

Bribery as a Norm in the Nigerian Police Force: Implications for Ethics, Policy and Law

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Abstract

Bribery, as a pervasive societal phenomenon, poses ethical, legal, and practical challenges globally. This paper delves into the complexities surrounding bribery, particularly in the context of Nigeria, where it has become alarmingly prevalent. Drawing from diverse sources, including legal statutes, empirical data, and scholarly insights, it illuminates the multifaceted nature of bribery and its profound implications for social, political, and economic development. The manuscript highlights the staggering prevalence of bribery in Nigeria, with data indicating widespread instances of bribe payments to public officials, particularly in critical sectors like healthcare and law enforcement.

Despite its ubiquity, bribery remains universally condemned, violating moral, religious, and legal norms. Furthermore, the manuscript explores the detrimental effects of bribery on decision-making processes, often leading to distortions and injustices. However, it also delves into ethical debates surrounding bribery, particularly in situations where it may ostensibly serve a greater good, such as saving lives in emergencies.

By examining various ethical frameworks, including utilitarianism and deontology, the manuscript underscores the nuanced nature of ethical assessments regarding bribery. It argues for a contextual approach to policymaking, advocating for nuanced legal frameworks that reflect societal attitudes and realities.

Ultimately, the paper calls for a nuanced understanding of bribery, acknowledging the complexities inherent in its ethical evaluation. It emphasizes the need for legal reforms that balance accountability with compassion, particularly in cases where individuals are coerced into bribery under duress. In conclusion, it advocates for legal frameworks that evolve in tandem with societal values, fostering a more just and equitable society.

Keywords: Bribery, Nigeria, Implications, Ethics, Policy

Introduction

Bribery, defined as offering, giving, or receiving anything of value with the intent of inducing or rewarding someone for acting has become common in Nigeria and deeply institutionalised in the Nigerian Police Force (NPF)(OECD, 2013). Available data show that each adult Nigerian pays nearly one bribe per year on average and public officials are the most frequent recipients, with healthcare and public utility workers topping the chart at 31% and police officers at 30%(Adejumo & Ogbewe, 2011; NBS, 2019; UNODC, 2017). A 2024 Report by the Nigerian National Bureau of Statistics states that public officials received N721 Billion Bribe in 2023 equivalent to \$450,625,000(Aina, 2024).

While bribery is widespread in the society, bribery in the NPF is so prevalent that it has become a norm. In a special Report published in 2010, the British Broadcasting Company (BBC) highlighted a system of paying returns in which junior police personnel are expected to pay bribe money up the chain of command (Duffield, 2010). In 2021, Nigeria's senior police officer and decorated officer, Abba Kyari, was embroiled in a bribery controversy after the US Federal Bureau of Investigation (FBI) indicted him in a fraud case against Nigerian Ramon Abbas, dubbed Hushpuppi, the country's most renowned fraudster. It emerged that while Hushpuppi was defrauding individuals worldwide, he was "being protected" by Abba Kyari, who received his portion of the fraud money (Yusuf, 2021). In 2007, the Independent Corrupt Practices and Other Related Offences Commission (ICPC) arraigned Mr Abba Peter, a police sergeant, for demanding a bribe of N50,000 in order to halt an investigation into criminal breach of trust pending at the Metro Police Station Abuja. The Court found him guilty and sentenced him to one-year in prison ("FRN v. Sgt. Abba Peter," 2016). Similarly, in 2016, the ICPC arraigned Mr. Okonkwo Ambrose, a senior inspector of police, before the Enugu State High Court for requesting for bribe in order to facilitate his victim's cases in court ("FRN v. Okonkwo Ambrose," 2016). In December 2023, a video went viral showing how Noraly Schoenmaker, a Dutch biker en route to the Nigeria Federal Capital Territory (FCT), was confronted by two police officers who demanded bribe money from her (TVC, 2024). In February 2024, the International Center for Investigative Reporting reported on bribery involving senior police officers in connection with the unlawful sale of police lands allocated for constructing police barracks in the FCT (Akewushola, 2024). The corrupt practices of the NPF have been characterized as one of the most apparent manifestations of corruption in the country with a former Inspector General of Police stating that "corruption has come to characterise the behaviour of the average policeman" (Aborisade, 2015; Ladapo, 2011).

Deaths and threats against citizens as a result of refusing to offer bribe money have grown commonplace within the NPF (Aborisade, 2015). Since 2012 to date, several individuals have been shot dead by police for refusing to "Roja" (Anon, 2022; Izuekwe, 2014; Kabir, 2019; Ukpung, 2020).

Table 1 shows recorded incidences resulting in death, threats and grievous bodily harm as a result of refusal to "Roja" members of the NPF.

S/N	Report	Reporter	Date & where Reported	Outcome
1	Cop Kills Bus Passenger Over Bribe In Lagos	Alawode Adebobola via PM News	Feb. 12, 2012 Lagos South West Nigeria	Victim dies
2	Onitsha boils as Policeman kills commercial bus driver	Ali Adoye via Daily Post	February 10, 2012 Onitsha South East Nigeria	Victim dies
3	Bribery: Driver, Passenger Shot	Cyriacus Izuekwe via PM News	January 7, 2014	Case pending in

	By Cop		Lagos, South West Nigeria	court
4	Policeman kills driver for refusing to give bribe	Taiwo Ojoye via Punch	December, 2016 Osogbo, South West Nigeria	Victim died
5	Police chases tricycle rider to death over N100 bribe	Taiwo Ojoye via Punch	June 16, 2018 Onitsha South East Nigeria	Victim dies
6	Policeman shoots truck driver dead 'because of N50 bribe'	Adejumo Kabir via Premium Times	Dec. 3, 2019. Akure, Ondo South West Nigeria	Victim died
7	Witness: Police killed driver on Abuja-Kaduna road over N2000 bribe	Cable via News Agency of Nigeria	August 9, 2019 Abuja North Central Nigeria	Victim died
8	UPDATED: Police allegedly kill driver over N50 bribe; residents retaliate	Abubakar Ahmadu Maishanu via Premium Times	August 31, 2018 Taraba, North East Nigeria	Victim died
9	Police corporal 'shoots dead' Abia businessman over 'refusal to offer bribe'	Ayodele Oluwafemi via Cable News	April 21, 2024. Abia, South East Nigeria	Victim died
10	VIDEO: Nigerian Policeman Threatens To Shoot Motorist Over Refusal To Pay Bribe In Bayelsa	Anon via Sahara Reporters https://saharareporters.com/2023/11/01/video-nigerian-policeman-threatens-shoot-motorist-over-refusal-pay-bribe-bayelsa	Nov. 1, 2023. Bayelsa South- South Nigeria	
11	Bizman, Lagos police bicker over N70,000 extortion allegation	Fatteh Hamid via Punch	May 10, 2024. Lagos South West Nigeria	
12	Nigerian Police Allegedly Shoot Young Man For	Sahara Reporters	July 24, 2022.	

	Refusing To Bribe Officers At Checkpoint		Enugu, South East Nigeria	
13	Outrage as police officer kills Lagos lawyer on Christmas Day	Ayodele Oluwafemi via Cable	Dec. 22, 2022 Lagos, South West Nigeria	Victim died

Despite what appears to be a widespread practice, bribery violates basic moral, religious, and legal norms in every decent society(Philips, 1984). Bribery hinders social, political, and economic progress of nations, as well as distorts decision-making by incentivizing bribe-takers to delay, obfuscate, or conceal information. The African Development Bank for instance, estimates that corruption costs Africa USD 148 billion per year, a loss enough to power every citizen on the continent for three years(Adekoya, 2020; Anon, 2015). The majority of countries view bribery as illegal due to its detrimental repercussions(Gupta, 2000). In Nigeria, bribery is considered as corruption as well as an economic and financial crime(Nigeria, 2000, 2004). The Criminal Code Act holds both the giver and receipt of bribes responsible(Nigeria, 1990). Put differently, regardless of the circumstances, both the person who offers a bribe to a police officer and the officer who accepts it are considered accountable.

In this paper, we investigate this legal provision to determine its ethical, social, and philosophical ramifications for the average Nigerian. Previous studies have investigated the causes, extent, and implications of bribery within the NPF; however, to the best of our knowledge, no research has examined the ethical and philosophical implications of the liability provisions in the Criminal Code, as well as their ethical implications for citizens who are coerced to part with “Roja”. This paper is not oblivious of the difference between extortion and bribery. However, the focus of this paper is on the provision of the Criminal Code Act as it relates to bribery. Given the negative implications associated with refusal to hand over "Roja" when required by the police, this study seeks to answer a major question: should bribery given in such cases be justified as to eliminate guilt from the giver's side?

Methodology

This paper utilised a combination of doctrinal and library-based research. The deontological and utilitarian ethical theories, as well as the self-preservation theory of human behavior served as the framework. Primary data included the Nigerian Constitution 1999 (as amended), the Criminal Code Act, and case law. Secondary data consisted primarily of social media reports (from Twitter, now X, and Facebook, now Meta) as well as newspaper sources. Newspaper reports covered the period from January 2012 to May 2024. Other secondary data sources include publications from international organisations, such as the Human Rights Watch, Amnesty International, and the International Center for Investigative Reporting. Data was analyzed thematically.

Background to the Study

On February 24, 2024, SP Josephine Adeh the FCT Police Public Relations Officer (PRO) in her official twitter handle @Josy_Dannyking tweeted;

“It’s strange that while we actively discuss police extortion, we often forget to mention that when you give to avoid legal repercussions or waive your rights, you become an accomplice and contribute to the problem.”

The summary of the tweet from the Police PRO is that while Nigerians keenly discuss police extortion, they exclude the fact that those who yield to extortion are accomplices. Accomplice is loosely defined as a person who helps another to commit a crime or do something morally wrong(Cambridge). A lot of Nigerians on X who saw the tweet from the Police PRO responded angrily. One tweet however, supported the position of the police PRO as follows: *“by virtue of Section 98A of the Criminal Code Act in Nigeria, the giver and receiver are liable for bribery”*. We argue that there are several reasons why the wordings of this tweet are in bad faith.

First, extortion and bribery are not the same thing. By bribery, a person offers to give or receive something of value with the intent to induce or reward someone for acting. While it is possible for both parties to have a consensus for bribery to occur, there is usually no consensus when extortion occurs. Extortion is defined as the crime of obtaining something from someone, especially money, by using force or threats(Cambridge). In most of the cases where death resulted as a result of failure to bribe a police officer, it was because the victim refused to be extorted. In majority of cases, victims being extorted by the police do not have a choice.

Second, the Police PRO alluded to the fact that by giving in to extortion, a victim has waived his/her right. The Nigerian Constitution in sections 33-45 provided for the basic rights of Nigerian citizens and nowhere within these provisions does it provide that a person has waived their right by virtue of giving in to extortion. On the contrary, section 34 states that every individual is entitled to respect for the dignity of his person, and accordingly, no person shall be subjected to inhuman or degrading treatment.

Finally, the tweet from the police spokesperson generated a lot of reactions from Nigerians on twitter. In **Table 2**, we show the exact tweet from some individuals who expressed their anger with civility, following the tweet from the Police PRO. A read through the tweets showed consensus in reasoning amongst the different group of individuals who reacted to the tweet. We systematically grouped these tweets into the following findings: that the Police PRO is ignorant of the problem. Two, that the only reason people give bribe when approached by the police is because of fear for one’s life. Three, that extortion and bribery are different and finally, that by virtue of the Nigerian Criminal Code, both the giver and receiver are liable.

Consequently, fear for one's life is a factor in why a citizen could bribe a police officer; therefore, criminalizing such on the part of the giver ought to be revisited.

Table 2:- Reactions from Nigerians on Twitter (Now X)

S/N	Account	Tweet
	I	
1	@ONikhua	You know your men extort people at gun point but you want unarmed citizens to risk their lives and refuse, knowing you lot will not do anything but cover up for the criminals within your ranks? It is obvious you lot are not willing to change your evil ways.
2	@rotilaw	Please do not make out the people who give bribes as criminals and accomplices. If your men do not demand or extort bribes, often at the

		treat of injury or incarceration, no one would give them bribes - or you think people bribe the police out of love and affection?
3	@adewalediran	Not when you are forcefully abducted away to an unknown or lonely place by scary looking guys with guns. Even if you are a SAN you will want to pay to have your freedom and life again. We run to fight another day, a living dog is better than a dead lion.
4	@IAMAdeyanju	How do you not give a mad Police Officer threatening to waste your life? How do you not give Officers in @PoliceNG cars who kidnapped you to an unknown location to forcefully check your account balance? Do you know that claiming rights can lead to death? Speak wisely PRO!
5	@sholayPopAndArt	Someone is taking money from me at gun point and you said I shouldn't give. Who am I not to give in the first place? If I give knowing I did wrong, you won't expect me to still report it but someone took money from me at gun point while threatening my life.
6	@NaijaNative	Sometimes it's your life on the line, not some phantom bribery
7	@kachijack	Offering and accepting bribes is a crime, however extortion and ransom are totally different as people will pay to safeguard their lives against gun wielding, uniform wearing and death threatening rogue officers who we hear are on illegal duty almost everywhere, everyday.
8	@ObinnaOkoronkw7	How can it be a crime against me if am extorted. Someone stopped me, searched and didn't see anything. He took my phone which I should use to call a deadline, and threatened to kpai me if I didn't cooperate. I allowed him have his way. You came down to tell me I committed a crime.
9	@he__bright	You raise a valid point. Discussions about police extortion should encompass the broader implications of compliance under duress and its potential impact on perpetuating such issues.
10	@Mickyiv4	Here we go again, shifting the blame & responsibilities to the victims instead of your thieving officers. How is an unarmed innocent civilian supposed to act in the midst of armed policemen making statements like "if you don't comply we'll shoot you & nothing will happen"?
11	@terpe5	Most time those who give have no option I guess. Because the police usually directly or indirectly asked for the giver to give... Police must learn not to accept even if people try to give.
12	@WORLDEtOPPOSITE	Don't say that madam, have you ever been threatened with rifle B4? Your people were armed and you expect someone that has been frightening not to comply for their life's safety, madam please stop peddling that statement, I wish you retract it, and vow you have never received bribe
13	@CupidAutosNG	It's called giving under "duress"
14	@BareAdebayo	It is a normal thing for a prosecutor or a suspect to try to bribe a police officer. It is the police officer who should act trained professional by rejecting the bribe.
15	@ehcuno	So you wait for torture or even been killed (and labelled criminal) before you become wise? A wiser Nigerian should pay, gain your freedom and then seek for redress.
16	@black_Aizenosa	I sometimes wonder if it is delusion or just plain ignorance. Majority of the people don't willingly give you people money, they are kidnapped, threatened and robbed. The police is a criminal group, stop trying to whitewash them
17	@Deleolusegun2	Well-done Madam. when cases of extortion is reported against your officers, endeavor to see that a wholistic investigation is carried out. The law presumed dt both givers & takers are liable. Severally, givers on ds side of divide cry victim without giving exact details of incident.
18	@ChrisMec1	Madam you're floating on reality of youth's predicament. These bad

		eggs operate more dangerously than kidnappers with order that they'll waste you if you don't cooperate. What do you expect a victim to do in the middle of Bush or back of station where no one is?
19	@livingplastico	Between giving a rogue police money or your life, which one will you choose? Seems you don't get it that holding arms to threaten a civilian to submission is the same as armed robbery? Better to pay, and seek justice later than argue with armed robbers in uniform
20	@swiftreporters	Section 98A of the Criminal Code Act in Nigeria. The giver and receiver are liable for bribery

Bribery: Ethical Considerations

Bribery is ingrained in most societies that it has become a practice that is justifiable when the associated results are undeniably desirable(Giugliano, 2013; Philips, 1984; Remer, 2017; Wright, 2019). Consider the case where a doctor is bribed to treat a dying patient, or where a tip is given to facilitate the movement of a doctor to an accident scene. It is debatable whether the bribe giver is blameless considering that such a behaviour is prohibited by law. However, the act of giving the bribe will likely save a life. In essence, the debate is not whether such acts of bribery exist, but whether there are situations where it could be ethically permissible. In the obvious case of threats and killings by the NPF officers, should an individual be blameworthy for giving bribe to save his/her life? Utilitarian ethicists may consider bribery offered to achieve greater good for the society ethically permissible(Adonis, 2013; Jones, 2013). A deontological viewpoint, on the other, will maintain that bribery is unethical notwithstanding the circumstances under which it was offered or the good that will ensue from it.

Deontology

Deontology is derived from the Greek word ‘deon’ which means “obligation”, “necessity”, “duty”. Deontological theories propounds what moral duties are –that which is binding(Alexander & Moore, 2007). For the deontologists, the moral weight of an action lies in conforming to duties and rules despite the consequences(Paquette et al., 2015). Deontologists live in a world of moral rules. Immanuel Kant emphasised the deontological ethical theory based on categorical imperatives – that is that command has to be obeyed and that an action was only moral if it was done in obedience to a rule(Singer, 1954). In any case, if the law says both giver and receiver of bribe are liable, then they are liable no matter the circumstances. As long as you obeyed the rule, the consequence whether positive or negative was immaterial. In other words, deontological ethics can make people to act in ways which bring out bad consequences. Take the trial and death of Socrates for example. Socrates was an Athenian citizen who is known to have influenced Western philosophy. After he was found guilty on a trumped-up charge and sentenced to die by poison(Nails, 2009). The people of Athens, including Socrates’ friends and allies encourages him to flee the city. However, Socrates refused to show contempt for the law and drank the hemlock poison and died of paralysis(Waterfield, 2012). Socrates like the deontologists refused to show contempt for the law and remained true to his teaching of civic obedience(D’Amato, 2010). Socrates had a duty to serve the punishment after his trial however following that duty meant that he would suffer unjust punishment on a trumped-up charge – the value therefore of compliance with such rule can be questioned(Dybikowski, 1974).

Consequentialism and Utilitarianism

Consequentialism on the other hand, is an ethical theory that judges whether or not something is right by what its consequences are (Driver, 2012; Sosa, 1993). For instance, most people would agree that lying is wrong. But if telling a lie would help save a person's life, consequentialism says it is the right thing to do. Consequentialist theorists hold that the moral worth of an action should be judged by its consequences. So, a good or right action is one which produces the best consequences over all in a situation. A consequentialist will lie if that was necessary to bring about the best consequences. The best-known consequentialist theory is utilitarianism, which is an example of act consequentialism where right actions are those that maximise happiness for the greatest number. Therefore, to bring about these consequences, it may be legitimate to ignore rights and rules as opposed to the views of the deontologists. Whatever is being evaluated, we ought to choose the one that will produce the best overall results. One may argue that giving a bribe to a police officer especially in any situation will bring about the best consequence first, for the citizen who will not be shot indiscriminately by the police for refusing to give it out and secondly, for the family of the individual who will continue to enjoy the presence and joy of their breadwinner as the case may be. The best consequences could be that the bribe giver is saved from possible death and the police officer from possible indictment.

A Nigerian journalist reported how a patient passed away in 2021 as a result of his family's refusal to transfer the necessary funds into his doctor's account rather than the hospital account. The doctor delayed the surgery until he died (Bivan, 2021). While the family stood true to the teaching of Immanuel Kant of obedience to the law, the utilitarian will oppose the position of the family as it will not bring about the best consequences. This attitude has been applied globally in a number of ways. In the USA for example, some obvious acts of bribery intended to secure the performance of a routine governmental action are exempt from anti-bribery provisions of the Foreign Corrupt Practices Act. For decades, tips, kickbacks and lobbying have been formalised as a way of facilitating or fast-tracking transactions (Segal, 2022). Silvio Berlusconi, a one-time Italian Prime Minister posited that bribery was essential, particularly when dealing with developing nations and authoritarian regimes (Adonis, 2013).

However, neither of the two positions of the deontologists or the utilitarians are absolute, their validity depends on the context, culture, demography, and law of the society in question. In the following section, we suggest that self-preservation theory provides one framework for examining the issue of bribery.

Self-Preservation Theory of Human Behaviour

Self-preservation theory of human behaviour has been studied within the framework of psychology, health promotion, and socio-demographic approach (Popova, 2021). Within the framework of the socio-demographic approach, self-preservation behavior is understood as a system of actions and personal relationships aimed at maintaining health throughout the life cycle and prolonging life. The general meaning comes down to the priority for individuals of the value of health, motivation and intense activity to save it. Self-preservation behavior includes precautions used by people to reduce the risk of harm to their health (Popova, 2021). It describes a person's readiness to preserve their own life and health, to prolong existence until old age. For instance, the Grauer opines that one of the reasons soldiers capitulate during wars is because of the desire to self-preserve (Lamarche et al., 2011). Given the psychological feeling

that humans have, they are driven to monitor their environments for threats to their social-esteem and acceptance in order to preserve their social selves. Thomas Hobbes was one of the proponents of the self-preservation theory. Hobbes advances the idea that individual self-preservation is the primary motivating factor behind the formation of society, and that nature has given man the right to prevent violent death from befalling it (Anon; Millen, 2006). What makes Hobbes dictum more powerful is that according to him, man do not just have the right to ensure self-preservation: but also the right *to judge* what will ensure its self-preservation. In other words, if a person judges that not giving a bribe to a police man will endanger his/her life, then to preserve his life, he will have to give that bribe. He argued further that self-preservation should be humankind's first ethical priority. According to him, individuals have a right to do whatever is possible to ensure self-preservation, as what is at stake in self-preservation is the self. Because self-preservation is a desire, a physiological condition, not a law or command, the provision of the Criminal Code Act on liability for bribe givers becomes challenging as it is difficult to establish a guilty intent on the part of the giver (Martinich & Martinich, 2021).

The question becomes why should a citizen be punished because of the desire to save his/her life?

Discussion

Bribery is a complicated, multi-dimensional issue that has become desirable when associated benefits are desirable. Remer paints a picture of how it is difficult to determine what the right choice is especially in developing nations where giving and accepting bribes is often normal and expected (Remer, 2017). Specifically, author notes the difficulty for individuals performing aid work in foreign countries with corrupt officials and police officers and why it may be the right action to pay bribes to border officials to be able to get over medications to children in need of them (Remer, 2017). He argues that paying bribe in such instance is justified considering that the person paying the bribe is able to accomplish meaningful, life-changing work for the local populace or having to face harsh condition or intentionally targeted for failure to do so. Similarly, most bribe payers at least in low- and middle-income countries like Nigeria are left with no choice, unlike the recipients who act based on greed. The bribe payers in those instances are in vulnerable situations, thus victims of extortion by public officials.

However, the problem with this solution as it relates to Section 98 of the Criminal Code Act is that law is not equivalent to ethics. Law is law and as long as it remains the law, it is the law. Consequently, there is a need for a policy shift decriminalising bribery from the giver's end in cases where the life of a citizen is at grave risk. Homicide for example is criminalised but excused in cases of self-defence. The accused is however put in a witness box and made to defend the action. In a similar vein, a bribe payer will be made to justify why such payment was the least unethical choice to make. In sum, a bribe in such an instance should be ethically justifiable, if not ethically ideal, given that it is the least unethical of a set of unethical choices (Salbu, 2001).

Finally, it is apposite to conclude this with the profound thought of Benjamin Cardozo, "the law, like the traveller, must be ready for the morrow". Laws are influenced and reflect the moral values and standards, collective beliefs, and attitudes of members of each society. Most Nigerians will likely berate the family member who failed to make payment into the doctor's account like the case discussed above or a bus driver who refuses to pay a 'bribe' to a policeman at

gunpoint. Therefore, the law should not be aloof but reflect these realities.

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