

**REFLECTING LEGISLATIVE INTENTIONS IN LEGISLATIVE
DRAFTING: A REVIEW OF THE NIGERIA POLICE ACT, 2020**

BY

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**BEIGN A DISSERTATION SUBMITTED TO THE NATIONAL INSTITUTE
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THE DEGREE OF MASTER OF LAWS, (LL.M) LEGISLATIVE DRAFTING.**

March 2025

DECLARATION

I Adejoke Rejoice SIYANPETER with matric No: PG/NLS2215177, hereby declare that this Dissertation **“REFLECTING LEGISLATIVE INTENTIONS IN LEGISLATIVE DRAFTING: A REVIEW OF THE NIGERIA POLICE ACT, 2020”** was solely written by me and it is a record of my work. I declare further that this Dissertation has not being presented by anybody previously, either in part or whole to this University or any other institution of highr learning for the award of any kind or programmes and that all sources, data or information have been duly acknowlwdged references.

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DEDICATION

This dissertation is lovingly dedicated to the Almighty God, whose boundless grace has been my anchor, protector, and constant guide through every step of this academic journey. His divine presence has been my refuge, reminding me that my life and every success are held firmly in His hands. With deep emotion, I also dedicate this work to my beloved mother, Mrs. Janet Olanike Siyan-Peter, (of blessed memory) whose love, wisdom, and nurturing spirit continues to live in my heart. Though she is no longer with us, her memory fuels my determination, and her unwavering belief in my potential remains a beacon of strength and inspiration. To my extraordinary father, Professor Peter Siyan, words are not enough to express my profound gratitude. You have been my steadfast pillar, mentor, and greatest source of encouragement. Your sacrifices, guidance, and unconditional love have shaped me into the person I am today, and for that, I am eternally thankful. I extend my heartfelt appreciation to my siblings—Paul, Rachel, Ralph, Regina, and Inumidun—whose love and support have been my constant source of comfort and joy. You have stood by me through every high and low, and your presence has made this journey lighter and brighter. To my cherished friends—Damilola Akinlonu, Alex Egbe, Gloria Ndana, Seun Omolafe, Simpa Abel Ehusani, Gideon Ejemai, Festus Esomojumi, and Sam Ojo—thank you for being my unwavering cheerleaders. Your encouragement, laughter, and belief in me were the driving force that kept me going. You are truly the best, and I am deeply blessed to have you in my life. Finally, to my ever-loving mothers and aunties—Mummy Bolatito Oyatogun, Mummy Ruth Alabi, and Mummy Hannah Aladuge—thank you for your prayers, kindness, and endless support. Your love has wrapped me in warmth and strength, and I am forever grateful.

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Administration of Criminal Justice Act (ACJA), 2015- Nigeria

African Charter on Human and Peoples' Rights- African Union

Police Act, 1943 and Police Act, 1967- Nigeria

Code of Conduct for Law Enforcement Officials (CCLEO) – Nigeria

Vienna Convention on the Law of Treaties

LIST OF ACRONYMS/ABBREVIATIONS

ACJA - Administration of Criminal Justice Act

CCLEO - Code of Conduct for Law Enforcement Officials.

CSOs - Civil Society Organizations

DSS - Department of State Services.

FCT - Federal Capital Territory.

IMN - Islamic Movement of Nigeria.

NPF - Nigerian Police Force.

PTF - Police Trust Fund.

UN - United Nations.

NWLR- Nigerian Weekly Law Report.

L.F.N- Laws of the Federation of Nigeria.

ABSTRACT

The study addresses the critical issue of ensuring that legislative drafting truly reflects legislative intentions, using the Nigeria Police Act, 2020 as a case study. The specific objectives of the study are to examine the extent to which the Act captures the legislature’s intentions, to identify challenges in translating policy objectives into legislative text, and to assess the implementation gaps that hinder alignment between the law and its application. The justification for this study stems from the need for a police law that supports democratic values such as human rights, accountability, and community engagement. With the Nigeria Police Act, 2020 replacing the outdated 2004 version, the research is timely and essential for improving both the quality of lawmaking and the effectiveness of police reform in Nigeria.

To achieve these objectives, the study adopted a doctrinal and empirical research methodology. This involved the analysis of primary legal sources, including the Constitution of the Federal Republic of Nigeria, 1999 (as amended), and the Nigeria Police Act, 2020, alongside secondary sources such as scholarly articles and official reports and physical interviews of police officers. The research first analyzed the legislative history and objectives behind the Act to evaluate how well they are expressed in the statutory language. It then examined the drafting process and the challenges inherent in translating complex policy objectives into legal text. Lastly, it assessed the implementation of the Act by key stakeholders, such as the police, judiciary, civil society, and government agencies, with a view to uncovering institutional, legal, and political barriers.

From this study, the key findings show that while the Nigeria Police Act, 2020 makes commendable efforts to incorporate legislative intentions—particularly in areas of accountability, transparency, and human rights—there are gaps in expression and implementation. The study

found that unclear statutory language, overlapping mandates, and insufficient stakeholder engagement limit the effectiveness of the Act. Furthermore, challenges such as weak oversight mechanisms, limited public trust, and inadequate funding contribute to a disconnect between legislative intention and operational practice. The analysis also revealed that the lack of periodic review mechanisms hampers the adaptability of the Act to emerging security challenges and societal expectations.

Based on these findings, the study recommends a series of reforms. Firstly, legislative clarity should be improved to reduce interpretive ambiguities, and statutory review clauses should be introduced to ensure the law evolves with time. Oversight bodies like the Police Service Commission must be strengthened to enforce accountability, while regular independent audits should be institutionalized. Comprehensive training in human rights and community engagement should be prioritized for police officers, alongside the integration of modern technology in policing strategies. Ultimately, the study concludes that aligning legislative drafting more closely with legislative intent is essential to the realization of democratic policing in Nigeria.

CHAPTER ONE

INTRODUCTION

Legislative Intent pertains to the underlying objectives or aims that legislator envisioned when enacting a law. Understanding the intentions of lawmakers is crucial for the accurate interpretation of legal texts.¹ This understanding can be gleaned from the specific language used in the law or by considering what lawmakers would likely have intended in relation to a particular circumstance.

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¹ Okibe, E.S. (2004). An exploratory analysis of the efficacy of Nigeria's Cybercrime (prohibition, prevention, etc.) *Act 2015: Legal frameworks, challenges, and prospects for combating cybercrime*. LL.B Project, Alex-Ekwueme Federal University Faculty of Law.

CHAPTER ONE

INTRODUCTION

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This chapter presents the background of the study, statement of the research problem, research questions, aims and objectives of the study, scope and limitation of the study, significance of the study, research methodology and Chapter analysis.

¹ Okibe, E.S. (2004). An exploratory analysis of the efficacy of Nigeria's Cybercrime (prohibition, prevention, etc.) Act 2015: *Legal frameworks, challenges, and prospects for combating cybercrime*. LL.B Project, Alex-Ekwueme Federal University Faculty of Law.

² Allan, Trevor RS. "Legislative supremacy and the rule of law: democracy and constitutionalism." *The Cambridge Law Journal* 44.1 (1985): 111-143.

³Chukwu, Jude Enyi Iwu. "A descriptive analysis of the historical development of western education in Nigeria." (1980).

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legislation. Legislative intent embodies the aspirations that lawmakers seek to fulfill through their legislative efforts. It plays a vital role in ensuring that laws are not only effective and clear but also in harmony with the goals of society.² A pertinent illustration of this is the Nigeria Police Act 2020, which aims to modernize policing practices in Nigeria by focusing on accountability, professionalism, human rights, and community involvement. This Act supersedes the antiquated Police Act of 1943, with the objective of establishing the Nigeria police force that is more accountable as well as oriented towards community essentials. Essential components of the Act include the promotion of professionalism in law enforcement, the safeguarding of human rights, and the enhancement of trust through active community engagement.³

This chapter presents the background of the study, statement of the research problem, research questions, aims and objectives of the study, scope and limitation of the study, significance of the study, research methodology and Chapter analysis.

1.1 Background to the Study

Legislation is important to control, encapsulating the policies, principles, and objectives of the legislative body. Through the establishment of laws, societies are able to maintain order, safeguard rights, and develop frameworks for dispute resolution. Consequently, the process of Legislative drafting is crucial to guarantee that the. Laws passed genuinely reflect the intentions of the legislature and are characterized by clarity, precision, and enforceability.⁴

In Nigeria, the process of legislative drafting has encountered considerable obstacles, such as vague language, inconsistencies, and a lack of alignment with the intended legislative goals. These challenges have frequently resulted in judicial interpretations that stray from the lawmakers'

² Allan, Trevor RS. "Legislative supremacy and the rule of law: democracy and constitutionalism." *The Cambridge Law Journal* 44.1 (1985): 111-143.

³Chukwu, Jude Enyi Iwu. "A descriptive analysis of the historical development of western education in Nigeria." (1980).

⁴ Thornton, Garth Cecil. *Legislative drafting*. Vol. 56. London: Butterworths, 1987.

original intentions, thereby diminishing the law's effectiveness and eroding public confidence in the legal system. This situation highlights the necessity of ensuring that legislative intent is both clearly articulated and accurately represented throughout the drafting process.⁵

The Nigeria Police Act of 2020 signifies a crucial legislative advancement aimed at updating the regulatory legislative structure for law enforcement in Nigeria. This statute replaces the Nigeria Police Act of 1943 and incorporates provisions intended to tackle modern security issues, enhance accountability, and foster a better relationship between law enforcement and the community. Nevertheless, despite its commendable goals, there are concerns regarding whether the Act truly embodies the legislature's intentions, especially in relation to adherence to international best practices, the safeguarding of human rights, along with the resolution of systemic problems within Nigerian Police Force.

An examination of Nigeria Police Act, 2020, offers a chance for evaluation of how well legislative intent is mirrored in its provisions. This analysis is essential for pinpointing gaps, ambiguities, and inconsistencies that could obstruct the effective enforcement of the law. Additionally, it contributes to the wider conversation on enhancing legislative drafting practices in Nigeria thereby, improving the quality and efficacy of legislature.⁶

This study is based on the necessity to reconcile the disparity between legislative intent and the outcomes of legislative drafting. By using the Nigeria Police Act, 2020, as a case study, the study seeks to illuminate the challenges and prospects for achieving coherence and clarity in legislative documents. This endeavor will not only guide future legislative reforms but also aid in the establishment of best practices for legislative drafting in Nigeria and beyond.

⁵ Hrubešová, Sára. "Shaping Administrative Activity (Legal Forms): A Legislative Approach." *Central European Public Administration Review* 22.2 (2024): 147-163.

⁶ Iheriohanma, E. B., Opara Oguchialu, and Raimi Lasisi. "The Nigeria Police Force and its constitutional responsibility in the present democratic dispensation." *Issues in Business Management and Economics* (2020).

1.2 Statement of the Study

Legislative drafting is essential to the process of creating laws as it shapes the translation of legislative intent into enforceable legal documents. In Nigeria, however, there exists a persistent issue of disconnection between the intended objectives of legislation and the final legal texts produced. This disconnect often leads to the creation of ambiguous laws that can be interpreted in multiple ways, thereby diminishing their effectiveness and prompting judicial actions that may stray from the original intentions of the lawmakers.

The Nigeria Police Act of 2020 serves as a notable illustration of this issue, having been enacted in response to long-standing demands for police reform. Although the Act aims to modernize policing practices and tackle systemic challenges, there are ongoing concerns regarding how well its provisions align with the intentions of the legislature. Significant areas of scrutiny include the Act's conformity with international human rights standards, its mechanisms for police accountability, and its ability to resolve structural problems within the Nigerian Police Force.

Furthermore, any potential discrepancies between legislative intent and the provisions outlined in the Act could adversely affect its implementation and overall effectiveness. For example, ambiguities or gaps within the Act may result in enforcement difficulties or impede the realization of its goals, such as fostering public trust and accountability in the police system. These issues reflect a broader concern within Nigeria's legislative framework, where shortcomings in drafting practices may undermine the quality and operational efficacy of enacted laws.

This research problem highlights the necessity for a thorough analysis of the Nigeria Police Act of 2020, concentrating on the degree to which legislative intent is captured in its drafting. Addressing this issue is crucial for refining the drafting process, ensuring legislative consistency, and ultimately enhancing the effectiveness of legal reforms in Nigeria.

1.3 Research Study

This study seeks to proffer answers to the following questions:

- i. What historical context and underlying rationale led to the replacement of the previous Nigeria Police Act with the Nigeria Police Act, 2020?
- ii. How do the stated objectives of the Nigeria Police Act, 2020, align with its practical implications for policing, governance, and human rights in Nigeria?
- iii. To what extent did the legislative drafting process of the Nigeria Police Act, 2020, incorporate public policy goals, address contemporary policing challenges, and reflect stakeholders' expectations?
- iv. How effectively does the Nigeria Police Act, 2020, address the deficiencies and criticisms associated with the previous legal framework regulating the Nigeria Police Force?
- v. What recommendations can be proposed for future legislative drafting practices to enhance coherence, inclusivity, and alignment with legislative intentions?

1.4 Aim/ Objective of the study

Essentially, being equipped with the knowledge of legislative drafting principles and techniques for a better understanding of the role of legislative drafters, the aim of this research is to unravel the extent to which the legislative intentions are important in legislative drafting using the Nigeria Police Act, 2020 as a case study. The primary objective of this research is to critically analyze the legislative intentions behind drafting the Nigeria Police Act, 2020, and evaluate the extent to which these intentions are reflected in the provisions of the Act.

The specific objectives of this study are to:

- i. examine the historical context and rationale for the replacement of the previous Police Act with the 2020 version.

- ii. explore the alignment between the stated objectives of the Act and its practical implications for policing, governance, and human rights in Nigeria.
 - iii. investigate how the legislative drafting process incorporated public policy goals, contemporary policing challenges, and stakeholders' expectations.
 - iv. evaluate the extent to which the Act effectively addresses the deficiencies and criticisms associated with the previous legal framework regulating the Nigeria Police Force.
- Provide recommendations for future legislative drafting practices to enhance coherence, inclusivity, and alignment with legislative intentions.

1.5. Scope and Limitation of the Study

Scope:

This research examines the extent to which legislative intentions are discernible in the enactment of the Nigeria Police Act, 2020, and evaluates its alignment with core principles of modern legislative drafting. These principles emphasize clarity, accuracy, simplicity, coherence, and compliance with constitutional and legal norms. To enrich the analysis, a comparative perspective will be adopted by examining the legislative drafting practices in the United States and Canada. This comparative approach aims to highlight how legislative intent is communicated in police legislation in these jurisdictions, providing insights into best practices and the potential for improvement in Nigeria's legislative framework. The research focuses on evaluating how effectively the Nigeria Police Act, 2020, reflects the core principles of legislative drafting and conveys the legislative intent behind its enactment. Key considerations include clarity and simplicity, the extent to which legislative drafting principles are applied, and an assessment of strategies for ensuring the purposeful implementation of the Act. By comparing Nigeria's

legislative drafting practices to those in the U.S. and Canada, the research seeks to provide a broader context for understanding legislative intent and drafting effectiveness in police legislation.

Limitations:

- i. Reflection focus: The Study will be limited to an extensive focus on legislative intentions in legislative drafting which may prevent a broader consideration of other legislative drafting particulars.
- ii. Particular legislation: The Research is primarily a reflection on how legislative drafting positions communication of legislative intention at the core with particular regard to the Nigeria Police Act, 2020, this is why the research may not dwell much on other related legislations.
- iii. Disparities in Implementation: The gap between the theoretical objectives of the Nigeria Police Act, 2020, and its practical implementation creates obstacles in assessing the actual effectiveness of the Act in fulfilling its legislative aims. This research is limited to pointing out the legislative drafting positioning of legislative intentions which may be particular to some extent.
- iv. Political Factors: Another limitation in this research is identifiable in the realities of the impact of political agendas and the fluctuating dynamics of political power in Nigeria. The research may not dwell so much on these political dynamics because of the focus on legislative intentions in legislative drafting.
- v. Insufficient Empirical Evidence on Police Reforms: A lack of adequate empirical research and data regarding the extent or efficiency in the implementation of police reforms under the Nigeria Police Act, 2020 remains a clearly identifiable limitation to this research as the aim is to unravel the extent to which the legislative intentions are important in legislative drafting using the Nigeria Police Act, 2020 as a case study.

1.6. Significance of the Study

This dissertation emphasizes the importance of legislative transparency, clarifying drafting processes and expounding the objectives of the Nigeria Police Act, 2020 for lawmakers, legal practitioners, and the general public. Other significant importance remain identifiable as follows:

- 1) This study highlights the importance of legislative transparency by detailing the drafting process and clarifying the aims of the Nigeria Police Act, 2020, for legislators, legal professionals, and the general populace.
- 2) It assists the judiciary in the interpretation of the Nigeria Police Act, 2020, by offering a more precise comprehension of the legislative objectives, thereby ensuring that judicial decisions are consistent with the original intentions of the lawmakers. For the purpose of ensuring that the legislative intent is not completely eroded due to poor legislative drafting.
- 3) Identifying gaps in the Nigeria Police Act, 2020, offering recommendations for legal reforms that could better align the law with contemporary needs in law enforcement and public safety.
- 4) The research enhances the field of comparative legal scholarship by examining the Nigeria Police Act of 2020 alongside analogous police legislation from around the world, thereby emphasizing exemplary practices in legislative drafting and police governance.
- 5) It underscores the disparity between the theoretical aims of the Nigeria Police Act, 2020, and its actual implementation, thereby establishing a foundation for tackling issues in law enforcement and realizing the objectives of the Act.

1.7. Research Methodology

This dissertation will employ a doctrinal and empirical research methodology to critically explore and evaluate the legislative intentions behind the Nigeria Police Act, 2020. This combined methodology is justified because it facilitates an in-depth analysis of the Act's statutory provisions

while also integrating real-world perspectives from Nigeria Police Officers, judicial interpretations, and comparative legal practices. The doctrinal approach, is essential for this study due to its focus on legal texts, judicial decisions, and legislative provisions. This approach allows for a systematic examination of the legislative framework and helps uncover how legislative intentions are articulated in the drafting of the Nigeria Police Act, 2020.

Statutory analysis will be conducted to assess how principles of legislative drafting, including clarity, coherence, and legislative intent, are reflected in the Act's provisions. The analysis will focus on key sections of the Act that address police duties, powers, accountability, and oversight. Additionally, judicial interpretation will play a vital role in evaluating how courts have interpreted and applied the Act's provisions. Relevant Nigerian case law from 2020 to date, including cases such as *Inspector-General of Police v. Enebeli*,⁷ which addresses police powers in relation to unlawful arrests, and *Solomon v. Nigeria Police Force*,⁸ which examines police oversight and accountability mechanisms, will be examined to evaluate the alignment of judicial interpretations with legislative intent.

To enrich the analysis, a comparative element will also be incorporated, focusing on police legislation from the United States and Canada. The objective of this comparative analysis is to identify best practices in legislative drafting and evaluate whether Nigeria's legislative framework, particularly the Nigeria Police Act, 2020, effectively communicates legislative intent. By comparing the Act with similar laws in the U.S. and Canada, the study aims to draw insights that could enhance the clarity, purposefulness, and practical impact of Nigeria's legislative drafting process. Furthermore, a thorough review of secondary sources, including academic articles, textbooks, conference papers, and reports, will complement the statutory and case law analysis.

⁷ *Inspector-General of Police v. Enebeli*, (2022) 7 NWLR 211 SC.

⁸ *Solomon v. Nigeria Police Force*, (2021) 5 NWLR 385 CA.

This review will explore theoretical frameworks related to legislative drafting, statutory interpretation, and the rule of law. Works by notable scholars such as McLeod,⁹ Omoregie,¹⁰ and Etudaiye¹¹ will be critically analyzed to deepen the understanding of legislative intentions and their practical implications. To complement the doctrinal analysis, this research will also employ an empirical methodology that incorporates the collection and analysis of real-world data. The empirical approach is justified because it provides practical insights into the implementation of the Nigeria Police Act, 2020, and bridges the gap between legislative intent and real-world outcomes. Primary data will be collected through structured interviews, or focus group discussions with Nigeria Police Officers, legal practitioners, and other stakeholders involved in policing and law enforcement. This process will gather firsthand experiences and perspectives on the practical impact of the Act. Specific areas of inquiry may include the clarity and enforceability of the Act's provisions, challenges faced in implementing key provisions (such as those related to human rights and accountability), and the extent to which legislative intent is understood and reflected in everyday policing practices. The target population for the empirical research will include police officers at different ranks, legal experts, human rights advocates, and members of civil society organizations (CSOs) involved in police reforms. A purposive sampling technique will be used to ensure that participants with relevant knowledge and experience are selected. The data collected will be analyzed using both qualitative and quantitative methods. Qualitative data from interviews, focus group discussions, and case law analysis will be thematically analyzed to identify patterns, recurring themes, and discrepancies between legislative intent and practical implementation. Where applicable, statistical tools will be used to analyze survey or questionnaire data to measure

⁹ McLeod, I. (2010). *The Principles of Legislative Drafting and Interpretation*. London: Routledge.

¹⁰ Omoregie, E. B. (2022). *Translating Policy into Law: A Legislative Drafting Perspective*. Benin: University of Benin Press.

¹¹ Etudaiye, M. A. (2021). *Statutory Interpretation and Legislative Drafting in Nigeria: Principles, Practice, and Emerging Issues*. Abuja: Nigerian Institute of Advanced Legal Studies

police officers' awareness, understanding, and application of the Nigeria Police Act, 2020. By integrating doctrinal and empirical research methodologies, this study aims to provide a comprehensive analysis of the Nigeria Police Act, 2020. The doctrinal approach will elucidate the legislative intentions behind the Act, while the empirical approach will offer practical insights into its implementation. Together, these methodologies will contribute to a nuanced understanding of how legislative drafting can effectively communicate legislative intent and promote accountability, professionalism, and human rights in policing.

1.8. Chapter Analysis

This research is organized into five detailed chapters. The initial chapter offers a broad introduction and addresses foundational aspects, including the research background, the articulation of the research problem, research questions, aims and objectives, the scope and limitations of the study, the significance of the research, the methodology utilized, and an overview of the subsequent chapters.

The second chapter begins with a review of existing literature, followed by an investigation into the concept of legislative intent, its definition, and its importance in the lawmaking and judicial interpretation processes. It also scrutinizes the legislative drafting process, particularly in relation to the Nigeria Police Act of 2020, and discusses the challenges faced during legislative drafting. Furthermore, this chapter explores how courts interpret the legislative intent of the Nigeria Police Act, 2020.

Chapter three examines the historical context and legislative intent of the Nigeria Police Act, 2020. It provides a historical perspective on police laws in Nigeria, evaluating prior police legislation and the need for reform that led to the enactment of the 2020 Act. This chapter also investigates the legislative intent behind the Nigeria Police Act, 2020, emphasizing key

provisions and objectives, as well as the contributions of stakeholders, including the police, civil society, and legal professionals in shaping this legislative intent.

The fourth chapter focuses on the challenges related to the implementation of the Nigeria Police Act, 2020, analyzing the gaps between legislative intent and actual execution, along with the function of oversight mechanisms.

Lastly, chapter five concludes with a summary of findings and recommendations, encapsulating the insights gained and proposing suggestions for legislative drafting and police reform.

CHAPTER TWO

CONCEPTUAL CLARIFICATIONS, THEORETICAL FRAMEWORK AND LITERATURE REVIEW

Comprehending and interpreting legislation requires a solid understanding of essential legal principles, especially in situations where statutory language is ambiguous or subject to various interpretations. In these instances, the judiciary frequently examines the text in conjunction with the legislative intent—the fundamental aim or goal that lawmakers intended to accomplish. This section offers a conceptual basis for analyzing statutory interpretation and legislative drafting, particularly in relation to the Nigeria Police Act, 2020. By elucidating key concepts such as legislative intent, statutory interpretation, and the rule of law, and by incorporating theoretical perspectives and existing literature, this review seeks to provide a strong foundation for assessing how legal texts are formulated and interpreted in practice.

2.1 Conceptual Clarification.

The section titled outlines and defines key concepts central to the analysis of legislative drafting and the Nigeria Police Act, 2020. It focuses on clarifying the meaning of legislative intent, statutory interpretation, rule of law, and other related legal terms.

2.1.1. Legislative Intent; Legislative intent refers to the primary goals and objectives that lawmakers aim to achieve when drafting and enacting a law. Understanding the legislative intent is crucial for interpreting legal texts, especially in cases where the language of the statute is ambiguous. The document discusses the importance of analyzing the context, history, and discussions surrounding the enactment of laws to uncover legislative intent. According to Usman and Akinde,¹² Legislative intent refers to the analytical approach employed by courts to examine the historical documents created during the legislative deliberation of a statute, whether at the state or federal level. When the interpretation of a legislative measure is contested in a legal case, courts typically turn to the Rules of Statutory Interpretation to ascertain the appropriate application of the statutory language to the specific circumstances. In many jurisdictions, it is a well-established principle of statutory construction that courts should adopt the interpretation that most effectively fulfills the Legislature's intended purpose. Nourse¹³ also ascertained that the Legislature's intent, the Court investigates the issues that prompted the Legislature to consider the bill, the public policy concerns associated with those issues, and the drafting solutions that were proposed during the legislative process.

According to Manning,¹⁴ The courts rely on legislative documents produced before, during, and occasionally immediately after the bill's progression through the legislative process to aid in this

¹² Ibrahim, Usman, and Zainab Akinde. "Purposive Approach to Statutory Interpretation: Comparative Analysis and Impact on Nigerian Legislative Drafting." *Journal of Commercial and Property Law* 11.1 (2024): 49-62.

¹³ Nourse, Victoria F. "A decision theory of statutory interpretation: legislative history by the rules." *Yale LJ* 122 (2012): 70.

¹⁴ Manning, John F. "Textualism and legislative intent." *Va. L. Rev.* 91 (2005): 419

determination. Legislative intent refers to the fundamental objective that a specific law aims to achieve. When examining a legislative document, it is essential to question, "What motivated the enactment of this law? What objectives were intended?" A lack of clarity regarding these inquiries may hinder your comprehension of the law's original purpose.

To establish legislative intent, it is important to analyze the context of the bill and the discussions that surrounded it. Additionally, reviewing the history of the bill and the statements made by lawmakers during the deliberations is crucial. It is important to recognize that legislative intent is not readily apparent.

Also, Eskridge, Williams and Philip¹⁵ concluded that, gaining a comprehensive understanding of it requires time and experience. Reflecting on the following questions can assist in uncovering legislative intent. By mastering the art of inquiry, you will be able to identify legislative intent with expertise. What purpose does the law fulfill? What discussions took place regarding the law? Who were the proponents and opponents of the law? Who authored the bill? What were the supporting and opposing arguments related to the bill? Legislative intent pertains to the primary goal that a particular law seeks to fulfill. When analyzing a legislative document, it is vital to consider questions such as, "What prompted the creation of this law? What goals were envisioned?" Insufficient clarity on these matters may impede your understanding of the law's initial purpose.¹⁶ According to Andrei Marmor,¹⁷ the essence of the law is essentially equivalent to the information conveyed by the appropriate legal authority. When discussing the content of the law, we refer to the rights and obligations it encompasses. If legislative statements influence the content of the law, it is due to the role ascribed to them by legal theory, similar to the assertion, "I assure you that I

¹⁵ Eskridge Jr, William N., and Philip P. Frickey. "Statutory interpretation as practical reasoning." *Stanford Law Review* (1990): 321-384.

¹⁶ Eskridge Jr, William N., and Philip P. Frickey. "Statutory interpretation as practical reasoning." *Stanford Law Review* (1990): 321-384.

¹⁷Marmor, Andrei. "The rule of law and its limits." *Law & Phil.* 23 (2004): 1.

will establish moral rights and duties to the extent that the theory of promising dictates. “The moralized perspective asserts that to assess the impact of a statute on the legal framework, one must evaluate how that statute has influenced the prevailing moral conditions. It is important to note that the factualist does not refute this assertion. The moralist might even concur with the factualist in acknowledging that the legislature possesses significant normative authority to shape the law's content through its legislative choices. Similar to the factualist, the moralist is also tasked with elucidating why there is no consensus on the necessity of a basic income for all, and conversely, why it would be profoundly significant if Parliament were to enact such a decision. In this regard, the two perspectives appear to complement each other. However, in contrast to its counterpart, the moralized perspective asserts that the interpretation of legislative intent does not occur in two separate phases. It specifically refutes the notion that morality is relevant solely for establishing the lawmaking authority of the legislature. Instead, it posits that morality may continue to play a crucial role in shaping our legal rights and obligations, even after a statute has been enacted. This highlights a significant divergence between the two viewpoints. The factualist argues that, at this stage, the legal interpretation of a statute is determined exclusively by the factual elements concerning the individual and collective intentions of the legislators, the text of the statute itself, and potentially the context surrounding its enactment. These can be referred to as descriptive facts. Conversely, the moralist maintains that descriptive facts do not encompass the entirety of legislative intent.

Preston¹⁸ believes that, Legislative intent is influenced not only by the explicit statements of the legislature but also by moral considerations that extend beyond mere declarations. These considerations pertain to the appropriate use of the authority granted to the legislature.

¹⁸ Preston, Noel. "Legislative Ethics: Challenges and Prospects." *Ethics and Political Practice* (2012): 143-152.

Consequently, they may not align with the actual words or intentions expressed by the legislature. In conclusion, this perspective suggests that the legal meaning of a statute is shaped by legislative intent, which integrates factual elements regarding the text and intentions alongside moral considerations that guide the legislature in modifying the framework of our legal rights and obligations.¹⁹

2.1.2. Legislative Drafting; this concept involves the process of converting policy decisions into enforceable legal documents. It is described as a specialized skill that requires clarity, precision, and alignment with legal norms. Effective legislative drafting ensures that the intended meaning of the law is communicated clearly to prevent ambiguity and misinterpretation. The foundations of legislative drafting can be traced to the seminal contributions of Jeremy Bentham, which supports modern theories in this discipline. Legislative drafting is a multifaceted skill that requires the ability to express the ideas of others in a manner that is both succinct and comprehensible, while also addressing the inherent complexities of such expression.²⁰ Legislative drafting according to Xanthaki,²¹ is the process of transforming policy ideas and decisions into legally binding texts, such as laws, regulations, and statutory instruments. This process is fundamental to lawmaking and plays a crucial role in creating a framework that governs social, economic, and political activities within a jurisdiction. Legislative drafting requires a careful balance between technical legal accuracy and clarity to ensure that the drafted law effectively communicates the intentions of the legislature.

¹⁹ Cohn, Ellen S., et al. "An integrated model of legal and moral reasoning and rule-violating behavior: The role of legal attitudes." *Law and human behavior* 34.4 (2010): 295.

²⁰ Schofield, Philip. "The legal and political legacy of Jeremy Bentham." *Annual Review of Law and Social Science* 9.1 (2013): 51-70.

²¹ Xanthaki, Helen (2014). *Drafting Legislation: Art and Technology of Rules for Regulation*. Hart Publishing. This book offers practical guidance on legislative drafting as both a technical process and a creative art.

At its core, Bentham²² said legislative drafting is about shaping rules and regulations in a way that is both enforceable and understandable. It involves meticulous attention to detail, as drafters must ensure that legal provisions align with constitutional requirements, do not contradict existing laws, and address the specific issues policymakers aim to resolve. Legislative drafting also requires creativity, as drafters often need to translate abstract policy goals into concrete, actionable provisions while maintaining flexibility for future developments. The drafting process typically starts when policymakers or government officials outline the objectives of a proposed law. Legislative drafters, often lawyers with specialized training, then convert these objectives into legal language, taking into account the relevant legal framework, historical context, and potential impact on stakeholders.²³ Also, according to Zander²⁴ Once the initial draft is prepared, it undergoes rounds of review and revision, where legal experts, legislators, and other stakeholders provide feedback to improve its precision and effectiveness. The final version of the draft law according to Bennion²⁵ is submitted to the legislative body (such as a parliament or congress) for debate, amendment, and approval. After it is enacted, the law becomes part of the legal system and may be subject to interpretation by the courts to resolve any ambiguities or disputes. The quality of legislative drafting directly influences the clarity, enforceability, and fairness of laws, which in turn affects public confidence in the legal system. Effective legislative drafting is guided by several key principles, including:

²² Bentham, Jeremy (1843). *A General View of a Complete Code of Laws*. Bentham's work laid the groundwork for modern legislative drafting, emphasizing clarity and precision.

²³ Thring, Henry (1877). *Practical Legislation: The Composition and Language of Acts of Parliament*. A classic guide on legislative drafting, offering practical advice on structure, clarity, and brevity in legal texts.

²⁴ Zander, Michael (2015). *The Law-Making Process* (7th Edition). Cambridge University Press. This book provides an in-depth examination of legislative drafting, the lawmaking process, and statutory interpretation.

²⁵ Bennion, F. A. R. (2017). *Bennion on Statutory Interpretation: A Code*. A foundational text on legislative drafting and statutory interpretation, discussing legal clarity and the relationship between drafting and judicial interpretation.

- i. It should be created by an individual with a fundamental understanding of legal principles.
- ii. A proficient command of the English language, or the pertinent language in which the legislation is drafted, is necessary, as illustrated by Indian drafts that are rendered into English.
- iii. The draftsman must demonstrate the requisite skills and competence for the task, along with creativity and substantial experience in this field.

In the words of Tonye,²⁶ It is widely acknowledged that in the realm of legislative drafting, the primary criterion for assessing the quality of Bills and legislation is "effectiveness." In this context, "effectiveness" refers to the ability of the legislation to “implement sufficient mechanisms that yield the intended regulatory outcomes”. C.K. Allen²⁷ suggests that achieving a flawless draft is unattainable, viewing it as merely an ideal. He articulates this notion by stating, "To demand perfection of expression and sense is to expect infallibility, not only of human foresight but also of human language, and the fact that it is unattainable is one of the serious drawbacks of Statute Law.” Nevertheless, it is imperative for the draftsman to strive to minimize uncertainties, ambiguities, and errors to a manageable level. The drafting principles referred to by Zamboni pertain to the internal quality of legislation, encompassing its technical and drafting attributes. These principles have been articulated by drafters based on their personal experiences, with the notable exception of Xanthaki, whose principles are rooted in the functional rationale that legislation serves to facilitate social change.²⁸ Henry Thring, the first Parliamentary Counsel in the UK, offered significant guidance to legislative drafters in his seminal work, *Practical*

²⁶ Dr. Tonye Clinton Jaja, "Strategies for Improvement of the Quality of Bills and Legislative Drafting in Nigeria”

²⁷ Dr. C.K. Allen, ‘Law in the making’ 484 (1964).

²⁸ Xanthaki, Helen. "Legislative reform in the EU—the role of drafting in legislative quality." *Study for the JURI committee of the European Parliament, IP/C/JURI/IC/2023-044, Faculty of Laws University College London Law Research Paper 02* (2024).

Legislation.²⁹ True to its title, Thring's text adopts a practical approach, offering specific drafting advice rather than delving into abstract principles. While he does not explicitly outline a theoretical framework, a close examination of his detailed recommendations allows key drafting priorities to be inferred. According to Thring, effective legislation should adhere to principles of conciseness, clarity, brevity, and uniformity.³⁰ Thring emphasizes the critical importance of precision, approvingly quoting Mr. Justice Stephen: "It is not enough that the law be framed with a level of precision comprehensible to the well-intentioned reader; it must be precise enough to withstand misinterpretation by a reader with dishonest intentions".³¹ In addition to this emphasis on clarity and precision, Thring offers several practical recommendations to guide legislative drafters in structuring laws effectively:

- Distinguishing legal provisions from administrative ones: Thring advises separating substantive provisions, which establish legal rights and obligations, from administrative provisions, which outline implementation mechanisms.³²
- Sequencing provisions by complexity: He recommends placing simpler, foundational provisions before those addressing more intricate issues, thereby enhancing accessibility and logical flow.³³

²⁹ Thring, H. (1877). *Practical Legislation: The Composition and Language of Acts of Parliament and Business Documents*. London: Macmillan & Co.

³⁰ Thring, H. (1877) p2. *Practical Legislation: The Composition and Language of Acts of Parliament and Business Documents*. London: Macmillan & Co.

³¹ Thring, H. (1877) p3. *Practical Legislation: The Composition and Language of Acts of Parliament and Business Documents*. London: Macmillan & Co.

³² Thring, H. (1877) (pp16-18). *Practical Legislation: The Composition and Language of Acts of Parliament and Business Documents*. London: Macmillan & Co.

³³ Thring, H. (1877) (p19). *Practical Legislation: The Composition and Language of Acts of Parliament and Business Documents*. London: Macmillan & Co.

- Differentiating between principal and subordinate provisions: Thring emphasizes that core provisions should be distinguishable from subordinate or ancillary ones to avoid confusion.³⁴
- Isolating local or temporary provisions: He advises that any local or time-limited provisions should be segregated and placed toward the end of the legislation.³⁵
- Using schedules for procedural details: Thring suggests including procedural aspects and specific details in a schedule, which helps keep the main body of the statute concise and easier to navigate.³⁶

Legislative drafting principles can be summarized briefly: initially, determine the message you wish to convey, and subsequently, articulate it. Furthermore, legislation must be characterized by precision, clarity, and simplicity. In this regard, it is essential to consider the intended audience, employ concise sentences, frame statements positively rather than negatively, and utilize active voice instead of passive voice.

In summary, a lawyer without practical experience is not adequately prepared to undertake legislative drafting. Consequently, it is imperative to provide training for lawyers in this domain, as legislative drafting markedly differs from traditional legal writing. A basic comprehension of legal writing is inadequate without an understanding of the intricacies involved in legislative drafting. This field is often described as both an 'art' and a 'profession.' Legislative drafting demands a thorough grasp of the language, its grammatical structure, and the specific technical requirements related to the format of legislation. It is crucial to carry out this work in a non-partisan

³⁴ ³⁴ Thring, H. (1877) p3. *Practical Legislation: The Composition and Language of Acts of Parliament and Business Documents*. London: Macmillan & Co.

³⁵ Thring, H. (1877) (p24). *Practical Legislation: The Composition and Language of Acts of Parliament and Business Documents*. London: Macmillan & Co.

³⁶ Thring, H. (1877) (pp25-26). *Practical Legislation: The Composition and Language of Acts of Parliament and Business Documents*. London: Macmillan & Co.

manner, steering clear of any political disputes. Once the draft is finalized and presented to the government or legislative assembly, the draftsman loses authority over the document. This is because legislators, advisors, and members of the public may significantly influence the draft through various additions, alterations, or even complete replacements of numerous components.³⁷

2.1.3. Judicial Interpretation; Judicial interpretation refers to the process by which courts interpret and apply legislation and the Constitution in specific cases. Since legal texts can sometimes be ambiguous, incomplete, or open to different understandings, judges often play a crucial role in clarifying their meaning. Judicial interpretation ensures that laws remain relevant, adaptable, and aligned with evolving societal values and practical realities. This process encompasses various methods and approaches, which can differ depending on the jurisdiction, the type of law under consideration, and the judicial philosophy of the judges involved. Below is a detailed discussion of key principles, approaches, and types of judicial interpretation, supported by relevant case law, legal theories, and scholarly references. Judicial interpretation helps to bridge the gap between the laws as it is written (the *lex scripta*) and the law as it is applied in practice. It ensures that legal provisions are not only understood but also enforced in a way that aligns with legislative intent, constitutional principles, and the broader objectives of justice. Legal theorist Ronald Dworkin,³⁸ argues that judicial interpretation is not merely about following rules but also about exercising judicial discretion within a framework of principles that reflect fairness and integrity. Courts must strike a balance between adhering to the text of the law and considering broader normative goals. Judicial interpretation generally follows several well-established approaches, each with its strengths, limitations, and underlying philosophies:

³⁷ Viswanathan, T.K. “legislative drafting - shaping the law for the New Millennium”, Indian Law Institute p. 91 (2007)

³⁸ Dworkin, R. (1986). *Law’s Empire*. Harvard University Press.

a) Literal or Textual interpretation

Under this approach, judges focus on the plain, ordinary meaning of the statutory text. This method is based on the assumption that the legislature's intent is best reflected in the words it has chosen. In the case of *Whiteley v. Chappell*,³⁹ is a classic illustration of literal interpretation. The defendant was charged under a statute prohibiting impersonating "any person entitled to vote." Since the person impersonated was deceased and thus not technically "entitled to vote," the court acquitted the defendant by adhering to the literal meaning of the statute.

b) Golden Rule

The golden rule modifies literal interpretation to avoid absurd or unjust outcomes. It allows judges to depart from the text's literal meaning if following it would lead to an illogical result. In *R v. Allen*,⁴⁰ the court interpreted the word "marry" in a statute prohibiting bigamy to mean "go through a marriage ceremony" rather than "legally marry." A literal interpretation would have made the law ineffective, as it is legally impossible to marry while already married.

c) Mischief Rule

The mischief rule, derived from *Heydon's Case*,⁴¹ directs judges to consider the "mischief" or problem the statute was intended to address. This approach focuses on the purpose of the law and aims to suppress the mischief and advance the remedy. In *Smith v. Hughes*,⁴² the court applied the mischief rule to interpret the Street Offences Act, which prohibited soliciting in public places. Even though the defendants were soliciting from balconies and

³⁹ *Whiteley v. Chappell* (1868) LR 4 QB 147

⁴⁰ *R v. Allen* (1872) LR 1 CCR 367.

⁴¹ *Heydon's Case* (1584) 76 ER 637

⁴² *Smith v. Hughes* [1960] 1 WLR 830.

windows rather than on the street itself, the court ruled that their actions fell within the mischief the statute sought to prevent.

d) Purposive Approach

The purposive approach is broader than the mischief rule. It requires judges to interpret legislation in light of its overall purpose, often by examining legislative history, explanatory notes, and other contextual materials. The UK House of Lords applied the purposive approach in *Pepper (Inspector of Taxes) v. Hart*,⁴³ holding that courts could refer to Hansard (parliamentary debates) to resolve ambiguity in statutes, thus clarifying legislative intent.

Judicial interpretation is closely tied to the doctrine of *stare decisis*, which means “to stand by things decided.” Courts often rely on judicial precedents when interpreting statutes and constitutional provisions. *Donoghue v. Stevenson*⁴⁴ established the principle of duty of care in negligence law, profoundly influencing subsequent judicial interpretations of tort law. Judicial interpretation is not without controversy. Critics argue that certain interpretive approaches, such as purposivism and the living Constitution theory, give judges too much discretion, potentially allowing them to overstep their role and engage in judicial activism. Others caution against rigid adherence to literal or originalist approaches, which may prevent the law from adapting to new social realities. Legal scholar H.L.A. Hart,⁴⁵ famously distinguished between the “cores” and “penumbra” of legal rules, arguing that judicial interpretation is inevitable in cases where the law’s meaning is uncertain or contested. Judicial interpretation plays a critical role in shaping the practical application of the law. By employing various interpretive methods, judges ensure that

⁴³ *Pepper (Inspector of Taxes) v. Hart* [1993] AC 593.

⁴⁴ *Donoghue v. Stevenson* [1932] AC 562

⁴⁵ Hart, H.L.A. (1961). *The Concept of Law*. Oxford University Press.

legal texts remain coherent, just, and relevant. Whether through textual analysis, purposive reasoning, or constitutional interpretation, judicial interpretation helps maintain the balance between legislative intent, legal certainty, and societal progress.

2.1.4. Rule of Law; the rule of law is a foundational principle of democratic governance and legal order, signifying the supremacy of law over arbitrary power. It holds that every individual, institution, and government is subject to and accountable under the law, which must be fairly applied and enforced. The concept, which has ancient roots and modern relevance, ensures that power is exercised according to established legal principles rather than personal discretion. In Nigeria, the rule of law has been pivotal in shaping the country's legal and constitutional framework, though challenges have abounded, particularly with respect to judicial independence, enforcement of human rights, and accountability of public officials. The modern concept of the rule of law was popularized by legal philosopher A.V. Dicey⁴⁶ in his seminal work identified three key principles that supports the rule of law:

- **Supremacy of Law:** The law must be supreme, and no person, regardless of status or position, is above the law.
- **Equality before the Law:** All individuals must be treated equally before the law, without discrimination.
- **Predominance of Legal Rights:** The rule of law emphasizes the protection of individual rights through the courts.

Dicey's formulation has influenced legal systems worldwide, including Nigeria's, though critics argue that it overlooks the role of socio-economic inequality and administrative law. In addition

⁴⁶ Dicey, A.V. (1885). *Introduction to the Study of the Law of the Constitution*. London: Macmillan.

to Dicey's conception, theorists like Joseph Raz⁴⁷ and Lon Fuller⁴⁸ have expanded on the rule of law by emphasizing procedural justice, legal predictability, and moral accountability. Nigeria's legal system, rooted in common law traditions, explicitly recognizes the rule of law as a guiding constitutional principle. The Nigerian Constitution⁴⁹ underscores the supremacy of the law in Section 1(1), which declares that the Constitution is the highest law of the land, and any law or action inconsistent with it is void. Despite these formal guarantees, the practical enforcement of the rule of law in Nigeria has faced numerous challenges, including executive overreach, judicial interference, corruption, and police brutality. Nevertheless, the Nigerian judiciary has, in several landmark cases, upheld the rule of law and restrained unconstitutional actions by the executive and other organs of government.

a) Supremacy of Law

The principle that no one is above the law has been affirmed in cases where courts have checked executive impunity. In a decided case of *A.G. Lagos State v. A.G. Federation*⁵⁰ In this case, the Supreme Court ruled that the President of Nigeria lacked the power to withhold funds legally allocated to the Lagos State government. This decision reinforced the constitutional principle of separation of powers and affirmed the supremacy of the Constitution over executive discretion.

b) Judicial Independence and Human Rights.

The rule of law also demands an independent judiciary capable of enforcing human rights and protecting citizens from abuses of power. *Gani Fawehinmi v. Abacha*⁵¹

⁴⁷ Raz, J. (1979). *The Authority of Law: Essays on Law and Morality*. Oxford: Clarendon Press.

⁴⁸ Fuller, L. (1964). *The Morality of Law*. Yale University Press.

⁴⁹ 1999 Constitution of the Federal Republic Of Nigeria (as amended)

⁵⁰ *A.G. Lagos State v. A.G. Federation* (2003) 12 NWLR (Pt. 833) 1.

⁵¹ *Gani Fawehinmi v. Abacha* (1996) 9 NWLR (Pt. 475) 710.

In this landmark case, human rights activist Gani Fawehinmi challenged his unlawful detention by the military government. The court upheld his right to personal liberty and condemned the arbitrary detention, emphasizing that even during military rule, the fundamental rights guaranteed by the Constitution must be respected.

c) Equality before the law

The rule of law requires that all individuals, regardless of their position, are subject to the same laws. This principle has been invoked to challenge abuses of power by public officials. *FRN v. Dariye*⁵² In this case, the former governor of Plateau State, Joshua Dariye, was prosecuted and convicted for corruption and misappropriation of public funds. The conviction signaled progress toward holding powerful individuals accountable and reinforced the notion that no one is above the law.

Despite the constitutional entrenchment of the rule of law, its effective implementation in Nigeria faces several challenges;

- Executive overreach and disobedience to court orders

One of the major threats to the rule of law in Nigeria is the frequent disobedience of court orders by the executive. High-profile cases include the continued detention of individuals despite court orders granting them bail, such as the cases of Sheikh Ibrahim El-Zakzaky and Omoyele Sowore.

- Corruption in the judiciary

⁵² *FRN v. Dariye* (2015) LPELR-41793(CA).

Judicial corruption undermines the impartiality and credibility of the judiciary, eroding public confidence in the rule of law. Instances of bribery, delayed judgments, and political interference have hindered justice delivery.

- Police brutality and abuse of power

The #EndSARS protests in 2020 highlighted the widespread abuse of power by the Nigerian police, particularly the Special Anti-Robbery Squad (SARS), which was accused of extrajudicial killings, torture, and unlawful arrests. The protests underscored the need for accountability and systemic reform to uphold the rule of law.

- Socio-Economic Inequality

The rule of law is also weakened by socio-economic inequality, which limits access to justice for marginalized groups. Many Nigerians cannot afford legal representation, and legal aid services remain underfunded and inadequate.

However, to enhance the rule of law in Nigeria, several reforms are necessary which may include:

- **Judicial Reforms:** Strengthening judicial independence, increasing funding for the judiciary, and implementing mechanisms to curb corruption.
- **Accountability Mechanisms:** Ensuring that public officials who disobey court orders or violate citizens' rights are held accountable.
- **Police Reforms:** Training law enforcement officers on human rights, enhancing oversight mechanisms, and addressing police brutality.
- **Access to Justice:** Expanding legal aid services to improve access to justice for vulnerable and disadvantaged populations.

In conclusion, the rule of law remains a cornerstone of Nigeria's legal and democratic framework, though its effective implementation requires ongoing commitment and reform. By upholding judicial independence, enforcing accountability, and addressing systemic challenges, Nigeria can strengthen the rule of law and ensure that it serves as a true safeguard of justice, equality, and human dignity.

These clarifications are essential in understanding the broader discussions in the dissertation, which revolve around evaluating whether the Nigeria Police Act, 2020, effectively reflects legislative intent and aligns with constitutional and international standards.

2.3.Theoretical Framework.

This theoretical framework offers a comprehensive and multidimensional approach to evaluating legislative intent, legislative drafting, rule of law and judicial interpretation within the context of the Nigeria Police Act, 2020. By integrating governance theory, legislative drafting theory, reform theory, rule of law theory, and textual theory, the framework seeks to assess how effectively the Act reflects the lawmakers' intentions and whether it promotes accountability, professionalism, and respect for human rights in Nigeria's policing system. Each theory adds a unique dimension to the analysis, strengthening the understanding of how effective legislation can improve police governance and contribute to Nigeria's democratic development.

Governance theory emphasizes transparency, accountability, public participation, and adherence to human rights as central pillars of good governance.⁵³ Within this framework, the Nigeria Police Act, 2020 can be evaluated based on whether it strengthens public trust, enhances police accountability, and upholds constitutional and international human rights standards. Key aspects

⁵³ United Nations Development Programme (UNDP) (1997). *Governance for Sustainable Human Development: A UNDP Policy Document*.

of governance theory, such as participatory lawmaking and citizen oversight, are critical in assessing whether the legislative process and content reflect societal needs and aspirations. The provisions in the Act that establish mechanisms for citizen oversight of police conduct and encourage community policing align with the UNODC (2011) guidelines on police accountability and integrity.⁵⁴

Legislative drafting theory underscores the importance of clarity, precision, and alignment with legislative intent.⁵⁵ This theory draws on the works of early legislative drafters such as Jeremy Bentham and Henry Thring. Bentham⁵⁶ advocated for codified laws that are clear, concise, and accessible to the general public, while Thring⁵⁷ emphasized practical techniques for drafting laws that effectively communicate legislative objectives. Applying this theory, the framework evaluates whether the Nigeria Police Act, 2020 achieves the legislative aims of modernizing the police force, improving police welfare, and establishing oversight mechanisms. Key drafting principles include:

- **Clarity and Precision:** The Act should minimize ambiguity and ensure that key provisions, such as those relating to police accountability, are easily interpretable by law enforcement officers, the judiciary, and the public.
- **Hierarchy and Structure:** Provisions that establish the core legal framework should be distinguished from procedural or administrative provisions to ensure coherence and ease of application.⁵⁸

⁵⁴ United Nations Office on Drugs and Crime (UNODC) (2011). *Handbook on Police Accountability, Oversight, and Integrity*. Vienna: UNODC.

⁵⁵ Xanthaki, H. (2014). *Drafting Legislation: Art and Technology of Rules for Regulation*. London: Bloomsbury Professional.

⁵⁶ Bentham, J. (1843). *A Fragment on Government and an Introduction to the Principles of Morals and Legislation*. Oxford: Clarendon Press.

⁵⁷ Thring, H. (1877). *Practical Legislation: The Composition and Language of Acts of Parliament and Business Documents*. London: Butterworths.

⁵⁸ Thring, H. (1877). *Practical Legislation: The Composition and Language of Acts of Parliament and Business Documents*. London: Butterworths.

Reform theory emphasizes the importance of translating policy objectives into enforceable legal frameworks. This theory is particularly relevant in contexts where existing institutions, such as the Nigeria Police Force, require structural and operational reforms. Effective legal reform captures key objectives, such as professionalism, community policing, and police accountability, within the statutory provisions. The Nigeria Police Act, 2020 reflects these reform objectives by introducing modern policing principles, including the promotion of police professionalism, respect for human rights, and citizen involvement in policing (Nigeria Police Act, 2020). According to Amnesty International,⁵⁹ these reforms are essential in addressing systemic issues of police brutality, corruption, and abuse of power that have historically plagued the Nigerian policing system.

The rule of law is a cornerstone of democratic governance and is enshrined in Nigeria's legal framework through the Constitution of the Federal Republic of Nigeria, 1999 (as amended). A.V. Dicey,⁶⁰ one of the earliest proponents of the rule of law, identified key principles that remain relevant today:

- Supremacy of Law: No one, including the police, is above the law.
- Equality before the Law: All individuals, including law enforcement officers, must be treated equally under the law.
- Legal Certainty: Laws must be clear and predictable, ensuring that citizens and law enforcement officers understand their rights and obligations.

By incorporating rule of law theory, this framework evaluates whether the Nigeria Police Act, 2020 upholds constitutional safeguards, promotes equality before the law, and enhances accountability mechanisms. For example, the Act includes provisions aimed at curbing police misconduct and ensuring that officers who violate human rights are held accountable through

⁵⁹ Amnesty International (2020). Nigeria: Time to End Impunity—Accountability for Police Brutality in Nigeria.

⁶⁰ Dicey, A.V. (1885). Introduction to the Study of the Law of the Constitution. London: Macmillan.

transparent disciplinary processes. *Gani Fawehinmi v. Abacha*⁶¹ serves as a precedent for judicial enforcement of the rule of law, particularly in cases involving police misconduct and unlawful detention.

Textual theory focuses on the interpretation of statutory texts, emphasizing that the meaning of a law should be derived primarily from the text itself, with minimal reliance on external factors such as legislative history or intent.⁶² This approach is particularly relevant in assessing the Nigeria Police Act, 2020, as it seeks to ensure that the statutory language is clear, self-explanatory, and capable of guiding judicial interpretation and consistent application. Judicial interpretation plays a critical role in determining how courts apply the Act's provisions. For instance, if certain provisions are ambiguous, judges may rely on established principles of statutory interpretation to resolve any uncertainty. This reinforces the need for clarity and precision in legislative drafting, as emphasized by Thring⁶³ and Xanthaki.⁶⁴

To apply this Analytical tool for applying the framework to the Nigeria Police Act, 2020, the following analytical tools are employed:

- **Stakeholder Inclusivity:** Evaluates whether the legislative drafting process incorporated diverse perspectives, including civil society organizations, police unions, legal experts, and the public (UNODC, 2011).
- **Judicial Interpretation:** Examines how courts interpret and apply the Act's provisions, ensuring alignment with both the legislative intent and the principles of the rule of law.

⁶¹ *Gani Fawehinmi v. Abacha* (1996) 9 NWLR (Pt. 475) 710

⁶² Caldwell, J. (2010). *Understanding Legislation: A Practical Guide to Statutory Interpretation*. Oxford: Oxford University Press.

⁶³ Thring, H. (1877). *Practical Legislation: The Composition and Language of Acts of Parliament and Business Documents*. London: Butterworths.

⁶⁴ Xanthaki, H. (2014). *Drafting Legislation: Art and Technology of Rules for Regulation*. London: Bloomsbury Professional.

- **Legislative Impact Assessments:** Evaluates the practical implications of the Act on policing practices, police-community relations, and human rights protections.
- **Legislative Consistency:** Assesses whether the Act aligns with Nigeria's constitutional principles, international human rights standards, and best practices in police governance.

By integrating governance, legislative drafting, reform, rule of law, and textual theories, this theoretical framework provides a comprehensive lens for analyzing the Nigeria Police Act, 2020. It aims to strengthen the understanding of how effective legislative drafting can enhance governance, uphold the rule of law, and achieve meaningful police reforms that reflect societal needs and aspirations.

Literature Review

Legislative drafting plays an essential role in translating policy objectives into clear, coherent, and enforceable legal provisions. This process aims to reflect the intentions of lawmakers while ensuring that the resulting legislation is adaptable, interpretable, and aligned with constitutional and international standards. The Nigeria Police Act, 2020, which repealed and replaced the colonial-era Police Act of 1943, sought to reform policing in Nigeria by enhancing accountability, professionalism, and human rights compliance within the Nigerian Police Force (NPF). This literature review critically examines the concept of legislative intent, the principles of legislative drafting, statutory interpretation, and the practical challenges posed by the Nigeria Police Act, 2020, with reference to recent Nigerian judicial cases, academic perspectives, and international standards.

Legislative intent refers to the objectives, purposes, and policy goals that lawmakers seek to achieve through the enactment of a particular law. Ian McLeod⁶⁵ emphasizes that understanding legislative intent is essential for statutory interpretation, as it provides insight into the underlying purpose of specific provisions and guides judicial interpretations. The Nigeria Police Act, 2020, embodies legislative intentions aimed at reforming the Nigerian Police Force by addressing issues such as abuse of power, lack of accountability, and strained police-community relations. Section 1⁶⁶ clearly sets out the duty of the police to protect lives and property while respecting the constitutional rights of citizens. This reflects the legislative intent to foster accountability, professionalism, and respect for human rights. However, Radin⁶⁷ argues, discerning legislative intent can be challenging due to the complexities of the legislative process and the involvement of multiple actors with differing interests. In recent Nigerian case law, courts have grappled with the interpretation of key provisions in the Nigeria Police Act, 2020, to ensure that the legislative intent is upheld. In *Ebun-Olu Adegboruwa v. Inspector General of Police & Ors*,⁶⁸ the Court of Appeal examined the conduct of the police during the #EndSARS protests and emphasized that the exercise of police powers must align with the legislative intent of upholding citizens' constitutional rights to freedom of expression and peaceful assembly.

Effective legislative drafting requires precision, clarity, consistency, and foresight to ensure that laws can be properly interpreted and implemented. According to Omoregie,⁶⁹ legislative drafters must anticipate potential implementation challenges, ensure alignment with constitutional provisions, and address societal needs. The Nigeria Police Act, 2020 exemplifies these drafting

⁶⁵ McLeod, I. (2014). *The Idea of Legislative Intention*.

⁶⁶ *Nigeria Police Act, 2020*

⁶⁷ Radin, M. (1930). Legislative Intent and the Role of the Judiciary.

⁶⁸ *Ebun-Olu Adegboruwa v. Inspector General of Police & Ors (2020) LPELR-51806(CA)*.

⁶⁹ Omoregie, E. B. (2021). *Translating Policy to Law: Basic Guide in Legislative Drafting*.

principles, as it expands the legal framework governing the police from 69 sections in the previous Act to 145 sections, covering key areas such as community policing, police oversight, and the use of force. However, despite these improvements, certain ambiguities remain. For instance, Section 38,⁷⁰ which grants the police the power to arrest without a warrant under specific circumstances, has been criticized for its potential to be misused and lead to arbitrary arrests. In *Inspector General of Police v. Ezeh*⁷¹ the Court of Appeal interpreted Section 38⁷² and emphasized that the exercise of police powers must be guided by principles of proportionality, accountability, and respect for human rights, reflecting the legislative intent of preventing abuse. Similarly, in *Mohammed v. Commissioner of Police*,⁷³ the court addressed the issue of unlawful detention and reaffirmed that the Nigeria Police Act, 2020 seeks to safeguard citizens' rights by mandating the prompt arraignment of suspects and prohibiting prolonged detention without trial. The court's decision underscores the importance of judicial oversight in ensuring that legislative intent is not undermined by improper implementation.

Statutory interpretation plays a crucial role in ensuring that legislative intent is reflected in the application of the law. Nigerian courts have traditionally employed various rules of statutory interpretation, including the literal rule, the golden rule, and the mischief rule, to clarify legislative provisions and resolve ambiguities. Recent cases have highlighted the challenges and opportunities associated with interpreting the Nigeria Police Act, 2020 in line with its legislative intent. In *Femi Falana v. Inspector General of Police*,⁷⁴ the Court of Appeal addressed the interpretation of provisions related to police oversight and accountability. The case arose from a challenge to the

⁷⁰ *Nigeria Police Act, 2020*

⁷¹ *Inspector General of Police v. Ezeh* (2021) LPELR-56325(CA).

⁷² *Nigeria Police Act, 2020*

⁷³ *Mohammed v. Commissioner of Police* (2021) 14 NWLR (Pt. 1796) 53

⁷⁴ *Femi Falana v. Inspector General of Police* (2021) LPELR-57299(CA)

police's failure to establish functional police complaint mechanisms as mandated by the Act. The court emphasized that legislative intent must guide the implementation of oversight provisions to promote transparency and accountability within the police force. Additionally, in *Adebayo v. State*,⁷⁵ the Supreme Court underscored the importance of respecting legislative intent when interpreting provisions related to the rights of suspects and the admissibility of confessional statements. The court held that the provisions of the Nigeria Police Act, 2020 must be interpreted in a manner that safeguards the constitutional rights of suspects and prevents police misconduct.

The Nigeria Police Act, 2020 seeks to align policing practices in Nigeria with international human rights standards. Nigeria is a signatory to several international treaties, including the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the Code of Conduct for Law Enforcement Officials (CCLEO). These treaties emphasize accountability, transparency, and respect for human rights in law enforcement. Despite these legal commitments, the implementation of police reforms in Nigeria has been hindered by structural and institutional challenges. Daddie et al.⁷⁶ argue that while the Act represents a step in the right direction, its success depends on effective implementation, judicial oversight, and continuous engagement with key stakeholders, including civil society organizations, law enforcement agencies, and the general public.

The Nigeria Police Act, 2020 presents both challenges and opportunities for police reform in Nigeria. On the one hand, the Act introduces important provisions aimed at enhancing police professionalism, promoting transparency, and strengthening accountability. On the other hand, ambiguities, institutional weaknesses, and competing interpretations of legislative intent pose

⁷⁵ *Adebayo v. State* (2022) 3 NWLR (Pt. 1826) 1

⁷⁶ Daddie, J. A., et al. (2021). *The Nigerian Police Act, 2020: Emerging Challenges and Opportunities*.

significant challenges to its effective implementation. Addressing these challenges requires sustained efforts to improve legislative drafting practices, strengthen oversight mechanisms, and enhance judicial interpretation. As McLeod⁷⁷ argues, a clear understanding of legislative intent is essential for ensuring that laws are interpreted and implemented in line with their underlying policy objectives. This is particularly important in the context of police reform, where the stakes are high, and the potential for abuse is significant.

In conclusion, reflecting legislative intentions in legislative drafting is a complex and dynamic process that requires careful balancing of competing interests, policy objectives, and legal principles. The Nigeria Police Act, 2020 represents a significant legislative reform aimed at addressing longstanding challenges within Nigeria's policing system. However, achieving the legislative intent of promoting accountability, professionalism, and human rights requires effective implementation, judicial oversight, and continuous engagement with relevant stakeholders. Recent judicial cases and academic scholarship highlight the importance of clear legislative drafting, robust oversight mechanisms, and flexible statutory interpretation in ensuring the success of police reforms in Nigeria.

⁷⁷ McLeod, I. (2014). *The Idea of Legislative Intention*.

CHAPTER THREE
HISTORICAL CONTEXT AND LEGISLATIVE INTENT OF THE NIGERIA POLICE
ACT, 2020

The Nigeria Police Act of 2020 marks an essential achievement in the nation's legal and institutional reform initiatives, signifying a conscious effort to modernize and realign the Nigerian Police Force with current democratic principles and human rights standards. To fully understand the purpose and consequences of this legislative change, it is crucial to analyze the historical development of police legislation in Nigeria. The evolution of police laws, from their colonial beginnings to post-independence reforms, reflects the wider political and social changes within the country. This section delves into the historical background that influenced Nigeria's policing structure, highlighting the colonial roots, institutional progress, and legislative achievements that led to the passage of the 2020 Act.

3.1. Historical Overview of Police Legislation in Nigeria

The development of police legislation in Nigeria has been significantly influenced by the nation's colonial history, its journey to independence, and the subsequent transformation of its law enforcement framework in the years following independence.⁷⁸ Presented below is a historical summary of police legislation in Nigeria:

3.1.1 Colonial Era and the Police Legislation in Nigeria (Pre-1960)

The origins of the Nigerian police force can be traced to the colonial period under British rule. The police system during this time was largely shaped by the British colonial administration and was meant to maintain law and order in the colonies, often with the primary goal of protecting colonial interests.⁷⁹

- A. The Lagos Police Ordinance (1861): The formal beginning of policing in Nigeria was the formation of a police force in Lagos, the capital of the colony, under the Lagos Police Ordinance of 1861. This was created to address growing concerns over crime and public order in the Lagos Colony.
- B. The Constabulary (1879): The British colonial government also set up a "Constabulary" in various regions to help enforce law and order. The Constabulary system was modeled after the British police and primarily used for military-style enforcement of colonial authority. It was also used to suppress local uprisings and revolts.
- C. The Native Authority Police (1900-1930s): The establishment of the Native Authority Police (NAP) occurred in the early 20th century. This police force was set up in various

⁷⁸ Oni, Olaoluwa Folasade. "Understanding the Failure of Police Reform in Nigeria: A Case for Legal History Through Literature." (2022).

⁷⁹ Tongs, Lucky A., Omololu Fagbadebo, and Mojeed Olujinmi A. Alabi. "The Historical Overview of the Evolution of the Legislature in Nigeria." *The Legislature in Nigeria's Presidential Democracy of the Fourth Republic: Power, Process, and Development*. Cham: Springer International Publishing, 2023. 21-37.

parts of Nigeria to serve the interests of the local rulers and maintain order in rural areas. They were subordinate to the central government and often had limited jurisdiction.

D. The Nigerian Police Force (1930): A significant step in the development of police legislation was the creation of the Nigerian Police Force in 1930 under the Nigerian Police Act. The Act established a formal, centralized police force that was responsible for the maintenance of law and order across the entire country. It replaced the existing constabulary system and expanded the scope of policing across both urban and rural areas.⁸⁰

i. Post-Independence Era (1960-1970s)

Following Nigeria's attainment of independence in 1960, the Nigerian Police Force persisted in working within the parameters of the British colonial legal framework. Nevertheless, substantial reforms were implemented as the newly established government aimed to modernize the nation and tackle the evolving security issues.⁸¹

A. The Police Act of 1967: This Act was one of the most significant pieces of police legislation after independence. It provided the legal foundation for the structure, duties, and responsibilities of the Nigerian Police Force. The Act also expanded the police's authority and defined its role in maintaining internal security, in line with the broader goals of post-colonial nation-building.

B. The Role of the Police during Military Regimes (1966-1999): Throughout Nigeria's military regimes (1966-1999), the police often had to adapt to shifting power dynamics. Under military rule, police forces were often used to suppress dissent, enforce curfews, and

⁸⁰ *ibid*

⁸¹ Nwocha, Matthew Enya, and Friday Linus Nwuhuo. "Enforcement of law: Review powers and challenges of the police in Nigeria." *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 15.1 (2024): 73-83.

manage political instability. These changes were reflected in legislation and the role of the police in governance.

ii. Colonial Era and the Police Act of 1943

The Police Act of 1943 marked a significant turning point in the evolution of law enforcement in Nigeria. Although it aimed to establish a more structured and professional police force, its legacy is closely associated with colonial dominance and oppression.⁸² The centralization and standardization introduced by the Act were crucial for the future advancement of the police, yet the force continued to serve as a tool of British governance until Nigeria achieved independence in 1960. The policing framework created under this legislation would subsequently encounter the difficulties of post-colonial reform as the nation endeavored to align its law enforcement practices with democratic principles and the safeguarding of human rights.

The Police Act of 1943 was a significant piece of legislation that restructured and formalized the Nigerian Police Force. This Act played a crucial role in transforming the police force from a tool of colonial repression to a more formalized, centralized force under the control of the colonial government. Key features of the Police Act of 1943 included:

- A. Creation of the Nigerian Police Force: Prior to 1943, policing was carried out by a combination of colonial constabularies and local police forces under the Native Authorities. The Police Act of 1943 consolidated these various units into a single, unified force: the Nigeria Police Force. This centralized structure marked a significant shift in policing practices in the country, and the Nigerian Police Force became the primary institution responsible for maintaining law and order across all regions.⁸³

⁸² Balogun, Obasanjo S., Olufemi A. Fawole, and Sadiq E. Amali. "Nigeria police and contemporary law enforcement: issues and challenges." *Ilorin journal of business and social sciences* 23.1 (2021): 62.

⁸³ Police Act, Cap P19, Laws of the Federation of Nigeria (LFN), 2004,

- B. Centralization of Police Control: The Act placed the control and administration of the police under the direct authority of the British colonial government. This allowed the British to more effectively control and direct the police force across the entire country, making it a tool for enforcing the laws of the colonial government. The police force was to be managed centrally by a Commissioner of Police, and officers were directly appointed by the colonial government.⁸⁴
- C. Standardization of the Police Force: One of the key elements of the Police Act of 1943 was the effort to standardize the police force across Nigeria. The Act outlined the structure, recruitment, training, and organization of the force, setting clear rules for promotions, discipline, and duties. The Act created a more professional police force by providing a clear set of guidelines for officers, which was meant to improve efficiency and control.⁸⁵
- D. Powers and Responsibilities: The Police Act of 1943 defined the powers and duties of police officers in greater detail. It provided officers with a legal framework for enforcing the law and maintaining order. This included the ability to arrest suspects, investigate crimes, and ensure public order. However, the powers of the police were still aligned with colonial priorities, and police officers were often used to maintain British control and suppress any political movements that challenged colonial authority.⁸⁶
- E. Use of the Police for Colonial Repression: While the Police Act of 1943 aimed to modernize the police force, the force remained largely an instrument of colonial repression. The police were used to suppress nationalist movements, uprisings, and labor strikes, and were often called upon to quell unrest among the indigenous population. Notable examples

⁸⁴ Police Act, Cap P19, Laws of the Federation of Nigeria (LFN), 2004,

⁸⁵ Police Act, Cap P19, Laws of the Federation of Nigeria (LFN), 2004,

⁸⁶ Oluwafemi, Buhari Lateef. "A Historical Review of the Nigeria Police force's involvement in some selected united nations peacekeeping missions in Africa." *African Journal of Social Sciences and Humanities Research* 3.1 (2020).

include the use of police force to suppress the Ikorodu riots (1945), the Nigerian Trade Union movement, and other instances of resistance to colonial policies.⁸⁷

- F. Colonial Control of Police Training and Administration: The Act emphasized the central control of police training, recruitment, and administration. Police training institutions, such as the Police Training School in Lagos, were created to educate officers on the colonial legal system and policing techniques. These training programs were designed to instill loyalty to the colonial government and ensure that police officers were effective in upholding British law.⁸⁸

iii. Impact of the Police Act of 1943

The Police Act of 1943 had a significant impact on the structure and operation of policing in Nigeria. However, the Act's legacy was complex:

- A. Centralized Authority and Insufficient Indigenous Representation: Although the Act sought to modernize and centralize the police force, it continued to function as an instrument of colonial dominance, largely disregarding the involvement of indigenous Nigerians in the decision-making processes. Consequently, the police force was frequently perceived as remote and disconnected from the local communities.
- B. Continuing Use for Colonial Repression: Even as the police force was becoming more formalized, it continued to be used as an instrument of control by the British, particularly in suppressing nationalist movements and protests demanding independence.
- C. Foundation for Post-Independence Policing: The Police Act of 1943 laid the foundation for the post-independence Nigerian Police Force, though it would undergo significant reforms

⁸⁷ Police Act, Cap P19, Laws of the Federation of Nigeria (LFN), 2004,

⁸⁸ Police Act, Cap P19, Laws of the Federation of Nigeria (LFN), 2004,

after Nigeria gained independence in 1960. After independence, the police force became an important institution in the country, though it still struggled with many of the challenges that arose from its colonial origins.

3.1.2 Post-Independence Developments

Following Nigeria's independence, the policing structure remained largely influenced by its colonial origins. However, there were attempts to adapt the force to the needs of a newly independent nation. In 1967, during Nigeria's First Republic, the Police Act of 1967 was enacted to amend and update the colonial Police Act of 1943.⁸⁹ This reform was needed as the police force continued to serve as an instrument of law and order in the new republic. The 1967 Act defined the role of the police more clearly, formalized the police structure, and established the police as the primary institution responsible for maintaining law and order across the federation.⁹⁰ It also increased the autonomy of the police force, although it still remained under central control by the government.

A. The Police Act of 1984

The Police Act of 1984 was introduced by the military government of General Muhammadu Buhari to replace the 1967 Police Act.⁹¹ It created a more robust framework for police operations but also further entrenched the role of the police in maintaining order during military regimes. The Act also placed considerable emphasis on enhancing the professionalism of the police force, outlining recruitment procedures, officer training, and general police conduct.⁹²

B. The Role of the Police During Military Dictatorships (1983-1999)

⁸⁹ Police Act 1943 No. 25 of 1943 (Nigeria)

⁹⁰ Police Act 1967 No. 41 of 1967 (Nigeria).

⁹¹ *Police Act 1984*, Cap. P19 Laws of the Federation of Nigeria 2004.

⁹² Kayode Rotimi, *The Police in a Federal State: The Nigerian Experience* (Ibadan: College Press, 2001).

Nigeria experienced another military dictatorship after 1983, following another coup. The military regime, led by General Buhari and later General Sani Abacha, continued using the police force for authoritarian control, suppressing opposition movements, and curbing civil liberties.

During this period, the police were also involved in the annulment of the 1993 presidential election and the suppression of political protests.⁹³ The police force faced widespread criticism for brutality, lack of accountability, and human rights violations.⁹⁴

C. The Return to Civilian Rule (1999-Present)

In 1999, Nigeria transitioned back to civilian rule with the election of President Olusegun Obasanjo, following the end of military rule. This marked the beginning of a new phase for the Nigerian Police Force, one focused on reform, accountability, and professionalization. The 1999 Police Reform Agenda was launched to address growing concerns about police misconduct, corruption, and inefficiency.⁹⁵ The police were tasked with more effective policing strategies to fight crime, including the rise of violent crime, terrorism, and insurgencies in various parts of Nigeria. One major initiative was the establishment of the Police Service Commission (PSC) in 2000. The PSC was empowered to oversee the recruitment, promotion, and discipline of police officers, enhancing accountability and reducing corruption within the force.⁹⁶

3.1.3. Precursor to the 2020 Act: The Police Act of 2004

The post-1980 period saw continued reform efforts to modernize police operations and address growing concerns over human rights, corruption, and the relationship between the police and the public. The Police Act of 1990: In 1990, the Police Act was revised to further standardize the

⁹³ E. O. Alemika, "Colonialism, State, and Policing in Nigeria" (1993) 20 *Crime, Law and Social Change* 187.

⁹⁴ D. E. Agwanwo, "Police Corruption and the Challenges of National Security in Nigeria: Focus on Rivers State" (2014) 19 *Journal of Humanities and Social Science* 1.

⁹⁵ *Establishment of the Police Service Commission Act No. 1 of 2000* (Nigeria).

⁹⁶ C. Oputa, *Human Rights and Police Reform in Nigeria: The Role of the Police Service Commission (PSC)* (Lagos: Nigerian Law Publications, 2005).

structure of the Nigerian Police Force.⁹⁷ This revision was made to address issues such as police training, the powers of police officers, and the structure of the force.⁹⁸ The Police Service Commission (2000): The establishment of the Police Service Commission in 2000 was a major step in increasing police accountability and oversight.⁹⁹ The Commission was set up to oversee the recruitment, promotion, and discipline of police officers, aiming to address concerns about corruption and human rights abuses within the force.¹⁰⁰

A. The Nigeria Police Reform Programme (2008): This reform program, launched by the Nigerian government, was intended to address issues such as police professionalism, training, community relations, and the welfare of police officers.¹⁰¹ It aimed to improve the effectiveness of the police in combating crime and maintaining public safety.¹⁰²

B. The Police Act of 2020: A significant update in police legislation came with the Police Act of 2020. This new Act sought to modernize the Nigerian Police Force by introducing reforms to its operations and management. Key provisions of the 2020 Act include:

- i. The establishment of a more modernized policing system.¹⁰³
- ii. Stronger accountability measures to enhance public confidence in the police force.¹⁰⁴
- iii. A more robust training and welfare framework for police officers.¹⁰⁵

⁹⁷ *Police Act 1990*, Cap. P19 Laws of the Federation of Nigeria 2004.

⁹⁸ M. O. Unegbu, *Police Reform in Nigeria: History, Policy, and Practice* (Abuja: Legal Frameworks Press, 2006).

⁹⁹ *Establishment of the Police Service Commission Act*, No. 1 of 2000 (Nigeria).

¹⁰⁰ E. Alemika & I. Chukwuma, *Analysis of Police Reform Efforts in Nigeria (1999–2008)* (Lagos: CLEEN Foundation, 2009).

¹⁰¹ *Nigeria Police Reform Programme (2008)*, Nigerian Government White Paper.

¹⁰² D. O. Obe, "Police and Human Rights in Nigeria: Post-Reform Challenges" (2011) 15 *African Security Review* 9.

¹⁰³ *Police Act 2020*, No. 6 of 2020 (Nigeria).

¹⁰⁴ O. A. Ajayi, "The Impact of the Police Act 2020 on Accountability in the Nigerian Police Force" (2021) 23 *Journal of Law and Society* 112.

¹⁰⁵ C. U. Oputa, *Police Reform and Accountability in Nigeria: The Role of Welfare and Training Policies* (Lagos: Legal Insight Publishers, 2022).

- iv. The recognition of the need for police reform to deal with human rights violations and abuses by officers.¹⁰⁶
- v. Establishing the Police Trust Fund to improve funding for the police force and address resource gaps.¹⁰⁷

3.2. Legislative Intent behind the Nigeria Police Act, 2020

The Nigeria Police Act of 2020 was a significant legislative reform aimed at addressing long-standing challenges in the country's police force.¹⁰⁸ The Act was signed into law on September 16, 2020, by President Muhammadu Buhari, and it was designed to modernize the police system in Nigeria, improve its structure, operations, and the welfare of officers, as well as enhance public trust in the force.¹⁰⁹ The Nigeria Police Act of 2020 represents a pivotal effort by the Nigerian government to reform and modernize its police force. The legislative intent behind the Act is to create a more professional, accountable, and efficient police force capable of addressing contemporary security challenges while respecting the rule of law and human rights.¹¹⁰ By focusing on professionalization, welfare, accountability, modern policing techniques, and public trust, the Act aims to significantly improve the effectiveness of law enforcement in Nigeria and restore public confidence in the police.¹¹¹

¹⁰⁶ N. E. Akande, "Human Rights and Police Reform in Nigeria: A Review of the Police Act 2020" (2020) 45 *Nigerian Law Review* 78.

¹⁰⁷ *Nigeria Police Trust Fund Act*, No. 7 of 2019 (Nigeria).

¹⁰⁸ *Nigeria Police Act 2020*, No. 6 of 2020, signed into law on September 16, 2020 (Nigeria).

¹⁰⁹ O. F. Igbokwe, "Modernizing Nigeria's Policing System: Legislative Intent Behind the Police Act 2020" (2021) 18 *Journal of Nigerian Security and Law* 142.

¹¹⁰ E. N. Ojukwu, *Police Reform and Legislative Accountability in Nigeria: A Guide to the Police Act 2020* (Abuja: Law and Justice Publishing, 2021) 76.

¹¹¹ B. I. Ayuba, "Enhancing Public Trust Through Legislative Reforms: The Case of the Nigeria Police Act 2020" (2022) 45 *African Law Review* 99.

One of the central intentions of the Police Act of 2020 is to professionalize the Nigeria Police Force (NPF). This includes ensuring that the police force operates in a way that is competent, effective, and transparent.

Training and Recruitment: The Act mandates the establishment of a more structured and standardized process for police recruitment and training.¹¹² This ensures that only qualified individuals enter the force, and it emphasizes the continuous professional development of officers throughout their careers.¹¹³ The legislation stipulates that training should be in line with international best practices.¹¹⁴

Enhanced Specialization: The Act also encourages the development of specialized units within the police, such as counter-terrorism, cybercrime, and community policing units. This specialization ensures that the police force can effectively address the diverse and evolving security challenges facing Nigeria.¹¹⁵

3.2.1 Police Accountability and Oversight

The issue of police misconduct, human rights abuses, and lack of accountability has been a long-standing problem in Nigeria.¹¹⁶ The Police Act of 2020 aims to tackle these issues by instituting stronger mechanisms for accountability and oversight.¹¹⁷

- I. **Independent Oversight Bodies:** The Act strengthens the role of the Police Service Commission (PSC), an independent body responsible for overseeing police recruitment,

¹¹² A. S. Usman, "Recruitment, Training, and Professional Development Under the Nigeria Police Act 2020" (2021) 12 *Nigerian Journal of Policing and Security Studies* 23.

¹¹³ *Nigeria Police Act 2020*, Sections 33–35 (Training and Continuous Professional Development).

¹¹⁴ M. O. Unegbu, *Best Practices in Police Recruitment and Training: A Comparative Analysis of Nigeria and Global Standards* (Lagos: Justice Academy Press, 2022).

¹¹⁵ A. A. Lawal, "Counter-Terrorism and Cybercrime Units in the Nigeria Police Force: Legislative Provisions Under the Police Act 2020" (2023) 29 *Journal of Security and Governance Studies* 60.

¹¹⁶ O. F. Igbokwe, "Issues in Police Accountability and Human Rights Violations in Nigeria" (2020) 45 *Journal of African Security Studies* 89.

¹¹⁷ *Nigeria Police Act 2020*, No. 6 of 2020 (Nigeria).

promotion, discipline, and other personnel matters.¹¹⁸ The PSC is tasked with holding officers accountable for their actions, including addressing allegations of misconduct and abuse of power.¹¹⁹

- II. Establishment of the Police Trust Fund (PTF): To support the police force's operational effectiveness, the Police Trust Fund is created to provide funding for police operations, infrastructure, and the welfare of officers. The fund is aimed at ensuring that the police force has the resources it needs to function efficiently and effectively.¹²⁰
- III. Another key intent of the Police Act of 2020 is to improve the welfare of police officers, recognizing that officers face significant challenges, including inadequate training, low pay, and poor working conditions.¹²¹
- IV. Welfare and Conditions of Service: The Act emphasizes the need for better working conditions and compensation for police officers. This includes provisions to ensure that police personnel receive adequate salaries, benefits, and a better overall quality of life, which are essential for their effectiveness and motivation.
- V. Insurance and Health Coverage: The Act also includes provisions for insurance and health coverage for officers, recognizing that they face significant physical and mental risks in the course of their duties. This is a move to ensure the well-being of officers, enhance morale, and reduce the tendency for corruption, as officers would not feel compelled to supplement their income through unethical means.¹²²

¹¹⁸ *Nigeria Police Act 2020*, Section 14 (Establishment and Functioning of the Police Service Commission).

¹¹⁹ E. N. Ojukwu, *Reforming Police Accountability Mechanisms in Nigeria* (Lagos: Justice Academy Press, 2022).

¹²⁰ Eme, Okechukwu Innocent, Okala A. Uche, and Ijeoma B. Uche. "An analysis of police pension fraud and the future of pension administration in Nigeria." *Kuwait Chapter of the Arabian Journal of Business and Management Review* 4.1 (2014): 495.

¹²¹ B. I. Ayuba, *Police Welfare and Motivation in Nigeria: An Analysis of the 2020 Act* (Abuja: Law and Security Review, 2023).

¹²² *ibid*

- VI. The Police Act of 2020 is aimed at modernizing policing techniques to ensure that the Nigerian police force can effectively combat modern threats, such as cybercrime, terrorism, organized crime, and other forms of advanced criminal activities.¹²³
- VII. Technology and Equipment: The Act recognizes the importance of technology in modern law enforcement. It mandates the deployment of modern crime-fighting technologies such as data management systems, surveillance tools, and forensic capabilities. This is crucial for the police force to keep up with evolving criminal methods and to improve the efficiency of investigations.¹²⁴
- VIII. Community Policing: The Act underscores the importance of community policing as a strategy to improve relationships between the police and the public. It encourages the police to engage with local communities in addressing crime and security challenges, fostering trust and cooperation between law enforcement and citizens.¹²⁵

3.2.2 Strengthening the Legal Framework for Police Operations

The Act also aims to strengthen the legal framework within which the police operate, ensuring that the force functions in a manner that is consistent with the rule of law and human rights standards.

- a) Clear Guidelines on Police Powers: The Police Act of 2020 provides clearer and more defined guidelines on the powers of the police to avoid arbitrary actions and violations of rights. This includes rules around the use of force, detention, search and seizure, and the conduct of investigations, ensuring that police actions are lawful and proportionate.

¹²³ *Nigeria Police Act 2020*, Section 80 (Modernization of Policing Techniques).

¹²⁴ E. U. Nwankwo, "Technology and Forensics in Nigerian Policing: Lessons from the 2020 Reform" (2022) 31 *Journal of Comparative Law and Security* 55.

¹²⁵ C. C. Okeke, *Community Policing as a Tool for Building Public Trust in Nigeria* (Lagos: Law and Policy Review, 2023).

- b) **Human Rights Compliance:** The Act emphasizes the need for police officers to uphold human rights while performing their duties. This is crucial in improving the public's trust in the police, especially after years of concerns over police brutality and misconduct.

3.2.3 Promotion of Public Trust and Confidence

The overarching intent of the Police Act of 2020 is to rebuild public trust in the Nigerian police force. Given the history of strained relationships between the police and the public, particularly due to issues of corruption, abuse of power, and extrajudicial killings, the Act seeks to make the police force more transparent, accountable, and people-centered.¹²⁶

Public Engagement and Transparency: The Act emphasizes the need for the police to engage with the public in a transparent manner. This includes regular public reporting on the activities of the police, engagement with community stakeholders, and adherence to ethical standards in their operations.

Human Rights Training: The 2020 Act also stresses the need for human rights training for police officers, ensuring that they understand and respect citizens' rights in the course of their duties. Another key legislative intent behind the Police Act of 2020 was to ensure that the police force operates in accordance with the Constitution of the Federal Republic of Nigeria (1999) and relevant international human rights standards.¹²⁷

Alignment with Constitutional Provisions: The Act ensures that the roles, powers, and responsibilities of the police force are in line with the constitutional mandate of the state to protect

¹²⁶ Usman, David Jacob. *Public perceptions of trust in the police in Abuja, Nigeria*. Diss. University of Glasgow, 2019.

¹²⁷ Tiwa, Dany Franck A. "Institutional distrust trap: an analysis of the effect of public distrust in the Nigeria Police Force." *Policing and Society* (2024): 1-15.

lives and property, maintain law and order, and ensure justice. It also strengthens the alignment with the principles of democracy, fairness, and equality.

i. Rationale for Replacing the 2004 Act

The Nigeria Police Act of 2004 had been in operation for about 16 years before it was replaced by the Police Act of 2020. The replacement of the 2004 Act was driven by the need to address the evolving challenges in policing and law enforcement, improve police operations, enhance public trust, and align the police system with democratic ideals and international standards.

- A. Need for Police Modernization: The 2004 Police Act did not sufficiently address the need for modern policing techniques, especially in the face of rapidly changing criminal activities, new technologies, and security challenges. Nigeria has experienced significant changes in its security landscape over the past two decades, with the rise of terrorism (e.g., Boko Haram), organized crime, cybercrime, and insurgency.¹²⁸
- B. Modern Crime: The 2004 Act did not adequately address modern policing issues, such as cybercrime, counter-terrorism, money laundering, and drug trafficking. The Police Act of 2020 introduced provisions for specialized units within the police force, better equipping them to combat these modern threats.
- C. Technological Advancements: The 2004 Act lacked provisions for the adoption of modern technology in policing. The 2020 Act emphasizes the need for technological tools, such as surveillance, crime data management, and forensic capabilities, to improve the efficiency and effectiveness of law enforcement.¹²⁹

¹²⁸ Nwachukwu, Esther Chinaza, et al. "Public perception on police effectiveness and accountability in Nigeria: Insights into crime prevention and control." *World Journal of Advanced Research and Reviews* 24.1 (2024): 759.

¹²⁹ Ojo, Olukayode Gilbert. *Public Trust and Citizen Engagement as Democratic Tools for Good Governance in Nigeria*. Diss. Walden University, 2022.

- D. **Strengthening Accountability and Oversight:** The 2004 Police Act faced significant criticisms regarding the lack of accountability within the police force, especially concerning issues of police brutality, human rights abuses, and misuse of power. This lack of transparency and accountability contributed to a growing public distrust of the police.
- E. **Public Trust:** One of the main motivations for replacing the 2004 Act was to rebuild public trust in the police. The 2020 Act includes more robust provisions for the oversight and accountability of police actions, including strengthening the role of the Police Service Commission (PSC) in overseeing police recruitment, promotions, and discipline.
- F. **Human Rights Compliance:** The new Act also provides clearer guidelines on the respect for human rights in police operations, ensuring that officers adhere to international standards and constitutional protections. It requires the police to be accountable for any misconduct or human rights violations, with strict procedures for dealing with abuse.
- G. **Improving Police Welfare and Service Conditions:** Another significant issue with the 2004 Police Act was the inadequate attention given to police welfare, training, and working conditions. The poor welfare and conditions of service contributed to low morale among officers, which in turn affected their performance and led to corruption, abuses of power, and extortion.¹³⁰
- H. **Police Welfare:** The 2020 Act introduces provisions aimed at improving the welfare and conditions of service for police officers. These reforms ensure that officers receive better salaries, healthcare benefits, and insurance, and more professional development

¹³⁰ Ogunlowo, Lanre. *Exploring factors that prepare Nigeria police officers for performance improvement*. Diss. Walden University, 2021.

opportunities. The goal is to create a more motivated and well-equipped police force that can better serve the public.¹³¹

ii. **Objectives of the Nigeria Police Act, 2020**

By Section 1 and Section 2 of the Nigeria police Act¹³² the provisions are detailed below;

1. The objective of this Act is to provide for a more efficient and effective police service that is based on the principles of:
 - a. Accountability and transparency;
 - b. Protection of human rights and fundamental freedoms; and
 - c. Partnership with other security agencies
2. The specific objectives of this Act are to:
 - a. Provide for a Police force that is more responsive to the needs of the general public and has entrenched in its operations the values of fairness, justice and equity;
 - b. Reposition the Police Force to uphold and safeguard the fundamental rights of every person in Nigeria in its operations;
 - c. Bring about a positive change in the public perception of the police force by ensuring that its functions are performed in a manner sensitive to the needs and well-being of the general public;
 - d. Empower the Police force to effectively prevent crimes without threatening the liberty and privacy of persons in Nigeria;
 - e. Strengthen the Police force in the performance of its functions, including safety and security of all persons, communities and property in Nigeria;

¹³¹ Omoroghomwan, Osayemwenre Blessing, and Augustine Chukwueroke Abanimebon. "Evaluating government funding and performance in the Nigerian Police." *Int J Intellect Discourse* 3 (2020): 535-52.

¹³² 2020

- f. Ensure that the police performs its functions by creating the enabling environment to foster cooperation and partnership between it and the communities it serves to effectively prevent, reduce or eradicate crimes;
- g. Develop professionalism in the Police Force by providing relevant training in all police formations in Nigeria for enhanced performance; and
- h. Respect for rights of victims of crime and an understanding of their needs”.

iii. Stakeholder Involvement in the Legislative Process

The Nigeria Police Act of 2020 represents a crucial legislative initiative designed to reform and modernize the Nigeria Police Force (NPF). This Act aims to align the NPF with international best practices while tackling persistent challenges such as police brutality, corruption, and inefficiency. Additionally, it seeks to enhance the welfare of police officers and promote community-oriented policing. The development and enactment of this significant legislation involved the engagement of numerous stakeholders throughout various phases of the legislative process. The participation of these stakeholders is essential to guarantee that the resulting law encompasses a diverse array of perspectives, concerns, and interests.¹³³

1. Executive Branch (Government Agencies)

The involvement of the executive, particularly the Federal Government, was crucial in initiating the legislative process. The Ministry of Police Affairs, alongside the Nigeria Police Force (NPF), played a central role in driving the legislative agenda and ensuring that the Act’s provisions aligned with governmental priorities in policing and security.

- i. Ministry of Police Affairs: The ministry worked closely with the police leadership to draft the bill, setting the tone for the reforms. They helped outline the vision for a

¹³³ Ogunlowo, Lanre. *Exploring factors that prepare Nigeria police officers for performance improvement*. Diss. Walden University, 2021.

reformed police force that could deliver better services to citizens, maintain law and order, and respect human rights.¹³⁴

- ii. Nigeria Police Force (NPF): The police leadership, particularly the Inspector-General of Police (IGP), contributed expertise about the operational challenges of policing in Nigeria. Their inputs into the legislative process were instrumental in determining the provisions relating to police welfare, operational practices, and the structure of the force.

Other Government Agencies: Agencies such as the National Human Rights Commission (NHRC) and the Independent Corrupt Practices and Other Related Offenses Commission (ICPC) were consulted during the drafting process, particularly on provisions related to human rights, accountability, and anti-corruption measures within the force.

Impact of Executive Involvement:

The executive's input ensured that the legislative agenda aligned with broader national security and policing priorities, such as tackling insurgency, cybercrime, and the need for improved police-community relations.

The executive's role in drafting and initiating the bill was crucial in shaping the direction of reform and pushing the legislation through the National Assembly.

2. Legislative Stakeholders

- i. The National Assembly, which includes both the Senate and the House of Representatives, was instrumental in the enactment of the Police Act. Legislators engaged in thorough discussions regarding the bill, suggested amendments, and

¹³⁴ Iheriohanma, E. B., Opara Oguchialu, and Raimi Lasisi. "The Nigeria Police Force and its constitutional responsibility in the present democratic dispensation." *Issues in Business Management and Economics* (2020).

- examined numerous provisions to guarantee that they aligned with the public's best interests.
- ii. Senate and House Committees: Key committees in both chambers of the National Assembly, particularly those related to Police Affairs, National Security, and Justice, played a pivotal role in reviewing the bill. These committees conducted public hearings, gathered expert testimony, and proposed amendments to the initial draft of the bill.
 - iii. Individual Lawmakers: Individual senators and members of the House of Representatives, especially those with a direct interest in security and law enforcement issues, contributed to the legislative process. For instance, lawmakers who were former law enforcement officers or those with expertise in criminal justice played an influential role in shaping specific aspects of the Act, such as police oversight, human rights, and internal discipline.¹³⁵

Impact of Legislative Involvement:

Lawmakers acted as a conduit between the citizens and the executive by guaranteeing that the Act addressed issues of national concern, such as police brutality, public safety, and community policing.

The involvement of the legislative branch in holding public hearings helped ensure that the voices of ordinary citizens, civil society, and professional bodies were incorporated into the legislative process. This contributed to the legitimacy of the law.

3. Civil Society Organizations (CSOs) and Human Rights Groups

¹³⁵ Ole, Ngozi Chinwa, and Akinleye Oluwabunmi Temitope. "The Police Act 2020 as a Primer for addressing Police Brutality in Nigeria." *African Journal of Law, Ethics and Education* (ISSN: 2756-6870) 2.1 (2024).

Civil society groups, including human rights organizations, advocacy groups, and professional associations, played an influential role in shaping the content of the Nigeria Police Act, 2020.

- i. Human Rights Organizations: Groups like Amnesty International Nigeria and Human Rights Watch lobbied for stronger provisions to curb police brutality, guarantee better protection for citizens' rights, and improve accountability mechanisms. These organizations also called for reforms to reduce extrajudicial killings, illegal detention, and torture by police officers.
- ii. Civil Society Networks: Networks such as the Civil Society Legislative Advocacy Centre (CISLAC) and The Nigerian Bar Association (NBA) worked to ensure that the bill addressed issues related to transparency, accountability, and police welfare. They also focused on ensuring that provisions on community policing and disciplinary measures were in line with democratic governance and international law.¹³⁶
- iii. Professional Associations: Other professional groups, such as the Nigerian Bar Association and the Medical and Dental Council, contributed to discussions on issues related to police conduct, the use of force, and the welfare of police officers.

Impact of CSO Involvement:

CSOs were instrumental in advocating for greater accountability, particularly by pushing for the establishing of oversight mechanisms such as the Police Service Commission (PSC), human rights protections, and transparency in the recruitment and disciplinary processes.

Their advocacy for community policing helped shift the focus toward a more democratic and citizen-centered approach to law enforcement.

¹³⁶ Nwankwo, Oliver Ebere. *Appraisal of the Institutional and Legal Framework of the Nigerian National Assembly Commission of Nigeria (2014-2020)*. Diss. NILDS-Department of Studies, 2022.

4. Media and Public Opinion

The media played an essential role in the legislative process by raising public awareness about the issues within the police force and the need for reform. The media often reported on incidents of police brutality, misconduct, and the demands for accountability, which created pressure on lawmakers to act.

- i. **Media Coverage:** Newspapers, online platforms, and broadcast media frequently reported on the police's shortcomings, providing information on public demonstrations, police abuses, and human rights violations.
- ii. **Public Outcry:** In the context of nationwide protests, such as the #EndSARS movement in 2020, public opinion was a key driver of legislative action. The movement highlighted widespread dissatisfaction with police conduct, particularly the activities of the Special Anti-Robbery Squad (SARS), and brought issues of police cruelty to the forefront of political discourse.¹³⁷

Impact of Media and Public Involvement:

Media coverage of police misconduct helped rally public support for legislative reforms and put pressure on the government and lawmakers to act decisively in reforming the police force.

Public mobilization, especially the #EndSARS protests, brought about an urgent need for reform, influencing the urgency and content of the legislation.

5. International Organizations

International bodies such as the United Nations (UN), European Union (EU), and the African Union (AU) also played a significant role in influencing the legislative process. These

¹³⁷ Ojedokun, Usman A., Yetunde O. Ogunleye, and Adeyinka A. Aderinto. "Mass mobilization for police accountability: The case of Nigeria's # EndSARS protest." *Policing: A Journal of Policy and Practice* 15.3 (2021): 1894

organizations often provide guidance on best practices for policing, human rights standards, and security sector reforms.

The UN and EU provided technical assistance and resources in drafting the bill, particularly in areas related to police professionalism and accountability.

International Human Rights Bodies: These organizations exerted pressure on the Nigerian government to ensure that the Act adhered to international human rights standards, advocating for stronger safeguards against police brutality and abuse.¹³⁸

Impact of International Involvement:

The influence of international organizations helped shape the Act's provisions on human rights protections, use of force, and accountability mechanisms, bringing Nigerian law closer to international standards.

6. Police Unions and Trade Associations

Finally, police unions and trade associations also participated in the legislative process, particularly in matters relating to the welfare of officers, promotion policies, and working conditions.

Police Unions: Representing rank-and-file officers, unions advocated for provisions that would ensure fair working conditions, proper remuneration, and more robust career development within the police force.

Impact of Police Unions' Involvement:

¹³⁸ A, Moruf Adebayo. "Examination of the Legal and Implications of Police Brutality." *Lagos State University of Education, Oto/Ijanikin, Lagos, Nigeria* (2023).

Their input was crucial in ensuring that the Act addressed police welfare, which is essential to improving morale and reducing corruption within the force.

The legislative process behind the Nigeria Police Act, 2020, was shaped by a diverse array of stakeholders, each contributing to the shaping of the bill's provisions. The involvement of the executive, legislators, civil society organizations, media, international bodies, and police unions ensured that the Act addressed a wide range of concerns, from human rights and police accountability to police welfare and professionalism.¹³⁹

While stakeholder involvement was crucial to the passage of the bill, the ultimate success of the Act will depend on its effective implementation, which will require continued engagement from all these groups to ensure that reforms lead to a safer, more professional, and accountable police force in Nigeria.

3.3. Key Provisions of the Nigeria Police Act, 2020

A. Arrest on Civil Wrong

The previous Police Act did not address the authority of the Police to make arrests for civil wrongs, leading to significant misuse by both law enforcement officers and the public.¹⁴⁰ Consequently, the Police often intervened in civil matters, sometimes acting as agents of harassment or oppression. The newly enacted Act explicitly forbids the Police from arresting individuals solely for civil wrongs or breaches of contract.¹⁴¹ This measure aims to reinforce the stipulations outlined in Section 8(2) of the Administration of Criminal Justice Act, which contains a comparable provision.¹⁴²

¹³⁹ Akinlabi, Oluwagbenga Michael. "Citizens' accounts of police use of force and its implication for trust in the police." *Journal of crime and justice* 43.2 (2020): 145-160.

¹⁴⁰ Nigeria Police Act, 2020, *Section 32(2)*.

¹⁴¹ Nigeria Police Act, 2020, *Section 32(2)*; see also Administration of Criminal Justice Act (ACJA), 2015, *Section 8(2)*.

¹⁴² Administration of Criminal Justice Act, 2015, *Section 8(2)*.

B. Information about Rights when making an arrest

The newly enacted Police Force Act establishes specific rights for individuals who are arrested.¹⁴³ With the implementation of this Act, it is now the responsibility of the arresting police officer to inform the suspect of their rights, which include the right to remain silent or to refrain from answering any questions until they have consulted with a legal practitioner or another individual of their choosing.¹⁴⁴ Additionally, the suspect has the right to seek legal counsel before making, endorsing, or providing any statements or responses to questions following their arrest, as well as the right to free legal representation from the Legal Aid Council of Nigeria or other relevant organizations when applicable.¹⁴⁵ Previously, the notification of these rights was often at the discretion of the officer; however, the New Act has made this notification a mandatory requirement.¹⁴⁶

C. Notification of Next of Kin

Previously, it was not uncommon for individuals to be arrested without being allowed to notify their family or friends of their detention.¹⁴⁷ However, this practice has changed. Under the new legislation, when an individual is arrested and held in custody, law enforcement is obligated to inform the next of kin or another relative of the suspect about the arrest, at no expense to the individual in custody.¹⁴⁸

D. Arrest in lieu

¹⁴³ Nigeria Police Act, 2020, *Section 36*.

¹⁴⁴ Nigeria Police Act, 2020, *Section 36(2)(a)*.

¹⁴⁵ Nigeria Police Act, 2020, *Section 36(2)(c)*.

¹⁴⁶ *Legal Aid Council Act, Cap. L9, Laws of the Federation of Nigeria, 2004*.

¹⁴⁷ Nigeria Police Act, 2020, *Section 36(2)(d)*.

¹⁴⁸ Nigeria Police Act, 2020, *Section 37*.

To ensure that the New Act aligns with and implements the provisions of the Administration of Criminal Justice Act, it now explicitly prohibits the arrest of an individual in lieu of a suspect.¹⁴⁹ As a result, a son cannot be detained in place of his father, nor can a wife be arrested in place of her husband when the husband is the individual under suspicion.¹⁵⁰

E. Torture and Inhumane Treatment prohibited

The right to human dignity is a fundamental entitlement enshrined in the 1999 Constitution.¹⁵¹ An individual who is apprehended is entitled to this right as well. They must not endure any form of torture, nor any cruel, inhuman, or degrading treatment.¹⁵² This principle is also articulated in Section 8(1) of the Administration of Criminal Justice Act, 2015.¹⁵³

F. Statements

Previously, when an individual was arrested, they were typically required to provide a statement.¹⁵⁴ Under the new legislation, a statement is only to be made if the suspect voluntarily decides to do so; thus, it is now at their discretion.¹⁵⁵ If a suspect opts to provide a statement, it must be done in the presence of a legal representative of their choosing, an officer from the Legal Aid Council, a Justice of the Peace, or any other individual they prefer.¹⁵⁶ In cases where the suspect is not proficient in the English language, an interpreter will be provided to facilitate the statement, and this interpreter will also endorse and attest to the statement's creation.¹⁵⁷

¹⁴⁹ Nigeria Police Act, 2020, Section 32(2).

¹⁵⁰ Nigeria Police Act, 2020, Section 32(3).

¹⁵¹ Constitution of the Federal Republic of Nigeria, 1999 (as amended), Section 34(1)(a).

¹⁵² Constitution of the Federal Republic of Nigeria, 1999 (as amended), Section 34(1)(a).

¹⁵³ Administration of Criminal Justice Act, 2015, Section 8(1).

¹⁵⁴ Nigeria Police Act, 2020, Section 36(4).

¹⁵⁵ Nigeria Police Act, 2020, Section 36(4).

¹⁵⁶ Nigeria Police Act, 2020, Section 36(5).

¹⁵⁷ Nigeria Police Act, 2020, Section 36(5)(b).

G. Notification of delayed detention

Section 35 (4) of the 1999 Constitution of Nigeria (as amended) stipulates that an individual accused of an offense must be brought before a court within 24 hours if a court of competent jurisdiction is situated within a 40-kilometer radius of the police station.¹⁵⁸ If no such court is available within that distance, the accused must be presented in court within 48 hours or within a timeframe deemed reasonable by the court.¹⁵⁹ In alignment with this constitutional mandate, the New Act specifies that if a suspect arrested for a non-capital offense is not granted bail within 24 hours, an application may be submitted to a court with jurisdiction over the matter.¹⁶⁰ It remains ambiguous whether this application should be filed by a relative, an interested party, or the police on behalf of the suspect.¹⁶¹ The New Act allows for the bail application to be made either orally or in writing, and the court is required to assess the justification for the suspect's continued detention, granting bail if deemed necessary.¹⁶²

H. Report to the Magistrate

In the newly enacted legislation, the officer responsible for a police station is mandated to submit a report to the nearest Magistrate on the final working day of each month regarding individuals arrested without a warrant, regardless of whether they have been granted bail.¹⁶³ The Magistrate is then obligated to relay this report to the Criminal Justice Monitoring Committee, which will review and subsequently send the reports to the Attorney General.¹⁶⁴ Additionally, the Chief Magistrate

¹⁵⁸ Constitution of the Federal Republic of Nigeria, 1999 (as amended), Section 35(4).

¹⁵⁹ Constitution of the Federal Republic of Nigeria, 1999 (as amended), Section 35(4).

¹⁶⁰ *Nigeria Police Act, 2020*, Section 35(5).

¹⁶¹ *Nigeria Police Act, 2020*, Section 35(5).

¹⁶² *Nigeria Police Act, 2020*, Section 35(6).

¹⁶³ *Nigeria Police Act, 2020*, Section 53(1).

¹⁶⁴ *Nigeria Police Act, 2020*, Section 53(2).

or any Magistrate designated by the Chief Judge is now required to perform an inspection of the Police Station within their designated jurisdiction.¹⁶⁵

I. Prosecution by a Police Officer

In contrast to the previous Police Act, which granted the Police the authority to prosecute cases in any court across Nigeria, the new Act has redefined this right.¹⁶⁶ Under the new legislation, only police officers who are qualified legal practitioners are permitted to prosecute any type of offense in any court.¹⁶⁷ Those officers who do not possess legal qualifications are restricted to prosecuting only those offenses that non-qualified legal practitioners are authorized to handle according to the applicable criminal procedure laws at either the Federal or State level.¹⁶⁸

J. Establishment and Duties of The Nigeria Police

The provisions outlined in Section 4 of the New Act have broadened the responsibilities of the Nigeria Police.¹⁶⁹ In addition to their traditional roles of crime detection and prevention, safeguarding rights, lives, and properties, maintaining public safety, and enforcing laws, the police are now tasked with collaborating with various agencies to assist individuals in distress, including victims of road accidents, fire disasters, earthquakes, and floods.¹⁷⁰ Furthermore, they are responsible for ensuring unobstructed passage on public highways, roads, and streets, as well as fostering community partnerships. Additionally, the Nigeria Police Force is now charged with the

¹⁶⁵ *Nigeria Police Act, 2020*, Section 54.

¹⁶⁶ *Nigeria Police Act, 2020*, Section 66.

¹⁶⁷ *Nigeria Police Act, 2020*, Section 66(2).

¹⁶⁸ *Nigeria Police Act, 2020*, Section 66(2).

¹⁶⁹ *Nigeria Police Act, 2020*, Section 4.

¹⁷⁰ *Nigeria Police Act, 2020*, Section 4(c).

responsibility of vetting and approving the registration of private detective schools and private investigation agencies.¹⁷¹

I. Duty to Enforce Constitutional Rights

To guarantee that the Nigeria Police Force upholds and safeguards the fundamental human rights of individuals as enshrined in the Constitution, the African Charter on Human and Peoples' Rights, and various other international human rights legal frameworks, the Police Force is now mandated to work in conjunction with pertinent agencies to offer legal assistance to accused individuals when required. To enhance this initiative, the new legislation stipulates that each Police Division must designate a police officer qualified to operate as a legal practitioner, whose duty will be to ensure adherence to human rights standards by the officers within the Division.

I. Drinking on Duty

In the erstwhile Act, it was an offence for a person to sell or give alcohol to a police officer on duty.¹⁷² The new Act has expanded this scope such that forthwith, it will no longer be an offence on the part of the person selling or giving the alcohol, it will similarly be an offence on the part of a police officer who, while on duty, drinks alcohol or become intoxicated. According to the new Act, such police officer will be punished in accordance with the Police Disciplinary Procedures.¹⁷³

II. Stop and Search

The authority of the police to conduct stop and search operations has historically been based on Section 29 of the previous legislation, which states that a police officer may detain and search any individual whom they reasonably suspect of possessing or transporting items believed to be stolen

¹⁷¹ *Nigeria Police Act, 2020*, Section 4(e).

¹⁷² Section 41 *Police Act, 2004*

¹⁷³ Section 100 *Police Force (Establishment) Act, 2020*

or unlawfully obtained. The new legislation has significantly broadened this authority. Under Section 49 of the new Act, police officers are now empowered to stop and search individuals or vehicles when there is reasonable suspicion that they are in possession of stolen or unlawfully obtained items, carrying illegal or stolen goods, or that a serious violent incident may occur in the vicinity. Additionally, searches may be conducted if an individual is found with certain items at an unusual time. Such searches can occur in any public area or any location accessible to the public, excluding private residences.

Before initiating a search, the police officer, who must be in uniform or visibly display a valid Police Identity Card, is required to inform the individual of their name, the name of their police station, the purpose of the search, and the rationale behind it. The officer may also inquire about the individual's behavior; if the individual provides a satisfactory explanation, the search may be deemed unnecessary.¹⁷⁴

When conducting a search, reasonable efforts must be made to minimize any embarrassment experienced by the individual or the owner of the property being searched. The search does not grant the authority to require an individual to remove their clothing in public. However, if a more invasive search is necessary, it must be carried out of public view and by an officer of the same gender as the individual being searched.¹⁷⁵ If in the course of the search, a prohibited article such as an offensive weapon, or an article reasonably believed to be stolen is found on the person or vehicle, such item may be seized.¹⁷⁶

3.4. Assessment of Legislative Intent in the Nigeria Police Act, 2020

¹⁷⁴ Ibid, Section 50

¹⁷⁵ Ibid, section 51

¹⁷⁶ Section 49(3) Police Force (Establishment) Act, 2020

As of 2024, the Nigeria Police Act, 2020 has faced both progress and challenges in achieving its objectives

I. Professionalization of the Police Force

Progress: The Act's emphasis on continuous training and recruitment reforms has seen some progress. There has been a push for better training for police officers, especially in handling modern security threats such as terrorism, cybercrime, and organized crime.¹⁷⁷

Specialized units have also been established as part of this reforms

Challenges: However, the pace of implementing these reforms has been slow due to financial constraints, insufficient infrastructure, and a lack of adequate training facilities.

As a result, not all officers have benefited from the comprehensive training envisioned by the Act.¹⁷⁸

II. Improvement of Police Welfare:

Progress: The Act recognizes the importance of improving the welfare of police officers by stipulating better salaries, benefits, and general working conditions.¹⁷⁹ Several state governments have also initiated welfare packages to support police officers.

Challenges: Despite some progress, police welfare remains a concern due to low morale, reports of poor working conditions, lack of adequate housing, and insufficient equipment.¹⁸⁰ These challenges hinder the effective functioning of the police force.

III. Modernization of Policing Techniques

¹⁷⁷ Nigeria Police Act, 2020, Section 5(2)(b)

¹⁷⁸ Nigeria Police Act, 2020, Section 5(3)

¹⁷⁹ Nigeria Police Act, 2020, Section 90

¹⁸⁰ Nigeria Police Act, 2020, Section 92

Progress: The Act's push for modern policing methods has led to some advancements, such as the adoption of digital tools and databases to track crime. Some police units have been equipped with modern technology for surveillance and crime fighting.¹⁸¹

Challenges: The technology gap remains a major challenge, as not all police units across the country have access to advanced tools, and logistical issues continue to hinder widespread modernization.¹⁸²

IV. Strengthening of Community Policing

Progress: Community policing has gained traction in several states, with local police engaging in more community-oriented activities. The creation of community policing committees has begun in many areas, aiming to build trust and cooperation between citizens and the police.¹⁸³

Challenges: In some areas, community policing has not yet reached full potential due to a lack of resources and insufficient buy-in from local communities. In some parts of the country, ethnic and political tensions complicate the implementation of these reforms¹⁸⁴

V. Constitutional and Human Rights Compliance

Progress: The Act emphasizes adherence to constitutional rights and human dignity by mandating that the police respect citizens' fundamental rights, such as the prohibition of torture, arbitrary detention, and inhumane treatment.¹⁸⁵ This has led to a reported reduction in certain abuses.

Challenges: Notwithstanding these advancements, violations of human rights by law enforcement continue to take place, particularly concerning the application of force and

¹⁸¹Nigeria Police Act, 2020, Section 33

¹⁸²Nigeria Police Act, 2020, Section 36(2)

¹⁸³ Nigeria Police Act, 2020, Section 96

¹⁸⁴ Nigeria Police Act, 2020, Section 97

¹⁸⁵ Nigeria Police Act, 2020, Section 37

extrajudicial killings. The public's confidence remains tenuous due to occurrences of police brutality.¹⁸⁶

VI. Enhancing Collaboration with Other Security Agencies

Progress: The 2020 Act encourages collaboration with other security agencies, and there has been some evidence of improved coordination between the police and agencies like the military, DSS, and the Civil Defense Corps in addressing national security challenges.¹⁸⁷

Challenges: However, inter-agency collaboration is still limited by bureaucratic issues, lack of coordination, and at times, competition for resources and authority among different security bodies¹⁸⁸

VII. Strengthening Police Resources and Funding

Progress: The Nigeria Police Trust Fund (PTF) has been established to support the police financially, which has led to some improvement in resources and equipment for the police force.¹⁸⁹

Challenges: Nevertheless, funding shortages remain a challenge, and budget allocations are often insufficient to meet nationwide needs. Additionally, delays in fund disbursement and concerns over financial mismanagement hinder the effective allocation of resources.¹⁹⁰

3.5 Challenges in Capturing Legislative Intent

The Boko Haram insurgency in the northern region has long exacerbated security challenges, while the persistent, low-level insurgency in the Niger Delta fluctuates in intensity. Conflicts over land and water usage, often intertwined with ethnic and religious tensions in the Middle Belt, occasionally result in a higher number of casualties than those caused by Boko Haram.

¹⁸⁶ Nigeria Police Act, 2020, Section 38

¹⁸⁷ Nigeria Police Act, 2020, Section 8

¹⁸⁸ Nigeria Police Act, 2020, Section 10

¹⁸⁹ Nigeria Police Act, 2020, Section 110

¹⁹⁰ Nigeria Police Act, 2020, Section 113

Additionally, pro-Biafra sentiments have gained renewed momentum in the southern regions, and the Islamic Movement of Nigeria (IMN), a Shia organization, has become more prominent in both the Middle Belt and the north.¹⁹¹

Typically, these issues fall under the jurisdiction of the Nigeria Police Force (NPF), which serves as the national gendarmerie, as Nigeria lacks local or state police forces. The NPF comprises approximately 370,000 personnel, with plans for significant expansion; however, it is also entangled in many of the nation's challenges. For instance, Muhammad Yusuf, the initial leader of Boko Haram, was killed while in police custody. The police have frequently clashed with and have been responsible for the deaths of IMN members, whose protests are generally peaceful, although this is contested by authorities. Moreover, the police are struggling to address the ongoing epidemic of kidnappings. The incoming election winner should prioritize police reform.

The police force is chronically underfunded and inadequately trained, often lacking the necessary resources to address local security concerns, which has led to the military being deployed to maintain order. Currently, the army is active in thirty out of thirty-six states, primarily performing police duties, which undermines the credibility of the NPF. Due to their inability to fulfill essential community safety functions, the police are frequently assigned to protect VIPs. To achieve the United Nations-recommended ratio of one police officer for every 400 residents, the NPF would need to recruit an additional 155,000 officers. This necessitates a substantial recruitment and training initiative, which the Inspector General estimates would require five years for full implementation. Additionally, police salaries are notably low, with recruits earning less than \$400

¹⁹¹ See International Crisis Group, *Violence in Nigeria: Patterns and Trends* (Africa Report No. 287, 2020) <https://www.crisisgroup.org/africa/west-africa/nigeria/violence-nigeria-patterns-and-trends> accessed 11 April 2025.

annually, despite receiving allowances. This financial strain compels many officers to resort to corrupt practices merely to make ends meet.¹⁹²

As for enhancement of police training, outside assistance is likely required. While in effect, U.S. law precludes our training of police, other partners of Nigeria, notably the British, have long been involved. That effort could be expanded, perhaps with indirect assistance from the United States. There are numerous proposals for police reform in general circulation. One such reform, which has the support of some governors, is the creation of state police forces to replace or augment the NPF. In the north, vigilante groups, most notably members of the Civilian Joint Task Force, have an established presence in their communities and can be effective instruments of law enforcement, though they are not entirely accountable at present. There are calls for the regularization of their status, either into the army or the police. However, there appears to be little consensus among the Nigerian political class about such measures and are therefore probably too ambitious for an incoming administration.¹⁹³

¹⁹² Matthias Olufemi Dada Ojo, 'The Nigeria Police and the Search for Integrity in the Midst of Diverse Challenges: An Effective Police Management Approach' (2014) 16(2) *International Journal of Police Science & Management* 87.

¹⁹³ Emmanuel C Onyeczili, 'Obstacles to Effective Policing in Nigeria' (2005) 1(1) *African Journal of Criminology and Justice Studies* 6.

CHAPTER FOUR

CHALLENGES AND IMPLEMENTATION OF THE NIGERIA POLICE ACT, 2020

The Nigeria Police Act of 2020 was established as a thorough response to the persistent shortcomings in the Nigerian policing framework, aiming to enhance accountability, professionalism, and conformity with international best practices. Nevertheless, the achievement of these legislative goals depends on successful implementation. This section delves into the mechanisms and stakeholders responsible for converting the Act's provisions into practical applications. It also addresses the structural and institutional obstacles that have arisen during this process, including challenges related to resource distribution, inter-agency collaboration, and capacity development. By analyzing the contributions of the Nigerian Police Force, governmental entities, the judiciary, and civil society, this discussion seeks to evaluate the tangible progress and challenges in realizing the reforms intended by the Act.

Overview of the Implementation Process

The implementation of the Nigeria Police Act, 2020, is a collaborative effort that involves multiple stakeholders, each contributing uniquely to the achievement of the legislation's goals.

These stakeholders encompass the Nigerian Police Force¹⁹⁴, both federal and state governments, the judiciary, and civil society, which includes human rights organizations. The collaborative efforts and duties of these groups are essential for transforming the Act's provisions into practical policing and societal improvements.¹⁹⁵

i. The Nigerian Police Force (NPF)

The Nigerian Police Force is the primary implementer of the Act. The NPF's role includes:

- I. **Implementing Reforms:** It is crucial to ensure compliance with the expanded and clarified duties outlined in the Act, which encompass the safeguarding of human rights, the enforcement of laws, and the regulation of criminal activities within legal boundaries. Establishing a dedicated Police Reform Office, fully equipped with the necessary resources and facilities, is imperative to oversee and facilitate the execution of all approved recommendations from government white papers on police reforms within a designated timeframe of two (2) years. The Government should urgently formulate a comprehensive National Police Reform Policy that clearly defines and articulates the role of the Police within the political context.¹⁹⁶ The primary objective of this policy will be to establish functional accountability for the Force while fostering improved governance and responsibility. A thorough overhaul of the Force Intelligence is required to enhance its operational effectiveness, and personnel should be strategically deployed across the nation.

¹⁹⁴ Nigeria Police Act 2020, No 2, Laws of the Federation of Nigeria (LFN).

¹⁹⁵ Auke J Van Dijk *et al*, 'Law Enforcement and Public Health: Recognition and Enhancement of Joined-Up Solutions' (2019) 393(10168) *The Lancet* 287.

¹⁹⁶ Sunday Kahindi Nzai and Kibaba Makokha, 'Security Governance and Law Enforcement by the National Police' (2024) 5(1) *Reviewed Journal of Social Science & Humanities* 1–22.

Additionally, it is vital to acquire advanced intelligence-gathering technologies for the Nigeria Police.¹⁹⁷

Which may include;

- i. A centralized national police criminal database should be established, with connections to State Commands and other governmental bodies involved in the criminal justice system.¹⁹⁸
 - ii. The regulations pertaining to the allocation of police orderlies to eligible individuals, as authorized by the President, must be rigorously upheld, with stringent consequences for any violation.¹⁹⁹
 - iii. To optimize operational efficiency, it is recommended that 85% of police personnel consist of operational agents, while the remaining 15% should include Experts and additional support personnel.²⁰⁰
 - iv. There should also be a cooperative partnership established between the Inspector-General of Police and the Police Service Commission.²⁰¹
- II. Capacity Building: Enhancing the training and professional development of officers to align with international best practices and the standards set by the Act. The introduction of a Revised Training Curriculum for all police recruits represents a crucial advancement in enhancing the professionalism and operational efficiency of the Nigeria Police Force. Once

¹⁹⁷ Ayodele P Olowonihi and M O Musa, 'The Role of Intelligence in Nigeria's National Security: A Critical Assessment (2011–2023)' (2024) 6(11) *The American Journal of Interdisciplinary Innovations and Research* 113–141.

¹⁹⁸ Ihekwoaba Onwudiwe, 'The Future of State Police in Nigeria: A Focus on the Southeast' (2024) 14(1) *African Journal of Criminology and Justice Studies* 1.

¹⁹⁹ Deni Angela, 'SentraGakkumdu Challenges in Enforcing Election Crimes under Law Number 7 of 2017: A Comparative Research of Indonesia and Nigeria' (2024) 5(1) *Ius Poenale* 43–56.

²⁰⁰ Charles T Hunt, *Specialized Police Teams in UN Peace Operations: A Survey of Progress and Challenges* (2024, unpublished manuscript or report if applicable).

²⁰¹ Ahmed Saeed Minhas and Syed Akhtar Ali Shah, 'Police Reforms: An Appraisal' (2019) 11(1) *ISSRA Papers* 39–56.

fully implemented, this new curriculum will equip recruits and the entire police force to tackle the challenges inherent in policing a complex society such as Nigeria, while ensuring that their duties are performed in accordance with international best practices. By focusing on essential areas during this training period, the objective is to elevate the performance standards, professionalism, and community-oriented approach of both new recruits and the police force overall, thereby preparing them to fulfill their responsibilities effectively within the framework of the law.²⁰²

- III. Accountability Mechanisms: Establishing internal oversight bodies to monitor and address misconduct, ensuring adherence to the accountability measures embedded in the legislation. Accountability is designed not to diminish or negate power but to regulate it, preventing it from becoming a tool of oppression and exploitation. It aims to ensure that power is exercised transparently and in accordance with established rules. The preamble of the Act²⁰³ encapsulates the fundamental purpose of reviewing the 1943 colonial Police Act and enacting the new legislation. This initiative seeks to transform the colonial legacy that persisted after independence in 1960, redefining the philosophy, vision, and operational mission of the Police. The goal is to shift from a regime-oriented police force, characterized by brutality and a lack of accountability, to a citizen-focused police service that respects human rights and embodies the principles of democracy, thereby fostering public trust. The Act outlines objectives that include the establishment of a culture of human rights and the promotion of partnership, transparency, and accountability.²⁰⁴

²⁰² Oliver Owen, *The Nigeria Police Force: An Institutional Ethnography* (DPhil thesis, University of Oxford 2012).

²⁰³ The Nigeria Police act, 2020

²⁰⁴ Nigeria Police Act 2020, No 2, Laws of the Federation of Nigeria (LFN), s 4.

IV. **Community Engagement:** Promoting community policing initiatives to form trust and foster collaboration amid the police and the public. The police were anticipated to collaborate closely with local communities to deter crime and uphold public order. Engagement with the community, the establishment of trust, and the formation of partnerships emerged as vital components of effective policing. To tackle specific issues, specialized units such as the Mobile Police Force and the Anti-Robbery Squad were established. Nevertheless, the police force has encountered various obstacles, including corruption, insufficient resources, and a deficit of public confidence. Initiatives have been undertaken to reform the police force, enhance training, and improve accountability measures. Programs aimed at community engagement and forums for community policing have been initiated to strengthen the connection between law enforcement and the public. The police force continues to adapt in response to evolving societal demands and the imperative of ensuring community safety.²⁰⁵

ii. Federal and State Governments

The federal and state governments are key enablers in the implementation process. Their roles include:

- i. **Policy Support and Funding:** It is essential to provide adequate funding and logistical resources to enable the police force to fulfill its expanded roles and responsibilities effectively. This necessity arises from ongoing concerns regarding insufficient funding for the police over the years, which has led to operational inefficiencies and increased insecurity within the nation. The Nigeria Police is tasked with crime prevention and detection, apprehending offenders, maintaining law and order, and safeguarding life and

²⁰⁵ Nigeria Police Act 2020, No 2, Laws of the Federation of Nigeria (LFN), s 4.

property. However, the budget allocations for these critical functions raise questions about their adequacy in addressing such extensive responsibilities. In an effort to remedy this situation, the National Assembly enacted the Police Trust Fund Act in 2019, which created a dedicated intervention fund aimed at the training and retraining of Nigeria Police personnel, as well as the provision of advanced security equipment and related facilities.²⁰⁶ This Fund is intended to receive contributions from a 0.005% levy on the net profits of businesses operating in Nigeria, 0.5% of the total revenue of the Federation Account, and additional resources from grants, donations, and investment income. Although the National Assembly passed the bill in April 2019 and it was signed into law by the President in June 2019, its implementation has been delayed due to the absence of a governing Board as of January 2020. The accompanying data indicates the anticipated transfers to the Fund for the 2020 fiscal year. With a budget of N403 billion, the allocation for the Nigeria Police in 2020 represents the highest amount designated in the past five years; however, its proportion relative to the overall security budget is lower than in previous years. Specifically, the 2020 budget of N403 billion constitutes 22.3% of the total security budget, whereas the 2015 police budget of N321 billion accounted for 32.5% of the total security budget. This disparity is particularly significant.²⁰⁷

- ii. Legislative Alignment: It is imperative to ensure that state laws and policies are in harmony with the Nigeria Police Act to prevent any conflicts or overlaps that may impede effective implementation. The alignment of state legislation with the Nigeria Police Act is vital for maintaining coherence and enhancing the efficacy of law enforcement and governance.

²⁰⁶ Police Trust Fund Act 2019, No 10, Laws of the Federation of Nigeria (LFN).

²⁰⁷ Ezekiel Oluwagbemiga Oyerogba *et al*, 'Tax Incentives and Foreign Direct Investment: Evidence from the Nigeria Listed Manufacturing Firms' (2024) 10(2) *Journal of Tax Reform* 355–380.

The Nigeria Police Act delineates the operational framework, responsibilities, and authorities of the Nigeria Police Force (NPF). Any discrepancies or overlaps with state laws can lead to jurisdictional conflicts, delays in enforcement, and legal complications. By harmonizing state legislation with this federal statute, such conflicts can be avoided, thereby promoting clarity and enabling the police to function without unnecessary bureaucratic obstacles or uncertainties. This alignment also encourages collaboration between federal and state governments, facilitating a coordinated strategy for combating crime and upholding public order. In the context of Nigeria's federal system, it is essential to respect constitutional boundaries, as security and policing are primarily under federal jurisdiction. Legislative alignment guarantees that state laws do not encroach upon this authority while still permitting states to effectively address their specific security challenges. To achieve this alignment, it is advisable for states to periodically review their laws and policies to ensure compatibility with federal legislation. This undertaking necessitates consultative processes that involve legal experts, federal legislators, and representatives from the Nigeria Police Force. Establishing harmonization committees, fostering legislative dialogue, and enhancing the capacity of state lawmakers in federalism and legislative drafting are practical measures to achieve consistency. Although challenges such as state resistance, complexities inherent in federalism, and resource limitations may emerge, these can be addressed through dialogue, technical assistance, and a focus on the mutual advantages of coherence in law enforcement. Ultimately, aligning state laws with the Nigeria Police Act fortifies the legal framework for security and improves operational efficiency.²⁰⁸

²⁰⁸ Nigeria Police Act 2020, No 2, Laws of the Federation of Nigeria (LFN), s 4.

iii. **Monitoring and Evaluation:** Monitoring and evaluation (M&E) are critical components of overseeing the implementation of security policies and initiatives to ensure they align with national security objectives. Monitoring involves the continuous assessment of the implementation process, tracking progress against set targets, and identifying potential issues in real time. Evaluation, on the other hand, focuses on assessing the effectiveness, efficiency, and impact of these initiatives, determining whether they address the identified security challenges and meet intended goals. Through robust M&E frameworks, stakeholders can ensure that resources are optimally utilized and that interventions remain relevant to evolving security needs. This involves setting measurable indicators, such as crime rates, response times, or community feedback, to gauge success. Regular reporting and review mechanisms should also be instituted to provide decision-makers with actionable insights, enabling them to adjust strategies when necessary. Furthermore, inclusive M&E processes that involve key stakeholders—such as government agencies, civil society, and local communities—foster transparency, accountability, and public trust. By systematically identifying gaps and successes, M&E helps prioritize effective interventions, redirect efforts where needed, and ensure that the overarching national security objectives are achieved efficiently and sustainably.²⁰⁹

iii. Judiciary

The judiciary serves an essential function in interpreting and enforcing the provisions of the Nigeria Police Act, 2020. Its duties encompass the following:

²⁰⁹ Nigeria Police Act 2020, No 2, Laws of the Federation of Nigeria (LFN), s 4.

- i.** **Statutory Interpretation:** Addressing ambiguities within the Act to guarantee its appropriate application, as demonstrated in cases such as *Kure v. C.O.P.* and *FRN v. Osahon*. The Nigerian judiciary is tasked with the interpretation of the law, ensuring that it is applied accurately and consistently across all cases. This role is vital for maintaining the integrity of the legal system and ensuring that justice is administered fairly and impartially. Furthermore, the judiciary is committed to applying the law equitably to all individuals, irrespective of their status or background. In fulfilling this responsibility, the judiciary upholds the principle of equality before the law, which is fundamental to the rule of law. Additionally, the judiciary possesses the authority to safeguard individual rights and freedoms as enshrined in the Constitution, including the rights to life, liberty, and the pursuit of happiness. Any governmental actions that infringe upon these rights may be contested in court, where the judiciary has the power to declare such actions unconstitutional. It is imperative that the judiciary operates independently and free from any external interference to effectively uphold the rule of law and ensure the delivery of justice.
- ii.** **Oversight of Enforcement Actions:** Monitoring the police's adherence to legal standards and ensuring that their actions comply with human rights principles. Upholding Legal Standards and Human Rights Principles. The supervision of police enforcement activities is vital for preserving the rule of law and safeguarding human rights principles. This entails the monitoring of the Nigeria Police Force (NPF) to ensure that its actions are consistent with constitutional mandates, legal standards, and international human rights commitments. Effective oversight mechanisms, including internal accountability frameworks within the police, independent entities such as human rights commissions, and judicial review processes, are essential for curbing abuses of authority, including unlawful detentions,

excessive force, and discriminatory practices. Promoting transparency in police operations fosters public confidence and strengthens the legitimacy of law enforcement agencies. Furthermore, training initiatives focused on human rights, legal protocols, and ethical policing practices equip officers to perform their duties with professionalism. Additionally, avenues for reporting and investigating claims of misconduct, such as ombudsman services or citizen complaint systems, facilitate accountability and redress. Through comprehensive oversight, the NPF can function as a just and equitable institution, effectively balancing law enforcement responsibilities with the protection of citizens' rights and freedoms.

iii. Facilitating Prosecutions: Collaborating with police officers who serve as prosecutors in cases, particularly where the Act allows for prosecution by officers with legal training. Cooperation between Law Enforcement and Judicial Systems. The successful facilitation of prosecutions necessitates a cohesive partnership between law enforcement officials, particularly those possessing legal expertise, and the wider judicial framework to guarantee the delivery of justice. The Nigeria Police Act authorizes police officers with appropriate legal qualifications to serve as prosecutors in specific instances, particularly within the Magistrate Court. This structure aids in accelerating the judicial process by mitigating delays stemming from a lack of state prosecutors and improving the management of cases. Police prosecutors fulfill a dual function by connecting law enforcement with the judiciary, as they are actively engaged in crime investigations and the presentation of evidence in court. Nonetheless, effective facilitation demands that these officers receive comprehensive legal training and strictly comply with procedural laws and ethical guidelines. Collaboration with judicial officials, state ministries of justice, and legal professionals is essential to ensure that prosecutions are carried out with professionalism and that cases are founded on reliable evidence, while also safeguarding the rights of

defendants. By nurturing such collaborations, the justice system can operate more effectively, maintain fairness, and strengthen public trust in the rule of law.

iv. Civil Society and Human Rights Organizations

Civil society groups and human rights organizations are essential advocates and watchdogs in the implementation process. Their contributions include:

- i. **Advocacy and Awareness:** Educating the public on their rights under the Act and the obligations of the police force, fostering a culture of accountability. The promotion of advocacy and public awareness is essential for equipping citizens with knowledge regarding their rights and the responsibilities of the Nigeria Police Force (NPF) as outlined in the Nigeria Police Act. Informing the public about these matters is vital in bridging the divide between law enforcement agencies and the communities they serve, thereby fostering an environment of transparency and trust. When individuals are aware of their rights—such as protection against unlawful arrest, detention, or mistreatment—they are more capable of holding the police accountable for their conduct. Awareness initiatives, including media campaigns, community discussions, and collaborations with civil society organizations (CSOs), are instrumental in spreading this critical information. Furthermore, educating the public about the police's duties, which include adhering to legal standards and respecting human rights, cultivates a culture of accountability on both sides. Advocacy efforts may also encompass training community leaders to serve as intermediaries and establishing accessible channels for reporting misconduct. By advancing awareness and advocacy, society can promote lawful and professional policing while empowering citizens to engage actively in the pursuit of justice and accountability.
- ii. **Monitoring Police Conduct:** Tracking cases of police misconduct and reporting abuses to ensure adherence to the Act's provisions. Monitoring Police Conduct: The oversight of

police conduct is an essential component in maintaining accountability and professionalism within the Nigeria Police Force (NPF). This process entails the systematic observation of incidents involving police misconduct, including the abuse of authority, corruption, and violations of human rights, ensuring that such issues are resolved in alignment with the Nigeria Police Act and relevant legal statutes. Independent oversight entities, such as police complaint commissions, human rights organizations, and ombudsman services, are crucial in receiving and investigating public grievances. Implementing transparent procedures for managing these complaints serves to deter misconduct and instill confidence in the public that violations will be addressed appropriately. Regular evaluations of police operations, the deployment of body cameras, and mechanisms for public reporting significantly enhance the efficacy of monitoring initiatives. Additionally, promoting a culture of whistleblowing within the police force empowers officers to report unethical practices without the fear of reprisal. By ensuring that instances of misconduct are recorded, investigated, and dealt with through suitable disciplinary or legal actions, the monitoring of police conduct reinforces compliance with the Act and bolsters public confidence in law enforcement.

- iii. **Policy Recommendations:** Providing feedback and recommendations to the government and police on areas requiring improvement, especially regarding the Act's impact on marginalized communities. Providing policy recommendations is essential for ensuring that the Nigeria Police Act achieves its intended objectives, particularly in addressing the concerns of marginalized communities. This process involves analyzing the Act's implementation to identify gaps, challenges, and unintended consequences. Feedback from community stakeholders, civil society organizations (CSOs), and independent monitoring bodies can highlight areas where the Act may disproportionately affect vulnerable groups,

such as women, youth, ethnic minorities, or people living in poverty. For example, recommendations might address the need for more community-oriented policing, improved training on cultural sensitivity, or enhanced mechanisms for reporting abuses. Policymakers can use this feedback to refine existing laws, allocate resources more effectively, and introduce measures to promote inclusivity and fairness. Collaborative platforms where government officials, police representatives, and community leaders can discuss these recommendations foster mutual understanding and ensure practical, context-specific solutions. By continuously adapting policies based on informed feedback, the government and police can enhance accountability, build public trust, and ensure the Act delivers equitable and effective law enforcement for all citizens.

- iv. **Litigation and Advocacy Support:** Offering legal aid and support to victims of rights violations to ensure redress under the law. The provision of litigation and advocacy support is essential for ensuring that victims of rights violations by law enforcement receive appropriate redress and justice. This support encompasses offering legal assistance to individuals who may be disadvantaged in terms of resources or legal knowledge, enabling them to pursue remedies for abuses such as unlawful detention, excessive force, or discrimination. Legal aid organizations, human rights advocates, and pro bono attorneys are instrumental in representing these individuals in legal proceedings, lodging complaints, and demanding accountability. In addition to addressing individual cases, strategic litigation can also confront broader systemic issues within policing practices, targeting unconstitutional policies that facilitate abuse. Advocacy initiatives further enhance these efforts by increasing public awareness of rights violations, urging authorities to implement necessary reforms, and elevating the voices of marginalized groups. By integrating legal representation with advocacy, these efforts not only secure justice for victims but also foster

a culture of accountability, reinforcing the notion that all individuals are subject to the law and that human rights must be safeguarded at all times.

By effectively coordinating the efforts of these stakeholders, the implementation process aims to address the systemic challenges within the Nigerian Police Force and foster a safer and more accountable policing system.

4.1.Challenges in Implementing the Nigeria Police Act, 2020.

- i. **Institutional Barriers:** Execution of the Nigeria Police Act, 2020 faces considerable institutional obstacles. These challenges encompass bureaucratic inefficiencies, insufficient coordination among agencies, and a reluctance to embrace change within the police force. Numerous elements of the Act necessitate strong organizational frameworks and operational reforms; however, deeply rooted practices and antiquated systems impede advancement. Furthermore, the restricted capacity of oversight bodies to supervise and enforce adherence results in implementation deficiencies. The lack of adequate training for officers regarding the provisions of the new Act exacerbates these issues, leaving many uninformed about the changes or incapable of adjusting their practices to align with the new legal framework.
- ii. **Legal and Legislative Gaps:** The Nigeria Police Act of 2020, while extensive, exhibits certain legal and legislative deficiencies that impede its complete execution. For example, the presence of contradictory provisions in current laws, coupled with a failure to align with other legal frameworks, results in ambiguities. Such inconsistencies may cause confusion regarding interpretation and enforcement. Additionally, the lack of robust legislative support for essential funding

mechanisms and institutional reforms outlined in the Act restricts the resources necessary for its implementation. Moreover, the absence of well-defined legal structures for community policing, a fundamental component of the Act, further diminishes its efficacy.

- iii. **Political and Socio-Economic Challenges:** Political interference in law enforcement remains a significant obstacle to the successful execution of the Nigeria Police Act, 2020. Politicians often manipulate the police for their own personal or political interests, undermining the intended reforms aimed at improving professionalism and independence within the police force. Furthermore, socio-economic difficulties, including insufficient funding, inadequate infrastructure, and low salaries for police personnel, hinder advancement. Unless these fundamental issues are resolved, the provisions of the Act will struggle to be put into practice. Moreover, pervasive poverty and inequality intensify crime rates, further burdening an already stretched police force.
- iv. **Public perception and Trust Issues:** The effectiveness of the Nigeria Police Act, 2020 is significantly dependent on the trust of the public; however, past instances of corruption, brutality, and inefficiency have severely undermined this confidence. A considerable number of citizens express doubts regarding the police's commitment and capability to adopt the reforms specified in the Act. This prevailing skepticism hampers public cooperation, which is essential for successful law enforcement and community policing efforts. Unless there are deliberate initiatives to restore relationships with the community, the execution of the Act is likely to encounter considerable opposition and indifference from the populations it aims to benefit.

A coordinated strategy is essential to tackle these challenges, which includes institutional reform, a thorough review of legislation, sufficient funding, and active public involvement to guarantee that the Nigeria Police Act, 2020 fulfills its intended goals.

4.2. Discrepancies between legislative intent and Implementation.

Discrepancies between the legislative intent of the Nigeria Police Act, 2020, and its actual implementation develops from a range of systemic and operational challenges. The Act is designed to modernize the police force, enhance professionalism, improve accountability, and promote community-oriented policing. However, the realization of these objectives is often delayed by various factors. A significant issue is the disconnection between the proposed reforms and the current institutional framework. Although the Act seeks to tackle persistent problems such as corruption, inefficiency, and abuse of power, these issues continue to exist due to deep-rooted practices within the police force and a lack of genuine commitment to reform from leadership. For instance, the Act's provisions for accountability and oversight are compromised by ineffective implementation mechanisms and the limited autonomy of oversight bodies.

Resource limitations also play a crucial role in these discrepancies. Despite the legislative goal of enhancing infrastructure, equipment, and welfare for police personnel, insufficient funding and poor resource distribution obstruct the achievement of these aims. This results in a scenario where the ambitious goals of the Act are not supported by the operational capabilities of the police force. Moreover, the implementation process is frequently affected by a lack of awareness and understanding of the Act among police personnel and the general populace. In the absence of adequate training and public sensitization, officers find it challenging to align their actions with new legal framework, while citizens remain largely uninformed about their rights and the protections afforded by the Act.

Additionally, political interference and resistance to change further complicate the implementation process. Certain political figures and influential individuals may intentionally undermine elements of the Act that threaten their authority or expose wrongdoing, thereby widening the gap between legislative intent and practical execution.

4.3.Oversight and Accountability Mechanism.

Effective oversight and accountability systems are essential for promoting transparency, professionalism, and efficiency within the police force, as stipulated in the Nigeria Police Act of 2020. These systems are intended to supervise police operations, tackle misconduct, and guarantee adherence to legal and ethical norms.

- i. Internal Oversight Mechanism: The Nigeria Police Force is equipped with internal entities, including the Provost Department and the Complaint Response Unit (CRU), which are designated to investigate allegations of misconduct and handle public grievances. These units are responsible for maintaining discipline among officers and offering channels for citizens to report instances of abuse. Nevertheless, their efficacy is frequently hindered by insufficient resources, potential bias, and a lack of autonomy from the police hierarchy.
- ii. External Oversight Mechanism: External oversight entities, including the Police Service Commission (PSC), are essential in ensuring police accountability. The PSC oversees recruitment, promotions, disciplinary actions, and the resolution of public grievances against police conduct. Furthermore, the National Human Rights Commission (NHRC) serves as a forum for addressing human rights abuses perpetrated by police officers. Nevertheless, the autonomy and capability of these organizations to implement their decisions are frequently scrutinized, which diminishes their overall effectiveness.

- iii. **Judicial Oversight:** The judiciary functions as a critical oversight body by adjudicating cases related to police misconduct and safeguarding the rights of citizens. Courts possess the authority to hold law enforcement officers accountable for illegal actions; however, delays in judicial proceedings and restricted access to justice frequently undermine the effectiveness of this oversight role.
- iv. **Legislative Oversight:** The National Assembly and state legislatures possess the authority to supervise the police force through the examination of budgets, the execution of investigations, and the assessment of the enforcement of the Nigeria Police Act. These legislative entities have the capacity to call upon police officials for accountability sessions and to suggest modifications to policies. Nevertheless, political interference and insufficient legislative follow-up may diminish the effectiveness of this oversight.
- v. **Civil society and Public Oversight:** Organizations within civil society, along with the media and the broader public, are essential in ensuring police accountability. Civil society organizations (CSOs) oversee police activities, promote necessary reforms, and create avenues for citizens to express their grievances. Investigative journalism reveals instances of misconduct and corruption within the police, while public advocacy fosters a demand for transparency and reform.

Challenges in oversight and Accountability.

Numerous challenges continue to exist despite the presence of these mechanisms, such as insufficient funding, a lack of autonomy for oversight entities, inadequate coordination among agencies, and a prevailing culture of impunity within the police force. Additionally, public skepticism regarding the efficacy of these mechanisms further deters citizens from reporting abuses or participating in oversight procedures.

By tackling these concerns, the mechanisms for oversight and accountability can successfully rebuild public confidence and enhance the operational effectiveness of the Nigeria Police Force.

4.4.Comparative Analysis between Nigeria police and other similar police reform in other jurisdictions.

i. Comparative analysis between Nigeria and USA.

In Nigeria, there is a persistent and significant public demand for reform within the Nigeria Police Force (NPF), which remains a critical issue that cannot be overstated. A defining moment occurred during the #EndSARS protests in 2020, where demonstrations led by youth called for the dissolution of the Special Anti-Robbery Squad (SARS) in response to widespread allegations of brutality and violations of human rights. The government reacted by disbanding SARS and committing to broader police reforms. Nevertheless, challenges continue to exist, including insufficient training, resource shortages, and entrenched corruption within the police force. Ongoing efforts to modernize the NPF aim to align its operational strategies with international best practices.²¹⁰ In the United States, the last ten years have witnessed increased scrutiny of policing practices, particularly regarding racial bias and the application of force. Notable incidents, such as the deaths of Michael Brown in 2014 and George Floyd in 2020, ignited nationwide protests and calls for reform. Legislative initiatives, including the introduction of the George Floyd Justice in Policing Act, sought to tackle issues such as qualified immunity and to establish national policing standards, although it encountered obstacles in the Senate.

In 2020, in the aftermath of George Floyd's murder in Minneapolis, Minnesota, perpetrated by former police officer Derek Chauvin along with three other ex-officers, the U.S. House of Representatives passed the George Floyd Justice in Policing Act. Nevertheless, this legislation did

²¹⁰ O Fajemirokun, 'Nigeria's Security Dynamics and the Fight Against Crime' (2025) 5(2) *Open Journal of Social Science and Humanities* 1–9.

not advance to a vote in the U.S. Senate. Although there was bipartisan agreement on many aspects of the bill, a deadlock arose concerning the issue of qualified immunity. Consequently, some advocates for police reform and accountability redirected their efforts towards local initiatives. Minneapolis subsequently entered into a police reform agreement with the Minnesota Department of Human Rights. While Minnesota Governor Tim Walz expressed support for police reform, state Democrats contended that the proposed legislation was insufficient, whereas Republicans argued it was excessive.²¹¹ In January 2023, Tyre Nichols was killed by police officers in Memphis, Tennessee. Mirroring the circumstances surrounding Floyd's death, the involved officers were dismissed and faced criminal charges. Once again, advocates for police reform and community members called for measures to enhance police accountability. In response, the city of Memphis implemented a series of laws aimed at improving police accountability, including ordinances designed to restrict pretextual traffic stops—named in memory of Tyre Nichols—and to promote transparency by mandating the collection of data regarding the individuals stopped and the locations of these incidents.²¹²

In contrast to Governor Waltz, Tennessee Governor Bill Lee has enacted legislation that prevents cities within the state from adopting certain police reforms, thereby rendering the above-mentioned Memphis laws ineffective. Our data indicates that Tennessee has implemented a greater amount of "pro-policing" legislation compared to Minnesota, alongside a higher incidence of fatalities involving police.

While both Nigeria and the United States have engaged in police reform efforts, their strategies and obstacles are markedly different. Nigeria's reforms have primarily been reactive, driven by

²¹¹ Adina Akbik and Sebastian Diessner, 'Police Patrols, Fire Alarms, or Ambulance Chasers? Parliamentary Oversight of European Monetary Policy and Banking Supervision' (2025) 48(3) *West European Politics* 669–695.

²¹² *Ibid*

public protests and demands, with a focus on restructuring the Nigeria Police Force (NPF). However, the execution of these reforms has been impeded by deep-rooted issues such as corruption and insufficient resources. Conversely, the United States has witnessed a blend of federal, state, and local efforts, characterized by a stronger focus on legislative actions and policy changes. Additionally, the U.S. has undergone a more vigorous public discourse regarding the role of policing, fostering a wider conversation about criminal justice reform.²¹³

Both Nigeria and the United States have acknowledged the necessity for police reform in the last ten years; however, the approaches and success of these reforms have been shaped by their distinct political, social, and institutional contexts. This dissertation underscores the importance of continuing the conversation regarding the essential reforms that the Nigerian police force must persistently pursue. Although there has been notable progress in legislation, the experiences reported by individuals and private citizens still fall short, especially when considering fundamental human rights and international policing standards.

ii. Comparative analysis between Nigeria and Canada.

In Canada, initiatives aimed at police reform have concentrated on improving oversight, tackling systemic challenges, and updating policing methodologies. Notable efforts include:²¹⁴

- RCMP Reform: The Liberal Party has suggested reforms for the Royal Canadian Mounted Police (RCMP), which involve strengthening the Management Advisory Board to ensure comprehensive oversight, setting definitive timelines for adherence to recommendations

²¹³ Olusola Karimu and Adebukola Foluke Osunyikanmi, 'A Comparative Analysis of Police Accountability in Nigeria and United States' (2012) 2(11) *International Journal of Humanities and Social Science* 251–257.

²¹⁴ Abraham Obukohwo Egbadju, Francis Ayegbunam Ikenga, and Atare Otite Egbadju, 'Tackling The Challenges of Human Security and The Quest for State Police in Nigeria' (2024) 1(1) *IJORAMP: International Journal of Research and Multidisciplinary Practice* 20–37.

from the Civilian review and Complaints Commission, and endorsing independent evaluations of the RCMP's disciplinary processes.

- **Professionalization of Policing:** There has been a growing dialogue regarding the transition of policing from a mere occupation to a recognized profession, highlighting the necessity for standardized training, ethical standards, and a dedication to serving the public.
- **Black Justice Strategy:** The Canadian government has launched the Black Justice Strategy to guarantee that Black Canadians receive equitable treatment under the law, with the objective of confronting systemic racism within the justice system.
- **Modern Policing in Toronto:** The Toronto Police Service has adopted an action plan that emphasizes community-oriented policing to enhance public safety and foster trust between law enforcement and the community.

Nigeria and Canada both acknowledge the necessity for police reform; however, their strategies are shaped by distinct challenges and societal contexts:²¹⁵

- **Oversight and Accountability:** Canada's reform initiatives focus on strengthening oversight mechanisms and professionalizing the police force, with the goal of fostering public trust and tackling systemic issues. Conversely, Nigeria's reform efforts tend to be reactive, often spurred by public protests, and prioritize structural modifications within the police force.
- **Implementation Challenges:** Nigeria encounters considerable obstacles in executing reforms, primarily due to systemic corruption, insufficient resources, and a lack of political

²¹⁵ Rillagoda GN Yasanthi *et al*, 'Determinants of Traffic Safety Enforcement Behaviour Among Police Officers: A Narrative Review' (2024) *Case Studies on Transport Policy* 101206.

commitment. In Canada, the challenges are more related to addressing systemic biases and modernizing practices within an already established accountability framework.²¹⁶

- **Public Perception and Trust:** Both nations face difficulties regarding public trust in law enforcement. In Nigeria, instances of police brutality have resulted in widespread skepticism, while in Canada, ongoing efforts aim to confront concerns related to systemic racism and ensure fair treatment for all citizens.

Policing in Canada is widely regarded as more sophisticated than in Nigeria, primarily due to variations in governance, available resources, training protocols, and mechanisms for accountability. The structure of policing in Canada is characterized by a decentralized approach, comprising municipal, provincial, and federal police forces, including the Royal Canadian Mounted Police (RCMP). This framework facilitates specialization and the implementation of strategies tailored to specific jurisdictions.

Canadian police officers receive comprehensive and standardized training at accredited institutions, such as the RCMP Depot. The training focuses on contemporary policing methods, ethical considerations, community involvement, and de-escalation techniques.

In Canada, law enforcement agencies employ cutting-edge technology, including body-worn cameras, crime data analytics, facial recognition systems, and digital forensics. Their vehicles, communication tools, and weaponry are equipped with the latest advancements.²¹⁷

Independent oversight organizations, such as the Civilian Review and Complaints Commission (CRCC) for the RCMP, play a crucial role in ensuring accountability and investigating allegations of misconduct. Public confidence is bolstered through transparent disciplinary procedures.

²¹⁶ Erica Kane, 'The Potential of Automated Classification to Categorise Police Force Tweeting Behaviours: Leading the Way to Large Scale Analysis' (2024) 34(3) *Policing and Society* 139–165.

²¹⁷ Megha Ajitha, *Safeguarding Equality: Strategies for Canadian Police to Combat LGBTQ+ Hate Crimes* (DPhil thesis, Justice Institute of British Columbia, School of Criminal Justice & Security 2024).

Community policing serves as a fundamental aspect of the Canadian policing model. Officers actively participate in community engagement to foster trust, mediate conflicts, and collaboratively work towards crime prevention. In contrast, while Nigeria has initiated community policing efforts, these initiatives face challenges due to limited resources, a lack of trust between the police and the public, and insufficient training.²¹⁸

CHAPTER FIVE

SUMMARY, RECOMMENDATIONS AND CONCLUSION

In this chapter, the study delves into the culmination of the dissertation journey by presenting a comprehensive overview of the findings, recommendations, contribution to knowledge, areas for further study and concluding remarks. Though an in-depth analysis of legislative intent with an overview of the Nigeria Police Force, 2020, the study aims to provide actionable insights for the Nigeria Police Force, and law makers to enhance proper communication of the intent of the Nigeria Police Act, 2020.

3.3. Summary of findings.

²¹⁸ Moutasem A Zakkar *et al*, 'Community Experiences with Police and Implications for Public Health: A Focus Group Study' (2024) 4(6) *PLOS Global Public Health* e0003123.

The old Police Act from 1943 was no longer suitable, as it was created during colonial times and hadn't changed much in almost 80 years. Many people were unhappy with police violence, corruption, and poor performance, which made the need for change urgent. The #EndSARS protests showed serious problems in the police system that needed to be fixed through new laws. Also, other countries and organizations were pushing Nigeria to improve its police system to respect human rights and support democracy. The 2020 Police Act supports community policing, but it hasn't been put into practice equally in all areas. Although the law includes human rights protections, there are still weak systems to make sure these rights are respected. The Act also introduced better management structures, but there are problems with how they are being carried out. Lastly, even though the Act mentions how police should be funded, the actual money given is still not enough. The process of creating the new Police Act mostly involved government institutions, with little input from the general public. Important modern issues like cybercrime and terrorism were not properly addressed. The law was written quickly, which may have prevented careful thinking about complex problems. Also, there was not enough expert advice on modern policing methods during the drafting. The Act introduced better ways to hold the police accountable, but putting these into practice has been difficult. Although it includes plans to improve police welfare, these changes haven't had much real impact. New oversight bodies were created, but there are concerns about how independent and powerful they really are. Also, while the rules for disciplining officers were updated, they are not always used consistently. Laws are often written quickly, without enough careful thought. The reasons behind the laws are not well recorded, so important details can be lost over time. How the laws affect other sectors is not properly considered. Also, there are few or no systems in place to review how well the laws work after they are passed.

3.4. Recommendations.

It's important to fully record the problems with the old Police Act to have a clear starting point for tracking progress. There should be regular reviews of the law every 5 to 7 years to make sure it stays up to date. Also, keeping a detailed archive of how the reform process happened will help guide future improvements. Major laws should include required public hearings in all regions to gather broad input. A detailed plan should be made to involve all relevant stakeholders in the process. Expert groups with different backgrounds should be formed to handle specific parts of the law. The drafting should be done in phases, allowing time for feedback and improvements along the way. There should be clear guidelines for putting the law into action, along with specific ways to measure success. An independent group should be set up to check whether what's happening on the ground matches the goals of the law. It's also important to create flexible plans that allow different regions to adapt the law to their local needs while still following its main principles. A full review should be done to compare the problems identified with the improvements made. Clear steps need to be set for fixing areas where the Act didn't solve key issues. Funding should be specifically directed to the most important problem areas. A special team should be created to focus on carrying out solutions for these critical gaps. To enhance the quality and effectiveness of legislation, a comprehensive framework should be established. This includes developing a standardized legislative impact assessment process and mandating the documentation of legislative intentions, ensuring these are accessible to both implementing agencies and the judiciary. Clear and coherent legislative drafting guidelines must be created to improve enforceability. Additionally, formal post-implementation reviews should be conducted at 1, 3, and 5-year intervals to evaluate outcomes and make necessary adjustments. A specialized unit within the National Assembly should also be formed to oversee drafting quality, coherence, and alignment with policy objectives. Lastly, leveraging technological solutions will enable efficient tracking of legislative implementation and overall effectiveness.

3.5. Contribution to knowledge.

This study makes a substantial contribution to the comprehension of legislative drafting and its correlation with policy goals. It emphasizes the necessity of creating laws that are clear, flexible, and enforceable, while also taking into account the expectations of stakeholders. The research provides valuable insights, stressing the importance for Nigeria to implement global best practices that are adapted to local circumstances. Additionally, it addresses the challenges involved in converting policy intentions into effective legal frameworks, serving as a reference for future legislative reforms both in Nigeria and elsewhere.

3.6. Suggested Areas for Further Studies.

Future studies may investigate the adoption of comparable police reform legislation in various jurisdictions, aiming to pinpoint best practices that could be tailored to the Nigerian context. Furthermore, it is essential to assess the effects of financial instruments like the Police Trust Fund on the operational efficacy of the Nigerian Police Force. Another vital area for research is the effectiveness of community policing as established by the 2020 Act and its impact on public confidence and crime statistics. Additionally, the role of the judiciary in interpreting and clarifying ambiguities within the Act deserves further scrutiny, given its importance in ensuring that the law aligns with its intended legislative purpose.

3.7. Conclusion

The Nigeria Police Act 2020 signifies a crucial initiative aimed at reforming and modernizing the country's policing system, tackling persistent challenges while adhering to democratic values and international norms. However, the effectiveness of the Act hinges on its actual execution, which necessitates robust political commitment, sufficient resources, and active public participation. By confronting its limitations and adopting global best practices, Nigeria has the

potential to cultivate a police force that is more transparent, accountable, and efficient, thereby restoring public confidence and improving national security.

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