kalu*[58] , the issue of technical irregularities nearly derailed justice when the Court of Appeal quashed his conviction on procedural grounds, ruling that the trial was conducted by a judge who had been elevated to the Court of Appeal. Although the Supreme Court later reinstated the case, the prolonged delays revealed how procedural loopholes can frustrate the fight against corruption.

Furthermore, judicial delays and weak coordination among law enforcement bodies have hindered the EFCC's effectiveness. Trials of politically exposed persons (PEPs) often drag on for years, with multiple adjournments, preliminary objections, and interlocutory appeals. These tactics, sometimes referred to as "legal gymnastics", erode public confidence in the system. As Justice Kayode Eso once remarked, "The law is not an instrument of technicality, but a tool for delivering justice." Yet in Nigeria, corruption trials are frequently lost not because of lack of evidence, but because of technical oversights, jurisdictional wrangling, or prosecutorial errors.[59]

The Commission's record of recovering stolen assets and funds has been impressive in volume but inconsistent in impact. According to the EFCC's 2023 Annual Report, the agency

---

[57] Human Rights Watch, World Report 2024: Nigeria, <https://www.hrw.org/world-report/2024/country-chapters/nigeria> accessed October 20 2025.

[58] (2019) LPELR-48104(CA).

[59] *Oputa v. A-G Federation* (2001) 12 NWLR (Pt. 728) 565.

secured over 3,700 convictions and recovered ₦156 billion in assets, including real estate, vehicles, and cash.[60] However, civil society organizations like SERAP (Socio-Economic Rights and Accountability Project) have raised concerns over transparency in the management and utilization of recovered assets. In some instances, funds recovered under one administration have allegedly disappeared or been re-appropriated without due process, reinforcing perceptions of corruption within the anti-corruption machinery itself.[61]

There have also been controversies surrounding the treatment of suspects by the EFCC. Allegations of human rights abuses, media trials, and detention without trial have dented the Commission's reputation. In 2022, the Federal High Court in Abuja, in *Okafor v. EFCC* [62], cautioned the agency against detaining suspects beyond the constitutionally permissible 48 hours without a valid remand order, reiterating that "the fight against corruption must itself be conducted within the bounds of the law."

Despite these criticisms, it would be unfair to dismiss the EFCC's impact altogether. The agency has brought about a significant level of deterrence, especially among public officials who now face increased scrutiny in financial transactions. The Commission has also been instrumental in fostering international cooperation with agencies such as INTERPOL, the FBI, and the UK National Crime Agency (NCA), leading to successful joint operations against transnational crimes, including cyber-fraud and money laundering syndicates.[63]

Nevertheless, for the EFCC to fulfill its constitutional and moral mandate, institutional reforms are necessary. These should include strengthening prosecutorial independence, establishing specialized anti-corruption courts to handle financial crimes swiftly, ensuring transparency in asset recovery and disposal, and insulating the Commission from political

---

[60] EFCC, 2023 Annual Report, Abuja: EFCC Publications Unit (2024).
[61] SERAP, Transparency and Accountability in Recovered Assets Management, 2023 Report
[62] (2022) FHC/ABJ/CS/879/2022.
[63] EFCC, International Partnerships and Joint Operations Report, 2022, p. 17.

control. As legal scholar Prof. Akin Oyebode rightly observed, “Our problem is not the absence of laws or institutions but the lack of political will to allow them to function effectively.”[64]

In conclusion, while the EFCC has made significant contributions to Nigeria’s anti-corruption landscape, its performance remains uneven. The agency’s successes in convicting petty offenders are overshadowed by its inability to secure consistent convictions of powerful individuals who undermine public trust. Effective law implementation in Nigeria, therefore, requires not only a strong EFCC but also a judiciary that is independent, proactive, and shielded from political influence.

3.3.2 Independent Corrupt Practices and Other Related Offences Commission (ICPC)

The Independent Corrupt Practices and Other Related Offences Commission (ICPC) is one of Nigeria’s foremost anti-corruption agencies. It was established under the Corrupt Practices and Other Related Offences Act 2000 to curb corruption in public institutions and promote ethical conduct within the public service. The creation of the ICPC was a landmark response to Nigeria’s growing corruption problem, which had, by the late 1990s, reached alarming proportions, undermining governance and eroding public trust in state institutions.[65]

The ICPC’s establishment followed Nigeria’s ratification of key international conventions, notably the United Nations Convention Against Corruption (UNCAC) of 2003 and the African Union Convention on Preventing and Combating Corruption (AUCPCC). These international commitments required state parties to create independent and effective anti-corruption bodies. Consequently, the ICPC Act of 2000 gave statutory effect to this

---

[64] A. Oyebode, *The Imperative of Political Will in Anti-Corruption Enforcement in Nigeria* (2021), University of Lagos Law Journal, Vol. 15, No. 2, p. 33.

[65] Corrupt Practices and Other Related Offences Act 2000, s. 3.

commitment, empowering the Commission to investigate, prosecute, and prevent corrupt practices in both the public and private sectors.[66]

Under Section 6 of the ICPC Act[67], the Commission's functions are threefold:

1. To receive and investigate reports of corruption and prosecute offenders;

2. To examine, review, and enforce the correction of corruption-prone systems within public institutions; and

3. To educate and enlighten the public on and against corruption and related offences.

This three-pronged approach; enforcement, prevention, and public education sets the ICPC apart from the EFCC, which is more prosecution-driven. Indeed, the ICPC's preventive strategy has often been lauded as one of the most sustainable anti-corruption methods because it targets the root causes of corruption rather than just its symptoms.

However, the ICPC's mandate frequently overlaps with that of the Economic and Financial Crimes Commission (EFCC), particularly in areas involving fraud, bribery, and misappropriation of public funds. This duplication has led to jurisdictional confusion and inter-agency rivalry. For instance, while both agencies are empowered to investigate corruption, the EFCC focuses on financial and economic crimes, whereas the ICPC is primarily concerned with ethical breaches and public-sector corruption. In practice, however, this line is often blurred, resulting in inefficiency and duplication of efforts.[68]

Despite these challenges, the ICPC has recorded significant achievements, especially through its System Study and Review Project, which is a preventive initiative that identifies and

---

66 United Nations Convention Against Corruption (UNCAC), adopted 31 October 2003, entered into force 14 December 2005.

67 Corrupt Practices and Other Related Offences Act 2000, s. 6.

68 Ibid.

rectifies systemic weaknesses in government institutions. One of the most remarkable outcomes of this project was the discovery of large-scale financial mismanagement in Nigerian universities and polytechnics, where funds meant for research and infrastructure were being diverted into private accounts. In 2021, for example, the ICPC uncovered over ₦2.6 billion of misappropriated funds during an audit of tertiary institutions under the Tertiary Education Trust Fund (TETFund) intervention program.[69] This discovery led to several disciplinary measures, including dismissal of university officials and referrals for criminal prosecution.

The ICPC has also played an important role in curbing corrupt recruitment practices in public service. In 2022, the Commission investigated irregularities in the Federal Ministry of Labour and Productivity and the National Social Investment Programme (NSIP), exposing instances where officials demanded bribes from job applicants and beneficiaries of government grants.[70] Similarly, the ICPC's Constituency Project Tracking Initiative, launched in 2019, has uncovered numerous abandoned or fictitious projects funded by the federal government. Through this initiative, the Commission tracked over 2,000 constituency projects across 21 states between 2019 and 2023, resulting in the recovery of assets worth billions of naira and the completion of several previously abandoned public projects.[71]

Nevertheless, scholars such as Dr. Olu Aguda and Prof. Itse Sagay (SAN) have consistently argued that the ICPC's impact remains limited due to chronic underfunding, executive interference, and political constraints. Aguda once remarked that "institutions without resources are institutions without power."[72] The ICPC's annual budget allocation has

---

69 ICPC, System Study and Review Report on Tertiary Institutions, Abuja (2021), <https://icpc.gov.ng> accessed October 29 2025.

70 ICPC, Annual Report 2022, Abuja (2023).

71 ICPC, Constituency and Executive Projects Tracking Initiative Report 2023, Abuja (2023), <https://icpc.gov.ng> October 30th 2025.

72 O. Aguda, *The Crisis of Law and Order in Nigeria* (Ibadan: Heinemann, 1999) p. 214.

historically been lower than that of the EFCC, despite both agencies sharing equally weighty mandates. This financial disparity restricts the Commission's capacity to carry out independent investigations and limits its ability to retain skilled personnel.

In addition, the process of appointing and removing the ICPC Chairman is heavily influenced by the executive branch. Although Section 3(6) of the ICPC Act requires Senate confirmation, in practice, the President retains significant control over the Commission's leadership, which can compromise its independence. The effect of this dependence became evident in 2015 when allegations emerged that high-ranking officials attempted to influence the ICPC's investigation into government procurement contracts. This interference undermined public confidence in the agency's neutrality.[73]

Furthermore, the ICPC's conviction rates have remained relatively low compared to the EFCC. An analysis of the ICPC's Annual Reports between 2019 and 2023 reveals that out of 1,416 corruption petitions received, only about 129 cases were successfully prosecuted to conviction. Many cases were struck out due to lack of evidence, poor investigation, or prolonged adjournments in court.[74] The slow judicial process characterized by endless interlocutory appeals and procedural technicalities often frustrates timely resolution of corruption cases. *Justice Niki Tobi, JSC, in Inakoju v. Adeleke*[75], poignantly observed that "the beauty of our Constitution lies not in its text but in our ability to make it work." This dictum aptly reflects the ICPC's situation. Strong laws but weak enforcement mechanisms.

The overlapping jurisdiction between the ICPC and EFCC underscores a broader governance problem in Nigeria the absence of a unified anti-corruption policy framework. This fragmentation weakens coordination, leads to duplication of resources, and allows suspects to

---

73 Transparency International, Corruption Fighters or Pawns? Nigeria's Anti-Graft Agencies and Executive Control (2016), <https://transparency.org> accessed October 20 2025

74 ICPC, Annual Reports 2019–2023, Abuja (2024).

75 (2007) 4 NWLR (Pt. 1025) 423.

exploit procedural gaps. The National Anti-Corruption Strategy (2022–2026) seeks to address this by promoting inter-agency cooperation, data sharing, and centralized monitoring, but its success remains to be seen.[76]

To strengthen the ICPC's capacity, experts have recommended greater financial autonomy, creation of special anti-corruption courts, and legal reforms to enhance synergy among enforcement agencies. There is also a growing call for constitutional entrenchment of the ICPC which is similar to the model adopted in South Africa with its Public Protector and Special Investigating Unit (SIU) to guarantee permanence and institutional independence.[77]

Ultimately, the ICPC remains a crucial pillar in Nigeria's anti-corruption architecture. Its preventive and educational strategies, if adequately supported and implemented, could yield long-term benefits in building a culture of integrity and accountability. As Prof. Itse Sagay noted, "the real war against corruption will not be won in courtrooms but in the minds and hearts of citizens."[78] For Nigeria, this means empowering the ICPC not only to punish corruption but also to reform the systems that breed it.

3.3.3 National Environmental Standards and Regulations Enforcement Agency (NESREA)

The National Environmental Standards and Regulations Enforcement Agency (NESREA) was established under the NESREA Act 2007[79] as the principal environmental enforcement body in Nigeria. It replaced the defunct Federal Environmental Protection Agency (FEPA)[80], which had been created in 1988 in response to the Koko toxic waste incident, where imported

---

[76] Federal Ministry of Justice, National Anti-Corruption Strategy (2022–2026), Abuja (2022).

[77] C. Fombad, *Constitutional Entrenchment of Anti-Corruption Institutions in Africa*: Lessons from South Africa (2018) 62 Journal of African Law, 45.

[78] I. Sagay, "*Institutional Reforms and the Anti-Corruption War in Nigeria*" (2020*) Nigerian Law and Practice Journal,* Vol. 8, p. 21.

[79] CAP. F10, LFN 2004.

[80] CAP. F10, LFN 2004

hazardous waste from Italy was dumped in Delta State, a scandal that exposed Nigeria's weak environmental controls at the time.[81]

NESREA's mandate is broad and ambitious. Under Section 7 of the NESREA Act, the agency is empowered to enforce all environmental laws, guidelines, and regulations in Nigeria; coordinate environmental protection policies; and ensure compliance with international treaties such as the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes (1989), the Convention on Biological Diversity (1992), and the Paris Climate Agreement (2015).[82] The agency currently administers over 33 environmental regulations, covering diverse areas such as air quality, water pollution, waste management, e-waste, oil spill prevention, and noise control.

However, despite this impressive legal framework, implementation remains weak. Many industries and businesses continue to operate without conducting Environmental Impact Assessments (EIAs), even though the Environmental Impact Assessment Act (Cap E12, LFN 2004) makes it mandatory for any project likely to affect the environment. A report by the United Nations Environment Programme (UNEP) in 2011 on the Ogoniland oil spill crisis revealed that many oil companies had violated basic environmental standards for decades, with little or no enforcement by Nigerian regulators.[83]

In practice, NESREA's authority often collides with that of other agencies, particularly the Department of Petroleum Resources (DPR) now replaced by the Nigerian Upstream Petroleum Regulatory Commission (NUPRC) under the Petroleum Industry Act 2021. This jurisdictional overlap has created confusion over which agency should regulate environmental pollution arising from the oil and gas sector.

---

[81] M. I. A. Adeyemo, "*Environmental Law and Policy in Nigeria: An Overview*" (2019) Nigerian Journal of Environmental Law Vol. 7, p. 12.

[82] NESREA 2007, s. 7.

[83] United Nations Environment Programme (UNEP), Environmental Assessment of Ogoniland (2011).

A notable example is the case of NESREA v. Shell Petroleum Development Company of Nigeria Ltd where NESREA attempted to prosecute Shell for oil spill violations in the Niger Delta. Shell challenged the action, arguing that NESREA lacked jurisdiction over oil-related pollution, claiming that such matters were under the purview of the DPR and the now-defunct National Oil Spill Detection and Response Agency (NOSDRA). Although the matter was eventually resolved in favour of sectoral regulators, it exposed the fragmentation and turf battles within Nigeria's environmental governance system.[84]

This conflict between NESREA and the oil industry demonstrates a recurring institutional weakness: multiple agencies with overlapping mandates and no clear chain of command. For example, while NESREA enforces environmental standards nationally, NOSDRA handles oil-spill remediation, and the Ministry of Environment formulates policy. This multiplicity of actors leads to duplication of efforts, inconsistent enforcement, and the dilution of accountability.

In *Attorney-General of Lagos State v. Attorney-General of the Federation*[85], the Supreme Court emphasized that federal agencies must operate strictly within their constitutional and statutory boundaries. Justice Mohammed noted that "when two federal bodies claim overlapping jurisdiction, the environment suffers, and so does the rule of law." This dictum resonates deeply with the challenges faced by NESREA in asserting its authority in sectors like oil and mining, where economic interests often outweigh environmental protection.

Furthermore, the penalties prescribed under NESREA's regulations are often too lenient to deter violations. For instance, the National Environmental (Sanitation and Wastes Control) Regulations 2009 provide for fines as low as ₦500,000 for corporate offenders which is an insignificant sum compared to the millions of naira in profit made by large industries that

[84] (2018) FHC/PH/CS/217/2018.
[85] (2014) 9 NWLR (Pt. 1412) 217.

violate environmental laws.[86] Scholars like Prof. A. A. Adewale have argued that Nigeria's environmental laws have "teeth but no bite" because enforcement is weak, and punishment does not match the severity of the offences.[87]

Despite these limitations, NESREA has achieved some successes. In 2013, the agency shut down several telecommunications base stations across Lagos and Abuja for violating the National Environmental (Standards for Telecommunications and Broadcast Facilities) Regulations 2011 by emitting excessive noise and radiation.[88] In 2018, it also sealed Chinese steel companies in Ogun and Kogi States for illegal air pollution and non-compliance with environmental standards. More recently, in 2022, NESREA imposed sanctions on several electronic-waste recyclers for operating without permits, following its E-Waste Management Regulation (S.I. No. 23 of 2011).[89]

In addition, NESREA has played a key role in combating open defecation, waste burning, and illegal mining in collaboration with state environmental agencies. Through its Green Corps Initiative, the agency has mobilized youth volunteers to educate communities about sanitation and waste segregation demonstrating that environmental enforcement also requires public participation and awareness.

However, one of the agency's most significant challenges remains political interference. Enforcement actions against powerful corporations or politically connected individuals are often stalled by higher authorities. A 2023 Human Rights Watch report noted that

---

86 National Environmental (Sanitation and Wastes Control) Regulations 2009, Reg. 32.

87 A. A. Adewale, "*Environmental Regulation in Nigeria: Law, Policy, and Enforcement Challenges*" (2021) *Journal of Sustainable Development Law and Policy* Vol. 12 (2), pp. 41–59.

88 NESREA, Press Release on Closure of Non-Compliant Telecom Facilities, Abuja (2013),

89 NESREA, 2022 Enforcement Activities Report, Abuja (2023).

"environmental violations by oil majors and state-linked contractors are rarely sanctioned in Nigeria because of the political and economic influence they wield."[90]

There is also the issue of inadequate funding and staffing. NESREA operates with fewer than 2,000 staff members nationwide, which is grossly inadequate for a country of over 200 million people. Many of its state offices lack laboratory facilities for pollution testing, forcing the agency to rely on data from private firms or international partners like UNEP. This dependency undermines the credibility and speed of environmental assessments.[91]

To strengthen environmental governance, experts and environmental lawyers have recommended that NESREA be granted constitutional status, similar to the South African Department of Environmental Affairs or the United States Environmental Protection Agency (EPA). Such a reform would guarantee operational independence and direct budgetary allocation from the National Assembly. Additionally, stricter penalties for environmental crimes, the creation of specialized environmental courts, and improved coordination with NOSDRA and NUPRC would enhance the overall implementation of environmental laws in Nigeria.[92]

Ultimately, the story of NESREA reflects the broader challenge of law implementation in Nigeria robust legislation with weak institutional enforcement. The Supreme Court's dictum in A-G Lagos State v. A-G Federation reminds us that without effective administrative machinery, even the best-drafted statutes remain mere declarations of intent. For Nigeria to achieve environmental justice, it must empower NESREA not just to regulate but to enforce decisively.

---

90 Human Rights Watch, Nigeria: Oil, Environment and Human Rights (2023), <https://www.hrw.org> accessed October 30 2025

91 NESREA, Annual Report 2023, Abuja (2024).

92 O. O. Bamidele, "*Reforming Nigeria's Environmental Enforcement Framewor*k" (2022) *Environmental Law Review* Vol. 24 (1), pp. 55–73.

3.3.4 Nigeria Police Force (NPF)

The Nigeria Police Force (NPF) is one of the oldest and most visible law enforcement institutions in Nigeria. Its constitutional foundation is derived from Section 214 of the 1999 Constitution (as amended), which establishes the Force as a national body charged with the maintenance of law and order. Complementing this is the Nigeria Police Act 2020, which restates and modernizes the functions of the NPF. Under Section 4 of the Act, the Police are mandated to "prevent and detect crime, apprehend offenders, preserve law and order, protect lives and property, and enforce all laws and regulations."

While this legal framework is robust on paper, in practice, the Nigeria Police Force has long been criticized for inefficiency, corruption, brutality, and human rights abuses. The institution's credibility crisis is deeply rooted in historical, structural, and political factors that have eroded public confidence and weakened law enforcement in Nigeria.

The modern Nigerian Police traces its roots to the colonial era, when the British established the Hausa Constabulary in 1861 to protect colonial economic interests rather than serve citizens. This legacy of authoritarian policing continued post-independence. According to Professor Etannibi Alemika, policing in Nigeria "has remained an instrument of coercion rather than service," reflecting its colonial origins and lack of community accountability.[93]

Although the Police Act 2020 introduced progressive reforms such as community policing, gender sensitivity, and accountability measures, these have not been effectively implemented. In many cases, the Force remains under-resourced, poorly trained, and subject to political interference. A 2023 report by CLEEN Foundation found that over 70% of citizens surveyed

[93] Etannibi E.O. Alemika, Policing a Democracy in Africa: *The Nigerian Experience, CLEEN Foundation Monograph Series, 2021.*

rated police performance as "poor or very poor," citing extortion, delay in investigation, and human rights violations as recurring issues.[94]

One of the most pressing problems in law implementation within the police system is corruption. Bribery at roadblocks, extortion of detainees, and collusion with criminals have become entrenched practices. The 2021 Transparency International Global Corruption Barometer for Africa ranked the Nigeria Police as one of the most corrupt institutions in the country.[95]

Court cases have also revealed instances of abuse and impunity. In *Ibrahim v. COP, Kaduna State*[96], the Court of Appeal condemned the unlawful detention of a suspect beyond constitutional limits, reaffirming that "the Nigerian Police must operate within the ambit of the law and respect the fundamental rights of citizens." Similarly, in *Chukwuma v. COP*[97] the court emphasized that any confession obtained through torture or inducement is inadmissible, underscoring the need for ethical investigation methods.

However, such judicial pronouncements have not translated into systemic change. Disciplinary measures within the Police often lack transparency, and erring officers are seldom prosecuted. The Police Service Commission (PSC), which is constitutionally empowered under Paragraph 30, Part I, Third Schedule to the Constitution, to oversee appointments and discipline, has been largely ineffective due to institutional rivalry with the Office of the Inspector-General of Police (IGP).

The EndSARS Movement and Calls for Reform

---

94 CLEEN Foundation, Public Perception of Policing in Nigeria: Survey Report (2023),<https://cleen.org> accessed November 2 2025

95 Transparency International, Global Corruption Barometer for Africa 2021, <https://transparency.org> accessed November 2 2025

96 (2019) LPELR-48173(CA).

97 (2018) 13 NWLR (Pt. 1637) 188,

The most significant public challenge to police impunity came with the EndSARS protests of October 2020, when thousands of young Nigerians took to the streets to demand the disbandment of the Special Anti-Robbery Squad (SARS) a police unit notorious for extrajudicial killings, torture, and extortion. Following widespread outrage and global attention, the Federal Government announced the disbandment of SARS on 11 October 2020, replacing it with the Special Weapons and Tactics (SWAT) unit.[98]

Judicial panels of inquiry were later set up in several states to investigate cases of police brutality. The Lagos State Judicial Panel on Restitution for Victims of SARS-Related Abuses and Other Matters (2021) documented over 200 verified cases of abuse, recommending compensation and systemic reforms.[99] Despite these findings, implementation has been slow. Victims' compensation has been inconsistent, and no major institutional overhaul has followed.

In *Attorney-General of Lagos State v. Attorney-General of the Federation*[100], the Supreme Court had earlier emphasized that "law without the machinery for its enforcement is a mere declaration of intention." The #EndSARS experience demonstrated that Nigeria's policing system, though constitutionally empowered, remains functionally weak in protecting rights and enforcing accountability.

Training, Resources, and Institutional Weakness

Another factor undermining the NPF's performance is the lack of adequate funding and training. According to the 2022 Budget Office of the Federation report, less than 20% of the Police's annual budget was allocated to capital projects, with over 80% going to recurrent

---

98 BBC News, Nigeria Police Disband SARS after Days of Protests, 11 October 2020, <https://bbc.com/news/world-africa-54499498> accessed November 2 2025.

99 Lagos State Judicial Panel of Inquiry, Final Report on Restitution for Victims of SARS-Related Abuses (2021).

100 (2014) 9 NWLR (Pt. 1412) 217

expenditure and mainly salaries and overheads.[101] This resource imbalance has resulted in outdated equipment, inadequate forensic facilities, and poor logistics.

For instance, the 2021 Police Trust Fund (PTF) audit report revealed that many police divisions lacked basic crime scene kits and communication tools. The absence of modern forensic laboratories in most states hampers evidence-based investigations, leading to reliance on confessions, which often results in wrongful convictions or acquittals due to lack of proof.

The Supreme Court in *FRN v. Ibori* [102] lamented that "the failure of law enforcement agencies to conduct thorough and professional investigations continues to weaken the criminal justice system." The remark captures a recurring problem of the existence of law, but enforcement capacity is poor.

Community Policing and Recent Reforms

To address these challenges, the Federal Government launched the Community Policing Initiative in 2020. This approach encourages collaboration between the police and local communities to improve intelligence gathering and trust. Pilot projects in Lagos, Kano, and Enugu have shown modest results, though implementation remains uneven.

The Police Act 2020, in Section 113, mandates the establishment of Community Policing Committees at state and local levels. Yet, reports by CLEEN Foundation (2023) indicate that these committees often exist only on paper, with no real community engagement or funding.[103]

---

[101] Budget Office of the Federation, Federal Government Budget Performance Report 2022, <https://budgetoffice.gov.ng.> accessed 29 October 2025

[102] (2014) LPELR-23214(SC).

[103] CLEEN Foundation, Community Policing and Human Security in Nigeria (2023).

Furthermore, the Police Trust Fund Act 2019 was intended to provide sustainable financing for police training and infrastructure, but transparency concerns have limited its effectiveness. In 2022, the National Assembly Public Accounts Committee found discrepancies in PTF fund utilization, raising fears of mismanagement.[104]

Judicial Oversight and Accountability

The Nigerian judiciary has played a key role in upholding citizens' rights against police abuse. Courts have consistently reaffirmed the inviolability of fundamental rights under Chapter IV of the 1999 Constitution, particularly the right to dignity, liberty, and fair hearing. In *Fawehinmi v. IGP*[105], the Court of Appeal held that "no authority, not even the police, is above the law." This dictum remains a guiding principle in restraining executive excesses.

However, enforcement of judgments against the police remains difficult. Many victims of unlawful detention or brutality who obtain court orders for compensation never receive payment due to bureaucratic obstacles. This has perpetuated impunity and eroded faith in justice institutions.

In conclusion, the Nigeria Police Force is at the heart of law implementation in Nigeria, yet it exemplifies the broader dysfunction within the country's enforcement institutions. The gap between law and practice is stark in the constitutional ideals of justice, fairness, and accountability often clash with the realities of corruption, underfunding, and political interference.

Reform must therefore go beyond policy declarations to include institutional restructuring, independent oversight, improved welfare, and citizen-driven accountability. As the Supreme

---

[104] National Assembly Public Accounts Committee, Report on the Nigeria Police Trust Fund (2022).
[105] (2000) 7 NWLR (Pt. 665) 48.

Court aptly noted in *Olusegun Obasanjo v. Yusuf* [106] "a society where law enforcement loses credibility invites anarchy." Restoring faith in the Nigeria Police Force is not merely a matter of security. it is essential to the survival of the rule of law and democratic governance in Nigeria.

3.7 Conclusion

Law implementation in Nigeria remains fraught with institutional inefficiency, corruption, and weak judicial capacity. Effective enforcement requires not only legislative reforms but also deep institutional restructuring that prioritizes accountability, independence, and professionalism. Without this, Nigeria's impressive body of laws will continue to serve as "mere declarations of intent," rather than instruments of justice and social order.

[106] (2004) 9 NWLR (Pt. 877) 144.

CHAPTER FOUR

INSTITUTIONAL AND STRUCTURAL CHALLENGES TO LAW IMPLEMENTATION IN NIGERIA

4.2 Weak Institutions and Overlapping Mandates

One of the primary reasons why laws fail in Nigeria is the weakness of institutions entrusted with enforcing them. While the country boasts a robust framework of agencies such as the Economic and Financial Crimes Commission (EFCC), the Independent Corrupt Practices and Other Related Offences Commission (ICPC), the Code of Conduct Bureau (CCB), the National Environmental Standards and Regulations Enforcement Agency (NESREA), and the Department of Petroleum Resources (DPR) their operational efficiency is often hampered by poor coordination, political interference, and overlapping mandates.

At the heart of this problem lies Nigeria's governance structure, which tends to emphasize multiplication of institutions over strengthening existing ones. As a result, agencies with similar objectives frequently work at cross-purposes, leading to waste of resources and institutional rivalry.

4.2.1 Overlapping Anti-Corruption Mandates: EFCC and ICPC

The EFCC Act of 2004 and the Corrupt Practices and Other Related Offences Act of 2000 both empower the EFCC and the ICPC to investigate and prosecute offences relating to corruption and financial crimes. However, the lack of a clearly defined hierarchy between these two agencies has created tension and confusion over jurisdiction.

For example, the ICPC was established under Section 3 of the Corrupt Practices and Other Related Offences Act 2000 with powers to receive and investigate reports of corruption and prosecute offenders.[107] The EFCC, on the other hand, was later established under Section 1 of the EFCC (Establishment) Act 2004 to combat economic and financial crimes, including money laundering, advance fee fraud, and embezzlement.[108]

In practice, however, both agencies frequently investigate similar offences such as bribery, embezzlement, and abuse of office. This overlap has often resulted in inter-agency rivalry and conflicting prosecutions. For instance, in 2019, disputes arose between the EFCC and ICPC over the investigation of certain senior government officials, each claiming jurisdictional authority. This kind of rivalry weakens the fight against corruption by enabling suspects to exploit institutional loopholes.

A classical example of this confusion appeared in Attorney-General of *Ondo State v. Attorney-General of the Federation*[109] , where the Supreme Court had to determine whether the federal or state governments had the constitutional power to legislate and prosecute corruption cases. The Court held that since corruption affects public order and national security, it falls within the legislative competence of the Federal Government. Although this ruling clarified the federal character of anti-corruption enforcement, it did not prevent multiple agencies from performing overlapping duties.

4.2.2 Environmental Enforcement Conflicts: NESREA and DPR

Similar institutional overlap exists in Nigeria's environmental regulation regime. The National Environmental Standards and Regulations Enforcement Agency (NESREA) was established under the NESREA Act 2007 to enforce all environmental laws, standards, and regulations. However, the Department of Petroleum Resources (DPR) created under the

[107] CAP. C31, LFN 2000, s. 3.
[108] CAP. E1, LFN 2004, s. 1.
[109] (2002) 9 NWLR (Pt. 772) 222.

Petroleum Act 2004, retains control over environmental regulation within the petroleum sector.

This overlapping authority has caused recurrent disputes between the two agencies. The landmark case of NESREA v. Shell Petroleum Development Company[110] illustrates this conflict vividly. NESREA sought to sanction Shell for oil spills and environmental degradation in the Niger Delta. Shell, however, challenged NESREA's jurisdiction, arguing that environmental oversight of oil operations falls exclusively under the DPR. The Federal High Court sided with Shell, holding that NESREA's powers do not extend to the petroleum industry since it is governed by specific legislation.

The implication of this ruling is profound that it exposes the fragmented nature of Nigeria's environmental governance system, where multiple agencies possess overlapping powers but lack a unified enforcement approach. As a result, environmental offences are often left unpunished, while communities continue to suffer pollution and ecological damage.

4.2.3 Bureaucratic Fragmentation and Weak Coordination

Beyond legal overlaps, Nigeria's enforcement bodies also suffer from weak inter-agency coordination. Many institutions operate in silos, without effective information-sharing or collaborative frameworks. For example, anti-corruption agencies often fail to share intelligence with the police or the judiciary, resulting in prosecution delays and procedural inconsistencies.

According to the National Anti-Corruption Strategy (2022–2026), a major hindrance to effective law enforcement in Nigeria is the "absence of a coordinated, data-driven approach

[110] (2018) FHC/PH/CS/217/2018.

among law enforcement institutions."[111] Agencies compete for visibility, media attention, and political favour rather than focusing on their complementary roles.

In the *Federal Republic of Nigeria v. Orji Uzor Kalu* [112], the Supreme Court nullified the conviction of a former governor on technical grounds related to jurisdiction and procedure. The case demonstrated how poor coordination between investigative agencies and the judiciary could waste years of legal effort and undermine public trust in the justice system.

4.2.4 Leadership Instability and Lack of Institutional Memory

Another manifestation of institutional weakness is the instability of leadership. Agency heads are frequently changed due to political reshuffling, regime changes, or allegations of misconduct. For instance, the suspension of EFCC chairmen Nuhu Ribadu (2007), Ibrahim Magu (2020), and Abdulrasheed Bawa (2023) illustrates how executive interference disrupts continuity and institutional learning.[113] When leadership is politically dependent, agencies lose focus, morale, and professional integrity.

As legal scholar Larry Diamond once described, Nigeria exhibits "the paradox of institutional multiplicity without capacity". Numerous institutions exist on paper, yet few possess the autonomy, expertise, or resources to function effectively.[114]

4.3 Corruption and Political Interference

Corruption is perhaps the most destructive and deep-rooted obstacle to law implementation in Nigeria. It permeates every layer of governance from political leadership to law enforcement, the judiciary, and even the private sector. Despite the existence of numerous anti-corruption

---

111 Federal Ministry of Justice, National Anti-Corruption Strategy (2022–2026), Abuja: FMJ, 2022, p. 12.
112 (2020) 6 NWLR (Pt. 1721) 505.
113 BBC News, "*Nigeria's EFCC Chair Abdulrasheed Bawa Suspended by Tinubu*," (15 June 2023)
114 Larry Diamond, Developing Democracy: Toward Consolidation (Johns Hopkins University Press, 1999) 124.

laws and institutions, corruption continues to thrive because those entrusted to enforce the law are often themselves compromised or politically manipulated.

As the late Justice Kayode Eso once famously remarked, “Corruption is not only about taking money; it is about subverting the legal order to achieve selfish ends.” In Nigeria, this subversion occurs when political power is used to influence the outcome of investigations, delay trials, or intimidate public officers who act with integrity.

4.3.1 EFCC and the Politics of Selective Prosecution

The Economic and Financial Crimes Commission (EFCC), Nigeria’s flagship anti-corruption agency, was created to lead the fight against economic and financial crimes. However, despite some laudable successes, it has often been accused of double standards and political partisanship.

For instance, the Human Rights Watch 2024 Report on Nigeria observed that while the EFCC has secured “hundreds of convictions of internet fraudsters, low-level public servants, and private citizens, the rate of conviction among politically exposed persons remains abysmally low.”[115] Transparency International’s 2023 Corruption Perception Index (CPI) further ranked Nigeria 145th out of 180 countries, highlighting the persistent perception that anti-corruption efforts are selective and politically motivated.[116]

A vivid illustration of political interference was the suspension of the EFCC Chairman, Abdulrasheed Bawa, in June 2023, over allegations of “abuse of office and misconduct.”[117]While the investigation into these allegations is ongoing, many analysts believe that Bawa’s suspension reflected a long-standing pattern where heads of enforcement

[115] Human Rights Watch, Nigeria: *Justice or Politics?* The EFCC’s Uneven Record (2024).

[116] Transparency International, Corruption Perceptions Index 2023 (Berlin: Transparency International, 2023) <https://www.transparency.org/en/cpi/2023> accessed 26 October 2025.

[117] BBC News Africa, “Nigeria’s EFCC Chairman Abdulrasheed Bawa Suspended Over Misconduct” (15 June 2023) <https://www.bbc.com/news/world-africa-65898345> accessed 1 November 2025.

agencies are removed once their investigations begin to target politically powerful individuals. This creates a chilling effect within the Commission, discouraging officers from pursuing high-profile suspects.

Similarly, the removal of Ibrahim Magu in 2020 as acting EFCC Chairman followed a similar script. Magu was accused of financial mismanagement and insubordination, but the allegations were never conclusively proven. The 2021 Salami Judicial Panel Report set up to investigate Magu was never made public, reinforcing the perception that his removal was politically motivated rather than based on substantive misconduct.[118]

4.3.2 Case Study: Federal Republic Of Nigeria v Orji Uzor Kalu Saga

The prosecution of former Abia State Governor Orji Uzor Kalu vividly captures the intersection of law, politics, and corruption in Nigeria's judicial process. Kalu was charged by the EFCC in *FRN v. Orji Uzor Kalu*[119] for allegedly diverting ₦7.1 billion of state funds during his tenure. He was convicted by the Federal High Court and sentenced to 12 years imprisonment in December 2019.

However, in May 2020, the Supreme Court quashed the conviction on technical grounds, holding that the trial judge, Justice Idris, who had delivered the judgment, lacked jurisdiction after his elevation to the Court of Appeal. The matter was later remitted for retrial, but as of 2024, the case has remained in legal limbo.

This case highlights how technicalities and procedural loopholes often derail corruption trials in Nigeria, particularly when politically exposed persons are involved. The Administration of Criminal Justice Act (ACJA) 2015, which was enacted to prevent such delays, has not

---

118 The Guardian (Nigeria), "Why Magu's Report Is Still Hidden from the Public" (5 July 2021) <https://guardian.ng/news/magus-panel-report-still-hidden>

119 (2019) LPELR-48104(CA).

achieved its full purpose because of weak judicial oversight and the deliberate use of adjournments by defence lawyers.

As legal scholar Professor Itse Sagay (SAN) observed, "Our judiciary has become a theatre of endless technicalities, especially when the rich and powerful are in the dock."[120]

4.3.3 Political Capture of Anti-Corruption Institutions

Another major problem is the political capture of enforcement institutions. Many agency heads are appointed or removed based on political loyalty rather than competence. Such appointments often come with unwritten expectations to protect allies and target opponents.

For example, the ICPC has at times been sidelined in major corruption investigations involving federal officials, while the Code of Conduct Bureau (CCB) and the Code of Conduct Tribunal (CCT) have faced credibility crises due to allegations of selective prosecution. The *CCT v. Saraki*[121] where the then Senate President Bukola Saraki was charged with false asset declaration, illustrated how politically sensitive cases can become media spectacles rather than genuine accountability mechanisms. The Supreme Court eventually acquitted Saraki, criticizing the CCT for procedural lapses and evidentiary weakness.

This trend demonstrates how corruption and political interference erode the credibility of anti-corruption institutions. When justice is seen as selective, public trust declines, and compliance with the law diminishes.

---

[120] 6. Itse Sagay, The Tragedy of Corruption in Nigerian Governance (Lagos: Sagay Centre for Legal Studies, 2020) 45.
[121] (2016) 3 NWLR (Pt. 1500) 531.

4.3.4 The Judiciary and the Corruption Dilemma

The judiciary itself, which should act as a neutral arbiter, is not immune to corruption. Allegations of bribery, delayed judgments, and manipulation of court registries have tainted its image. Section 36(1) of the Constitution guarantees fair hearing, but justice delayed is often justice denied.

In *FRN v. Metuh* [122], Justice Nweze (JSC) lamented that "the rule of law cannot thrive in an environment where institutions are weak, and enforcers are compromised." His statement underscores how judicial compromise can perpetuate systemic corruption.

The National Judicial Council (NJC), established under Section 153 of the Constitution, has sanctioned several judges over corruption allegations. Yet, disciplinary processes remain slow and opaque. For instance, the suspension of the former Chief Justice of Nigeria, Walter Onnoghen, in 2019 over alleged asset declaration offences, raised global concern about executive interference in the judiciary. The United Nations Special Rapporteur on the Independence of Judges and Lawyers condemned the process as politically influenced.[123]

4.4 Legal Illiteracy and Public Disengagement

One of the most fundamental yet overlooked causes of law failure in Nigeria is the widespread legal illiteracy among citizens. The majority of Nigerians particularly those in rural and semi-urban communities lacks the adequate knowledge of the laws governing their rights, duties, and access to justice. This ignorance creates fertile ground for abuse of power, corruption, and impunity within public institutions.

---

[122] (2019) 16 NWLR (Pt. 1698) 1.

[123] United Nations Office of the High Commissioner for Human Rights (OHCHR), "UN Rights Expert Condemns Suspension of Nigerian Chief Justice" (2019) <https://www.ohchr.org/en/press-releases/2019/01/un-rights-expert-condemns-suspension-nigerian-chief-justice>

Legal illiteracy undermines the very essence of the rule of law, which presupposes that citizens understand, respect, and can invoke the law for their protection. When people are unaware of their legal rights, they become easy prey for exploitation by both state and non-state actors.[124]

4.4.1 Lack of Awareness of Fundamental Rights

Section 46(1) of the Constitution[125]provides that any person who alleges that their fundamental right has been, is being, or is likely to be infringed may apply to a High Court for redress. Yet, the vast majority of Nigerians do not know this provision exists, much less how to invoke it.

The case of *Fawehinmi v. Abacha*[126] illustrates this gap vividly. Chief Gani Fawehinmi, a renowned human rights lawyer, successfully invoked the court's jurisdiction to enforce fundamental rights against unlawful detention. However, cases like this are rare, not because abuses are infrequent, but because most citizens lack the awareness or means to challenge state excesses.

Similarly, in *A.G. Federation v. Abubakar*[127] the Supreme Court reaffirmed that every Nigerian is equal before the law and entitled to constitutional protection. Yet, this equality remains theoretical for millions who do not even understand what the Constitution guarantees them.

---

[124] A. A. Obilade, *The Nigerian Legal System* (Spectrum Books, 2000) ch. 4 (on rule of law and public understanding).
[125] Constitution of the Federal Republic of Nigeria 1999, s. 46(1).
[126] (2000) 6 NWLR (Pt. 660) 228.
[127] (2007) 10 NWLR (Pt. 1041) 1.

4.4.2 The Role of Legal Illiteracy in Environmental and Social Exploitation

In regions such as the Niger Delta, ignorance of environmental rights has allowed multinational corporations to devastate ecosystems and livelihoods with little accountability. Under the NESREA Act 2007, citizens and communities have a right to report environmental violations and demand remediation. However, due to poor legal literacy, communities rarely engage with these mechanisms.

In *Gbemre v. Shell Petroleum Development Company*[128] the court held that gas flaring violated the applicants' constitutional rights to life and dignity under Sections 33 and 34 of the 1999 Constitution. Yet, nearly two decades later, gas flaring persists largely because most affected communities lack the legal awareness and resources to enforce these rights consistently.

Legal illiteracy therefore perpetuates environmental injustice, as people who do not know their rights cannot defend them.

4.4.3 Legal Illiteracy and Democratic Accountability

A legally ignorant populace cannot hold leaders accountable. Public disengagement allows corruption to thrive unchecked. Citizens who do not understand the provisions of the Freedom of Information Act 2011,which grants the right to access public records that are unable to question government expenditure or demand transparency.

During the EndSARS movement of 2020, Nigerian youths demonstrated that informed civic engagement can challenge institutional abuse. The protests were largely fueled by social media awareness, where citizens shared constitutional provisions and rights under the Administration of Criminal Justice Act 2015 (ACJA) particularly Section 35 of the

[128] (2005) AHRLR 151 (NgHC 2005) see also UNEP, Environmental Assessment of Ogoniland (2011).

Constitution, which guarantees the right to personal liberty. However, after the protests, state intimidation and misinformation again silenced many voices, underscoring the fragility of public legal awareness.[129]

4.4.4 Towards Legal Literacy and Public Empowerment

Bridging the gap between law and society requires deliberate investment in legal education and civic enlightenment. Programs by organizations such as the Legal Aid Council of Nigeria (LACON)[130] the National Human Rights Commission (NHRC), and various NGOs have made progress, but their reach remains limited.

The Legal Aid Act 2011[131], which mandates free legal services for indigent citizens, is underutilized because most Nigerians do not even know such a right exists. Similarly, Section 274(1) of the Constitution empowers state judiciaries to make procedural rules that could simplify access to justice, but bureaucratic complexity discourages public participation.

4.5 Judicial Bottlenecks and Access to Justice

The judiciary, though constitutionally described as the last hope of the common man, has over time become entangled in structural inefficiencies that frustrate the very justice it is meant to uphold. Judicial bottlenecks ranging from procedural delays, corruption, inadequate funding, and infrastructural decay have collectively undermined the effectiveness of law implementation in Nigeria. These challenges erode public confidence in the rule of law and allow impunity to thrive.

---

[129] See BBC News, "Nigeria Police Disband SARS after Days of Protests" (11 Oct. 2020) <https://www.bbc.com/news/world-africa-5449949> see also Lagos State Judicial Panel Final Report (2021).

[130] See testimonies collated by Legal Aid Council of Nigeria (LACON) and civil society organisations during EndSARS (2020–2021); Legal Aid Council of Nigeria, Annual Report (2022).

[131] Legal Aid Act 2011; Freedom of Information Act 2011; Administration of Criminal Justice Act 2015.

Justice delayed, as the saying goes, is justice denied. In Nigeria, the average lifespan of a criminal or civil case is staggeringly long. The United Nations Office on Drugs and Crime (UNODC) 2023 Report on Nigeria's Criminal Justice System revealed that most corruption-related trials last between five and ten years from filing to final judgment, with multiple adjournments and interlocutory appeals clogging the process.[132] This delay discourages witnesses, weakens evidential integrity, and emboldens offenders who exploit procedural loopholes.

A notorious example is the case of *FRN v. Orji Uzor Kalu & Ors*[133]where despite the weight of evidence and the initial conviction of the defendant, procedural technicalities caused the entire trial to collapse before the Supreme Court eventually ordered a retrial. The case exposed how technical compliance can overshadow substantive justice, making the process appear more procedural than moral. Similarly, in *FRN v. Dariye*[134], the Supreme Court lamented the "endless interlocutory objections and appeals" used to frustrate corruption cases, emphasizing that the administration of justice must never be held hostage by procedural abuse.

Judicial corruption and political interference further weaken public trust. Instances where judges are accused of accepting bribes or delivering politically influenced judgments have dented the moral authority of the courts. The National Judicial Council (NJC) has made several efforts to sanitize the bench, including the suspension and dismissal of erring judges, such as in the case of Justice Ngwuta (2017), who was investigated for corruption allegations following the Department of State Services (DSS) sting operations.[135] Although later

---

[132] United Nations Office on Drugs and Crime (UNODC), Nigeria Criminal Justice System Assessment Report 2023, <https://www.unodc.org/nigeria> accessed 25 October 2025.
[133] (2019) LPELR-48104(SC).
[134] Ibid.
[135] National Judicial Council (NJC), Press Release on Judicial Discipline and Sanctions (2017), < https://njc.gov.ng/press> accessed 30 October 2025.

acquitted, the incident highlighted how politicized anti-corruption enforcement can harm judicial independence.

Moreover, the lack of financial autonomy continues to cripple judicial effectiveness despite the Supreme Court's pronouncement in *Olisa Agbakoba v. Attorney-General of the Federation* [136], where it was held that the judiciary must be financially independent to ensure its institutional autonomy. Yet, several states have failed to comply fully with Executive Order 10 of 2020, which sought to implement financial autonomy for state judiciaries and legislatures. This noncompliance has led to recurrent industrial actions by the Judiciary Staff Union of Nigeria (JUSUN), further paralyzing court operations and delaying justice delivery.

Access to justice remains particularly limited for indigent citizens. Court fees, lawyer retainers, and transportation costs often deter the poor from seeking judicial redress. Legal aid services, though available through the Legal Aid Council of Nigeria (LACON), remain grossly underfunded. According to LACON's 2022 Annual Report, fewer than 20% of eligible Nigerians received legal assistance in their cases due to manpower and logistical constraints.[137] This situation perpetuates inequality, as justice becomes accessible primarily to those who can afford it.

Furthermore, court infrastructure across Nigeria is deplorable. Many magistrate courts operate in dilapidated buildings without electricity, modern recording systems, or digital archives. These physical and technological deficiencies contribute to record losses and adjournments. The absence of e-justice systems and electronic case management tools unlike in jurisdictions such as Kenya and South Africa has kept Nigeria's judiciary decades behind in efficiency and transparency.

[136] (2010) 1 NWLR (Pt. 1206) 49.
[137] Legal Aid Council of Nigeria (LACON), Annual Report 2022.

In *A.G. Lagos State v. A.G. Federation*[138], the Supreme Court observed that for the judiciary to perform its constitutional role effectively, it must be equipped not only with independence but with the tools and resources necessary for efficient adjudication.[139] This dictum remains a timely reminder that the justice system cannot perform miracles within the confines of administrative paralysis.

To restore public confidence and efficiency, comprehensive judicial reforms are necessary. This includes the introduction of special anti-corruption courts, strict case management timelines, and enhanced technology adoption in court procedures. The Administration of Criminal Justice Act (ACJA) 2015 was a positive step toward curbing delays by abolishing stay of proceedings and mandating day-to-day trial of criminal cases. However, compliance remains inconsistent across states, with some still operating under outdated criminal procedure laws.[140]

Ultimately, as Justice Nweze (JSC) poignantly observed in *FRN v. Metuh*[141] "the rule of law cannot thrive in an environment where institutions are weak and enforcers compromised." Without a functional judiciary, laws become lifeless; justice becomes a myth rather than a lived reality. Thus, the sustainability of Nigeria's legal order depends fundamentally on a judiciary that is independent, well-funded, efficient, and trusted by its people.

4.6 Lessons from South Africa and Rwanda

South Africa's post-apartheid legal system represents one of the most comprehensive institutional reform models in Africa. The Constitution of the Republic of South Africa 1996 anchors governance on constitutional supremacy, binding all public institutions and officials

---

[138] (2014) 9 NWLR (Pt. 1412) 21.

[139]

[140] Administration of Criminal Justice Act 2015 (Nigeria), ss. 396(3)–(5).

[141] (2019) 16 NWLR (Pt.1698) 1.

to act in conformity with its provisions. Section 181(2) of the Constitution establishes oversight bodies such as the Public Protector, Human Rights Commission, and Auditor-General, mandating their independence from political control and guaranteeing their funding directly from the National Revenue Fund. [142]

The Public Protector Act 23 of 1994 gives these bodies quasi-judicial powers to investigate and recommend sanctions against public officers, reinforcing the culture of accountability.[143] Such independence has enabled South Africa to institutionalize checks on executive excesses something Nigeria has struggled to achieve.

Rwanda's reform trajectory, following the 1994 genocide, provides another transformative model. Through innovations like the Gacaca Courts, Rwanda localized justice by combining community participation with formal legal principles.[144] Furthermore, the government's adoption of digital infrastructure such as the Irembo e-Government Portal has simplified access to justice and administrative services, significantly reducing opportunities for corruption.[145]

Nigeria can learn from these models by:

1. Constitutionally entrenching the independence of oversight bodies, as in South Africa;

2. Integrating technology into governance, as in Rwanda; and

3. Promoting community participation in justice, ensuring that citizens become active partners in enforcement rather than passive observers.

4.7 Conclusion

---

[142] Constitution of the Republic of South Africa, 1996, s. 181(2).
[143] Public Protector Act 23 of 1994 (South Africa).
[144] Republic of Rwanda, Ministry of Justice, Justice Sector Policy Framework (Kigali: MINIJUST, 2012).
[145] Rwanda Information Society Authority, IremboGov: E-Government Portal Overview (2023) <https://irembo.gov.rw.> accessed November 12 2025.

This chapter has demonstrated that Nigeria's central governance problem is not the absence of laws, but the chronic weakness of the institutions responsible for enforcing them. Despite the existence of comprehensive statutory frameworks, ranging from the 1999 Constitution to specialised enactments such as the EFCC Act, ICPC Act, and the Administration of Criminal Justice Act the capacity of state institutions to translate legal norms into effective action remains critically limited. As the comparative lessons from South Africa and Rwanda show, sustainable reform depends on building institutions that are independent, adequately funded, technologically equipped, and publicly trusted.

The chapter established that achieving institutional independence is essential for combating selective enforcement. Reforming the appointment, tenure, and funding structures of agencies like the EFCC and ICPC will shield them from political manipulation and strengthen the integrity of anti-corruption enforcement. Equally important is judicial reform, as the courts remain the final arbiters of legality. The full implementation of judicial financial autonomy, combined with digitization of court processes, the expansion of virtual hearings, and the establishment of specialised courts, will significantly improve judicial efficiency and public confidence.

In sum, the chapter argues that Nigeria's path to effective law implementation requires a holistic reform agenda: constitutionally guaranteed institutional independence, a modernised judiciary, informed citizens, and technology-driven governance. Only when these elements converge can Nigeria move from a system where laws exist primarily on paper to one in which justice is accessible, institutions are trusted, and accountability is a lived, daily reality. The success of institutional reform ultimately depends on sustained political commitment and an active citizenry ready to uphold the rule of law.

CHAPTER FIVE

CONCLUSION

5.1 Summary of Findings

The preceding chapters established that Nigeria's greatest governance challenge lies not in legislative insufficiency but in institutional ineffectiveness. Despite a comprehensive corpus of statutes from the Constitution to specialized laws such as the EFCC and ICPC Acts, law enforcement remains uneven and selective. This chapter, therefore, explores the frameworks of reform by drawing on comparative experiences from South Africa and Rwanda, and proposes context-sensitive strategies for strengthening institutional independence, reforming the judiciary, promoting legal literacy, and integrating technology into law enforcement. The goal is to show that institutional reform in Nigeria must go beyond rhetoric to build resilient systems where law and justice operate as living realities rather than abstract ideals.

1. **What historical and systemic factors shape the context of law implementation in Nigeria?**

The difficulties associated with implementing laws in Nigeria originate from deep historical and systemic foundations that predate independence. Nigeria inherited a colonial administrative and legal structure designed primarily for control rather than service delivery and democratic accountability. Colonial law enforcement agencies, including the police and courts, operated under a command and control philosophy with minimal citizen participation.[146] After independence, these institutions were retained without substantial restructuring, thereby continuing a legacy of weak autonomy, low transparency, and minimal organization capacity. This historical foundation created a long-term systemic weakness where the law often exists more in theory than in practice.

The post-independence period further entrenched these weaknesses through military rule, which centralised power, politicised law enforcement, and institutionalised rule by decree rather than rule of law practices. Military administrations consistently undermined judicial independence, weakened oversight mechanisms, and created patterns of impunity that persisted into the democratic era. Even under civilian governments, institutional reforms have been slow, underfunded, and hampered by political interference. As a result, Nigeria's law-implementation landscape today is characterised by limited administrative capacity, corruption, poor inter-agency coordination, and weak public confidence in justice institutions.[147]

2. Which Nigeria statutes experience implementation failures, significant and what institutional dynamics that hinder their enforcement?

Several major statutes designed to protect rights, reduce crime, or advance institutional reform suffer from persistent implementation challenges. A notable example is the **Violence**

---

146 T Oyewo, *Colonial Governance and the Foundations of Nigerian Legal Institutions* (2018) <https://papers.ssrn.com> accessed 10 November 2025.

147 AO Afolayan, *'Legal Development in Post-Colonial Nigeria: The Institutional Legacy of Military Rule'* (2021) 45 *Journal of African Law* 120 <https://journals.cambridge.org> accessed 15 November 2025.

Against Persons (Prohibition)[148] **Act 2015**, which introduced progressive protections against gender-based violence. Despite its importance, enforcement remains inconsistent because the Act is not yet domesticated in all states, creating geographical disparities in protection. Victim-support services such as shelters, forensic units, and counselling centres are severely underfunded, while stigma, cultural barriers, and lack of awareness prevent victims from reporting violations. These factors collectively undermine the statute despite its strong legal foundations.[149]

The **Cybercrimes (Prohibition, Prevention, etc.) Act 2015** provides another illustration. While the Act establishes offences relating to hacking, cyberstalking, identity theft, and online fraud, implementation suffers from inadequate trained personnel, outdated digital-forensic facilities, and overlapping mandates between the Police Cyber Unit, EFCC, DSS, and NITDA. This creates confusion, duplication of efforts, and weak inter-agency coordination. Additionally, limited judicial capacity for handling digital evidence and long trial delays further weaken enforcement.[150]
Another statute affected by similar challenges is the **Administration of Criminal Justice Act (ACJA) 2015**, which was designed to accelerate criminal trials. However, enforcement is

148 CAP 45, LFN 2004

149 CLEEN Foundation, Assessment of the Implementation of the VAPP Act in Nigeria (2022) <https://cleen.org> accessed 10 November 2025.

150 ICT Policy Africa, 'Nigeria: Cybercrimes Act 2015 Analysis' (2015) <https://ictpolicyafrica.org> accessed 22 August 2025.

hindered by poor investigation quality, insufficient funding for magistrate courts, lack of training for prosecutors, and chronic infrastructural decay especially in rural jurisdictions.[151]

3. **What structural, political, and economic factors that contribute to weak enforcement mechanisms in Nigeria?**

Structurally, many Nigerian enforcement agencies operate with overlapping mandates, weak internal accountability frameworks, and limited operational independence. For example, agencies such as EFCC, ICPC, NPF, and DSS often conduct overlapping investigations that lack coordinated oversight, resulting in inefficiencies and rivalry rather than synergy. Additionally, agencies suffer from inadequate training, outdated equipment, and an absence of modern data-management systems. These structural constraints directly reduce the effective implementation of laws. [152]

Politically, enforcement is hindered by patronage networks, arbitrary interference in prosecutorial decisions, and selective application of laws. Political elites often influence or obstruct investigations, leading to inconsistent enforcement and undermining public trust in the fairness of the legal system. These political dynamics produce a climate where laws appear strong on paper but weak in practice because enforcement depends largely on political

[151] S Adeyemi, 'The Challenges of Implementing the ACJA in Nigeria' (2020) Nigerian Bar Journal 44 <https://nigerianbar.org> accessed 14 November 2025.

[152] B Aremu, 'Inter-Agency Coordination and the Enforcement Gap in Nigeria' (2021) 6 Nigerian Journal of Public Administration 75 https://njpa.gov.accessed 16 November 2025.

will rather than institutional norms.[153]

Economically, chronic underfunding remains one of the largest obstacles. Nigeria's justice institutions courts, police, and regulatory agencies—operate with insufficient budgetary allocations, low staff salaries, and p8 oor infrastructure. The absence of sustained investment in technology, forensic capabilities, and training means that agencies cannot meet contemporary enforcement demands, particularly in sophisticated areas like cybercrime, financial crime, and gender-based violence.

4. How do relevant case law and scholarly works illustrate the gap between legal frameworks and enforcement realities in Nigeria?

Case law consistently demonstrates that strong statutory provisions do not automatically translate into effective enforcement. Nigerian courts have repeatedly highlighted investigative lapses, improper handling of evidence, and procedural irregularities that lead to the collapse of cases. For example, in *FRN v Ibori*[154] *t*he Nigerian prosecution failed due to poor evidence handling and procedural errors, even though the same defendant was later successfully convicted in the UK under the same factual matrix. The case exemplifies how weak investigative practices undermine statutes that should otherwise be enforceable.

Scholarly works also emphasize the persistent implementation gap. Academic evaluations of the ACJA show that despite its clear provisions on speedy trials, practical enforcement is

---

153 International Crisis Group, Nigeria: The Politics of Law Enforcement and Governance (2020) <https://crisisgroup.org> accessed 10 November 2025.

154 (2010) FHC/ASB/IC/09

hindered by inadequate investigative capacity, shortage of prosecutors, and judicial backlogs. Similarly, scholars analysing Nigeria's anti-corruption framework consistently note that the law suffers more from poor implementation than poor drafting, further underscoring the disconnect between legal norms and enforcement realities.[155]

5. What comparative lessons can be drawn from other jurisdictions such as South Africa and Rwanda, to improve Nigeria's law implementation in Nigeria.

South Africa provides valuable lessons on institutional independence, particularly through bodies such as the **Independent Police Investigative Directorate (IPID)**, which operates with statutory autonomy, investigative powers, and public reporting obligations. This model demonstrates how oversight mechanisms insulated from political interference can enhance professionalism and accountability in law enforcement. Nigeria could significantly benefit from adopting similar structures that limit executive control over prosecutorial and investigative bodies.[156]

Rwanda offers a strong example of coordinated governance reforms built around measurable performance indicators, streamlined institutional mandates, and technology-driven administration. Its judicial and lawenforcement agencies operate with centralised monitoring frameworks that track efficiency, case-backlog reduction, and public satisfaction. Although Rwanda operates a unitary, rather than federal, system, Nigeria can adapt its model by

[155] T Ugbe, 'Law in Books and Law in Action: The Persistent Implementation Gap in Nigeria' (2022) University of Lagos Law Review.
[156] IPID, Annual Report (2023) <)https://ipid.gov.za> accessed 15 November 2025.

strengthening inter-agency coordination, introducing performance audits, and establishing national standards for investigation, prosecution, and judicial timelines.[157] Together, these comparative insights suggest that Nigeria's reform priorities should include: (i) institutional independence; (ii) coordinated, technology-enabled implementation strategies; (iii) capacity-building for frontline personnel; and (iv) transparency through public reporting of enforcement outcomes.

5.2 Recommendations

5.2.1 Strengthening Institutional Independence

The independence of Nigeria's enforcement and regulatory institutions remains largely illusory. Although the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices and Other Related Offences Commission (ICPC) were designed to operate autonomously, executive influence over their leadership and funding undermines their integrity.[158] Their overlapping mandates have also produced jurisdictional conflicts that weaken prosecution efficiency.

Reform should begin by introducing constitutional guarantees of tenure and funding for the heads of major anti-corruption agencies. Appointment processes should require Senate confirmation and removal only through judicial recommendation, similar to the safeguards for judicial officers under section 292 of the 1999 Constitution (as amended).

Furthermore, their budgets should come directly from the Consolidated Revenue Fund, not the Ministry of Justice or Presidency. South Africa's Public Finance Management Act 1 of

[157] : Government of Rwanda, Justice Sector Performance Report (2022) <https://gov.rw> accessed 14 November 2025.

[158] CAP 4, LFN 2000, CAP 359, LFN 2004

1999 offers a model for balancing financial autonomy with accountability through periodic reporting to Parliament.[159]

In addition, Nigeria must embark on civil service reform that prioritizes merit-based recruitment and measurable performance indices. This will strengthen professionalism, reduce patronage, and enhance public confidence in the bureaucracy transforming institutions from instruments of political patronage into engines of national development.

5.3 Judicial Reform

The judiciary remains the ultimate guardian of the rule of law, but its credibility is often eroded by procedural delays, underfunding, and allegations of external influence. True reform must combine structural independence with technological modernization.

Judicial financial autonomy, guaranteed under section 121(3) of the 1999 Constitution (as amended), should be implemented without interference from state executives.[160] The National Judicial Council (NJC) should exercise full control over disbursements, ensuring timely remuneration and infrastructure funding for courts nationwide.

Nigeria must modernize its court system through digitization. The Policy on Virtual Court Proceedings in Nigeria (2020), issued by the NJC during the COVID-19 pandemic, proved that technology can make justice faster and more transparent.[161] Expansion of this policy to all courts including magistrate and customary courts, will improve efficiency and reduce adjournments.

Furthermore, specialized courts for economic crimes, cybercrime, and corruption should be institutionalized through amendments to the Federal High Court Act. This will ensure

---

[159] Public Finance Management Act 1 of 1999 (South Africa).
[160] Constitution of the Federal Republic of Nigeria, s. 121(3).
[161] National Judicial Council, Policy on Virtual Court Proceedings in Nigeria (Abuja: NJC, 2020).

expertise driven adjudication and faster case disposal. Finally, judicial discipline must be enforced consistently. The NJC should strengthen its Code of Conduct for Judicial Officers, ensuring that errant judges face sanctions while protecting judicial independence from political retaliation.

Rwanda's judiciary rebuilt through rigorous accountability and technological integration demonstrates that transparency and efficiency can restore public trust even in post-conflict societies.[162] Nigeria's judiciary can achieve similar legitimacy by prioritizing professionalism and accountability.

5.4 Public Legal Education

Laws cannot be effective if the populace remains unaware of their rights or how to exercise them. Legal illiteracy remains one of the biggest impediments to effective implementation in Nigeria. A 2022 survey by the United Nations Development Programme (UNDP) Nigeria revealed that more than 65% of Nigerians do not know how to seek legal redress when their rights are violated.[163]

Legal education should therefore move beyond academic institutions to reach ordinary citizens. The National Orientation Agency (NOA), Legal Aid Council of Nigeria (LACON), and civil society organizations should collaborate on sustained public awareness campaigns in local languages through radio, television, and social media.[164]

South Africa's Legal Aid South Africa Act 39 of 2014 offers a functional model by integrating free legal services with continuous public enlightenment.[165] Nigeria's universities

---

[162] Republic of Rwanda, Judicial Sector Strategic Plan 2017–2022 (Kigali: Judiciary of Rwanda, 2017).

[163] United Nations Development Programme (UNDP) Nigeria, Access to Justice and Rule of Law Survey Report (Abuja: UNDP, 2022) <https://www.undp.org/nigeria.> accessed November 13 2025

[164] Legal Aid Council of Nigeria, Annual Report 2021 (Abuja: LACON, 2021).

[165] Legal Aid South Africa Act 39 of 2014.

can replicate this through community legal clinics, where law students and practitioners provide pro bono services and legal workshops in rural areas.

As Professor Itse Sagay aptly notes, "A people who do not understand the law cannot use it as an instrument of change."[166] Without legal awareness, reform efforts remain elite exercises detached from the realities of everyday Nigerians.

5.5 Technology for Enforcement and Transparency

Technology offers Nigeria a transformative opportunity to overcome bureaucratic inertia and corruption. Digital tools promote transparency, improve accountability, and enhance inter-agency coordination.

Agencies such as the EFCC, ICPC, and Nigeria Police Force should integrate digital case management systems to track investigations, prosecutions, and asset recoveries in real time. The government's existing Open Treasury Portal and the Police Crime Reporting App could be upgraded to include feedback loops where citizens can monitor investigations or lodge complaints anonymously.[167]

Rwanda's IremboGov e-Government platform has shown how digitalization reduces corruption by limiting direct human interaction in service delivery.[168] Nigeria can adopt a similar model through a National Justice Information System (NJIS) connecting courts, police, correctional institutions, and legal aid offices. Such integration will minimize case loss, expedite justice, and enhance public trust.

---

[166] Itse Sagay, "*Law as an Instrument of Social Change in Nigeria,"* Nigerian Journal of Contemporary Law, Vol. 7, No. 2 (2019) 34.

[167] Open Treasury Portal (Federal Government of Nigeria) https://opentreasury.gov.ng; Nigeria Police Force, NPF Crime Reporting App (2023).

[168] Rwanda Information Society Authority, IremboGov: E-Government Portal Overview (2023) https://irembo.gov.rw.

5.6 Policy Implications and Conclusion

Institutional reform must be seen as a continuous governance process, not a political event. The success of Nigeria's reforms depends on political will, civic participation, and technological integration.

The key policy priorities are:

1. Constitutional entrenchment of agency independence and non-political funding mechanisms;

2. Judicial modernization through digitalization and ethical discipline;

3. Nationwide legal literacy campaigns targeting both urban and rural populations; and

4. Deployment of technology to ensure transparency and eliminate discretion in service delivery.

Ultimately, Nigeria's challenge is not a scarcity of laws but the absence of institutional integrity and civic trust. South Africa and Rwanda prove that African nations can build strong, independent institutions when governance aligns with accountability. For Nigeria, reform begins when law transcends theory and becomes a lived reality—where institutions protect citizens not by compulsion, but by trust.

BIBLIOGRAPHY

Books

Aguda O., *The Crisis of Law and Order in Nigeria* (Ibadan: Heinemann, 1999) p. 214.

Allott A., *Essays in African Law* (Butterworths, 1960) p. 47.

Austin, J. *The Province of Jurisprudence Determined* (John Murray, London, 1832).

Diamond Larry, Developing Democracy: Toward Consolidation (Johns Hopkins University Press, 1999) 124.

Dicey A.V., *Introduction to the Study of the Law of the Constitution* (10th edn, Macmillan 1959) p. 110.

Hart, H.L.A. *The Concept of Law* (Clarendon Press, Oxford, 1961) 80.

North Douglass, *Institutions, Institutional Change and Economic Performanc*e (Cambridge University Press 1990) p. 3.

Obilade A. A*., The Nigerian Legal System* (Spectrum Books, 2000)

Pound, R. *Interpretations of Legal History* (Harvard University Press, 1923) 10.

Sagay Itse, The Tragedy of Corruption in Nigerian Governance (Lagos: Sagay Centre for Legal Studies, 2020) 45.

Journals

Adewale A. A., *"Environmental Regulation in Nigeria: Law, Policy, and Enforcement Challenges"* (2021) *Journal of Sustainable Development Law and Policy* Vol. 12 (2), pp. 41–59.

Adeyemo M. I. A., *"Environmental Law and Policy in Nigeria: An Overview"* (2019) *Nigerian Journal of Environmental Law* Vol. 7, p. 12.

Bamidele O. O., "Reforming Nigeria's Environmental Enforcement Framework" (2022) *Environmental Law Review* Vol. 24 (1), pp. 55–73.

BBC News, "*Nigeria's EFCC Chair Abdulrasheed Bawa Suspended by Tinubu*," (15 June 2023)

Etannibi E.O. Alemika, Policing a Democracy in Africa: *The Nigerian Experience, CLEEN Foundation Monograph Series, 2021.*

Fombad C., "Constitutional Entrenchment of Anti-Corruption Institutions in Africa: Lessons from South Africa" (2018) 62 *Journal of African Law,* 45.

Oko E. O., *'The Rule of Law and the Military Regimes in Nigeria'* (1992) 7(2) *African Journal of International and Comparative Law* 112.

Oyebode A., *The Imperative of Political Will in Anti-Corruption Enforcement in Nigeria* (2021), *University of Lagos Law Journal*, Vol. 15, No. 2, p. 33.

Sagay I., *"Institutional Reforms and the Anti-Corruption War in Nigeria"* (2020*) Nigerian Law and Practice Journal,* Vol. 8, p. 21.

Sagay Itse, "*Law as an Instrument of Social Change in Nigeria,"* Nigerian Journal of Contemporary Law, Vol. 7, No. 2 (2019) 34.

Ugbe T, 'Law in Books and Law in Action: The Persistent Implementation Gap in Nigeria' (2022) University of Lagos Law Review.

Online Sources

Adeyemi S, 'The Challenges of Implementing the ACJA in Nigeria' (2020) Nigerian Bar Journal 44 <https://nigerianbar.org> accessed 14 November 2025.

Afolayan AO, *'Legal Development in Post-Colonial Nigeria: The Institutional Legacy of Military Rule'* (2021) 45 *Journal of African Law* 120 <https://journals.cambridge.org> accessed 15 November 2025.

Aremu B, 'Inter-Agency Coordination and the Enforcement Gap in Nigeria' (2021) 6 Nigerian Journal of Public Administration 75 https://njpa.gov.accessed 16 November 2025.

BBC News Africa, "Nigeria's EFCC Chairman Abdulrasheed Bawa Suspended Over Misconduct" (15 June 2023) <https://www.bbc.com/news/world-africa-65898345> accessed 1 November 2025.

BBC News, "Nigeria Police Disband SARS after Days of Protests" (11 Oct. 2020) <https://www.bbc.com/news/world-africa-5449949> see also Lagos State Judicial Panel Final Report (2021).

Guardian (Nigeria), "Why Magu's Report Is Still Hidden from the Public" (5 July 2021) <https://guardian.ng/news/magus-panel-report-still-hidden>

Moses, Mask. Building National Cybersecurity Capacity in Nigeria: The Journey So Far (2009, updated 2024) <https://researchgate.net/publication/Building_National_Cybersecurity_Capacity_in_Nigeria> accessed November 2nd 2025

Oyewo T, *Colonial Governance and the Foundations of Nigerian Legal Institutions* (2018) <https://papers.ssrn.com> accessed 10 November 2025.

A. PRIMARY SOURCES

1. **Statutes and Constitutions**

Constitution of the Federal Republic of Nigeria (1999, as amended).

Constitution of the Republic of South Africa, 1996.

Corrupt Practices and Other Related Offences Act, 2000 (Nigeria).

Cybercrimes (Prohibition, Prevention, etc.) Act, 2015 (Nigeria).

Data Protection Act, 2023 (Nigeria).

Economic and Financial Crimes Commission (Establishment) Act, 2004 (Nigeria).

Environmental Impact Assessment Act, Cap E12, Laws of the Federation of Nigeria, 2004.

Freedom of Information Act, 2011 (Nigeria).

Independent Corrupt Practices and Other Related Offences Commission (ICPC) Act, 2000 (Nigeria).

National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007 (Nigeria).

Police Act, 2020 (Nigeria).

Public Finance Management Act 1 of 1999 (South Africa).

Public Protector Act 23 of 1994 (South Africa).

Legal Aid South Africa Act 39 of 2014.

Factors Act, 1889 (UK).

Sale of Goods Act, 1893 (UK).

2. **CASES**

FRN v. Metuh (2019) 16 NWLR (Pt. 1698) 1.

FRN v. Orji Uzor Kalu (2019) LPELR-48104(CA).

NESREA v. Shell Petroleum Development Company (2018) FHC/PH/CS/217/2018.

Olisa Agbakoba v. Attorney-General of the Federation (2010) 1 NWLR (Pt. 1206) 49.

Joshua Dariye v. FRN (2021) LPELR-55578(SC).

Jolly Nyame v. FRN (2021) LPELR-55649(SC).

3. **International Instruments and Reports**

United Nations Office on Drugs and Crime (UNODC), Corruption Case Management Report – Nigeria, 2023.

United Nations Development Programme (UNDP) Nigeria, Access to Justice and Rule of Law Survey Report, Abuja: UNDP, 2022.

Republic of Rwanda, Judicial Sector Strategic Plan 2017–2022, Kigali: Judiciary of Rwanda, 2017.

Republic of Rwanda, Ministry of Justice, Justice Sector Policy Framework, Kigali: MINIJUST, 2012.

National Judicial Council (NJC), Policy on Virtual Court Proceedings in Nigeria, Abuja: NJC, 2020.

Ministry of Justice (Nigeria), National Anti-Corruption Strategy (2022–2026), Abuja: Federal Ministry of Justice, 2022.

B. SECONDARY SOURCES

1. **Books**

Aguda, O., The Crisis of Justice in Nigeria (Ile-Ife: University of Ife Press, 1986).

Sagay, I., Law, Justice and Social Change in Nigeria (Lagos: Spectrum Books, 2019).

Nwabueze, B.O., Constitutional Democracy in Africa, Vol. 3 (Ibadan: Spectrum Books, 2007).

Asein, J.O. & Adesanya, A.A. (eds.), Introduction to Nigerian Legal System (Abuja: Nigerian Institute of Advanced Legal Studies, 2020).

Olong, A.M., Legal System of Nigeria (Lagos: Malthouse Law Books, 2018).

2. **Journal Articles**

Itse Sagay, "Law as an Instrument of Social Change in Nigeria," Nigerian Journal of Contemporary Law, Vol. 7, No. 2 (2019) 34.

Fagbohun, A., "Law Reform and the Future of Governance in Nigeria," Nigerian Current Law Review (2020) 1–25.

Nlerum, F., "The Crisis of Environmental Governance in Nigeria: A Legal Perspective," Environmental Law Review of Nigeria, Vol. 5, No. 1 (2021) 55–78.

Okonkwo, C., "Cybercrime, Law and the Nigerian Society: A Critical Appraisal," Nigerian Journal of Technology and Law, Vol. 10, No. 2 (2022) 17–40.

Adeyemi, A.A., “Institutional Decay and the Rule of Law in Nigeria,” African Journal of Legal Studies, Vol. 6, No. 1 (2023) 89–112.

3. Official and Institutional Reports

Human Rights Watch, Nigeria: Selective Justice – Corruption and Accountability in Nigeria, Annual Report, 2024.

Legal Aid Council of Nigeria, Annual Report 2021, Abuja: LACON, 2021.

Economic and Financial Crimes Commission (EFCC), Annual Report 2023, Abuja: EFCC, 2023.

Independent Corrupt Practices and Other Related Offences Commission (ICPC), System Study and Review Report on Tertiary Institutions, Abuja: ICPC, 2022.

Nigeria Police Force, 2023 Annual Review Report, Abuja: NPF, 2023.

National Bureau of Statistics (NBS), Crime and Justice Statistics 2022, Abuja: NBS, 2023.

4. Online and Web Sources

Federal Government of Nigeria, Open Treasury Portal, https://opentreasury.gov.ng.

Nigeria Police Force, NPF Crime Reporting App, 2023.

Rwanda Information Society Authority, IremboGov: E-Government Portal Overview, https://irembo.gov.rw.

Transparency International, Corruption Perceptions Index 2023 – Nigeria Profile, https://www.transparency.org/en/cpi/2023.

United Nations Development Programme (UNDP) Nigeria, Access to Justice Report, https://www.undp.org/nigeria.

National Judicial Council, Policy on Virtual Court Proceedings in Nigeria, https://njc.gov.ng.

5. Newspaper and Media Articles

Premium Times Nigeria, “Bawa’s Suspension and the Future of EFCC,” June 2023, https://www.premiumtimesng.com.

The Guardian Nigeria, “Judiciary Financial Autonomy: States Slow to Implement,” March 2024, https://guardian.ng.

Vanguard News, “EFCC Secures 3,328 Convictions in 2022,” February 2023, https://www.vanguardngr.com.