CONFLICT, STRAIN, AND RATIONAL CHOICE THEORIES: A COMPARATIVE ANALYSIS OF CRIME CAUSATION AND CRIMINAL JUSTICE RESPONSES IN NIGERIA

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Abstract

Crime in Nigeria is a serious social and legal problem, despite the existence of several criminal laws and enforcement institutions. This paper examines crime causation and criminal justice responses in Nigeria through the lens of Conflict Theory, Strain Theory and Rational Choice Theory. The paper argues that crime control in Nigeria should not rely only on the legal approach but should also be influenced by an understanding of relevant crime theories. The paper discusses the application of these theories to specific criminal legislation and judicial decisions in which these theories have been applied. It finds that Nigerian criminal law is largely legalistic and punitive and often fails to address the social and institutional conditions that produce crime. The paper concludes that effective crime control in Nigeria requires an approach that combines fair enforcement, institutional reform, social welfare, youth empowerment, faster trials, and equal application of the law.

Keywords: Conflict, Strain, Rational Choice, Theories, Crime Causation, Criminal Justice

1.0 INTRODUCTION

Crime remains one of the major social and legal challenges in Nigeria.[1] It affects personal safety, economic growth, public trust, and

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the effectiveness of government institutions. Crimes such as theft, armed robbery, cybercrime, kidnapping, drug-related offences, fraud, and corruption have continued to raise serious concerns.[2] The default response of the government to these crime problems has been mostly the legalistic approach to crime control. We argue in this paper that in enacting and applying criminal statutes, the state and the criminal justice system should not be pre- occupied with only the criminal event, but should also take into cognizance the social, economic and other conditions of the criminal actor. In Nigeria, many people live under difficult economic conditions, including poverty, unemployment, inflation, and limited access to opportunities.[3] These conditions can create frustration, especially among young people who are educated but unable to find stable employment. But while the law focuses on the criminal event and punishment of the offender, it ignores the role of certain conditions which are conducive to crime. These conditions include poverty, unemployment, youth frustration, social pressure to succeed, weak law enforcement and corruption.[4]
Political and economic power influences the Nigerian criminal justice system which has been criticised for selective enforcement, delay,

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James C. Chukwu, Udem C. Marcia "Crime, Violence and Security Challenge in Nigeria: Implication on National Development Since 1960" *UniZzik Journa l of Culture and Civilization,* (2024) (3) (1) 44-57

[2] Samuel Odoma "Organized Crime, Kidnapping and Nigerian National Security" *The International Journal of Social Sciences and Humanities Invention,* (2019) (6) (6) 5472-5475

[3] Ume Oko Okorie "Poverty in Nigeria: Examining the Causes of Extreme Deprivation and Sustainable Anti-Poverty Strategies" < https://rsisinternational.org/journals/ijriss/articles/poverty-in-nigeria-examining-the-causes-of-extreme-deprivation-and-sustainable-anti-poverty-strategies/ >accessed 19 May 2026

[4] Jang Joon Sung, Agnew Robert, "Strain Theories and Crime" International Encyclopedia of the Social & Behavioral Sciences, (2015) (1) (2) 495-500

Olonisakin Tunrayo Tosin, Ogunleye Julius Adedeji, Adebayo Olanrewaju Sulaiman, "The Nigeria Criminal Justice System and Its Effectiveness in Criminal Behavior Control: A Social-Psychological Analysis" *International Journal of Accounting Research,* (2018) (3) (6) 28-44 corruption, poor investigations and unequal treatment of offenders[5]. The poor are more visible in police cells and correctional centres while politically or economically powerful offenders influence the system to delay or avoid justice altogether.[6] This raises questions about whether criminal justice in Nigeria is truly neutral or is shaped by social and economic power.

The selected criminal statutes for illustration are Criminal Code Act, the Penal Code, the Economic and Financial Crimes Commission Act, and the Cybercrimes Act. These criminal statutes were selected because they have been applied by the courts many times.

Conflict Theory, Strain Theory, and Rational Choice Theory is examined below; Conflict Theory explains how inequality and power influence crime control.[7] Strain Theory explains how social and economic pressure may push people into crime.[8] Rational Choice Theory explains how offenders may choose crime when the benefits appear greater than the risks.[9] By comparing these theories, the study shows that crime in Nigeria is both a social problem and a legal problem.

2.0 DEFINITION OF CONCEPT CRIME AND CRIME CAUSATION

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[5] ibid

[6] ibid

[7] Marx Karl "Conflict Theory and Deviance" < https://courses.lumenlearning.com/wm-introductiontosociology/chapter/conflict-theory-and-deviance/ >accessed 19 May 2026

[8] Jang Joon Sung, Agnew Robert, "Strain Theories and Crime" International Encyclopedia of the Social & Behavioral Sciences, (2015) (1) (2) 495-500

[9] Cyr-Beaudry Maude "Rational Choice Theory" < https://www.researchgate.net/publication/314837382_Rational_Choice_Theory >accessed 19 May 2026

Crime is generally understood as an act or omission that is prohibited by law and punishable by the state.[10] That is to say that conduct becomes criminal when the law defines it as an offence and attaches punishment to it. However, crime is not only a legal issue; it is also a social problem.[11] This is because criminal behaviour often reflects wider conditions in society, such as poverty, unemployment, inequality, weak institutions, corruption, peer pressure and lack of opportunity.

Crime causation refers to the factors that explain why people commit crimes. Different criminological theories provide different answers. Some theories focus on individual choice, while others focus on social pressure, economic hardship or unequal power relations. In Nigeria, crime cannot be properly understood by looking only at the offender. The social environment, the justice system, the economy and the political structure must also be considered.[12] For example, offences such as theft and fraud are usually linked to hardship and blocked opportunities. According to Samuel Uchechukwu, cybercrime can be connected to youth unemployment, peer influence, greed and weak enforcement.[13] Kidnapping can be encouraged by high financial reward and the low likelihood of quick punishment. Corruption, especially among public officials, could be both rational calculation and the unequal operation of justice. Therefore, crime causation in

[10] Thotakura Sowmyya "Crime: A Conceptual Understanding" I*ndian Journal of Applied Research,* (2011) (4) (3) 196-198
[11] Haines Kevin "Crime is a Social Problem" *European Journal on Criminal Policy and Research,* (1999) (7) (2) 263-275
[12] Adekunle Ayoola Dada, George Akinola Dosunmu, "Criminal Justice System: The Nigeria Scenario" *International Journal of Social Science and Humanities Research,* (2015) (3) (3) 437-444
[13] Samuel Uchechukwu Anyanwu, "Youth's Unemployment and Cybercrime in Nigeria" *International Journal of Canadian Studies,* (2024) (20) (5) 69-78; Ofo Nat "Effectiveness of Capital Punishment as Deterrence to Kidnapping in Nigeria" *SSRN Electronic Journal,* (2010) (1) (1) 102139

Nigeria requires a broad explanation. It must consider the pressure that pushes people towards crime, the opportunity that makes crime attractive, and the unequal justice system that determines who is punished and who escapes punishment.

3.0 THEORISING CRIME CAUSATION IN NIGERIA

3.1 Conflict Theory

Conflict Theory explains crime by focusing on inequality, power and social class. The theory is linked to the ideas of Karl Marx, who argued that society is divided between powerful and less powerful groups.[14] From this view, laws are not always neutral. They may reveal the interests of those who control political, economic and social power.

In relation to crime, Pamela stated that the Conflict Theory argues about how the criminal justice system may treat people differently depending on their class, wealth, political influence or social position.[15] In many societies, the poor are more likely to be arrested, prosecuted and imprisoned, while the rich and powerful may avoid serious punishment. This does not mean that powerful people do not commit crimes. Rather, it suggests that their crimes may be less visible, less aggressively investigated or more easily delayed through legal and political influence.

This theory is useful in explaining some aspects of crime and justice in Nigeria. For instance, Ogunode talks about how poor offenders which are accused of minor crimes may spend long periods in detention, while politically exposed persons accused of corruption may use delay tactics, influence or technical legal arguments to slow down

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[14] Black Pamela, Conflict Theories of Crime. (Pennsylvania State University: Wiley Blackwell; 2014) 1-6

[15] Ibid

prosecution.[16] This raises serious questions about equality before the law. Conflict Theory also helps explain selective policing. Street crimes such as theft, robbery and drug offences are often more visible to law enforcement agencies. However, elite crimes such as public fund diversion, contract fraud and abuse of office may be harder to investigate because they involve powerful people and complex institutions.[17] The weakness of Conflict Theory is that it overemphasises power and inequality while paying less attention to personal responsibility. It is not every poor person that commits crime and not every criminal act is caused by oppression. However, the theory remains important because it exposes how crime control can be shaped by social and economic inequality.

3.2 Strain Theory

Strain Theory explains crime as a response to pressure, frustration and blocked opportunities.[18] The theory is commonly associated with Robert Merton, who argued that society encourages people to pursue success, wealth and status, but not everyone has equal access to legal means of achieving these goals.[19] When people are unable to achieve socially approved goals through legitimate means, they may experience strain and turn to crime.

This theory is very relevant to the Nigerian situation because many young people face poverty, unemployment and limited opportunities. In a society where success is measured by wealth, cars, houses, social

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[16] Ogunode Abraham Sunday, "Criminal Justice System in Nigeria: For the Rich or the Poor?" *Humanities and Social Science Review,* (2015) (4) (1) 27-39

[17] Ibid

[18] Thompson Karl, "Merton's Strain Theory of Deviance" < https://revisesociology.com/2016/04/16/mertons-strain-theory-deviance/ > accessed 19 May 2026

[19] Jang Joon Sung, Agnew Robert, "Strain Theories and Crime" International Encyclopedia of the Social & Behavioral Sciences, (2015) (1) (2) 495-500

media lifestyle and family expectations, many people may feel pressured to "make it" by any means. When education does not guarantee employment and hard work does not always lead to economic stability, frustration tend increase; and therefore, the individual could resort to criminal acts. Strain Theory can be used to explain crimes such as theft, fraud, cybercrime, drug trafficking and kidnapping.[20] For instance, some young people see cybercrime as an alternative route to financial success when legitimate opportunities are blocked. Similarly, economic hardship pushes some individuals into theft or fraud as a survival strategy. This does not justify crime, but it helps explain the social pressures that may contribute to criminal behaviour.

The theory shifts attention from punishment alone to prevention. If crime is partly caused by poverty, unemployment and blocked opportunities, then criminal justice reform must go beyond arrest and imprisonment.[21] It must include job creation, education, social welfare, youth empowerment and fair access to opportunities. However, Strain Theory has limitations. Many people experience poverty and unemployment without committing crime. Therefore, strain alone cannot fully explain criminal behaviour. Other factors, such as moral values, family background, peer influence, opportunity and fear of punishment, also matter. Despite this limitation, Strain Theory remains useful in explaining why difficult social and economic conditions may increase the risk of crime.

3.3 Rational Choice Theory

Rational Choice Theory explains crime as a decision made after weighing costs and benefits. The theory assumes that offenders are not

[20] Ibid

[21] Ihensekhien A Orobosa, Miedideke "Youth Unemployment, Poverty and Crime: Empirical Evidence from Nigeria" *West African Social and Management Science Review,* (2023) (1) (1) 22-36

always forced into crime by poverty or inequality.[22] Instead, they may choose crime because they believe the reward is greater than the risk. In this sense, crime becomes a calculated action. This theory is important in understanding crimes such as kidnapping, cybercrime, fraud, robbery and corruption in Nigeria. For example, kidnapping may continue where offenders believe that ransom payments are high and the chances of arrest are low. Cybercrime may persist where offenders believe they can hide their identity, use technology to deceive victims and escape punishment.[23] Corruption may also continue where public officials believe that stealing public funds is profitable and prosecution is unlikely or slow.

However, critics have argued that the Rational Choice Theory is that it may assume too much rationality. Walters noted that some crimes are committed under anger, fear, addiction, peer pressure or emotional pressure.[24] Nevertheless, the theory remains useful because it explains why weak enforcement and low conviction rates may encourage crime.
Rational Choice Theory connects directly with deterrence.[25] In view of this paper, if offenders believe that punishment is certain, quick and severe enough, they may be discouraged from committing crime.

However, where law enforcement is weak, trials are slow, investigations are poor and convictions are uncertain, the fear of

[22] Cyr-Beaudry Maude "Rational Choice Theory" < https://www.researchgate.net/publication/314837382_Rational_Choice_Theory >accessed 19 May 2026

[23] Franjic Sinisa "Cybercrime is Very Dangerous Form of Criminal Behavior and Cybersecurity" *Emerging Science Journal,* (2020) (4) (1) 18-26

[24] Glenn D. Walters, "The Decision to Commit Crime: Rational or Nonrational? *Criminology, Criminal Justice Law & Society* (2015) (16) (3) 1-18

[25] Miller Mitchell "Deterrence and Rational Choice Theories" https://sk.sagepub.com/dict/edvol/criminology/chpt/deterrence-rational-choice-theories >accessed 19 May 2026

punishment becomes weak.[26] In such situations, crime may appear attractive to offenders. In Nigeria, the theory helps explain why the existence of criminal laws alone does not always reduce crime. Laws may prescribe punishment, but if enforcement is weak, offenders may not take the law seriously. This shows that deterrence depends not only on punishment written in law but also on the actual effectiveness of police investigation, prosecution and the

3.4 Conflict Theory and Inequality in Nigeria

In Nigeria, Conflict Theory is useful because it helps explain the unequal pattern of criminal justice. Poor suspects are often more visible in police arrests, prison populations and street-level enforcement. They may be arrested quickly for minor offences such as theft, street fighting, drug possession or public disturbance. Also, politically exposed persons and wealthy offenders accused of serious economic crimes may experience delayed prosecution, prolonged trials or softer treatment. This creates the impression that the criminal justice system is stronger against the weak and slower against the powerful.

The case of *Fawehinmi v Inspector-General of Police* is important because it shows the relationship between power, criminal investigation and accountability in Nigeria.[27] The case arose from the effort of Chief Gani Fawehinmi, a human rights lawyer, to compel the police to investigate allegations connected to a serving public officer. The central issue was whether the police could be required to investigate serious allegations even where the person involved occupied a powerful political office.[28] The case also raises a question about the independence of criminal justice institutions. If the police

[26] Koeswanto Sakti Eka, Riswandi Riswandi, Redi Ahmad, "Implications of Public Trust Due to Weak Law Enforcement Morality" *Edunity Kaijan Llmu Sosial Dan Pendidikan,* (2023) (2) (1) 78-86
[27] (2002) 7 NWLR (pt.767) 606 (SC)
[28] Ibid

fail to investigate serious allegations because of the status of the person involved, then the law becomes weak against the powerful. This weakens public trust and creates the impression that accountability is selective. It also encourages a culture of impunity because public officers may believe that political position can protect them from investigation. Under Conflict Theory, law enforcement is not always neutral. The theory argues that the justice system may be more active against ordinary citizens but more hesitant when the accused person is politically powerful or socially influential.

Similarly, *Dariye v. FRN* shows how corruption trials involving political elites can experience long delays before final punishment.[29] Dariye was accused of misappropriating public funds while serving as governor, and the first arraignment was in July 2007. The case passed through a long judicial process before the final conviction and sentence in 2014. This long delay is important because it shows one of the weaknesses of criminal justice in Nigeria, especially in cases involving politically exposed persons. While the eventual conviction shows that elite offenders can be punished, the long period before final punishment raises concerns about efficiency, deterrence and equality before the law. Ordinary defendants, especially poor suspects, may not have the same capacity to prolong their cases or secure strong legal defence. This supports the argument that criminal justice outcomes can be influenced by class, wealth and political status.[30] These examples support the conflict view that justice may be affected by power, class and influence.
However, Conflict Theory has its limitation. Critics have argued that the theory only focuses on societal inequality, but not every crime is caused by oppression, and not every poor person becomes a criminal.

[29] (2014) CLR 2(c) SC
[30] Ogunode Abraham Sunday, "Criminal Justice System in Nigeria: For the Rich or The Poor?" *Humanities and Social Science Review,* (2015) (4) (1) 27-39

Some crimes are committed out of greed, opportunity or deliberate calculation.[31] Despite this weakness, this study note that the theory remains important because it exposes the unequal realities of law enforcement in Nigeria, which is a common occurrence.

3.5 Strain Theory and Socio-economic Pressure

Strain Theory explains crime as a product of pressure, frustration and blocked opportunities. The theory is commonly linked to Robert Merton. Merton argued that society teaches people to desire success, wealth and status, but not everyone has equal access to legitimate means of achieving these goals.[32] When people are unable to achieve social expectations through lawful means, they may experience strain. Some individuals may then turn to crime as an alternative way of achieving success or survival.

In Nigeria, Strain Theory is highly relevant because many citizens, especially young people, face poverty, unemployment, underemployment and limited economic opportunities.[33] Many graduates leave school with high expectations but struggle to find meaningful jobs. At the same time, society places strong pressure on people to succeed financially, support their families, live comfortably and display success publicly. Social media has also increased this pressure because wealth and luxury lifestyles are constantly displayed and celebrated.

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[31] Per-Olof H. Wikstrom and Kyle Treiber, "Social Disadvantage and Crime" *Am Behavioral Science* (2016) (60) (10) 1232-1259

[32] Nikerson Charlotte "Merton's Strain Theory of Deviance in Sociology" https://www.simplypsychology.org/mertons-strain-theory-deviance.html accessed 20 May 2026

[33] Karim Zehadul, Surajo Zubairu Aminu "Youth Unemployment and Poverty in Nigeria: A Threat to Sustainable Growth and Development" International Journal of Scientific Research and Management, (2016) (4) (11) 4919-4928

This pressure can contribute to crimes such as theft, fraud, cybercrime, drug trafficking and kidnapping. For instance, some young people may engage in cybercrime because they see it as a faster way to escape poverty or meet social expectations. Others may engage in theft or fraud because they feel excluded from legitimate economic opportunities. Economic hardship may also push some individuals into survival crimes, especially where there is weak social support.

Strain Theory does not excuse criminal behaviour. Rather, it helps explain the conditions that can make crime more likely.[34] It shows that crime prevention should not only focus on arrest and imprisonment. If poverty, unemployment and blocked opportunities remain untreated, punishment alone may not reduce crime. This means that criminal justice must be supported by social policies such as job creation, skills development, quality education, youth empowerment and poverty reduction.

However, Strain Theory also has limitations. Many people experience poverty and unemployment but do not commit crime. This means that hardship alone cannot fully explain criminal behaviour. Personal values, family background, religion, peer influence, opportunity and fear of punishment also affect whether a person commits crime.[35] Therefore, Strain Theory is useful but not sufficient on its own. It explains the pressure behind crime, but it does not fully explain why some people under the same pressure choose crime while others do not.

3.6 Rational Choice Theory and Criminal Opportunity

[34] Eitle David "General Strain Theory, Persistence, And Desistance Among Young Adult Males" *Crime Justice,* (2010) (38) (6) 1113-1121

[35] Bjelajac Zeliko, Dragolovic, Krstinic Dalibor, "The Influence of the Family on the Development of a Criminal Personality" *International Journal of Cognitive Research in Science Engineering and Education,* (2025) (13) (2) 515-529

Rational Choice Theory explains crime as a decision made after considering the possible benefits and risks.[36] The theory assumes that offenders are not always pushed into crime by poverty or inequality. Sometimes, they choose crime because they believe it will bring profit, status or advantage, and because they believe the risk of arrest or punishment is low.

This theory is important in the Nigerian context because many crimes appear to involve calculation. Kidnapping, for example, may continue because offenders see it as a crime with high financial reward.[37] Ransom payments can be large, while the risk of arrest may be reduced by weak policing, poor intelligence gathering, delayed response and insecurity in some areas. In this sense, the offender may believe that the benefit is greater than the risk.

Cybercrime also fits Rational Choice Theory. Some offenders engage in internet fraud because they believe they can hide their identity, use digital tools to deceive victims and avoid detection.[38] Even where arrests occur, offenders may still continue if they believe conviction is uncertain or punishment is delayed. Similarly, corruption by public officials may be explained through rational calculation. A public officer may steal public funds where he believes that prosecution is unlikely, the justice process will be slow, or the proceeds of crime can be hidden. However, where law enforcement is weak, investigations are poor, trials are delayed and convictions are uncertain, punishment

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[36] Perera Ayesh "Rational Choice Theory of Criminology" < https://www.simplypsychology.org/rational-choice-theory-of-criminology.html >accessed 20 May 2026

[37] Phillips Everard "The Business of Kidnap for Ransom" < https://www.researchgate.net/publication/229499042_The_Business_of_Kidnap_for_Ransom >accessed 20 May 2026

[38] Ebot Tambe Alain, Siponen "Towards a Rational Choice Process Theory of Internet Scamming: The Offender's Perspective" *International Conference on Information Systems,* (2014) (1) (1) 1-10

loses its preventive effect. This explains why the mere existence of criminal laws may not stop crime. Laws must be effectively enforced before they can deter offenders.

The theory also helps to evaluate Nigerian criminal justice institutions. If the police, courts, EFCC, ICPC and correctional institutions are weak, slow or corrupt, offenders may see crime as worth the risk.[39] Therefore, crime control requires more than heavy punishment. It requires effective investigation, quick prosecution, reliable courts, strong witness protection, digital evidence capacity and certainty of punishment.

However, Rational Choice Theory has limitations. It assumes that offenders always think carefully before committing crime. This is not always true. Some crimes are committed out of anger, fear, addiction, peer pressure or sudden emotional reaction. Also, the theory may ignore the social conditions that make crime attractive in the first place. Despite these weaknesses, Rational Choice Theory remains useful because it explains why weak enforcement and low punishment risk can encourage criminal behaviour in Nigeria.

4.0 CRIMINAL LAW, STATUTES AND CRIMINAL JUSTICE INSTITUTIONS

4.1 Criminal Code Act and Penal Code

The Criminal Code Act[40] and the Penal Code[41] are the two major general criminal law frameworks in Nigeria. The Criminal Code mainly applies in the southern states, while the Penal Code applies in

[39] Robert Owhe Goodluck "Operations of the Economic and Financial Crimes Commission
in Combating Corruption in Nigeria, 2003 – 2023" Redeemer's University Journal of Management and Social Sciences, (2025) (8) (2) 148-163
[40] Cap C38 LFN 2004
[41] Cap 53 LFN

the northern states. Both laws define offences and prescribe punishments for crimes such as stealing, assault, fraud, homicide, breach of trust and other forms of unlawful conduct.

From a legal perspective, these laws are important because they provide the foundation for criminal liability.[42] They identify what conduct is prohibited and the punishment attached to such conduct. However, from a criminological perspective, their major weakness is that they are largely punishment-focused. They are designed to define and punish crime rather than address the social conditions that produce crime. This links strongly with Strain Theory. Many crimes in Nigeria, especially theft, fraud and some forms of violent crime, may be connected to poverty, unemployment, frustration and blocked opportunities. Yet, the Criminal Code and Penal Code do not directly address these root causes.[43] They treat the offender as someone who has violated the law and should be punished. This may be legally necessary, but it is not sufficient as a crime prevention strategy.

The laws also connect with Conflict Theory. Although the Criminal Code and Penal Code appear neutral on paper, their enforcement may not always be equal in practice. Poor offenders are often more likely to be arrested, detained and prosecuted for street-level crimes. In contrast, elite crimes may require complex investigation and may be slowed down by influence, legal technicalities or institutional weakness.[44] Therefore, the problem is not only what the law says, but how it is applied. Rational Choice Theory also applies here. If

[42] Quadah Ai Mouaid "The Moral Foundations of Criminal Liability" *Intellectual Property Rights Open Access,* (2014) (2) (3) 1-10

[43] Arokoyo Erinola Jacob, Yunusa Edime "Unemployment and Crime in Nigeria: A Review of the Relationship Between Precarious Employment and Criminal Behavior" *UAR Journal of Multidisciplinary Studies (UARJMS),* (2025) (1) (8) 1-23

[44] Premrl Peter, Dobovsek Bojan, Slak Bostjan "Complexities in defining and investigating financial crime" *Security Journal,* (2025) (38) (1) 101057

offenders believe that the police are weak, prosecution is slow or punishment is uncertain, the deterrent effect of the Criminal Code and Penal Code becomes weak. This means that criminal law can only deter crime when enforcement is effective, timely and fair.

4.2 Economic and Financial Crimes Commission Act

The Economic and Financial Crimes Commission Act is central to Nigeria's fight against corruption, fraud, money laundering and other economic crimes.[45] The Act establishes the EFCC and gives it powers to investigate and enforce laws relating to economic and financial crimes. The EFCC Act[46] describes the Commission as responsible for enforcing economic and financial crimes laws in Nigeria.

The EFCC Act is important because it responds to crimes that may not be adequately handled by ordinary policing. [47]Economic crimes are often complex, hidden and committed through financial systems, public offices, companies or digital platforms. Therefore, a specialised agency is necessary. The EFCC's role also connects with Rational Choice Theory because strong investigation and prosecution can increase the risk of punishment and reduce the attractiveness of financial crime.[48] However, the effectiveness of the EFCC depends on institutional independence, adequate funding, skilled investigators, cooperation from banks and public agencies, and a court system that can handle cases without unnecessary delay. Where prosecutions are delayed for many years, the deterrent effect of the law becomes weak.

[45] The Economic and Financial Crimes Commission (EFCC) Act 2004
[46] Cap E1 LFN 2004
[47] Babatunde Obideji, Olaniyi Oluwadamilare, Oluremi Albert, "The Role of Economic and Financial Crimes Commission (EFCC) For Fighting Corruption in Nigeria" *International Research Journal of Human Resource and Social Sciences,* (2024) (11) (2) 32-58
[48] Ibid

Offenders may still see corruption as profitable if punishment is uncertain or slow.

The EFCC Act also raises issues under Conflict Theory. Anti-corruption enforcement in Nigeria often creates public debate about selective prosecution.[49] Some critics like Okorie et al, argue that anti-corruption agencies may be used more aggressively against political opponents or less protected individuals, while politically connected persons may escape full accountability.[50] Whether this happens in every case or not, the perception of selective enforcement weakens public trust. The case of *Dariye v FRN*[51] is useful here. Dariye, a former governor, was convicted on corruption-related charges, and the conviction was upheld after a long judicial process. The available case record shows that he was convicted on several counts relating to criminal breach of trust and misappropriation of public funds, with the sentence later reduced on appeal and upheld by the Supreme Court. This case shows that elite punishment is possible, but it also shows that delay can weaken deterrence.

4.3 Cybercrimes Act

The Cybercrimes Act was enacted to deal with offences committed through computers, networks and digital systems. It covers offences such as unlawful access, identity-related offences, cyber fraud, computer-related forgery, cyberstalking and other technology-enabled crimes. The 2024 amendment updated parts of the 2015 Act, showing

[49] Godwin Nathaniel "EFCC and the Fight Against Corruption in Nigeria 2011-2024" < https://www.researchgate.net/publication/403048352_EFCC_AND_THE_FIGHT_AGAINST_CORRUPTION_IN_NIGERIA_2011-2024 >accessed 20 May 2026

[50] Okorie Chuks Ugo, Egbon Nkechi Thomastina, "Challenges and Strategies in Nigeria's Fight Against Corruption: The Role of Public Administration and Anti-Corruption Agencies" *Perpektif,* (2025) (14) (1) 242-254

[51] N.27

that cybercrime law in Nigeria is still developing in response to new digital realities.[52]

The Cybercrimes Act is relevant because cybercrime has become one of the major crime concerns in Nigeria, especially among young people.[53] Offences such as online fraud, identity deception and digital scams can be explained through both Strain Theory and Rational Choice Theory. Strain Theory explains that some youths may be pushed towards cybercrime by unemployment, poverty, peer pressure and the social pressure to become financially successful. Rational Choice Theory explains that cybercrime may appear attractive because it can be committed remotely, victims may be outside Nigeria, and offenders may believe that detection is difficult. However, the Act is mainly punitive. It criminalises conduct and provides punishment, but it does not directly address the socio-economic conditions that encourage youth participation in cybercrime.[54] This is where the limitation of criminal law becomes clear. Arresting and prosecuting cyber offenders may be necessary, but it will not fully solve cybercrime where unemployment, digital inequality, peer influence and weak ethical education remain unaddressed.

The Act also raises concerns under Conflict Theory. Enforcement may focus more on visible young suspects while ignoring broader networks, sponsors or elite actors who may benefit from digital financial crimes. There is also the danger of abuse where cybercrime

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[52] Nigeria's Cybercrimes (Prohibition, Prevention, Etc.) (Amendment) Act 2024

[53] Eboibi Emeakpore Felix, Ogorugba Moses Omozue, "Cybercrime Regulation and Nigerian Youths Increasing Involvement in Internet Fraud: Attacking the Roots Rather Than the Symptoms" *Journal of Legal, Ethical and Regulatory Issues,* (2023) (26) (2) 1-10

[54] Onyeachu Kingsley Chukwudi, Okoro Clement Ikechukwu, Ugwuoke Mgbosolu Martina "The impact of cyber-crime and violent extremism on socio-economic development in Nigeria" Discover Global Society, (2025) (3) (1) 1-8

provisions are used broadly against expression or online criticism. Therefore, cybercrime enforcement must balance security, accountability and rights protection. A stronger cybercrime response should combine punishment with prevention.[55] This includes digital literacy, youth employment, ethical technology training, stronger forensic capacity, international cooperation and fair prosecution. Without these, the law may punish some offenders but fail to reduce the deeper conditions that allow cybercrime to grow.

4.4 Criminal Justice Institutions

Nigeria's criminal justice institutions include the police, courts, EFCC, ICPC and correctional centres. These institutions are responsible for investigation, arrest, prosecution, trial, punishment and rehabilitation. Their performance determines whether criminal law is effective in practice. The police are often the first point of contact in the criminal justice system.[56] They investigate crime, arrest suspects and gather evidence. However, police effectiveness is often limited by poor funding, inadequate training, corruption, poor forensic capacity and public distrust.[57] Where police investigation is weak, criminal cases may collapse in court. This weakens deterrence because offenders may believe that the risk of conviction is low.

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[55] Petrenko Svitlana "Negative Impacts in the Online Environment: Effective Strategies and Measures for Counteraction" *Visegrad Journal on Human Rights,* (2) (16) 105-111

[56] Temitope Idayat Alarape Abdulrahamon "The Role of Nigeria Police in the Administration of Criminal Justice System in Nigeria" < https://api-ir.oauife.edu.ng/server/api/core/bitstreams/329ea45f-2a18-40bc-974e-2f22fd6178be/content >accessed 20 May 2026

[57] Success Tosin Ademeso "The Effectiveness of the Nigerian Police Force in Crime Prevention and Control: A Critical Appraisal of Institutional Reforms and Policy Implications" *ESUI Journal of Politics and Administrative Studies,* (2026) (3) (2) 1-10

The courts are responsible for fair trial and punishment. However, delay in criminal trials is a major concern. Long trials can reduce the deterrent effect of punishment, especially in corruption and financial crime cases.[58] From a Rational Choice perspective, punishment must be certain and timely to discourage crime. Where trials take too long, offenders may calculate that the benefit of crime is greater than the risk.

The EFCC and ICPC are important anti-corruption institutions.[59] They show that Nigeria recognises the special nature of economic and public-sector crimes. However, their work is affected by political pressure, legal technicalities, slow trials and sometimes public perception of selective enforcement. These concerns connect with Conflict Theory because they raise questions about whether powerful offenders are treated with the same urgency as ordinary offenders. Correctional centres are also important. They are expected not only to punish offenders but also to rehabilitate them.[60] However, overcrowding, poor facilities and the large number of awaiting-trial inmates weaken their rehabilitative role. This means that prisons may sometimes reproduce criminality rather than correct it.

Nigerian criminal justice institutions show the gap between law on paper and law in practice. For criminal law to work, institutions must be fair, independent, well-funded and efficient.

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[58] Gulumba T. Liness "Examining the Deterrent Effect of Punishment in Controlling Corruption in the Public Service: A Case Study of Malawi" < https://www.iaca.int/media/attachments/2023/01/09/proofread---masters-thesis-liness-t-gulumba-macs-2018_with_covers.pdf >accessed 20 May 2026

[59] Awopeju Ayo "An Empirical Study of the Role of Specialized Agencies in the Policies and Practices of Anti-Corruption in Nigeria" *AKSU Journal of Administration and Corporate Governance*, (2022) (2) (3) 102-113

[60] Bukie Bukie Fidelis, Ogbanga Margaret Mina "Correctional Institutions (Prison) Congestion and the Health Implication of Inmates in Nigeria" *Thematic Journal of Applied Science,* (2024) (13) (9) 1-20

5.0 CASE LAW

Case law is important because it shows how courts respond to crime, enforcement and accountability. Decided cases are useful in understanding the connection between law, power and criminal justice. In *Fawehinmi v Inspector-General of Police*[61], the Supreme Court considered issues relating to police investigation and public officers protected by constitutional immunity.[62] The case is important because it shows the tension between accountability and political power. It has been reported as dealing with police powers of investigation, mandamus and Section 308 of the Constitution.[63] From a Conflict Theoretical perspective, the case shows that criminal justice can become complicated when allegations involve powerful public officials. If law enforcement becomes hesitant around powerful persons, the public may see justice as unequal.

FRN v Dariye[64] also reflects the problem of elite criminal accountability. The case involved corruption-related allegations against a former governor and eventually resulted in conviction. However, the long process before final conviction raises concerns about delay and deterrence. From a Rational Choice perspective, delayed punishment may reduce the fear of the law. From a Conflict Theory perspective, the case shows how elite defendants may have more resources to contest and prolong criminal proceedings.

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[61] *Fawehinmi v Inspector-General of Police & Ors (2002) 7 NWLR (Pt. 767)606 (SC)*

[62] *Ibid*

[63] Section 308, Constitution of the Federal Republic of Nigeria

[64] *Federal Republic of Nigeria v. Chief Joshua Chidibi Dariye (2011) LCN/4479 (CA), Dariye v, Federal Republic of Nigeria (2015) SC. 252/ 2013 demonstrating how constitutional immunity, prolonged litigation, and procedural complexities can delay the prosecution of politically exposed persons in Nigeria.*

Anthony Iheanacho v State[65] is useful for examining punishment and inequality.[66] Thus, the case could be used to discuss how ordinary offenders often face strict criminal punishment, especially for conventional crimes. When compared with long delays in elite corruption cases, such decisions raise questions about whether the system is harsher on poor and ordinary offenders than on powerful offenders.

The judicial attitude in these cases shows that courts can support accountability, but the justice system still faces problems of delay, unequal access, and institutional weakness. Therefore, Nigerian case law supports the central argument of this study: criminal justice must be analysed not only by what the law says, but by how the law operates in real social and political conditions.

6.0 RECOMMENDATIONS AND CONCLUSION

6.1 Summary of Recommendations

This paper examined crime causation and criminal justice responses in Nigeria through three major criminological theories: Conflict Theory, Strain Theory and Rational Choice Theory. The main finding is that no single theory can fully explain crime in Nigeria. Each theory explains a different part of the problem.

Conflict Theory shows that crime and justice in Nigeria are strongly affected by inequality, class and power. The poor are often more

[65] Anthony Iheanacho v. The State Suit No: CA/OW/196C/2020

[66] *Ibid*. The case of Anthony Iheanacho v. The State centers on the conviction of the appellant, Anthony Iheanacho, for the murder of one Rachael Iheanacho. Iheanacho was accused of conspiring to commit robbery, during which the deceased was killed. He was convicted and sentenced to death by the High Court of Imo State, with the judgment delivered in 2009. Following his conviction, Iheanacho appealed to the Court of Appeal, challenging the sufficiency of evidence against him, particularly regarding the validity of his confessional statement.

visible in the criminal justice system, while wealthy and politically connected persons may have more ability to delay prosecution or avoid harsh punishment. This was reflected in the discussion of cases such as Fawehinmi v IGP and FRN v Dariye, which show the challenges of investigating and prosecuting powerful persons. Strain Theory explains how poverty, unemployment, blocked opportunities and social pressure may push some individuals towards crime. This is particularly relevant in relation to youth involvement in theft, fraud, cybercrime and kidnapping. The theory shows that punishment alone cannot solve crime where the social and economic pressures behind crime remain unaddressed.

Rational Choice Theory explains crime as a calculated decision. In Nigeria, some offenders may choose crime because they believe the benefit is high and the risk of punishment is low. This applies to crimes such as kidnapping, corruption and cybercrime, especially where investigation is weak, trials are slow and conviction is uncertain. Overall, the study finds that crime in Nigeria is best understood as a combination of social pressure, rational calculation and unequal enforcement.

Although the three theories are useful, however if one theory is to be considered the most dominant, Strain Theory appears highly relevant because many crimes in Nigeria are linked to poverty, unemployment, economic hardship and blocked opportunities. These conditions create frustration, especially among young people who face pressure to succeed but have limited lawful means to achieve success.

Strain Theory alone is not enough. Not everyone who is poor or unemployed commits crime. This is why Rational Choice Theory is also important. It explains why some people, despite knowing that crime is illegal, still commit offences because they believe the reward is greater than the risk. For example, kidnapping may appear attractive where ransom is high and arrest is unlikely. Cybercrime may also persist where offenders believe they can hide behind digital platforms.

Conflict Theory completes the explanation by showing that the justice system does not always respond equally to all offenders. Poor offenders may face quick punishment, while powerful offenders may delay proceedings. Therefore, the most balanced position is that Strain Theory explains motivation, Rational Choice Theory explains decision-making, and Conflict Theory explains unequal enforcement.

6.2 Legal Reforms

Nigeria's criminal laws should move beyond punishment and include stronger preventive and corrective measures. The Criminal Code, Penal Code, EFCC Act and Cybercrimes Act are important, but they mainly focus on punishing offenders after crime has occurred. Legal reform should therefore strengthen prevention, rehabilitation and accountability.

First, anti-corruption laws should be supported by faster trial procedures. High-profile corruption cases should not take many years before final judgment. Specialised criminal courts or designated judges may help reduce delay in financial crime and corruption cases.

Second, cybercrime law should be enforced fairly and carefully. While cybercrime must be punished, the law should not be used to suppress lawful expression or target young people unfairly without proper evidence. There should be clearer rules on digital evidence, investigation standards and protection of rights.

Third, bail, remand and pre-trial detention rules should be reformed to reduce the number of poor suspects kept in custody for long periods.

The justice system should not punish poverty. Access to legal aid should also be strengthened so that poor defendants can defend themselves properly.

Finally, sentencing should balance punishment with rehabilitation. Minor and first-time offenders should be considered for non-custodial measures where appropriate, such as community service, probation, restitution and skills training.

6.3 Institutional Reforms

Criminal justice institutions must be strengthened if Nigerian criminal law is to work effectively. The police should be better trained, better funded and equipped with modern investigative tools. Many cases fail because of poor investigation, weak evidence and lack of forensic capacity. Improving police professionalism will increase the certainty of punishment and support deterrence. The courts also require reform. Delay in criminal trials weakens justice and encourages offenders to believe they can escape punishment. More judges, better case management, digital filing systems and strict control of unnecessary adjournments can improve the speed of trials.

Anti-corruption agencies such as the EFCC and ICPC should also be made more independent and transparent. Their work should not appear selective or politically motivated. Where enforcement is seen as selective, public trust reduces, and Conflict Theory becomes more relevant. Correctional centres should focus more on rehabilitation. Overcrowding, poor facilities and lack of skills programmes can make prisons ineffective. Offenders should leave correctional centres with better chances of reintegration into society, not with stronger penal vindictiveness.

i. Since Strain Theory shows that poverty and unemployment can contribute to crime, the government should invest more in job creation, vocational training, youth empowerment and quality education. Crime prevention should begin before people enter the criminal justice system.
ii. There should also be targeted programmes for young people in high-risk communities. These may include entrepreneurship support, digital skills training, sports programmes, mentorship and community-based crime prevention initiatives. Such measures can reduce the pressure that pushes some youths into fraud, theft or violence.
iii. Government should also improve public trust in law enforcement. This can be done through police accountability, punishment of corrupt officers, protection of suspects' rights and community policing. People are more likely to cooperate with the justice system when they believe it is fair.
iv. In relation to corruption and elite crime, Nigeria should strengthen asset recovery, financial monitoring and transparency in public procurement. Public officers should know that corruption will be detected, prosecuted and punished quickly.
v. The final recommendation is that Nigeria should adopt a balanced crime-control model. Punishment is necessary, but it is not enough. Effective crime control must address social causes, reduce criminal opportunities and ensure that the law applies equally to both the poor and the powerful.