

The Criminal Justice System as Enablement for Social Order in Nigeria

Iwarimie-Jaja, Darlington; Lasisi, Raimi

Veröffentlichungsversion / Published Version

Zeitschriftenartikel / journal article

Empfohlene Zitierung / Suggested Citation:

Iwarimie-Jaja, D., & Lasisi, R. (2019). The Criminal Justice System as Enablement for Social Order in Nigeria. *The Nigerian Journal of Sociology and Anthropology*, 17(1), 72-86. [https://doi.org/10.36108/NJSA/9102/71\(0150\)](https://doi.org/10.36108/NJSA/9102/71(0150))

Nutzungsbedingungen:

Dieser Text wird unter einer CC BY-NC-SA Lizenz (Namensnennung-Nicht-kommerziell-Weitergabe unter gleichen Bedingungen) zur Verfügung gestellt. Nähere Auskünfte zu den CC-Lizenzen finden Sie hier:

<https://creativecommons.org/licenses/by-nc-sa/4.0/deed.de>

Terms of use:

This document is made available under a CC BY-NC-SA Licence (Attribution-NonCommercial-ShareAlike). For more information see:

<https://creativecommons.org/licenses/by-nc-sa/4.0>

The Criminal Justice System as Enablement for Social Order in Nigeria

Darlington Iwarimie-Jaja¹

Raimi Lasisi²

Department of Sociology¹

University of Port Harcourt, Rivers, Nigeria

Department of Sociology and Anthropology²

Federal University Otuoke, Bayelsa, Nigeria

Abstract

The place of the Criminal Justice System (CJS) in ensuring and sustaining social order in any country has been long established especially with the understanding that norms, rules, and laws act as social adhesives for society. However, some countries in the developing world seem to be grappling with significant challenges associated with criminal justice delivery as a consequence of the real and perceived inefficiency of the CJS in dealing with deviant issues. This to a large extent tend to undermine social order and by extension the collective conscience of the people. In Nigeria, criminal justice issues have attracted strong theoretical and practical affronts with the dominant perspective being that the poor are often denied justice in favour of the rich with adverse implications for social order. As a result, this paper examined the issue of the CJS in order to show how this affects social order in Nigeria. The paper adopts the content analysis method for data gathering and the qualitative approach to data analysis. Also, the Marxist Political Economy perspective is adopted as the theoretical framework as well as a complementary method of analysis. The paper submits that in a society like Nigeria where criminal justice is significantly defined by the politics of corruption, social order will be largely elusive and in its place, there will be an obvious consistency in criminal activities in the country. The paper recommends among others that the government should strengthen the criminal justice system and provide an enabling environment for it to function effectively if social order is to be achieved in Nigeria.

Keywords: Criminal justice, social order, political economy, collective conscience, Nigeria

Introduction

It is a well-established fact that crime is an integral part of a society to the extent that scholars have argued that there is no known human society that is crime free (Makinde, 2017). This is perhaps why there is usually a conscious understanding among citizens of any nation on the need to evolve a system that would regulate deviant or criminal behaviours in such a way that it does not undermine the good of society. As a result, the place of the Criminal Justice System (CJS) as the socio-legal institution that is saddled with the responsibility of enabling, ensuring and sustaining order in any society cannot

be overemphasized especially when we come to the understanding that norms, rules, and laws act as social adhesives for society. In this sense, the criminal justice system is like a social justice tunnel where people who breach the criminal code of any society pass through until the case they are accused of is completely decided on. In the words of Ogunode (2015), the criminal justice system is that collection of institutions which an accused offender goes through until the accusations have been disposed of or the commensurate punishment is given.

The rationale for setting up a criminal justice system is based on the need to maintain social order by putting people especially deviants in check and ensuring that when crimes occur, the suspects in this regard are made to pass through the process of the CJS. According to Iwarimie-Jaja (2003), the process of the criminal justice system can only become entrenched when the various components co-ordinate their independent functions without any sense of distortion. However, in the process of ensuring that order is maintained in society, an interplay of several factors tend to define the trajectory of justice. For instance, it has become a widespread knowledge in African societies or countries that the CJS does not significantly represent the general masses and as such provides a skewed sense of justice and or order. This is why African countries, including Nigeria, seem to be grappling with significant challenges associated with criminal justice delivery due to the real and perceived inefficiency of the CJS in dealing with deviant issues that undermine social order and by extension the collective conscience of the people. This is perhaps what Ogunode (2015), referred to as criminal justice hypocrisy.

In Nigeria, the CJS has attracted a good number of theoretical and empirical works with divergent opinions on its character. However, a closer examination of the associated literature revealed a strong convergence on the fact that the poor are often denied justice in favour of the rich. This is strongly validated based on the understanding that a significant number of inmates in Nigerian prisons whether awaiting trial or convicted constitute the poor masses. This begs the question as to whether the CJS is actually effective in performing its task. This may have been the reason why Ukwai and Okpa (2017) opine that it is a major regret to behold the outrageous number of inmates awaiting trial in prisons across the country.

Just like the above scholars, several academic works concerning the criminal justice system have tilted towards measuring its effectiveness in terms of crime control in Nigeria (see for instance Olonisakin, Ogunleye & Adebayo, 2017). As a result, very limited scholarly attention has been given to providing knowledge on how the criminal justice system enables or undermine social order in Nigeria especially from a political economy point of view. It is against this backdrop that this paper provides a political economy analysis of how the criminal justice system enables social order in Nigeria.

Conceptual Clarification/Framework

Two key concepts or variables underline the central focus of this paper. These

are the criminal justice system and social order. It is necessary to point out that the two concepts are strongly related in terms of their operational considerations within the context of this paper and have been treated as such. This is well represented in the conceptual framework/model that is provided in this section.

Criminal Justice System

For the purpose of this paper, the definition provided by Moses (2011 cited in Ukwai & Okpa, 2017: 17) is particularly apt and it sees the system as “an embodiment of crime regulating techniques, which represents the whole range of government agencies that function as the instrument of the state to enforce its set rules for the maintenance of peace, order, and tranquility. Now the choice to adopt this definition for our purpose here is based on the logical link between the CJS and the promotion as well as the maintenance of social order in society.

Social Order

For those scholars in the social sciences and especially those who practice the science of society (sociology), the idea of social order goes beyond the pedestrian notion of the availability of peace and tranquility. While these indicators are key elements, social order simply reflects the understanding that in addition to peace and tranquility, there is a significant harmony between the component social structures in society. Hence, social order is defined in this paper to mean the state of structural balance between the different parts of society to the extent that they co-exist in harmony, order and peace. In fact, elsewhere, we have clarified the concept to mean “a reflection of the extent to which class relations in society do not generate social antagonisms that undermine the very ability of component parts in society to co-exist in peace and harmony” (Iwarimie-Jaja & Raimi, 2018: 111).

Having clarified the two dominant concepts in this paper, the framework or model that shows the structural link between them is provided in Fig. 1.1 below.

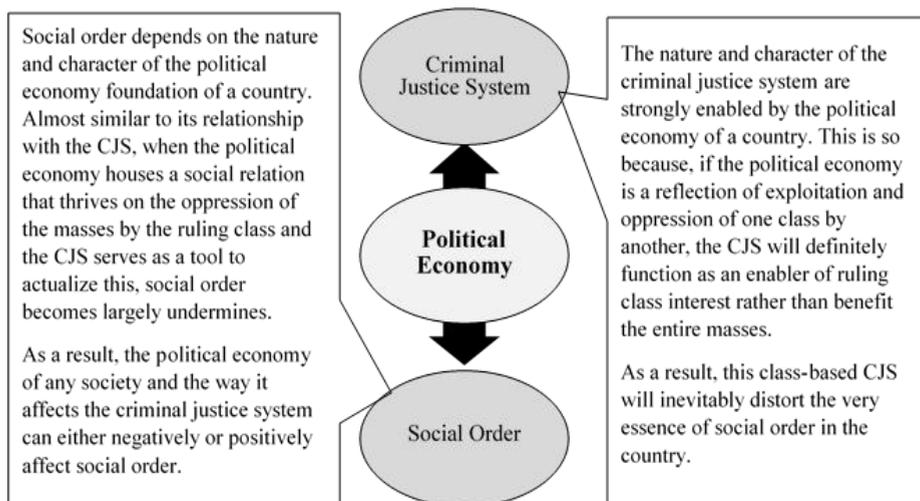


Fig. 1.1: Conceptual Model for Criminal Justice and Social Order

From Fig. 1.1 above, it is easy to see the conceptual relationship between the criminal justice system and social order. However, what is further observable from the framework is that the character of the political economy structure of a society has a significant role to play in defining the direction of the CJS and by extension social order. In other words, when the political economy of a country is nested on a system of class-based exploitation and oppression where the poor masses are subjected to the oppressive power of the ruling class, the independence of the criminal justice system is usually hijacked in favour of the ruling class. This adverse justice scenario, in turn, undermines social order with telling negative consequences on the peaceful coexistence of the component social structures in society.

Theoretical Framework: Marxist Political Economy

For the purpose of this paper, the Marxist variant of the political economy theory is considered more appropriate. Hence, the theory is adopted here as the theoretical framework. The theory known as the Marxist Political Economy is traceable to the works of Karl Marx, the popular German philosopher and scholar of society. The political economy variant as per Marx, is known to address the structural link between the economic sub-system and the political sub-system on the one hand, and how this link determines the social relations within other sub-systems of society on the other hand. The theory according to

Ryazanskaya (1993) rests on the assumptions that the relationship between the economy and the political system is intricate and vital to the explanation of other happenings in the society. Similarly, this established relationship between the economy and the polity becomes the unavoidable foundation upon which the overall values as well as culture and norms of any society rest.

One major strength of the Marxist political economy approach is its emphasis on the method of dialectics. As a result, the theory advocates a system of the structural interrelatedness of society that is built on the logic of social contradiction taking into account the peculiar economic infrastructure within the context of this analysis. In relying on the dialectical method, the Marxist political economy perspective locates class and class struggle within the economic base of society as the major driving force for change with particular reference to the structural historical circumstances underpinning the society in question.

Thus, in discussing class relations as it is embedded in the dominant mode of production or the economy and how this reflects on the political culture of any society, Marx, was able to show that the existing ruling class ideology is by extension a product of the class character of the society. This is why Ryazanskaya (1993: 2), following Marx's logic, was quick to opine that "In the social production of their existence, men inevitably enter into definite relations, which are independent of their will, namely relations of production appropriate to a given stage in their development of material forces of production". In support of this position, Raimi (2017) argued that the totality of these relations of production constitutes the economic structure of society, the real foundation, on which arises a political superstructure and to which corresponds different forms of social outcomes. In this sense, Marxist political economy centers on the general logic that the economic substructure determines the character of the superstructure which includes the political, legal, cultural and religious sub-systems of society. The structural foundation of the economic sub-system and how it provides operational social energy to other sub-systems in society stand out as the central thesis of the Marxist political economy theory. It is on the strength of this basic assumption that the theory gained its analytical popularity and indeed supremacy, pointing clearly to the fact that the ensuing class relations within the mode of production and the contradictions therein, determine significantly the nature of all other social relationships in society. By extension, when the class relation is skewed in favour of one over the other, and the exploitation associated with this type of class interface justifies the primitive accumulation of wealth at the expense of the poor masses, a strong sense of consciousness ensues resulting to radical class struggle.

Drawing from the basic assumptions of the Marxist political economy theory, it becomes easy to see that the social relations of production which invariably defines the character of the classes in society, provide direction for other sub-systems including the criminal justice system. This is further made easy when we understand that the capitalist society has the highest level of class contradiction which manifests in the extreme exploitation of the masses

and sustained through the instrumentality of coercion such as the CJS and the other military apparatus. As a result, social order loses its meaning and form and in its place, mutual distrust, chaos and widespread violence as well as criminality thrives. In other words, given that the criminal justice system in the capitalist society and more so in peripheral capitalist countries like Nigeria is nested on what Ogunode (2015: 28) so correctly referred to as “criminal justice hypocrisy”, peace and tranquility as the desired product of a functional and unbiased criminal justice system becomes largely illusive.

Hence, the narrative on social order as a necessary outcome of an effective CJS, can only be better presented only if we come to terms with the character and by extension the ideology of the ruling class. Elsewhere, we have equally argued that where the ruling class ideology is in defense of the propertied class as is always the case with capitalist societies, a strong motif, therefore, exists for the progressive oppression of the masses through the CJS. This character of the ruling class is a necessary and inevitable outcome of the capitalist society given its highly predatory and exploitative tendencies. However, this does not happen without some level of influence on the social existence of society as the exploited class continue to wage war against the ruling class in demand for a better life.

Marxist Political Economy as a Method of Analysis

A wide range of Neo-Marxist scholars now believe that the Marxist political economy approach has gone beyond just being a theory to become a distinctive method of analysis in the social sciences. For instance, Adeyemi (2010) seem to agree with the fact that Marxist political economy is a robust analytical method by pointing out that “Marx’s ideas especially those defined in his expansion of the political economy approach is by far a model for analyzing how society operates especially class-based ones” (p. 11). Also, Makinde (2017), supports this view by arguing that Marxist political economy with its emphasis on the dialectical method represents a distinctive tool which can be used to analyze society and its inherent contradictions.

Drawing from the position of the scholars above, the Marxist variant of the political economy theory becomes a useful tool of analysis especially when the issue of law and social order are taken into account. Its emphasis on dialectics makes it a unique model of analysis that allows scholars to measure the interface between social structures such as the political and economic sub-structures as a way of understanding the reasons behind social contradictions in the society. Dialectics, especially as applied by Marx, provides us with a clear picture of how the dominant social class in society maintain control over the paraphernalia of government and use it as an instrument against the masses. In other words, the political economy approach as a method is a befitting tool of analysis in terms of understanding the structural link between the criminal justice system and social order or disorder in Nigeria.

The Contradictions of the Criminal Justice System in Nigeria

It is already a known fact that no social institution in any society functions in isolation from other institutions. In light of this, the CJS is a reflection of other social intuitions in Nigeria and most importantly, it is a mirror of the character of the country's mode of production and governance system. It is important to note that the criminal justice system accommodates several processes that starts with the police, the court and the prison. Hence, the logical starting point with regard to the system is the arrest of suspected criminals who are then charged to court after preliminary investigations and discharged or acquitted from the court or remanded in prison custody either on awaiting trial or as a convicted criminal. While this seems like a very straightforward process, it only represents the ideal situation. In fact, the criminal justice system in Nigeria is one that is characterized by all manner of internal contradictions that undermine its effectiveness in dealing with even the simplest issue relating to criminal violations in the country.

The contradictions associated with the criminal justice system stems from its relative lack of independence from the shackles of the ruling government of the day. The ruling class in conjunction with the powerful industry owners in Nigeria have hijacked the criminal justice system using it to protect their selfish interests rather than that of the masses. This is one of the most fundamental contradictions of the system given that it does not sufficiently represent the interest of the common good. Perhaps Ogunode's (2015) article titled criminal justice system in Nigeria: for the rich or the poor? represents a key reference point to this paper especially when he argued that "several menial cases involving poor common Nigerian citizens are quickly resolved by either placing the culprit in endless remand or convicted and sentenced to unreasonable duration in prison, while on the other hand, high-profile cases are pending giving room for bail to be granted to the culprit while the interest of the masses waned due to government's painfully slow pace of prosecution" (p. 27).

Another contradiction of the criminal justice system which is an enabler of the first one highlighted above is the issue of corruption. The unhealthy practice where policemen and women as well as judges who are supposed to uphold the law, due to the get rich quick syndrome submit themselves to bribery and corruption has put the Nigerian criminal justice system in jeopardy. Makinde (2017) is of the opinion that justice in Nigeria is strongly undermined by widespread corruption among the judiciary and to say the least the entire criminal justice system. Lending their voices to this school of thought, Gbenemene and Adishi (2017: 19), maintain that "many notorious criminals who are supposed to be behind bars are sometimes seen working on the street few days after they were apprehended by the police because of the corruption of the police institution and some judicial officers". This actually says a lot about why corruption cases against highly placed individuals in the country end up being swept under the justice rug despite strong evidence against such persons. In support of this view, Ogunode (2015), correctly points out that despite the seeming efforts of anti-corruption, several high-profile corruption

cases in the public sector are still unresolved due to the ineffectiveness of the criminal justice system in which prosecution had gone on for several years without any conclusion with the culprits still walking freely. To buttress the point that corruption is a major contradiction of the CJS, a recent survey by the Transparency International (2019) revealed that the Police force, the Parliament and the Judiciary constitute the three most corrupt institutions in Nigeria. Data from the survey is presented below:

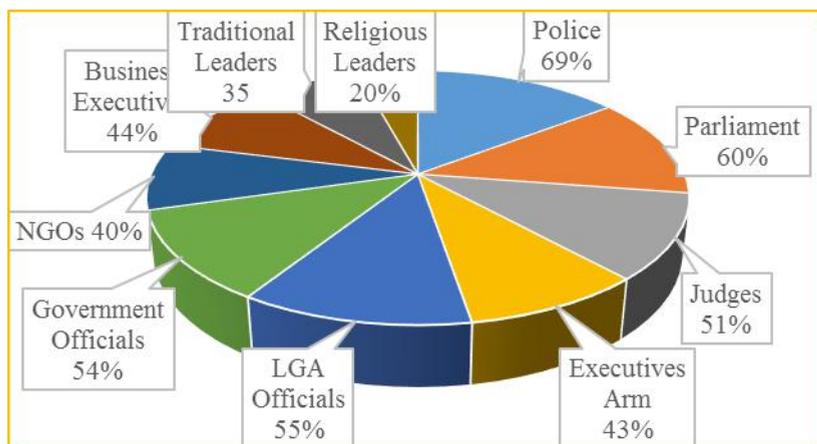


Fig. 1.2: List of most corrupt institutions in Nigeria (Source: Transparency International, 2019)

The data presented in Fig. 1.2 above was derived from the 2019 Transparency International's Global Corruption Barometer (GCB) for Africa. The data is specific to Nigeria and a close examination of the data clearly reveal that the CJS put together constitute the top most corrupt institution in Nigeria. This is a strong justification of the argument in this paper that corruption in the CJS is a major contradiction that undermines justice delivery and by extension social order in the country.

The other contradiction of the criminal justice system is favouritism which is further exacerbated by negative ethnicity. The political economy of Nigeria thrives under negative ethnicity and this has also come to define the character of the criminal justice system in the country. However, while this contradiction can be discussed as a standalone factor that undermine the criminal justice system in the country, it nevertheless gains its potency from the two distinctive issues discussed above. For instance, standing as a tool in the hands of the political class in conjunction with corruption, the criminal justice system tends to favour particular ethnic groups when the issue of class is not at play. In other words, the criminal justice system is put to work by the ruling political class in favour of highly placed members of their ethnic groups. So, the ethnicization of the criminal justice system is a strong reflection of the ethnic politics that has come to characterize the country in general. Writing on the Nigerian factor, Jibril (2003), contends that factors such as corruption, nepotism, fraud and

anything that is negative now define the various institutions in the country including the criminal justice system. This act of corrupt practices especially by judges is a major negation of the expected behaviour of the criminal justice system as this has consistently undermined the delivery of justice.

It is the submission of this paper that the combination of these contradictions associated with the criminal justice system in Nigeria constitute a significant setback in terms of how justice delivery is carried out in the country. Sadly, these contradictions that reduce the effectiveness of the criminal justice system creates further problems for society. In most cases, the poor masses suffer more as the powerful ruling and propertied class in the country maintain control of the criminal justice system. This is why in Nigeria, there is the widely held opinion that the law serves the interest of the rich people rather than deliver justice which is the fundamental requirement of the notion of equality before the law. It is in support of this that Ogunode (2015), present the argument that the nature, character and operation of the criminal justice system makes it easy to see that it is an accepted norm in contemporary Nigeria that with money, power and connections, one can get whatever one wants including the justice he or she desires. In other words, the ruling class given their control of the instrumentality of power and their access to massive wealth which in most cases have been acquired through corrupt and fraudulent practices, resort to manipulating the criminal justice system for their personal interest thus making a nonsense of the maxim 'equality before the law'.

The reality of the CJS in Nigeria has made it difficult for the country to maintain any sense of order especially in terms of tackling criminality and deviant behaviours. This is because the ideals of the criminal justice system which include; fairness, justice, equality (Alemika, 2014) among others have been replaced by injustice, class interest or support for the ruling class, unfair practices and so on. It is in light of this that Olonisakin, Ogunleye and Adebayo (2017: 34), have argued that "the principal actors in the Nigeria CJS charged with the responsibility of maintaining one aspect of the law or the other including: the Economic and Financial Crime Commission (EFCC), the Federal Road Safety Commission (FRSC), the Police, the judges, the prisons and so on are often said to be enmeshed in ineptitude, corruption, and injustice". This negation of the ideals of the criminal justice system in Nigeria has led to a widespread loss of confidence amongst the general populace especially the poor masses concerning the ability of the system to deliver justice.

The CJS as Enablement for Social (Dis)-order in Nigeria

From the foregoing, it is already clear that the criminal justice system in Nigeria is faced with some peculiar contradictions that dovetail to undermine its effectiveness in terms of the delivery of justice. It is, however, necessary to point out that one of the key yardstick or parameter for measuring the effectiveness of the criminal justice system in any society is the level of social order or disorder that is prevalent in that society. In Nigeria, the criminal

justice system given its contradictions is known to be ineffective in dealing with deviant social behaviours. This has been considered a strong aberration since, in the real sense, it is expected that the CJS should have been able to ensure the highest level of social order in the country. Olonisakin, Ogunleye and Adebayo (2017), contend that it has become very glaring that a system whose principal constituents demonstrate utter disregard for the office and purpose for which they are sworn to uphold is a complete negation of the ideal and the very essence of the system. The widespread chaos in the country ranging from militia activities in the Niger Delta region, herdsman killings in the North Central region, Boko Haram insurgency in the North West and most parts of the North East as well as the renewed vigor of the IPOB in the South East, suggest that the country is in social disarray. By extension, this strongly implies that the criminal justice system has not sufficiently played its role in ensuring social order in the country. Instead, the contradictions associated with the system has created the necessary conditions for social disorder. This is perhaps why Anaedozie (2016), thinks that the political economy of Nigeria and the level with which the criminal justice system has been compromised makes it difficult for the management of social order and this poses a significant challenge for the country's social existence.

The tainting of the criminal justice system especially as a result of corruption and favouritism has made it difficult for order to be maintained. What is even more, the loss of confidence in the system by the masses has progressively led to a situation where people now depend on their own kind of justice to address criminal issues. For instance, the resurgence of jungle justice in the country justifies this sense of resignation among the people with regard to the criminal justice system in the country. Gbenemene and Adishi (2017) seem to agree with the above position when they argued that the weakness and ineffectiveness in terms of delivering justice has created a situation where there is increased desperation and frustration in many people who now resort to mob justice as the only way to express their displeasure and dissatisfaction over a failing criminal justice system. Now a country where people take laws into their hands despite the presence of the criminal justice institution shows clearly that there is a strong absence of social order. It is in the light of this that Makinde (2017), stressed the point that from the time of arrest of an alleged criminal to the period of prosecution and delivery of verdict on such a person, the criminal justice system shows clear traits of being compromised. As a result, it is a widely held opinion that the Nigeria State has continued to struggle to maintain law and order amid myriad cases of criminality that threatens its very existence as a sovereign nation. As a result, it is the submission of this paper, that in a society like Nigeria where criminal justice is significantly defined by the politics of corruption, social order will continually be replaced by an obvious consistency in criminal activities with a significant threat to social order and the integration of the country. Fig. 1.2 below shows the link between the criminal justice system and social order or disorder.

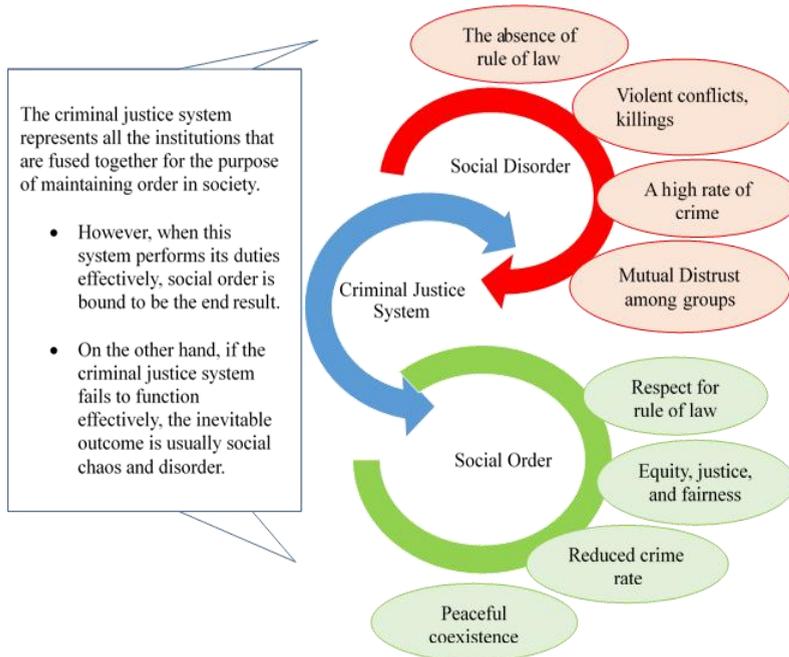


Fig. 1.2: The link between the criminal justice system and social order or disorder

The figure above shows the systemic link between the criminal justice system and social order as well as social disorder in the society. From the diagram, it is easy to see that there is a positive and negative link between the CJS and social order in any society. For instance, where the criminal justice system is at its optimal level of effectiveness, the result is more likely to be social order which transmits positive good for society such as respect for the rule of law, equity, justice and fairness in the dealings of people, reduced criminality and above all peaceful coexistence between component parts or the different social groups. However, the reverse is usually the case when the CJS is contaminated and becomes ineffective in delivering justice. The output of an ineffective criminal justice system among other things are; absence of the rule of law as people openly disrespect the law, violent conflicts leading to killings in society as is the case with Nigeria, high and rising rate of criminality and mutual disrespect among others.

Despite the entrenchment of a democratic government since 1999 in Nigeria, the scenario where the criminal justice system is ineffective to the extent that it enables social disorder as a result of the distortion of the system by the political class and massive corruption has largely been the experience. There is also the understanding that the ruling class in Nigeria benefit from the social disorder in the country. So it is not out of place to argue that the ineffective nature of the criminal justice system serves the interest of the ruling class and can be seen as a deliberate act to ensure that the masses lose confidence in the systems so that there can be social chaos which presents them

with a fertile ground to perpetuate their stay in power. Fagade (2014 cited in Iwarimie-Jaja & Raimi, 2018: 112), shared a similar view by pointing out that “the ruling class in Nigeria deliberately create social tensions across the country as a distinctive style of governance and as such, they cash into the chaos as a distractive medium to go about their business of plundering the country’s resources”. Much as this is the case, a less productive and inefficient criminal justice system that serves the interest of the ruling and propertied class in the country as against the general interest of everyone, certainly means that the common people or the masses have no choice but to depend on other sources for their justice. This kind of governance of justice reflects a political economy where the ruling class only thinks of its welfare and how to protect itself from the fury of the people that they have exploited over the years. In simple language, the perpetration of lawlessness is beneficial to the ruling class since in any case, by keeping the masses disoriented, their capacity to unite and fight their common enemy is strongly undermined. This is why Iwarimie- Jaja and Raimi (2018), posit that by virtue of this governance of chaos created by the ruling class, it has become almost impossible for the masses who share a common interest of being the exploited, to have a unified voice as well as movement for liberation. Even when it is crystal clear that the ruling class in the country is using the criminal justice system as an instrument of oppression to sustain its perpetual stay in power, this same indicator of social disorder serves their interest to keep the masses apart.

Given the extent of social disorder in Nigeria, the concept of the economy of conflict as espoused by Ikelegbe (2005), can go a long way to describe the chaos in the country. However, in the context of this paper, we can modify Ikelegbe’s logic to capture the Nigerian context by rephrasing it to “a country of social disorder” given that the inability of the criminal justice system to live up to the expectation of ensuring that the law is enforced and that order is maintained in the country, does not only create conflict but all manner of deviant behaviours. While social conflict among constituent groups in the country seems to be widespread, increasing rates of criminality, corruption, fraudulent behaviours, disrespect for constituted authority and by extension the law among others, are clear indicators of the absence of social order in Nigeria. This is the reason why Ogun (2016), in discussing the use of jungle justice in Lagos State of Nigeria, did point out that the prevalence of mob justice in the country since 2016 can be traced to the ineffectiveness of the criminal justice system which has led to the lack of confidence on the part of the masses in terms of the fairness and independence of the police and the courts in dealing with the issue of justice.

Consequently, it can be argued that all of these indicators of social disorder in Nigeria simply stems from the fact that the masses no longer trust the criminal justice system to protect them, It is in the knowledge of this that Iwarimie-Jaja (2007), was quick to argue that the shortcomings of the criminal justice system in Nigeria is a product of the fact that the system was *abinitio* established for the purpose of protecting and promoting the interests of the

dominant class especially those that own and control the forces of production. This strongly supports the Marxist political economy approach especially on the basis that the criminal justice system provides strong enablement for the ruling class to maintain its power, coerce and control the subjugated class, in order for them not to rebel against them. The oppressed masses who are frustrated with the institutions have decided to take laws into their hands and this has led to the growing sense of social disorder in the country.

Conclusion

The paper examined the issue of the criminal justice system and social order in Nigeria using the Marxist political economy perspective as both a theory and a method of analysis. It is the position of the paper that given the class character of the criminal justice system especially its skewed support for the ruling and bourgeois class in the country, the masses have lost confidence in the system thereby creating the necessary conditions that undermine social order. It is the conclusion in this paper, that the criminal justice system has been rendered ineffective because it has become an instrument of oppression in the hands of the ruling class and as such, it represents sectional interest rather than the interest of the entire citizens of the country.

In addition, the paper also concludes that Nigeria has become a country of social disorder and this can also be traced to the failure of the criminal justice system to incorruptibly uphold the law. The sense of a country of social disorder, therefore, captures a scenario where ordinary citizens of Nigeria now have to rely on their own means to get justice and this has significant negative implications for order. Interestingly, it is the submission of this paper that the ruling class actually cash into the social disorder in the country to perpetuate their stay in power as the masses continually fight against themselves making it difficult for them to unite and fight the course for their emancipation from the shackles of oppression by the bourgeois class.

Recommendations

Based on the submissions and the conclusions reached in this paper, the following recommendations have been proffered to help address the issue of the ineffective criminal justice system and social disorder in Nigeria.

- *Strengthening of the criminal justice system:* Although it is almost impossible for a bourgeois-styled government to have a fair and justiciable criminal justice system, it is advisable that the Nigerian government should strengthen the criminal justice system and provide an enabling environment for it to function effectively devoid of ruling class intervention. This can be done by increasing the independence of the system and ensuring that highly placed and wealthy people do not subvert justice for any reason. If this is done, the masses will begin to regain confidence in the criminal justice system.

- *The issue of remuneration:* It is common knowledge that members of the civil service in Nigeria of which the criminal justice system is a part of do not earn salaries that can sustain them. This perhaps provides justification for corrupt practices in the country's civil service. Increasing the salaries of staff of the criminal justice system is one way of reducing corruption and ensure the effectiveness of the system.
- *The responsibility of the masses:* Lastly, the masses should not neglect their responsibility of holding public institutions and their officers accountable. It is important to note that if the first two measures do not address the ineffectiveness of the criminal justice system and social disorder in the country, there is an inevitable need, therefore, for the masses to assume the Marxist-style revolution as the best possible way to address class exploitation and entrench a system that respects the rule of law. This can only be done if the Nigerian masses shun ethnic and religious considerations and see themselves as solely the exploited and oppressed social class.

References

- Adeyemi, S.O. (2010) Armed rebellion and the future of self-determination in the Niger Delta. Paper Presented at *2nd International Conference on Natural Resource, Security and Development in the Niger Delta*, at Niger Delta Wetland Centre, Yanagoo. 8-11 March.
- Alemika, E.E.O. (2014) Crime and public safety in Nigeria. *CLEEN Foundation*, Pp 1-205.
- Anaodozie, F. (2016) Is grand corruption the cancer of Nigeria? A critical discussion in the light of an exchange of presidential letters. *European Scientific Journal*, 12(5): 11-34.
- Gbenemene, K. and Adishi, E. (2017) Jungle justice and the criminal justice administration in Nigeria: The need for reform for the justice system. *International Journal of Innovative Legal and Political Studies*, 5(4): 15-20.
- Ikelegbe, A. (2005) The economy of conflicts in the oil-rich Niger Delta region of Nigeria. *African and Asian Studies*, 5(1): 23–56.
- Iwarimie-Jaja, D. (2003) *Criminology the study of crime*. Owerri: Springfield Publishers.
- Iwarimie-Jaja, D. (2007) *Law and its administration in Nigeria*. Port Harcourt: CelWil Publishers.
- Iwarimie-Jaja, D. & Raimi, L. (2018) Governance, social order and development in Nigeria. *Port Harcourt Journal of Social Sciences*, 8(2): 110-127.
- Jibril, M. (2003) The Nigerian factor and the Nigerian condition. *The Guardian*, Thursday, October 2, 2003, 8, 10.
- Makinde, A. (2017) *Policing the Niger Delta region*. Ibadan: Ibadan University Press.
- Ogun, F. (2016) Lagos lynching jungle justice and the law. *The Guardian* 13 D

December, 2016.

- Ogunode, S.A. (2015) Criminal justice system in Nigeria: For the rich or the poor? *Humanities and Social Sciences Review*, 4(1): 27-39.
- Olonisakin, T.T., Ogunleye, A. & Adebayo, S.O. (2017) The Nigeria criminal justice system and its effectiveness in criminal behaviour control: A socio-psychological analysis. *IOSR Journal of Humanities and Social Sciences*, 22 (2): 33-48.
- Raimi, L. (2017) Poverty, monetization of conflict and insecurity in the Niger Delta Region of Nigeria. *International Journal of Operational Research in Management, Social Sciences & Education*, 3(2): 42-51.
- Ryazanskaya, S.W. (1993) *Karl Marx's a contribution to the critique of political economy*. On-Line Version: Marx.org. Retrieved from <https://www.marxists.org/archive/marx/works/download/MarxContributiontotheCritiqueofPoliticalEconomy.pdf> accessed on 20th May, 2018.
- Transparency International (2019) *Global Corruption Barometer Africa 2019: Citizens Views and Experience on Corruption*. Transparency International: Afrobarometer. Retrieved from <https://www.afrobarometer.org/publications/global-corruption-barometer-africa-2019-citizens-views-and-experiences-corruption>, accessed on 20th July, 2019.
- Ukwayi, J.K. & Okpa, J.T. (2017) Critical assessment of the Nigeria criminal justice system and the perennial problem of awaiting trial in Port Harcourt Maximum Prison, Rivers State. *Global Journal of Social Sciences*, 16(1): 17-25.