



THE INVESTIGATIVE FUNCTIONS OF NIGERIAN LEGISLATURES: THE COMPLICITIES AND COMPROMISES

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Abstract

This paper critically examines the investigative functions of Nigerian legislatures within their constitutional mandate and practical operation. Although Sections 88–89 and 128–129 of the 1999 Constitution (as amended) empower legislatures to conduct inquiries, summon witnesses, and expose corruption, the exercise of these powers has been persistently undermined by political interference, institutional weaknesses, and ethical compromises. Drawing on legal, political, institutional, and philosophical perspectives, the study argues that legislative investigations in Nigeria often function as ritualistic performances rather than substantive accountability mechanisms. Empirically, high-profile probes have revealed patterns of bribery, selective targeting, executive capture, and non-implementation of investigative reports. Philosophically, the paper interrogates the moral contradiction inherent in lawmakers acting as lawbreakers, employing virtue ethics, social contract theory, and African communitarian philosophy to expose the ethical collapse that corrodes democratic legitimacy. The paper concludes that revitalizing legislative investigations requires institutional reforms, professionalization of committees, enforcement of investigative outcomes, ethical reorientation of lawmakers, and sustained civic engagement. Without these measures, legislative oversight will remain compromised, further eroding public trust and democratic governance in Nigeria.

Keywords: Legislature, Corruption, Compromises, Complicity, Investigative functions.

Introduction

The legislature is constitutionally vested with lawmaking, budgetary approval, and oversight functions. These powers were designed to ensure accountability and balance in governance (Constitution of the Federal Republic of Nigeria [CFRN], 1999). The above is in consonance with Aberbach (2002) submission that in constitutional democracies, the legislature serves not merely as a lawmaking body but also as an institutional watchdog charged with preventing abuse of power, ensuring transparency, and holding public officials accountable. The Legislature is equally empowered to summon persons, compel the production of documents, and scrutinize the conduct of government officials (Uzoечи, N/P).

One of the most critical pillars of the Legislative duties is her investigative functions. This is because the legislative investigative powers in the constitutional framework are essential tools for ensuring transparency and prevention of abuse of executive and administrative power. In Nigeria, where governance is most frequently shaped by complicated networks of patronage, systemic corruption, executive dominance, and institutional fragility, the investigative function of the legislature becomes particularly indispensable (Ibrahim 2006; Omotola 2010).



While legislative investigations have occasionally produced landmark revelations in many sectors like the petroleum subsidy probe, pension fraud inquiries, and procurement investigations, these successes are overshadowed by persistent allegations of bribery, political interference, selective probing, internal corruption, and bargaining between legislators and those they are supposed to scrutinize (Ojo 2012; Afolabi and Oyekanmi 2020). Scholars, civil society groups, and the Nigerian public have repeatedly questioned whether the legislature is truly committed to accountability or merely performing rituals of oversight while engaging in transactions that undermine democratic governance (Ojo 2015; Akinsanya 2011).

This paper critically examines the investigative powers of Nigerian legislatures, situating them within the constitutional framework, reviewing their practical applications, and interrogating the systemic and ethical failures that undermine them. Using a blend of legal, political, institutional, and philosophical perspectives, the paper argues that despite its constitutional mandate, the Nigerian legislature's investigative function is consistently weakened by internal contradictions, external pressures, collusive behaviors and pervasive corruptions. It concludes by offering reform recommendations and a philosophical reflection on the ethical responsibilities of lawmakers in a fragile democracy

Conceptual clarifications:

Oversight as a Democratic Imperative

Scholars widely recognize oversight as one of the cornerstone of democratic practice. Legislative investigations present mechanisms through which parliaments monitor bureaucracy, expose inefficiencies, and check executive dominance (Aberbach, 2002). In Nigeria, many scholars argue that external oversight through legislative committees, probes, and public hearings is very pivotal for confronting systemic corruption in the system (Ibrahim, 2006; Omotola, 2010). Their studies showcase how Nigerian institutions suffer from weak enforcement capacity, making the legislature's investigative role even more crucial.

Nigerian Legislative Investigations in Practice

A keen revelation from conducted empirical research shows a troubling pattern of inconsistency and compromised integrity. Scholars like Afolabi & Oyekanmi (2020) document how most legislative investigations result in reports that are never implemented. Akinsanya (2011) equally notes that corruption allegations involving legislators often emerge during high-profile probes, undermining credibility. Ojo (2015) in his provocative work describes legislative oversight in Nigeria as "institutional theatre," a performance intended to create an impression of accountability while political and financial transactions occur behind the scenes.

Even though, a substantial body of work highlights institutional weaknesses, few studies integrate philosophical analysis into the assessment of legislative investigations (Ojo, 2015). Most accounts focus on political and administrative factors but neglect the normative contradictions produced when lawmakers expected to uphold justice become agents of compromise. This paper addresses this gap by combining empirical findings with ethical and philosophical reflection.

Constitutional Foundations of Legislative Investigative Powers

The investigative function of legislatures in Nigeria is derived mainly from Sections 88 and 89 of the 1999 Constitution (as amended). The National Assembly is empowered by these provisions to conduct inquiries, to make laws and expose corruption, inefficiency, or waste in public administration (The Constitution of the Federal Republic of Nigeria 1999, Sections 88–89).



What Section 88 Provides

Section 88(2) states that the National Assembly shall have power to conduct investigations “for the purpose of enabling it to: (a) make laws with respect to any matter within its legislative competence, and (b) expose corruption, inefficiency or waste in the execution or administration of laws” (The Constitution of the Federal Republic of Nigeria 1999, Sections 88–89).

Section 89 and Power under it

Section 89 provides the committees authority to summon persons, require document submission, issue warrants of arrest, and compel attendance. This is one of the strongest investigative mandates among African legislatures (Omotola, 2010).

State Houses of Assembly

The state Assemblies also enjoy similar powers under Sections 128–129, showing that legislative investigations are designed as nationwide accountability mechanisms (The Constitution of the Federal Republic of Nigeria 1999, Sections 128–129).

Constitutional Intent

The Legislative investigations serve as instruments of transparency, deterrence, public participation, and corrective mechanisms for governance failures. This is why framers of the Constitution envisioned the legislature as a counterweight to executive power, particularly given Nigeria’s history of military rule and authoritarian governance (Aondoakaa, 2014).

The Investigative Mechanisms and Processes

Committee System

The oversight function in Nigeria is primarily exercised through parliamentary committees. The committees may interrogate MDAs, request documents, summon witnesses, conduct inspection visits, and also hold public hearings. The reality however is that many committees lack technical staff, reliable data, funding, independence from political leadership, and continuity due to frequent reshuffling (Ojo, 2015).

Oversight Visits and Hearings

The oversight function of legislatures also entails visits, inspect projects, review budget implementation, and examine performance. The legislative public hearings is designed to promote transparency but they are unfortunately are criticized for being pre-scripted, facilitating back-channel negotiations, and allowing manipulation of proceedings (Afolabi & Oyekanmi 2020).

Use of Summons and Subpoenas

Even though the legislatures are empowered to summon individuals and demand records but legislatures rarely enforce consequences for non-compliance. The executives most often ignore summons without repercussions, illustrating weak enforcement capacity (Ibrahim, 2006).



Budget Oversight as Investigation

Budget scrutiny is a key investigative tool, yet budget padding scandals, opaque insertions, and behind-the-scenes negotiations often undermine oversight (Omotola, 2010).

Outcome of Investigations

The investigative outcomes typically include committee reports, sanctions recommendations, directives to MDAs, and proposed legal amendments. However, non-implementation of these outcomes is recurrent, fueling public cynicism (Ojo, 2015; Akinsanya, 2011).

We can safely conclude this section by noting that despite strong constitutional mandates for the legislature and their investigative duties, the practical exercise reveals a complex mix of diligence, improvisation, inconsistency, and dysfunction (Ojo, 2012; Afolabi & Oyekanmi 2020).

Compromises Undermining Legislative Investigations

The legislative powers in Nigeria are designed to ensure integrity, accountability and balance in governance. However, in Nigeria's political experience, the legislature has increasingly attracted scrutiny as a site of pervasive moral failures. These failures range from budget padding scandals, constituency project fraud, and inflated oversight practices, to outright bribery and abuse of investigative powers. This unsettling report drove Demarest (2020) to lament that the legislature is often been portrayed less as a guardian of democratic accountability and more as a participant in rent-seeking practices.

This paradox is at the heart of scholarly debates because the very institution designed to scrutinize and check corruption in other arms of government appears itself to be deeply compromised. Consequently, corruption in the legislature has been a recurrent theme in scholarly writings, media exposés, and public policy critiques. The literature reflects not only legal and political science analyses of institutional weaknesses, but also philosophical critiques of the moral and ethical collapse within Nigeria's democratic structures. Scholars from diverse backgrounds law, philosophy, public administration, political science, and mass communication have contributed to this discourse, underlining its interdisciplinary significance.

In considering the persistent compromises in Nigeria's legislature, it is worth noting and emphasized that while the Constitution grants investigative powers to the Legislatures, however, their exercise is undermined by the very institution meant to uphold them. Thus, investigations into corruption are most often compromised by legislative complicity, reducing oversight to a performance rather than a genuine accountability measure.

This is why Ojo (2015) has consistently point out the burden of unnecessary executive interference in carrying out their investigative functions. He avers that executives often influence committee assignments, investigation scope, and report outcomes. The investigative powers are sometimes compromised for political witch-hunting instead of being use for upholding the law. This influenced Uzoechi (N/P) to observe this misuse of investigative powers when he narrated that the lawmakers most often indulge in selective targeting of individuals, disregard for due process, and corrosive corruption during their investigative duties. The National Assembly, he also argues, has often deployed its investigative machinery not in pursuit of the public good but as a bargaining tool for rent-seeking and prebendal interests (Uzoechi). It then means that when lawmakers transform the legislative chamber into a marketplace for vested interests, the essence of democracy is betrayed,



and the law loses its moral authority. This action compromises the ethical mandate of legislatures and what may be termed *the corruption of legislative purpose* (Uzoечи). It simply demonstrates a condition in which the pursuit of personal gain overshadows the pursuit of the common good. This condition runs contrary to Umaru (2019) observation that the legislature defines the boundaries of governmental power and provides assurance of accountability within the political system.

The investigative committee of the legislature is meant to serve as crucial instruments of representation, oversight, and accountability in Nigerian National assembly. They are also designed to decentralize legislative work and ensure accountability. This is why Agunyai and Ojatorotu (2021) situate that the legislature is the “engine room” of democracy, with committees functioning as miniature parliaments responsible for lawmaking, oversight, and constituency representation. But the regulatory work of the legislature are captured and compromised by economic actors resulting unfortunately, in negotiated or diluted outcomes. This compromise was echoed by Omotola (2010) when she observed that the activities and Interests of Business Elites and Contractors seem to weaken the efforts of the investigative efforts of the legislatures. The committee system is said to be compromised by corruption in constituency projects where the lawmakers allegedly collude with contractors to inflate or abandon constituency projects, leading to massive wastage of public funds (Agunyai & Ojatorotu, 2021). They also submit that reports from the Independent Corrupt Practices and Other Related Offences Commission (ICPC) reveal that trillions of naira earmarked for constituency projects since 2000 have produced little tangible development (2021). These committees have also been compromised by the struggle for “Juicy Committees” The appointments into these committees are often determined by lobbying, political patronage, and corruption rather than being guided by merit or expertise. Legislators prefer committees with lucrative oversight functions, particularly those tied to revenue-generating ministries and agencies. This action is however said to be reinforced by Nigeria’s political culture, where party loyalty, ethnic considerations, and the need to recover campaign investments often took precedence over the public interest. This scenario undermines the legislature’s anti-corruption capacity; reducing its oversight role to mere bargaining with the executive branch (Umaru, 2017).

This palpable compromise was concurred by Bakare and Bello (2020) when they argued that concur that the National Assembly, as the apex legislative body in Nigeria is central to the proper functioning of democracy but has become undermined by pervasive corruption, weak institutional frameworks, and the politicization of its processes. They however note that the investigative functions of the legislatures have been consistently compromised by unethical practices and corrupt tendencies that reduce the Assembly’s credibility. They hit the nail by the head by submitting that members of the National Assembly often engage in rent-seeking activities, including budget padding, diversion of constituency funds, and undue interference in executive contracts. Still harping on the investigative responsibilities, they aver that this function which is intended to check executive excesses, are frequently turned into avenues for bribery and extortion (2020). This reflects a clear departure from Aristotle’s conception of the legislator as a moral agent tasked with promoting the common good and upholding justice. (Aristotle, 1885/1998, pp. 128–130)

The Complicities Undermining Legislative Investigations

Despite constitutional mandates and occasional success, legislative investigations in Nigeria are consistently weakened by entrenched complicities. These complicities operate both structurally and morally, creating an environment where oversight is easily compromised. The most significant complicity is political interference. The executive, often acting through ministers, governors, or party leadership, influences the direction, scope, and outcomes of investigations.

The Nigerian legislature strives against excessive partisanship which off course hampers legislative productivity. The Intra-Legislative Politics and Partisan Loyalties often shape investigative



outcomes. This is because the principal officers of the ruling party most often block investigations that threaten political relationships. They equally utilize their positions to influence committee assignments for strategic reasons. These party influencers use appointments into strategic investigation committees to reward loyalists and punish dissenters. Most times, investigative committees are pressured to drop certain inquiries if certain high ranking executives or party members are involved. Also some reports may be edited to protect political allies while some investigations may be restricted to politically expedient targets. These interference erodes legislative independence.

These influences weaken legislative consciousness and automatically make investigative functions complicit. This is why Akinade Qudus avers that the influence of the ruling party, particularly the All Progressives Congress (APC), has contributed to legislative constraints and weakened parliamentary assertiveness (N/d). At the end of the day, it is the party loyalty that regularly supersedes legislative constitutional duty in Nigeria.

As a central institution in Nigeria's anti-corruption architecture, this ugly development should not arise at all because the constitutional duty of legislatures are to oversee the executive, scrutinize public spending, and ensure accountability (Ijewereme, 2015) But instead of fulfilling this constitutional watchdog role, legislators themselves became complicit in corruption. He recalls that rather than curbing abuses, the legislatures have been instrumentalized for personal enrichment. He emphasized that they frequently exploit oversight functions to extract bribes from ministries, departments, and agencies (MDAs), undermining the very accountability mechanisms designed to protect public resources. He was emphatic that the critical area where the legislature is implicated is mainly on budgetary corruption. This is because lawmakers inflate project costs and insert fictitious projects into the national budget, making the whole exercise embarrassing and endemic (2015, 16).

Ijewereme (2015) also reveals how legislators often collude with contractors or executive officials to siphon funds through inflated allocations. In reality, some investigations reveal not an adversarial relationship between legislators and MDAs but a collaborative one oriented towards mutual gain. These collaboration comes through: negotiated settlements, cover-ups of financial irregularities, and legislative protection of agencies in exchange for kickbacks.

Some real-world scandals involving prominent legislators such as Herman Hembe (Capital Market Committee), Ndudi Elumelu (Power Committee), and Farouk Lawan (subsidy regime probe), who were implicated in bribery or fraud during oversight investigations are still a point of reference (2015). Such high-profile scandals reveal not only individual lapses but systemic rot, showing how committee assignments which is meant to be functional are instead pursued as lucrative avenues for personal enrichment. It is this kind of high profile scandal that informed Ojo (2012) to conclude that negotiated settlements and cover-ups reveal collusion rather than adversarial accountability. This collusion is one of the most corrosive aspects of oversight in Nigeria because the constituency projects which are meant to deliver grassroots development, are highlighted as a fertile ground for abuse, with legislators awarding contracts to cronies, pocketing kickbacks, or abandoning projects altogether. Many investigations involve powerful economic actors like oil marketers, contractors, importers, multinational firms who possess the financial capacity to influence committee decisions. This contributes to regulatory capture, compromised hearings, and negotiated outcomes that prioritize private interest over public accountability.

Legislators often owe their political careers to godfathers or networks of financiers who expect protection. When investigations implicate these actors, committees may deliberately underplay findings or sabotage the process. This has led to a situation where billions of naira budgeted for constituency development produced negligible results, leaving communities without basic infrastructure or services. This prebendal culture within the legislature has led to the popular



labeling of Nigerian lawmakers as “legisloters” or “representa-thieves,” reflecting deep public cynicism about their role (Ademola, 2014). Rather than embodying democratic representation, legislators are perceived as rent-seekers who exploit their positions for financial gain.

Lawbreakers in Practice: The Moral Contradictions of Corruption

The transformation of lawmakers into lawbreakers represents one of the most profound moral contradictions in political life. This contradiction is especially acute in Nigeria, where legislators often wield their mandate not as an instrument of justice but as a means of personal aggrandizement. Such practices expose a deep ethical incoherence within the legislative system: those charged with upholding the law routinely undermines it for private benefit. This paradox constitutes what Habermas might term a “performative contradiction” which translates to a situation in which one’s role and one’s actions negate each other (Habermas, 1984).

From a virtue-ethical perspective, this moral inversion signifies the collapse of practical wisdom (*phronesis*). Aristotle identifies *phronesis* as the virtue that enables individuals to deliberate rightly about what is good and expedient for the community (Aristotle, *Nicomachean Ethics*, 1140a).

The Nigerian legislature, when viewed through this lens, becomes a site of moral disorientation and an institution that legislates without moral vision. Corrupt legislators lack this virtue, for their deliberations are guided by expediency rather than the good.

The contradiction becomes clearer when examined through the lens of social contract theory. In the Hobbesian and Lockean traditions, the legitimacy of government rests on the consent of the governed, who surrender certain freedoms in exchange for protection and order (Hobbes, 1996; Locke, 1988). Legislators, as representatives of the people, are the mediators of this contract. Yet when they exploit the law for private gain, they nullify the contract itself, returning society to a state of injustice and mistrust. In Nigeria, recurrent scandals involving budget embezzlement, extortion of ministries, and fraudulent allowances reveal that lawmakers often act as predators rather than protectors of the common good (Kari, 2019).

Jean-Jacques Rousseau warned that “as soon as public service ceases to be the chief business of the citizens, and they prefer to serve with their purses rather than with their persons, the state is already near ruin” (Rousseau, 1968). This warning resonates powerfully in the Nigerian context, where legislators frequently treat public office as a lucrative investment rather than a moral duty. Their allegiance is not to justice or to the citizenry, but to the maintenance of privilege and access to state resources. Such moral decay reflects what Alasdair MacIntyre calls the “loss of virtue” in modern institutions, where practices that once embodied internal goods (justice, honesty, public trust) are corrupted by external goods (money, status, power) (MacIntyre, 1981).

From an African communitarian standpoint, this contradiction is particularly egregious. If, as Ifeanyi Menkiti argues, moral personhood in African philosophy is achieved through one’s contributions to communal wellbeing, then corrupt legislators are ontologically deficient because they fail to realize their personhood (Menkiti, 1984). Their conduct contradicts the normative expectations of leadership grounded in Ubuntu ethics, where leaders are expected to embody *botho* (humanness) and moral transparency (Ramosé, 1999)

The moral contradiction of corruption thus lies not only in the violation of law but in the desecration of ethical trust. Legislators who manipulate laws for personal benefit act as *lawbreakers in robes of legality* because they exploit procedural legitimacy to perpetuate substantive injustice. This phenomenon recalls Augustine’s famous remark that “without justice, what are kingdoms but great



robberies?” (Augustine, (1984). The Nigerian legislature, in this sense, risks degenerating into what Augustine would call a “band of robbers with a charter.”

Furthermore, the legislative corruption in Nigeria is sustained by a culture of impunity and collective complicity. The failure of oversight institutions such as the Code of Conduct Bureau and the Economic and Financial Crimes Commission (EFCC) to prosecute corrupt legislators effectively contributes to a systemic normalization of vice (Ibeanu, 2016). This normalization erodes the moral sensibility of the populace, producing what Frantz Fanon described as the “pitfalls of national consciousness,” where the postcolonial elite replicate the exploitative patterns of colonial domination (Fanon, F., (1963).

Conclusion

The investigative function of Nigerian legislatures is essential for accountability and democratic governance. Yet structural weaknesses, political interference, personal corruption, and ethical compromises undermine effectiveness. These compromises and complicities of Legislatures in their investigative duties should not be understood merely as a legal offence but as an existential failure and a collapse of the moral order that sustains communal life. In the Nigerian legislature, this failure is magnified by the contradiction between the oath of office (which invokes justice and service) and the actual conduct of lawmakers (which reflects greed and self-interest). The lawmaker becomes a *performative hypocrite*, embodying a profound ethical paradox that undermines both the rule of law and the moral foundation of democracy. Strengthening legislative investigations requires reforms, professionalization, ethical reorientation, and active public participation to transform oversight from ritualistic to substantive practice (Ojo 2015; Afolabi and Oyekanmi 2020; Omotola 2010).

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