

AN ASSESSMENT OF THE ADMINISTRATION OF CRIMINAL JUSTICE ACT (ACJA) 2015 AND ITS EFFECT ON UNLAWFUL ARREST AND DETENTION BY THE POLICE IN OGUN STATE, NIGERIA*

Abstract

The Administration of Criminal Justice Act (ACJA) 2015 was enacted in Nigeria to reform and streamline the criminal justice process, with the objective of enhancing the protection of human rights, promoting transparency, and ensuring the speedy delivery of justice. A key aim of the Act was to address prevalent issues of unlawful arrest and detention by law enforcement agencies, particularly by the Nigerian police, who have often faced criticism for violating the rights of suspects. Using a combination of qualitative and quantitative methods, the research involved analyzing questionnaires and conducting interviews with law enforcement officials, legal practitioners, and victims of unlawful arrests and detentions. Findings revealed a significant gap between the objectives of the ACJA and the realities of policing practices in Ogun State. While the Act clearly stipulates conditions under which arrests can be made, mandates prompt arraignment of suspects, and prohibits unlawful detention without trial, many police officers continue to disregard these guidelines. This study found that unlawful arrest, detention and the abuse of power remain common, often due to systemic issues such as inadequate police training, corruption, and resource limitations. The study concludes that, although the ACJA 2015 provides a comprehensive framework for protecting the rights of suspects and regulating police conduct, its implementation in Ogun State remains flawed. It recommends for stronger enforcement of the Act's provisions, more rigorous training programs for police officers on human rights and legal procedures, and enhanced oversight from both governmental and non-governmental organizations.

Keywords: Administration of Criminal Justice Act 2015, Unlawful Arrest, Detention, Human Rights, Nigeria Police

1. Introduction

The Administration of Criminal Justice Act (ACJA) 2015 represents a landmark legislative reform in Nigeria, designed to harmonize the country's criminal procedure laws and ensure a fairer, more efficient justice system. On the 28th of May 2015, the past president of Nigeria, Goodluck Jonathan signed into law the Administration of Criminal Justice Act, which by virtue of Section 493, seeks to repeal the Criminal Procedural Act (CPA) and Criminal Procedural Code (CPC) and unify the criminal procedure across the length and breadth of Nigeria.¹ However, to be enforceable across every state of the federation, the different state Houses of Assembly shall enact a law establishing the jurisdiction of the Act within the respective state.² As an overarching legal framework, it aims to curb delays in criminal trials, promote the protection of human rights, and safeguard the principles of rule of law. One of its most significant objectives is addressing unlawful arrests and detentions, longstanding issues that have plagued the Nigerian justice system and disproportionately affected vulnerable populations. Ogun State, a critical economic hub in southwestern Nigeria, has not been immune to these challenges. The conduct of police officers, particularly regarding arrests and detentions, has drawn widespread criticism over allegations of abuse of power, corruption, and disregard for the rights enshrined in the Nigerian Constitution and international conventions. The implementation of the ACJA in Ogun State offers an opportunity to evaluate its effectiveness in curbing these practices and enhancing police accountability. This study seeks to assess the impact of the ACJA 2015 on reducing unlawful arrests and detentions by the police in Ogun State. It will analyze the extent to which the provisions of the Act have been implemented, the challenges encountered in enforcement, and its overall influence on police practices. By highlighting these issues, this research aims to contribute to the ongoing discourse on criminal justice reform in Nigeria and provide recommendations for strengthening the application of the ACJA in Ogun State and Nigeria at large.

2. Statement of the Problem

Despite the enactment of ACJA, concerns remain about the criminal justice system in Ogun State, particularly regarding police practices of unlawful arrest and detention. While the ACJA aimed to protect suspects' rights and enhance accountability, its impact on police conduct is still questionable. Issues such as arbitrary arrests, prolonged detentions without due process, and human rights violations continue to plague the system, undermining individual rights and public trust in justice. Corruption, including bribery and extortion for release or favorable treatment,

*By **Adekunbi IMOSEMI**, Professor and Head of Department of International Law and Security Studies, School of Law and Security Studies, Babcock University, Ilishan-remo, Ogun State, Nigeria.

***Nzeribe ABANGWU, PhD**, Department of International Law and Security Studies, School of Law and Security Studies, Babcock University, Ilishan-remo, Ogun State, Nigeria; and

***Deborah DARLINGTON**, Postgraduate Student, School of Law and Security Studies, Babcock University, Ilishan-remo, Ogun State, Nigeria.

¹ Odekunle Oluwole, 'The Administration of Criminal Justice Act 2015: A Critical Appraisal' (2018) 11(1) African Journal of Criminology and Justice Studies 25-40

² OWA Okocha, 'The Detention Rights of Suspects and Accused Persons in England (and Wales) and Nigeria: Rights Development as a Work in Progress' (2018) Brunel University, London

exacerbates these issues. Insufficient training in legal procedures and human rights, coupled with inadequate investigatory resources, often leads to wrongful arrests and detentions, disproportionately affecting the poor who cannot pay for their release.

3. Clarification of Concepts

Arrest

This centers on the abuse of power by law enforcement authorities, where arrests are carried out in violation of legal and constitutional safeguards. Arrest is defined as the act of taking a person into custody to deprive them of their liberty, often as a means to ensure their appearance in court or at a police station. A lawful arrest requires informing the individual of the reason for the arrest at the time it occurs or shortly thereafter, as emphasized in *Holgate Mohammed v. Duke*.³ However, Nigerian police practices often violate these principles. Authorities frequently arrest individuals without sufficient evidence, contrary to procedural requirements. Notable legal scholars, including Prof. Bede Abasilim, highlight systemic issues such as abuse of discretion, inadequate oversight, and poor enforcement of safeguards under laws like the Administration of Criminal Justice Act (ACJA) 2015 and the Constitution of Nigeria (1999). The ACJA 2015 seeks to address these lapses by curtailing practices like arresting individuals in lieu of suspects, a common but unconstitutional act under previous legislation. Judicial precedents, such as *Ezeaku v. Nwankwo*,⁴ condemn such violations, and the ACJA strengthens protections against arbitrary arrests. Despite these reforms, weak enforcement and systemic corruption continue to undermine the rights to personal liberty enshrined in the Constitution and other international laws.

Detention

The concept of detention by police refers to the lawful act of depriving an individual of their freedom while awaiting formal charges, trial, or bail. However, unlawful detention arises when such actions violate legal standards. Sections 34, 35, and 41 of the Constitution of the Federal Republic of Nigeria, 1999⁵ guarantee the rights to dignity, liberty, and freedom of movement, mandating humane detention conditions and timely judicial proceedings. Scholars and legal authorities have examined the issue of unlawful detention, emphasizing its negative implications and advocating for safeguards to protect individual rights. Prof. Itse Sagay emphasizes on instances of detention without trial, particularly for political reasons, as a clear violation of constitutional safeguards. He advocates for the enforcement of habeas corpus rights to challenge unlawful detention and prevent abuses of power.⁶ Victims of unlawful detention are entitled to compensation and public apologies, as affirmed in the case of *Jim-Jaja v Commissioner of Police and Okafor v. Lagos State Government*.⁷ Courts have condemned practices that degrade human dignity and violate constitutional rights. There are a plethora of cases where the Court has upheld the provisions of the Constitution and other statutes that are related to unlawful detention, some of which are *Chief Ibrahim Salami v Pa Josiah Oyediran Olaoye & Anor*,⁸ where a man was detained for a period of three days without reasonable cause for the delay. The arrest and detention was deemed unlawful by the appeal court. In the same vein, the Court of Appeal in *Beeior Ishenge v Commissioner of Police, Plateau State & Anor*⁹ held that the police violated the right to personal liberty of the appellant as guaranteed by Section 35 of the Nigerian Constitution when it failed to charge the appellant within the legal time frame. Despite legal protections, issues like prolonged detentions, corruption (e.g., requiring bribes for bail despite the "bail is free" policy), and inhumane treatment persist in Nigeria.

4. Theoretical Framework

Different scholars have different theories such as the Labelling theory, Police Discretion Theory and System Failure Theory, which analyses the concept, causes and effects of unlawful arrest and detention by the Nigerian Police.

Labeling Theory

Labeling theory examines how societal reactions and labels define deviance and influence behavior. It argues that deviance is not an intrinsic quality of an act but is created through societal labeling, as articulated by Howard Becker. Becker emphasizes that societal norms and values shape what is considered deviant, with law enforcement and public reactions playing key roles. For instance, drug use may be deemed deviant depending on the context.¹⁰ In the Nigerian context, studies like those by Okafor reveal that police often label individuals based on appearance or socio-economic

³ Vol 79 Cr App R 120

⁴ [2002] 2 HRLRA 165 at 173

⁵ Constitution of the Federal Republic of Nigeria, 1999 (as amended); Cap C23, Laws of the Federation of Nigeria 2004

⁶ I Sagay, 'Constitutional Safeguards against Unlawful Arrest and Detention: A Nigerian Perspective' (2020) 7 *Nigerian Constitutional Law Reports* 76

⁷ [2013] 6 NWLR (Pt. 1350) 225

⁸ (2018) LPELR-47256(CA)

⁹ (2019) LPELR-48390(CA)

¹⁰ HS Becker, *Outsiders: Studies in the Sociology of Deviance* (Free Press 1963) <<https://www.sjsu.edu/people/james.lee/courses/soci152/sl/ajreading10labeling.pdf>> accessed 4 August 2024

status, leading to unlawful arrests and detentions. This labeling stigmatizes individuals, reinforcing deviant identities and increasing the likelihood of secondary deviance where initial societal labeling pushes individuals into sustained deviant behavior.¹¹

Police Discretion Theory

Police Discretion Theory examines the significant authority granted to police officers to make decisions on arrests and detentions, highlighting both the legal and societal factors influencing their actions. In Nigeria, the Nigerian Police Act and Constitution grant police extensive discretion, often leading to abuse, such as arbitrary arrests and unlawful detentions without evidence, as noted by Falade and Amoo.¹² The theory recognizes two primary frameworks: the formal-legal model and the socio-legal model. The formal-legal model idealizes strict adherence to legal protocols, critiquing discretion as undermining constitutional principles.¹³ In contrast, the socio-legal model acknowledges that police decisions are shaped by both legal rules and social norms, including moral judgments, pragmatism, solidarity, prejudice, and self-interest. This model reflects the complex realities of police work, where decisions often balance competing influences beyond legal mandates.¹⁴

Proponents like Michael Johnson argue that understanding police discretion requires considering its broader social context. Sklansky¹⁵ emphasizes that unchecked discretion can lead to discriminatory practices, particularly against minorities, and calls for structured guidelines to limit abuse. Empirical studies reveal that while legal factors (e.g., offense severity and evidence) significantly affect police actions, extralegal factors (e.g., suspect demographics and incident location) also play a role, sometimes leading to biased outcomes.¹⁶ Critics of police discretion highlight its potential to undermine the rule of law, erode public trust, and foster perceptions of law enforcement operating above legal norms. The lack of accountability and oversight allows for arbitrary decision-making, which can damage the legitimacy of the justice system.¹⁷

System Failure Theory

This theory examines how structural deficiencies and systemic inefficiencies in criminal justice systems contribute to issues like unlawful arrests and prolonged detentions. David Garland, a prominent scholar of this theory highlights how modern criminal justice systems, shaped by socio-political and economic pressures, prioritize punitive measures and surveillance. He argues that this 'culture of control' exacerbates systemic inefficiencies such as corruption, inadequate resources, and poor training, leading to injustices like wrongful detention.¹⁸ Michael Tonry critiques resource constraints, inconsistent law enforcement, and inadequate training within criminal justice agencies, identifying these as drivers of unlawful detentions and miscarriages of justice.¹⁹ Markus Dirk Dubber focuses on how systemic inefficiencies, such as poor investigative practices and lack of accountability, undermine the integrity of legal processes and contribute to prolonged detentions.²⁰ In Nigeria, systemic failures in the criminal justice system, such as corruption, lack of training, and resource shortages, are major drivers of unlawful arrests and detention. Reform efforts are hindered by entrenched interests and insufficient political will. Critics argue that the theory overemphasizes structural deficiencies while neglecting individual agency and the potential for reforms.²¹ The System Failure Theory complements the Police Discretion Theory by addressing both systemic and individual-level issues. While the Police Discretion Theory focuses on how officers' judgment impacts justice often influenced by biases, social norms, and inadequate training, the System Failure Theory provides a broader framework for understanding how systemic inefficiencies undermine the justice process. This integrated perspective is particularly relevant in Nigeria, where both police discretion and systemic inefficiencies under the Administration of Criminal Justice Act (ACJA) contribute to rights violations.

¹¹ FO. Okafor, 'The role of police in Nigeria's criminal justice system' (2017) 1(1) *Journal of Social Sciences and Humanities* 1

¹² AJ Falade and EO Amoo, 'Arbitrary Arrest and Detention in Nigeria: A Critical Review of the Evidence' (2018) *Journal of Humanities and Social Science Research* 2(1) 1-9

¹³ Michael Johnson, 'Responses to Police Discretion: A Review of Scholarly Perspectives' (2015) *Policing and Society* 25(3) 421-438

¹⁴ S Bronitt and P Stenning, 'The Social-Legal Model of Police Discretion: An Alternative Perspective' (2011) *Journal of Criminal Law* 75(4) 325-342

¹⁵ DA. Sklansky, 'The Problems with Police Discretion' (2017) *Ohio State Law Journal* 72(5) 1105

¹⁶ Smith, John; Police Discretion: Empirical Studies and Observations (2020) *Journal of Policing and Law Enforcement*, Vol 8 (2), Pg 145-162

¹⁷ Samuel Walker, 'Governing the American Police: Wrestling with the Problems of Democracy' (2016) 2016(3) *University of Chicago Legal Forum* 615, 620-621

¹⁸ David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (Oxford University Press 2001) 29-34

¹⁹ Michael Tonry, *Why Punish? How Much?: A Reader on Punishment* (Oxford University Press 2011) 123-128

²⁰ Markus Dirk Dubber, *The Police Power: Patriarchy and the Foundations of American Government* (Columbia University Press 2005) 56-61.

²¹ Malcolm M Feeley and Jonathan Simon, *The New Penology: Community Supervision and Surveillance* (University of Chicago Press 1992) 451-457.

5. Legal Framework on Unlawful Arrest and Detention

Administration of Criminal Justice Act (ACJA) 2015

ACJA 2015 combines the Criminal Procedure Act (CPA) of 1945 and the Criminal Procedure Code (CPC) of 1960, previously governing criminal justice in Nigeria. The ACJA, with 495 sections and 48 parts, aims to standardize criminal procedures nationwide, addressing outdated provisions and unifying laws for both the northern and southern regions. It applies to offenses under federal law and in the Federal Capital Territory, Abuja. Key sections of ACJA regulate arrest and detention procedures to prevent unlawful practices, emphasizing humane treatment, and proper handling of suspects. Adopted by 27 states, including Ogun State, the ACJA provisions are mirrored in local laws to enhance the justice system. Section 3, 4, 5, 6, 7, 8, 18, 30, 31 and 32 of ACJA makes provisions that prohibit unlawful arrest and detention practices.

Constitution of the Federal Republic of Nigeria (CFRN) 1999 (as amended)

The Constitution²², Nigeria's supreme law, outlines guidelines for lawful arrest and detention by the police. Section 214 of CFRN establishes the Nigeria Police Force, Sections 34 and 35 of CFRN makes provisions to protect against torture, ensure personal liberty, mandate timely court appearances, and guarantee rights such as legal consultation and notification of arrest reasons within 24 hours

Nigerian Police Act (NPA) 2020

Chapter 4 of the Nigerian Police Act²³ grants the police the power to arrest, often leading to abuses and unlawful detentions. Sections 24, 25, and 27 of NPA outlines conditions for warrantless arrests, warrant execution, and bail procedures, respectively. Section 29 of NPA permits searches based on suspicion. These powers are frequently abused by the police for personal and biased reasons which results in human rights violations.

Administration of Criminal Justice and other Related Matters Law of Ogun State (ACJL) 2017

The ACJL²⁴ is an Ogun State law governing criminal trials for state and other offenses. Only 27 of Nigeria's 36 states have adopted the provisions of ACJA. Sections 5-34 of ACJL provides for arrest procedures, humane treatment of suspects, and bail provisions, emphasizing fairness and rights protection. Despite its potential, enforcement challenges hinder its effectiveness.

6. Data Analysis and Presentation of Results

This study analyzed respondents' occupational roles, and familiarity with the Administration of Criminal Justice Act (ACJA), among other factors, allowing for a detailed understanding of unlawful arrest and detention issues. It analyzed different responses gotten from individuals who participated in the survey and interview process. The results and findings of the analysis carried out in this study identified several themes which are discussed hereunder.

Table 6.1.1 Occupational Distribution

Occupation	Frequency	Percent	Valid Percent	Cumulative Percent%
Law Enforcement Officer	80	26.06%	26.06%	74.92
Legal Practitioner	40	13.03%	13.03%	87.95
Civil Society Personnel/Human Rights Activist	37	12.05%	12.05%	100.00

Source: Field Data Analysis

From the Table 6.1.1, the distribution highlights the occupational diversity among stakeholders involved in or affected by issues of unlawful arrest and detention. By analyzing the distribution of occupations, there became a clearer understanding of each group's relevance and perspective in the administration of justice, particularly regarding unlawful detention.

²² Constitution of the Federal Republic of Nigeria, 1999 (as amended); Cap C23, Laws of the Federation of Nigeria 2004

²³ Nigerian Police Act, Cap P19, Laws of the Federation of Nigeria 2004

²⁴ Administration of Criminal Justice and other Related Matters Law of Ogun State, Commenced 29th May 2018; OG NO 18 of 2017

Table 6.1.2 Area of Residence Distribution

Area of Residence	Frequency	Percent	Valid Percent	Cumulative Percent%
Abeokuta	154	50.16%	50.16%	50.16
Sagamu	92	29.97%	29.97%	80.13
Ikenne	61	19.87%	19.87%	100.00

Source: Field Data Analysis

From the Table 6.1.2, the majority of respondents reside in Abeokuta and the high concentration in Abeokuta, the state capital, showed that interactions with law enforcement, including instances of unlawful arrests, are likely more common in this urban center. The distribution across various areas indicated that unlawful arrests are an issue affecting multiple regions in Ogun State, which underscored the need for localized interventions and reforms in law enforcement practices.

Table 6.1.3 Familiar with ACJA Distribution

Familiar with ACJA	Frequency	Percent	Valid Percent	Cumulative Percent%
No	7	2.28%	2.28%	2.28
Yes	300	97.72%	97.72%	100.00

Source: Field Data Analysis

From the Table 6.1.3, it is evident that 97.72% of respondents are familiar with the Administration of Criminal Justice Act (ACJA) 2015, reflecting a high level of awareness regarding the legal framework governing arrest and detention procedures.

Table 6.1.4 Unlawfully Arrested or Detained Distribution

Unlawfully Arrested or Detained	Frequency	Percent	Valid Percent	Cumulative Percent%
No	92	29.97%	29.97%	29.97
Yes	215	70.03%	70.03%	100.00

Source: Field Data Analysis

From the Table 6.1.4, a significant portion of respondents, indicated they had experienced unlawful arrest or detention. This high percentage reflected the prevalence of such incidents in Ogun State and highlights an urgent need for reforms in law enforcement practices.

Table 6.1.5 Reporting of Unlawful Arrest or Detention Incidents

Reported Incident	Frequency	Percent	Valid Percent	Cumulative Percent%
No	199	64.82%	64.82%	64.82
Yes	108	35.18%	35.18%	100.00

Source: Field Data Analysis

From the Table 6.1.5, it was found that there is a substantial number of victims affected by unlawful arrests may choose to refrain from seeking redress, potentially due to mistrust in the justice system, fear of reprisals, or lack of accessible reporting mechanisms.

Table 6.1.6 Compliance of the Nigerian Police Force with ACJA

Do police follow ACJA?	Frequency	Percent	Valid Percent	Cumulative Percent%
Always	15	4.89%	4.89%	4.89
Never	31	10.10%	10.10%	14.98
Rarely	154	50.16%	50.16%	65.15
Sometimes	107	34.85%	34.85%	100.00

Source: Field Data Analysis

From the Table 6.1.6, it found that there is an inconsistent application of the ACJA within police practices, pointing out the need for more robust enforcement mechanisms to ensure that law enforcement upholds the legal standards set by the ACJA.

Table 6.1.7 Violations of Human Rights by the Nigerian Police Force (NPF)

Police Respect Human Rights	Frequency	Percent	Valid Percent	Cumulative Percent%
Agree	61	19.87%	19.87%	19.87
Disagree	92	29.97%	29.97%	49.84
Neutral	77	25.08%	25.08%	74.92
Strongly Agree	15	4.89%	4.89%	79.80
Strongly Disagree	62	20.20%	20.20%	100.00

Source: Field Data Analysis

From the Table 6.1.7, this distribution reflected a prevalent perception of disregard for human rights within law enforcement, with only a minority expressing confidence in the police commitment to human rights protection. These perceptions highlighted an area of concern within the police force that may require targeted training and policy changes to improve human rights compliance and eradicate the violation of human rights.

Table 6.1.8 Reasons for Unlawful Arrests by the Nigerian Police Force (NPF)

Reason for Unlawful Arrest	Frequency	Percent	Valid Percent	Cumulative Percent%
Abuse of power	46	14.98%	14.98%	14.98
Corruption	154	50.16%	50.16%	65.15
Lack of resources	46	14.98%	14.98%	80.13
Lack of training	61	19.87%	19.87%	100.00

Source: Field Data Analysis

From the Table 6.1.8, this distribution indicated that systemic corruption within law enforcement, coupled with inadequate training and oversight, significantly contribute to the incidence of unlawful arrests, reinforcing the need for comprehensive legal and structural reforms to address these root causes.

Table 6.1.9 Challenges in Implementing ACJA

Challenges to ACJA Implementation	Frequency	Percent	Valid Percent	Cumulative Percent%
Corruption	154	50.16%	50.16%	50.16
Lack of awareness among police	108	35.18%	35.18%	85.34
Lack of monitoring mechanisms	45	14.66%	14.66%	100.00

Source: Field Data Analysis

From the Table 6.1.9, this distribution highlighted structural barrier to effective enforcement of the ACJA, which showed that tackling corruption and improving police education and oversight mechanisms are essential for the law to fulfill its intended purpose effectively.

7. Discussion of Findings

Awareness of ACJA

According to the frequency distribution data, 97.72% of the respondents indicated that they are familiar with the ACJA, while only 2.28% reported unfamiliarity. This overwhelming awareness highlighted the widespread knowledge of the Act among different segments of the population, particularly those involved in legal professions, law enforcement, and human rights advocacy. This finding was consistent with previous studies, which had emphasized that legal frameworks such as the ACJA are generally well-known among professionals who interact with the law frequently, such as lawyers, law enforcement officers, and human rights activists.²⁵

Law Enforcement Adherence to ACJA

One of the most significant findings of this study was the level of adherence to the ACJA by law enforcement officials. According to the data, 50.16% of respondents indicated that law enforcement officers 'rarely' follow the ACJA, while

²⁵ A Oladokun, 'Understanding Legal Frameworks in Nigerian Society: The Role of Legal Professionals' (2018) 12(1) *Journal of African Law* 78; A Akande and R Yusuf, 'Legal Awareness and Advocacy in Nigeria' (2016) 34(2) *Nigerian Law Review* 145.

34.85% reported that officers 'sometimes' adhere to its provisions. Only 4.89% stated that officers 'always' follow the ACJA, and 10.10% claimed that officers 'never' follow the Act. These findings revealed a significant gap between the legal framework established by the ACJA and the actual practices of law enforcement officers. This lack of compliance has been a recurring theme in the literature, where studies have pointed to the inability or unwillingness of law enforcement to fully adhere to legal standards and procedures.²⁶

Reasons why Police Unlawfully Arrest and Detain

The analysis sought to uncover the reasons behind unlawful arrests and detentions by the police in contravention of the Administration of Criminal Justice Act (ACJA). The findings identified corruption as the primary factor, cited by 50.16% of respondents. Additionally, 19.87% attributed unlawful practices to inadequate training of police officers on the provisions of the ACJA, while 14.98% highlighted abuse of power as a contributing factor. Another 14.98% pointed to insufficient resources for effective policing. These results underscore systemic weaknesses in Nigeria's criminal justice system. Corruption and weak accountability structures are pervasive, while gaps in training and resource allocation further hinder the proper enforcement of the ACJA. The abuse of power by law enforcement exacerbates these issues, resulting in recurrent human rights violations and diminished public trust in the police force.

Breach of Fundamental Human Rights

This analysis investigated whether the police breach the fundamental human rights of citizens who are unlawfully arrested and detained, as well as the role of awareness of the Administration of Criminal Justice Act (ACJA) in mitigating such violations. Survey results revealed a divided perception of police respect for human rights: only 4.89% of respondents strongly agreed that police uphold human rights, while 20.20% strongly disagreed. Additionally, 19.87% agreed, 29.97% disagreed, and 25.08% were neutral, indicating widespread skepticism regarding law enforcement's commitment to human rights. The study also highlighted a high level of awareness of the ACJA, with 97.72% of respondents familiar with the Act. Awareness primarily stemmed from professional work (49.84%) and media sources (29.97%), followed by legal sources (14.98%) and human rights organizations (5.21%). This demonstrated the significant role of professional and media channels in disseminating knowledge about the ACJA. Despite this high awareness, the persistent breaches of fundamental rights suggest gaps in police training and enforcement of the Act's provisions. The findings emphasize that awareness of the ACJA is crucial but insufficient without proper implementation and accountability. Ignorance or disregard of the Act by law enforcement contributes to violations of human rights and undermines public trust in the justice system.

Impact and Experiences on Victims

The research explored the prevalence of unlawful arrest and detention among the respondents, revealing that 70.03% of respondents had experienced unlawful arrest or detention, compared to 29.97% who had not. This high percentage reflected the persistent nature of unlawful arrests in Nigeria, despite the introduction of the ACJA, which aims to protect individuals from such violations. This finding aligned with existing literature, which has documented the prevalence of unlawful arrests and detention as a significant challenge in Nigeria's criminal justice system.²⁷ Furthermore, the data indicated that despite the high occurrence of unlawful arrests, many incidents go unreported. Specifically, 64.82% of respondents who experienced unlawful arrest or detention did not report the incident, while only 35.18% reported it. This underreporting can be attributed to several factors, including fear of reprisal, lack of trust in the justice system, and a belief that reporting would not lead to any meaningful outcome. According to Chukwuma,²⁸ victims of unlawful arrests often refrain from reporting due to the perceived ineffectiveness of the justice system in addressing such violations. Previous research by Yusuf²⁹ similarly noted that the implementation of legal frameworks like the ACJA is often hampered by systemic inefficiencies, resulting in unresolved cases and a lack of accountability for law enforcement officers. As a result, victims of unlawful arrest may not report incidents, further perpetuating the problem. The consequences of unlawful arrests and detention were severe, with respondents reporting psychological trauma, emotional distress, and long-term mental health conditions such as anxiety, depression, and post-traumatic stress disorder (PTSD). Additionally, incidents led to job loss and further erosion of trust in the judicial system.

²⁶ J Ogunidipe, 'Law Enforcement and the Administration of Criminal Justice Act: The Gap between Law and Practice' (2020) 7(3) *Journal of Criminal Law and Policy* 77; A Adeyemi, 'Enhancing Legal Accountability in Nigeria: A Study of the ACJA' (2020) 40(4) *Nigerian Judicial Review* 151.

²⁷ F Akinyemi, 'The Persistence of Unlawful Arrests in Nigeria's Criminal Justice System' (2019) 3(4) *Criminal Justice Journal* 59; J Ogunidipe, 'Law Enforcement and the Administration of Criminal Justice Act: The Gap between Law and Practice' (2020) 7(3) *Journal of Criminal Law and Policy* 77.

²⁸ C Chukwuma, 'Challenges in Reporting Human Rights Violations in Nigeria' (2018) 22(1) *African Human Rights Journal* 98

²⁹ O Yusuf, 'The Challenges of Implementing the ACJA in Nigeria: A Practical Perspective' (2019) 18(1) *Nigerian Bar Journal* 233

Challenges and Barriers in the Implementation of ACJA

The research identified several key challenges to the effective implementation of the ACJA. The most frequently cited challenge was corruption, identified by 50.16% of respondents as the primary barrier to the Act's enforcement. This finding was consistent with a substantial body of literature that highlighted the pervasive nature of corruption in Nigeria's criminal justice system.³⁰ Corruption allows law enforcement officers to act with impunity, often engaging in unlawful arrests or detentions in exchange for bribes or personal gain.³¹ Another significant challenge identified by respondents was the lack of awareness among police officers about the provisions of the ACJA, cited by 35.18% of respondents. This indicated that despite the existence of the ACJA, many officers may not fully understand their responsibilities under the Act. Previous studies have similarly pointed out that a lack of training and education for law enforcement personnel often hinders the effective implementation of legal reforms.³² A further challenge found in this study was attributed to the lack of monitoring mechanisms, cited by 14.66% of respondents. Without adequate oversight, law enforcement officers are often not held accountable for their violations of the ACJA. This is consistent with findings from Onyema,³³ who argued that the lack of effective monitoring has contributed to the failure of the ACJA to achieve its full potential. Additionally 19.87% of the respondents pointed to inadequate training as a significant factor in non-compliance.

8. Conclusion and Recommendations

The Administration of Criminal Justice Act (ACJA) of 2015 was enacted with the aim of addressing systemic issues within Nigeria's criminal justice system, particularly concerning the protection of citizens against unlawful arrests and detentions. While the Act has been widely acknowledged by legal professionals and law enforcement officers in Ogun State, the findings of this study was that the ACJA has not yet fully achieved its goals of safeguarding the rights of citizens. The primary issue is not the lack of awareness but rather the failure of effective implementation and adherence to the Act's provisions. This study indicates that while the Act has been well publicized, there are severe gaps between theoretical knowledge and practical enforcement on the ground. One of the main barriers to the proper implementation of the ACJA is corruption, which was found as the primary reason for unlawful arrests and detentions. Corruption has deeply embedded itself in the law enforcement system, undermining the intent of the ACJA to provide justice and fairness in criminal processes. Additionally, a lack of police training, further exacerbates the problem, as many officers are either unaware of the intricacies of the ACJA or choose to ignore them, especially in the face of financial incentives tied to corruption. Another critical issue highlighted by the study is the misuse of power by law enforcement officials. This reflects a deep-rooted culture of impunity among law enforcement officers, who continue to violate citizens' rights despite the existence of legal frameworks like the ACJA designed to curb such behaviors. The study also showed the profound impact that unlawful arrests and detentions have on victims. This point to the far-reaching consequences of law enforcement officers' disregard for the ACJA, which not only affects individual victims but also erodes public confidence in the legal system as a whole.

This study has explored and accessed the ACJA and its effect in unlawful arrest and detention by the police and emphasized the need to enhance law enforcement agencies through practical training, anti-corruption measures, accountability, public awareness, and judicial oversight to prevent unlawful arrests and detentions in order to foster trust in the justice system. It also recommends amendments to ACJA to include provisions that emphasized leveraging technology to enhance transparency, efficiency, and accountability in enforcing the ACJA. It also aimed to promote respect for human rights and build public trust in the justice system. There is need for practical training for law enforcement officers by legal/human right organizations. Tackling of corruption within the Police Force with strict penalties for officers involved in unlawful arrests and detentions is necessary. There should be an independent body responsible for monitoring police compliance with the ACJA and investigating reports of unlawful arrests and detentions. Conducting sensitization campaigns to the public is a sine qua non. It is important to carry out judicial oversight to ensure cases of unlawful arrest and detention are addressed swiftly.

³⁰ T Adewale, 'Corruption in Nigeria's Criminal Justice System: A Legal Examination' (2019) 9(2) *International Journal of Law and Society* 52.

³¹ C Chukwuma, 'Challenges in Reporting Human Rights Violations in Nigeria' (2018) 22(1) *African Human Rights Journal* 98.

³² O Edewor, 'Law Enforcement Training and the Implementation of Legal Reforms in Nigeria' (2020) 4(5) *African Journal of Legal Studies* 144.

³³ E Onyema, 'Oversight and Accountability Mechanisms in Nigeria's Criminal Justice System: The Role of Independent Monitoring Bodies' (2019) 11(3) *Journal of African Law* 121.