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### MIRANDA RIGHTS AND ITS PUBLIC POLICY IMPLICATIONS FOR NIGERIA

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#### Abstract

This paper examines the legal safeguards provided by law enforcement officials prior to the interrogation of suspects. Specifically, it addresses the warning given to individuals about their right to remain silent and to have legal representation - measures intended to prevent self-incrimination. These cautions, commonly known as Miranda rights, originated in the United States and reflect the country's broader interpretation of the rights of those accused of crimes. The origin of this doctrine traces back to the landmark of U.S. Supreme Court case *Miranda v. Arizona* (1966), where it was ruled that Ernesto Miranda's Fifth and Sixth Amendment rights were breached during his arrest and trial for serious crime charges. The standard Miranda warning informs suspects as follows: "You have the right to remain silent. Anything you say can be used against you in court. You have the right to an attorney. If you cannot afford one, one will be appointed for you. Do you understand these rights? With these rights in mind, do you wish to speak with me?" This study evaluates relevant Nigerian laws, judicial decisions, public policies, and statutory provisions that guide suspect interrogation and the protection of constitutional rights in the criminal proceedings. The objective is to protect rights, ensure due process and hold law enforcement accountable. Law enforcement agencies in Nigeria are doing their best in incorporating such protocols through continuous training and oversight mechanisms.

**Keywords:** Confessions, Innocence, Interrogation, Miranda, Waiver.

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## **Introduction**

The concept of “Miranda rights” emerged in the United States following the 1966 *Miranda V. Arizona* 1 Supreme court ruling. The Court determined that Ernesto Arturo Miranda’s constitutional rights under the Fifth and Sixth Amendments had been infringed during the police interrogation for crimes including armed robbery, abduction, and rape. On June 13, 1966, the Supreme Court delivered a historic judgment mandating that individuals in custody must be informed of their rights prior to any questioning. These rights include remaining silent and having access to legal counsel. This case began on March 2, 1963, when a young woman in Phoenix reported being abducted and assaulted. Although a lie detector test yielded inconclusive results, law enforcement traced a suspicious vehicle to Ernesto Miranda. Despite not being positively identified by the victim in the lineup, Miranda was detained and questioned. He eventually signed a confession, which he later contested, unaware of his right to remain silent. Miranda’s defense counsel presented no evidence during the trial, leading to his conviction. However, while serving his sentence, the American Civil Liberties Union appealed to the decision, arguing that the confession was obtained improperly. The Supreme Court reversed the conviction, though Miranda was later retried and convicted again in October 1966. The result of this case was the institution of mandatory advisement of rights before interrogating suspects—a practice now embedded in American law enforcement protocols. Most Americans today recognize the Miranda warning from TV: “You have the right to remain silent...”<sup>2</sup> These guidelines are not just for dramatic effect; they form a fundamental part of the U.S criminal justice system, ensuring fairness during custodial questioning. Chief Justice Earl Warren emphasized that suspects must be clearly advised of their rights, including the right to silence and legal counsel, especially if they cannot afford one. He also noted that in-custody interrogations had historically occurred without oversight, often isolating the suspect. The ruling marked a shift from earlier standards, where voluntariness was the main consideration in determining the admissibility of confessions.

The Miranda decision consolidated four cases involving coerced admissions, three of which involved signed confessions. Ernesto Miranda’s case became the hallmark of this transformation. Although the system has evolved, the principle remains that any confession must be given freely and knowingly, not under pressure or deception. Some scholars argue that Miranda operates more like a protective legal safeguard rather than a rigid constitutional doctrine. Overtime, courts have introduced exceptions to these warnings, reflecting society’s changing needs. Nevertheless, Miranda endures as a key component of the American legal process, balancing individual rights with law enforcement interests. In the U.K, similar protections exist. British police are legally obligated to caution suspects before questioning, per guidelines set by the Home Secretary. The required caution informs the suspect of their right to silence, while also warning that failure to disclose relevant facts might harm their defense. The English version of this caution includes; “You do not have to say anything. But it may harm your defense if you do not mention when questioned, something which you later rely on in court. Anything you do say may be given in evidence.”<sup>3</sup> This not only grants the right to silence but also outlines the possible consequences of remaining silent. Case law in England has reinforced this position. In *R v Leckey*,<sup>4</sup> the suspect declined to speak until consulting a solicitor. The judge’s adverse comments on the suspect’s silence led to an appeal, and the conviction was overturned to judicial misdirection. While both the U.S and the U.K uphold the right to silence, their approaches differ. The U.S prevents negative inferences from silence following a Miranda warning. The U.K., however,

permits such inferences if suspects are warned accordingly. The U.S stance is rooted in fairness --once silence is offered as a right, it cannot be used against the accused. England modifies this by informing the suspect that silence, might in fact be damaging.

### **Miranda Rules and Practice in Nigeria**

In the Nigerian legal system, what is commonly referred to as the “Miranda” caution involves law enforcement officers advising individuals in custody of their entitlement to remain silent and to seek legal representation. Before the institutionalization of this right, many suspects were often pressured or intimidated into giving statements against their will.

- a. Remain silent or avoid answering any question until after consultation with a legal practitioner or any other person of his own choice.
- b. Consult a legal practitioner of his own choice before, making or writing any statement: or answering any question put to him after arrest.

Section 35(2) of the 1999 Constitution of the Federal Republic of Nigeria 5 plays a crucial role in guiding law enforcement on how to manage the rights of individuals in custody. It provides that any individual who is arrested or detained is entitled to decline answering questions or making any statements until they have consulted with a legal practitioner of their choice. This constitutional safeguard reinforces the protection against self-incrimination and ensures due legal process. Law enforcement officers in Nigeria are expected to notify suspects of their entitlement to remain silent and to consult legal representation before questioning. Although, this mirrors the U.S “Miranda” principle, Nigerian courts have taken a different stance on its applicability.

In the case of *Akinmoju v. State*,<sup>6</sup> the Supreme Court upheld the position that a confession remains admissible even in the absence of a Miranda- style warning, despite the provisions of Section 32(2) of the 1999 Constitution. Similarly, in *Fatai Olayinka v. State*,<sup>7</sup> the appellant’s legal team urged Nigerian Under Nigerian law, the Evidence Act (2011) does not mandate that such caution be given before obtaining a confession, However, Section 14 of the Act permits a court to exclude evidence if its method of procurement undermines fairness, even if lawfully obtained. Despite being inspired by the UK’s Police and Criminal Evidence Act; the Nigerian Evidence Act does not codify Miranda-style warnings. Although Nigeria lacks a formal “Miranda Rights” statute, constitutional guarantees such as protection against self-incrimination are enshrined in Section 35. Other legal safeguards appear in the Criminal Procedure Act and international treaties ratified by Nigeria, like the African Charter on Human and People’s Rights,<sup>8</sup> which uphold fair treatment and human dignity during criminal proceedings. While Nigerian police are expected to caution suspects and inform them of their rights, the actual enforcement often falls short. This disparity between legal obligation and practical implementation has led to debates in the courtroom.

In *State v. Edekere*<sup>9</sup>, the defendant challenged the admissibility of his confession on the grounds that no caution was issued. Justice Ekanem of the Court of Appeal ruled that although it is standard practice to confirm a confession made to a junior officer before a senior officer, a failure to do so does not automatically invalidate the statement or cast doubt on its credibility. In Contrast, Section 9 (3) of the administration of Criminal Justice law of Lagos state<sup>10</sup> provides as follow:

... where any person who is arrested with or without a warrant volunteers to make a confessional statement, the Police officer shall ensure that the making and taking of such statement is recorded on video and the said recording and copies thereof may be produced at the trial...

In the case of *Joseph Zhiya v. Lagos State*,<sup>11</sup> the Court of Appeal held that non-compliance with the provisions of the Administration of Criminal Justice Act (ACJA) renders a suspect's confession inadmissible in court. Similarly, in *Edewor v. Uwegba*,<sup>12</sup> the Supreme Court of Nigeria, recognized that the term "may" in a legal context can take a mandatory interpretation, depending on how it is used. Justice Oputa (JSC, as he then was) once made a compelling observation, stating that while criminal investigations are crucial for public safety, the interests of justice require that procedural safeguards benefitting the accused must be strictly upheld to ensure a fair trial.

In *Nnajofor v. Federal Republic of Nigeria*<sup>13</sup>, the Court of Appeal ruled that the Economic and Financial Crimes Commission (EFCC) should have advised the defendant of his right to remain silent and seek legal counsel under Section 17(2)<sup>14</sup> of the ACJA before initiating any interrogation. In *George V. State*,<sup>15</sup> the defendant signed a confession following a violent incident where other suspects were shot. He was convicted at trial, but the appellate court overturned the conviction due to concerns over the voluntariness of the confession. Likewise, in *Ahamba v. State*,<sup>16</sup> the suspect was shot in the head during police questioning. While recovering in the hospital, he signed a confession. Although he was convicted in the lower court, the appellate court reversed the judgment, citing the suspect's compromised condition at the time of the confession.

### **Legal Basis and Foundation of Miranda**

The foundation of Miranda-type protections in Nigeria lies in Sections 33,34,35, and 36 of the 1999 constitution (as amended)<sup>17</sup>, alongside provisions of the Evidence Act 2011 and Nigeria's commitments under the African Charter on Human and People's Rights<sup>18</sup>. The main objective of this framework is to ensure suspects are aware of their legal rights prior to interrogation, promoting voluntary statements and guarding against unlawful detention or forced confessions. It presupposes that during Police detention or before interrogation, officers must inform of:

- i. Right to Silence- "You have the right to remain silent. Anything you say may be used as evidence against you in court".
- ii. Right to Legal Representation: "You have the right to consult a lawyer of your choice. If you cannot afford one, a lawyer will be appointed for you".
- iii. Right to be Informed of Charges: "You have the right to be informed of Charges against you".
- iv. Right to Fair Treatment: "You should be treated with dignity and respect".

### **Procedure for Informing Suspects**

- i. Step 1: Upon arrest or detention, the Police officer must immediately inform the suspect of their rights in clear languages.
- ii. Step 2: The rights should be verbally communicated and documented.
- iii. Step 3: The suspect should be given sufficient time to understand the rights.
- iv. Step 4: The suspect should demonstrate understanding by signing a Rights Acknowledgement.

### **Public Policy Implications**

The idea of "Miranda Rights" became a recognized principle in U.S legal practice following the 1966 Supreme Court ruling in *Miranda v. Arizona*<sup>19</sup>, where it was determined that Ernesto Arturo Miranda's Fifth and Sixth Amendment protections were violated during his detention and trial for offenses including armed robbery, abduction, and sexual assault. Today, it is commonplace in the United States to see law enforcement personnel informing

individuals of these rights ...whether through live police interactions or popular media depictions. The statement, “You have the right to remain silent... Has become deeply embedded in public consciousness. Miranda and the subsequent rulings form a crucial foundation of American law enforcement procedures, especially concerning interrogations in custody. These warnings are not mere television dramatizations but reflect legal safeguards designed to ensure balance between state power and individual rights. The evolving case law continues to show that Miranda represents an enduring element of U.S criminal justice philosophy. In Nigeria, legal scholars and various court cases have highlighted the importance of legal representation during police questioning, advocating that it enhances procedural fairness. In *Owhoruke v commissioner of Police*<sup>20</sup>, Justice Rhodes-Vivour observed that a fair trial assumes that the investigation phase was conducted transparently. He emphasized the need for formal mechanisms to guarantee openness during such inquiries. Furthermore, Nigeria’s 1999 Constitution recognizes similar protections, offering a framework that aligns with Miranda-type safeguards. It aims to cure the mischief of self-incrimination in favor of the innocent suspect.

Miranda ensures speedy trial and eliminate the need for a trial within trial. ACJA 2015 captures it succinctly in section (1) “the purpose of this Act is to ensure that the system of administration of Criminal Justice in Nigeria promotes efficient management of criminal justice....” Professor Paul Cassell of the University of Utah School of Law once stated that although the Miranda ruling may seem to limit police powers, it ultimately promotes accountability a responsible law enforcement practices. In Nigeria, the enactment of the Administration of Criminal Justice Act (ACJA)<sup>21</sup> has significantly transformed the country’s criminal justice landscape. The Act mandates that law enforcement officers inform individuals in custody of their right to remain silent and to have legal representation during questioning. Despite this legal requirement, there are continued instances where these fundamental rights are withheld or not communicated properly to the public. The Miranda doctrine remains a key and widely recognized part of the justice systems in both the United States and Nigeria. Decades after its introduction, its relevance endures, and it is likely to maintain a cornerstone of criminal procedure for the foreseeable future. To guarantee due process and promote ethical interrogation procedures, Nigerian Law Enforcement should implement uniform policies that reflect the spirit of the Miranda safeguards. Doing so would reinforce re-inforce human rights protections, enhance the credibility of the legal system, and help prevent instances of abuse or coerced confessions.

### **Recommendations**

There should be continuous capacity-building initiatives for police personnel, focusing on policing that respects human rights. Awareness campaigns on global human rights principles and internationally accepted practices should be promoted. Training curricula should include components addressing legal responsibilities and ethical conducts. Additionally, it is essential to set up autonomous monitoring agencies to oversee adherence to these standards. Routine evaluations of custody questioning practices should be carried out, alongside the introduction of confidential reporting systems to expose misconduct. It is suggested that there should be sanctions for non-compliance including;

- i. Disciplinary actions for officers who violate rights.
- ii. Courts should exclude evidence obtained unlawfully
- iii. There should be legal consequences for violations, including potential criminal liability.

It is recommended that clear Standard Operating Procedures (SOPs) be developed and implemented in all police stations, specifically addressing the obligation to inform individuals of their rights. Additionally, incorporating audio and video recordings of interrogations can enhance transparency and build public trust. Public awareness campaigns are also vital to ensure that individuals understand their rights during interactions with law enforcement. Legal aid services should be made readily available, especially for marginalized populations. Aligning law enforcement practices with global human rights benchmarks is essential to ensure accountability and protect civil liberties.

### **Conclusion**

Introducing safeguards similar to Miranda rights in Nigeria is essential to protect individual liberties, ensure due process, and hold law enforcement accountable. Achieving this goal demands active collaboration among lawmakers, security agencies, the judiciary, and civil society to uphold these protections in practice. Although Nigeria's legal framework includes provisions that resemble the Miranda principles, various systemic issues hinder their full enforcement. Incorporating such rights into policing protocols, supported by continuous officer training, oversight mechanisms, and public education, would significantly improve fairness, safeguard human rights and strengthen trust in the criminal justice system.

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