

30 **Mental Health, Drug Abuse and Criminal Behaviour among Nigerian Youths: A Criminological/Legal Perspective**

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Introduction

The study is focused on the relationship between mental health, drug abuse, and youth criminal behaviour in Nigeria. Additionally, it analytically examined the legal reactions, policy gaps and path of the criminal justice systems of offenders with drug-induced mental illness. Specifically, this study answers the inquiry of how drug-induced mental illness influence youth involvement in crime and the legal framework for drug abuse and mental health in Nigeria. It is a doctrinal study of primary sources such as the World Health Organization Report on Mental health and Drug Abuse in Africa, the UNODC reports, Childs Rights Act, the Nigerian Mental Health Act 2021 policies; the study utilizes secondary sources such as academic journals, etc. The topic is one which is significant in the sense that it bridges the gap between public health, criminology and law, as well as provides recommendations for more rehabilitative and mental-health oriented drug-related crime management. This is because extant studies focused more on correctional institutions with minimal integration of socio-legal and criminological scholarship findings.

As suggested in Akujobi & Aje-Famuyide, (2022) there is need for a public health-criminology intersection to inform policies that bridge public health and crime. Moreover, the study suggests legal reforms needed for treating mentally ill youth offenders more humanely and effectively and also, inform policies aimed at reducing youth crime through mental health interventions rather than pure incarceration. This research therefore suggests intersectional research needed to inform policies that bridge mental health, justice and community support.

Drugs and substance abuse have been linked to crime and delinquency; studies show that most criminals use drugs and other substances in the course of carrying out their crimes (Ebobo, et al. 2024; Kamal et al. 2024). The impact of such drugs on the mental health, economic, physical, social and academic life of youths who use drugs is usually negative (Njeri & Ngesu 2014).

Literature Review

Conceptual framework

Mental Health

World Health Organization cited in John-Langba et al. (2022), defined mental health as a condition of well-being in which an individual realizes his or her own potential, can cope with the normal stresses of life, can work productively and is able to contribute to his or her community (WHO, 2014). The definition of mental health is all encompassing, that is, a constellation of psychological, behavioural or psychological syndrome or pattern which occurs in an individual, of which the consequences are clinically significant distress or disability such as impairment in one or more major areas of functioning. As cited in John-Langba et al. (2022) mental health is determined by medical, psychological, emotional, biological, and social determinants such as absence of disease, poverty indicators, low education, rapid social change, stressful work conditions, gender discrimination, social exclusion, unhealthy lifestyle, risk of violence, physical ill health, violation of human rights and biological (genetic) that can lead to chemical imbalances in the brain (WHO, 2014).

Drug Abuse

Drug abuse has been described as the chronic use of legal and illegal drugs in a manner that deviates from accepted medical or social practice. (Okoru et al. 2024). Drug abuse can also be viewed as the misuse of drugs which finds expression in negative effects such as violation of law and moral principles. Drug abuse is also defined as the use of a controlled substance in a manner not prescribed or intended. Drug abuse also refers to the unauthorized sale, possession or production of such drugs. Or, abuse of legally prescribed drugs. In a Project MUSE publication titled Drug Abuse and Trafficking in Nigeria, Gyang defines drug abuse as inappropriate and unnecessary self-administration of drugs for non-medical purpose. This definition is concise, pointing out that drug abuse is the usage of drugs without medical justification and in a way that is not appropriate and necessary.

Drug abuse, as Abdullahi (2009) puts it, is the usage of drugs to the extent that it disrupts the health and social functioning of an individual. While the African Symposium (2010) cited in Ejiroghene Catherine Eboh (2019) defines drug abuse as the wrong use or application of drugs by an individual lacking proper knowledge and without prescription; more precisely, this encompasses use of psychoactive drugs and advancing into addiction despite its detrimental effects. Last but not least is the definition by NAFDAC as the excessive and habitual self-administration of a drug beyond medically or culturally accepted pattern; it may interfere with an individual's health and social functioning.

Illicit drug use is increasing in Nigeria today at a runaway rate unlike in the previous decade. Illicit drug is currently a global social problem with enormous economic cost on the society. For instance, there is an abuse of opioid based prescription drug such as codeine, tramadol and petrasozene in Nigeria which is resulting to public health crisis. According to the Nigerian Drug Law Enforcement Agency (NDLEA) reports of more than 12,000 arrests for drug-related offenses in 2021 alone, which confirms

the reports by the British Broadcasting Corporation (BBC) that opioid-based drug abuse is now an epidemic in Nigeria, as well as cocaine, and heroin. Studies also reveal that drug abuse cause mental disorders. Statistical reports from Nigeria's NDLEA reveal that over 14million people engage in drug abuse in the West African nation, including children and teenagers. Substance or drug misuse illegally leads to dependence, whose impact and level vary – in some, it results in physical and psychological addiction, mental illness and, in extreme situations, the death of the abuser. (Oshodi, et al. 2010) (Kamal et al. 2024).

Criminal Behaviour

An act becomes criminal when it violates the laws of society and is punishable by the relevant laws of the jurisdiction or the legal system. Therefore, acts such as violence, theft, assault and battery and other criminal activities are criminal acts readily associated with drug abuse. Brown & Patel (2024) mentioned that there is a relationship between substance use and increased offending among young people.

Legal Perspectives of Drug Abuse

Legal reaction to drug abuse and offending is complex and wide-ranging, including both punitive and rehabilitative responses.

Traditionally, criminal justice response is a reaction to the victim of crime's injustice as a predicate for action where the focus is to prosecute the perpetrator as a punishment for the offense without compensation to the victim. The most obvious is the Criminal Procedure Act and Criminal Procedure Code in which the contemplated sanctions for crimes on conviction were restricted to imprisonment, fines, caning, death sentence etc. imprisonment and other punitive sanctions] have been criticized as counterproductive because they avoid rehabilitation, reformation or reintegration of offender.

Drug Related Crimes and the Law

Whilst criminal justice strives to develop activities to defend society against the actions it describes as criminal. In Nigeria, drug abuse is criminalized and governed by a robust legal framework under the National Drug Law Enforcement Agency Act (NDLEA Act). Section 11 of the NDLEA Act (Cap N30 LFN 2004) makes the importation, manufacture, cultivation, processing or growth of hard drugs (such as cocaine, LSD or heroin) a criminal offense, which if convicted, is liable to life imprisonment. More specifically, possession or use (by smoking, inhaling, injection or any other use) of hard drugs attracts a punishment of not less than 15 years and up to 25years.

The Nigerian Senate in May 2024, approved an amendment introducing the death penalty for drug traffickers, targeting hard drugs such as heroin and cocaine. However, in November of the same years, a revised amendment from the National Assembly changed the death sentence to a life imprisonment.

Punitive Approaches to Drug Related Crimes

The punitive approach is a criminal justice strategy that focuses on punishment as the primary response to drug-related offenses, such as drug use, possession, trafficking, and cultivation. The idea is that harsh penalties will deter people from using or engaging in drug related activities. Traditionally, criminal justice approach is a reactive to the injustice of the victim of crime as a predicate for action whereby the focus is to prosecuting the offender as a punishment for the crime while leaving the victim uncompensated. Criminal justice approach, may differ from jurisdiction to jurisdiction. For instance, under the Criminal Procedure Act and the Criminal Procedure Code, the contemplated punishments for offences upon conviction were restricted to imprisonment, fines, caning, death sentence etc.

Again, under the Administration of Criminal Justice Act 2015 (ACJA), the criminal justice system is adversarial with the burden of proof most commonly placed on the accused persons as was held in the case of **Chukwudi Ugwanyi v. The State (2010)** Nigeria's drug policy is basically reactive is through criminalization of the investigation and prosecution of conviction and punishment as deterrence – this is particularly true in the case of drug control and prevention where the focus is primarily on law enforcement initiatives - from the Indian Hemp [Cannabis] Decree of 1966 , to the Indian Hemp Decree [Amendment] of 1975, Buhari/Idiagbon's Indian Hemp Decree of 1966 which re-instated the 1966 Decree. ((Federal Military Government. (1986). Special Tribunal (Miscellaneous Offences) (Amendment) Decree of 1986); the National Drug Law Enforcement Agency, the Drug Control Master Plans (NDCMPs) predominant means of crime prevention is through the traditional law-enforcement and sanction is extended to drug use; this means include arrest, trial, and confinement of drug users/offenders. (Obot, S.I. 2004).

The major drug law in Nigeria as at date is the NDLEA which is mandated with the responsibility of prosecuting drug related issues in Nigeria Decree of 1989. It must be pointed out though, that Nigeria's drug law policy is tailored more towards drug producers, distributors and abusers. Under section 11 (a) of the NDLEA Act, it is an offense for a person not having lawful authority to do so, to engage in the importation, production, manufacturing growing and planting of cocaine, or any drugs of similar nature. Section 11 (c) 11 (d) 19 and 20 (1) recommend a term of not less than 15years and not more than 25years for unlawful possession or use of narcotics of any quantity or for any purpose. are concerned with prohibiting activities relating to personal use of drugs and these prohibitions range from criminalizing, use or possession. Thus, in the case of **Eze v. Federal Republic of Nigeria (2015)**, the accused person was arraigned under section 19 of the National Drug Law Enforcement Agency Act for unlawful possession of tramadol. There is also the Dangerous Drugs Act and the Indian Hemp Act Cap 16 Laws of the Federation of Nigeria 2004.

Since the NDLEA is situated under the Ministry of Justice, the CJS lends a hand in the criminalization procedure. Under the CJA 2015, a suspect shall be brought before a magistrate for remand within a reasonable period (section 293 CJA). The criminalization extends to offences committed under the influence of drugs, that voluntary intoxication, is not a defense against criminal liability. Section 29 (1) of the Criminal Code, provides that intoxication shall not constitute a defense in any criminal charge Thus in the case of *Ahmed v, The State (1999)*, the accused while under the influence of alcohol, stabbed the deceased person. On a defense of intoxication, the SC stated that:

“intoxication per se is not a defence. To be a defence, it must be shown by the defendant that the intoxication was not self-induced or that the extent of it rendered him at the time of the act or omission insane temporarily or otherwise, that is, he did not know what he was doing”

The Nexus

A number of studies have addressed the association between drug use and mental health problems among young people; despite this, there is still an increased prevalence of mental health problems among young people. Studies have shown that the majority of young people with drug and substance abuse suffer from concurrent mental health problems, referred to as co-occurring disorders or comorbidity (Anderberg & Dahalberg, 2020).

Studies have gone further to establish that substance use is often compounded by socio-economic factors such as poverty, lack of education, and unemployment often is foundational in the use of drugs and criminal behaviour. For instance, Nwankwo & Ogbonna (2023) cited in Okoru et al. 2024) highlight how socio-economic challenges contribute to high rates of drug use and criminal activities. This is the thrust of this study. This paper aligns with other studies such as Nwankwo & Oghenekaro (2023) which found that criminal behavioural patterns among youths are shaped by a combination of socio-economic challenges and the normalization of illegal activities in their community. This study extends this finding and discusses the socio-economic perspective from a public health angle. Specifically, this work discusses the underlying determinants and their multiple influence of social behaviour. When approaching a potential problem, it has been proven that in order to best sustain prevention efforts, action should be taken at multiple levels of the model at the same time.

These findings also align with Bronfenbrenner's (1979) model which develops multi-level interactions between an individual and his environment which he refers to as meso, eco and microsystem levels of interaction. Bronfenbrenner's model also noted that the health of an individual is affected by the interaction between characteristics of the individual, the community and the environment, including the physical, social

and political components. Alexander highlights how the economic, social and physical environments affect exposure to health risk and protection factors. Scholars like Weber (1978) and Cockerham (2005) have argued that lifestyle choices are influenced by life chances. While life chances mean the opportunities and prospects that an individual has in life, which included his/her social class, education and economic resources (Weber, 1978). Life style means the collective patterns of health-related behaviours that based on the choices an individual makes from among the available recourses open to him/her (Cockerham, 2005).

The SEM attempts to prevent or reduce a social problem in a population by identifying its risk factors. According to the World Health Organization on the prevention of violence and the socio-ecological model:

The ecological framework treats the interaction between factors at the different levels with equal importance to the influence of factors within a single level. For example, longitudinal studies suggest that complications associated with pregnancy and delivery, perhaps because they lead to neurological damage and psychological or personality disorder, seem to predict violence in youth and young adulthood mainly when they occur in combination with other problems within the family, such as poor parenting practices. The ecological framework helps explain the result—violence later in life—as the interaction of an individual risk factor, the consequences of complications during birth, and a relationship risk factor, the experience of poor parenting (The World Health Organization, 2018).

McLeroy et al. (1988) also proposed the SEM to explain the interaction of individuals with multiple factors including the interpersonal factors, institutional, community and public policy in understating behavioural impact. Within the context of this study, SEM considers the interplay between individual and societal factors and helps understand the factors that influence the development of NCDs as a preventive rather than pharmaco-medical treatment after the fact. With this understanding, policies are instigated towards creating sustainable solutions for making fairer and healthier policies because strategies are developed and implemented across the society. This model has been useful in rightly placing risk factors within social construct thereby evolving a role for law in curbing the risk factors of NCDs. Within the risk factors of drug use is the focus on the factors that influences its usage often referred to as the social determinants. These determinants influence individuals more or less likely to experience poor health outcomes, criminal victimization and premature death.

Various studies have linked educational level, economic status, family background and environment as specific triggers for drug use. In particular, Aborisade (2025) discussed the intersection between the Sustainable Development Goals and crime

prevention. With this understanding, policies are directed towards creating a sustainable solution. The next session discusses how international and domestic policy framework is able to reduce drug induced mental health in Nigeria.

Conclusion

Traditional crime prevention should move to a more social ecological approach; from a position where crime is viewed from the prism of individual deviance, with the primary response being penalty, sanctions or scapegoatism, to one that incorporates the 'fixing the broken window'. This means, fixing those environmental, social, physical and other underlying causes that predisposes youths to drug use. The social ecological approach puts into perspective, the factors of societal economic pressures that inadvertently draws the youths to a life of illicit drug use. For instance, a life that recognizes that creating jobs, skills for the uneducated, creating employment or small businesses keep youths occupied. Also, community policing for improving neighbourhood watch and increasing surveillance will keep drug use at bay.

Recommendations

The AU Plan: The African Union's Plan of Action on Drug Control (2013-2017) brings this problem into perspective where it states that:

Drug control practice in Africa has tended to focus more attention on supply reduction, this plan proposes to restore the balance and pay greater attention to health and other social consequences of drug use while not neglecting law enforcement approaches.

In other words, attention should be focused on the risky behaviours that give rise to criminal behavior. Assessing risks and critical to reducing the potentiality of developing an attraction towards crime or criminality, as Levy stated, risky behaviors, 'are, and will continue to be, a part of society. The part of society is to identify the risk factors that give rise to adaptation of criminal behaviours for example, studies have shown that young adults who are arrested for crimes of violence tend to use illicit drugs and tobacco usage.

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