

## CRIME, CRIMINALS AND THE LAW IN NIGERIA

By

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### Abstract

*The incidence of crimes, and the activities of criminal has taken an alarming dimension in our Country today. The Laws governing crimes and criminal conducts are really challenged, so also the Law enforcement mechanisms. People are often tempted to assumed that there are no Laws regulating many aspects of our society. Others are of the views that the Laws if they exist at all, they are very weak to meet up the present realities. The two views above are debatable. The truth is that many people do not know or understand that there are Laws governing various aspect of human conduct and activities. Many who have interest in the area, do not know what the Laws stipulates for the many conducts and behaviors that are prohibited. That is why a writing like this is of immense value to all, who want to know something concerning crime, criminals and the Law in Nigeria. This writing has attempted to explain in very understandable language, what one needs to know about Crimes, Species of Crimes, Types of Crimes, Classification of Crimes, the Reasons why Persons Commit Crimes, Consequences of Crimes, Principles of Crime Prevention; Who is a Criminal, Classifications/Characteristics of Criminals/Offenders; What is Criminal Law, Objectives of Criminal Law, Sources of Criminal Law, Classification of Crimes, Elements of Criminal Offence, List of Criminal Justice Legislations, Types of Criminal Offences, Burden of Proof in Criminal Matters, Defences available in Criminal Cases, and the Institutions involved in the Administration of Criminal Justice. This paper posits that there are Laws regulating various aspects of Crimes and Criminality in Nigeria. Thus, this writing on crime, criminals and the Law should be of great interest for a great majority of persons.*

**Keywords:** *Crime, Criminal, Law, Nigeria*

### 1. Introduction

No human society had been free of crime, criminals and laws; no society is free of crime, criminals and laws; and no society will ever be free from crime, criminals and laws.

The laws are made to check crimes and criminals, and where there are crimes, there are criminals, and there must be laws. Apostle Paul was correct when in his first letter to Timothy, he stated as follows.<sup>1</sup>

*Now we know that the law is good, if any one uses it lawfully, understanding this, that the law is not laid down for the just but for the lawless and disobedient, for the ungodly*

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<sup>1</sup>1Timothy 1:8-11 RSV

<sup>2</sup>Blacks Law Dictionary 8<sup>th</sup> Edition page 339

<sup>3</sup>Op cit. Page 1110

*and sinners, for the unholy and profane, for murderers of fathers and murderers of mothers, for manslayers, immoral persons, sodomites, kidnappers, liars, perjurers, and whatever else is contrary to sound doctrine....*

Therefore, the issues of crime, criminals and the law should be of great concern, not only for the governments, but for the governed. Not only for the law enforcement agencies, but to the ordinary citizens of the country.

I will try to examine the meaning of crime, criminals and the law, in very simple terms, highlighting the current laws that regulate and govern crime, why people commit crimes, and what a person accused of crime can do, etc. So that people will know and be enlightened.

## 2. Crime Defined

Crime is “an act which the law makes punishable; the breach of a legal duty treated as the subject matter of a criminal proceeding”.<sup>2</sup> This definition seem very legalistic.

A crime in simple term is an act, omission, or even conduct, the commission of which is prohibited by law, and which has penal consequences, and which if committed, may leads to prosecution (or not), by and in the name of the state, or even in the name of the individuals, and, upon conviction, to some form of punishment administered by agents of the state, in addition to payment of compensation to the victim of the crime.<sup>3</sup> The word ‘offence’ means “a violation of the law, a crime”. The word offences mean the same thing with the word crime, and both are used interchangeably.

The above definition factors-in the following:

A. The fact that an individual on his own, can prosecute for a crime committed against him. Which means, prosecution need not be by the state or in the name of the state. So crime is not just traditionally against the state alone, but against the individual.

B. Punishment administered by agents of the state is not the only penalty or outcome of prosecution. Cost, compensation, damages, and return of proceeds or items involved back to the victim can also be a remedy (restitution), seizure, forfeiture, confiscation and destruction of the instrumentality of crime<sup>4</sup>.

C. Every crime committed need not lead to prosecution, and every prosecution need not lead to conviction.

D. As society changes, some actions which used to be prohibited and criminalized are no longer so, likewise some actions which were legal can be prohibited.

### 2.1. Species of Crime

There are different species of crime, **the Black’s Law Dictionary** listed the following species of crime: Administrative crime; capital crime; commercial crime; common-law crime; complainant less crime (victimless crime); computer crime; consensual crime; constructive crime; continuous crime; corporate crime; credit-card crime; crime against nature; crime against environment; crime of omission; crime of passion; violent crime; cybercrime (computer

crime); economic crime; hate crime; high crime; implied crime (constructive crime); infamous crime; instantaneous crime; instrumental crime; international crime; infamous crime (non infamous crime); occupational crime; organised crime; personal-condition crime (status crime); personal crime; political crime; predatory crime; presumed crime (constructive crime); signature crime; spontaneous crime; status crime; statutory crime; street crime (visible crime); strict-liability crime; substantive crime; vice crime; war crime; white-collar crime; crime against humanity; crime against international law (crime against the law of nations) ; crime against peace; crime against the person; crime against property, etc.<sup>5</sup>

## **2.2. Types of Crime**

All the species of crimes have been grouped into seven categories. Crimes are grouped into the following- Crimes against persons (Personal crimes); Crimes against property; Crimes against morality; Hate crimes; White collar crimes; Organised crimes; and Victimless crimes.

### **2.2.1. Crimes Against Persons and Properties**

A category of criminal offences in which the perpetrators use or threaten to use force. Examples include murder, rape, aggravated assault and robbery.<sup>6</sup>

A further category of offences in which the perpetrators seeks to derive an unlawful benefit from- or do damage to –another’s property without the use of force. Examples include burglary, theft, and arson...<sup>7</sup>

### **2.2.2. Crimes Against Morality and Hate Crimes**

Category of crime that is considered victimless, because there is no specific victim, especially when committed against consenting adults. This type of crime includes prostitution, bigamy, pornography, illegal gambling and illegal drug use.<sup>8</sup>

Furthermore, hate crime on the other hand is where a crime motivated by the victim’s race, color, ethnicity, religion, or national origin...<sup>9</sup>

### **2.2.3. Corporate and Organized Crimes**

A nonviolent crime use involving cheating or dishonesty in commercial matters. Examples include fraud, embezzlement, bribery, and insider trading.<sup>10</sup>

This is also known as corporate crimes. A crime committed by a corporation’s representatives acting on its behalf. Examples include price-fixing and consumer fraud.<sup>11</sup>

### **2.2.4. Victimless Crimes**

A crime that is considered to have no direct victim, usually because only consenting adults are involved. Examples are possession of illicit drugs and deviant sexual intercourse between consenting adults. Also termed consensual crime; crime without victims; complainant less crime.<sup>12</sup>

## **3. Classification of Crimes**

Crimes or offences are classified for the purposes of trial and punishment.

They are also classified according to their nature so as to determine the gravity of the crime. For the purposes of trials, crimes/offences are classified into- Indictable and Non-indictable offences.

### **3.1. Indictable Crimes**

These are offences that is punishable upon conviction for an imprisonment of more than two years (two years and above), or fine exceeding fifty thousand naira.

Indictable offences are not punishable on summary conviction.

### **3.2. Non-Indictable Offences**

These are offences that are punishable upon conviction for an imprisonment of less than two years, or a fine of less than fifty thousand naira.

Non-indictable offences are punishable by summary conviction.

For the purposes of punishment, offences are grouped into- Felonies, Misdemeanors, and Simple offences.<sup>13</sup>

A felony is an offence which the law so declares, and is punishable (without proof of previous conviction), to terms ranging from three years up to death penalty.

Misdemeanor, on the other hand is an offence which the law so declares, and is punishable with imprisonment ranging from six months to three years, (not less than six months, but not more than three years).

A simple offence is any offence which is neither a felony nor a misdemeanor. Simple offence is punishable with an imprisonment of less than six months.

## **4. Causes of Crime**

The causes of crime are diverse and complex, especially depending on the society. But there are two schools of thought as to the causes of crime: the Individualist approach, and the Collective approach.<sup>14</sup>

They tend to focus on personal weaknesses as the reasons crimes are committed. According to them, if someone chooses to commit a crime, that is their responsibility and if caught, they should suffer the consequences. The Individualists believe that if punishments were stronger and the justice system (police and the court) had more powers, there would be less crimes.

They feel that society is unequal and that some people are at greater risk of being influenced by criminal behaviours, often through the actions of parents or friends. According to them, the social conditions which create the catalysts for crimes need be addressed. The provisions of improved and better amenities by the government will go a long way to reduce crimes.

## **5. Reasons Why People Commit Crimes**

There are numerous reasons why people commit crimes. Over the years, scholars have been able to identify ten reasons why people commit crimes. The ten reasons are as follows-

Poverty; Peer pressure; Drugs; Politics; Religion; Family Conditions; The Society; Unemployment; Deprivation; Unfair Judicial System.<sup>15</sup>

i. Poverty

This is one of the most concrete reasons why people commit crimes. Economic deprivation is seen as a major instigator in this regard. In a country where economic deprivation is rampant, it is common for people to go into criminal activities. The hunger and poor economic conditions are what lead many people to invest themselves into crime and criminal tendencies.

ii. Peer Pressure

This is a new form of concept in the modern world. Many young people commit crimes because they see a lot of their peers engaging in such acts. Young age is a very critical stage, since one is not filled with wisdom and experience which is why a lot of people make the mistake of becoming criminals for no reason at all. Therefore, peer pressure is another reason why young people are compelled into joining the bandwagon.

iii. Substance Abuse

A person who is addicted to drugs will at one point in time do something he/she is not supposed to do (something against the law). Most persons who commit violent crimes blame it to their use of hard drugs.

iv. Politics

The drive and over ambition to get the position or seat is what swings many politicians to equip the youths with weapons, and to perform criminal activities. Politicians hire and equip youths with dangerous weapons to work for them. Most times this work entails breaking the laws of the state.

v. Religion

Religion is another controversial issue in the world. People fight over religious issues. Religious fanatics have been involved in many crimes and criminal activities, and have made their communities unsafe.

vi. Family Pressure

Family is also a weak point for anyone who is about to commit a crime. If one is not able to provide for the family as a poor person, at one point in time, one may be tempted to walk the negative path to get the needs for the family. There are many things that go on within the family that may compel a person to go into crime and criminality.

vii. Societal Ills

We live in a society where money and material things are valued much more than relationships and a normal standard of life. The standard and values of the societies are now measured along material things. These parameters are present in all sectors and institutions of the society. Those who have money and material possessions are respected and regarded by persons, and

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<sup>15</sup> Netnewsledge.com TOP 10 Reasons for Crime on Google on 22/4/2021, by 10:10am

vice versa. Those who have money by whatever means continue to flaunt their money with, as if those who do not have ought not to live. People who are poor and struggling are therefore bent on doing anything in order to make money. This urge and craze has led many to crimes and criminal tendencies.

viii. Unemployment

There is an alarming rate of unemployment in the country, even for those with qualifying certificates, who have spent a lot of money in education. Thus, one is not able to meet the basic necessities for living. This is not only frustrating, but could push someone to the negative path of crime in order to survive.

ix. Economic Deprivation

In many countries, there is economic deprivation, even of basic amenities. This has led many to crimes and criminal activities. In most cases crimes are committed for survival or to show disenchantment and disaffection to the government or the upper class.

x. Unfair Judicial System

People who are not served justice seem to become hostile and often engage in crimes. Many do not have confidence in the judicial system, which they perceive as serving the interest of the rich and powerful in the society, against the interest of the poor and oppressed. Though most of our courts do their best to hold the scale of justice in any cases before it, many still do not have confidence in the judicial system.

This is why the people seem to support the call for actual autonomy for the judiciary in Nigeria.<sup>16</sup>

The individuals need to accept responsibility for crimes committed. It is the duty of the government to tackle crimes, both its causes and the offenders.

## 6. Offenders and Victims of Crime

Crimes are committed by anyone (except minors), be them young, male, female, or the elderly, whether living in the urban or rural areas. The person who is affected by a crime is called the victim of the crime. Thus, the chances of being a victim of a crime are not the same for every person. Crime does not only affect the victim, it affects, those close to the victim, like friends and families, and even the employers or employees of the victim. Crime also affects the society, whose laws have been infringed upon.

It is worthy of note that crime affects the government, whose resources would be utilized to investigate, prosecute and punish the offender.

## 7. Effect of Crime

Crime has adverse consequences on the Individuals, the Communities, and the Government.

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<sup>16</sup> “A call for Legislative and Judicial Autonomy: Matter Arising” By David D. Ihua-Maduenyi, Esq.  
Published on [www.barristerng.com](http://www.barristerng.com) on 24/4/2021, by 10:00am

The individual may be hurt emotionally, physically and financially. In most cases, it could lead to the loss of life and damage to limb.

Communities with higher crime rate suffer adversely. People are frightened, whether inside or outside their homes. Property prices are affected; home owners can hardly find buyers or tenants for their properties. Businesses close down in the areas, and new businesses avoid the areas. The resources of the government agencies are over stretched and tasked in areas with higher crime rates. And funds that ought to be used for welfare of the people is used for policing.

## 8. Prevention of Crime

If 'prevention' here means "the act of stopping something bad from happening".<sup>17</sup> Then it is doubtful whether crime can be stopped from happening at all in any clime. Because crime has become a global issue, affecting people and nations, so also countries have devise numerous measures to curb and control crime. In Nigeria, the various securities agencies have devised methods and measures to tackle crimes and criminality.

But certain principles have been outlined for crime prevention. The advantages of the principles are that it can assist in reducing the opportunity for crime to occur at the homes, the work/business places. They can be considered for development and implementation by individuals, communities, partners or business, and act as a check list to see what steps you may be able to take for your particular circumstances.

### 8.1. Principles of Crime Prevention

There are ten (10) principles of crime prevention, they are: Target hardening; Target removal; Reducing the means; Reducing the payoff; Access control; Surveillance; Environmental change; Rule setting; Increase the chances of being caught; and Deflecting offenders.<sup>28</sup>

#### i. Target Hardening

Make your property harder for an offender to access. Upgrading the lock on your doors, windows, sheds, and outbuildings; fitting sash jammers to vulnerable doors and windows; using secure passwords to prevent criminals hacking your online accounts.

#### ii. Target Removal

Ensure that a potential target is out of view. Not leaving items on view through your windows-i.e. Laptops, phones, keys, bags; putting your vehicles in the garage if you have one and not leaving valuables on display; being cautious about your post online as it may be used to identify or locate you offline.

#### iii. Removing the Means

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<sup>17</sup>Oxford advanced Learner's Dictionary (9<sup>th</sup> Edition) of current English, Page 1216

<sup>28</sup> West Yorkshire Police. UK: The 10 Principles of Crime Prevention, on Google, on 23/4/2021, by 10:54am



Removing items that may help commit an offence. Not leaving tools and ladders in the garden and clearing up any rubble/bricks; keeping wheelie bins out of reach, as they may be a climbing aid or help transport items; and making sure that bricks and rubble are cleared up.

iv. Reducing the Pay-off

Reducing the profit the criminals can make from the offence. Security marking your property; marking your property in such a way that others will not want to buy from the thief; not buying property you believe or suspect to be stolen.

v. Access Control

Looking at measures that will control access to a location, a person or object. Locking your doors and windows to both your house and your vehicle; ensuring that fencing, hedges, walls and other boundary treatments are in a good state of repair; putting a security system in place at a commercial site (entry barriers, security guards, ID cards).

vi. Surveillance

Improving surveillance around homes, businesses or public places to deter criminals. Removing high hedges/fences at the front that allows an offender to work unseen; consider adding CCTV to a commercial site or public place; establishing Neighborhood Watch Scheme in your street.

vii. Environmental Change

Ensuring your property and wider community looks cared for. Ensuring that graffiti and domestic/commercial waste is cleared up; reporting issues with fly-tipping or broken street lights to the relevant authority; working with the police and local authority to close a footpath.

viii. Rule Setting

Changing our habits by setting rules and repositioning signage in appropriate locations. Introducing a rule that the last person entering/leaving should lock the door and remove the keys; informing visitors to commercial sites that they must report to reception on arrival; informing users that a particular site is closed between certain times and should not be accessed.

ix. Increasing the Chances of being Caught

Increasing the likelihood that an offender will be caught to prevent crime occurring. Making use of dusk to dawn security lighting is in place and in working order; using good quality CCTV and/or alarm systems, especially on commercial sites and public places; upgrading security to delay an offender, meaning they have to spend more time to gain access.

x. Deflecting Offenders

Deferring an offender or deflecting their intention. Using timer switches to make our homes look occupied if vacant after the hours of darkness; running youth diversionary schemes with partner agencies; referring offenders to drug rehabilitation programmes.

In Nigeria, like other parts of the world, there are various species of crimes being committed. The emphasis is on crime control or crime reduction. This is because crime cannot be eradicated totally.



However, some of the principles outlined above in crime prevention are being used and implemented by the various governments in Nigeria. The governments encourage and even setup Neighborhood Watch and Vigilante Groups, which are assisting in crime control issue.

In addition, the security agencies issue-out security tips, from time to time, these tips guides the citizens on crime and security issues.

## 9. Definition of a Criminal

According to the Black's Law Dictionary, a criminal is "1. One who has committed a criminal offence. 2. one who has been convicted of a crime".<sup>19</sup>

Some Legal-Sociologists have argued that the acceptance and association of the term '*criminals*' to those who has been convicted alone, is confusing of the important issue, as it delimits the subject matter of criminological investigation. As a criminologist studies the criminals convicted by the courts, he is confounded by the growing glamour that he is not studying the real criminals at all, but an insignificant proportion of non-representative and stupid unfortunates who happened to have become enmeshed in technical legal difficulties. That this narrow meaning of criminals is merely legalistic and arbitrary.<sup>20</sup>

Even if the ordinary dictionary meaning of 'Criminal' include someone who has only committed an offence (even though not convicted), our legal usage and daily lexicon have sought to limit the meaning of criminal to those who have been convicted of a crime by a court of law only. And introduced the word 'Suspect', as someone who is accused of a crime but not yet convicted by a court of law.

The term "SUSPECT" according to Black's Law Dictionary is "a person believed to have committed a crime or offence".<sup>2</sup>

Be that as it may, it seems clear that once a person is arrested upon a report of having committed an offence, that person is a suspect. But once the person is charged to court, he is no longer a suspect. The person becomes a Defendant, and can rightly be called a 'criminal', that is someone that who has not only been accused of committing a crime, but has been charged to court for a crime.

A "*Suspect*" according to the Administration of Criminal Justice Act, "means a person who has been arrested on the suspicion of committing any offence, and who is yet to be formally charged for that offence".<sup>22</sup>

And a "*Defendant*" "means any person against whom a complaint, charge or information is made".<sup>23</sup>

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<sup>19</sup>Black's law Dictionary page 402

<sup>20</sup> Who is the Criminal by Paul Tappan [jstov.org@Google](mailto:jstov.org@Google) on 23/4/2021, by 10:20am

But in popular legal parlance, a person arrested by the police becomes a Suspect.

A person charged to court becomes a Defendant.

And a person convicted by the court becomes a Criminal.

The word “criminal” and “offender” mean the same thing.

But a person standing trial for a crime prefers to be called ‘an offender’, than to be called ‘a criminal’.

### 9.1. Classification of Criminals

Legal-Sociologists and Criminologists have classified Criminals into various groups. The purpose of classification is for the proper treatment of criminals in our courts, and in our correctional institutions; and for better understanding of the criminals, and for better individualized treatments.<sup>24</sup>

There are many classes of criminals, depending on the types of crimes involved. But the following are listed or mentioned-

Career Criminals; Dangerous Criminals; Episodic Criminals; State Criminals.<sup>25</sup>

Career criminals are also known as habitual criminal or recidivist. One who has been convicted of multiple criminal offences, usually similar in nature, a repeat offender.

A dangerous criminal is a criminal who has either committed a violent crime or used force in trying to escape from custody.

An episodic criminal is a person who commits crime sporadically. A person who commits crimes only during periods of intense stress, as in the heat of passion.

A State criminal is a person who has committed a crime against the state (such as treason); a political criminal. A person who has committed a crime under state law.

Other classifications include the following:<sup>26</sup>

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<sup>21</sup> Black Law Dictionary (8<sup>th</sup> Edition) page 1486

<sup>22</sup> Op. Cit. page 402

<sup>23</sup> Who is the Criminal by Paul Tappan [jstov.org@Google](https://www.jstov.org/Google) on 23/4/2021, by 10:20am

<sup>24</sup> Op. Cit. Page 1486

<sup>25</sup> section 494 (1) Of the Administration of Criminal Justice Act, (ACJA) 2015, and Administration of Criminal Justice Law (ACJL) 2017

<sup>26</sup> Journal of Criminal Law and Criminology Vol.1, issue 4. By Charles A. Ellwood

<sup>27</sup> Crime – Characteristics Britannic.com on Google, on 24/4/2021 by 4:43pm

Political criminal, criminal of passion, insane criminal, occasional criminal, instinctive criminal, criminal by contracted habit, criminal by acquired habit, single offender and born offender.

## 9.2. Characteristics of an Offender

Generally, based on the studies of those who have been arrested, prosecuted and convicted, facts have emerged (though subjects to limitations), that give a reasonable accurate portrayal of those who commit crimes. Crimes follows: Gender patterns, Age patterns, Social-class patterns, and Racial patterns or Ethnic patterns.<sup>27</sup>

Furthermore, from a profiling perspective, offender's behavior is the characteristics that are likely to be of the most direct value in identifying and apprehending an unknown perpetrator. Behaviors are observable, tangible, and more easily described and used for investigation than are motives and personality characteristics.

Six traits that lead to character behavior have been identified, namely:

Anti-social values; Criminal peers; Anti-social personality; Dysfunctional family; Low self-control; and Substance abuse.<sup>28</sup>

**Note:** By section 238.<sup>29</sup> a defendant convicted (or acquitted) cannot be tried again for the same or kindred offence.

## 10. Register of Convicted Persons

By ORDER 18 RULES 1-7<sup>30</sup> the Chief Registrar shall maintain a register of persons convicted by the court.

The Chief Registrar shall transmit the Record of convicted persons to the Rivers State police command criminal records registry quarterly.

The Chief Registrar shall upon a request by the court or prosecution in relation to the sentencing hearing of a particular convict, provide the court with certified copies of extracts of the entry in the Registry relating to that person.

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<sup>28</sup> Orcainfo – com. On Google, on 24/4/2021, by 4:42

<sup>29</sup> Section 238 Administration of Criminal Justice Act, also section 245 Rivers State Administration of Criminal Justice Law

<sup>30</sup> Order 18 Rules 1 – 7, Part 5, Rivers State Administration of Criminal Justice Rules, 2000

<sup>31</sup> Sections 137 (1) (d), (2) (C), and 182 (1) (d) (e) Of the 1999 Constitution of the federal Republic of Nigeria (as amended)

Additionally, by the 1999 Constitution of the Federal Republic of Nigeria as Amended, a criminal has certain disability.

A person who has been convicted, by sentence or fined, by a court of law (especially for any offence involving dishonesty or fraud), cannot hold a public office.<sup>31</sup>

## 11. Legal Framework

### 11.1 Definition of Law

According to Professor A. A. Ogunniga, to embark on the definition of Law, would be time wasting. Time wasting because there are as many definitions of law as there are men who care to define law. He went on to say that-

*“Nobody, including the lawyer, has offered, nobody including the lawyer is offering, nobody including the lawyer, will ever be able to offer a definition of law to end all definitions. This is not advocating pessimism. It is because the nature of law makes it pliable when it comes to the problem of definitions. Like the six blind men of Hindustani when they went to “see” the elephant, every definition may be able to say something of some aspects of law, but not one of the definitions is able to say everything about law....”*<sup>32</sup>

Although the learned Professor (of blessed memory) made the above assertion 38 years ago, but it is as relevant as if it was made just yesterday.

Truly, there is no one definition of law, that is universally acceptable as authoritative to end all other definitions as to what is law.

*Law is a set of rules created by state institutions which make laws through the authority of the state. The laws have sanctions which are recognized by the state and enforced by the state-authorised bodies.*<sup>33</sup>

The above definition highlights the following features-

- A. The authority of the state is needed to make law
- B. Only certain institutions can make law
- C. The institution that make law have been given the authority to do so
- D. Sanctions exists for breaking the law
- E. The sanctions are imposed by those given the authority to do so.<sup>34</sup>

There are diverse areas of law, but for our discussion here, we shall focus on Criminal Law.

## 11.2 Definition of Criminal Law

Bearing in mind the ‘problem’ of definition of law or legal concepts. All definitions of criminal law usually postulate that it is a set of rules, which prescribes offences and specifically provide the punishment attached to the identified offence.

Criminal law is the body of law that relates to crime. It proscribes conduct perceived as threatening, harmful, or otherwise endangering to the property, health, safety, and moral welfare of the people inclusive of one’s self.<sup>35</sup>

Criminal law is established by statute, i.e. enacted by a legislature. Criminal law includes the punishment and rehabilitation of people who violate such laws.

## 11.3. Criminal Procedure and Objectives

This is a formalized official activity that authenticates the facts of commission of a crime and authorizes punitive or rehabilitative treatment of the offender. The above definition takes into consideration alternative methods of criminal trials, including the modern concept of alternative disputes resolution methods, especially where the crime is a non-violent one, and not a breach of public expectations and policy<sup>36</sup>.

The prime objectives of the law of crimes, especially as it pertains to ‘punishment’ of the offender are the preservation of life. This is why there is stiff penalties for very serious offences; criminal law also exist for the protection of the state, protection of properties, of morality, of public peace, etc. some of the globally acceptable objectives include the following-Retribution; Deterrence; Incapacitation; Rehabilitation; and Restoration.

But jurisdictions differ on the values placed on each of the objectives. These objectives are explained below.

### i. Retribution

Criminals ought to be punished in some way. This is the most widely seen goal. Criminals have taken improper advantage, or inflicted unfair detriment, upon others and consequently, the criminal law will put criminals at some unpleasant disadvantages to “balance the scale”. People submit to the law to receive the right not to be murdered, and if people contravene these laws, they surrender

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<sup>32</sup> Prof. A.A Ogunniga – Transplants and Mongrels and The Law: The Nigerian Experiment University of Ife, Nigeria Inaugural Lecture Series 62 of 5/17/1983

<sup>33</sup> Open edu. Com on Google, on 25/4/2021, by 9:36am

<sup>34</sup> wikipedia.org on Google, 28/4/2021, by 9:54am

<sup>35</sup> Criminal Law. Wikipadia.org on 15/5/2021, by 11:00am

<sup>36</sup> Op Cit.

the rights granted to them by the law. Thus, one who murders may be executed himself. A related theory includes the idea of “righting the balance”.

ii. Deterrence

Individual deterrence is aimed towards the specific offender. The aim is to impose a sufficient penalty to discourage the offender from criminal behavior. Generally, deterrence aims at society at large. By imposing a penalty on those who commit offences, other individuals are discouraged from committing those offences.

iii. Incapacitation

This is designed simply to keep criminals away from society so that the public is protected from their misconduct. This is often achieved through prison sentences today.

iv. Rehabilitation

This aims at transforming the offender into a valuable member of the society. Its primary goal is to prevent further offence by convincing the offender that their conduct was wrong, and that future conducts should be positive.

v. Restoration

This varies from the conventional methods. It highlights those criminal acts do not only offend against the state, but have a lasting effect on families and communities. It aims to repair the relationships. This is why it is a victim-oriented theory of punishment. Its goal is to repair, through the state authority, any injury inflicted upon the victim by the offender. For instance, one who embezzles will be required to repay the amount improperly acquired. Restoration is commonly combined with other main goals of criminal justice, and is closely related to concept in civil law, i.e., returning the victim to his or her original position before the injury.<sup>37</sup>

## 12. Sources of Criminal Law in Nigeria

The basic sources of Nigerian criminal law are as follows:

- i. Received English Laws
- ii. Nigerian Legislation, which includes Decrees and Edicts promulgated during the military era
- iii. Case Laws
- iv. Customary Law
- v. E. Islamic Law
- vi. Delegated Legislation
- vii. The Constitution of the Federal Republic of Nigeria 1999 as Amended.

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<sup>37</sup> Criminal Law Wikipedia.org on 15/5/2021, by 11:00am

i. Received English Laws

Following the colonization and imposition of British rule in Nigeria between 1861 and 1914, the English laws were introduced into different parts of the area now known as Nigeria, at different times, by series of Proclamations and Ordinances. This consists of **the common law**, the **doctrines of equity** and **statutes of general application** which were applicable in England as at 1<sup>st</sup> day of January, 1900, these were also made applicable to Nigeria.

ii. Nigerian Legislations

This is the most important source of Nigerian law. This is because it is the local legislation that gives force and effects to the other sources of law. Nigerian legislation signifies the independence of Nigeria to make their own laws for themselves. It is the pillar upon which the Nigerian legal system rests. The capacity to legislate flows from the Constitution, which is regarded as the groundnum.

iii. Case Laws

These refer to the law developed by the Judges of the old common law courts of England (the Kings Bench, the Court of Common Pleas, and the Court of Exchequers) from the various English communities. These cases were followed by other judges in subsequent cases before them. Thus, the doctrine of **stare decisis** i.e. standing by previous decision arose. That is when a judge decides a known case brought before it, other judges in subsequent cases with similar facts and circumstances follow. With time, the practice crystalized into a binding force. The common law is a judges' system of making laws out of the local customs of the people, which were accepted by the common law courts.

These are judicial interpretations of the existing laws and statutes given by the Judges (courts), upon cases taken to courts. These decisions have become binding according to the principles of stare decisis/judicial precedent.

The doctrines of equity were the law developed by the body of chancery (in England), as a result of the rigidity of the common law, which was not able to meet all the legal issues of the people.

Statutes of general applications are laws made by the English parliament. It is also called enacted laws of England. They are of two types (a) Law enacted in England applicable in Nigeria and (b) The received English statutes/laws.

iv. Customary and Islamic Law

These are the laws of the indigenous peoples of Nigeria (before and after the advent of the colonialists). Islam is a religion. And Islamic law is part of the law.



v. Delegated Legislation

These are the laws made by other bodies that are not legislative houses. But before this type of law can be valid and have the force of law, the power to make such laws has to be vested upon such person, authority, or body by the legislature.

vi. The Constitution

This is the Constitution of the Country, and the current one now is the 1999 Constitution of the Federal Republic of Nigeria as Amended. It is the basis upon which all other laws derive their force. And any law in conflict or inconsistent with the Constitution will become void to the extent of its inconsistency.

### **13. Various Codes of Criminal Law**

There are two categories of statutes relating to Criminal Law in Nigeria. First, there is a host of statutes (both federal and state), defining the technical offences, which regulates the conducts of people by threat of penalties. Second, this is made up of the Codes, that is, the Criminal Code and the Penal Code.

#### **13.1. The Criminal Code**

This is the main criminal legislation that is operational in the 17 States of Southern Nigeria, the states are as follows- Abia, Akwa Ibom, Anambra, Bayelsa, Cross Rivers, Delta, Ebonyi, Edo, Ekiti, Enugu, Imo, Lagos, Ondo, Ogun, Osun Oyo, and Rivers States. The Code was the creation of the colonial administration, and was made in 1904, through the works of Sir James Fitz Stephen, who was commissioned by the British Government to draft a Code to replace the Common Law of crimes to be used in Britain. Somehow, the British decided not to codify its criminal law. The Code so prepared was then taken to Australia, another British Colony, and adopted there as the Queensland Code of 1889. It was the same version that was brought to and adopted in Nigeria on 1904, as the Criminal Code, to apply to Northern Nigeria alone. It was made to cover the whole area now known as Nigeria in 1916.

#### **13.2. The Penal Code**

This is the Code that applies to the 19 Northern States of Nigeria. The Penal Code became necessary for the Northern States, due to the weakness of the Criminal Code in that part of the federation, being predominantly muslims. The Penal Code was patterned with modifications, along the code of Sudan, which has been in operation since 1899.

### **14. Classification of Crimes**

Under the Criminal Code, crimes are classified as- Felonies, Misdemeanours, and Simple Offences.

Under Sharia law offences/crimes are also categorized into three, namely- Hadd, Qisas, Ta'zir.

i). HADD- Hadd offences are those whose punishment is fixed and immutable. And the prescribed sentence must be imposed once a person is found guilty. Hadd offences include- stealing, robbery, adultery, defamation, apostasy, and drinking of alcohol.

ii). QISAS- The punishment for Qisas offences is retaliatory. Qisas offences include homicide and hurt.

iii). TA'ZIR- All other offences not falling within either Haadd or Qisas, are known as Ta'zir. The punishment for Ta'zir is discretionary.

### 15. Elements of Criminal Offence

These are the sets of facts which must be proved to convict a defendant for the crime he or she is charged. The prosecution is expected to present evidence that satisfies the elements of the offence, such that even when it is opposed by the evidence of the defence, it still stands as credible and sufficient, beyond reasonable doubt, that the defendant indeed committed the offence charged.

Generally, every offence involves two elements, namely- the act or conduct (Actus Reus); and the individual mental state at the time of the act (Mens Rea).

To find a person guilty of a crime, the prosecution must prove these two elements i.e., that the act occurred or the defendant did the act; and that the act was purposeful, or that the defendant had the conscious intent to act.

i). **Actus Reus** representing the external manifestation of the offence.

ii) **Mens Rea** delineating the guilty mind. It is the state of mind. It is the state of mind that the accused must possess at the time of performing the acts that constitutes the actus reus.

*“....in a criminal trial, before an accused person is asked to undergo any sort of sentence, there must be a finding by the trial court on the concurrence of the two main elements of any crime; that is, the actus reus and the mens rea. Actus reus is taken to be the wrongful deed that comprise the physical components of a crime and that generally must be coupled with mens rea. Mens rea is the criminal intent or guilty mind of the accused. For the prosecution to establish a criminal act against an accused person, it must go beyond establishing the commission of the unlawful criminal act by the accused and establish that the accused had the correct legal criminal mind of committing the act. The two must co-exist, whether explicitly or by necessary implication”.<sup>38</sup>*

<sup>38</sup> Njoku v State (2013) 2NWLR (Pt. 1339) 548

The above is in line with the maxim “**ACTUS REUS NON FACIT REUM NISI MEN SIT REA**”, which means “**AN ACT DOES NOT MAKE A DEFENDANT GUILTY WITHOUT A GUILTY MIND**”.

See also the case of OKORO V. STATE.<sup>39</sup>

**iii). Strict Liability** meaning that it is possible for an offence to expressly displace the requirement of mens rea, thereby making the offence a strict liability offence. Mens rea is not required in this type of offences.<sup>40</sup>

## 16. Criminal Justice Related Legislations

Apart from the Criminal Code and the Penal Code, there are other written laws that relates to criminal offences. This is to say that criminal offences are not exclusive to only the Criminal and Penal Codes.

This is because over the years, various legislations have been made criminalising modern aberrant conducts and behaviours. A few of such laws would be listed hereunder:-

The Corrupt Practices and other Related Offences Act, 2003

The Economic and Financial Crimes Commission (EFCC) Act, 2004

Dangerous Drugs Act, 2004

Electric Power Sector Reform Act, 2005

Advance Fee Fraud and other Related Offences Act, 2006

Money Laundering (Prohibition) Act, 2011

Terrorism Prevention (Amendment) Act, 2013

Same Sex Marriage (Prohibition) Act, 2014

Trafficking In Persons (Prohibition) Enforcement and Administration Act, 2015

Administration of Criminal Justice Act, 2015

Violence Against Persons (Prohibition) Act, 2015

Cybercrimes (Prohibition, Prevention, Etc) Act, 2015

Anti-Torture Act, 2017

The Compulsory Treatment and Care for Victims of Gunshots Act, 2017.

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<sup>39</sup>(2021) LPELR 1979, CA

<sup>40</sup> Jua v State (2010) All FWLR (Pt. 521) 1427; Section 135 of the Evidence Act, 2011.

## 17. Types of Criminal Offences

Some of the offences recognized by both the Criminal and Penal Codes include the following-

Homicide/Murder; Suicide; Infanticide; Criminal Assault; Hurt; Grievous Hurt; Sexual Defilement; Sexual Intercourse Against the order of Nature; Abduction and Procuration (Procuring girls for illicit sexual intercourse); Adultery; Bigamy; Prostitution; Obscene Publication; Criminal Breach of Trust/Cheating; Obtaining by False Pretenses; Kidnapping; Forgery/Uttering; etc.

## 18. Burden of Proof in Criminal Matters

In every criminal trial, the prosecution has the obligation (duty or burden) to prove to the court that the defendant actually committed the offence charged. This is done by proving all the necessary ingredients and conditions that make up the offence.<sup>41</sup> The standard of proof or level expected from the prosecution is what the law refer to as Proof beyond reasonable doubt.<sup>42</sup>

## 19. Defences Available in Criminal Cases

DEFENCE according to Black's Law Dictionary "1. A defendant's stated reason why the plaintiff or prosecution has no valid case".<sup>43</sup>

The list of defences available for a defendant, include the following-

Defence of Provocation; Defence of Sudden Fight; Defence of Accident; Defence of Insanity; Defence of De minimis non curat lex; Defence of Alibi; Defence of Self Defence; Defence of Intoxication; Defence of Bonafide Claim of Right; Defence of Mistake of Fact; Defence of Extraordinary Emergencies; Defence of Immature Age; Defence of Judicial Officers; Defence of Justification in the Execution of the Law; Defence of blindness; Defence of witchcraft and juju.

### 19.1. Defence of Provocation

This is "1. The act of inciting another to do something, esp. to commit a crime. 2. something (such as words or actions) that affects a person's reason or self-control, esp., causing the person to commit a crime impulsively".<sup>44</sup> See Section 318 of the Criminal Code, and Section 222 (1) of the

<sup>41</sup> <sup>10</sup> Ismail V State (2008) All FWLR (Pt. 434) 1567

<sup>42</sup> Section 31 (3) of the Child's Rights Act; Adeyemi V State (2015) LPELR 24688 SC; Odunlami V The Nigerian Army (2013) 12 NWLR (Pt. 1367) 20 at 50 – 51, 68 – 69

<sup>43</sup> Black's Law Dictionary page 451

<sup>44</sup> <sup>13</sup> Op Cit. 1262

<sup>45</sup> Owhor Ruke V COP (2015) 15 NWLR (PT.1483) 558;

Musa V State (2007) 11 NWLR (Pt. 1045) 202 at 218

<sup>46</sup> [www.dunaimo.org](http://www.dunaimo.org) on Google on 7/5/2021 by 7:41pm

<sup>47</sup> Musa V State (2009) 15NWLR (Pt.1165) 467 at 493 Para D-G

<sup>48</sup> [www.djetlawyer.com](http://www.djetlawyer.com). General Defence to Criminal Liability

Penal Code. Provocation is only available to an offender whose victim directly caused the offender's sudden loss of self-control.<sup>45</sup>

### 19.2. Defence of Sudden Fight

Sudden fight is “a spontaneous altercation which occurs in the heat of passion”.<sup>46</sup> it is the engagement in a fight or carrying on a fight including struggle, intensive verbal and physical dispute. It is a defence to a charge of culpable homicide, which ordinarily would have been punishable with death, it mitigates the punishment to life imprisonment or such other numbers of years of imprisonment. See Section 222 of the Penal Code.<sup>47</sup>

### 19.3. Defence of Accident

“A person is not criminally responsible for an act that occurs independently of the exercise of his will or if it occurs by accident”.<sup>48</sup> Accident is a defence to a criminal charge.<sup>49</sup> The implication of raising the defence of accident is that the defendant admits the actus rea, but denies the mens rea of the offence.<sup>50</sup> See Sections 48 of the Penal Code, and 24 of the Criminal Code.

### 19.4. Defence of Insanity

Insanity is “any mental disorder severe enough that it prevents a person from having legal capacity, and excuses the person from criminal or civil responsibility”. Insanity defence is “an affirmative defence alleging that a mental disorder caused the accused to commit the crime”.<sup>51</sup> Sections 51 of the Penal Code and 28 of the Criminal Code provides for insanity as a defence.<sup>52</sup>

### 19.5. Defence of Minimis Non Curat Lex

The word “De minimis non curat lex” is a Latin word literally meaning “the law does not concern itself with trifles”. As a defence in criminal law, where an offence is so trivial, it can be used as a defence. The statutory backing for this defence is not in the Criminal Code. It is however in Section 58 of the Penal Code which provides:

*“Nothing is an offence by reason that it causes or that it is intended to cause or that it is likely to cause an injury if that injury is so slight that no person of ordinary sense and temper would complain of the injury”.*

As a result if someone is charged to court for stealing a pen worth 20 Naira, this defence can be utilized”.<sup>53</sup>

<sup>49</sup> Jimmy V State 92013) 18 ( Pt.13860 229 at 251 Sc

<sup>50</sup> Amaremor V State (2010) 7NWLR (Pt.1193) 317

<sup>51</sup> Black's Law Dictionary (8 Edition)

<sup>52</sup> Madjemi V State (2001) FWLR (Pt.52) 2210 SC

### 19.6. Defence of Alibi

The word ‘alibi’ is a Latin word meaning “Elsewhere”. It is “a defence based on the physical impossibility of a defendant’s guilt by placing the defendant in a location other than the scene of crime at the relevant time”.<sup>54</sup> By the defence, the defendant is saying “I was not there, I was elsewhere therefore I could not have committed the crime”.<sup>55</sup>

### 19.7. Self Defence

This is “the use of force to protect oneself, one’s family, or one’s property from a real or threatened attack. Generally, a person is justified in using a reasonable amount of force in self-defence if he or she believes that the danger of bodily harm is imminent and that force is necessary to avoid this danger.”<sup>56</sup> There are both constitutional and statutory provisions for this defence. See section 36 (2) of the 1999 Constitution of the Federal Republic of Nigeria as Amended, and Section 59 of the Penal Code, and Section 32 (3) of the Criminal Code.<sup>57</sup>

### 19.8. Defence of Intoxication

Intoxication is “a diminished ability to act with full mental and physical capabilities because of alcohol or drug consumption; drunkenness”.<sup>58</sup> The defence of intoxication is provided for in Section 29 of the Criminal Code, and Section 52 of the Penal Code.<sup>59</sup>

### 19.9. Defence of Bonafide Claim of Right

The word ‘*bona fide*’ is a Latin word meaning “in good faith”. Made in good faith, without fraud or deceit. Sincere; genuine”.<sup>60</sup> In the defence of bona fide claim of right, the defendant believes or makes a claim to the property in issue. See section 23 of the Criminal code.<sup>61</sup>

### 19.10. Defence of Mistake of Fact

In the defence of mistake of fact, the defence asserts “that a criminal defendant acted from an innocent misunderstanding of fact rather than from a criminal purpose”.<sup>62</sup> It is provided for in

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<sup>53</sup> [www.djetlawyer](http://www.djetlawyer) op Cit.

<sup>54</sup> Black’s Law dictionary page 79

<sup>55</sup> Ezeugo V State (2013) 9 NWLR (Pt. 1360) 508; Ezekwe V State (2018) 14 NWLR (1639) 209

<sup>56</sup> Op Cit 1390

<sup>57</sup> Musa V State (2009) 15 NWLR (Pt.1165) 467

<sup>58</sup> Op cit. page 841

<sup>59</sup> Okeke v State (2000) FWLR (Pt. 29)2453

<sup>60</sup> Op cit. Page 186

<sup>61</sup> Tonga v COP (2007) All FWLR (Pt. 376) ^#^

<sup>62</sup> Op Cit. Page 1023

<sup>63</sup> Muhammadu Gadam V R (1954) 14 WACA 442

<sup>64</sup> [www.djetlawyer.com](http://www.djetlawyer.com) – General defence to Criminal Liability on Google on 8/5/2021, by 9:12am

Section 25 of the Criminal Code, and the belief must be reasonable and honest.<sup>63</sup> Note that mistake of law is not an excuse to criminal liability, unless the law creating the offence states knowledge of the law to be an element of the offence. That is encapsulated in the Latin maxim “*ignorantia juris non excusat*”, meaning “*ignorance of the law is not an excuse*”.<sup>64</sup>

### 19.11. Defence of Necessity and Extraordinary Emergency

This defence is contained in Section 26 of the Criminal Code. This section provides that except in case of compulsion, provocation or self-defence, a person would not be liable for acts or omissions which would result in an offence if such acts or omissions were done in sudden circumstances of extraordinary emergency that a normal person would not have acted otherwise. Reported Nigerian cases on this area are often rare. As it is used in very extreme situations. Examples of cases from England will clearly illustrate this point. In *R.V. DUDLEY STEPHEN*.<sup>65</sup> Two shipmen were stranded at sea with a cabin boy. In order to sustain their lives, the shipmen killed and ate the cabin boy. The court convicted the shipmen, but their imprisonment was reduced to six months because of the necessity of the situation. Also, in the case of *BUCKCOKE V. GREATER LONDON COUNCIL*,<sup>66</sup> a fire truck driver, in an attempt to rescue a man from a burning building, disobeyed the traffic light, causing injury to another person. Lord Denning held refused the defence of necessity and extraordinary emergency made by the truck driver, he held the fire truck driver liable for the injury.

### 19.12. Defence of Immature Age

This defence is aimed at protecting persons who are not yet of age from criminal liability (infants, minors and children). For persons under the age of seven, or under the age of twelve are deemed to be of immature age, and are believed to lack the mental capacity to comprehend the result of their acts or omission. Thus, the law protects them from criminal liabilities.<sup>67</sup>

### 19.13. Defence of Judicial Officers

A judicial officer is not criminally responsible for acts done or omitted to be done by him in the exercise of his judicial functions. See Section 31 of the Criminal Code.<sup>68</sup> Judicial Officers also enjoy this defence even in civil cases. This defence is part of what I called “*Institutional Privilege*” or *Judicial Privilege in civil cases*.<sup>69</sup>

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<sup>65</sup> (1884) QBD 273

<sup>66</sup> (1971) ALL ER 254

<sup>67</sup> *R V Bangaza* (1960) 5 FSC 1

<sup>68</sup> *Anderson V Gorrie* (1894) 1 QB 668

<sup>69</sup> Call for Legislative and Judicial Autonomy: Matters Arising”, By David D. Ihua-Maduenhi, Esq. Published by [www.nigerialawyer.com](http://www.nigerialawyer.com)

<sup>70</sup> *Annabi v State* (2008) 13 NWLR (Pt.1103) 179 at 193



#### **19.14. Defence of Justification in the Execution of War**

A person is not criminally liable for an act or omission if he or she does or omits to do the act under the execution of the law; in obedience to the order of a competent authority; when the act is reasonably necessary in order to resist violence threats; when he or she does or omits to do the act in order to save himself from immediate death or grievous harm. See section 32 of the Criminal Code. And Section 45 of the Penal Code. Justification as a defence arises because the defendant is not blameworthy for having acted in the way that would otherwise be criminal. The act carried out by the defendant or where he failed to carry out an order is considered just and lawful.<sup>70</sup>

#### **19.15. Defence of Blindness**

Blindness is “the state of being unable to see because of injury, disease, or a congenital condition. Lack of perception, awareness, or judgment; ignorance”.<sup>71</sup> A defendant can plead blindness as a defence, but whether or not it will succeed depends on the facts of the case.<sup>72</sup>

#### **19.16. Defence of Witchcraft**

‘Witchcraft’ is “the use of magic powers, especially evil ones”.<sup>73</sup> While ‘Juju’ “is a spiritual belief system incorporating objects, such as amulets, and spells used in religious practice in West Africa especially the people of Nigeria and Cameroon. The term has been applied to traditional African religions.”<sup>74</sup> A defendant can plead that he acted under the influence of witchcraft and juju as a defence.<sup>75</sup>

### **20. Institutions Involved in the Administration of Criminal Justice**

Criminal justice system is the agglomeration of laws and interrelation of institutions established for the sole objective of maintaining law and order in the society, by ensuring that all who transgress penal laws are engaged by the system from stage that a crime is conceived, to when it is actualized, thereby triggering the machineries of the state. In a nut-shell, the sanctions imposed by the criminal law are carried out by the law enforcement agencies and the courts in Nigeria.

**i. The Police** receives complaints, and investigates same, and also prosecutes or charges the offender to court, or hand over the offender to the court, to be charged or prosecuted by the Attorney-General’s office. There are other agencies of Government that also receives complaints from persons, investigates the complaints, and charge the matter to the court for prosecution. Such

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<sup>71</sup> Definition given by Google, Checked on 9/5/2021 by 6:26

<sup>72</sup> Edamine V State (1996) 3 NWLR (Pt.438) 530

<sup>73</sup> Oxford Advanced Learner’s Dictionary, New 9<sup>th</sup> Edition, Page 1792

<sup>74</sup> Wikipedia on Google, on 10/5/2021, by 8:58pm

<sup>75</sup> Ihonre V State (1987) NWLR (Pt.67) 778; (1987)12 SC 124; Goodluck Oviefus v State (1984) 10 Sc 207

bodies include the Economic and Financial Crimes Commission (EFCC), Independent Corrupt Practices Commission (ICPC), and The Department of State Security (DSS).

**ii. The Court** then determines the guilt or otherwise of the offender. Where the court finds the offender not guilty, it discharges and acquits the offender, who then walks away free and unfretted. But where the court finds the offender guilty, the court has the discretion to impose punishment upon the convict. Part of the punishment may include incarceration, suspended sentence, community service, payment of fine, compensation, forfeiture, or even a caution etc.

**iii. The Nigeria Correctional Service**, by the new laws are involved in both custodial and non-custodial sentences. They ensure the reception of convicts into their custody, for the serving of the terms of imprisonment. They also ensure that convicts fulfill their non-custodial sentences as imposed by the court.

## 21. Conclusion

I have been able to run-through the entire gamut of the criminal law in Nigeria, explaining in very simple and understandable language how the entire process runs, including the step-by-step procedure.

It no doubt can serve as a reference point for those who want to understand everything that concern crime, criminals and the law in Nigeria.

This no doubt would be of help to all who have interest in this area of the law. It will be of great assistance to law students, law teachers, legal practitioners, law enforcement officers, correctional officers, and even legal-psychologists and legal-sociologists in their study on this aspect of the law in Nigeria.

The duty is on all stakeholders “*to ensure that the system of administration of criminal justice in Nigeria promotes efficient management of criminal justice institutions, speedy dispensation of justice, protection of the society from crime and protection of the rights and interests of the suspects, the defendant, and the victim.*”<sup>76</sup>

The carrying out of the above duties rests squarely on the Courts, the law enforcement agencies, and all other persons involved in the criminal justice process. And the beneficiaries of the efficient system of criminal justice are- the suspects, the defendants, the victims and the society.

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<sup>76</sup> Section 1 (1) of the Administration of Criminal Justice Act, 2015.