

Journalists' Perceptions on Plea Bargain as an Anti-Corruption Tool in Nigeria

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Abstract

Corruption, a universal challenge and Nigeria's most debilitating problem, continues to dominate national discourse. Among the legal tools available to the Economic and Financial Crimes Commission (EFCC), plea bargaining has emerged as a controversial method. This study investigates journalists' perceptions on the effectiveness of plea bargaining in Nigeria's anti-corruption initiatives. A qualitative approach was utilised to assess whether or not, plea bargain has led to a decrease in criminal activities, including how the political elite manipulate it to influence the judiciary, and its overall impact on the level of corruption in Nigeria. Twenty-five journalists participated through convenience sampling and in-depth interviews. Results indicate that plea bargaining is perceived as unethical and ineffective, primarily benefiting affluent individuals while undermining public interest. Consequently, this practice allows Nigeria's elite to evade accountability from corrupt actions, thereby hampering national progress and retarding anti-corruption efforts. The study advocates for a robust campaign by citizens, labour unions, and civil society against plea bargaining in financial crime prosecutions. Furthermore, it suggests that public officials should receive recognition for integrity while facing repercussions for dishonesty, and the adoption of technology within Nigeria's criminal justice system to enhance efficacy.

Keywords: Anti-Corruption; Corruption; Elites; Journalists; Judicial System; Plea Bargain

1. Introduction

Corruption has long been a major challenge that affects governance, development, and public trust globally. Though its prevalence and intensity vary across nations (Albert, 2016), there is still an obvious manifestation of how it hampers progress and hinders equitable distribution of resources. In Nigeria, corruption has deep historical and systemic roots that affect all levels of public administration and creates widespread inefficiencies (Egwemi, 2012). Since gaining independence in 1960, the misuse of public resources has escalated, with corruption becoming deeply entrenched within the socio-political framework. This has resulted in a governance environment where the embezzlement of public funds often overshadows the pursuit of the public good (Surajudeen, 2015).

It is common knowledge today that public institutions struggle to operate effectively due to the diversion of resources, while private sector growth is stifled by a lack of

transparency and accountability (Agu et al., 2024). The socio-economic implications are disproportionately endured by the poorest of citizens, as resources that could be allocated to improving healthcare, education, and infrastructure are usually misappropriated, which then leaves the underprivileged with substandard services and infrastructures (Ojo et al., 2020). In fact, Aborisade and Adeleke (2018) espoused that investments in essential social programs are often deprioritized in favour of projects with minimal benefits to the wider populace, and this widens and compounds the existing inequalities.

In response to the pervasive nature of corruption, several initiatives have been undertaken in Nigeria to address the issue. Notably, during the democratic transition in 1999, corruption eradication became a central focus of President Obasanjo's administration (Nwande, 2021). As it recognised the systemic challenges and the need for a comprehensive approach, the administration established the Economic and Financial Crimes Commission (EFCC) in 2003. This body was empowered to tackle corruption, reduce inefficiencies in resource management, and instill ethical values within public institutions (Albert, 2016). The EFCC's mandate also extended to investigating financial crimes and recovering stolen assets to strengthen the integrity of governance. Among the tools introduced by the EFCC to combat corruption was the plea bargain instrument. Plea bargaining, a legal process that allows a defendant to plead guilty to a charge in exchange for a reduced sentence or other considerations, has become a contentious tool in Nigeria's fight against corruption. The concept itself is premised on facilitating faster resolution of cases, while recovering stolen assets and reducing case backlogs. This legal mechanism, formalized in Nigeria through Section 14(2) of the EFCC Act of 2004, allows for negotiated settlements between the agency and offenders (Iwuchukwu, 2013). It provided individuals and groups accused of financial crimes the opportunity to forfeit misappropriated funds and connected properties in exchange for reduced penalties. The philosophy behind this approach is to balance justice with pragmatic recovery of stolen assets, expedite the legal process, and equally reduce the costs associated with prolonged trials (Aniche et al., 2021). This strategy also aims to alleviate congestion in correctional facilities by avoiding lengthy confinement.

However, despite its potential advantages, the application of plea bargaining in Nigeria has been met with significant academic and legal scrutiny. Critics such as Akor (2014), Salihu (2022), and Osamor (2022) argue that the system is often exploited by political elites to circumvent justice, allowing powerful individuals to negotiate lenient penalties despite their involvement in large-scale corruption. High-profile cases such as those of James Ibori, Cecilia Ibru, and Tafa Balogun highlight concerns about its effectiveness in ensuring real accountability and deterrence. While plea bargaining has been effective in reducing case backlogs and recovering assets globally, its fairness and impact on deterrence remain critical areas of scrutiny (Langer, 2021). In Nigeria, its implementation has generated mixed reactions, with advocates emphasizing its role in expediting justice

and recovering misappropriated funds, while critics argue that it remains vulnerable to manipulation (Aniche et al., 2021).

Against this background, this study aims to address this gap by investigating the perceptions of key stakeholders, particularly journalists, who play an instrumental role in shaping public understanding of plea bargaining's role in Nigeria's fight against corruption. Journalists, as frontline observers of legal proceedings, offer unique insights into whether plea bargaining has genuinely contributed to curbing corruption or whether it is merely a tool for political manipulation. They can also provide a critical perspective on how the system is perceived and whether its application has been effective or exploited by political elites to evade justice.

2. Literature Review

The study of Oluwagbohunmi (2015) examined and compared cases resolved through plea bargains and guilty pleas and presented legal and sociological concerns about the selective use of plea bargains that primarily benefit the ruling elite and their associates, which consequently promotes class inequality and injustice in Nigeria's legal system. It went further to criticize how the ruling class that is usually implicated in corruption and greed thrives while the masses endure poverty. As a result, plea bargaining is portrayed as a mechanism that perpetuates corruption within the criminal justice system because it extends and, at the same time, transforms the dynamics of corruption in the country. Looking at the selective application of judicial discretion, especially in high-profile corruption cases, Oluwagbohunmi (2015) posited that it dents the principle of equality before the law and compromises legal ethics. This is not in abstraction because over the years judicial decisions stemming from plea bargains fail to restrict the pervasive culture of public corruption.

In another related study, Imosemi and Ogundare (2017) explored the evolution and implementation of plea bargaining in Nigeria with a focus on its integration into the Criminal Justice Administration Act (CJA). This study analysed how legislation embodies the principles of plea bargaining within Nigeria's legal framework and espoused that while there is some disagreement among stakeholders about its adoption, the majority supports its inclusion in criminal justice reforms to address systemic challenges. It was therefore argued that, if applied effectively and modelled on practices in advanced legal systems, plea bargaining could enhance the efficiency and impact of Nigeria's criminal justice administration. There is an appraisal that the process must protect the constitutional rights of the accused while expediting case resolution. Based on this, it was concluded that plea bargain has potential as a promising avenue to achieve justice more effectively and to promote fairness in criminal proceedings.

In support of the above, Obida (2020) also investigated the role of plea bargaining within Nigeria's Criminal Justice System by assessing whether its implementation aligns with the goals of the Administration of Criminal Justice Act, 2015 (ACJA) or undermines the principles of criminal jurisprudence in favour of expedited justice delivery. The study pointed out that while combating corruption remains a priority, the issue extends beyond bribery and embezzlement to include the systemic misappropriation of public resources meant for societal welfare. From this lens, it observes that plea bargaining, in its current form, perpetuates a "winner takes it all" mentality, as it obviously benefits a few at the expense of justice and equity. The conclusion drawn is that this raises ethical concerns and has a devastating effect on the legal principles central to criminal trials and also collectively impacts the moral fabric and public trust in the justice system.

In another dimension, Mudasiru and Adeleke (2022) analysed the use of plea bargains by the Economic and Financial Crimes Commission (EFCC) as a tool to combat corruption in Nigeria. As the study evaluates its effectiveness in tackling corruption-related cases and questions its ability to curb the prevalence of corruption in the country, it comes to a conclusion that plea bargaining in general has yet to serve as a deterrent, evident in the increasing reports of fraud and public sector corruption, like the Niger Delta Development Commission scandal. Even with the robust provisions of the ACJA, realistic effectiveness hinges on transparent implementation and adherence to established conditions. It is therefore imperative for the establishment of a supervisory mechanism to ensure compliance with plea bargaining requirements. The study emphasised that such oversight would strengthen the practice's intent and purpose and potentially enhance its role in the eradication of corruption within Nigeria's criminal justice system.

In addition, Osamor (2022) explored the failure of plea bargaining in Nigeria. It established that the perception of plea bargains worsens when high-profile cases result in minimal sentences, and this reinforces the belief that powerful individuals can evade justice by negotiating favourable terms. The study therefore argued that it has undermined the fight against corruption, particularly in cases that involve politically exposed persons (PEPs) who forfeit small portions of their ill-gotten wealth but retain the majority in exchange for lighter penalties. The practice, thus, is seen as reducing plea bargaining to a form of "loot" bargaining. There was also an emphasis on how plea bargaining, even though it is applicable to all crimes, is predominantly used in economic and financial crimes, which carry relatively lenient penalties compared to other offences like robbery or same-sex marriage. As a result, the study criticises the reduction of already mild sentences through plea bargaining and notes that this compounds the leniency of punishments for financial crimes in Nigeria.

In a recent study, Folorunso (2023) adopted a qualitative descriptive research approach to evaluate the effectiveness of plea bargaining in Nigeria's fight against corruption, using

a. The study appraised the advantages of plea bargaining and viewed it as a tool that could enhance the administration of criminal justice in Nigeria. However, it also pointed out some challenges particularly that the application of it tends to favour politically and economically powerful individuals, rather than to benefit the underprivileged and common offenders. This informed an argument that the law's vulnerability to abuse makes it problematic, as it often shields corrupt public officials from facing appropriate consequences for their actions. Hence, this continuous practice affects the fight against corruption, as the leniency shown to politically exposed persons emboldens further corrupt behavior. The inability to appropriately sanction these individuals reinforces corruption and encourages its continuation in Nigeria, thereby reducing the impact of plea bargaining in achieving justice.

2.1. Cases of Plea Bargaining Handled by Nigerian Courts

A review of selected plea bargain cases handled by Nigerian courts reveals a variety of outcomes, including asset forfeitures, fines, and imprisonment. In 2005, Mr. Tafa Balogun, the former Inspector-General of Police, was convicted after pleading guilty to an eight-count charge of corruption and money laundering, involving a staggering ₦10 billion. As part of the plea agreement, he forfeited much of the illicit funds and was sentenced to six months in prison (Eze and Eze, 2015). Similarly, in 2010, Cecilia Ibru, the former Managing Director of Oceanic Bank, pleaded guilty to a three-count charge related to authorising loans beyond her credit limit, falsifying accounts, and approving loans without proper collateral. While no specific amount was disclosed, she forfeited assets worth ₦191 billion and received a six-month sentence for each count, which were served concurrently (Danjuma & Chuan, 2015). In 2013, Yusuf John was convicted for mismanaging funds worth ₦32 billion, and as part of the plea bargain, he forfeited assets and was fined ₦750,000. This case was notable for the recovery of significant assets, though the court imposed only a minimal fine (Folorunso, 2023). In 2016, Dikko Inde Abdullahi, the former Comptroller-General of Customs, was involved in a case concerning the diversion of public funds amounting to ₦42 billion. While ₦1.9 billion was recovered through the plea agreement, no specific sentence or fine was levied against him, highlighting the varied outcomes of such cases (Anyia & Iwanger, 2019). Finally, in 2018, Jonah Otunla, the former Accountant General of the Federation, pleaded guilty to money laundering charges involving ₦2 billion. The case saw the recovery of ₦6.3 billion, though no specific sentence or fine was imposed, reflecting the inconsistent sentencing practices for plea bargain cases in Nigeria (Folorunso, 2023).

Therefore, it can be deduced from the literature and selected cases that while plea bargaining has been integrated into Nigeria's legal framework with the aim of enhancing justice administration, its implementation remains contentious. The reviewed studies highlight concerns about its selective application, which appears to favour politically and economically powerful individuals while offering limited benefits to ordinary offenders.

There is also a recurring argument that rather than curbing corruption, plea bargaining has, in many instances, reinforced it by allowing offenders to negotiate reduced penalties. Furthermore, the perception that it serves as a tool for shielding politically exposed persons from stringent legal consequences continues to raise ethical and legal concerns. These issues collectively suggest that the effectiveness of plea bargaining in achieving justice and deterring corruption in Nigeria remains a subject of debate within the academic discourse.

2.2 Theoretical Framework

The Elite Theory

The Elite Theory posits that a small group of individuals that hold political and economic power tend to dominate societal structures and manipulate these systems to serve their interests (Pakulski, 2017). This theory is relevant as it helps to understand the dynamics of corruption and plea bargaining in Nigeria because the legal and judicial systems are usually co-opted by the elites to maintain their dominance, which eventually allow them to escape accountability while perpetuating inequality. This in fact corroborates with Elite Theory's assertion that societal systems are structured to benefit those in power (Zuba, 2016). In reality, the returning of only a fraction of embezzled funds through plea bargains notwithstanding, these elites maintain their wealth and influence while evading justice. The systemic nature of corruption further demonstrates the entrenchment of elite control, as legal provisions such as the Administration of Criminal Justice Act (ACJA) and agencies like the Economic and Financial Crimes Commission (EFCC) are manipulated to shield powerful individuals from prosecution.

The Elite Theory also explains treatment disparity between the wealthy and the poor within the justice system (Toscano & Stolz, 2024). It is known in Nigeria that impoverished individuals face harsh penalties for minor offenses, while the elites who engage in large-scale corruption receive disproportionately lenient treatment through plea bargains. This clearly illustrates how the structural inequality within the system, coupled with the culture of impunity, emboldens elites to exploit public resources without facing significant consequences. Pakulski (2017) further added that the theory encompasses the deliberate weakening of institutional frameworks by the elites, allowing them to manipulate the system and ensure the ineffectiveness of anti-corruption efforts. As consistently seen in Oluwagbohunmi (2015), Imosemi and Ogundare (2017), Obida (2020), Mudasiru and Adeleke (2022), Osamor (2022), and Folorunso (2023), plea bargaining, instead of serving as a deterrent, is used as a mechanism to perpetuate and promote systemic corruption for continuous dominance of the elite rather than promoting justice and equality.

3. Methodology

This study adopts a qualitative cross-sectional design as it is well-suited for capturing rich, detailed data about participants' views at a single point in time, and at the same time, enables the exploration of perceptions within their current socio-political and professional contexts (Wang & Cheng, 2020). According to Anas and Ishaq (2022) qualitative research is indispensable for understanding complex social phenomena, particularly in cases where individual experiences and meanings are central. The choice of a cross-sectional approach ensures that data reflects the immediacy of journalists' experiences without the resource-intensive demands of longitudinal studies. The research is conducted in Osun State, Southwest Nigeria, a region that offers a strategic balance between urban and rural dynamics and is known for active media engagement in political accountability (Awofadeju, 2020). The study population consists of members of the Nigerian Union of Journalists (NUJ), Osun State Chapter, a professional body dedicated to upholding journalistic standards in Nigeria. This group of journalists is particularly pertinent to the study, as they play a significant role in shaping public perceptions and narratives related to governance and anti-corruption efforts. Their direct involvement in reporting on matters of governance, including legal processes like plea bargaining, positions them as key stakeholders in understanding how plea bargaining is perceived and discussed in practice. As noted by Nwosu and Okeke (2021), Nigerian journalists are pivotal in advocating for transparency and accountability within the country. This further justifies their inclusion in the study, as their unique perspective on the subject matter can provide critical insights into both public and professional attitudes toward plea bargaining. The choice of this population is essential for capturing an informed and reflective view on the topic, given their role in influencing public opinion and policy discussions.

A sample size of 25 journalists from both print and electronic media is selected from different local government areas in Osun State in order to allow diverse perspectives, and this is consistent with Levitt (2021) position on qualitative generalisation which emphasis the need to ensure variation in qualitative samples for richer insights. The study uses convenience sampling, which aligns with the need for accessibility and the pragmatic realities that is require to engage with journalists in active practice, based on dynamism of the profession. As such, data collection involves in-depth interviews, a method praised by Knott et al., (2022) for its ability to uncover deep, subjective experiences and elicit comprehensive narratives. For analysis, content analysis is employed to identify recurring themes and patterns, while verbatim quotations allow the findings remain faithful to participants' original expressions. Ethical considerations include informed consent, confidentiality, and voluntary participation, which adhere to national and international standards.

4. Results and Discussions

In an interview with a journalist from The Sun Newspaper with over 14 years of experience in service, it was noted that plea bargaining has failed to address corrupt practices and crimes as politicians and elites take advantage of it to engage in unlawful practices. Also, the participant stated that corruption, abuse of power, and position of authority in Nigeria are endemic, and plea-bargaining is a lesser immunity that protects the corrupt political elites from persecution and investigation. Based on how plea bargains are influenced by political elites, it was noted that it has allowed the political elites and politicians to steal more and still negotiate irrespective of stealing from the public purse.

Based on examining how Nigerian corruption practices and crimes have been reduced as a result of plea bargains, a journalist who is a co-editor for the Guardian Newspaper with over 10 years of experience in journalism asserted that corruption is endemic in Nigeria and it is found everywhere, especially among the political class and elites. On if corruption and crime in Nigeria has decreased as a result of plea bargains, another participant said that

...the “plea-bargain” clause has worsened the economic and political situation in Nigeria. This is based on the fact that those who might have gone through the plea bargain process had not seen any reason to be remorseful. Hence, they are encouraged to further perpetuate corruption, abuse of political power, and stealing of public resources/commonwealth....” (Participant2/ IDI/2024).

In an interview with a seasoned journalist with over 10 years of experience at Vanguard Newspaper, the participant stated that

“...corrupt practices in Nigeria have become a threat to all-round development in the country as political elites abuse their power, embezzle public funds, misappropriate budgetary spending, and subject the masses to untold hardship...” (Participant 20/IDI/2024).

During an interview session with a journalist at the News Agency of Nigeria (NAN) with over 10 years of experience in service, it was noted that

“...the level of decay in the Nigerian system as regards corruption is systemic and very embarrassing. Also, plea bargaining in Nigeria only works for the rich and fantastically corrupt elites and their bandwagons. Hence, it can be said that plea bargaining encourages embezzlement of

our common wealth by political officeholders and top government officials..." (Participant 14/IDI/2024).

In the course of the study, a journalist from Radio Nigeria was interviewed and he opined that corruption in Nigeria is a very serious cankerworm, and it's arguably the bane of Nigeria's development. As regards what a plea bargain entails, the participant remarked that

"...In my opinion, I submit that plea bargaining serves the overall interest of the public. However, I answer in the negative. But this does not suggest the failure of plea bargaining. The implications are that the root causes of corruption and crime have not been fundamentally addressed. Beyond legislation, the culture of impunity and affluence flaunting in the midst of mass poverty must be socio-politically addressed to serve as a pedestal for the effectiveness of plea bargaining.... (Participant 19/IDI/2024).

Another participant added that

"...plea bargaining saves the public the enormity of time and resources deployed into proofing a criminal charge, particularly that of corruption against a defendant against whom a prima facie case may not be eventually established. In any event that conviction is secured against such a defendant, the consequence under the criminal law is a jail term, which does not return the disputed loot to the public purse. For instance, there is the case of FGN v. Joshua Dariye. But if the defendant pleads to a substantial part of the content of litigation, he can be left off the hook..." (Participant 24/IDI/2024).

On if plea bargaining has checkmated and reduced corruption in Nigeria, participant 9 responded that

"...plea bargaining is yet to achieve in addressing and minimising corrupt practices in Nigeria. But this does not suggest the failure of plea bargaining. The implication is that the root causes of corruption and crime have not been fundamentally addressed. Beyond legislation, the culture of impunity and affluence flaunting in the midst of mass poverty must be socio-politically addressed to serve as a pedestal for the effectiveness of plea bargaining. (Participant 9/IDI/2024).

In an interview with a journalist with over 17 years in service, it was deduced that

“...corruption has caused a near-total dysfunction of the structure of the Nigerian system. Nothing seems to be working; citizens aim for public offices to contribute to the collapse of the system; hence, no good of the nation is in the mind of officeholders. Plea bargaining has been in use for some time; it’s supposed to be a faster means to deal with corruption that is the ideal purpose, as against the obvious reality...” (Participant 11 / IDI/2024).

The seventh interviewee, who is a journalist with over 13 years of experience, responded that

“...corrupt practices and crimes are celebrated in Nigeria and evidently detrimental to the development of the country. The application of plea bargains in the Nigerian judicial system has not translated to a reduction in corruption and crimes. This is because major and popular cases of plea bargains have involved politicians, and the outcome shows it has little or no success. (Participant 7 / IDI/2024).

According to a journalist from the Sun newspaper with over 14 years of experience in service, responded that

“...the Nigerian legal system is equipped for politicians and elites to accommodate plea bargains. For instance, political elites that have stolen millions and bargained to return ridiculous amounts compared to the masses who are sent to jail on minor offences are enough to prove...” (Participant 1/IDI/2024).

Furthermore, the participant added that plea bargaining never reduced corruption but rather encouraged corrupt practices by the political class and public administrators at the helm of affairs in the country. On how plea bargains are influenced by political elites, participant 18 noted that politicians in Nigeria are extremely corrupt, and they can easily influence out-of-court settlements for covering atrocities of their colleagues and corrupt accomplices. The participant added that the Nigerian legal system is rigged by political elites who rely on plea bargains to shield themselves from persecution. It was also added that the legal system of the country has become cash and carry, and political elites in the Legislature and Judiciary are not helping matters.

Based on how plea bargaining is influenced by political elites and politicians in Nigeria, participant 3 noted that

"...the Nigerian political elites who are found to be engaged in corrupt practices have always negotiated their way out of every difficulty, though in my opinion plea bargain was not originally meant to reduce corruption but reduce the time frame used for trial..." (Participant 3/IDI/2024).

Participant 4 was strongly of the view that the Nigerian legal system is rigged by political elites who use plea bargains. This is because the political elites control or influence the judiciary or judicial officers, so they use plea bargains to negotiate how to keep their loots. Based on the view that plea bargains are influenced by political elites, participant 13 responded that

"...the allegation that plea bargaining is influenced has not been established, so it goes to rumour. However, plea bargaining, from its literal meaning, is a negotiable mechanism (the word bargain). So, the defendant has a right to negotiate with the prosecution. It's within the power of the prosecution to agree to the terms of such bargaining after considering lots of factors..." (Participant 13/IDI/2024).

Participant 6 was strongly of the view that plea bargaining has contributed to corrupt practices, giving public officeholders confidence to perpetrate evil and suffer the masses. Nigeria has gone past the stage of asking whether plea bargaining is effective; the implementation of it is a shame to the laws establishing it and the nation in general. Based on how plea bargains are influenced by political elites, participant 6 noted that

"...a few cases that I have followed up on, accused persons do not get a deserving treatment; it has always been a case of giving up one kobo for stealing one million. To this extent, there are suspected political influence and manipulation of the process. Let's not forget that the agency in charge (EFCC) is filled with corrupt individuals, most of whom were employed based on political recommendations and not purely merit as it should be. Additionally, plea bargaining is now being used as a political tool for obstruction of justice..." (Participant 6/IDI/2024).

In an interview with a study participant on signs that plea bargaining will or won't reduce corruption in Nigeria, it was submitted that

“...if there is no strict punishment after the bargain, corruption and other crimes will not reduce. As long as security operatives connive with criminals to declare part of the loot and plead for a bargain, corruption will not reduce. The ACJA should be reviewed to accommodate stringent punishment for offenders after restitution.” (Participant 23/IDI/2024).

On if the EFCC has made a difference in the success or failure of the plea bargain as a tool to combat corruption in Nigeria, the participant responded that

“...the Commission has failed in its duty, premised on the fact that plea bargaining has hindered the full operations of the anti-corruption body because convicted politicians evade persecution after plea bargaining. Additionally, there are allegations by legal practitioners that the EFCC usually tasks the fraudster to bargain before filing a plea bargain in court. (Participant 14/IDI/2024).

As regards suggestions for using plea bargains to combat corruption in Nigeria, the participant expressed that restitution should not be the only option for plea bargains. The year of jail term should not count from the day the offence was committed; it should count from the day of judgment. According to participant 2, a plea bargain will not reduce corruption because there is no iota of remorsefulness by politicians after impoverishing the masses. It was added that a plea bargain could be used for a first offender who has shown sincere remorsefulness and readiness to turn a new leaf. On the success of plea bargaining in reducing corruption in Nigeria, participant 25 noted that

.....as long as the political elites have influence over the judiciary, corruption will continue to increase. Also, the EFCC is restrained or constrained by the law, adjudicated by the judiciary, but the EFCC is working according to the law to recover loots through the use of plea bargain.” (Participant 25/IDI/2024).

In an interview with participant 12 on if the Nigerian legal system is rigged by political elites who rely on plea bargains, the respondent disagreed and responded that

“...the Nigerian legal system, through various laws including the ACJ, the EFCC act, provides for plea bargaining as one of the measures to resolve criminal litigation. Most cases that end in plea bargaining could be lost to technicality during trial or want of diligent prosecution, so plea bargaining saves the state time and resources to pursue stolen funds”. (Participant 12/IDI/2024).

Furthermore, the participant noted that

"...plea bargaining is not sufficient in addressing issues of corruption as the fundamentals are yet to be addressed. Also, the EFCC has not been effective; there is a need for a thorough internal review. Lastly, evidence has proven beyond doubt that plea bargaining is not an effective tool to tackle corruption in Nigeria. In my opinion, I suggest complete eradication of plea bargaining from the laws of Nigeria. ..." (Participant 20/IDI/2024).

In the course of the interview as regards if plea bargains have successfully reduced corruption in Nigeria, participant 18 noted that

"...plea bargaining has not been effective in checkmating and addressing corrupt practices and crimes perpetuated by the political elites and public administrators in the country. Recent utilisation of plea bargains in cases involving popular officeholders and others are obvious indications that plea bargains cannot be successful..." (Participant 18/IDI/2024).

The participant further added that

"...the EFCC has not made any difference in combatting corruption, and they are even contributing more to the failure of combatting crimes and corruption in Nigeria. Considering objectivity based on past cases and without any form of bias, plea bargaining should be removed from the laws..." (Participant 7/IDI/2024).

Discussion

The findings reveal that plea bargaining has failed to address corrupt practices and crimes as politicians and political elites take advantage of it to engage in unlawful practices. The elite theory addresses how elites manipulate legal processes like plea bargaining to shield themselves from accountability and to maintain their dominance in political and economic spheres. This study discovered that corruption, abuse of power, and position of authority in Nigeria are endemic, and plea bargaining is a lesser immunity that protects the corrupt political elites from persecution and investigation. This finding corroborates Aborisade and Adeleke (2018), who argued that social justice is not a factor in plea bargains in modern Nigeria, and this data lends credence to their argument. This is because individuals whose dishonest actions caused others' lack of progress are being treated with respect. It gives the impression that Nigeria is a corrupt state run by criminal financiers, despite the fact that the majority of the working masses live in extreme poverty.

It was revealed that the plea bargain clause has worsened the economic and political situation in Nigeria. This is based on the fact that those who might have gone through the plea bargain process had not seen any reason to be remorseful. Hence, they are encouraged to further perpetuate corruption, abuse of political power, and stealing of public resources. This aligns with elite theory, which highlights how legal mechanisms are co-opted by elites to secure their positions and perpetuate systemic inequalities. Results show that corrupt practices in Nigeria have become a threat to all-round development in the country as political elites abuse their power, embezzle public funds, misappropriate budgetary spending, and subject the masses to untold hardship. Findings revealed that the level of decay in the Nigerian system as regards corruption is systemic and very embarrassing. Also, plea bargaining in Nigeria only works for the rich and fantastically corrupt elites and their bandwagons. Elite Theory explains this as the deliberate structuring of legal and political systems to favour the powerful, which allows them to escape punishment while ordinary citizens face harsher consequences. Hence, it can be said that plea bargaining encourages embezzlement of our common wealth by political officeholders and top government officials. These findings support Adeleke (2012), which emphasised that in Nigeria, impoverished people who plead guilty to crimes for which they were accused are handled disparately and harshly, but affluent people who plea bargain are treated kindly. The author also found that the utilisation of plea bargains is haphazard in the absence of precise guidelines for their efficient execution, evaluation, and appreciation. This again affirms the essence of elite theory, which posits that societal structures are intentionally designed to favour the wealthy and powerful and to sideline the less privileged.

In addition, it was revealed that a plea bargain is yet to be achieved in addressing and minimising corrupt practices in Nigeria. But this does not suggest the failure of plea bargaining. The implication is that the root cause of corruption and crime has not been fundamentally addressed. Beyond legislation, the culture of impunity and affluence flaunting in the midst of mass poverty must be socio-politically addressed to serve as a pedestal for the effectiveness of plea bargaining. The elite theory suggests that addressing this imbalance requires dismantling the power structures that allow elites to exploit systemic weaknesses for their benefit (Zuba, 2016).

The results showed that the Nigerian legal system is equipped for politicians and elites to accommodate plea bargains. For instance, elites that have stolen millions and bargained to return ridiculous amounts compared to the masses that are sent to jail on minor offences are enough to prove this. It was also found that plea bargaining never reduced corruption but rather encouraged corrupt practices by the political class and public administrators at the helm of affairs in the country. It was further discovered that the Nigerian legal system is rigged by political elites who rely on plea bargains to shield themselves from persecution. Elite theory frames this as the elite's strategic use of

institutional control to maintain their dominance and avoid repercussions for their actions.

It was also added that the legal system of the country has become cash and carry, and political elites in the Legislature and Judiciary are not helping matters. These results are consistent with Nwakwe (2020), who argued that plea bargaining cannot help the EFCC; instead, it will only encourage the agency to rely on plea bargaining rather than digging deeper into a case, which will lessen the chances of solving other cases involving financial crime conspiracy. Since they only have a limited amount of information at their disposal, they let these criminals go free to carry out their fraudulent activities.

The findings also indicate that plea bargaining has contributed to corrupt practices, giving public officeholders confidence to perpetrate evil and suffer the masses. Nigeria has gone past the stage of asking whether plea bargaining is effective; the implementation of it is a shame to the laws establishing it and the nation in general. These findings are in consonance with the claims of Popoola (2020), who established that the social justice content of plea bargaining is lacking because the defendants receive sentences that are disproportionately light compared to the value of their loot. Similarly, Mudasiru and Adeleke (2022) espoused that the EFCC uses plea bargaining as a tool to help those who engage in fraudulent and corrupt practices in Nigeria.

The study revealed that if there is no strict punishment after the bargain, corruption and other crimes will not reduce. As long as security operatives connive with criminals to declare part of the loot and plead for a bargain, corruption will not reduce. The ACJA should be reviewed to accommodate stringent punishment for offenders after restitution. It was revealed that the EFCC has failed in its duty, premised on the fact that plea bargaining has hindered the full operations of the anti-corruption body because convicted politicians evade persecution after plea bargaining. Findings reveal that the Nigerian legal system, through various laws, including the ACJA and the EFCC act, provides for plea bargaining as one of the measures to resolve criminal litigation. Most cases that end in plea bargaining could be lost to technicality during trial or want of diligent prosecution, so plea bargaining saves the State time and resources to pursue stolen funds. The results discussed above are in line with those made by Salihu (2022), who contends that plea bargaining corrupts the justice system and causes injustice and unfairness. Elite Theory explains this systemic corruption as the deliberate manipulation of laws and processes to benefit the powerful at the expense of justice and equality.

Furthermore, it was discovered that plea bargaining is not sufficient in addressing issues of corruption as the fundamentals are yet to be addressed. Also, the EFCC has not been effective; there is a need for a thorough internal review. Finally, the ineffectiveness of plea bargains in Nigeria has been conclusively demonstrated by the facts. It was

discovered that the EFCC had done little to stop corruption and had really made matters worse by making it harder to fight crime and corruption in Nigeria. Elite theory captures the structural failings of anti-corruption bodies like the EFCC, which stem from elite manipulation to weaken accountability mechanisms and allow corruption to thrive. These findings are consistent with Aidonojie et al. (2021), who asserted that the nation's use of plea bargaining in high-profile corruption cases is perceived as yet another setback in its attempts to ensure that all people are treated fairly and equitably before the law. Investigations into suspected criminal activity by law enforcement are the first step in the criminal justice process, and it is at this point that the criminal justice system's prejudice against the poor is made clear. This reinforces elite theory's view that societal systems are skewed to maintain the dominance of the elite while marginalising the poor.

5. Conclusion and Recommendations

Corruption weakens the justice system, leadership, public trust, and economic growth. This study concludes from the perspectives of journalists that plea bargaining in Nigeria is unethical and counterproductive, as it only benefits the wealthy and powerful at the expense of the resources that could improve the lives of the masses. As such, it has become a tool for the elite to escape accountability and evade anti-corruption efforts. In Nigeria today, plea bargaining is widely seen as a symbol of corruption and a barrier to justice because its perceived unregulated nature allows prosecutors significant discretion, which leads to misuse. This study reveals in another dimension that plea bargains perpetuate inequality, as the ruling class thrives in corruption, while the poor, on the other hand, suffer, fuelled by unchecked greed and systemic corruption.

This study recommends that the National Assembly should mandate the executive arm of government to prioritise granting anti-corruption agencies, especially the EFCC, sufficient funding and operational independence to prevent executive interference and ensure impartial investigations into cases within its mandate. Essentially, legislators must actively block attempts by the executive branch to undermine the integrity of investigations led by the police and the EFCC. There should be a robust system in place to reward public officials for honesty, transparency, and ethical conduct while also imposing strict penalties for corrupt practices that reinforce a zero-tolerance stance on corruption. Furthermore, civil society organisations, labour unions, and citizens must campaign vigorously against the misuse of plea bargaining in financial crime cases, as this could pressure the government to exhibit genuine commitment to justice and transparency. It is equally important to restore societal moral values, particularly among leaders, to foster accountability and reduce the reliance on flawed legal processes. As the world is fast becoming digitalised in all dimensions, it becomes imperative to adopt advanced technology in the criminal justice system, such as virtual plea negotiations, biometric databases, and electronic convict tracking, these can expedite trials and align the system with international best practices. Lastly, there is also a need to reform the

Administration of Criminal Justice Act (ACJA) to ensure plea bargaining is strictly reserved for minor offences and reduce court burdens, while also safeguarding the system against exploitation by powerful elites.

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