

Capitalism and Operation of the Police as an Element in the Criminal Justice System: A Reflection of Public Perception in Bama Borno State of Nigeria

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ABSTRACT: The Nigeria Police have been very important ingredient in the substance of Criminal Justice System in Nigeria. The police initiate the admission of the suspect who should experience the roughs and drills of the system. While it remained important it has unavoidably failed in its duty to prevent and control of crime in Nigeria. This paper focuses on exploring some of the factors that worked against the success of the Nigeria Police. In the modern era capitalism can be seen as an economic alternative to political domination that rise out of the "ruins" of feudalism, geographical expansion through exploration and colonization, development of different methods of labor control for zones (eg. core, periphery) of world economy, and the development of states that were to become the core states of the world economy. The police are the largest single armed force that deals with the civil populace, with notorious violation to individuals liberties in Nigeria. Thousands of police stations are scattered nationwide serving as horror house of inhuman cell where suspects rot away. A survey reported in 2015 showed that about 81% of respondents saw the public and police relationship as antagonistic and only (12%) of the sample described the relationship as cordial. About 32% of the respondents said police corruption would not augur for smooth relationship between the police and public, 30% saw the police as generally unfriendly and always in perpetual collusion with members of the public. About 16% described the police as high-handed and trigger happy which often result into extra judicial killings of defenseless citizens. Capitalism as a prime motivation for primitive accumulation of wealth is the grand factor for prevalence of corruption as the major and easiest way of enrichment in a capitalist economy. Another survey reported in 2000 showed that about 88% of the respondents studied in Bama expressed that the Nigerian police force is to maintain law and order in the society but 53% of the of them maintained that it has failed to achieve this legal functions. About 94% observed that NPF serve the interest of the rich and influential members of the society. And 94% of them further reconfirmed that the NPF most serve the elites because they are corrupt. Similarly 94% of the respondents observed that the NPF hardly follow laid down procedures in the discharge of duties. Some 85% maintain that the NPF have been bias in their treatment during arresting suspects of different classes. While 96% said the rich and influential members of Nigerian society are hardly arrested by the police, and 94% of the respondents testified that the rich and influential members of the society offer the police with bribes to avoid been arrested. And even if some of the rich and influential are arrested by the police they are treated as very important personalities said 91% of the respondents. About 95% of the respondents observed that the poor is brutalized and embarrassed by the police in form of arrest and 99% said the NPF threatens the poor to confess guilty of the alleged crime through severe torture. And 82% of the respondents observed that suspects are unfairly locked in cells with congestions despite all known implications. About 80% of the respondents clearly stated that the solution of NPF is by eradicating corruption. Base on all the results of study, the paper recommends among others that the operatives of the Nigeria Police must be frequently trained on the duties of the police and the rights of the citizens to remind them of the fact that the police are equal before the law with all Nigerians and people. There must be a determined war against

capitalism to eradicate corruption that pulled down the police and the entire system of the Criminal Justice System at all level and particularly at the intellectual levels.

Key words: Capitalism, Police, Justice, Perception.

1. INTRODUCTION

During the colonial era, all the institutional order that characterized resistance to perpetual exploitation were checked out to strengthen colonial alienation, deprivation, subjugation, exploitation and domination against the native population. At the forefront of continued repression was the Nigerian police force that was founded and nurtured in the modern characters. The criminal justice system is the loose federation of agencies and persons sharing in common some obligations to crime control, but in many cases distance from and independent to one another. Contrary to logical optimism all the changes hoped for at independence to refocus and readjust the criminal justice system and particularly the Nigerian police force remained elusive and in fact the situation has worsened. This paper is therefore an attempt to establish a linkage between capitalism as an economic order and the repressive Police Force as element in the criminal justice system using a method of survey. Hence, this paper attempts to answer the following questions. What is capitalism? What is police? How has the capitalism affected the operation of the as element of the criminal justice in Nigeria? If the NPF operate repressively, what is the solution?

Capitalism

Wallerstein (1995) argued that we have had only 2 types of world system. One is the world empire, of which ancient Rome is an example. The other is the modern capitalist world-economy. A world empire is based on political (and military) domination, whereas a capitalist world economy relies on economic domination. A capitalist world economy is known as more stable than a world empire for several reasons. It has a broader base, because it encompasses many states. It has built in process of economic stabilization. The supreme political entities within the capitalist world economy absorb whatever losses occur, while economic gain is distributed to private hands. Wallerstein also far saw the possibility of still a third system, a socialist world government (Ritzer, 2008). wallerstein (1974) dealt with origin of the world system between the year 1450-1640. The significance of this development was the shift from political (and, military) to economic dominance. Wallerstein saw economic as a far more efficient and less primitive means of domination than politics. Political structures are very cumbersome, whereas economic exploitations makes it possible to increase the flow of the surplus from the lower strata to the upper strata, from the periphery to the center, from the majority to the minority.

In the modern era capitalism can be seen as an economic alternative to political domination. Wallerstein argued that three things were necessary for the rise of the capitalist word-economy out of the "ruins" feudalism, geographical expansion through exploration and colonization, development of different methods of labor control for zones (eg. core, periphery) of world economy, and the development of states that were to become the core states of the world economy.

Police

Police is a body of officers representing the civil authority of government. Police typically are responsible for maintaining public order and safety, enforcing the law and preventing detecting and investigating criminal activities. Police are often also entrusted with various licensing regulatory activities (<https://www.britanica.com>). The Police have responsibility to take measures in preventing crime, investigating crime, interrogating suspects, prosecuting suspects and duly search [property and persons in order to prevent crimes, detect crimes, detect and apprehend offenders and collect evidence for prosecution. While above are the required duties of police worldwide, in Nigeria studies have discovered a negative public perception on the activities of Police. According to Nigeria's constitution, the president must "consult" with Nigerian police council before appointing or removing the IGP. The council, a civilian oversight body whose membership includes the 36 states governors, has rarely met in a decade. The independent police service

commission (PSC) is responsible for appointing, promoting, and disciplining all members of the police force, with the exception of the IGP. Each Nigeria's 36 states as well as the FCT is served by an administrative unit known as state commands are grouped into 12 zonal commands with 2-4 states in each zone, each under the supervision of AIG. Each state command is headed by a commissioner of police (CP) who is directly accountable to the AIG in the respective zone (<https://www.hwr.org.21/5/21>). Crucial to effective law enforcement is the average police officer who at all times must be prepared to judge a situation and decide a course of action. Added to the pressure of decision making is the fact that a patrolman's discretionary capacity affect the entire criminal justice system, this includes the public prosecutor. The judge and correction officials must act on legal actions initiated by the patrolman. When policeman observes various violation of law, his discretion is limited, he must arrest. Each suspect denies any connection with the crime. Perpetrator claims to be victim. In the administration of justice, the poor minorities and deviant need all the protection possible. They suffer most when the police fail to take proper action (Neiderhoffer, 1967).

The policeman's experience is that of challenges from both public and within criminal justice system. More often at prosecution in the court he is made fool by the defense councils and judges interrogations. The burden of proving his case is imposed on him. He must feel as proof of incompetent when losing so many cases. And therefore he must feel fulfilled when he win a case against the charged. with the courts might be unjust and tiresome because of extra time and lack of pay. And because of the defense attorney's interrogations, he more often feels that he is being tried rather than the culprits. He is made to play the part of fool. This makes him think that the only way in which the guilty are going to be punished is by the police. He has anxiety about the result of the court actions, for if the prisoner is declared innocent, he the policeman may be subject to a suit for false arrest or may be a target of the freed criminal.

According to Ijowodo (1997) the police are the largest single armed force that deals with the civil populace, with notorious violation to individuals liberties in Nigeria. Thousands of police stations are scattered nationwide serving as horror house of inhuman cell where suspects rot away, where their basic rights to life, dignity of the human person, and right to be charged to court within 24-48 hours (as the case may be), against self incrimination are savaged each passing minute. Not less than 812 policemen, including about 17 officers up to the rank of Deputy Superintendent of police faced different disciplinary action in 1996 alone for extortion and bribery.

Sa'ad (1995) observed that the NPF negates several rights of persons that pass through them in the criminal justice system. Summon were hardly employed by the police. Suspects were usually detained for a longer period of time and in very dirty and congested police cell. Police more often made to confess suspects through the use of force or the threat in prolonging their detention in dirty police cells. Starving and beating were also employed to obtain confessions. Police officers, instead of state counsels, prosecute suspect in courts thereby encouraging the police to abuse investigation procedures in order to achieve successful prosecutions.

In a similar study, Ajay and Longe (2015) revealed that 81% of their respondents saw public and police relationship as antagonistic in both strong and mild terms and only (12%) of the sample described the relationship as cordial. About 32% of the respondent said police corruption would not augur for smooth relationship between the police and public, 30% saw the police as generally unfriendly and always in perpetual collusion with members of the public. About 16% described the police as high-handed and trigger happy which often result into extra judicial killings of defenseless citizens.

In many situation police brutality is a means of coercing individuals to succumb to demand for bribes and sometimes it is punishment for not cooperating with the police in their demand for gratification. The NPF falls short of optimum performance as indicated by widespread inefficiency, corruption and unfairness in dealing with suspect. Police officers are accused of brutality, abuse of human right, aiding and abetting of criminal activities and engaging in bribery and corruption. Police are often not polite to victims of crime and treated as mere source of crime evidence. Most violent conflict had occurred due to ineptitude and inefficiency in the performance of police statutory duties.

Criminal Justice System

In 1851 the British with the aid of naval apparatus at their disposal bombarded Lagos into submission, and in 1861 colonial occupation was formalized and Lagos was proclaimed a British Colony. Due to the prevalence of

insecurity then, Consul Foorte requested for the establishment of a Consular Guard of one hundred men to be permanently stationed in Lagos. This proposal formed the foundation for take up of the elements of the modern criminal justice system in colonial Nigeria and its extension. Consul Foorte the Governor of Lagos died in 1861 but Mr. McCoskry the succeeding Acting Governor was permitted by his principal in London to establish a Consular Guard comprising 30 men. Forming the nucleus of first police force in the history of what became Nigeria (Tamuno, 1970). When Mr Henry S. Freeman assumed as substantive first governor of Lagos on February 22, 1862, he started with the setting up of four different courts. The courts were staffed by police personnel charged with the responsibility of settling less serious cases. A Commercial court handled cases of debts and breach of contracts with exclusive jurisdiction of the British merchants, underscoring the vested interests attached to it. There was Criminal court chaired by a stipendiary magistrate assisted by two relatively unlettered British merchants as assessors, handled very serious cases. And the Slave court, structured in similar manner to the Criminal court, attended to cases related to slavery (Ahire, 1991). It was observed that those courts were purely established by the colonial government to promote the vested interests of the private British businesses and other dominations. The system was arranged so poorly that there was no representation of the indigenous people and therefore repressive and alien in all operations.

By 1863 the rules of English common law was introduced to the colony of Lagos with about six hundred able men conscripted as Armed Hausa Police Force derived from mainly Hausa speaking ex-slaves from Sierra Leone and in 1906 a criminal code was introduced to what was then known as the southern protectorate. Upon the 1914 amalgamation of the northern and southern protectorates the application of the criminal code was extended and applied to the whole country. The criminal code was derived from Queensland code which was introduced into the state of Queensland, Australia in 1899 by the British (Ahire, 1991). According to Karibi-White (1977), the criminal code was enacted as an instrument of colonial policy to achieve imperial uniformity, replace barbarous custom and primitive morality with the believed superior morality of common law. When the British finally arrived, their prime interest was commerce and their interaction with Nigerians on the coast was not always smooth. It was necessary to ensure that consular orders were executed especially against uncooperative chiefs. It was clear that some form of law enforcement organization was necessary.

Karibi-White (1972) pointed out that the values which informed colonial laws were foreign ones with total disregard to indigenous attitude and accepted mores. He notes that in formulating offenses and justification of defense, it is attitude of the colonial power that proved determinant. The moral attitude of the society toward particular was "ignored" unless such conduct was at the same time reprehensible by the standard of the colonizing power.

Ayua (1983) stated that the continuance of borrowed legal system is partly responsible for the absence of clear and coherent criminal justice policy direction in Nigeria today. That the primary aims of the penal system are to safeguard the existence of the society to maintain order and to ensure that citizen live unmolested, and free from unlawful interference. Owomero (1980) disclosed that the major forms of sentence readily used by Nigerian magistrates and judges were imprisonment or fine. Although existing legal provisions encourage the use of probation and other non custodial measure. It is regrettable that our judges hardly make use of these.

The Nigerian Prison Service or the Correctional Service from the government white paper on prison reorganization released 1971 stated that the Nigerian Prison Service role is to identify the reason for the antisocial behavior of offenders and training them to become useful citizens in a free society (Ahire, 1985). Alemika (1983) further confirmed that the policy of reformation is no more than a public disguise, while in practice nothing has changed from this inherited penal system that was geared towards punishment, incapacitation and deprivation of incarcerated offenders.

Capitalism and operation of the Criminal Justice System

Capitalism also called free market economy, the dominant economic system in the western world since the collapse of feudalism, in which most means of production are privately owned and production is guided and income distributed largely through the operation of markets. Although the continuous development of capitalist system dates only from the 16th century, existed in the ancient world and flourishing pocket of capitalism were present during the later European middle ages (<https://www.britanica.com>. Retrieved 18/5/2021).

Development of capitalism was spearheaded by growth of the English cloth industry during the 16th, 18th, and 19th centuries. The feature of this development from previous system was the use of accumulated capital to enlarge productive capacity rather than to invest in economically unproductive enterprises, such as pyramids and cathedrals. This was encouraged by protestant reformation of the 16th century when traditional disdain for acquisitive effort was diminished, while hard work and frugality were given a stronger religious sanction. Economic inequality was justified on the ground that wealthy was more virtuous than the poor. The increased in European supply of precious metals and subsequent inflation in prices. Wages did not rise as fast as prices in this period, the main beneficiaries of the inflation were the capitalist. The early capitalist (1500-1750) also enjoyed the benefits of the rise of strong national states during the mercantilist era. The police of national power followed by states succeeded in providing basic social conditions, such as conform monetary system and legal codes, necessary for economic development and eventually made possible the shift from public to private initiative (<https://www.bridanica.com18/5/2021>).

Beginning in the 18th century in England, the focus of development shifted from commerce to industry. The steady capital accumulation of the proceeding centuries was invested in the practical application of technical knowledge during the industrial revolution. After the French revolution and the Napoleonic wars has swept the remnants of feudalism. The growth of industrial capitalism and the development of the factory system in the 19th century also created new class of industrial workers whose miserable conditions inspired the revolutionary philosophy of Karl Marx. Following the financial crisis of 2007-2009 and the great recession that accompanied it, there was renewed interest in socialism among people in the United States. Polls conducted during 2010-18 found that a slight majority of millennial held a positive view of socialism and that support for socialism had increased in every age group except those aged 65 or older (<https://britannica.com18/5/21>).

Capitalism as a prime motivation for primitive accumulation of wealth is the grand factor for prevalence of corruption as the major and easiest way of enrichment in a capitalist economy. Nigeria is a nation bestowed with vast human and natural resources with oil exports accounting for 95% of foreign exchange income and some 80% of government income. Relating the impact of capitalism and corruption on the performance of the Criminal Justice System, Kolo (2000) reported a survey result in which about 88% of the respondents in at Bama expressed that the Nigerian police force is to maintain law and order in the society but 53% of the of them maintained that it has failed to achieve this legal functions. Same respondents disclosed that NPF failed to achieve it legal functions because the personnel are corrupt. About 94% observed that NPF serve the interest of the rich and influential members of the society. And 94% of them further reconfirmed that the NPF most serve the elites because they are corrupt. Similarly 94% of the respondents observed that the NPF hardly follow laid down procedures in the discharge of duties. The laid down procedures includes the application of chapter 4 of the 1999 constitution that covers the fundamental rights of individuals. Some 85% maintain that the NPF have been bias in their treatment during arresting suspects of different classes. While 96% said the rich and influential members of Nigerian society are hardly arrested by the police, and 94% of the respondents testified that the rich and influential members of the society offer the police with bribes to avoid been arrested. And even if some of the rich and influential are arrested by the police they are treated as very important personalities said 91% of the respondents. About 95% of the respondents observed that the poor is brutalized and embarrassed by the police in form of arrest and 99% said the NPF threatens the poor to confess guilty of the alleged crime through severe torture. And 82% of the respondents observed that suspects are unfairly locked in cells with congestions despite all known implications. About 80% of the respondents clearly stated that the solution of NPF is by eradicating corruption. And to eradicate corruption as a condition is to eradicate what cause corruption which is the perpetuation of underdevelopment (the dependent capitalism). In a survey results of Abba, Mustapha, Mohammed, Saidu and Abdullahi (2017) about 49% of 100 respondents agreed that the Nigerian Police Force performed effectively in controlling and preventing crime but 41% disagreed so. About 89% of the 100 police respondents disclosed that their performance have been negatively affected by lack of update communication equipments. Similarly Mr. Sunday Ehindero a former Inspector General of Police in 2008 observed that vehicles, communication equipment, scientific tools for investigation, intelligence gathering control equipment are grossly inadequate. Less than 5% of policemen in Nigeria have walkie-talkie for communication during patrols. Less than 20% of Police stations in Nigeria have telephones to respond to distress call from the public during emergencies. About 65% of the 100 members of public

maintained that corruption is the major factor hindering the performance of Nigeria Police Force (Abba, et-al, 2017). This confirms the Dambazau's (2007) postulation that the Nigeria Police is well known for its rottenness as many of the Police officers are corrupt. Funds released to the police are known to have been diverted into private pockets. Criminals also bribe their ways to escape justice. Arrested criminals are back on the streets next day if they can pay an agreed sum to the police.

From all above it was very clear that all crimes particularly property related crimes are motivated by obvious struggle to accumulate wealth which is socially defined value in all capitalist societies. In dependent capitalist economy like Nigeria corruption has been the easiest means of actualizing the capitalist dream "the huge wealth" that can rate you as bourgeoisie. As clearly analyzed by Marx every poor in a capitalist economy is vulnerable to criminality as he is obviously marginalized to inevitably engage in one form of crime or the other. Thus he asserted that a criminal is a hero, he who stood against perpetual repression and exploitation by criminally drafted and enforced laws of the bourgeoisie. In the dependent capitalist economies it is almost impossible to establish independent industry or factory to elevate you as factory owner, employer and bourgeoisie because of historical factors related to issues of center- periphery designations. Nevertheless, middlemen were created as bridge between the international bourgeoisie and the hard labor based exploited natives who served as agents of the multinational corporations. Those are the so called contractors and bureaucrats. Nigeria as a global partner and geopolitical entity is being controlled inevitably by this ruling class who are predominantly cheap sycopants. The Nigeria Police is not just a legacy of colonialism but part and parcel of bureaucracy that formed the Nigerian elite and the ruling class. The Nigerian policeman is not just challenged by enforcement of laws reflecting bourgeois interest against the marginalized poor but more often challenged by capitalist values and obvious public reaction to the inevitable repressiveness conducted against the public. While the NP is to enforce constitutional laws with neutrality and equality before the law against all, the police experienced greater chance and opportunity to commit crimes of corruption particularly bribery and extortion. While several policemen were dismissed on such grounds it has not deterred many from continuity of such crimes. This is simply because the chance of apprehending the defaulting policemen is lower than the chances of escape with the booties of the crime. More so, there lack of severity, certainty and adequate publicity of punishment for corruption.

If The NPF Operates Repressively What a Solution

Nigeria's government commission set panels of inquiry into police brutality, and the president promised to disband notoriously abusive police units known as Special Anti-robbery Squads. SARS is being disbanded but it is simultaneously using its power to repress and intimidate activist by throwing many people in jail. Two young activists had been invited to join the panel to represent the protesters but youth panelist boycotted the hearing because Nigerian's central bank had frozen a bank account belonging to one of them, alarming it was linked to terrorist. At least 20 activists and organization have had their accounts frozen by the central bank. Over 1500 people during and after the protests suspected of taking part in violence were arrested. Like the black live matters movement in the United States, #End SARS was triggered by viral videos of police brutality that documented decade long pattern of violence. On October 20, 2020, the military was deployed to the site of long running peaceful #End SARS protest in Lekki, shortly after sunset, floodlight were turned off, then soldiers began to shoot, at least 15 people reported died. Amnesty International said police and soldiers killed at least 12. In northeast home to the terrorist group Boko Haram, women have been raped by police and soldiers and babies and children are locked up. In the capital Abuja and Kaduna, minority Shiite protesters have been killed. The Lekki incident drew international condemnation, including from President Joe R. Biden of USA. As end SARS protest waned, word began to spread that state governments were hiding food donated by some rich Nigerians to be distributed to poorest to sustain during the pandemic of lockdown (<https://www.google.com.19/5/21>).

Social media has also played a significant role, allowing activist to crowd fund protest and access the resources of massive of Nigerian. Donation soared after the twitter chief executive, jack Dorsey, pasted a tweet on encouraging his 5 million followers to contribute. One group raised more than #73 million (145,000 Euros), which was used for to hire private security guards, pay for private ambulance and cover the legal bills of demonstrators arrested across Nigeria. Antonior Guterres UN Secretary General condemned the violence

escalation on 20th October 2020 in Lagos which resulted in multiple deaths and caused many injuries. He called on Nigerian authorities to investigate and hold the perpetrators accountable and urged security forces to act with restraint while calling on protesters to demonstrate peacefully and to refrain from violence. UN human rights chief Michelle Bachelet also strongly condemned the excessive and disproportionate use of force by Nigerian armed forces in Lagos, called on Nigerian authority to take urgent steps to deal decisively with the problem of persistent violation committed by security forces, and make stronger effort to bring police and army personnel guilty of crime against civilians to justice (<https://www.news.un.org.19/5/21>).

The Special Anti Robbery Squad (SARS) was created in 1984 to combat an epidemic of violent crime including robbery, carjacking and kidnappings. While it was created with having reduced brazen lawlessness in its initial years, the police later accused of becoming criminal enterprise that act with impunity. SARS officers are rarely held accountable for their behavior. In June 2020 Amnesty international issued a report that said of hard document at least 82 cases of torture, and extrajudicial executions by SARS officers between January 2019 and May 2020. The victims were predominantly men 18-25 from low income backgrounds and other vulnerable groups. In Nigeria, the way forward, maintains that corruption widens inequality, aggravates mass poverty, militates against efficient resource planning and allocation, underuse compromises economic efficiency; results in high governmental expenditure as a result of contract and cost supplies. High level police officials embezzle staggering sums of public funds meant to cover basic police operations. Senior police officers also enforce perverse system of "returns" in which rank and file officers are compelled to pay up the chain of command a share of the money they extort from the public. Those charged with police oversight, discipline, and reform have for years fail to take effective action, thereby reinforcing for police officers of all rank who regularly perpetrate crimes against citizens they are mandated to protect. The Nigerian Police Force, established in 1930, has a long history in engaging in unprofessional, corrupt and criminal conduct, and has become largely unaccountable to the citizens it is meant to serve. In 2005 IGP Tafa Balogun resigned and was charged with embezzlement, bribe taking and laundering more than US \$98 million. In a plea bargain later he pleaded guilty to failing to declare his assets. The court sentenced him to 6 months in prison and ordered his assets seized. NPF with 371,800 personnel proved difficult to be effectively managed and controlled. In 2006, a survey conducted by CLEEN foundation ranked Nigerian Police as the most corrupt public institutions in Nigeria. The IGP in 2009 Ogbonna Onovo stated that "It is apparent that indiscipline, unprofessionalism and widespread corruption have been the bane of the Nigerian police over the years, a situation that has hampered the quality of service delivery. By the early 1990s the NPF has established a reputation for being "consistently repressive, corrupt and ineffective", for taking kickbacks, and also for accepting bribes from criminal suspects to avoid prosecution and other forms of case fixing. The 2008 presidential committee on the reform of the NPF noted that Nigeria was "saddled with a very large number of unqualified, untrained and ill-equipped officers and man many of whose suitability to wear the respected uniform is in doubt" (<https://www.hwr.org.21/5/21>).

All the above misbehaviors exhibited by NPF are in complete disapproval to constitutional provisions on human and people/s rights. And by implication the acts negated the principles of African charter and UN Declarations for human rights. For instance the African charter has this to say. **Article 1:** The member states of organization of African unity party to the present charter shall recognize the rights, duties and freedoms enshrined in this chapter and shall undertake to adopt legislative or other measures to give effect to them. **Article 2 :** Every individual shall be entitled to the enjoyment of rights and freedoms recognized and guaranteed in the present charter without distinctions of any kind such as race, ethnic group, color, sex, language, religion, political or any other and social origin, torture, birth or other status. **Article 3:** Every individual shall be equal before the law. Every individual shall be entitled to equal protection of the law. **Article 11:** Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions. Provided for by law in particular those enacted in the interest of national security, the safety, health, ethnics and rights and freedoms of others. **Article 13:** Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with provisions of the law. Every individual shall have the right of access to public property and in strict equality of all persons before the law. **Article 26:** States parties for the present charter shall have the duty to guarantee independence of courts and shall allow the establishment and

improvement of appropriate national institutions entrusted with the promotion and protection of rights and freedoms present charter (<https://www.ohchr.org/EN/issues26/5/2021>)

The universal declaration of human rights is a common standard of achievement for all peoples and all nations shall strive by teaching and education to promote respect for these rights and freedoms by progressive measures, national and international, to secure their universal and effecting recognition and observance by all. Thus, **Article 1:** All human beings are born free and equal in dignity and rights. They are endowed reason and conscience and should act toward one another in a spirit of brotherhood. **Article 2:** Everyone is entitled to all the rights and freedoms set forth on this declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it is independent, trust, non-self-governing or under any other limitation of sovereignty. **Article 3:** Everyone has the right to life, liberty and security of person. **Article 4:** No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in their forms. **Article 5:** No one shall be subjected to torture or to cruel, inhuman and degrading treatment or punishment. **Article 6:** Everyone has the right to recognition everywhere as a person before the law. **Article 7:** All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this declaration and against any incitement to such discrimination. **Article 8:** Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. **Article 9:** No one shall be subjected to arbitrary arrest, detention or exile.

Article 10: Everyone is entitled in full equality to a fair and public hearing by an independent and tribunal, in the determination of his rights and obligations that of criminal charge against him. **Article 11:** Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense. No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when it was committed. Non shall a heavier penalty be imposed than the one that was applicable at the time the penal offense was committed. **Article 12:** No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attack upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attack. **Article 13:** Everyone has the right to freedom of movement and residence within the border of each state. Everyone has the right to leave any country, including his own, and to return to his country. **Article 15:** Everyone has the right a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality. **Article 16:** Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during and at its dissolution. Marriage shall be entered into only with the free and full constant of the intending spouses. The family is the natural and fundamental group unit of society and it entitled by the society and the state. **Article 17:** Everyone has the right to own property alone as well as association with others. No one shall be arbitrarily deprived of his property. **Article 18:** Everyone has the right to freedom of thought, conscience and religion, this right freedom to change his religion or belief, and freedom, either alone or community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. **Article 19:** Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinion without interference and to seek, receive and impart information and ideas thought any media and regardless of frontiers. **Article 20:** Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association. **Article 21:** Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Everyone has the right of equal access to public service in his country. The will of the people shall be basis of the authority of government; this we shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures(<https://www.un.org/en.26/5/21>).

Article 24: Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay. **Article 26:** Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stage. Elementary education shall be compulsory. Technical and professional

education shall be made generally available and higher education shall be equally accessible to all the basis of the merit. Education shall be directed to the full development of the human personality and to the strengthening of respect for human and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. Parents have a prior right to choose the kind of education that shall be given to their children (<https://www.un.org/en.26/5/21>).

Recommendation

1. The public must be generally educated on the roles of Police and systems of the Criminal Justice
2. The personnel of Nigeria Police must be dominated by best University graduates particularly of social science background.
3. Operatives of the Nigeria Police must be frequently trained on the duties of the police and the rights of the citizens to remind them of the fact that the police are equal before the law.
4. There must be a determined war against capitalism to eradicate corruption that pulled down the police and the entire system of the Criminal Justice System.

REFERENCES

1. Abba, S, Mustapha, S. M, Mohammed, A. A, Saidu, A and Abdullahi, M (2017); An Assessment of the Performance of NPF in Crime Control and Prevention. *Unpublished undergraduates project. University of Maiduguri.*
 2. Ahire, P. T (1991) . Imperial Policing: the emergence and role of the police in colonial Nigeria, 1860-1960 <https://www.semanticscholar.org/paper/Imperial-policing-%3A-the-emergence-and-role-of-the-Ahire/06f175483c492fc5dbba58fcf6e5de46b5b46615>
 3. Ajayi, J.O and Longe, O(2015) Public Perception of the Police and Crime Prevention in Nigeria. British journal education, society and behaviour science 6(2) retrieved from <https://www.sciencedomain.org>
 4. Elemika, E.E.O. (1993) Crime, Law and Social change in Colonialism, state and Policing in Nigeria. *Sprinkerlink, page 187-219.*
 5. Alemika, E (1999) *Police Community Relation in Nigeria: what went wrong? Seminar paper presented on role and function of the police presented in a post, military Era.* Organized by centre for law enforcement education in Nigeria (CLEEM) and the national human rights commission (NHRC) Abuja.
 6. Ayua, I. A (1983) Proceedings of the National Conference on Nigeria since Independence, Zaria, March, 1983. <https://www.degruyter.com › entry › iab19880345 › html>
 7. *Dambazau, A. B. (2007). The Nigerian Police and Crime Prevention Criminology and Criminal Justice. Kaduna Nigerian Defense Academy Pres.*
- [Universal Declaration of Human Rights | 1948 | Britannica](#) [Universal Declaration of Human Rights \(UDHR\)](#), foundational document of international human rights law. [https://www.britannica.com › ... › International Relations Full text of "The Times , 1990, UK, English" - Internet Archive](https://www.britannica.com › ... › International Relations Full text of) [https://archive.org › stream... -1 Nmanul llispai Mutonacfc 1 1245 ill Spore Roundup iJOWodo News 140 M i ... 113 ns 1 32 \(-1 36 11* as FOODS 37 24 77* 149 511 135 U II CI 97 M 145 177](https://archive.org › stream... -1 Nmanul llispai Mutonacfc 1 1245 ill Spore Roundup iJOWodo News 140 M i ... 113 ns 1 32 (-1 36 11* as FOODS 37 24 77* 149 511 135 U II CI 97 M 145 177)
9. ([https://www.ohchr.org/EN/issues26/5/2021United Nations Human Rights of the High Commissioner Regional and sub regional organizations Africa \(A. African Anion \(AU\) African charter on human and people's rights adopted 27 June 1981, entered into force on 21 October 1986 \(Excerpts\).](https://www.ohchr.org/EN/issues26/5/2021United Nations Human Rights of the High Commissioner Regional and sub regional organizations Africa (A. African Anion (AU) African charter on human and people's rights adopted 27 June 1981, entered into force on 21 October 1986 (Excerpts).)
 10. *Yacine Ait Kaci (YAK) (2005) Universal Declaration of Human Rights (UDHR) is published by the United Nations in Arabic, Chinese, English, French, Russian, and Spanish.This illustrated edition of the UDHR was created and designed in a partnership between the artist Yacine Ait Kaci (YAK) creator of Elyx, the United Nations Regional information Centre (UNRIC), and the Office of the United Nations High Commissioner for Human Rights - Regional Office for Europe (OHCHR).*
 11. Karibi-White, A.G. (1977) Whyte, "Judicial Despotism and the Development of the Nigerian Law" in Nigerian Essays in Jurisprudence, *T.O Elias and M.I Jegede M.eds;MIJ Publishers,Lagos 1993*
 12. Karibi-WhyteAG (1993).Judicial Desposition and the Development of the Nigeria Law" in Nigerian Essays in Jurisprudence, *T.O.Elias and M.I.Jegede M.eds;MIJ Publishers,Lagos*
 13. Kolo, B. G. (2000) Public perception of the criminal justice system in Borno state: A case study of Bama Local Government Area. *M.Sc Dissertation University of Maiduguri.*

14. Kolo, B. G. (2002) "Public Perception of the Police as an Element in the Criminal Justice System", *The Nigerian Social Scientist*, Vol. 5, No. 2, pp. 13 – 15.
 15. Maclean, R, March, 2021 Nigeria goes on offensive against youth protesting police brutality, the New York Times.
 16. Neiderhoffer, A. 1967). Behind the shield, *New York Double day*.
 17. dekunle, F. (1978) "The Nigerian Police Force: A Preliminary Assessment of the Functional Performance", *International Journal of Sociology of Law*, No. 7.
 18. Omoleye Benson Oluwakayode* and Eniola Bolanle Oluwakemi (2018) Administration of Justice in Nigeria: Analysing the dominant legal ideology. *JLCR Journal of Law and Conflict Resolution* Article Number: 614930155699ISSN 2006-9804 <http://www.academicjournals.org/>
 19. Owomero, O. O. (1980) Sentencing patterns of Nigerian lower courts. Ahmadu Bello University, Zaria.
 20. Sa'ad, A. M. (1995) "Human Rights, The Police and Criminal Justice Process in Nigeria", *Journal of Social and Management studies*, Vol. 2.
 21. Sa'ad, A. M. (1998) *The Police in Modern Nigeria, 1861 – 1965*. Ibadan: Ibadan University Press.
 22. Tamuno, T. A. (1970) "Mode of Production and Law and Justice in Neo-Colonial State: The Case of Nigeria", *Liwuram Journal of the Humanities*, No. 7.
- Wallerstein, I. (1995). The Modern World-System and Evolution. *Journal of World-Systems Research*, 1(1), .[The Modern World-System and Evolution](https://www.jwsr.pitt.edu/ojs/article/view)<https://www.jwsr.pitt.edu/ojs/article/view>
24. [The Rise and Future Demise of the World Capitalist System](https://www.jstor.org/stable)
<https://www.jstor.org/stable> Wallerstein, I.(1974) *World-Economy in the Sixteenth Century* (New York: Academic Press).

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