

# **IMOSEMI & OMOBOLANLE: *Unfairness, Inequity And Injustice: A Scrutiny Of The Prosecution Of White And Blue Collar Crimes Under The Criminal Justice System In Nigeria***

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## **UNFAIRNESS, INEQUITY AND INJUSTICE: A SCRUTINY OF THE PROSECUTION OF WHITE AND BLUE COLLAR CRIMES UNDER THE CRIMINAL JUSTICE SYSTEM IN NIGERIA\***

### **Abstract**

*This study notes the societal permissibility and prosecution of white collar crimes as against blue collar crimes in Nigeria. White collar crimes which are mainly perpetrated by the elite, top government officials, top university administrators, bankers and political class in Nigeria include tax evasion, money Laundering, fraud, blackmail, embezzlement, extortion, forgery, insider trading, insurance fraud, investment schemes, securities fraud, and forgery. On the other hand, blue-collar crimes include robbery, stealing, burglary, assault, drug abuse and are executed by the less privileged, poor and illiterates. The work explores the consequences of these crimes on the Nigerian society especially whether victims secure justice and if there are any forms of discrimination or inequality in the trial of blue collar criminals and white collar criminal. The findings of this research shows that white collar criminals are not likely to be caught for execution of such crimes and may also not be tried and if prosecuted may receive less sentencing than street criminals who have a higher chance of being caught in their wrongdoings and may even face jungle justice. Law enforcements agencies most times go extra miles to detect white collar crimes since these criminals are protected by law enforcement officers at the same time. The white collar criminals can afford expensive legal representation in their defence and secure the least potential punishment while street criminals cannot afford such costly retainership which renders them somehow unprotected under the criminal justice system. The work concludes that not only are white collar criminals socially and politically accepted, but are even celebrated unlike the street criminals in Nigeria.*

**Keywords:** Blue collar crimes, Justice, white collar crimes and Inequality.

### **1. Introduction**

The social and economic impacts of both white and blue collar crimes that negatively affect the well-being of victims, governments, offenders and communities cannot be over emphasized. This results in the expensive maintenance of the criminal justice system.<sup>1</sup> It is the constant responsibility of the criminal justice system to deal with and to respond to crimes in every jurisdiction or society. It has been asserted that the criminal justice system must resort to the use of various sciences such as psychiatry, criminal anthropology, psychology, economics and sociology in order to investigate the complication of the phenomenon of crime and the problems in understanding human.<sup>2</sup> There is a need to define crime in this research since philosophers have debated this review for centuries but, despite the efforts of ‘anthropologists and statisticians on crime analysis, fundamental theories have been derived from sociology, psychology and psychiatry’.<sup>3</sup> According to section 2 of the criminal Code law<sup>4</sup> ‘an act or omission which renders the person doing the act or making the omission liable to punishment under the code, or under any Act, or Law, is called an offence.’ From the provisions of the Code, a crime must not necessarily be an act, it could also suffice as an omission and the act or omission only becomes criminal when it is so stated by the relevant code. Furthermore, a crime must be in a written form and criminals are liable to punishment. Both white and blue collar crimes have political, social, legal and economic consequences that have negative impacts on the citizens, victims, and government. The maintenance of the criminal justice system is costly and economic costs of crime are huge.<sup>5</sup>

Crimes could be committed against property, human bodies or even a state or a country; however, most scholarly studies are reviewed on blue collar, violent or street crimes. Hence, they have been biased in examining the closed

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<sup>1</sup>Youth Parliament Inquiry into white collar vs. blue collar crimes: do current sentences reflect the economic and social impacts of these Crimes? <http://www.myd.govt.nz/documents/youth-parliament-/yp-justice-report.pdf>, accessed 7 July 2019.

<sup>2</sup>PedaranNiloufar and ArefiMohzgan, A comparison of the characteristics of white-collar and blue-collar inmates in isfahan, Indian J. of Fund. and Appl. Life Sci, 2014, 5, <http://www.cibtech.org/sp.ed/jls/2015/02/199-JLS-S2-199-MOZHGAN-CHARACTERISTICS.pdf>, accessed 7 July 2019.

<sup>3</sup>Dadsetan Paul, Criminal Psychology, Institute of Studying and Editing Social Sciences Books, Tehran, 2010.

<sup>4</sup>The Criminal Code, Cap C38, LFN, 2004, S.2.

<sup>5</sup>Youth Parliament Inquiry into white collar vs. blue collar crimes: do current sentences reflect the economic and social impacts of these Crimes? <http://www.myd.govt.nz/documents/youth-parliament-/yp-justice-report.pdf>, accessed 7 July 2019.

areas of crime.<sup>6</sup> According to Sutherland, to successfully explain crime analysis, there is need to take into account the crimes committed by white-collar criminals since these crimes have a great impact on the criminal justice system;<sup>7</sup> and in the long run, the costs implication of white collar crimes on the society would outweigh those imposed by blue collar criminals.<sup>8</sup> Crimes that cause injury to people or property, such as burglary or other property crimes, theft crimes, sex crimes, assault, and drug crimes are all considered to be blue collar crimes.<sup>9</sup> White collar crimes, on the other hand, initially known as those crimes committed by people in the elite class or upper-level occupation that often required them to dress corporately by wearing a suit and a white collared shirt.<sup>10</sup> Contemporarily, white collar crimes are referred to those crimes which are generally committed in an official environment and are considered to be non-violent. Some people refer to white collar crimes as ‘paper crimes’. A few examples of white collar crimes include wire fraud, forgery, embezzlement and more.<sup>11</sup> In Nigeria, white collar crimes are committed in several places and settings which include government ministries agencies and parastatals, both the National assembly and state houses of assemblies, the Judiciary, federal, state and private universities, banks, multinational corporations, religious organizations and political parties. Blue collar crimes are perpetrated in markets, streets, shopping malls, cinemas, worship centers, uncompleted buildings, entertainment centers, people’s private properties among other locus in quo.

This work examines the investigation, prosecution and sentencing of both white collar and blue collar criminals under the Criminal justice system in Nigeria in order to determine the level of fairness and equity that are involved in the process of ensuring justice.

## 2. The Aims of the Criminal Justice System

It is pertinent at this point to ask ‘what are the aims of the Criminal Justice System in any jurisdiction’. This will ensure a thorough comprehension of the prosecution of white collar crimes as compared to street crimes. The fundamental goal of the Criminal Justice System is to curb crimes in every society. Another purpose of the administration of Criminal Justice System is to ensure that justice is dispensed to the victims and their families after a crime has been committed. Most of the time, the victims of white collar crimes are companies, government or a group of persons in the society while the victims of blue collar crimes are persons. This also ensures that guilty offenders are punished for committing various offences. Rehabilitation of offenders is another objective of the Criminal Justice System. Punishment of offenders is not the sole essence of the Criminal Justice System but also the rehabilitation of convicted persons. It is asserted in this study that criminals should have access to rehabilitation which makes them better citizens and prevents them from engaging in more criminal activities. Timely adjudication of Criminal matters pending before the courts is also a purpose of the Criminal Justice System. In developed countries, there are separate court systems for the prosecution of criminal cases which reduces delay in trials and ensure effective justice while in developing climes like Nigeria, the courts are tardy and the same set of courts handling civil proceedings are designated to handle the criminal matters. It is considered in this study that every legal system should separate the courts of criminal Jurisdiction from that of civil hearings.

## 3. The Concept of both White and Blue Crimes

Since about seven decades, white-collar crime has been adopted by scholars, criminologists, lawyers and all relevant stakeholders as a criminal attitude.<sup>12</sup> The first person to use the word white collar crime was Edwin Sutherland, a famous Sociologist when he delivered a speech to the American Sociological Society in 1939.<sup>13</sup> The known Sociologist affirmed white-collar crime to be illegal activities ‘committed by anyone of high social respectability in

<sup>6</sup>Mir Mohamad, *Crimes Against Property and Ownership*, Mizan publication, Tehran, 2010.

<sup>7</sup>Sutherland Edwin, *White Collar Crime: the Uncut Version*, New Haven: Yale University Press, 1983.

<sup>8</sup>Benson Micheal, and Sali Simpson, *White-collar Crimes*, translated by Esmail RahimiNejad, Mizan publication, Tehran, 2012.

<sup>9</sup>Henrickson Aaron and Theo Sereebuta, (2012), Difference Between Blue Collar Crimes and White Collar Crimes, <http://www.criminallawfirmmarietta.com/Criminal-Defense-Blog/2012/November/Difference-Between-Blue-Collar-and-White-Collar-.aspx>, accessed 24 July, 2019.

<sup>10</sup>*ibid.*

<sup>11</sup>*ibid.*

<sup>12</sup>Jeff Meitil, ‘Fiercer Than A Tiger: White-Collar Offenders Face Harsh Sentencing In A Post-Booker World’, *Ame. Univ. Crim. Law Brief*, 2011, Volume 1, <<http://digitalcommons.wcl.american.edu/clb/vol1/iss1/1>> accessed 24 July 2019.

<sup>13</sup>Sutherland Edwin, *White Collar Crime*, Holt, Rinehart and Winston, Inc., New York, 1949. See also Neal Shoverand John Paul, *Crimes of Privilege, Readings in White Collar Crime*, Oxford University Press, 2001.

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the course of his or her occupation'.<sup>14</sup> This earliest concept has been severally criticized but its importance runs through every contemporary write up that bothers on white collar crime while the argument on the meaning of the concept exists till date. For example, professionals and scholars have exchanged views on whether the meaning should be based on the social hierarchy the accused person belongs in the society or the crimes executed by organizations themselves.<sup>15</sup>

The United States Federal Bureau of Investigation (FBI) opined that white collar crimes are 'those illegal acts which are characterized by deceit, concealment, or violation of trust and which are not dependent upon the application or threat of physical force or violence'.<sup>16</sup> From this definition it means there is no actual threat, duress or coercion in the execution of white collar crimes. A prevalent form of white collar crime in international economy is fraud. Such frauds can also be regarded as blue collar crimes and examples are investment fraud, advance free fraud (peculiar to Nigerian fraudsters), promissory note fraud and commodities fraud.<sup>17</sup> It is also asserted that white collar crime is executed by a person, organization or company solely for financial benefits, properties, and services; for the procurement of either individual or professional interest.<sup>18</sup> White collar crime is classified as a property offense which more often than not is committed by businessmen and individuals highly ranked in society and/or occupation.<sup>19</sup> White collar crime can be referred to as offences that are non-violent committed by persons or a group of people in status of authority most times in their official capacities with the objective of some monetary gains. Persons who execute white collar crime are usually computer literate, very learned and highly revered in their societies<sup>20</sup> and they do not involve brutality or traits of roughness but were often detectable based on breach of trust, corruption and insincerity.<sup>21</sup> Presently, the concept of white collar crime is a term that qualifies 'a wide variety of work-related illegal acts by people at all organizational levels'.<sup>22</sup> These crimes are less commonly practiced forms of injury such as those involving torture or various kinds of genocide. In a nutshell, White-Collar Crime concerns a wide range of activities that are performed illegally as well as a narrower range of illegal avoidances or omissions that frustrate or do not sustain morally bound duty, and a plenitude of harmful activities that are legally beyond incrimination or civil action.<sup>23</sup>

The punishments for White Collar Crimes are imprisonment, fines, restitution, home detention, supervised release, cost of prosecution, forfeitures<sup>24</sup> and spending jail terms in hospitals while pretending to be sick is a peculiar punishment in Nigeria. White Collar Crimes are committed by people in the middle and upper hierarchy in a society and they have the opportunity of executing these crimes due to the nature of work they do and the position they hold.<sup>25</sup> On the other hand, blue collar crimes are offences that involve the physical presence of the accused person at the crime scene and he need not have any form of skill, educational qualification or be in any high class in the society. Examples of blue collar offences are stealing, robbery, burglary, house-breaking and rape. Blue collar offending can have a range of impacts on victims, including financial loss and physical, emotional, and mental

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<sup>14</sup> Kitty Calavita, Henry Pontell and Robert Tilman, *Big Money Crime*, University of California Press, 1997.

<sup>15</sup> See Generally Yoav V and Ely Weitz, 'Misbehavior in Organizations: Theory, Research and Management', *Business & Economics*, (2003), 16-20.\*

<sup>16</sup> Federal Bureau of Investigations, White Collar Crimes, <https://www.fbi.gov/investigate/white-collar-crime>, accessed 24 July 2019.

<sup>17</sup> Ibid.

<sup>18</sup> P Christiana, 'A Comparative Study of White-Collar and Blue-Collar Criminals in American Jails, (2007), accessed 24 July 2019.

<sup>19</sup> Ibid.

<sup>20</sup> Youth Parliament Inquiry into white collar vs. blue collar crimes: do current sentences reflect the economic and social impacts of these Crimes? <http://www.myd.govt.nz/documents/youth-parliament-/yp-justice-report.pdf>, accessed 24 July 2019.

<sup>21</sup> Gerry Maher, 'Age and Criminal Responsibility' (2005), *Ohio State Journal of Crim. Law*, Volume 2, 493, <<http://www.moritzlaw.osu.edu.com>> accessed 24 July 2019.

<sup>22</sup> *ibid*, 17.

<sup>23</sup> Barak Gregg, 'Introduction: on the invisibility and neutralization of the crimes of the powerful and their victims' (2015), *What's New: Crimes of the Powerful & State-Routinized Crime*, [http://www.greggbarak.com/whats\\_new\\_10.html](http://www.greggbarak.com/whats_new_10.html), accessed 24 July 2019.

<sup>24</sup> Fuentelegal.com, 'White Collar Crime', Available at <<http://public.getlegal.com>> accessed 24 July 2019.

<sup>25</sup> Wim Bamasco, 'Offenders on Offending: Learning about Crime from Criminals', *The Howard Journal of Criminal Justice*, Volume 5, [www.wimbernasco.nl.com](http://www.wimbernasco.nl.com), accessed 24 July 2019.

injury. Once Blue collar crimes are committed, they are almost immediately felt by the victim and the significant effect can be felt over the short and long term.<sup>26</sup>

Blue collar crimes offenders are perceived as the low people in a society. The prosecution of street crimes is constant under the criminal justice administration particularly in Developing countries like Nigeria when compared to advanced economies. Furthermore, the prosecutors follow the law to the letter when trying street crimes as compared to white collar crimes. There are also no provisions for offenders of street crimes to

#### 4. Discrimination in the Prosecution of White Collar Crimes and Blue Collar Crimes

In Nigeria, the same procedure is adopted in the trial of both white collar crimes and street crimes. Firstly, the prosecutors will conduct a thorough investigation on the matter so as to determine whether the accused person will be prosecuted or not.<sup>27</sup> The law further provides that the court shall record the fact that it is satisfied that the defendant understands the charge read over and explained to him in the language he understands, and shall record the plea of the defendant to the charge or information as nearly as possible in the words used by him.<sup>28</sup> In an effort to ensure justice in the prosecution of white collar crimes in Nigeria, the concept of plea bargaining was adopted and enacted under the provisions of the Economic and Financial Commission Act (EFCC)<sup>29</sup> but, more elaborately in the Administration of Criminal Justice Act 2015.<sup>30</sup> The search for justice is a continuity in human existence from time long past. The notion of plea bargaining is a pertinent way out for implementing justice in various legal systems, especially with the contemporary trend of humanity that showcases social class between the poor and the rich, lack of basic amenities and high levels of unemployment. In the search for justice and the advancement of speedy trials, the concept of plea bargaining has evolved from criminal justice administration of states across the globe.<sup>31</sup>

After the inception of plea bargaining under the Criminal Justice dispensation in Nigeria, the notion has been employed in some white collar crime matters which are *Igbinedion's case*,<sup>32</sup> *Cecilia Ibru's case*,<sup>33</sup> *John Yakubu's case*,<sup>34</sup> *Tafa Balogun's case*<sup>35</sup> and many more.<sup>36</sup> The introduction of the idea of plea bargaining to the Nigerian criminal justice system is asserted here to be a protection of white collar crimes and a flagrant trample on justice. White crime offenders enter into a plea bargain with the prosecutor to forfeit some and not all of the properties and monies laundered or embezzled to government so as to have a reduced sentencing. After serving a reduced sentence, they return home to enjoy the monies and properties not forfeited. Whereas, a street criminal would serve the provided jail terms under the law and return to the streets with no assurance of securing a job and surely will be stigmatized while his counterpart who has served a reduced jail term will be celebrated. What an unbelievable level of injustice!

On the issue of serving jail terms, some white collar offenders in Nigeria did not spend a day in prison but spent the entire imprisonment period in Hospitals.<sup>37</sup> Right from the trial period, some offenders of white collar crimes pretend to be so sick to the extent that they cannot stand trial<sup>38</sup> while some abscond from the country before trial begins

<sup>26</sup>Youth Parliament Inquiry into white collar vs. blue collar crimes: do current sentences reflect the economic and social impacts of these Crimes? <http://www.myd.govt.nz/documents/youth-parliament-yp-justice-report.pdf>, > accessed 24 July 2019.

<sup>27</sup>AdekunbiImosemi and Bisola Ogundare, Plea Bargaining in Nigeria: an Aftermath of the Administration of Criminal Justice Act, (2015), *International Journal of Business & Law Review*, 2017, Volume 5, 193-105.

<sup>28</sup> Administration of Criminal Justice Act 2015, S.273(1) and Hereinafter known as ACJA in this study.

<sup>29</sup> Economic and Financial Crime Commission Establishment Act Cap E1 L.F.N 2004, S. 14.

<sup>30</sup> Administration of Criminal Justice Act 2015, S. 270(1).

<sup>31</sup>AdekunbiImosemi and BisolaOgundare, Plea Bargaining in Nigeria: an Aftermath of the Administration of Criminal Justice Act, (2015), *International Journal of Business & Law Review*, 2017, Volume 5, 193-105.

<sup>32</sup>*Federal Republic of Nigeria v MichealIgbinedion* [2014] All FWLR Pt. 734, 101 at 144.

<sup>33</sup> *Federal Republic of Nigeria v Mrs Cecilia Ibru* [Unreported] Charge No. FHC/L/297C/2009.

<sup>34</sup> *Federal Republic of Nigeria v John Yusuf Yakubu* [Unreported] Charge No. FHC/ABUJA/CR/54/2012.

<sup>35</sup>*Federal Government of Nigeria v Tafa Balogun & Others* (Unreported) Charge No. FHC/ AB/CR/14/2005; and *Federal Republic of Nigeria v Nwude & Others* (Unreported) Charge No. ID/92C/04.

<sup>36</sup>A. Imosemi, Plea Bargaining in Nigeria: an Aftermath of the Administration of Criminal Justice Act (2015), *Int. J Bus. & Law Res*, 2017, 5: 193-105.

<sup>37</sup>*Federal Republic of Nigeria v Mrs Cecilia Ibru* [Unreported] Charge No. FHC/L/297C/2009. Mrs. Ibru was the Director of Oceanic Bank Plc and was prosecuted, but went into plea bargaining and was sentenced to only six months imprisonment, which she spent on the hospital bed.

<sup>38</sup>*Federal Republic of Nigeria v Olisah Metuh & Anor*, Charge No. FHC/ABJ/CR//05/2015.

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claiming they have terminal diseases.<sup>39</sup> All these perfect lawless situations are perpetrated by suit offenders in Nigeria. Meanwhile, when they are busy looting public funds and enriching themselves, they are never ill, but once they are to stand trial they fall sick. These tactics are employed by the accused persons to draw unnecessary sympathy from the ordinary citizens and the press who most times regard their trials as victimization of political opponents and not as the law taking its rightful course. These cunning ploys to avoid prosecution of white collar offences also show the injustice in the trial of white collar crimes as against street crimes since the latter offenders are not given such concessions under the criminal justice system, but are rather tortured sometimes to death by the prosecuting agencies especially the police.

Furthermore, the judges are also biased and somehow partial in sentencing white crime criminals. How do we explain a judge's role in the trial of a police pension scheme Director who embezzled 38.2 billion naira with six others and the judgment was a mere fine of 750 thousand naira after he entered into plea bargaining with the prosecutors.<sup>40</sup> This type of judgment from the judiciary stinks of partiality and injustice to street crime offenders who may have stolen a property worth only 5,000 naira and would be sentenced to one year imprisonment. More so, the pension administrator was to go back home and enjoy the proceeds of his scam because of the probability that the judge may have been bribed whereas in Asian countries, such a public officer would have been put to death for embezzling public funds.

Another trace of injustice between the prosecution of white collar crimes and blue collar offenders can be found in the provisions of the laws under the criminal justice system. The criminal justice dispensation in Nigeria accords the offenders of white collar crimes gentle treatment which is totally different from the manner street offenders are handled under the same system. The unfairness and justice in the trial of both set of offenders can be seen with the introduction of the notion of plea bargaining to the provisions of the criminal justice administration which absolutely favour white collar criminals. On the other hand, there is no such provision under the same dispensation that allows a street offender for instance, to give back a property he has stolen in order to be freed or receive a reduced punishment. The situation is worsened because even when the police may have retrieved a stolen property from a street offender, he will still receive the normal sentencing and that is if he had not been previously battered by angry mobs before he was rescued by the police. The prison officials are not left out in grating subtle and unnecessary revered treatments to offenders of white collar crime.

The disparity in the trial of white collar crimes also contradicts some provisions of the 1999 Nigerian Constitution. For example, Section 17 of the 1999 constitution provides that the social order in Nigeria is based on 'ideals of Freedom, Equality and Justice'<sup>41</sup> and that 'every citizen shall have equality of rights, obligations and opportunities before the law'.<sup>42</sup> Secondly, the constitution asserts that the biasedness, autonomy and integrity of the courts are guaranteed under the administration of criminal justice in Nigeria.<sup>43</sup> In terms of the prosecution of white collar crimes in Nigeria, these constitutional provisions are not always ensured which makes such trials a flagrant abuse and this further affirms the bane of this paper that the prosecution of white collar crimes is a perfect injustice on the prosecution of white collar crimes. The Constitution further provides that that every citizen is to be respected for the dignity of his person and no individual is to be subjected to torture or inhuman or degrading treatment.<sup>44</sup> The case in Nigeria is sometimes different since during arrest, investigation, detainment or imprisonment, the police usually torture and subject suspected blue collar offenders to unnecessary torture and inhuman treatments. Meanwhile the white collar crime suspects are always given preferential and revered hospitality while in custody.

One of the provisions of the Independent Corrupt Practices Act stipulates that all offences under the Act must be bailable in accordance with the Criminal Procedure Act,<sup>45</sup> whereas, such options are not given to street offenders

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<sup>39</sup>This is the case of the former Minister of Petroleum, Mrs Diezani Allison-Madwueke, who has been by alleged by EFCC to have embezzled and looted public funds to the tune of 260 million dollars and she has refused to come back to Nigeria from United Kingdom claiming she has a terminal illness. The court has also given an order of interim forfeiture of 58 houses that was bought by Diezani.

<sup>40</sup> Beyond the Thief and the Judge, (2013), <https://www.vanguardngr.com>, accessed 10 June 2018.

<sup>41</sup> The Constitution of the Federal Republic of Nigeria 1999, Cap.33, LFN 2004, s.17 (1)

<sup>42</sup> *ibid* s.17(a)(a)

<sup>43</sup> *ibid* s.12(e)

<sup>44</sup> *ibid*, s.34.

<sup>45</sup> The Corrupt Practices and Other Related Offences Act, Cap C31, Laws of the Federation of Nigeria 2004, s.42.

under the provisions of both the Criminal Code and the Penal Code. All these anomalies automatically promote a sharp contrast in the discrimination of both crimes under the paradigm of criminal justice administration.

### 5. Responses from the citizens

It is totally disappointing and discouraging to explore the reactions of Many Nigerians to white collar criminals as opposed to blue collar offenders. These white collar criminals are seen as sharp, intelligent, wealthy, and superior to both the populace and street offenders. What do we deduce of citizens who celebrate convicted white collar criminals (who embezzled and laundered billions of naira) when they are through with their jail terms by wearing same set of clothes and head gears popularly known as *aso-ebi*, going to the church for thanksgiving, wining and dining as well? The same set of citizens would apprehend a street offender who may have stolen a handset that costs 5,000 Naira and instead of handing over the suspect to the police, would rather stone him to death, give him 'tea' (cement) to drink or burn him to death after causing grievous bodily harm thereby committing jungle justice on him. The author wonders the rationale behind such a backward attitude. In view of this, this work states the following as reasons responsible for such behaviour and response to white collar criminals in Nigeria;

1. Family influence.
2. Greed and selfishness
3. Illiteracy
4. Precedence of non-accountability of white collar crimes.

These aforementioned factors are responsible for these shenanigans from members of the public towards white collar crimes. Unfortunately, the citizens fail to realize the negative impact of these white collar crimes especially those committed by the public office holders who embezzle billions of naira and launder it in foreign accounts. These are money meant to improve the standard of living of an average Nigerians. On the other hand, Nigerians are quick to condemn blue collar criminals before trials. These street offenders are seen as lazy, weak, illiterate, poor, unintelligent, wicked, and never do wells that have come to steal from their hard earned resources, properties or money. Street criminals are sometimes killed extra-judicially even by the Law enforcement Agents and jungle justice is perpetrated on them by the civilian citizens who always prefer to celebrate and worship white collar crime offenders. There have been instances in Nigeria where robbers would steal properties like handset, motorcycle,<sup>46</sup> food stuff or even cases where innocent citizens were believed to be robbers and the masses would lynch them to death.<sup>47</sup> Furthermore, the judiciary has favoured the white collar crime offenders as against the street criminals. There was a case of a boy that stole a handset that was less than 10,000naira and he was sentenced and convicted to 10years imprisonment while in another case, a Police pension administrator that embezzled 32.8 Billion Naira was given an option of 750,000 naira as fine.<sup>48</sup> How are we to reconcile the position of the courts on these 2 cases? The outcome of these two cases and many others further affirm the crux of this research that the prosecution of white collar crimes depicts flagrant injustice to the trials of blue collar crimes.

### 6. Damaging Impacts of White Collar Crimes

The negative impacts of white collar cannot be over emphasised. In advanced countries all over the world, almost everyone knows of the usual everyday crimes that committed by the powerless, illiterates and/or poor people against persons and properties. In the United States, the Federal Bureau of Investigations (FBI) annually collates and catalogues these street crimes and other similar agencies in other developed political economies do same, while records and the visual images of these offences are sent to the public via social and news media.<sup>49</sup> Furthermore, there are documentaries, motion pictures and dramas shown on television stations that show street crimes events. On the Contrary, 'the more harmful and serious forms of injury to person and property committed by powerful and/or wealthy groups or organizations and by governments or states are neither counted officially by any managerial agencies nor regularly reported on by the news media'.<sup>50</sup> On the other hand, in developing political economies like Nigeria, even though people are aware of the everyday or blue collar crimes, there is no compilation of data, records

<sup>46</sup> Armed Robbers Caught in Eleme, Stripped and mercilessly Beaten, <http://www.nairaland.com/4535585/armed-robbers-caught-eleme-stripped>, accessed 9 August 2019.

<sup>47</sup> Uniport Four: Different Versions of why they were Killed, (2012), <https://www.vanguardngr.com>, accessed 9 August 2019.. See also Aluu Four: Police Sergeant, 2 others Sentenced to Death, (2017), accessed 9 August 2019.

<sup>48</sup> Federal Republic of Nigeria v John Yusuf Yakubu [Unreported] Charge No. FHC/ABUJA/CR/54/12.

<sup>49</sup> Barak Gregg. 'Introduction: on the invisibility and neutralization of the crimes of the powerful and their victims' (2015), What's New: Crimes of the Powerful & State-Routinized Crime, [http://www.greggbarak.com/whats\\_new\\_10.html](http://www.greggbarak.com/whats_new_10.html), accessed 9 August 2019.

<sup>50</sup> *Ibid.*

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nor television documentaries and motion pictures on these crimes that are perpetrated by the powerless and poor. At this point, it is considered that the type of street crimes in developing climes include stealing, burglary/housebreaking, armed robbery, Killing, internet fraud and are highly on the rise daily with very inefficient mechanisms of investigating and curbing them under the criminal justice system. In view of this, though people and their properties across the globe may likely have the encounter of victimization from suite crimes of the powerful than from the blue collar offences of the powerless, most people are still bothered about the blue collar crimes but are not so aware of white collar crimes.

Some authors have opined that white collar crimes are not regarded as criminal offences and the perpetrators are not stigmatized before, during and after prosecution. More so, these suite crimes have been neutralized by plea bargaining and negotiations.<sup>51</sup> The process of negotiations automatically reduces the punishment the offender ought to have been awarded in the court's judgement.<sup>52</sup> Contemporarily, people, states and individuals lose Billions of dollars to the commission of white collar crimes. For instance, Nigeria has loses about 400 million dollars annually to corruption.<sup>53</sup> These are state funds that are meant for the development of infrastructures and the citizens and such high amount of laundered funds show the economic detriments of white collar crimes across in Nigeria and so many other African states. Due of the nature of white-collar crimes, it has the effect of reaching far beyond instant criminal incidence. The white-collar crime has adverse effects on people educationally, financially, psychologically, economically, socially and emotionally.<sup>54</sup> White-collar crimes also destroys the economy of a country due to high level of fraud and corruption which constantly slows the appropriate distribution of wealth among the citizens and this further creates a situation wherein the rich get richer and the poor get poorer.<sup>55</sup>

Tax evasion is another form of white-collar crimes that reduces the income of government at all levels in any jurisdiction thereby slowing the positive impact of governance on the people. More so, it is natural that when taxes are paid government should put the funds to judicious use<sup>56</sup>. The lack of payment of tax by both public and private companies or citizens and the connivance of the tax authorities also hinder the successful implementation of tax policies.<sup>57</sup>

Money Laundering is also a white collar crime and it is the act of hiding 'the origin, nature, existence, location and disposition of money and/or property obtained illegally from criminal activities such as embezzlement and corruption'.<sup>58</sup> The negative impact of money laundering on economic progress are tough to quantify but obviously, money laundering alters the progress of 'the financial sector institution that are critical to economic growth, reduces productivity in economy's real sector by diverting resources and encouraging crime and corruption, which slow economic growth and distort external economic sector'.<sup>59</sup> Money laundering in Nigeria had recently increased in Nigeria especially since 2015 when the last general elections took place and there had been cases where security officers detected that millions of dollars were kept in private homes, but this was possible with the help of whistleblowers who are promised 5% of the amount reported. This activity is also to the disadvantage of those citizens who living in poverty but ought to have benefited from such monies.<sup>60</sup> Many elected officers, public officers, government officials at all levels of governance are fond of embezzling government funds and laundering it away in foreign countries due to lack of proper accountability and the fact that the poor citizens celebrate this

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<sup>51</sup>Carson West. 'The Conventionalization of Early Factory Crime,' *Int. J Soc. Law*, 1979,7: 37-60. See also Nomi Prins, *All the Presidents' Bankers: The Hidden Alliances that Drive American Power*, Nation Books, New York, 2014. Ruggiero, V, *The Crimes of the Economy: A Criminological Analysis of Economic Thought*, Routledge, London, 2013.

<sup>52</sup> Federal Republic of Nigeria v Mrs Cecilia Ibru [Unreported] Charge No. FHC/L/297C/2009.

<sup>53</sup>Elizabeth Donnelly, Leena Hoffman and Raj Patel, *Collective Action on Corruption in Nigeria: How to Connect the Society and Institution*, <https://www.chathamhouse.org/event/collective-action-corruption-nigeria-how-connect-society-and-institutions>, accessed 9 August 2019.

<sup>54</sup>ibid

<sup>55</sup>Joseph Grundfest and Steven Bochner, 'Fixing 404,' *Michigan Law Review*, 2007, Volume 105, 1643.

<sup>56</sup>A. Ellawule, *Effect of Tax Evasion on Economic Development of Yobe State, Nigeria*, (2018), *J Account Mark*, 7: 262.

<sup>57</sup>OdusolaAyodele, *Tax policy reforms in Nigeria*, (2006), Research Paper, UNU-WIDER, United Nations University (UNU).

<sup>58</sup>Uyoyou Kelly and Ebipanipre Gabriel, *Effects of Money Laundering on Nigerian Economy*, *Int J. Acad Research Acc. Fin. Man. Sci*, 2013, 3:170-184.

<sup>59</sup>IdowuAbiola and ObasanKehinde, *Anti-Money Laundering Policy and its effect on Bank Performance in Nigeria*, *Bus. Int. J*, 2012, 5:367-373.

<sup>60</sup>Efeyunmi Paul, *The Economic Implications Of Money Laundering In Nigeria*, (2013), Seminar Paper, Unpublished.

officers once they are given a token before, during and after elections. This criminal act is very saddening and must be seen to be stopped by the appropriate and relevant authorizes.

### **7. Conclusion and Recommendations**

As a close is drawn on this research, the central point of this study has been affirmed that the prosecution of white collar crimes is a flagrant injustice to the offenders of blue collar crimes in Nigeria. Due to lack of data from prosecuting agencies, education, greed, selfish interests and awareness on white collar crimes, many people do not see white collar crimes as offences *per se* in Nigeria. White collar crimes are generally believed to be the norm and are more practically acceptable to the extent that the offenders of these crimes are celebrated till date. Finally, the notion of white collar criminals has been romanticized and distorted due to high level of unemployment, illiteracy and poverty in every nook and cranny of Nigerian societies. These model waves of conditions have fostered a social and legal system where white collar offenders are more acceptable than street criminals that are sometimes burnt to death in Nigeria.

In order to ensure equity and justice for the perpetrators of both white-collar crime and blue collar crimes under the administration of criminal justice system in Nigeria, positive changes are pertinent to occur in the legal system. Firstly, the Nigerian Police Force, the ICPC, EFCC and other prosecuting agencies need to start reporting the data on white collar crimes. This reporting will show the severity of hardships caused by white collar crimes since no one knows the full extent of this crime in Nigeria. Furthermore, both the federal and state Attorney Generals through norms, practices, policies and body language need to prosecute white collar crimes strictly and in the same manner they would try blue collar crimes. This will eventually eradicate the glaring injustice in the prosecution of both crimes. In Nigeria, there are no proper channels to account for public funds and these lead to the embezzlement, corruption and eventual laundering of such funds. In view of these activities, there is need for new and stringent policies on mediums of answerability of public funds at the federal, state and local governments so as to reduce these white collar crimes in Nigeria. The prosecuting agencies should also dim their search lights into multinational corporations operating in Nigeria as well as the domestic companies to prosecute offenders of white collar crimes like tax evasion and corruption. Another method of curbing both white collar and blue collar crimes is to campaign against them and create awareness on these crimes at the primary, secondary and tertiary levels of education in Nigeria. Religious bodies and non-governmental organizations need to create awareness on these crimes as well. Through the awareness, all the citizens would be aware of different types of white collar crimes and this would reduce the love for protection offenders of white collar crimes enjoy from the poor masses in the long run.

The Nigerian Legislature (National Assembly) needs to enact more laws and legislations that will curb and reduce white collar crimes in Nigeria. It is obvious that both the Criminal Code and the Penal Code are inadequate and outdated to meet the contemporary trends of both the white and blue collar crimes. The enacted new laws will take care of the investigation and trial of these new crimes especially the ones that have no provisions under the Codes. This act will also reduce the execution of white collar crimes. The Judiciary needs to be stricter and more stringent with the sentencing of white collar crimes in Nigeria. The Judges should endeavor to give deterrent sentencing through judicial precedent which will curb the execution of white collar crimes. But I wonder how this can be easily achieved when recently some judges were accused of taking bribes from Litigants to give favourable judgments and some judges were actually found guilty and were either sacked or compulsorily retired. This study proposes that there should be equal harsh punishments for both White Collar Criminals and Blue Collar Criminals and equal amount of crime control budget to be devoted. This further means that the Nigerian Judicial Commission needs to re-orientate incumbent judges and orientate newly appointed ones so as to be incorruptible judges in all cases they administer.