



# Rethinking Democratic Policing: The Affective Criminology of Offenders in Nigeria

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## Abstract

Since the beginning of democratic regime in 1999, there has been incidents of contour lines in the values of transparency, fairness, equality, and justice as the principle of good governance. Policing has been the instruments of domination, deprivation, suppressions, Gruesome killings, violence as form of control, and alienation of the citizens by state powers. The contemporary ethical Criminology on the life of policing spaces is yet to have a successful distinction between the universal charter on the rights of man from the “unconscious affect”, harm and the unjust outlook of offenders in the criminological discourse. The discourse reveals eclectic understanding of the criminal victimology of offenders. In this paper therefore, the affective criminology is derived from the affective nature of human subjects such as sexual violence, fear of violent humiliation, victim of terrorist activities, ethnic precipitative victims, political victims and other forms in which the contemporary life is swathe with criminological victimizations in Nigeria. The social contract theory was the basic theoretical framework in understanding Democratic policing. The study was Descriptive in design. The instruments of data collection were interview techniques. Purposive and Snowballing samplings were used to collect data from respondents. The data was analyzed through content analysis. In conclusion, one of the research findings observed that there was a breach of social contract of governance to implement the agonies and diverse trauma of human experience.

**Keywords:** victimization, Trauma, Injustice, Rights, Policing

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## Introduction

Legatum Institute research in 2019, indicted Nigeria as a very violent country. It observes that there is different complexity of this violence, which ranges from radical Islamic killings, Terrorist activities, abuses from the law enforcement agencies, banditry and kidnapping. These activities were now at their highest level in this present governmental administration in Nigeria.

Today, the level of the fear of humiliation has accelerated to no sign of reduction. The level of fear created negative emotions of anger and frustration. According to Agnew (2001), these conditional relationships influence high magnitude of crimes. It could also be associated with low social control, creates pressure of coping criminal incentives and be seen as unjust in the society.

This emotional landscape of criminology derived from the affective nature of human subjects has increasingly contributed to sexual violence, fear of violent humiliation, victim of terrorist activities, ethnic precipitative victims, political victims and other forms in which the contemporary life is swathe with criminological victimizations in Nigeria.

Everyone in the society is directly or indirectly affected by crime. Those people who are not directly affected by crime also develop negative increased fear of crime. Victims of crime have drastic influence on trauma.

The exposures to the consequences such as physical, physiological, behavioral, emotional, cognitive, financial, social and spiritual establish the complex understanding of the effects of crime on the victims (Wasserman & Ellis,2010). The American Psychiatric Association (2000 in Wasserman & Ellis,2010) identify symptoms of



trauma that victims may have followed victimization. This includes sexual assault, physical attack, robbery, mugging, kidnapping, or when a person observes serious injury or death of another person due to violent assault and also when we learn about violent personal assault or death of a family member or loved one (Wasserman & Ellis, 2010). They argued that mental health problem of an offender increases following a new crime. They believed that the two key post-victimization factors that increase the problems are, lack of social support systems and degree of exposure to justice system (Wasserman & Ellis, 2010).

Recent research has shown that researchers are increasingly interested to know effects of trauma on the brain. They argued that individuals experience trauma of the brain. The effects of the trauma resulted in the structural, biochemical, and functional conditions followed the posttraumatic stress disorder (Villareal & King, 2001).

It is a society we expect that policing is the fundamental function of criminal policy. Policing is defined as a set of processes and measures taken by a particular social institution with specific function to regulate social relations and practices in order to secure the safety of community members as well as conformity to the norms and values of the society (Arisukwu, 2012). The social institution that performs this specific role in the society is the police. The police are the law enforcement agency that regulate the social relationships in order to conform to the norms and values of the society.

An effective policing results in an important principle of good governance. The antithesis of effective policing gives birth to social disorganization of good governance. Prasad (2006), argued that effective policing in a democratic society is the ingredients of a successful maintenance of an environment of order, security, and trust, where the public have the ability to move freely their daily routines without fear of humiliation. This is what he christened “democratic policing”.

To Prasad (2006), the ability of the police to abide to the rule of law, and be accountable to the law, not a law unto itself; abiding to the safety and rights of individuals and groups and protecting human rights; promoting democracy in a security environment by providing professional and ethical services with structures to Serve the community, and playing fairness to the service of the public. These categories according to Prasad defined democratic policing and demonstrate to the principle of good governance.

According to Arisukwu, (2012), the essence of Policing is based on the protection of human rights, and on the values of transparency, fairness, equality and justice.

This injunction is statutorily enshrined in the constitution that all people have the rights to be treated fairly even the suspects and victims in particular. This is very central to democratic policing. The ultimate aim of policing is to modify unlawful behavior and institutional practices that fuel such behavior. Ethical and accountable policing are what the society expect from the police. A situation government collaborates with the citizens in the spirit of cooperative governance, respects, promotes and protects the dignity of humanity.

There are variations we discover in the perception of police in Nigeria. Reports indicated that the officers over time were use as instrument of coercion by the state to oppress citizens, particularly the youth. Scholars argued that the colonial history of the police, which favored coercion and brutality, are carried over to this post-colonial epoch and influenced contemporary policing. The postures increase the chances of law and order breaking down in the society. The breakdown of law and order is derived from the affective nature of human subjugations such as sexual violence, fear of violent humiliation, victim of terrorist activities, ethnic precipitative victims, political victims and other forms in which the contemporary life is swathe with criminological victimizations in Nigeria. The security lacuna in the country was seen as a stimulus for rising public disorder.



The Victim of crimes have drastic influence on trauma. The victims are exposed to the consequences of physical, physiological, behavioral, emotional, cognitive, financial, social and spiritual effects. The trauma reactions include: major depression, thoughts of suicide and suicide attempts, Use and abuse of alcohol and other drugs, Ongoing problems with relationships, anxiety disorders, a changing view of the world as a safe place, increased risk of further victimization, Persistent reexperiencing of the event (i.e., distressing dreams, distressing recollections, flashbacks, or emotional or physiological reactions when exposed to something that resembles the traumatic event), Persistent avoidance of things associated with the traumatic event or reduced ability to be close to other people and experience or sustain loving feelings, and Persistent symptoms of increased arousal (i.e., sleep difficulties, outbursts of anger, difficulty concentrating, constantly being on guard, extreme startle response).

### **Objectives of the study**

The specific objectives of this research investigate the following:

- To ascertain the trauma of sexual violence amongst the kidnapped Children in Nigeria.
- To explore the victims of Gruesome killings on ethno-religious divide in Nigeria.
- To examine the ethnic precipitative victims of Freedom Fighting in Nigeria.

### **The Contort Lines of Nigeria policing**

It is believed that to maintain law and order is the fundamental function of the police. To execute this noble exercise entails measures and actions taken by a variety of institutions and groups to ensure conformity to the norms and values of society (Tangban, 2014).

Nigeria policing is delineated into three dispensations: the precolonial; colonial; and postcolonial periods. In the pre-colonial period, the task of policing was inherent in its social organization. Particularly, the extended families, the lineages and the Age groups function as authorities to determine and impose sanction for

the task of policing. Also, in the religious angle, we have the Ancestral cults, spirit cults, Secret societies, Divination and Ordeals whose roles are to exercise political and judicial powers to the particular society (Onoge, 1993).

The colonial period witnessed the provision of laws from the colonial masters. These Laws were the mechanism that obliterate the pre-colonial structures of politics where the erstwhile African traditional rulers became the colonial administrators. The structure manifest into an order of inconsistent non-polity (Opolot, 1992).

The order entrenched both the colonial masters and colonial African rulers through the methods of indirect rule to exploit the people. The colonists rule arbitrarily with brute force if the African rulers step out of line (killingray, 1986).

The law was central to the non-recognition of people and the recognition of Terra nullius (no man's land) in the territory (killingray, 1986). The colony transferred the order of the subject of the indigenous lands as non-human terra nullius control. In 1820, colonial police were created to maintain the new colonial order. The creation acted to protect colonial economy, suppression of indigenous privileges, and increase the level of arbitrariness by the colonial police (Rotimi, 2011).

The colonists invested heavily on security in order to thwart the people's resistance that are thorns in the side of the colonial masters. For example, they resisted the 1918 Egba Rising and the Aba women riot of 1929 were suppressed by the army by firing mercilessly to the crowds (Opolot, 1992). In fact, the perpetration of crime was not an affront to the public order but to the colonial order (Opolot, 1992).

The post-colonial era of the Nigeria policing was a colonial creation (Adebayo & Ojo, 2009). The post-colonial period is a metaphor of the colonial repressive apparatus. It retains and serves more weapons of instability, intimidation, murder, crime against humanity, repression and excessive abuses as witnessed from the colonial era (Cole, 1999).



According to Bongor (1969), in Nigeria the local petty-bourgeoisie got political power at independence in 1960; they acquire economic wealth, material possession and economic power their predecessors. So, at independence, the distribution of rewards became a major concern which made politics a means of class competition. Thus, the values and norms in which the petty-bourgeoisie was socialized became the socio-political values of the hope for accumulation and participant in Political class competition.

Nkrumah (1970) maintains that the African bourgeoisie, the class which existed during the colonial period benefited under the post-independence called the neocolonial time. Its basic interest lies in the preservation of capital, social, and economic structures. The ruling class possesses the major instruments of economic production and distribution, and the means of establishing its political dominance, a higher level they aspire in a stratified society (Nkrumah,1970). Thus, the bourgeoisie in Nigeria, as in Marxist analysis has remained a veritable and potent instrument for the domination, deprivation, suppression and alienation of the proletariat by controlling state power (Ake,1981). The local petty-bourgeoisie enforces rules and orders that serve the interest of the elites than the people (Buyse, 2018).

In May 1999, Nigeria inaugurated a democratic regime after a protracted period of military rule. Since the advent of this 'democratic' regime, there have been uncountable incidents of ethnic repression, political alienation, crime against humanity, Mass kidnapping, Negative perception of police on the role of protecting the citizens, pursuit of dehumanization and extortion, Insecurity, Gruesome killings, violence as form of control, and banditry (Alemika & Chukwuma,2000). There are poor responses by the governmental authorities to these social abrasions. This type of policing has become a source of concern in Nigeria. The law enforcement agencies usually abuse the statutory power in the process of executing their role (Igbo, 2017). In the wake of the Nigeria police performing the statutory functions, however,

often contravene the restrictions of the legality and even morality ethics of the profession. The result is the involvement of the police in illegal arrest and detention, torture, brutality, corruption, violation of basic human rights; include the right to life and the right to fair hearing (Igbo, 2017). Moreover, an authoritarian president can promote parochial interest and ethnical agenda by using a centralized law enforcement agent to perpetuate evil in the land. This type of policing could happen when the law enforcement officer discreetly indulges in the protection of a particular ethnic group and left other sections of the group in a state of perilousness (Ake,1981).

This could manifest in a multi-religious country where religious-motivated violence is carried out and the police officer will arrest the culprit in the day, but eventually released in the night (Rotimi,2011).

These are typical examples of what predicated in the Nigerian political cum religious gruesome killings in recent times. On march, 2007, Mrs. Christiana Oluwasesin, a school teacher was beaten and stabbed to death in Gombe;

On march,2021, Mai Ruwa, a Vendor was beaten and stabbed to death in Bauchi; On may,2022, Miss Deborah Yakubu, an undergraduate was beaten and burnt to death in Sokoto; and on January 2023, Rev. father Isaac Achi was killed and burnt to death (Sun, January10,2023).

This is just a few of the gruesome blasphemy killings which had an ethno-religious sharp divide as a result of ineptitude of Nigeria policing. All the arrested persons in connection to these killings were later released without charge (Guardian, May 23, 2022).

### **Theoretical Orientation**

#### **Social contract theory**

Social contract theory, nearly as old as philosophy itself. It is the view that a persons' moral and/or political obligations are dependent upon a contract or agreement among them to form the society in which they live. What men would most want is to be able to commit injustices against





others without the fear of reprisal. Such thing diminishes the principle of fairness and Justice.

On the other hand, some will treat what they most want to avoid without fear of injustice in return. Justice then, he says, is the conventional result of the laws and covenants that men make in order to avoid these extremes. It is the sacrosanct of democratic policing in a civil society. Being unable to commit injustice with impunity, therefore, fearing become victims themselves. Here, men decide that it is in their interests to submit themselves to the convention of justice.

Hobbes argues that Living under the authority of a Sovereign can be harsh because men's passions can overwhelm their reason. Sovereign must have absolute authority in order for the contract to be successful; at least it is better than living in the State of Nature. Moreover, no matter how much men may object to how a Sovereign is managed, the affairs of the state regulate our lives.

According to the Social Contract most often-quoted lines "Man was born free, and he is everywhere in chains. Humans are essentially free, and were free in the State of Nature, but civilization has substituted subservience as sacrosanct. We can measure these through the incidents of disorganization in the principles of good governance amongst state powers in domination, deprivation, suppression, ethnic repression, violence as form of control, economic and social inequalities, and the extent to which we judge ourselves through comparisons.

### **Methods**

The methodological study was Descriptive by design. It employed qualitative methods of data collection. The instruments of data collection were in-depth and Key informant interview techniques. Purposive and Snowballing samplings were used to collect data from respondents. A sample size of 20 respondents comprising 10 key Informant Interviews (KIIs) and 10 In-depth Interviews (IDIs) were used. They include Barristers, retired police officers, and traditional rulers. The Barristers and retired police officers were used as Key Informant

interviewees while the traditional rulers were used as In-depth Interviewees. Respondents were selected from three strategic Locations in Isolo Oshodi Area of Lagos state. The locations are Jakande gate, Bucknor and Ago Palace. The data was analyzed using content analysis.

### **Research Findings**

We discovered from the objectives of the study about the findings of the paper. The reports of the respondents were contently analyzed into findings. The first finding exposes the mystery of sexual abuse as being prominent in the act of victims of crime. We found out that the school girls forcefully kidnapped in mass from 2012 to date were forced to untimely marriage by the leaders of the terrorist groups: Boko-Haram, ISIS and Banditry. The school girls had unwanted pregnancies and as such became school dropouts. This correlates with the sayings of Peter Hawkins, the Resident Representative of the United Nations Children Fund (UNICEF) in Nigeria, who observes during the year 2024 International Day of Education in January that about 10.5 million children in Nigeria are out of school, the highest rate in the world. He also disclosed that various statistics revealed that Northern Nigeria is the home to the highest poverty level due to the terrorist activities and banditry in the region. Hawkins established that majority of these out of school children are from the Northern part of Nigeria. Some of the girls testify that they were taken into a thick forest and were told to go completely naked before they were publicly raped. The Christian girls among them were even forced to accept another religion from the one they believed. The second findings reveal that terrorist activities were the brain behind the mass kidnapping of school children, political killings, gruesome killings, shooting and burnt of some Innocent worshippers. The Gruesome murder of Christians in Nigeria by some fundamentalists desecrate the legal system and claim of non-existent of fundamental human rights. We observed that the Gruesome murder of these innocent believers showed that their accusers are also at the same time their prosecutors and judge; a phenomenon clearly against the grain of justice, fairness, the Nigerian constitution and the



Administration of Criminal Justice Act 2015. All these depict the autocratic leadership style in Nigeria. The ineffective leadership in Nigeria culminated into the ethnic precipitative victims of some important freedom fighters in the Eastern part of the country. There was a total systematic extermination and arbitrary imprisonment of the Eastern ethnic groups due to involvement in their demand for self-determination. The inhuman treatments giving to the members of the Indigenous people of Biafra (IPOB) in Obigbo, Calabar, Port Harcourt, Owerri, Aba, Enugu were the factors of ethnic precipitative and political victims of Freedom fighters in Eastern Nigeria. This, to one of the respondents believe that such state should be called 'Zoo government' for violating the statutory law of the country and the fundamental rights of the people. In fact, in conclusion of these findings, there were lack of functional social support systems and degree of exposure to justice system in assistance of victims in Nigeria.

### **Conclusion**

The emergence of Justice in the society is the prerequisite for Human Rights. Humans are essentially free, and were free in the State of Nature. We recommend that the issues of sexual violence, fear of violent humiliation, victim of terrorist activities, ethnic precipitative victims, political victims and other forms in which the contemporary life existed should be looked unto, to bring solution to the society.

The Administration of the criminal Justice Act 2015 should direct the State to pay compensation to victims of crime. Also, like manner with Compulsory Treatment and Care for Victims of Gunshot Act 2017. There should be the establishment of Federal and State Compensation Board for victims of crime has been practice by members of United Nations, in the America and United Kingdom. This will serve as government focal point for all issues affecting crime victims across Nigeria.

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