LEGAL AND INSTITUTIONAL FRAMEWORKS FOR REGULATING THE OFFENCE OF ADVANCED FEE FRAUD UNDER THE NIGERIAN CRIMINAL LAW*

Abstract
The offence of advanced fee fraud has been a challenge for the Federal Government of Nigeria. Therefore, there is need to examine the legal and institutional framework for regulating the offence under the Criminal Laws in Nigeria with a view to strengthening the laws for efficiency. The aim of this paper is to examine the Legal and Institutional framework for regulating the offence of advanced fee fraud in Nigeria. The methodology for this research is doctrinal.

Keywords: Advanced Fee Fraud, Criminal Law, Legal and Institutional Frameworks, Nigeria

1. Introduction

The Nigerian legal framework regulates 'Advanced Fee Fraud' (AFF) primarily through the Advanced Fee Fraud and Other Related Offences Act of 2006. This legislation criminalizes Advanced Fee Fraud (AFF) and related offences, prescribing penalties for offenders and empowering law enforcement agencies to investigate and prosecute cases. The Act aims to protect individuals, businesses and the nation's economy from the adverse effects of Advanced Fee Fraud (AFF).

2. Legal Framework

Advance Fee Fraud and Other Fraud Related Offences Act

The Advance Fee Fraud and Other Fraud Related Offences Act stands as Nigeria's main legal framework designed to combat the pervasive issue of Advance Fee Fraud (AFF), formally known as '419' scams[1]. This legislation meticulously outlines various fraudulent activities and prescribes strict penalties to deter such offenses[2]. At its core, the Act criminalizes obtaining property through false pretenses. Specifically, Section 1 stipulates that any individual who, by any false representation, induces another to deliver property or any valuable security is committing an offense punishable by imprisonment ranging from 10 to 20 years, without the option of a fine[3]. This underscores the gravity with which Nigerian law views such deceitful practices. In addition to direct fraudulent acts, Section 8 of the Act extends criminal liability to individuals who engage in conspiracy, aiding, and abetting[4]. The section states that any person who:

(a) conspires with, aids, abets, or counsels any other person to commit an offence;
(b) attempts to commit or is an accessory to an act or offence; or
(c) incites, procures, or induces any other person by any means whatsoever to commit an offence.

Commits the offense and is liable on conviction to the same punishment as is prescribed for that offense under the Act. This provision ensures that not only the principal offenders but also their accomplices, facilitators, and those who encourage fraudulent activities are equally culpable under the law[5]. By incorporating severe penalties and broadening the scope of liability, the Act serves as a deterrent against Advance Fee Fraud (AFF), targeting both direct perpetrators and their enablers. In the case of *Federal Republic of Nigeria v Mahmud A. Mohammed*[6], the accused, Mahmud A. Mohammed, Chief Executive Officer of Al-Maqarinaz International, along with co-defendants, was charged with defrauding IsmailaAbdulgaffar, CEO of Emex Oil Ndawta Limited. They allegedly obtained $1,000,000 under the false pretense of supplying Nigerian Bonny Light Crude Oil via MT AL Albar, a vessel that was never loaded with the promised cargo. This act contravened Section 8(a) of the Advance Fee Fraud and Other Fraud Related Offences Act, 2006, and was punishable under Section 1(3) of the same Act.

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[1]Advanced Fee Fraud and Other Fraud Related Offences Act, 2007
[2]P.V Falade, 'Analysis of 419 Scams: The Trends and New Variants in Emerging Types' (2023), <https://www.researchgate.net/publication/375516662_Analysis_of_419_Scams_The_Trends_and_New_Variants_in_Emerging_Types> accessed 27 February 2025
[3] ibid
[4] ibid
[5] ibid
[6] (2016) (Unreported, FHC/ABJ, Judgment delivered in 2020)

The trial spanned four years. Upon conclusion, the court found the first, second, and fourth defendants guilty on counts three and four, sentencing them to 10 years imprisonment on each count, to run concurrently. The court noted overwhelming evidence that MT AL Albar was never loaded with the crude oil as claimed, leading to the fraudulent collection of $1,000,000 from the victim. Additionally, the convicts were ordered to refund the $1,000,000 to Emex Oil Ndawta Limited. The third defendant, Globtec Resources Limited, was directed to refund $20,000, initially paid by Emex Oil Ndawta Limited to procure a fiduciary account.

Similarly, in the case of *Federal Republic of Nigeria v. Johnson Matthew Ebosa*[7], the defendant was charged with possession of documents containing false pretenses, an offense under Sections 6 and 8(b) of the Advance Fee Fraud and Other Fraud Related Offences Act, 2006, punishable under Section 1(3) of the same Act. Arraigned on November 7, 2024, before Hon. Justice A. N. Erhabor at the State High Court in Edo, Ebosa pleaded guilty to the charges. Consequently, the court sentenced him to three years imprisonment with an option of a ₦200,000 fine. Additionally, items recovered from him were ordered forfeited to the Federal Government of Nigeria, and he was mandated to provide a written undertaking to maintain good behavior henceforth. These cases exemplify the enforcement of the Advance Fee Fraud and Other Fraud Related Offences Act, reflecting the Nigerian judiciary's efforts to prosecute individuals involved in fraudulent schemes.

Beyond the act of fraud itself, the legislation addresses secondary offenses. Section 3 targets those who knowingly allow their premises to be used for committing offenses under the Act, prescribing imprisonment of up to 15 years[8]. This provision ensures that facilitators and enablers of fraud are held accountable, thereby disrupting the infrastructure that supports fraudulent schemes.

In recognition of the evolving digital landscape, the Act incorporates provisions to tackle electronic and telecommunication fraud. Section 12 mandates that providers of electronic communication services obtain comprehensive identification details from their customers, including full names and residential or corporate addresses[9]. Failure to comply attracts penalties, emphasizing the importance of accountability in the digital realm.

To further bolster enforcement, Section 13 requires telecommunication and internet service providers, as well as internet café operators, to register with the Economic and Financial Crimes Commission (EFCC)[10]. They are also mandated to maintain a register of all fixed-line customers, subject to inspection. Non-compliance can result in fines and forfeiture of equipment, ensuring that service providers play a proactive role in preventing the misuse of their platforms for fraudulent activities.

The Act also empowers courts with significant authority concerning the assets of accused individuals[11]. Section 16 allows the High Court to issue orders prohibiting the disposal of property by individuals under investigation, ensuring that assets remain available for restitution or forfeiture upon conviction[12]. This provision is crucial for preserving the financial proceeds of crime, thereby enhancing the efficacy of legal proceedings.

In essence, the Advance Fee Fraud and Other Fraud Related Offences Act represents a comprehensive legislative effort to address and mitigate fraudulent activities in Nigeria. By encompassing a wide array of offenses and incorporating stringent penalties, the Act serves as a formidable tool in safeguarding individuals and the economy from the detrimental effects of fraud.

Economic and Financial Crimes Commission (Establishment) Act

This Act is a cornerstone of Nigeria's legal framework for combating financial crimes, including Advance Fee Fraud (AFF)[13]. Enacted to strengthen the country's fight against economic and financial crimes, the Act established the Economic and Financial Crimes Commission (EFCC) as the principal agency responsible for investigating and prosecuting offenses such as fraud, money laundering, and embezzlement.[14] Section 6 of the Act outlines the functions of the EFCC, which include enforcing financial crime laws, investigating fraudulent activities, and prosecuting offenders[15]. This section explicitly mandates the EFCC to combat Advance Fee Fraud (AFF) by tracing, freezing, and confiscating assets obtained through fraudulent means. The commission is also

[7] (2024) (Unreported, SHC/EDO, Judgment delivered in 2024)
[8] ibid
[9] ibid
[10] ibid
[11] ibid
[12] ibid
[13] Economic And Financial Crimes Commission (Establishment) Act, Cap E1, Laws of the Federation of Nigeria 2004
[14] Akogwu Agada, *'An Appraisal of the Legal and Institutional Framework for Combating Corruption and Financial Crimes in Nigeria'*, (Black Tower Publishers, 2024), 82
[15] ibid

empowered to collaborate with other law enforcement agencies, both locally and internationally, to track illicit financial flows and apprehend offenders[16].In the case of *Federal Republic of Nigeria v. Kolawole Adedayo Erinle*[17], the Court of Appeal, Lagos Division, upheld the conviction and sentencing of the businessman to 12 years imprisonment for a $1.4 million fraud prosecuted by the Economic and Financial Crimes Commission (EFCC). Erinle and his company, Rinde-Remdex Nigeria Limited, were first arraigned before Justice Oluwatoyin Taiwo on March 11, 2022. Following the retirement of Justice Taiwo, the case was reassigned to Justice Oshodi, and Erinle was re-arraigned on October 28, 2022, on charges of conspiracy, retention of proceeds of criminal conduct, and obtaining money under false pretenses.

The EFCC alleged that Erinle and an accomplice, still at large, falsely represented themselves as J.E. Dunn, a U.S. construction company, by creating a fake domain to fraudulently obtain $1,410,000. Despite pleading not guilty, the EFCC prosecution team, led by T.J. Banjo, presented documentary evidence and called four witnesses, proving that Erinle had a prior fraud conviction in the United States. Justice Oshodi found him guilty on September 26, 2023, sentencing him to concurrent terms of five and 12 years from February 10, 2023. His company was fined ₦50 million, ordered to be wound up, and its assets forfeited. The court also mandated restitution to the victim, facilitated through the FBI. Dissatisfied with the judgment, Erinle appealed, but the Court of Appeal, in a decision delivered by Justice Danlami Zama Senchi, unanimously dismissed the appeal for lacking merit and affirmed the trial court's ruling, reinforcing the EFCC's role in combating financial crimes in Nigeria[18].

One of the most significant provisions is Section 7, which grants the EFCC special powers to investigate individuals and organizations suspected of financial crimes[19]. The commission is authorized to examine bank accounts, financial records, and assets of persons under investigation. This provision has been instrumental in high-profile prosecutions of fraudsters who employ deceptive schemes to swindle unsuspecting victims. Section 17 criminalizes the retention of proceeds of criminal conduct, ensuring that individuals who knowingly possess or control funds derived from fraudulent activities face severe legal consequences[20]. This provision is particularly relevant to Advance Fee Fraud (AFF) cases, as fraudsters often attempt to conceal their illicit gains through money laundering and asset transfers. The Act also provides extensive powers related to forfeiture and asset recovery. Under Section 20, courts can order the forfeiture of assets obtained through fraudulent means after a conviction[21]. Additionally, Section 26 empowers the EFCC to seize property pending the outcome of investigations, preventing suspects from dissipating illicitly acquired wealth[22].

Another key provision is Section 34, which allows the EFCC to issue freezing orders on bank accounts linked to fraudulent transactions[23]. This is a critical tool in preventing fraudsters from accessing their ill-gotten funds while investigations are ongoing. The EFCC's ability to freeze assets has significantly enhanced its effectiveness in curbing financial crimes. Basically, the Economic and Financial Crimes Commission (Establishment) Act, 2004 remains a powerful legal instrument in Nigeria's fight against fraud, particularly Advance Fee Fraud (AFF). By empowering the EFCC with investigative and prosecutorial authority, as well as robust asset recovery mechanisms, the Act provides a solid foundation for combating financial crimes.

Criminal Code

The Criminal Code plays a pivotal role in Nigeria's legal framework against financial crimes, particularly Advance Fee Fraud (AFF)[24]. Section 419 of the Code explicitly criminalizes obtaining property through false pretenses, which is the foundation of many fraudulent schemes[25]. Under this provision, any individual who, with intent to defraud, obtains from another anything capable of being stolen through false representation is guilty of a felony. The penalty prescribed is three years' imprisonment, which increases to seven years if the offender has a prior conviction for a related felony. This provision has been the legal basis for prosecuting notorious fraud cases such as *Federal Republic of Nigeria v. Emmanuel Nwude & Ors*[26]., it was one of the largest fraud cases in banking history. Between 1995 and 1998, Nwude, impersonating Paul Ogwuma, the then Governor of the Central Bank of

[16] ibid
[17] (2024) (Unreported, Court of Appeal, Lagos Division)
[18] Media and Publicity, <https://www.efcc.gov.ng/efcc/news-and-information/news-release/10600-1-4m-fraud-appeal-court-upholds-conviction-of-businessman?> accessed 1 March 2025
[19] ibid
[20] ibid
[21] ibid
[22] ibid
[23] ibid
[24] Criminal Code Act, Cap C38, Laws of the Federation of Nigeria 2004
[25] ibid
[26] (2018), FHC/LAG (Unreported Suit No)

Nigeria, defrauded Nelson Sakaguchi, a Director at Banco Noroeste in Brazil, of $242 million[27]. The scheme involved persuading the bank to invest in a non-existent airport project in Abuja in exchange for a $10 million commission. The fraud went undetected until Banco Santander attempted to acquire Banco Noroeste in 1997 and discovered that a significant portion of the bank's capital was unaccounted for in offshore accounts. This led to a series of investigations across multiple jurisdictions, including Brazil, Britain, Nigeria, Switzerland, and the United States.

Following these investigations, Nwude and his accomplices, including Amaka Anajemba and Nzeribe Okoli, were arrested and charged in 2004 before the Abuja High Court. They faced 86 counts of fraud and 15 counts of bribery. However, the Abuja court dismissed the case on jurisdictional grounds, leading to its transfer to the Lagos High Court. While on trial, Nwude attempted to bribe EFCC Chairman Nuhu Ribadu with $75,000 and was subsequently charged with attempted bribery and the attempted kidnapping of a prosecution witness. In 2005, after testimony from Sakaguchi, Nwude and Okoli pleaded guilty, hoping for a lenient sentence. The court relied on Section 419 of the Criminal Code Act thereby convicting and sentencing Nwude to 25 years in prison, while Okoli received four years demonstrating the Act's application in major fraud cases. The court also ordered the confiscation of all Nwude's assets, with restitution to be made to Banco Noroeste's former owners.

Despite serving part of his sentence, Nwude later sought to reclaim some of his seized assets, arguing that they had been acquired before the fraud. As of 2015, the Lagos Court of Appeal was still reviewing his claims. In 2021, he faced new charges related to the forgery of property documents, testifying in court that he was unaware of the source of the funds that had entered his account. His trial remains ongoing[28].

Further strengthening its reach, Section 419A extends liability to those who fraudulently obtain credit, whether through false representation or deceptive financial transactions[29]. This provision was introduced to combat modern-day fraudsters who manipulate banking systems, use fake identities, or engage in check fraud to deceive individuals and institutions. The inclusion of fraudulent credit schemes under the Act underscores the legislature's awareness of evolving financial crimes.

Additionally, Section 420 targets individuals who induce others to execute valuable security or financial instruments under false pretenses[30]. This provision ensures that fraudsters who manipulate victims into signing contracts, loan agreements, or other financial documents are held accountable. It serves as a crucial safeguard in financial transactions, particularly in commercial and investment fraud schemes.

The Act does not stop at penalizing direct fraudsters; it also criminalizes conspiracy and aiding fraudulent activities. Under Section 422, individuals who conspire to defraud, regardless of whether they personally commit the fraud, face severe penalties[31]. This provision is particularly relevant in organized fraud syndicates, where multiple actors collaborate to execute large-scale scams.

One of the most notable features of the Criminal Code is its presumption clause in Section 419(b), which shifts the burden of proof in certain fraud cases[32]. Where an individual obtains or induces the delivery of property through a dishonored check, the court is allowed to presume fraudulent intent unless the accused provides a reasonable explanation. This provision enhances the prosecutorial process, making it harder for fraudsters to evade justice on technical grounds. In all, the Act is a key legislative tool in the fight against Advance Fee Fraud, reinforcing the Nigerian government's stance against financial crimes[33].

Cybercrime (Prohibition, Prevention, etc.) Amendment Act 2024

The Cybercrime (Prohibition, Prevention, etc.) Amendment Act 2024, serves as a crucial instrument in Nigeria's battle against cyber-enabled offenses, notably Advance Fee Fraud (AFF), commonly referred to as '419' fraud[34]. This legislation criminalizes various cyber activities, including identity theft, hacking, and online fraud, providing

[27]S Akande, 'How Emmanuel Nwude sold an imaginary airport for $242 million' (2024), <https://www.pulse.ng/articles/lifestyle/emmanuel-nwude-sold-an-imaginary-airport-for-dollar242-million-2024080104383789077> accessed 3 March 2025

[28]This Day (Lagos, 13 June 2015), 'Nigeria: U.S.$242 Scam - Appeal Court Reserves Judgment On Nwude's Assets', <https://allafrica.com/stories/201505081697.html> accessed 3 March 2025

[29] ibid

[30] ibid

[31] ibid

[32] ibid

[33]T Jombai, 'Defamation and Privacy Law in the Federal Republic of Nigeria' (2024), < https://www.carter-ruck.com/law-guides/nigeria-2/> accessed 3 March 2025

[34]Y Aliyu and others, *'Cybercrime and Cyber Law in Nigeria: An Overview of Challenges and Way Forward'* (2023), International Conference on Computing and Advances in Information Technology (ICCAIT 2023), At: Ahmadu Bello University, Zaria, Nigeria

a comprehensive framework to address the evolving landscape of digital crimes[35]. Specifically, Section 14 of the Act addresses computer-related fraud, imposing penalties on individuals who knowingly engage in fraudulent activities using electronic platforms. It states that[36];

> Any person who, with intent to defraud, sends electronic messages, data, or uses an electronic device to obtain financial or other benefits by false pretenses commits an offense and is liable on conviction to imprisonment for a term of not less than three years or a fine of not less than N5,000,000.00 or both.'

In response to the rapid advancement of technology and the emergence of new cyber threats, the Nigerian government enacted the Cybercrime (Prohibition, Prevention, etc.) (Amendment) Act, 2024.[37]This amendment introduced significant enhancements to the original Act, aiming to bolster its effectiveness in combating cybercrimes. One notable revision is the expansion of offenses related to payment systems. The amended Section 30 (1) and (2) now encompass fraudulent activities involving not only Automated Teller Machines (ATMs) and Point of Sale (POS) devices but also any other payment technology means[38]. The sections states thus;

> (1) Any person who, with intent to defraud, manipulates or unlawfully accesses any electronic payment system, including but not limited to Automated Teller Machines (ATMs), Point of Sale (POS) devices, mobile banking platforms, or any other payment technology, commits an offense and shall be liable on conviction to imprisonment for a term of not less than five years or a fine of not less than ₦10, 000,000.00 or both.
>
> (2) Any financial institution or service provider that knowingly facilitates or fails to take reasonable measures to prevent fraudulent transactions through its electronic payment system shall be liable to a fine of not less than N50, 000,000.00 and may be subject to additional regulatory sanctions.

This amendment reflects the government's commitment to tackling financial fraud by ensuring that all payment technologies are covered under the law. By expanding the scope of fraudulent activities to include mobile banking and emerging fintech solutions, the law strengthens the ability of regulatory agencies to hold both fraudsters and financial institutions accountable

Furthermore, the amendment emphasizes the importance of the National Identification Number (NIN) in financial transactions[39]. By mandating the use of NIN for customer verification, financial institutions can more effectively prevent identity fraud and unauthorized access to services. This measure aims to enhance the integrity of customer identification processes, thereby reducing the risk of fraudulent activities. The Cybercrime Act and its amendments highlight Nigeria's evolving legal approach to combating digital fraud[40]. By criminalizing electronic-based deception and enhancing regulations for financial transactions, the law plays a critical role in preventing Advance Fee Fraud (AFF) and other cyber-related offenses.

Money Laundering (Prevention and Prohibition) Act

The Money Laundering (Prevention and Prohibition) Act, also backs up Nigeria's efforts to combat financial crimes, particularly Advance Fee Fraud (AFF) and other fraudulent schemes[41]. By targeting the concealment and movement of illicit funds, the Act plays a vital role in ensuring that fraudsters do not benefit from the proceeds of their crimes[42]. Section 14 of the Act establishes liability for directors and employees of financial institutions and designated non-financial businesses who fail to comply with anti-money laundering regulations. It states[43]:

> A director or employee of a financial institution or designated non-financial business and profession who willfully enables, facilitates, or fails to take reasonable steps to prevent money laundering commits an offense and is liable on conviction to imprisonment for a term of not less than five years or a fine of not less than N10,000,000.00 or both.

[35]O Ayandele and O Popoola, 'Yahoo Yahoo: Cyber-enabled Crime and Criminality in Nigeria' (2022), <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3999317&utm > accessed 4 March 2025

[36]The Cybercrimes (Prohibition, prevention, etc.) (Amendment) Act 2024

[37] E Gbahabo and others, 'The Cyber Crimes (Prohibition, Prevention, Etc.) (Amendment) Act 2024: A Paradigm Shift for Individuals and Businesses? (2024), <https://www.templars-law.com/app/uploads/2024/08/Cybercrimes.pdf> accessed 4 March 2025

[38] ibid

[39] ibid

[40] ibid

[41] Money Laundering (Prevention and Prohibition) Act, 2022 (Act No 11)

[42]M Saulawa, 'An Overview of the Legal framework of Advanced Fee Fraud and Cybercrime in Nigeria', (2016) (1) (2), *Hasanuddin Law Review*, 198

[43] ibid

This provision ensures that corporate bodies and professionals uphold strict financial transparency, preventing fraudulent transactions from being legitimized within the financial system. Under Section 30(1), the Act strengthens asset recovery measures, providing that[44]: 'Where a person is convicted of an offense under this Act, the court may order the confiscation and forfeiture of assets and properties derived from or used in the commission of the offence.' This ensures that fraudsters engaging in Advanced Fee Fraud (AFF) cannot retain their illegally acquired wealth, reinforcing the principle that crime should not pay. Additionally, Section 30(2) provides that[45]: 'Upon a final forfeiture order, the proceeds from the disposal of confiscated assets shall be paid into the Consolidated Revenue Fund of the Federation.' This ensures that illicit funds recovered from fraudsters are returned to the state rather than being misappropriated.

The Act plays a pivotal role in tackling financial fraud and its proceeds, this is done by empowering law enforcement agencies such as the Economic and Financial Crimes Commission (EFCC) with broad investigative, prosecutorial, and asset forfeiture powers. The inclusion of strict financial compliance measures and heavy penalties underscores Nigeria's commitment to strengthening its anti-fraud laws, ensuring that Advanced Fee Fraud (AFF) perpetrators face both legal and financial consequences.

Constitution of the Federal Republic of Nigeria 1999 (as Amended)

The Nigerian Constitution, though it does not directly mention Advanced Fee Fraud (AFF), provides the legal and institutional framework for addressing such crimes. Section 4(2) empowers the National Assembly to 'make laws for the peace, order and good government of the Federation,'[46]which is the authority under which the Advance Fee Fraud and Other Fraud Related Offences Act was enacted. This gives the federal legislature the constitutional backing to criminalize and regulate fraud-related conduct.

Section 6(1) vests the 'judicial powers of the Federation' in the courts, allowing them to interpret and apply laws related to criminal offences, including Advanced Fee Fraud (AFF).[47] Without this provision, courts would lack the constitutional authority to hear and decide such matters. It is this judicial mandate that supports the prosecution and adjudication of fraud cases by Nigerian courts. In addition, Section 35(1) provides that 'every person shall be entitled to his personal liberty' and cannot be deprived of it except 'upon reasonable suspicion of his having committed a criminal offence.'[48]This clause ensures that law enforcement agencies like the EFCC must follow due process when arresting suspects for fraud. Any detention must be lawful and justified under this section. Section 36(1) strengthens the right to due process by ensuring that 'a person shall be entitled to a fair hearing within a reasonable time'[49] before a competent and impartial court. In fraud cases, this guarantees the accused a fair trial, legal representation, and the presumption of innocence until proven guilty. Lastly, Section 174(1) gives the Attorney-General the power 'to institute and undertake criminal proceedings… in respect of any offence created by or under any Act of the National Assembly.'[50]This includes fraud-related offences, and empowers the state to pursue justice in cases of Advanced Fee Fraud (AFF). Collectively, these sections provide the constitutional basis for prosecuting such crimes.

Administration of Criminal Justice Act (2015)

The Administration of Criminal Justice Act 2015 (ACJA) provides the essential procedural rules for investigating and prosecuting crimes in Nigeria, including Advanced Fee Fraud (AFF). It is not a substantive law that defines fraud, but it ensures that the handling of such offences is fair, timely, and effective. Section 1 of the ACJA sets the tone by stating that the Act exists to promote efficient criminal justice administration, quick dispensation of justice, and protection of all parties involved - including suspects, defendants, and victims. This is especially important in fraud cases where victims have often lost large sums of money and justice must not be delayed.[51] Section 2 clarifies that the Act applies to all federal offences, meaning that Advanced Fee Fraud (AFF), which is prosecuted under federal laws like the Advance Fee Fraud and Other Fraud Related Offences Act, falls under its procedural umbrella.[52] When it comes to arresting suspects, Section 15 allows police officers to arrest without a warrant if they reasonably suspect that a person has committed a serious offence, including fraud. This provision is useful for law enforcement agencies in tracking down fraudsters swiftly and lawfully. Section 17 ensures that any person arrested must be promptly taken to a police station and informed of the reason for their arrest.[53] This

[44] ibid
[45] ibid
[46] Constitution of the Federal Republic of Nigeria 1999 (as amended)
[47] ibid
[48] ibid
[49] ibid
[50] ibid
[51] Administration of Criminal Justice Act, 2015
[52] ibid
[53] ibid

guarantees transparency and protects the suspect's right to know what they are accused of. Section 296 provides that a court may issue a warrant of arrest if it believes a complaint made against a person is genuine and supported by reasonable suspicion.[54] Lastly, Section 397 allows the court to accept written statements from individuals who cannot attend court if the statement is properly signed and declared to be true[55]. This is useful in fraud cases that often involve multiple victims or witnesses across different locations. Together, these provisions ensure that advanced fee fraud prosecutions are conducted lawfully and efficiently.

Evidence Act 2011 (as amended)

The Nigerian Evidence Act 2011 provides the legal basis for what type of evidence is acceptable in court, including in cases of Advanced Fee Fraud (AFF). Under Section 1, the Act applies to all court proceedings in Nigeria, ensuring that any fact relevant to the case, including fraudulent activities, can be presented if it is legally admissible.[56] This forms the general foundation for admitting evidence in fraud-related prosecutions. Section 29 focuses on confessions. It states that a confession made by a defendant can be used in court, but only if it was made voluntarily[57]. If the statement was obtained through threats, promises, or pressure by the police or someone in authority, it cannot be used unless the prosecution can prove beyond reasonable doubt that it was not forced. This is particularly important in fraud cases where suspects may try to deny earlier confessions. Section 67 describes an admission as any statement, whether spoken or written, that implies the truth of a relevant fact in the case. In fraud trials, any statement by the accused admitting to sending fake emails or promising false returns can be regarded as an admission.[58] Section 84 is critical in the modern era because it deals with computer-generated evidence. It says that electronic documents like emails, chats, and messages can be used in court if it's proven that the computer was functioning properly and the document was produced in regular operation.[59] This is often key in Advanced Fee Fraud (AFF) where electronic communication is central to the offence. Finally, Section 167 allows courts to presume certain facts based on natural human behavior and circumstances.[60] For example, if someone receives money after sending a deceptive email, the court may infer fraudulent intent from the conduct.

In summary, the 2023 amendment to Evidence Act aligns Nigeria's legal system with global technological advancement by strengthening the rules for admitting electronic evidence. This development is crucial in fighting against Advanced Fee Fraud (AFF), as it equips law enforcement and the courts with the legal tools needed to pursue and prosecute crimes that are now commonly carried out enough digital platforms. Together, these provisions support the effective prosecution of advanced fee fraud under Nigerian law.

3. Institutions Regulating Advanced Fee Fraud

In Nigeria, institutions such as the Economic and Financial Crimes Commission (EFCC) and the Nigerian Police force play vital roles in combating Advanced Fee Fraud (AFF). These agencies are responsible for investigating, preventing and prosecuting Advanced Fee Fraud (AFF) related crimes, working to protect the nation's economy and citizens from phishing schemes.

Economic and Financial Crimes Commission

The Economic and Financial Crimes Commission (EFCC) is Nigeria's leading agency in the fight against financial crimes, particularly Advance Fee Fraud (AFF)[61]. Established in 2003, the EFCC was created to address the growing menace of financial and economic crimes that were tarnishing Nigeria's reputation on the global stage[62]. Over the years, the commission has played a crucial role in investigating, prosecuting, and preventing fraudulent activities that involve obtaining money or assets through false pretenses.

One of the key ways the EFCC tackles Advance Fee Fraud is through its enforcement of laws such as the Advance Fee Fraud and Other Fraud Related Offences Act, the Economic and Financial Crimes Commission (Establishment) Act, and the Cybercrime Act[63]. The commission carries out extensive investigations, working closely with local and international law enforcement agencies to track down fraudsters, freeze illicit assets, and ensure that offenders face justice. Many high-profile cases, including those involving well-known fraudsters, have

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[54] ibid
[55] ibid
[56] Evidence Act, 2011 (Cap E14, LFN 2011)
[57] ibid
[58] ibid
[59] ibid
[60] ibid
[61] A.O Abosede and D.O Olasunmbo, 'Implications Of Application Of The Law Of Defamation In Social Media Information Dissemination' (2023), <https://www.researchgate.net/publication/370363969_Implications_Of_Application_Of_The_Law_Of_Defamation_In_Social_Media_Information_Dissemination> accessed 10 March 2025
[62] ibid
[63] ibid

been successfully prosecuted due to the EFCC's relentless pursuit of financial criminals. Recently, the EFCC broke up a syndicate of fraudsters specializing in hotel review job scams, targeting mostly UK victims[64]. This scam involved Chinese nationals recruiting local Nigerians to pose as customer service representatives, who would then engage with expatriates and convince them to participate in hotel ratings for payment.

Beyond enforcement, the EFCC is also committed to public awareness and education[65]. The commission regularly runs campaigns to educate individuals and businesses about the dangers of Advance Fee Fraud (AFF) and how to avoid falling victim to scammers. Public engagement initiatives, such as sensitization programs in schools and media campaigns, play an essential role in preventing fraud before it happens[66]. The EFCC remains one of Nigeria's most effective institutions in the fight against fraud. Its efforts not only help to prosecute offenders but also serve as a deterrent, reinforcing the message that financial crime will not go unpunished[67]. Through continuous enforcement and awareness, the EFCC remains a strong force in combating Advance Fee Fraud in Nigeria.

Nigeria Police Force

The Nigeria Police Force (NPF) remains at the forefront of law enforcement efforts to curb financial crimes, particularly those involving deception and fraudulent schemes[68]. With its nationwide presence and specialized units, the Nigeria Police Force (NPF) has been instrumental in investigating and apprehending individuals involved in fraudulent activities, ensuring that perpetrators do not operate with impunity[69]. In a press release by ACP Olumuyiwa Adejobi[70], the Nigeria Police Force (NPF) announced the arrest of 82 suspects in January 2025 for various financial and cyber-related crimes, including internet fraud, identity theft, romance scams, cryptocurrency fraud, and transnational fraud. These arrests were made through the National Cybercrime Centre (NCCC) as part of the Force's intensified efforts to combat financial crimes and cyber fraud across Nigeria.

A major highlight of the operation was the arrest of Saidu Adam Usman and Yusuf Umar, who allegedly facilitated fraudulent transactions worth over ₦400 million by creating and distributing compromised financial accounts. These accounts were set up using pre-registered SIM cards and fraudulently obtained Bank Verification Numbers (BVNs), which were then used to conduct illegal financial activities on behalf of foreign associates.

Another significant arrest was that of Rabiu Aliyu Salisu, also known as Rabo, who was accused of identity theft, computer-related fraud, and money laundering. Salisu allegedly posed as an American citizen named Matthew Ramsey and defrauded Deborah Woods, a U.S. national, of $597,000. This large-scale operation reflects the Nigeria Police Force's commitment to tackling financial crime and ensuring that those involved in cyber fraud face the full weight of the law. Collaboration with international bodies has also been a significant aspect of the NPF's strategy[71]. A notable example is Operation Red Card, conducted between November 2024 and February 2025, which targeted mobile banking and investment scams. This operation led to over 300 arrests across Africa, highlighting the transnational nature of Advanced Fee Fraud (AFF) and the importance of cross-border cooperation[72]. Through these concerted efforts, the Nigeria Police Force continues to play a crucial role in safeguarding citizens and the international community from the detrimental effects of Advance Fee Fraud[73].

Independent Corrupt Practices and Other Related Offences Commission

The Independent Corrupt Practices and Other Related Offences Commission (ICPC) is one of Nigeria's key anti-corruption agencies, established in 2000 to combat corruption, fraud, and other financial crimes[74]. Unlike the

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[64] Media and Publicity, 'EFCC Arrests 105 Suspected Internet Fraudsters in Abuja' (2025), <https://www.efcc.gov.ng/efcc/news-and-information/news-release/10605-efcc-arrests-four-chinese-101-others-for-suspected-internet-fraud-in-abuja> accessed 12 March 2025

[65] D. O. Odeke. 'Economic and Financial Crimes Commission (EFCC) and Financial Accountability and Transparency in Nigeria' (2024), <https://www.researchgate.net/publication/386287153_Economic_and_Financial_Crimes_Commission_EFCC_and_Financial_Accountability_and_Transparency_in_Nigeria> accessed 13 March 2025

[66] ibid

[67] ibid

[68] Ukasha Ismail, 'The Nigeria Police Force and Cybercrime Policing: An Appraisal' (2020), <https://www.researchgate.net/publication/362395951_The_Nigeria_Police_Force_and_Cybercrime_Policing_An_Appraisal> accessed 13 March 2025

[69] ibid

[70] O Adejobi, 'Police Apprehends 82 Suspects for Financial, Cyber Related Crimes' (2025), <www.npf.gov.ng/news/details/576?>accessed 13 March 2025

[71] Interpol, 'More than 300 arrests as African countries clamp down on cyber threats' (2025), <www.interpol.int/en/News-and-Events/News/2025/More-than-300-arrests-as-African-countries-clamp-down-on-cyber-threats?> accessed 13 March 2025

[72] ibid

[73] ibid

[74] S Aibieyi, 'Anti-Corruption strategies and development in Nigeria: A case study of the Independent Corrupt Practices Commission (ICPC) and Economic and Financial Corruption Commission (EFCC)' [2007] (4) (1), *Lwati A Journal of Contemporary Research*, 6

Economic and Financial Crimes Commission (EFCC), which primarily focuses on financial crimes like Advance Fee Fraud, the ICPC has a broader mandate that includes preventing and investigating corrupt practices in public and private sectors. The commission is empowered to investigate allegations of corruption, prosecute offenders, and promote ethical conduct across various institutions[75].

One of the major functions of the ICPC is investigation and prosecution[76]. The commission is responsible for probing cases of bribery, forgery, abuse of office, and financial mismanagement. Any individual, public officer, or private entity found guilty of corrupt practices can be prosecuted under the Corrupt Practices and Other Related Offences Act. Additionally, the ICPC works on preventing corruption by conducting systemic reviews of government ministries, agencies, and parastatals to identify loopholes that enable fraud and misuse of funds. It also partners with organizations to strengthen internal controls and promote transparency in financial dealings[77]. Another critical role of the ICPC is public education and advocacy[78]. The commission organizes campaigns to raise awareness about corruption and fraudulent schemes, educating Nigerians on how to detect and report corrupt practices. Through these sensitization programs, the ICPC encourages whistleblowing and community participation in the fight against financial crimes.

Over the years, the ICPC has played a significant role in tackling fraudulent activities. In the case of the *Federal Republic of Nigeria v. Solomon Ogodo*[79], Mr. Solomon Ogodo, a Superintendent of the Nigerian Security and Civil Defence Corps (NSCDC), was convicted and sentenced to seven years in prison for forgery and employment racketeering involving ₦12.2 million. He was found guilty of deceiving job seekers by collecting money in exchange for fake employment opportunities and The Independent Corrupt Practices and Other Related Offences Commission (ICPC) secured the conviction.

In another notable case, the ICPC arraigned Mr. Okezie for forgery related to the Advance Fee Fraud and Other Fraud Related Offences Act[80]. His fraudulent activities involved presenting forged documents to defraud individuals and businesses, reinforcing the ICPC's commitment to prosecuting offenders under Nigeria's fraud laws. Through its investigative, preventive, and educational roles, the ICPC continues to be a vital force in Nigeria's fight against corruption and fraudulent financial practices.

Central Bank of Nigeria

The Central Bank of Nigeria (CBN) plays a significant role in regulating financial activities and ensuring the stability of the country's monetary system[81]. While its primary function is to manage Nigeria's currency and banking sector, the CBN is also instrumental in the fight against Advance Fee Fraud (AFF) by enforcing financial regulations and implementing policies that promote transparency in banking transactions[82]. One of the key ways the CBN combats fraud is through its Know Your Customer (KYC) policy, which mandates banks and financial institutions to verify the identities of their customers[83]. This regulation helps prevent fraudsters from using fake identities or shell accounts to facilitate fraudulent transactions. Additionally, the Bank Verification Number (BVN) system, introduced by the CBN, has been a game-changer in reducing identity-related fraud, making it more difficult for criminals to operate undetected[84]. The CBN also monitors financial institutions to ensure compliance with anti-money laundering regulations[85]. It works closely with the Economic and Financial Crimes Commission (EFCC) and the Nigeria Financial Intelligence Unit (NFIU) to track suspicious transactions and prevent funds obtained through fraudulent activities from being laundered through the banking system. Through these measures, the CBN plays a crucial role in safeguarding Nigeria's financial sector from the threats posed by Advance Fee Fraud. By promoting strong financial regulations, enforcing compliance, and supporting fraud prevention initiatives, the CBN remains a key institution in the fight against financial crimes in Nigeria.

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[75] ibid
[76] ibid
[77] ibid
[78] ibid
[79] (2022) FHC/ABJ (CR/503/2022)
[80] Independent Corrupt Practices and Other Related Offences Commission, 'ICPC Arraigns Man for Forgery' (2024), < https://icpc.gov.ng/icpc-arraigns-man-for-forgery-2/> accessed 17 March 2025
[81] C Osakwe and others, 'The Effect of Central Bank of Nigeria Regulation on the Performance of Deposit Money Banks' (2024), <https://www.researchgate.net/publication/384143199_The_Effect_of_Central_Bank_of_Nigeria_Regulation_on_the_Performance_of_Deposit_Money_Banks>accessed 17 March 2025
[82] ibid
[83] A.A Bello, 'Enhancing Know Your Customer (KYC) and Anti-Money Laundering (AML) Compliance Using Blockchain: A Business Analysis Approach' (2025), <https://www.researchgate.net/publication/389814116_Enhancing_Know_Your_Customer_KYC_and_Anti-Money_Laundering_AML_Compliance_Using_Blockchain_A_Business_Analysis_Approach> accessed 18 March 2025
[84] ibid
[85] ibid

National Information Technology Development Agency

Established in 2007, the National Information Technology Development Agency (NITDA) is a crucial institution in Nigeria's digital landscape, playing a significant role in the regulation and promotion of information technology[86]. The agency is instrumental in shaping policies that govern digital transactions and cyber security, making it an essential force in combating Advance Fee Fraud (AFF) and other cyber-related financial crimes[87]. In recent times, NITDA launched its 2024 cyber security awareness campaign, emphasizing the growing need for cyber vigilance amid increasing reliance on technology and rising digital fraud schemes[88]. This campaign highlighted the importance of protecting both personal and professional financial activities that are now deeply integrated with technology. The agency's Director-General, Malam Kashifu Inuwa, underscored the importance of cyber security in preventing digital fraud and online financial deception, encouraging individuals and businesses to adopt proactive security measures such as regular software updates, strong password management, and participation in cyber security training programs[89]. These measures are particularly relevant in the fight against Advance Fee Fraud, where criminals exploit digital platforms, emails, and social media to deceive victims.

NITDA's mandate extends to regulating information technology usage, ensuring the security and integrity of Nigeria's cyberspace, and promoting digital safety measures to curb fraudulent activities[90]. To achieve these goals, NITDA has implemented policies and regulatory frameworks that guide the development and deployment of digital financial systems, ensuring they are secure against exploitation by cybercriminals. The agency is also responsible for enforcing data protection regulations, ensuring that personal and financial data is securely managed to prevent unauthorized access by fraudsters[91]. With the rapid rise of online financial transactions, enforcing compliance with cyber security standards is critical in preventing fraudsters from exploiting weaknesses in digital infrastructure. Through its various initiatives and regulatory efforts, NITDA remains a key player in Nigeria's fight against Advance Fee Fraud, ensuring that digital transactions, online financial activities, and personal data remain secure. Its continuous push for cybersecurity awareness, regulatory enforcement, and IT policy development plays a crucial role in reducing fraud and strengthening Nigeria's digital financial security landscape.

4. Conclusion

Nigeria's laws and institutions, including the Economic and Financial Crimes Commission (EFCC), work together to combat Advanced Fee Fraud (AFF), protecting citizens and the economy from financial crimes through prevention, investigation and prosecution. These efforts aim to deter potential offenders, promote financial security and uphold the rule of law, ultimately contributing to a safer and more trustworthy financial environment in Nigeria.

[86] M.A Lateef and others, 'Examining the Powers of the NITDA to Enforce Data Protection Laws in Nigeria' [2022] (3) (2), *Global Privacy Law Review*, 92

[87] ibid

[88] Blueprint, 'NITDA begins cyber security awareness 2024 campaign' (2024), <https://blueprint.ng/nitda-begins-cyber-security-awareness-2024-campaign/> accessed 20 March 2025

[89] ibid

[90] ibid

[91] ibid