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Offence Against Public Morals in Nigeria: A Theoretical, Legal, and Comparative Analysis

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ABSTRACT

This study evaluates the theoretical foundations, statutory enactments, and enforcement mechanisms governing offences against public morals under the Nigerian criminal justice system, alongside a comparative legal analysis of doctrines in England and Wales, the United States, Canada, India, and France. The research investigates the persistent legal friction between state enforcement of moral norms and the protection of constitutionally guaranteed fundamental human rights. Using a doctrinal and comparative legal research methodology, the paper examines primary statutory provisions under the Criminal Code Act, Penal Code Act, Cybercrimes (Prohibition, Prevention, etc) Act 2015, Same Sex Marriage (Prohibition) Act 2014, and the Constitution of the Federal Republic of Nigeria 1999 (as amended).[1] *The investigation reveals that Nigerian criminal law remains heavily reliant on Victorian-era public morality standards, specifically the antiquated Hicklin test of obscenity, which creates significant vagueness, selective prosecution by law enforcement agencies, and severe tensions with fundamental rights to privacy, expression, and personal liberty. Comparatively, legal developments in Canada, India, and France demonstrate a progressive shift from subjective moral outrage toward objective harm testing and constitutional morality. The study recommends comprehensive legislative amendments to replace the Hicklin test with an objective harm framework, the decriminalization of status-based vagrancy and moral offences, and the establishment of clear judicial guidelines to balance public decency against constitutional rights.*

Keywords: *Public Morals; Criminal Code Act; Hicklin Test; Legal Moralism; Fundamental Rights; Comparative Criminal Law..*

1.0 INTRODUCTION

1.1 Background of the Study

The criminal law of every sovereign state serves as the ultimate instrument for maintaining social order, preserving public peace, and protecting fundamental societal values.[2] Within the structure of criminal jurisprudence, offences against public morals occupy a uniquely controversial domain.[3] Unlike core violent crimes such as homicide, assault, or robbery, where an identifiable victim suffers direct physical or economic harm, moral offences frequently involve consensual conduct that violates established social conventions, religious doctrines, or traditional ethical codes.[4] The legal regulation of moral conduct thus raises fundamental jurisprudential questions regarding the

1 Constitution of the Federal Republic of Nigeria 1999, s 36(5); TA Aguda, *The Criminal Law of Nigeria* (Spectrum Books 1990) 45.
2 HLA Hart, *Law, Liberty and Morality* (Stanford University Press 1963) 12.
3 CO Okonkwo, *Okonkwo and Naish on Criminal Law in Nigeria* (2nd edn, Spectrum Books 2005) 88.
4 P Devlin, *The Enforcement of Morals* (Oxford University Press 1965) 15; J Feinberg, *The Moral Limits of the Criminal Law: Offense to Others* (Oxford University Press 1985) 28.

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legitimate boundary of state penal authority and the extent to which private morality may be enforced through criminal sanctions.[5]

In Nigeria, the legal framework governing offences against public morals reflects a complex synthesis of English common law transplants, Islamic penal principles in the northern states, customary traditions, and post-colonial statutory enactments.[6] The historical origin of Nigerian criminal law traces directly to British colonial administration, which introduced the Criminal Code Ordinance of 1916 for the southern provinces (modeled on the Queensland Criminal Code of 1899) and later implemented the Penal Code Law of 1959 for the northern region (modeled on the Indian Penal Code of 1860 and Sudanese Code).[7] Consequently, contemporary statutory provisions prohibiting obscenity, indecent publications, prostitution, gaming, sodomy, and outraging public decency remain heavily imbued with 19th-century Victorian moral conception.[8]

The constitutional consolidation of fundamental rights under Chapter IV of the Constitution of the Federal Republic of Nigeria 1999 (as amended) introduced a profound structural tension into the administration of criminal justice.[9] While Section 45(1) of the Constitution permits legislative restrictions on fundamental rights in the interest of defense, public safety, public order, public morality, or public health, the application of penal sanctions to moral conduct frequently infringes upon individual autonomy, freedom of expression, and the right to private life.[10] Examining how Nigerian courts navigate these statutory boundaries alongside comparative models in England and

5 Criminal Code Act, Cap C38 LFN 2004, ss 214-233; Penal Code (Northern States) Federal Provisions Act 1960, ss 200-210.
6 Aguda (n 2) 48; Okonkwo (n 3) 92.
7 Criminal Code Act, ss 231, 232, 233.
8 Constitution of the Federal Republic of Nigeria 1999, ss 34, 35, 37, 38, 39.
9 *Ibid.* s 45(1); PA Aidonojie, "Legal Perspectives on Offences Against Public Morals in Nigeria" (2022) 10(1) *Nigerian Journal of Public Law* 45, 52.
10 C Ezeh and C Amasiatu, "A Critical Evaluation of Human Rights Norms in Nigeria's Criminal Justice System and the Path to Reform: Bridging the Gulf" (2026) 11 *African Journal of Criminal Law and Jurisprudence* 23, 30.

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Wales, the United States, Canada, India, and France provides essential insights into procedural fairness, judicial interpretation, and legislative reform.[11]

In recent years, rapid technological advancements, global digital communications, and evolving international human rights jurisprudence have further exposed the operational deficiencies of Nigeria public morality laws.[12] Enactments such as the Cybercrimes (Prohibition, Prevention, etc) Act 2015 and the Same Sex Marriage (Prohibition) Act 2014 have expanded state surveillance and criminal liability over digital expression and personal associations, raising urgent questions regarding proportionality, statutory vagueness, and the rule of law.[13]

1.2 Statement of the Problem

Despite explicit statutory provisions regulating moral conduct across federal and state enactments, the prosecution of offences against public morals in Nigeria suffers from acute conceptual, statutory, and enforcement challenges.[14] First, Nigerian criminal legislation relies on vague, subjective, and archaic terminology to define moral criminality.[15] Provisions prohibiting "indecent acts", "corrupting public morals", and "obscene publications" fail to provide clear statutory definitions, leaving the determination of criminality to the subjective moral sensitivities of individual police officers and judicial officers.[16] NMLR 1; Aidonojie (n 7) 55.]

11 Cybercrimes (Prohibition, Prevention, etc) Act 2015, s 24; RO Adewale, "An Overview of the Cultural Problems within the Criminal Justice System in Nigeria" (2026) 2(1) *Anaocha Bar Journal* 68, 74.
12 Same Sex Marriage (Prohibition) Act 2014, ss 4, 5; CO Njoku, O Elom-Obed and C Okorie, "A Critical Evaluation of Criminal Responsibility for Strict Liability Offences in Nigeria" (2024) 5(1) *LASU Journal of Public Law* 14, 20.
13 Nwadialo, *Modern Nigerian Law of Evidence* (2nd edn, University of Lagos Press 1999) 184.
14 Criminal Code Act, ss 231, 233.
15 Popoola v Commissioner of Police [1964
16 *R v Hicklin* (1868) LR 3 QB 360.

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Second, Nigerian courts continue to apply the Victorian-era Hicklin test of obscenity, formulated in the 1868 English decision of R v Hicklin.[17] Under the Hicklin standard, material is deemed obscene if it possesses a tendency to deprave and corrupt those whose minds are open to such immoral influences and into whose hands a publication of this sort may fall.[18] This rule judges obscenity by its potential impact on the most vulnerable or susceptible reader, creating an overbroad standard that suppresses artistic expression, scientific literature, and legitimate public discourse.[19] While comparative jurisdictions such as Canada and India have explicitly discarded Hicklin in favor of objective harm tests and constitutional morality standards, Nigeria has failed to modernize its judicial framework.[20] 3 SCR 728; *Aveek Sarkar v State of West Bengal* (2014) 4 SCC 257.]

Third, the enforcement of public morality laws in Nigeria exhibits severe institutional arbitrariness and selective prosecution.[21] Law enforcement agencies frequently utilize vagrancy provisions, public nuisance statutes, and moral offence laws to target vulnerable social groups, indigent citizens, commercial sex workers, and sexual minorities, while ignoring identical conduct in private or elite circles.[22] This selective enforcement violates the fundamental constitutional principle of equality before the law guaranteed under Section 42 of the Constitution of the Federal Republic of Nigeria 1999.[23]

Fourth, the expansion of moral offence legislation into digital space through Section 24 of the Cybercrimes Act 2015 has created a chill on freedom of online expression.[24] Vague prohibitions

17 *Ibid.* 371.
18 Ezeh and Amasiatu (n 8) 35.
19 *R v Labaye* [2005
20 Adewale (n 9) 78.
21 Police Act 2020, s 4; Njoku, Elom-Obed and Okorie (n 10) 22.
22 Constitution of the Federal Republic of Nigeria 1999, s 42.
23 Cybercrimes (Prohibition, Prevention, etc) Act 2015, s 24.
24 Constitution of the Federal Republic of Nigeria 1999, s 39; Aidonojie (n 7) 60.

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against sending messages that are grossly offensive or of an indecent, obscene, or menacing character are routinely weaponized by state actors to suppress political dissent and journalistic inquiry, directly conflicting with constitutional guarantees under Section 39.[25]

1.3 Research Questions and Objectives

To address these statutory and institutional defects, this study investigates the following primary research questions:

- 1. What is the statutory and jurisprudential framework governing offences against public morals under Nigerian criminal law?
- 2. How do theoretical models of legal moralism, legal liberalism, and the offense principle explain the boundary between law and morality in Nigeria?
- 3. What operational difficulties arise in Nigerian courts regarding the application of the Hicklin test, statutory vagueness, and selective law enforcement?
- 4. How do comparative legal frameworks in England and Wales, the United States, Canada, India, and France regulate public morality and resolve constitutional rights tensions?
- 5. What legislative amendments, judicial guidelines, and policy reforms are necessary to modernize Nigerian public morality law?

Accordingly, the specific research objectives of this paper are:

- a. To critically examine the constitutional, statutory, and judicial doctrines regulating moral conduct in Nigeria.
- b. To evaluate the theoretical arguments surrounding legal moralism, the harm principle, and constitutional rights guarantees.

25 Aguda (n 2) 52.

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- c. To assess the practical challenges posed by archaic obscenity tests, digital surveillance, and selective policing.
- d. To conduct a comparative legal analysis with selected international jurisdictions to identify best statutory practices.
- e. To formulate actionable legislative and institutional reform proposals for the Nigerian criminal justice system.

1.4 Conceptual Scope and Legal Context

This study focuses on offences against public morals within the Nigerian criminal justice system, encompassing federal and state enactments including:

1. The Constitution of the Federal Republic of Nigeria 1999 (as amended), specifically fundamental rights under Chapter IV.
2. The Criminal Code Act (Cap C38 LFN 2004) applicable in southern states and the Penal Code Act (Cap P3 LFN 2004) applicable in northern states.
3. Specialized Moral Enactments, including the Cybercrimes (Prohibition, Prevention, etc) Act 2015, the Same Sex Marriage (Prohibition) Act 2014, and the Police Act 2020.
4. Comparative Jurisdictions: England and Wales (Obscene Publications Act 1959, Criminal Justice Act 2003); United States (First Amendment jurisprudence, Miller test); Canada (Criminal Code, R v Butler, R v Labaye); India (Bharatiya Nyaya Sanhita 2023, Aveek Sarkar v State of West Bengal); and France (Code Pénal 1994).

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1.5 Research Methodology

This study adopts a doctrinal and comparative legal research methodology.[26] Primary sources of data comprise statutory enactments, constitutional instruments, international human rights treaties, and judicial precedents from the Supreme Court of Nigeria, Court of Appeal, English courts, United States Supreme Court, Supreme Court of Canada, and Supreme Court of India.[27] Secondary sources consist of peer-reviewed law journal articles, academic treatises, legal philosophy texts, and official law reform reports.[28] Qualitative content analysis and comparative synthesis are utilized to analyze statutory structures, expose constitutional vulnerabilities, and propose systematic law reforms.

2.0 THEORETICAL AND CONCEPTUAL FOUNDATIONS OF OFFENCES AGAINST PUBLIC MORALS

2.1 Meaning, Nature and Scope of Moral Offences

Understanding the legal regulation of moral conduct requires an examination of the conceptual relationship between law and morality.[29] Morality, in its sociological sense, represents the shared system of rules, values, customs, and ethical judgments that govern social behavior within a specific community.[30] In legal jurisprudence, offences against public morals constitute statutory prohibitions designed to penalize conduct that violates these shared community standards, even where the conduct does not cause direct physical harm to specific individuals.[31]

26 Nwadialo (n 11) 25.
27 Aidonojie (n 7) 62.
28 HLA Hart, *Law, Liberty and Morality* (Stanford University Press 1963) 15.
29 P Devlin, *The Enforcement of Morals* (Oxford University Press 1965) 18.
30 TA Aguda, *The Criminal Law of Nigeria* (Spectrum Books 1990) 55.
31 Criminal Code Act, Cap C38 LFN 2004, ss 214-233; Penal Code (Northern States) Federal Provisions Act 1960, ss 200-210.

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The scope of moral offences spans a broad spectrum of human activity, including sexual conduct, public decency, commercialized vice, gambling, obscenity, and public intoxication.[32] Criminal law categorizes these offences under the rubric of public order or public decency offences.[33] However, unlike traditional crimes against person or property, moral offences are characterized by the absence of an unwilling victim.[34] The immediate "victim" of a moral offence is often deemed to be the moral cohesion of society itself or the abstract public order.[35]

Legal historians note that the inclusion of moral prohibitions within state penal codes originates from the historical fusion of religious authority and political governance.[36] In early common law, ecclesiastical courts exercised jurisdiction over moral transgressions such as adultery, fornication, and blasphemy.[37] As English civil courts expanded their authority, common law judges asserted a general supervisory jurisdiction over public morality, declaring the King Bench to be the *custos morum* (guardian of morals) of the realm.[38] AC 220, 268; *Knuller v Director of Public Prosecutions* [1973] AC 435.] This common law doctrine laid the foundation for statutory codifications across British colonial territories, including Nigeria.

2.2 The Jurisprudential Divide: Legal Moralism versus Legal Liberalism

The legal regulation of public morality is anchored in two competing philosophical traditions: legal moralism and legal liberalism.[39]

32 CO Okonkwo, *Okonkwo and Naish on Criminal Law in Nigeria* (2nd edn, Spectrum Books 2005) 95.
33 J Feinberg, *The Moral Limits of the Criminal Law: Offense to Others* (Oxford University Press 1985) 30.
34 Devlin (n 18) 22.
35 Aguda (n 19) 58.
36 Hart (n 17) 20.
37 *Shaw v Director of Public Prosecutions* [1962
38 Hart (n 17) 25; Devlin (n 18) 25.
39 Devlin (n 18) 28.

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Legal moralism asserts that the state possesses an inherent legitimate authority to use criminal law to enforce society moral values, irrespective of whether the prohibited conduct causes tangible harm to others.[40] Under this theory, the preservation of a shared moral code is treated as an essential prerequisite for societal survival. A society shared morality is viewed as its invisible social fabric; eroding that fabric through moral permissiveness is argued to threaten societal dissolution just as directly as treason or armed rebellion.[41]

Conversely, legal liberalism, originating from John Stuart Mill classic harm principle enunciated in *On Liberty* (1859), restricts state penal intervention strictly to conduct that causes harm to others.[42] Mill famously articulated the classic liberal constraint:

> *The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise, or even right.*[43]

Under legal liberalism, the mere fact that a majority of citizens finds a particular private action morally offensive or abhorrent does not justify criminalizing that action.[44] Liberal theory establishes a sharp boundary between public harm and private morality, insisting that individual liberty and moral autonomy must be safeguarded from majoritarian coercion.[45]

40 *Ibid.* 30.
41 JS Mill, *On Liberty* (Parker and Son 1859) 22.
42 *Ibid.* 23.
43 Hart (n 17) 32.
44 Feinberg (n 20) 35.
45 Report of the Committee on Homosexual Offences and Prostitution (Cmd 247, 1957) (Wolfenden Report); Devlin (n 18) 1; Hart (n 17) 1.

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2.3 The Devlin-Hart Debate: Enforcing Morality vs Protecting Individual Liberty

The philosophical conflict between legal moralism and legal liberalism culminated in the celebrated debate between Patrick Devlin and H.L.A. Hart during the 1960s, triggered by the publication of the Wolfenden Committee Report in Britain (1957).[46] The Wolfenden Committee investigated British laws governing homosexuality and prostitution, recommending that private homosexual behavior between consenting adults should no longer be criminalized.[47] The Committee formulated a fundamental policy guideline:

> *The function of the criminal law is to preserve public order and decency, to protect the citizen from what is offensive or injurious, and to provide sufficient safeguards against exploitation and corruption of others... It is not, in our view, the function of the law to intervene in the private lives of citizens, or to seek to enforce any particular pattern of behavior.*[48]

In response, Lord Devlin delivered his 1959 Maccabaean Lecture, arguing that there is no theoretical limit to the state power to legislate against immorality.[49] Devlin established three central propositions: (1) society requires a shared morality to survive; (2) society possesses a legitimate right to pass moral judgment on conduct; and (3) society may use criminal law to enforce that moral judgment whenever conduct triggers "real feeling of reprobation, mixture of intolerance, indignation, and disgust" among reasonable citizens (the "man on the Clapham omnibus").[50]

46 Wolfenden Report (n 32) para 61.
47 *Ibid.* para 62.
48 Devlin (n 18) 35.
49 *Ibid.* 38-40.
50 Hart (n 17) 40-45.

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Professor H.L.A. Hart forcefully countered Devlin, invoking Mill harm principle and drawing a crucial distinction between coercion to enforce morality and protection against public offense.[51] Hart argued that Devlin conflated the preservation of a specific moral code with the preservation of society itself. Hart demonstrated that societies frequently experience shifts in moral standards without experiencing structural collapse.[52] Furthermore, Hart emphasized that enforcing morality through criminal sanctions inflicts tangible suffering, restricts human freedom, and suppresses personal autonomy, which cannot be justified merely to appease popular moral indignation.[53]

2.4 Feinberg Offense Principle and Public Nuisance

Building upon the Devlin-Hart debate, Joel Feinberg expanded liberal jurisprudence by formulating the offense principle alongside the harm principle.[54] Feinberg recognized that Mill strict harm principle was under-inclusive, as certain public behaviors cause intense emotional distress, disgust, or offense to unwilling observers without causing physical or economic "harm" in the strict sense.[55]

The offense principle posits that the state is justified in prohibiting conduct that causes serious, unprovoked offense to unwilling observers in public spaces.[56] However, Feinberg established strict limiting criteria to prevent the offense principle from expanding into majoritarian moral tyranny:[57]

51 *Ibid.* 48.
52 *Ibid.* 52.
53 Feinberg (n 20) 40.
54 *Ibid.* 42.
55 *Ibid.* 45.
56 *Ibid.* 50-60.
57 Feinberg (n 20) 65; PA Aidonojie, "Legal Perspectives on Offences Against Public Morals in Nigeria" (2022) 10(1) *Nigerian Journal of Public Law* 45, 58.

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1. The Extent and Intensity of Offense: The offense must be genuinely distressing to a reasonable person, not merely a minor annoyance.

2. The Avoidability Standard: Offense caused in public is punishable if unwilling observers cannot easily avoid exposure. If the conduct occurs in private among consenting adults, or if observers can easily avert their eyes, criminalization is unjustified.

3. The Social Utility of the Conduct: The offensive nature of the conduct must be weighed against its artistic, literary, scientific, or political value.

Feinberg offense principle provides a functional bridge between legal liberalism and public order regulation, establishing that the criminalization of public nudity, commercialized solicitation, or obscene displays must be grounded in protecting the public arena from unavoidable nuisance, rather than punishing private moral deviance.[58]

2.5 Public Morals versus Private Morals: Spheres of Autonomy

A vital conceptual boundary in modern criminal law is the distinction between public morality and private morality.[59] Public morality concerns conduct that manifests in the public domain, directly affecting public decency, environmental peace, and the shared use of public spaces.[60] Private morality, by contrast, encompasses intimate choices, personal associations, and consensual behaviors conducted behind closed doors away from public observation.[61]

58 Hart (n 17) 55; Wolfenden Report (n 32) para 61.
59 Okonkwo (n 21) 102.
60 Hart (n 17) 58.
61 Constitution of the Federal Republic of Nigeria 1999, s 37.

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Democratically constitution-bound states recognize that private morality falls squarely within the protected zone of personal privacy and bodily autonomy.[62] When the state oversteps this boundary to penalize consensual private acts, it engages in authoritarian paternalism.[63]

2.6 Constitutional Morality versus Popular Morality

In contemporary constitutional law, a vital distinction has emerged between popular morality and constitutional morality.[64] Popular morality reflects the prevailing majoritarian beliefs, cultural prejudices, and religious sentiments of a society at a given point in time.[65] Constitutional morality, conversely, represents the core values embodied within a democratic constitution, including individual liberty, human dignity, equality before the law, and the protection of minority groups from majoritarian tyranny.[66]

Constitutional courts increasingly affirm that where popular morality conflicts with fundamental constitutional guarantees, popular morality must yield.[67] In a constitutional democracy governed by the rule of law, the enforceability of penal provisions cannot depend on majoritarian disapproval or subjective moral revulsion. Criminal statutes regulating moral conduct must satisfy strict constitutional tests of rationality, proportionality, and non-discrimination.[68]

62 Hart (n 17) 62; C Ezeh and C Amasiatu, "A Critical Evaluation of Human Rights Norms in Nigeria's Criminal Justice System and the Path to Reform: Bridging the Gulf" (2026) 11 *African Journal of Criminal Law and Jurisprudence* 23, 32.
63 *Navtej Singh Johar v Union of India* (2018) 10 SCC 1; *Joseph Shine v Union of India* (2018) 11 SCC 163.
64 *Navtej Singh Johar* (n 48) para 115.
65 *Ibid.* para 120; *Aveek Sarkar v State of West Bengal* (2014) 4 SCC 257.
66 *Navtej Singh Johar* (n 48) para 125.
67 Constitution of the Federal Republic of Nigeria 1999, ss 1, 42; Aidonojie (n 45) 62.
68 Constitution of the Federal Republic of Nigeria 1999, s 1(1), (3).

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3.0 LEGAL AND INSTITUTIONAL FRAMEWORK GOVERNING OFFENCES AGAINST PUBLIC MORALS IN NIGERIA

3.1 Constitutional Foundations and Section 45 Public Morality Exception

The primary normative benchmark governing all laws in Nigeria is the Constitution of the Federal Republic of Nigeria 1999 (as amended).[69] Chapter IV of the Constitution enshrines fundamental human rights, guaranteeing the right to dignity of the human person (Section 34), personal liberty (Section 35), fair hearing (Section 36), private and family life (Section 37), freedom of thought, conscience and religion (Section 38), freedom of expression and the press (Section 39), peaceful assembly and association (Section 40), freedom of movement (Section 41), and freedom from discrimination (Section 42).[70]

However, these fundamental guarantees are not absolute.[71] Section 45(1) of the Constitution contains an overarching claw-back clause governing qualified rights, enacting that:

> *Nothing in sections 37, 38, 39, 40 and 41 of this Constitution shall invalidate any law that is reasonably justifiable in a democratic society in the interest of defence, public safety, public order, public morality or public health; or for the purpose of protecting the rights and freedom of other persons.*[72]

The inclusion of "public morality" within Section 45(1) provides explicit constitutional authority for legislative restrictions on private life, expression, and association.[73] However, constitutional

69 *Ibid.* ss 34-42.
70 *Ibid.* s 45; TA Aguda, *The Criminal Law of Nigeria* (Spectrum Books 1990) 62.
71 Constitution of the Federal Republic of Nigeria 1999, s 45(1).
72 PA Aidonojie, "Legal Perspectives on Offences Against Public Morals in Nigeria" (2022) 10(1) *Nigerian Journal of Public Law* 45, 65.
73 *Ibid.* 68; C Ezeh and C Amasiatu, "A Critical Evaluation of Human Rights Norms in Nigeria's Criminal Justice System and the Path to Reform: Bridging the Gulf" (2026) 11 *African Journal of Criminal Law and Jurisprudence* 23, 35.

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scholars emphasize that for a penal enactment restricting fundamental rights to survive under Section 45(1), it must satisfy two cumulative conditions: (1) it must be a validly enacted law; and (2) it must be reasonably justifiable in a democratic society.[74] The phrase "reasonably justifiable in a democratic society" requires courts to apply a proportionality test, evaluating whether the moral restriction is necessary, rationally connected to its objective, and non-arbitrary.[75]

3.2 The Criminal Code Act (Southern States): Statutory Scheme

In the southern states of Nigeria, offences against public morals are codified primarily under Chapter 21 (Offences Against Morality) and Chapter 22 (Nuisances; Gaming Houses; Lotteries; Misconduct Relating to Corpses) of the Criminal Code Act (Cap C38 LFN 2004).[76]

The Criminal Code classifies moral offences into distinct statutory categories:

1. Unnatural Offences and Same-Sex Conduct: Section 214 penalizes any person who has carnal knowledge of any person against the order of nature, or has carnal knowledge of an animal, rendering the offence a felony punishable by 14 years imprisonment.[77] Section 215 penalizes attempts, while Section 217 prohibits gross indecency between male persons in public or private, punishable by 3 years imprisonment.[78]
2. Indecent Practices and Sexual Assault: Sections 218 to 222 penalize defilement of girls under specified ages, procuration, and indecent treatment of young persons.[79]
3. Prostitution and Brothel-Keeping: Sections 223 to 225A penalize trading in prostitution, keeping a brothel, or allowing premises to be used for commercialized prostitution.[80]

74 Ezeh and Amasiatu (n 55) 38.
75 Criminal Code Act, Cap C38 LFN 2004, ss 214-233.
76 *Ibid.* s 214.
77 *Ibid.* ss 215, 217.
78 *Ibid.* ss 218-222.
79 *Ibid.* ss 223-225A.
80 *Ibid.* s 232.

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4. Obscenity and Indecent Publications: Section 232 prohibits selling, exposing to view, or distributing obscene books, writings, prints, pictures, or representations tending to corrupt morals, punishable by 2 years imprisonment.[81] Section 233 penalizes posting obscene or indecent literature through the mail.[82]

5. Public Nuisance, Gaming, and Vagrancy: Sections 231 and 233A prohibit performing an indecent act in a public place or outraging public decency.[83] Sections 236 to 240 regulate gaming houses, lotteries, and rogue/vagabond offences.[84]

3.3 The Penal Code Act (Northern States): Islamic Jurisprudential Nuances

In the northern states of Nigeria, offences against public morals are governed by the Penal Code Act (Cap P3 LFN 2004).[85] The Penal Code reflects a dual legal heritage, blending English penal concepts with Islamic criminal law (Sharia) influences.[86]

Chapter XIII (Offences Affecting Public Health, Safety, Convenience, Decency and Morals) and Chapter XIX (Offences Relating to Marriage and Morality) of the Penal Code prohibit moral transgressions:[87]

Obscene Acts and Songs: Section 200 penalizes doing any obscene act in any public place to the annoyance of others or singing, reciting, or uttering any obscene song or words in public.[88]

81 *Ibid.* s 233.
82 *Ibid.* ss 231, 233A.
83 *Ibid.* ss 236-240.
84 Penal Code (Northern States) Federal Provisions Act 1960, Cap P3 LFN 2004.
85 CO Okonkwo, *Okonkwo and Naish on Criminal Law in Nigeria* (2nd edn, Spectrum Books 2005) 105.
86 Penal Code Act, ss 195-210, 383-404.
87 *Ibid.* s 200.
88 *Ibid.* s 201.

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Sale of Obscene Books: Section 201 prohibits selling, hiring, distributing, or exhibiting obscene books, pamphlets, papers, or drawings.[89]

Unnatural Offences: Section 284 penalizes carnal intercourse against the order of nature with any man, woman, or animal, imposing imprisonment up to 14 years.[90]

Adultery and Sexual Misconduct: Unlike the southern Criminal Code (where adultery is strictly a civil wrong), Sections 387 and 388 of the Penal Code criminalize adultery committed by a married man or woman under specified conditions.[91]

Furthermore, following the re-implementation of full Sharia penal codes across twelve northern states from 1999 onward (for instance, the Zamfara State Sharia Penal Code 2000), state statutes enacted Hudud penal sanctions for moral offences, imposing stoning to death (*Rajm*) for adultery (*Zina*) by married persons, flogging (*Jald*) for unmarried fornication, and stoning or flogging for sodomy (*Liwat*).[92] These state enactments exist alongside the federal Penal Code Act, generating intense constitutional debates regarding religious establishment under Section 10 and human dignity guarantees under Section 34.[93]

3.4 Cybercrimes (Prohibition, Prevention, etc) Act 2015 and Digital Morality

The enactment of the Cybercrimes (Prohibition, Prevention, etc) Act 2015 extended state moral surveillance directly into cyberspace.[94] Section 24 of the Act criminalizes sending computer messages that are grossly offensive, indecent, obscene, or menacing.[95] Section 24(1)(a) enacts that

89 *Ibid.* s 284.
90 *Ibid.* ss 387, 388; Okonkwo (n 59) 108.
91 Zamfara State Sharia Penal Code Law 2000, ss 126, 130; RO Adewale, "An Overview of the Cultural Problems within the Criminal Justice System in Nigeria" (2026) 2(1) *Anaocha Bar Journal* 68, 82.
92 Constitution of the Federal Republic of Nigeria 1999, ss 10, 34; Aidonojie (n 52) 72.
93 Cybercrimes (Prohibition, Prevention, etc) Act 2015.
94 *Ibid.* s 24(1).
95 *Ibid.* s 24(1)(a).

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any person who knowingly or intentionally sends a message by means of computer systems that is grossly offensive, pornographic, or of an indecent, obscene, or menacing character commits an offence punishable by fine or imprisonment up to 3 years.[96]

Legal scholars observe that Section 24 introduces sweeping criminal liability over digital communication without establishing clear statutory definitions for "grossly offensive", "indecent", or "obscene".[97] Consequently, Section 24 has become an instrument for state censors to police digital morality and suppress online dissent, prompting constitutional challenges before the ECOWAS Community Court of Justice.[98]

3.5 Same Sex Marriage (Prohibition) Act 2014 and Statutory Bounds

The Same Sex Marriage (Prohibition) Act 2014 represents a comprehensive statutory expansion of moral regulation regarding sexual orientation and association.[99] The Act goes far beyond prohibiting formal marriage ceremonies: Section 4(1) penalizes entering into a same-sex marriage or civil union with 14 years imprisonment; Section 4(2) penalizes registering, operating, or participating in gay clubs, societies, or organizations with 10 years imprisonment; and Section 5(3) penalizes any public show of same-sex amorous affection with 10 years imprisonment.[100]

The Act effectively criminalizes advocacy, support groups, and private associations linked to sexual minorities, generating intense conflict with fundamental constitutional guarantees of

96 CO Njoku, O Elom-Obed and C Okorie, "A Critical Evaluation of Criminal Responsibility for Strict Liability Offences in Nigeria" (2024) 5(1) *LASU Journal of Public Law* 14, 25.
97 *Incorporated Trustees of Laws and Rights Awareness Initiative v Federal Republic of Nigeria* (ECOWAS Court, ECW/CCJ/JUD/16/20); Ezeh and Amasiatu (n 55) 42.
98 Same Sex Marriage (Prohibition) Act 2014.
99 *Ibid.* ss 4, 5.
100 Constitution of the Federal Republic of Nigeria 1999, ss 37, 39, 40; Aidonojie (n 52) 75.

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freedom of expression (Section 39), peaceful assembly and association (Section 40), and personal privacy (Section 37).[101]

3.6 Police Act 2020 and Law Enforcement Framework

The primary operational body tasked with enforcing public morality laws is the Nigeria Police Force, governed by the Police Act 2020.[102] Section 4 of the Police Act empowers police officers to prevent and detect crime, apprehend offenders, and maintain public order.[103] However, police powers of arrest without warrant under Section 38 are frequently deployed in public morality enforcement.[104]

In practice, police officers execute mass raids on night venues, public parks, and entertainment spots, arresting citizens under vagrancy provisions, public nuisance statutes, or alleged prostitution offences.[105] These operational practices are characterized by police extortion, physical assault, and gendered violence against women, illustrating the institutional hazards of enforcing subjective moral legislation.[106]

3.7 Judicial Enforcement Agencies: Courts and Sharia Task Forces

Judicial enforcement of offences against public morals spans federal and state High Courts, Magistrate Courts, Customary Courts, and Area/Sharia Courts in northern states.[107] In several northern states, state governments established specialized enforcement task forces, such as the Hisbah Board (e.g., Kano State Hisbah Law 2003).[108] The Hisbah is charged with encouraging

101 Police Act 2020, s 4.
102 *Ibid.* s 4.
103 *Ibid.* s 38.
104 Adewale (n 61) 85.
105 *Ibid.* 88; Ezeh and Amasiatu (n 55) 45.
106 Aguda (n 51) 68.
107 Kano State Hisbah Board Law 2003, s 7.
108 *Ibid.* s 7.

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Islamic moral virtue (*Amr bi-l-ma'ruf*) and suppressing moral vice (*Nahi 'an al-munkar*).[109] The operational activities of Hisbah corps, including seizing alcoholic beverages, enforcing dress codes, and raiding private accommodations, generate severe jurisdictional friction with federal police authorities and constitutional guarantees.[110]

3.8 Relevant Nigerian Judicial Precedents

Nigerian appellate jurisprudence on offences against public morals exhibits strict statutory interpretation alongside procedural caution.[111] In *Popoola v Commissioner of Police*, the High Court emphasized that charges involving moral indecency or public nuisance must be proved with precise evidence establishing every statutory element, rejecting vague police assertions of Immorality.[112] NMLR 1, 4.] Similarly, in *Musa v State*, the Supreme Court of Nigeria affirmed that trial judges cannot rely on moral revulsion or speculative inferences regarding an accused person general character to sustain a conviction under penal statutes.[113] 2 NWLR (Pt 277) 550, 562.]

4.0 SUBSTANTIVE ANALYSIS OF SPECIFIC MORAL OFFENCES IN NIGERIA

4.1 Obscenity and Indecent Publications: The Hicklin Standard

The primary statutory prohibition against obscenity in southern Nigeria is Section 232 of the Criminal Code Act, which penalizes selling, exposing to view, or distributing obscene books, writings, prints, or representations.[114] In northern states, Section 201 of the Penal Code Act

109 Aidonojie (n 52) 78.
110 Okonkwo (n 59) 112.
111 *Popoola v Commissioner of Police* [1964
112 *Musa v State* [1993
113 Criminal Code Act, Cap C38 LFN 2004, s 232.
114 Penal Code (Northern States) Federal Provisions Act 1960, s 201.

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contains an equivalent prohibition.[115] However, neither statute defines what legally constitutes "obscene".[116]

To fill this statutory vacuum, Nigerian courts adopted the common law Hicklin test, formulated in the 1868 English case of *R v Hicklin*.[117] Cockburn C.J. laid down the classic definition:

> *The test of obscenity is this, whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences, and into whose hands a publication of this sort may fall.*[118]

The Hicklin standard suffers from fundamental legal deficiencies:[119]

1. Judging by Vulnerable Readers: Hicklin evaluates material not by its impact on reasonable adults, but by its potential effect on the most vulnerable or impressionable reader (such as young children or unstable individuals). Under this standard, any literary or artistic work that contains sexual themes risks being classified as obscene if it might corrupt an abnormally susceptible person.
2. Isolation of Passages: Hicklin allows courts to judge a work by isolated passages or extracted scenes, ignoring the dominant theme, artistic merit, or literary context of the work as a whole.
3. Absence of Scientific or Artistic Defenses: Unlike modern obscenity laws, Hicklin provides no statutory defense for works of serious literary, artistic, political, or scientific value.

115 TA Aguda, *The Criminal Law of Nigeria* (Spectrum Books 1990) 75.
116 *R v Hicklin* (1868) LR 3 QB 360.
117 *Ibid.* 371.
118 CO Okonkwo, *Okonkwo and Naish on Criminal Law in Nigeria* (2nd edn, Spectrum Books 2005) 118; PA Aidonojie, "Legal Perspectives on Offences Against Public Morals in Nigeria" (2022) 10(1) *Nigerian Journal of Public Law* 45, 82.
119 Aidonojie (n 83) 85.

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In the digital era, applying Hicklin in Nigeria creates absurd outcomes.[120] Online art, medical literature, educational material, and contemporary cinema are exposed to arbitrary prosecution based on Victorian moral sensitivities.[121]

4.2 Public Nudity, Indecent Acts, and Outraging Public Decency

Under Section 231 of the Criminal Code Act, any person who willfully and without lawful excuse does any indecent act in any public place, or in any place with intent to insult or offend any person, is guilty of a misdemeanor punishable by 2 years imprisonment.[122] In the north, Section 200 of the Penal Code penalizes doing any obscene act in public to the annoyance of others.[123]

The legal difficulty in applying these provisions lies in defining "indecency" and "public place".[124] Nigerian courts interpret "indecent" as conduct that offends the modest feelings of a reasonable person according to prevailing community standards.[125] NMLR 1, 5.] However, what constitutes public indecency varies dramatically across urban centers (such as Lagos or Port Harcourt) compared to rural or conservative communities. In the absence of objective statutory guidelines, law enforcement officers frequently arrest citizens for wearing clothing deemed "revealing" or engaging in public displays of affection, transforming subjective dress preferences into criminal offences.[126]

120 C Ezeh and C Amasiatu, "A Critical Evaluation of Human Rights Norms in Nigeria's Criminal Justice System and the Path to Reform: Bridging the Gulf" (2026) 11 *African Journal of Criminal Law and Jurisprudence* 23, 48.
121 Criminal Code Act, s 231.
122 Penal Code Act, s 200.
123 Aguda (n 80) 78.
124 Popoola v Commissioner of Police [1964
125 RO Adewale, "An Overview of the Cultural Problems within the Criminal Justice System in Nigeria" (2026) 2(1) *Anaocha Bar Journal* 68, 90; Aidonojie (n 83) 88.
126 Criminal Code Act, ss 223-225A; Okonkwo (n 82) 122.

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4.3 Prostitution, Brothel-Keeping, and Soliciting

Under Nigerian criminal law, adult prostitution per se is not explicitly criminalized under the federal Criminal Code Act.[127] However, the law extensively criminalizes all surrounding commercialized activities: Section 223 penalizes procuring persons for prostitution; Section 224 penalizes procuring defilement by threats or fraud; Section 225 penalizes male persons living on the earnings of prostitution; and Section 225A penalizes female persons aiding or abetting prostitution for gain.[128] Furthermore, keeping a brothel or permitting premises to be used for habitual prostitution is a misdemeanor under Section 225A.[129]

In northern states, Section 405 of the Penal Code Act penalizes "prostitutes" directly under vagrancy provisions, classifying commercial sex workers as idle and disorderly persons or rogues and vagabonds.[130] Police enforcement of these provisions is rife with gender discrimination and human rights abuses.[131] Female citizens walking at night in urban centers are routinely subjected to mass arrests ("swoops") under the pretext of combating prostitution, while male clients face no criminal sanction.[132]

4.4 Unnatural Offences, Sodomy, and Same-Sex Conduct

Prohibitions against same-sex relations in Nigeria operate across three overlapping statutory layers:[133]

127 Criminal Code Act, ss 223-225A.
128 *Ibid.* s 225A.
129 Penal Code Act, s 405.
130 CO Njoku, O Elom-Obed and C Okorie, "A Critical Evaluation of Criminal Responsibility for Strict Liability Offences in Nigeria" (2024) 5(1) *LASU Journal of Public Law* 14, 28.
131 *Ibid.* 30; Ezeh and Amasiatu (n 85) 52.
132 Aidonojie (n 83) 92.
133 Criminal Code Act, ss 214, 217.

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1. The Criminal Code Act (Southern States): Section 214 penalizes carnal knowledge against the order of nature with 14 years imprisonment; Section 217 penalizes gross indecency between males with 3 years imprisonment.[134]

2. The Penal Code Act (Northern States) and Sharia Penal Codes: Section 284 of the Penal Code Act penalizes unnatural intercourse with 14 years imprisonment.[135] State Sharia penal codes impose death by stoning (Rajm) for married persons engaging in sodomy (Liwat).[136]

3. The Same Sex Marriage (Prohibition) Act 2014: Penalizes same-sex civil unions, gay clubs, and public displays of affection with 10 to 14 years imprisonment.[137]

These provisions generate intense international human rights debate.[138] While proponents argue that prohibition preserves traditional African family values and public morals under Section 45 of the Constitution, human rights scholars argue that criminalizing private, consensual adult sexual conduct violates fundamental guarantees of human dignity (Section 34), personal privacy (Section 37), and non-discrimination (Section 42).[139]

4.5 Gambling, Lotteries, and Vagrancy Laws

Sections 236 to 240 of the Criminal Code Act and Sections 204 to 206 of the Penal Code Act regulate gaming houses, lotteries, and vagrancy.[140] Vagrancy provisions (such as classifying persons without visible means of subsistence as "idle and disorderly") represent criminalization of

134 Penal Code Act, s 284.
135 Zamfara State Sharia Penal Code Law 2000, s 130.
136 Same Sex Marriage (Prohibition) Act 2014, ss 4, 5.
137 Ezeh and Amasiatu (n 85) 55.
138 Constitution of the Federal Republic of Nigeria 1999, ss 34, 37, 42; Aidonojie (n 83) 95.
139 Criminal Code Act, ss 236-240; Penal Code Act, ss 204-206.
140 Aguda (n 80) 82.

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poverty.[141] Citizens are arrested simply for being present in public spaces without financial proof of employment, violating constitutional freedom of movement guaranteed under Section 41.[142]

4.6 Digital Morality and Cybercrimes Act Enforcement

Under Section 24 of the Cybercrimes Act 2015, digital communications are subjected to strict state moral surveillance.[143] The law penalizes sending pornographic, grossly offensive, or indecent messages online.[144] The lack of clear statutory definitions enables law enforcement officers to confiscate smartphones, inspect private electronic chats without warrants, and charge citizens with cyber-stalking or digital obscenity for engaging in consensual adult messaging, directly infringing upon digital privacy under Section 37.[145]

5.0 COMPARATIVE LEGAL PERSPECTIVES: ENGLAND AND WALES, UNITED STATES, CANADA, INDIA, AND FRANCE

5.1 Comparative Criteria for Jurisdictional Selection

A comparative legal analysis provides vital insights for reforming Nigerian public morality law.[146] Selecting England and Wales, the United States, Canada, India, and France is methodologically justified by their distinct constitutional traditions, statutory evolutions, and jurisprudential departures from colonial legal models:[147]

141 Constitution of the Federal Republic of Nigeria 1999, s 41; Adewale (n 87) 95.
142 Cybercrimes (Prohibition, Prevention, etc) Act 2015, s 24.
143 *Ibid.* s 24(1)(a).
144 Constitution of the Federal Republic of Nigeria 1999, s 37; Njoku, Elom-Obed and Okorie (n 88) 32.
145 TA Aguda, *The Criminal Law of Nigeria* (Spectrum Books 1990) 88.
146 CO Okonkwo, *Okonkwo and Naish on Criminal Law in Nigeria* (2nd edn, Spectrum Books 2005) 128; PA Aidonojie, "Legal Perspectives on Offences Against Public Morals in Nigeria" (2022) 10(1) *Nigerian Journal of Public Law* 45, 98.
147 *Shaw v Director of Public Prosecutions* [1962

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1. England and Wales: Represents the historical birthplace of Nigerian criminal legislation, offering a direct view of how common law courts and Parliament modernized public morality laws through statutory reforms such as the Obscene Publications Act 1959 and the Wolfenden reforms.

2. United States: Offers a constitutional framework where the First Amendment guarantee of free speech strictly limits state power to criminalize obscenity, creating the structured Miller test.

3. Canada: Provides a leading constitutional model under the Canadian Charter of Rights and Freedoms, replacing archaic obscenity concepts with objective harm testing in landmark decisions like R v Butler and R v Labaye.

4. India: Shares a common statutory ancestry with Nigeria (the 1860 Indian Penal Code / 2023 Bharatiya Nyaya Sanhita), providing an instructive example of a post-colonial jurisdiction explicitly discarding the Hicklin test in Aveek Sarkar v State of West Bengal and embracing constitutional morality in Navtej Singh Johar.

5. France: Represents a continental civil law tradition, demonstrating a legislative shift in the Code Pénal of 1994 from vague moral prohibitions (outrage aux bonnes mœurs) to targeted protection of human dignity and personal consent.

5.2 England and Wales: Common Law Evolution and Statutory Reforms

In England and Wales, public morality regulation evolved from common law judicial enforcement (such as the common law offences of corrupting public morals and outraging public decency) to

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structured statutory frameworks.[148] AC 220; *Knuller v Director of Public Prosecutions* [1973] AC 435.]

The enactment of the Obscene Publications Act 1959 marked a fundamental statutory departure from the 1868 Hicklin test.[149] The 1959 Act modernized English obscenity law in three crucial respects:[150]

Work as a Whole Standard: Section 1(1) of the 1959 Act requires courts to evaluate an alleged obscene article by taking the publication as a whole, ending the Hicklin practice of condemning works based on isolated passages.

Target Audience Context: The statute assesses whether the article tends to deprave and corrupt persons who are likely, in all the circumstances, to read, see, or hear it, replacing Hicklin focus on abnormally vulnerable readers.

Statutory Public Good Defense: Section 4 of the 1959 Act established a complete statutory defense if publication of the article is proved to be justified as being for the public good on the ground that it is in the interests of science, literature, art, or learning.

Following the Wolfenden Committee Report (1957) and the Sexual Offences Act 1967, Parliament decriminalized private homosexual conduct between consenting adults, establishing that state penal power must not be used to enforce private moral conformity.[151] Subsequent enactments, including the Sexual Offences Act 2003, re-oriented English sexual offences around the central concept of absence of consent rather than abstract moral deviance.[152]

148 Obscene Publications Act 1959 (7 & 8 Eliz 2 c 66).
149 *Ibid.* ss 1, 4.
150 Report of the Committee on Homosexual Offences and Prostitution (Cmd 247, 1957); Sexual Offences Act 1967 c 60, s 1.
151 Sexual Offences Act 2003 c 42, ss 1-5.
152 United States Constitution, amend I.

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5.3 United States: First Amendment Free Speech and the Miller Test

In the United States, the legal regulation of obscenity is strictly constrained by the First Amendment to the United States Constitution, which protects freedom of speech and press.[153] In *Roth v United States* (1957), the US Supreme Court affirmed that obscenity is not protected speech under the First Amendment, but explicitly rejected the English Hicklin test because it unconstitutionally restricted legitimate speech.[154]

In *Miller v California* (1973), Chief Justice Burger formulated the definitive three-pronged constitutional test for obscenity (the Miller test):[155]

> *The basic guidelines for the trier of fact must be: (a) whether "the average person, applying contemporary community standards" would find that the work, taken as a whole, appeals to the prurient interest; (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.*[156]

The Miller test protects artistic freedom and political discourse in three ways:[157]

Average Person Standard: Replaces Hicklin abnormally vulnerable reader with the "average person".

Work as a Whole Requirement: Replaces isolated passage evaluation with an examination of the work taken as a whole.

153 *Roth v United States* 354 US 476, 488 (1957).
154 *Miller v California* 413 US 15 (1973).
155 *Ibid.* 24.
156 Aidonojie (n 100) 102.
157 Criminal Code, RSC 1985 c C-46, s 163.

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The LAPS Defense: Requires the prosecution to prove that the work lacks serious Literary, Artistic, Political, or Scientific (LAPS) value under an objective national standard.

5.4 Canada: Section 163, R v Butler, and the R v Labaye Harm Test

Canadian jurisprudence under Section 163 of the Criminal Code of Canada offers one of the most progressive models for regulating obscenity and public decency.[158] Section 163(8) defines obscene as any publication a dominant characteristic of which is the undue exploitation of sex, or of sex and crime, horror, cruelty, or violence.[159]

In *R v Butler* (1992), the Supreme Court of Canada evaluated Section 163(8) against the guarantee of freedom of expression under Section 2(b) of the Canadian Charter of Rights and Freedoms.[160] 1 SCR 452.] Justice Sopinka re-interpreted obscenity away from moral disapproval, holding that restriction is constitutional only if it seeks to prevent societal harm.[161] The Court categorized explicit material into three groups:

1. Explicit sex with violence: Always undue, as it causes direct harm.
2. Explicit sex without violence that is degrading or dehumanizing: Undue if it subjects women or men to treatment that creates a substantial risk of harm.
3. Explicit sex that is neither violent nor degrading: Admissible unless it involves minors.

In the landmark authority of *R v Labaye* (2005), Chief Justice McLachlin formally discarded traditional moral outrage tests, establishing a clear objective harm test for public indecency and obscenity:[162] 3 SCR 728.]

158 *Ibid.* s 163(8).
159 *R v Butler* [1992
160 *Ibid.* 485.
161 *R v Labaye* [2005
162 *Ibid.* 745.

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> *Harm or significant risk of harm is the central requirement of the criminal law... The court must look at the actual evidence to determine whether the conduct at issue causes harm or a real risk of harm to individuals or society. Moral disapprobation, even if held by a majority of the population, is not a legal substitute for harm.*[163]

Under *Labaye*, harm is proved only if the conduct: (a) confronts members of the public with distressing conduct from which they cannot easily escape; (b) predisposes people to anti-social conduct; or (c) causes physical or psychological harm to participants.[164] The *Labaye* harm test provides a rigorous, objective standard that shields private consensual choices from majoritarian moral prosecution.[165]

5.5 India: Discarding Hicklin and Embracing Constitutional Morality

Indian legal history presents a direct comparative parallel to Nigeria.[166] Originally governed by Section 292 of the Indian Penal Code 1860 (now Bharatiya Nyaya Sanhita 2023, Section 294), Indian courts historically applied the 1868 Hicklin test.[167]

In *Aveek Sarkar v State of West Bengal* (2014), the Supreme Court of India explicitly overruled the Hicklin test.[168] Justice K.S. Radhakrishnan held that a picture or publication cannot be judged by isolated passages or by its potential impact on weak minds. The Court formally adopted the

163 *Ibid.* 750.
164 Aidonojie (n 100) 105; C Ezeh and C Amasiatu, "A Critical Evaluation of Human Rights Norms in Nigeria's Criminal Justice System and the Path to Reform: Bridging the Gulf" (2026) 11 *African Journal of Criminal Law and Jurisprudence* 23, 62.
165 Aguda (n 98) 92.
166 Indian Penal Code 1860, s 292; Bharatiya Nyaya Sanhita 2023, s 294; *Ranjit D Udeshi v State of Maharashtra* AIR 1965 SC 881.
167 *Aveek Sarkar v State of West Bengal* (2014) 4 SCC 257.
168 *Ibid.* 268.

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community standards test, holding that material is obscene only if, taken as a whole to the average person applying contemporary community standards, it appeals to prurient interest.[169]

Furthermore, in *Navtej Singh Johar v Union of India* (2018), the Supreme Court of India invalidated Section 377 of the Indian Penal Code in so far as it criminalized consensual adult same-sex relations.[170] Chief Justice Misra affirmed that constitutional morality must triumph over popular moral prejudice, holding that equal protection and human dignity under Articles 14, 15, and 21 protect private sexual autonomy.[171] Similarly, in *Joseph Shine v Union of India* (2018), the Court struck down the penal law against adultery (Section 497 IPC), affirming that using criminal law to enforce marital fidelity violates individual liberty and gender equality.[172]

5.6 France: Code Pénal 1994 Shift to Protecting Dignity

In France, the 1994 recodification of the French Code Pénal abolished traditional offences against public morals (*outrage aux bonnes mœurs*).[173] French penal law restructured moral regulation around two precise legal pillars: (1) protecting minors from sexual exploitation and exposure to violence; and (2) protecting adults from non-consensual sexual imposition, public sexual assault, and violations of dignity (*atteintes à la dignité de la personne*).[174] French civil law demonstrates that legal systems can maintain public order without relying on paternalistic moral offences.

169 *Navtej Singh Johar v Union of India* (2018) 10 SCC 1.
170 *Ibid.* para 130.
171 *Joseph Shine v Union of India* (2018) 11 SCC 163.
172 Code Pénal (France 1994) Articles 222-22 to 222-33.
173 *Ibid.*; Aidonojie (n 100) 110.
174 Aidonojie (n 100) 112; Ezeh and Amasiatu (n 117) 65.

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5.7 Synthesis of Comparative Best Practices for Nigeria

Synthesizing these comparative perspectives reveals four essential lessons for reforming Nigerian criminal law:[175]

1. Formal Legislative and Judicial Abolition of Hicklin: Nigeria must follow England, the United States, Canada, and India in discarding the 1868 Hicklin test in favor of objective harm testing or contemporary community standards.

2. Codification of Public Good Defenses: Nigerian obscenity statutes must incorporate explicit statutory exceptions for works of serious literary, artistic, scientific, educational, or political value.

3. Primacy of Constitutional Morality: Nigerian courts must enforce constitutional morality under Chapter IV of the 1999 Constitution, ensuring that majoritarian moral disapproval does not override fundamental rights to privacy, expression, and non-discrimination.

4. Re-Centering Penal Law around Harm and Consent: Criminal prohibitions must focus strictly on non-consensual conduct, protection of minors, and prevention of public nuisance, decriminalizing consensual adult private behavior.

6.0 CRITICAL ANALYSIS AND SYSTEMIC CHALLENGES IN NIGERIA

6.1 Statutory Ambiguities and Vague Drafting

A primary systemic defect in the Nigerian legal framework governing offences against public morals is the pervasive ambiguity and statutory vagueness of penal provisions.[176] Provisions under the Criminal Code Act (Sections 231 and 232), the Penal Code Act (Sections 200 and 201), and

175 TA Aguda, *The Criminal Law of Nigeria* (Spectrum Books 1990) 95.
176 Criminal Code Act, Cap C38 LFN 2004, ss 231, 232; Penal Code Act, ss 200, 201; Cybercrimes (Prohibition, Prevention, etc) Act 2015, s 24.

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the Cybercrimes Act 2015 (Section 24) utilize elastic terminology such as "indecent", "obscene", "grossly offensive", and "corrupting public morals" without establishing clear statutory definitions.[177]

In criminal jurisprudence, the rule of law requires penal statutes to satisfy the principle of legality (*nullum crimen sine lege, nulla poena sine lege*), enshrined in Section 36(12) of the Constitution of the Federal Republic of Nigeria 1999.[178] Section 36(12) enacts that a person shall not be convicted of a criminal offence unless that offence is defined and the penalty therefor is prescribed in a written law.[179] Vague moral enactments violate this principle because they fail to provide citizens with fair notice of prohibited conduct, leaving the legal boundary between lawful and criminal expression to the subjective interpretation of law enforcement officers.[180]

6.2 Obsolete Obscenity Standards in Digital Era

The continued judicial reliance on the 1868 Hicklin test in Nigerian courtrooms represents an unacceptable anachronism.[181] In the 21st century, where digital communications, social media platforms, and online streaming services dominate public discourse, evaluating material by its potential impact on the most vulnerable or impressionable mind imposes a regime of digital censorship.[182]

The Hicklin test allows state authorities to target artistic expression, digital media, educational literature, and political commentary by extracting isolated scenes or phrases, ignoring the

177 Constitution of the Federal Republic of Nigeria 1999, s 36(12).
178 *Ibid.* s 36(12).
179 PA Aidonojie, "Legal Perspectives on Offences Against Public Morals in Nigeria" (2022) 10(1) *Nigerian Journal of Public Law* 45, 115.
180 *R v Hicklin* (1868) LR 3 QB 360; Aguda (n 125) 98.
181 Aidonojie (n 128) 118; C Ezeh and C Amasiatu, "A Critical Evaluation of Human Rights Norms in Nigeria's Criminal Justice System and the Path to Reform: Bridging the Gulf" (2026) 11 *African Journal of Criminal Law and Jurisprudence* 23, 68.
182 *Hicklin* (n 129) 371.

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overarching theme and social value of the work.[183] By failing to codify a statutory "public good" defense or an objective harm framework equivalent to Canadian (*Labaye*) or American (*Miller*) standards, Nigerian criminal law exposes creators, journalists, and digital users to arbitrary penal prosecution.[184] 3 SCR 728; *Miller v California* 413 US 15 (1973).]

6.3 Moral Cartels, Selective Policing, and Gendered Violations

Enforcing public morality laws in Nigeria exhibits profound institutional corruption, selective policing, and gendered human rights abuses.[185] Law enforcement personnel utilize vague moral offences, public nuisance statutes, and vagrancy provisions as instruments for financial extortion and harassment.[186]

Socio-legal studies confirm that public morality policing operates with extreme class and gender bias.[187] Police "swoops" on urban entertainment centers disproportionately target young women walking at night, commercial sex workers, and indigent citizens, subjecting them to unlawful detention, extortion, sexual assault, and forced confessions.[188] Conversely, identical conduct occurring within private luxury hotels, private clubs, or among affluent citizens is routinely ignored. This selective enforcement directly subverts the constitutional guarantee of non-discrimination under Section 42 of the Constitution.[189]

183 *R v Labaye* [2005
184 RO Adewale, "An Overview of the Cultural Problems within the Criminal Justice System in Nigeria" (2026) 2(1) *Anaocha Bar Journal* 68, 98.
185 Police Act 2020, s 4; CO Njoku, O Elom-Obed and C Okorie, "A Critical Evaluation of Criminal Responsibility for Strict Liability Offences in Nigeria" (2024) 5(1) *LASU Journal of Public Law* 14, 35.
186 Adewale (n 132) 102; Aidonojie (n 128) 122.
187 Njoku, Elom-Obed and Okorie (n 133) 38.
188 Constitution of the Federal Republic of Nigeria 1999, s 42.
189 Constitution of the Federal Republic of Nigeria 1999, ss 34-42.

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6.4 Conflict with Constitutional Rights: Chapter IV Tensions

The application of offences against public morals generates direct conflict with fundamental rights guaranteed under Chapter IV of the 1999 Constitution:[190]

1. Freedom of Expression (Section 39): Broad prohibitions against "indecent" and "grossly offensive" publications under Section 232 of the Criminal Code and Section 24 of the Cybercrimes Act restrict artistic freedom, journalistic reporting, and political criticism.
2. Right to Private and Family Life (Section 37): Criminalizing consensual adult sexual relations in private spaces violates the constitutional core of personal privacy and bodily autonomy.
3. Freedom of Assembly and Association (Section 40): Enactments like the Same Sex Marriage (Prohibition) Act 2014, which criminalize gay societies, support groups, and public advocacy, destroy the right to peaceful association.
4. Right to Dignity of the Human Person (Section 34): Hudud penal sanctions under state Sharia penal codes (such as stoning to death for adultery and flogging for fornication) violate constitutional protections against cruel, inhuman, or degrading treatment.

While the state relies on the public morality exception in Section 45(1) to justify these restrictions, Section 45(1) cannot serve as a blank cheque for majoritarian tyranny.[191] To be constitutional, moral restrictions must satisfy strict tests of necessity, proportionality, and minimum impairment of rights, which current Nigerian statutes fail to meet.[192]

190 Aidonojie (n 128) 125.
191 Ezeh and Amasiatu (n 130) 72.
192 Aguda (n 125) 102.

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6.5 Economic and Social Costs of Over-Criminalization

Over-criminalizing moral conduct imposes substantial economic and social costs on the Nigerian criminal justice system.[193] Allocating scarce police, prosecutorial, and judicial resources to police consensual adult behavior diverts essential state capacity away from investigating grave security threats, violent crimes, financial fraud, and terrorism.[194] Furthermore, cluttering prisons and remand centers with individuals arrested under vagrancy, public nuisance, and minor moral charges exacerbates severe prison congestion, fostering human rights abuses.[195]

6.6 Implications for Criminal Justice Administration

The persistent enforcement of outdated public morality laws undermines public respect for the rule of law.[196] When criminal law is perceived by citizens as an arbitrary instrument of moral coercion, police extortion, and class discrimination, public trust in law enforcement and judicial institutions erodes.[197] Reforming Nigeria public morality legislation is thus essential not only for protecting constitutional rights, but also for restoring institutional integrity across the administration of criminal justice.[198]

193 CO Okonkwo, *Okonkwo and Naish on Criminal Law in Nigeria* (2nd edn, Spectrum Books 2005) 135.
194 Ezeh and Amasiatu (n 130) 75.
195 Aidonojie (n 128) 128.
196 Adewale (n 132) 108.
197 Njoku, Elom-Obed and Okorie (n 133) 42.

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7.0 REFORM PROPOSALS FOR OFFENCES AGAINST PUBLIC MORALS IN NIGERIA

7.1 Legislative Reform: Replacing Hicklin with an Objective Harm Framework

The National Assembly and state Houses of Assembly should undertake a comprehensive legislative review of Part IV of the Criminal Code Act, Chapter XIII of the Penal Code Act, and Section 24 of the Cybercrimes Act 2015. The outdated Hicklin test of obscenity must be formally repealed across all penal enactments and replaced with a statutory objective harm framework adapted from international best practices. Statutory provisions must explicitly define obscenity and public indecency by requiring proof of actual harm or a real risk of substantial harm to individuals or society, rather than subjective moral revulsion.

The amended statutes must incorporate explicit "public good" statutory defenses, exempting works of serious literary, artistic, scientific, educational, or political value from penal prosecution. Furthermore, obscenity assessments must mandate an evaluation of the work taken as a whole from the perspective of an average reasonable adult, rather than isolating specific passages or judging material by its potential impact on abnormally susceptible minds.

7.2 Decriminalization of Status-Based Vagrancy and Consensual Adult Conduct

Federal and state legislatures should immediately repeal all status-based vagrancy laws, idle and disorderly person provisions, and rogue/vagabond statutes under the Criminal Code and Penal Code. Criminal law must prohibit specific harmful acts rather than criminalizing socio-economic status or presence in public spaces. Repealing vagrancy provisions will eliminate the primary statutory pretext utilized by law enforcement officers to harass indigent citizens, female pedestrians, and vulnerable social groups.

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Furthermore, criminal legislation must be re-oriented to draw a clear boundary between public nuisance and private consensual adult conduct. Private, consensual adult sexual relations that do not involve force, coercion, exploitation, or harm to minors should be decriminalized, aligning Nigerian penal law with constitutional guarantees of personal privacy, human dignity, and bodily autonomy.

7.3 Enacting Statutory Guidelines for Digital Morality under the Cybercrimes Act

Section 24 of the Cybercrimes (Prohibition, Prevention, etc) Act 2015 should be amended to eliminate vague, overbroad terms such as "grossly offensive", "indecent", and "menacing". The legislature must provide precise statutory definitions for cyber-offences, restricting criminal liability strictly to targeted online harassment, non-consensual sharing of intimate images (revenge pornography), extortion, cyber-stalking, and child sexual exploitation material. Online expression and adult digital messaging must be protected from arbitrary state censorship.

7.4 Development of Judicial Practice Directions and Constitutional Balancing

The National Judicial Council and Heads of Courts across federal and state jurisdictions should issue clear Practice Directions guiding trial judges on handling public morality prosecutions. Judicial guidelines must instruct trial judges to apply strict constitutional scrutiny whenever state authorities seek to restrict fundamental rights under the Section 45(1) public morality exception. Judges must require the prosecution to prove that the penal restriction is reasonably necessary in a democratic society, rationally connected to a legitimate statutory objective, and proportionate to the alleged harm.

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Trial courts must adopt constitutional morality as their interpretive guide, ensuring that majoritarian moral disapproval or religious sentiments never override constitutionally guaranteed rights to equality before the law, personal liberty, and freedom of expression.

7.5 Law Enforcement Accountability and Institutional Reform

The Ministry of Police Affairs and the Police Service Commission must implement strict accountability measures to end arbitrary arrests, mass "swoops", extortion, and gender-based violence executed under the guise of enforcing public morality. Police regulations must explicitly prohibit arresting citizens without warrants for minor vagrancy or moral allegations. Law enforcement officers who engage in illegal raids, extortion, or physical assault during moral policing must be subjected to disciplinary proceedings and criminal prosecution.

State governments in northern states must reform the operational guidelines of specialized enforcement bodies, such as the Hisbah Board, ensuring that their activities remain strictly voluntary and advisory within faith communities, without usurping constitutional police powers or infringing upon the fundamental rights of non-adherents.

7.6 Public Legal Education and Human Rights Capacity Building

The National Human Rights Commission, the Nigerian Bar Association, and civil society organizations should expand public legal education campaigns regarding constitutional rights during police stops and arrests. Human rights training modules must be integrated into the mandatory training curricula of all law enforcement academies, training officers on constitutional limits, gender sensitivity, and the rule of law during public order policing.

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8.0 CONCLUSION

8.1 Summary of Principal Findings

This study evaluated the theoretical foundations, statutory framework, and judicial administration governing offences against public morals in Nigeria, alongside a comparative analysis of legal models in England and Wales, the United States, Canada, India, and France. The investigation established four primary findings:

1. Persistence of Archaic Statutory Frameworks: Nigerian public morality law remains anchored in Victorian-era colonial statutes that rely on vague, subjective terminology, particularly the 1868 Hicklin test of obscenity. This reliance creates severe legal uncertainty, overbreadth, and arbitrary suppression of artistic and digital expression.

2. Tensions with Fundamental Constitutional Rights: Enforcing moral prohibitions against private consensual conduct, digital communications, and peaceful associations generates direct conflict with constitutionally guaranteed fundamental rights to privacy, expression, dignity, association, and freedom from discrimination under Chapter IV of the 1999 Constitution.

3. Institutional Arbitrariness and Gendered Violations: Law enforcement agencies routinely deploy vague moral offences, vagrancy laws, and public nuisance statutes as instruments for financial extortion, mass arrests, and gender-based violence targeting vulnerable citizens, indigent populations, and commercial sex workers.

4. Progressive Comparative Best Practices: Comparative jurisdictions demonstrate a universal shift away from majoritarian moral enforcement toward objective harm testing, public good defenses, and constitutional morality. Canada (Labaye harm test), the United States (Miller test), India (Aveek Sarkar community standards test), and France (Code Penal dignity protection)

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provide functional models for re-centering criminal law around harm, consent, and rights protection.

8.2 Concluding Observations

The primary mandate of criminal law in a constitutional democracy is to protect citizens from harm, preserve public order, and uphold human dignity. Transforming criminal law into an instrument for enforcing majoritarian moral conformity subverts the rule of law and undermines public trust in judicial institutions. By repealing the Victorian Hicklin test, decriminalizing status-based vagrancy, enacting an objective statutory harm framework, and enforcing constitutional morality over popular prejudice, Nigeria can modernize its criminal justice system, protect fundamental human rights, and align its evidentiary and penal jurisprudence with international standards.

REFERENCES

Table of Cases

Audu Maizako v Superintendent-General of Police [1960] NRNLR 188.

Aveek Sarkar v State of West Bengal (2014) 4 SCC 257.

Eshugbayi Eleko v Officer Administering the Government of Nigeria [1931] AC 662.

Incorporated Trustees of Laws and Rights Awareness Initiative v Federal Republic of Nigeria (ECOWAS Court, ECW/CCJ/JUD/16/20).

Joseph Shine v Union of India (2018) 11 SCC 163.

Knuller v Director of Public Prosecutions [1973] AC 435.

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Miller v California 413 US 15 (1973).

Musa v State [1993] 2 NWLR (Pt 277) 550.

Navtej Singh Johar v Union of India (2018) 10 SCC 1.

Popoola v Commissioner of Police [1964] NMLR 1.

R v Butler [1992] 1 SCR 452.

R v Hicklin (1868) LR 3 QB 360.

R v Labaye [2005] 3 SCR 728.

Ranjit D Udeshi v State of Maharashtra AIR 1965 SC 881.

Roth v United States 354 US 476 (1957).

Shaw v Director of Public Prosecutions [1962] AC 220.

Table of Legislation

Bharatiya Nyaya Sanhita 2023 (India).

Code Pénal 1994 (France).

Constitution of the Federal Republic of Nigeria 1999 (as amended).

Criminal Code Act, Cap C38 LFN 2004 (Nigeria).

Criminal Code, RSC 1985 c C-46 (Canada).

Cybercrimes (Prohibition, Prevention, etc) Act 2015 (Nigeria).

Evidence Act 2011 (as amended 2023) (Nigeria).

Indian Penal Code 1860 (India).

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Downloaded from Global Insights Law Journal | gilawjournal.com

Kano State Hisbah Board Law 2003 (Nigeria).

Obscene Publications Act 1959 (United Kingdom).

Penal Code (Northern States) Federal Provisions Act 1960, Cap P3 LFN 2004 (Nigeria).

Police Act 2020 (Nigeria).

Same Sex Marriage (Prohibition) Act 2014 (Nigeria).

Sexual Offences Act 1967 (United Kingdom).

Sexual Offences Act 2003 (United Kingdom).

United States Constitution 1787.

Zamfara State Sharia Penal Code Law 2000 (Nigeria).

Books

Aguda TA, *The Criminal Law of Nigeria* (Spectrum Books 1990).

Devlin P, *The Enforcement of Morals* (Oxford University Press 1965).

Feinberg J, *The Moral Limits of the Criminal Law: Offense to Others* (Oxford University Press 1985).

Hart HLA, *Law, Liberty and Morality* (Stanford University Press 1963).

Mill JS, *On Liberty* (Parker and Son 1859).

Nwadialo F, *Modern Nigerian Law of Evidence* (2nd edn, University of Lagos Press 1999).

Okonkwo CO, *Okonkwo and Naish on Criminal Law in Nigeria* (2nd edn, Spectrum Books 2005).

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Journal Articles

Adewale RO, "An Overview of the Cultural Problems within the Criminal Justice System in Nigeria" (2026) 2(1) *Anaocha Bar Journal* 68.

Aidonojie PA, "Legal Perspectives on Offences Against Public Morals in Nigeria" (2022) 10(1) *Nigerian Journal of Public Law* 45.

Ezeh C and Amasiatu C, "A Critical Evaluation of Human Rights Norms in Nigeria's Criminal Justice System and the Path to Reform: Bridging the Gulf" (2026) 11 *African Journal of Criminal Law and Jurisprudence* 23.

Njoku CO, Elom-Obed O and Okorie C, "A Critical Evaluation of Criminal Responsibility for Strict Liability Offences in Nigeria" (2024) 5(1) *LASU Journal of Public Law* 14.

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