

Amotekun Corps: Constitutionality or Otherwise as a Subnational Response to Security in a Federal State

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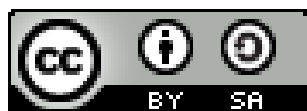
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ABSTRACT

The government exists essentially to secure the welfare and safety of its people. In a modern democratic society like Nigeria, this duty is constitutionally anchored but practically challenged by the over-centralization of security control in the federal government. The recurring insecurity across the country has therefore rekindled the debate on the need for a decentralised security framework that reflects the spirit of federalism. This study aims to examine the constitutional validity of subnational security structures and the legality of law enacted by the State House of Assembly in response to security challenges within the State, particularly the Amotekun Corps, as a model for security federalism in Nigeria. It specifically seeks to determine (i) whether Amotekun violates section 214(1) of the Constitution; (ii) how sections 11(2) and 14(2)(b) provide legal grounds for its existence; and (iii) what framework can reconcile subnational security initiatives with federal authority. The study adopts a doctrinal research method, relying on statutes, judicial authorities, and scholarly writings, with particular attention to the legal foundation and operation of the Ondo State Security Network Agency (Amotekun Corps). It argues that security federalism, properly structured within constitutional limits, will promote efficiency, accountability, and community participation in policing. The study contributes to the growing discourse on federal reform in Nigeria by offering a normative framework for balancing national security with sub-national responsibility through shared constitutional authority.

Introduction

Security and welfare are the primary objectives of any government,¹ whether in a federalist constitution or a unitary republic. Many countries, by law, have granted their citizens the right and duty to contribute to the defense and governance of national security.² Because everyone needs security, security must be everyone's responsibility, rooted locally but framed within national perspectives, either by

¹ Paul Frijters et al., "A Happy Choice: Wellbeing as the Goal of Government," *Behavioural Public Policy* 4, no. 2 (July 28, 2020): 126–65, <https://doi.org/10.1017/bpp.2019.39>.

² Prabhakaran Paleri, "Rule of Law and Role of Government: Law Making, Enforcing and National Security," in *Revisiting National Security* (Singapore: Springer Nature Singapore, 2022), 303–40, https://doi.org/10.1007/978-981-16-8293-3_8.

written law or by convention, a concept encapsulated in the idea of national security.³ National security is the foundation upon which political stability, skilled human capital, robust economic and technological capacity, industrial strength, abundant natural resources, and military power and policing integrity are built, designed, and intended to protect lives and property.⁴

Constitutionally, Nigeria places the bulk of its national security, policing, and law enforcement machinery under the authority of the President and the central government. In contrast, subnational governors and governments are afforded licenses to act as the Chief Executives of their respective subnational entities. Nevertheless, Section 214(1) of the Constitution imposes a statutory obstacle that seemingly complicates this federal security arrangement by mandating a single police force, the Nigeria Police Force, and expressly forbidding the creation of any other police force, federally or otherwise.⁵

Notwithstanding the expressive but prohibitive posture of section 214(1) of the Constitution, Section 14(2)(b) of the Constitution declares the security and welfare of the people as the core functions of government. The term “government,” as defined constitutionally, includes the federal government, state governments, all 774 Local Government Councils, and any individual exercising authority on their behalf.⁶ Nigeria’s legal system, therefore, is pluralistic by definition.

Given the constitutional backing for the pluralistic futures of the Nigerian Constitution, section 11 vested both the central government and the subnational government with the power to make laws for the Federation or any part, therefore, with respect to the maintenance and securing of public safety.⁷ The power vested by subsection 1 does not preclude subnational governments from making laws with respect to security matters and the protection of critical national infrastructure, essential supplies, and services. These provisions (which impose security duties and a vested obligation to maintain peace and order and to protect life and property) appear to conflict with a casual, simplistic perusal.

³ Chao Wu, “Redefining Concepts of Nation and National Security and Establishing Their Models for the New Era,” *Journal of Safety and Sustainability* 2, no. 1 (March 2025): 45–58, <https://doi.org/10.1016/j.jsasus.2024.12.002>.

⁴ O. O. Awotayo and B. O. Omitola, “Decentralizing Security Architecture: Evaluating Federalism’s Role in Enhancing Security Frameworks in Nigeria,” *Law and Safety* 93, no. 2 (June 24, 2024): 68–75, <https://doi.org/10.32631/pb.2024.2.06>.

⁵ Adebola Rafiu Bakare and Gabriel Temitope Aderinola, “The Nigeria Police and Internal Security Management in Nigeria,” in *Internal Security Management in Nigeria* (Singapore: Springer Nature Singapore, 2019), 461–83, https://doi.org/10.1007/978-981-13-8215-4_20.

⁶ Agidi Ejime Pally, “Restructuring, National Security and Nigeria’s Relationship with the External World,” *Ujah: Unizik Journal of Arts and Humanities* 21, no. 4 (May 19, 2021): 34–52, <https://doi.org/10.4314/ujah.v21i4.2>.

⁷ Olugbenga James and Sadik Akyar, “Regional Autonomy in Nigeria: Influence on Dynamics of Governance and National Integration,” *Social Sciences* 14, no. 9 (September 19, 2025): 565, <https://doi.org/10.3390/socsci14090565>.

Although several studies have examined Nigeria's security challenges, few have examined how Nigeria's security federalism and the federal structure itself shape the distribution and exercise of security powers. Most previous studies have discussed security systems and their legal impact on social and economic life, as studied by Michael B. Aleyomi,⁸ Kingsley Emeka Ezemenaka,⁹ and Shedrack Chijioke Udeh¹⁰; military crises and their impact on security, as studied by Opeoluwa Adisa Oluyemi;¹¹ and the Nigerian Police's failure to protect citizens' security, as studied by Kenneth Chukwuemeka Nwoko.¹² This gap limits understanding of the constitutional dynamics between central control and state autonomy. This paper fills that void by framing security federalism as a legal and policy model that balances national cohesion with state initiative. Its novelty lies in offering a comparative and constitutional analysis that proposes a coherent framework for restructuring Nigeria's security governance within a truly federal system.

This study seeks to demarcate the boundaries between federal policing and subnational-level security, providing initiatives, and to evaluate the constitutionality of the Amotekun Corps. It argues that Amotekun is not a violation of Section 214(1) but a valid constitutional innovation aligned with the state's duty to protect its citizens and safeguard property. This paper is an attempt to locate the validity of the Amotekun Law of Ondo State (as amended) and the legality of the Amotekun Corps within the Constitution and the complex network of the Nigerian security federalism, Nigerian policing system, and inclusive security governance, as a subnational governmental response to peculiar security challenges within the subnational enclaves.

To this end, this paper makes a novel contribution to the growing body of research on Nigerian security governance by advancing the concept of security federalism as a constitutional pathway to legitimate subnational policing. While prior studies have either supported or opposed the legality of Amotekun from political and administrative perspectives, this work uniquely anchors its argument in constitutional hermeneutics — interpreting the interplay of sections 11(2), 14(2)(b), and 214(1) of the 1999 Constitution to establish that subnational governments possess inherent powers to enact laws that secure lives and property within their territories.

⁸ Michael B. Aleyomi and Rich Chidi Nwagwu, "Strategic Model for Nigeria's Security and Socioeconomic Development," *African Identities* 21, no. 1 (January 2, 2023): 66–86, <https://doi.org/10.1080/14725843.2020.1828041>.

⁹ Kingsley Emeka Ezemenaka, "Youth Violence and Human Security in Nigeria," *Social Sciences* 10, no. 7 (July 12, 2021): 267, <https://doi.org/10.3390/socsci10070267>.

¹⁰ Shedrack Chijioke Udeh and Chinedu Nwokorobia, "Implications for National Security in Nigeria," *African Journal of Social Issues* 4, no. 1 (April 20, 2022): 63–86, <https://doi.org/10.4314/ajosi.v4i1.4>.

¹¹ Opeoluwa Adisa Oluyemi, "The Military Dimension of Niger Delta Crisis and Its Implications on Nigeria National Security," *Sage Open* 10, no. 2 (April 20, 2020), <https://doi.org/10.1177/2158244020922895>.

¹² Kenneth Chukwuemeka Nwoko, "Amotekun: The Southwest Region's Response to the Failures of the Nigerian Police and Worsening Insecurity in Nigeria," *African Identities* 22, no. 1 (January 2, 2024): 1–17, <https://doi.org/10.1080/14725843.2021.1994368>.

Methods

This study adopts a library-based doctrinal legal research methodology, which is primarily analytical and descriptive. The doctrinal method is appropriate because the research focuses on critical analysis of legal principles, constitutional provisions, statutes, judicial pronouncements, and scholarly opinions that shape the constitutional discourse on the Amotekun Corps. The study seeks to clarify the scope of subnational authority under Nigerian constitutional law and to interrogate the legal boundaries between federal policing powers and state security responsibilities. The research approach is qualitative, relying on legal reasoning and interpretive analysis rather than empirical data. The study employs the interpretative–constructivist paradigm, which allows the researcher to construct meaning from the text of the Constitution and other legal instruments, using principles of constitutional interpretation such as *expressio unius est exclusio alterius*, purposive construction, and harmonious interpretation.

Data collection relied include primary legal instruments such as the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Nigeria Police Act 2020, and the Ondo State Security Network Agency and Amotekun Corps Law 2020 (as amended). Additional sources comprised judicial authorities, legislative debates, law reports, journal articles, and policy documents. Online databases, academic repositories, and institutional publications provided complementary resources for understanding the evolution of Nigeria’s security federalism.

Data analysis followed a thematic and comparative approach. Thematic analysis was used to identify key legal issues related to federal and subnational powers in security governance. Through this analytical process, the study distils normative insights on how Nigeria can restructure its policing framework within constitutional bounds. The methodology thus ensures that the conclusions drawn are both legally grounded and practically relevant to contemporary debates on federal reform and security governance in Nigeria.

Discussion

Nigerian Policing System and Security Federalism

The word ‘Police’, as a public institution, or any governmental agency or body statutorily charged with the duties to preserve public order, promote public safety, prevent crimes, and detain lawbreakers.¹³ Distinguishable from the constitutional Nigeria Police, it follows that any department or agency of a State (unit of the Federation) that is empowered by the State Government to maintain order, by investigating and preventing crimes, and making arrests of person(s) suspected to have committed crime(s), no matter the designation of that body or agency, will

¹³ Eric J. Miller, “The Concept of the Police,” *Criminal Law and Philosophy* 17, no. 3 (October 17, 2023): 573–95, <https://doi.org/10.1007/s11572-023-09682-8>.

qualify as a State law enforcement agency.¹⁴ Therefore, the constitutional proclamation that there is a police force for Nigeria cannot translate to a jurisprudential conclusion that Nigeria's security federalism is unitary.

However, a pedestrian evaluation of the police mentioning clauses in the Constitution would suggest that the policing system in Nigeria is unitary. Section 214(1) provides for a single police force -the Nigeria Police Force- and explicitly prohibits the formation of any other police force by either the Federal or any subnational government.¹⁵ Thus, the legal authority to establish and control the Nigerian Police resides solely with the federal government, which constitutional provisions embolden the tempting argument that the Nigerian Policing system is unitary.¹⁶ Notwithstanding the overreaching provisions of section 214 of the Constitution, a dispassionate and holistic examination of the Constitution will reveal a policing system that is not only federalist but pluralistic by constitutional intent and spirit.¹⁷

Nigeria's security framework consists of legal statutes, enforcement agencies, institutions, and national policies aimed at safeguarding life and property, enforcing laws, preventing crime, and maintaining public order.¹⁸ Control over internal security, national defense, and policing is centralized under the Federal Government and executed through the authority of the President.¹⁹ Item 25 and 26 of the Third Schedule to the Nigerian Constitution deals with the National Security Council with the mandate and power to advise the President on matters relating to public security. For the purposes relating to defence, the National Defence Council is established and ascribed with the duty and power to advise the President on matters relating to the defence of the sovereignty and territorial integrity of Nigeria.²⁰

However, over time, the Federal Government has established several other agencies to undertake enforcement duties through legislation enacted by the National Assembly according to the Constitution. Among the law enforcement

¹⁴ Olly Owen, "Government Properties: The Nigeria Police Force as Total Institution?," *Africa* 86, no. 1 (February 15, 2016): 37–58, <https://doi.org/10.1017/S0001972015000790>.

¹⁵ Iheriohanma E. B. J, Opara Oguchialu, and Raimi Lasisi, "The Nigeria Police Force and Its Constitutional Responsibility in the Present Democratic Dispensation," *Issues in Business Management and Economics* 8, no. 4 (2020): 84–96, <https://doi.org/https://doi.org/10.15739/IBME.20.008>.

¹⁶ John Boye Ejobowah, "Territorial Pluralism: Assessing the Ethnofederal Variant in Nigeria," *Regional & Federal Studies* 20, no. 2 (May 21, 2010): 251–74, <https://doi.org/10.1080/13597561003729954>.

¹⁷ Raymond A. Atuguba, "Legal Pluralism in Africa," in *The Routledge Handbook of African Law* (London: Routledge, 2021), 17–52, <https://doi.org/10.4324/9781351142366-3>.

¹⁸ Godswill Owoche Antai et al., "Balancing National Security and Human Rights: A Critical Analysis of Nigeria's Anti-Terrorism Laws," *NIU Journal of Social Sciences* 11, no. 1 (March 31, 2025): 287–99, <https://doi.org/10.58709/niujss.v11i1.2148>.

¹⁹ Ugochukwu Godspower Ehirim et al., "The Law and the Agitation for State Police in Nigeria: Any Point of Convergence?," *Jurnal Hukum Novelty* 16, no. 1 (2025): 1–26, <https://doi.org/https://doi.org/10.26555/jhn.v16i1.28861>.

²⁰ Goodluck Irorohwo Oyibokure, Onofere Princewill Okereka, and Akpomuvire Mukoro, "Community Policing and Internal Security in Delta and Edo States of Nigeria," *Logika: Journal of Multidisciplinary Studies* 14, no. 02 (October 9, 2023): 164–96, <https://doi.org/10.25134/logika.v14i02.8720>.

agencies established as enabled by the Constitution are:²¹ 1) Nigeria Security and Civil Defence Corps (NSCDC): with the power to protect public infrastructure, assist in maintaining order, and arrest suspected criminals; 2) The State Security Service (SSS/DSS): is charged with responsibility for the prevention and detection within Nigeria of any crime against the internal security of Nigeria; 3) Economic and Financial Crimes Commission (EFCC): explicitly created to combat economic and financial crimes such as money laundering, advance fee fraud and corruption; 4) Independent Corrupt Practices and other Related Offences Commission (ICPC): is a specific legislative response to corrupt practices and similar offences in public establishments and the private sector of the economy; 5) National Drug Law Enforcement Agency (NDLEA): established to regulate drugs production, importation, and usage of drugs in Nigeria; 6) Federal Road Safety Corps (FRSC): This agency is designed and put in place to ensure safety on Nigerian roads and to enforce traffic laws and regulations.

The federal government of Nigeria, through legislation, has established many more law enforcement (policing) bodies and agencies to enforce laws that created certain crimes and offences.²² It is imperative to note that all these law enforcement agencies perform policing duties and implement police functions. The conclusion is trite and self-evident; despite the realities of these law enforcement agencies performing specific police duties, there is only one Police force in Nigeria but many policing bodies and agencies.²³ This deduction is fundamental in explaining the Amotekun Corps as a subnational governmental response to specific security challenges at the State level within the federation.

The Legal Framework for the Nigerian Police

The Constitution expressly establishes the Nigerian Police as a monolithic solo force. The constitution makes detailed provisions for prescribing, by law of the National Assembly, the organization, regulation, administration, appointment of officers of the force, and the powers of the members of the Nigeria Police.²⁴ While the President reserves the power to appoint the Inspector-General of Police, who is the head of the Force across all States in Nigeria, the National Police Service Commission is empowered to appoint a Commissioner of Police for each State of

²¹ Idowu Johnson, “The Nigerian Security and Civil Defence Corps and Internal Security Management in Nigeria,” in *Internal Security Management in Nigeria* (Singapore: Springer Nature Singapore, 2019), 485–99, https://doi.org/10.1007/978-981-13-8215-4_21.

²² Richard Aborisade and Similade Fortune Oni, “‘Crimes of the Crime Fighters’: Nigerian Police Officers’ Sexual and Physical Abuses Against Female Arrestees,” *Women & Criminal Justice* 30, no. 4 (July 3, 2020): 243–63, <https://doi.org/10.1080/08974454.2019.1632774>.

²³ Oleh M. Omelchuk et al., “Retracted: Analysis of the Activities of Law Enforcement Authorities in the Field of Combating Crime and Corruption Offences,” *Journal of Money Laundering Control* 25, no. 3 (June 8, 2022): 700–716, <https://doi.org/10.1108/JMLC-07-2021-0073>.

²⁴ Tope Shola Akinyetun, “Policing in Nigeria: A Socioeconomic, Ecological and Sociocultural Analysis of the Performance of the Nigerian Police Force,” *Africa Journal of Public Sector Development and Governance* 5, no. 1 (July 2022): 196–219, <https://doi.org/10.55390/ajpsdg.2022.5.1.9>.

the Federation.²⁵ Functionally, the Governor of a state or a Commissioner of the Government of a state has a limited authority to give to the Commissioner of Police of that State directions with respect to the maintenance and securing of public safety and public order within the state as he may consider necessary, and the Commissioner of Police is bound to comply with those directions or cause them to be complied with. However, the Commissioner of Police may resist, disregard, or neglect to obey such lawful order, instruction or directive pending clarification of the President of the Federal Republic of Nigeria, in practice, until the Inspector General of Police sanctions such direction.

Sequel to the powers donated to the National Assembly to make laws to organize, administer, and regulate the powers of members of the Nigeria Police Force, the National Assembly passed the Nigeria Police Bill in 2020 and on the 15th day of September, 2020, the Bill was signed into law by the then President, Muhammadu Buhari. By way of reform, the Act repealed the then-colonial Police Act introduced in Nigeria in 1943 and introduced new dimensions to the Nigeria Police Force.²⁶

The primary objectives of the Nigeria Police Force (the Force) are: to prevent and detect crime, to apprehend offenders, and to preserve law and order. However, the Act provides a caveat for the Force: to enforce and ensure due enforcement of all laws and regulations with which they are directly charged, under the Act or other Act made by the National.²⁷ By this specific and direct command entrenched in the Act, the Force is empowered to enforce only the laws and regulations with which they are directly charged to enforce. By this token of law, it implies that the legislature may, in certain circumstances, exclude the Force from the enforcement of laws enacted either by the National Assembly or by a State House of Assembly.

By the provisions of section 9 of the Act, the President of Nigeria is in full charge and control of the operations of the Force subject to the executive powers of the President. Nevertheless, the Act established a body to be known as the Nigeria Police Council with the President as the Chairman and every State Governor in Nigeria as a statutory member.²⁸ The body is vested with the duties, among others, to manage the organisation and administer the Force and all other matters relating thereto, supervision of the Force and to advise the President on the appointment of

²⁵ Tope Shola Akinyetun, "Poverty, Cybercrime and National Security in Nigeria," *Journal of Contemporary Sociological Issues* 1, no. 2 (August 31, 2021): 86, <https://doi.org/10.19184/csi.v1i2.24188>.

²⁶ Nwoko, "Amotekun: The Southwest Region's Response to the Failures of the Nigerian Police and Worsening Insecurity in Nigeria."

²⁷ Olusola Joshua Olujobi and Ebenezer Tunde Yebisi, "Combating the Crimes of Money Laundering and Terrorism Financing in Nigeria: A Legal Approach for Combating the Menace," *Journal of Money Laundering Control* 26, no. 2 (March 2, 2023): 268–89, <https://doi.org/10.1108/JMLC-12-2021-0143>.

²⁸ Babayo Sule and Usman Sambo, "Presidents and Policymaking," in *Presidential Elections in Nigeria's Fourth Republic* (Cham: Springer Cham, 2024), 229–60, https://doi.org/10.1007/978-3-031-54919-9_8.

the Inspector-General of the Police.²⁹ The Council is nevertheless prohibited from performing any duty relating to the use and operational control of the Force, or the appointment, disciplinary control and dismissal of members of the Force.

The Nigeria Police Act assigns limited control roles to the State Governors, who are ordinarily supposed to be the Chief Security Officers of their respective States.³⁰ It therefore follows that the State Governors are not in charge of security in their respective States, as they have no control over Police operations or Police members in their States.³¹ Police officers are made to be loyal only to the State's Commissioner of Police, who has the constitutional powers to control the operations of the Force in the State, and also to discipline erring Police officers.³² The implications of these constitutional limitations, realities and statutory helplessness on the part of the Governors explain the cumulative security challenges across States in Nigeria.

The Role of the Subnational Government within the Nigerian Security Federalism

Historically, Nigerian policing has been community-based. However, the quest for more roles for subnational governments from 2014 to date has developed as a national consciousness that emerged from experience and socio-cultural realities between 1980 and 2014. In the early 1990s, Nigeria experienced chronic security crises, and the general belief was that security issues were spiraling in Nigeria, ranging from armed robbery, bank robbery, banditry, to kidnapping, ritual killings, ethnic domination, etc, manifesting pervasive and intensely violent criminality.³³

Given the high rates of violent predatory crime and poor formal policing responses, and to confront the growing disorder in the land, some private individuals organised themselves into various vigilante groups to confront criminality in Nigeria.³⁴ In 1994, the O'odua People's Congress (OPC) was established with the

²⁹ Iruebafa Lily Oyakhrome, "Police Accountability: The Role of the Police Complaint Response Unit, Nigeria," *The Police Journal: Theory, Practice and Principles*, July 8, 2025, <https://doi.org/10.1177/0032258X251357474>.

³⁰ Barr Obisanya Tope Ayo and Ishmael Iwara, "'Political Will' as an Impediment to Accountability of Law Enforcement in Nigeria," in *Strengthening Systems Accountability for Enterprise Performance and Development Planning* (Cham: Springer International Publishing, 2022), 71–102, https://doi.org/10.1007/978-3-031-11779-4_5.

³¹ Luqman Saka and Sherifdeen Adeoye Oladejo, "Insecurity and the Quest For State Police in the Context of the Restructuring Debate in Nigeria's Fourth Republic," *Bulletin Of "Carol I" National Defence University* 11, no. 4 (January 16, 2023): 7–22, <https://doi.org/10.53477/2284-9378-22-88>.

³² Bayode Sunday Ayo-Ojo, "A Critical Appraisal of the National Institutional Mechanisms for the Prevention of Torture in Nigeria," *African Human Rights Yearbook / Annuaire Africain Des Droits de l'Homme* 8, no. 1 (June 1, 2024), <https://doi.org/10.29053/2523-1367/2024/v8a4>.

³³ Opinion D. Iyamba and Olanrewaju Yusuf, "Political and Ethno-Religious Tensions in Nigeria: Historical Dynamics and Contemporary Implications for National Security," *The American Journal of Political Science Law and Criminology* 7, no. 5 (May 1, 2025): 76–93, <https://doi.org/10.37547/tajpslc/Volume07Issue05-11>.

³⁴ Sadiq Ewaoda Amali and M. W. Buthelezi, "Managing the Proliferation of Small Arms and Light Weapons for Nigeria's National Security," *Discover Global Society* 3, no. 1 (April 24, 2025): 28, <https://doi.org/10.1007/s44282-025-00166-9>.

primary aim of defending, protecting, and promoting Yoruba interests. Between 1997 and 1999, the Bakassi Boys were established in Aba as a vigilante group to repress the daring armed robbers that were plaguing the Eastern region of Nigeria. In 1998, some Ijaw ethnic groups in the South-South region organised themselves into a community sheriff that was named 'Egbesu Boys of Africa' to fight what was termed as official criminalities and environmental offenders by the government and multinational corporations.³⁵ Similarly, during the administration of Ali Modu Sheriff in Borno State, the ECOMOG group emerged, which many believe (unfortunately) eventually evolved into the Boko Haram insurgency currently destabilizing the nation.³⁶ All these groups performed duties in their communities related to crime prevention, detection, and offender arrest. Though they were not established by the subnational governments, the groups were unofficially recognized by the subnational government and had the tactical support of the State governments.³⁷

However, given the vigilante groups' successes in fighting crime, some subnational governments looked inward and established bodies to perform law enforcement duties. For instance, Kano State operates the Hisbah, which the state government uses to enforce the Sharia legal system.³⁸ In Ekiti State in 2007, the state government promoted some informal vigilante and hunting groups, code-named the Ekiti Grazing Enforcement Marshals (anti-malu), to provide security for farms and protect farmers from what the governor of the State then termed 'killer herders,' in response to security threats posed by Fulani herders.³⁹ Lagos State followed suit, establishing the Lagos State Neighbourhood Corps, and Ebonyi State also established its Neighbourhood Corps in 2017. Initially, most of these groups were not fashioned to perform the police's duty, but to conduct joint operations with the police and the Nigerian Security and Civil Defence Corps.⁴⁰

The National Assembly is constitutionally vested with the powers and legal authority to make laws related to, and connected with, the maintenance of public safety, order, and essential supplies and services across the Federation or its parts.⁴¹

³⁵ Ezemenaka, "Youth Violence and Human Security in Nigeria."

³⁶ Habeeb Abdulrauf Salihu and Ali Oladimeji Shodunke, "Crisis in Crisis: Boko Haram Violence, Orphaned Children, and the Precariousness in Human Survival in Northeast Nigeria," *Medicine, Conflict and Survival* 40, no. 3 (July 2, 2024): 233–55, <https://doi.org/10.1080/13623699.2024.2361382>.

³⁷ Olawale Ismail and Funmi Olonisakin, "Why Do Youth Participate in Violence in Africa? A Review of Evidence," *Conflict, Security & Development* 21, no. 3 (May 4, 2021): 371–99, <https://doi.org/10.1080/14678802.2021.1933035>.

³⁸ Fasilat Rauf, "The Constitutionality and Effectiveness of State Security Outfits in Nigeria," *SSRN Electronic Journal*, 2024, <https://doi.org/10.2139/ssrn.4939387>.

³⁹ Iyamba and Yusuf, "Political and Ethno-Religious Tensions in Nigeria: Historical Dynamics and Contemporary Implications for National Security."

⁴⁰ Khadija Nda Yakubu, "Governance And Security In Africa: Beyond The State: Non-State Actors and Security in Nigeria: A Case Of Yen Kato Da Gora in Kaduna Urban Area" (SOAS University of London, 2024), 155, <https://doi.org/https://doi.org/10.25501/SOAS.00041828>.

⁴¹ David V. Ogunkan, "Achieving Sustainable Environmental Governance in Nigeria: A Review for Policy Consideration," *Urban Governance* 2, no. 1 (June 2022): 212–20, <https://doi.org/10.1016/j.ugj.2022.04.004>.

By this token of law, State governments are not, in principle, prohibited from exercising such powers within their constitutional competence to make laws related to maintaining public safety, order, and essential supplies and services across. The provisions of section 11(2) of the Constitution gives state legislatures (House of Assembly) power and constitutional rights to make laws to protect life and property, maintain public safety, and order. From the above, it is evident that the states have a responsibility in the maintenance and safeguarding of public safety and public order.⁴² This role has been argued as a distinctive form of concurrent authority, as both the National Assembly and the State Assemblies share the essential powers in making laws to ensure their function of protecting life and property as well as to maintain law and order. It is therefore reasonable to conclude that the Federal Government's prerogative to cover the field in this area is curtailed.

In response to widespread public outrage over rising insecurity experienced almost everywhere in Nigeria between 2015 and 2019, several state governments, by law of the State House of Assembly, and or via executive fiat, have established or expressed their desire to create various security outfit aimed at safeguarding residents' lives and property.⁴³ The subnational government in (States) in Southwest Nigeria formed a joint security organization (fragmented into State Commands) called Amotekun Corps. Thus, it is argued that since states are considered part of the "government" under this provision, they are within their constitutional authority to establish security agencies to protect their citizens.⁴⁴

Amotekun Corps as Subnational Government

Amotekun Corps was created to stem the rising security challenges, such as violence, kidnapping, daylight armed robbery, terrorism, cattle rustling, cultism, highway robbery, sea piracy, and other offences that were ravaging Western Nigeria in the 2010s.⁴⁵ For instance, in Ondo State, the main purposes of creating Amotekun Corps are to protect lives and property and to ensure that all persons traveling along the highways, major roads, remote areas, hinterland, forests, inland waterways, and sea are free to carry out their normal social and economic activities without fear or hindrance.⁴⁶ Though the Nigerian Police was doing its best along with other security

⁴² Aliu Oladimeji Shodunke, "Enforcement of COVID-19 Pandemic Lockdown Orders in Nigeria: Evidence of Public (Non) Compliance and Police Illegalsities," *International Journal of Disaster Risk Reduction* 77 (July 2022): 103082, <https://doi.org/10.1016/j.ijdrr.2022.103082>.

⁴³ Cyril O. Ugwuoke et al., "Violent Crimes and Insecurity on Nigerian Highways: A Tale of Travelers' Trauma, Nightmares and State Slumber," *Heliyon* 9, no. 10 (October 2023): e20489, <https://doi.org/10.1016/j.heliyon.2023.e20489>.

⁴⁴ Nwoko, "Amotekun: The Southwest Region's Response to the Failures of the Nigerian Police and Worsening Insecurity in Nigeria."

⁴⁵ Ismail Kolawole Odeniyi and Mikail Kolawole Abdulsalam, "Imamship in Nigeria Police Formation's Mosque: History, Appointment and Functions," *Al-Hikmah: International Journal of Islamic Studies and Human Sciences* 8, no. 2 (July 15, 2025): 346–61, <https://doi.org/10.46722/hikmah.v8i2.606>.

⁴⁶ Kelechi Elijah Nnamani et al., "Open Grazing Prohibition Law, Political Economy of Centralized Law Enforcement Mechanism, and Nomadic Pastoralist-Sedentary Farmer Relations in Nigeria," *Cogent Social Sciences* 10, no. 1 (December 31, 2024), <https://doi.org/10.1080/23311886.2024.2414869>.

outfits to rein in the growing incidence of violent crimes in Western Nigeria, the present security architecture was not sufficient to confront the criminality that had assumed a spiraling trend.⁴⁷ The urgent and extreme need to curb the growing violence led to the establishment of the Amotekun Corps.

The Amotekun Corps was initially tagged as ‘the Western Nigeria Security Network (WNSN) with the Operational name ‘Àmòtèkùn Corps’, a security outfit to be based in all the six states of the South Western, Nigeria, and to be jointly controlled, funded, and administered by the governments of the six States, to be responsible for curbing insecurity in the region. It was founded on 9 January 2020 in Ibadan, Oyo State, Nigeria, as the first regional security outfit initiated by a geopolitical zone in Nigeria.⁴⁸ The founding of the Amotekun Corps is a comprehensive effort and measure taken jointly by the Governors of the States in Western Nigeria (except Lagos State) to prevent and protect life, property, and the environment from threats, the hallmark of the Nigerian Security Federalism.⁴⁹

Literarily, Amotekun is a Yoruba word meaning “Leopard” or “Cheetah. When the six South-West governors launched the regional security outfit in 2020, it was more than a response to insecurity — it was a bold statement of identity and purpose. The name “Àmòtèkùn was carefully chosen to reflect courage, alertness, and strength. In Yoruba tradition, the leopard (ekun) is known for its quiet power — it doesn’t make noise, but it acts with precision. That was the spirit the South-West sought to embody: a security outfit that is swift, intelligent, and deeply connected to its people and culture.⁵⁰ The choice of name also carried a political weight. It symbolized regional pride and self-determination at a time when many felt the Federal Government had failed to protect them. As Governor Rotimi Akeredolu of Ondo State put it, Amotekun was “a response to the cries of our people” — a legitimate effort to safeguard lives and property. In truth, Àmòtèkùn is more than a name; it is a metaphor for a homegrown solution to a homegrown challenge — one that speaks the people’s language and draws strength from their heritage.

The establishment of the Amotekun Corps in Western Nigeria originated in constitutional constraints that prevented state governments in the region from creating a joint security organization. The initial idea of forming a unified security network under the name *Western Nigeria Security Network* was eventually abandoned due to an insufficient legal foundation. Under Nigeria’s legal system, legislative authority resides exclusively with two bodies: The National Assembly and the State

⁴⁷ Usman Adekunle Ojedokun et al., “Insecurity and Counter-Banditry Strategies of the Affected Communities in Oyo State, Nigeria,” *Safer Communities* 23, no. 1 (January 2, 2024): 23–34, <https://doi.org/10.1108/SC-06-2023-0025>.

⁴⁸ Saka and Oladejo, “Insecurity and the Quest For State Police in the Context of the Restructuring Debate in Nigeria’s Fourth Republic.”

⁴⁹ Saka and Oladejo.

⁵⁰ Temitope Yetunde Bello, “A Reflection of Humanitarian Responses to Violent Extremism in South West Nigeria,” *African Journal of Peace and Conflict Studies* 13, no. 2 (August 1, 2024): 139–56, <https://doi.org/10.31920/2634-3665/2024/v13n2a7>.

Houses of Assembly. To overcome this limitation, each state enacted its own law through its respective House of Assembly to establish a State Amotekun Corps. Although created independently, the legal and operational frameworks of these state-level security units enable coordination and collaboration among Western Nigerian states. Therefore, the Amotekun Corps can be regarded as a constitutional innovation developed by subnational governments in the region as a strategic response to prevailing security challenges.

Constitutional Question Relating to the Establishment of Amotekun Corps

The establishment of the Amotekun Corps has raised a serious constitutional question about its legality. The Federal Government, through the then Attorney-General of the Federation, described the establishment of Amotekun Corps as illegal and strongly postulated that State Governments, whether singly or in a group, have no constitutional power or legal competence to establish any form of organization, body, or agency for the defence of their State.⁵¹ His further hypothesis that security matters and matters therein connected remain the exclusive preserve of the federal government, prohibiting and denying the subnational governors any right or power under the constitution to establish any agency to police the states or provide security services for the State.⁵²

Izokpu has submitted that the Amotekun security outfit of the South West of Nigeria was illegal. This conclusion is based solely on Izokpu's analysis of the provisions of section 214 (1) and Part 11, section 4, Second Schedule, Part 1, item 45 of the Constitution.⁵³ He opined that, since the National Assembly is constitutionally allocated the exclusive functions of establishing, maintaining, and controlling the police and other government security services in Nigeria. It was also contended that, since the Constitution of the Federal Republic of Nigeria 1999 (as amended) has established the army, navy, and air force, including the police and numerous other paramilitary organisations, for the security and defence of Nigeria, there was no need for subnational paramilitary and security agencies.⁵⁴ It is a notorious fact in Nigeria that the establishment of the army, navy, and air force, as well as the police and numerous paramilitary organisations, by the federal government has not stemmed the growing security challenges in Nigeria. The inadequacies of the existing security apparatus gave birth to the subnational intervention known as the Amotekun Corps.

⁵¹ Nwoko, "Amotekun: The Southwest Region's Response to the Failures of the Nigerian Police and Worsening Insecurity in Nigeria."

⁵² Ehirim et al., "The Law and the Agitation for State Police in Nigeria: Any Point of Convergence?"

⁵³ Gabriel Izokpu Oikhala, "Internal Security and National Development in Nigeria: Challenges of Manpower in Nigeria Police," *NIU Journal of Humanities* 5, no. 2 (2020): 7–17, <https://www.kampalajournals.ac.ug/ojs/index.php/niuhs/article/view/937>.

⁵⁴ Temitayo I. Odeyemi and A. Sat Obiyan, "Exploring the Subsidiarity Principle in Policing and the Operations of the Nigeria Police Force," *African Security Review* 27, no. 1 (January 2, 2018): 42–60, <https://doi.org/10.1080/10246029.2017.1383924>.

Nevertheless, it is apposite to note that section 214(1) of the Constitution does not have any provisions that preclude subnational governments from establishing other security services in Nigeria. For avoidance of any doubt, the provisions of section 214(1) is hereby reproduced:⁵⁵ *‘There shall be a police force for Nigeria, which shall be known as the Nigeria Police Force, and subject to the provisions of this section no other police force shall be established for the Federation or any part thereof’*. This section only prohibited the establishment of any other ‘Police Force’ for Nigeria or any other part of Nigeria. It is a rule of interpretation of legislation, which has assumed jurisprudential acceptance, that an express mention of a thing or matter excludes those not mentioned. This position of law is represented by the Latin maxim, *expressio unius est exclusio alterius*.⁵⁶ If the legislative intent or object of the section is that no other security outfit should be established in Nigeria, it would not have limited the prohibition to the Police Force alone.

However, Adegboruwa thinks Amotekun Corps has its legal roots in the provisions of section 14 (2) (b) of the 1999 Constitution, ‘the security and welfare of the people shall be the primary purpose of government.’ He concludes that the reason a government exists is for the good and safety of the people, and that when it becomes impossible for the government to guarantee the lives of its people, the government has lost its purpose and should be scrapped.⁵⁷ Adegboruwa further submits that Section 214 of the Constitution only deals with the establishment of the Nigeria Police Force without specifying its powers or granting it any exclusivity in criminal matters; nor was any form of exclusivity donated to the Nigeria Police Force to exclude any other entity or organization from participating in security or law enforcement. The theory put forward derives its sources from a careful examination of the constitution and the Police Act, arguing that there is nothing illegal about the Amotekun Corps being a creation of law.

It has been argued that the Amotekun Corps is not only constitutional but also a manifestation of the patriotic duty of the subnational governments of South-West Nigeria to be alive to their constitutional duty of providing security for the people within the States and properties situated within the geo-political enclaves. Ogun anchors his argument on the mandatory provisions of Sections 24(e) and 14(2)(b) of the 1999 Constitution of the Federal Republic of Nigeria.⁵⁸

Nigeria is a Federation consisting of States and a Federal Capital Territory with distinct governments, laws, peculiar needs, and where necessary, invent special

⁵⁵ J, Oguchialu, and Lasisi, “The Nigeria Police Force and Its Constitutional Responsibility in the Present Democratic Dispensation.”

⁵⁶ Bakare and Aderinola, “The Nigeria Police and Internal Security Management in Nigeria.”

⁵⁷ Benson Ohihon Igboin, “‘Small Fires Causing Large Fires’: An Analysis of Boko Haram Terrorism–Insurgency in Nigeria,” *Religions* 13, no. 6 (June 17, 2022): 565, <https://doi.org/10.3390/rel13060565>.

⁵⁸ Joseph Olayinka Fashagba, “Subnational Legislatures and National Governing Institutions in Nigeria, 1999–2013,” in *African State Governance* (London: Palgrave Macmillan UK, 2015), 93–119, https://doi.org/10.1057/9781137523341_4.

policies to tackle extreme challenges.⁵⁹ Another argument locating the legality of Amotekun Corps under the security federalism of Nigeria is premised on the federal constitutionalism principle that a federating state or subnational government is deemed sovereign before its federating status in a federation formation, where it is equal to every other member-state of the federation, subject to the specific distribution of powers by the government. Based on this trite principle of constitutional law, Adebayo and Nwaechefu observed that the establishment of Amotekun is legal to the extent that it does not bear the same name as the Nigerian Police Force and does not act contrary to, but complements, the security functions of the conventional Nigerian Police Force.⁶⁰ This argument is somehow, with due respect, superfluous with respect to the provisions of section 11(2) of the Constitution with respect to the maintenance and securing of public safety and public order, and providing, maintaining, and securing of such supplies and services as may be designed by the National Assembly as essential supplies and services. The power of subnational governments to make laws for the maintenance and securing of public safety and public order is not subject to the powers of the Police, not complementary to the Police duties and functions. The provisions of section 11(2) are to allow the Governor to perform their duty as the Chief Executive of the State.⁶¹

Amotekun has been portrayed as a child of circumstance to save the Yoruba people of South-West Nigeria from the hands of killers and criminals. The police force and other security operatives' efforts to curb violent crimes and criminality in the States have not worked as intended to tackle the problem of insecurity, i.e., killing innocent citizens and destruction (stealing) of their properties, trespassing (Grazing) on farmland, and stealing of farm produce.⁶² The Amotekun security outfit is designed to generate conventional and nonconventional security by indigenous leaders and people, leveraging their cultural heritage and local intelligence to identify criminals and potential security threats within their societies and maintain public safety and public order.⁶³

Amotekun Corps is a subnational government protective and supportive agency established by the governors of the South West, with its roots in the 1999

⁵⁹ Dhikru Adewale Yagboyaju and Adeoye O. Akinola, "Nigerian State and the Crisis of Governance: A Critical Exposition," *Sage Open* 9, no. 3 (July 24, 2019), <https://doi.org/10.1177/2158244019865810>.

⁶⁰ Hilary Nwaechefu and Uche Nnawulezi, "Recognizing Incidences of Unprovoked Attacks Against Police Officers in Nigeria Between 2017-2020: Charting New Pathways of Human Rights Intervention on Right to Life," *IJCLS (Indonesian Journal of Criminal Law Studies)* 7, no. 2 (December 1, 2022): 175–98, <https://doi.org/10.15294/ijcls.v7i2.37329>.

⁶¹ Emmanuel Folayan Ijalana and Samson Olutomiwa Fayomi, "An Appraisal of the Police in Criminal Prosecution under the Nigerian Law," *Beijing Law Review* 16, no. 01 (2025): 445–67, <https://doi.org/10.4236/blr.2025.161023>.

⁶² John Sunday Ojo, Samuel Oyewole, and Folahanmi Aina, "Forces of Terror: Armed Banditry and Insecurity in North-West Nigeria," *Democracy and Security* 19, no. 4 (October 2, 2023): 319–46, <https://doi.org/10.1080/17419166.2023.2164924>.

⁶³ Shodunke, "Enforcement of COVID-19 Pandemic Lockdown Orders in Nigeria: Evidence of Public (Non)Compliance and Police Illegalities."

Constitution of Nigeria.⁶⁴ It is a constitutional duty of the government and citizens to assist appropriate and lawful agencies in the maintenance of law and order, and to make positive and useful contributions to the advancement, progress, and well-being of the community where they reside. ‘Well-being’ as provided for as the key constitutional duty of the government, according to Afe, translates to the security of life and property.⁶⁵ This is the main duty of any Government in Nigeria. Since the government includes the Government of the Federation, any State, any local government council, or any person who exercises power or authority on its behalf, then the security and welfare of the people are the main duties of subnational government.⁶⁶

Being the primary purpose of government, subnational (State) governments are therefore under a constitutional obligation to make laws, such as the Amotekun Corps Law, with respect to the maintenance and securing of public safety and public order, and to the provision, maintenance, and security of governmental supplies and services. It therefore follows that any law made to provide for the security, maintenance, and preservation of public safety and public order cannot be said to be illegal because it is made by a subnational government. A dispassionate evaluation of Section 11 of the Constitution will show that laws anticipated under that section may comprise agencies with some elements of force in the scope of paramilitary, well-armed, and positioned to protect life and property, maintain public peace and order, prevent and investigate crimes, and prosecute suspected criminals.⁶⁷ Subsequently, since the Corps was established not as Ondo State Police but as the Amotekun Corps, it will be constitutionally antithetical to label a body or agency enabled by section 11(2) of the Constitution and made sequel to sections 14 and 175 of the Constitution as illegal.

It is essential to emphasize that the primary arguments asserting the illegality or unconstitutionality of the Amotekun Corps largely rely on the interpretation of Item 45 in the Second Schedule of the Constitution, which pertains to the establishment of police and other governmental security agencies by law. Nevertheless, the same Constitution, under Section 4(7), grants state legislatures the authority to enact laws to ensure peace, order, and good governance within their respective jurisdictions, particularly with respect to matters not expressly included in the Exclusive Legislative List in Part I of the Second Schedule. This constitutional provision suggests that states possess legislative competence over certain security-

⁶⁴ Udeh and Nwokorobia, “Implications for National Security in Nigeria.”

⁶⁵ Tarela Juliet Ike et al., “Public Perspectives of Interventions Aimed at Building Confidence in The Nigerian Police: A Systematic Review,” *Journal of Policing, Intelligence and Counter Terrorism* 17, no. 1 (January 2, 2022): 95–116, <https://doi.org/10.1080/18335330.2021.1892167>.

⁶⁶ Awotayo and Omitola, “Decentralizing Security Architecture: Evaluating Federalism’s Role in Enhancing Security Frameworks in Nigeria.”

⁶⁷ Oluwagbenga Michael Akinlabi, “Do the Police Really Protect and Serve the Public? Police Deviance and Public Cynicism Towards the Law in Nigeria,” *Criminology & Criminal Justice* 17, no. 2 (April 24, 2017): 158–74, <https://doi.org/10.1177/1748895816659906>.

related issues, provided such matters fall outside the exclusive powers reserved for the federal government.⁶⁸

Now, the matters that are expressly and explicitly included in Item 45 of the Second Schedule of the Constitution are: *Police and other government security services established by law*. What are these (federal) government security services established by law of the National Assembly, besides the Nigeria Police Force? The simple answer is: the Nigerian Army, Navy, and Air Force; the EFCC, ICPC, NDLEA, Immigration Services, Customs Services, Correctional Services, and other security services already established by the government.⁶⁹ It is very clear that all the laws establishing these outfits were made by the National Assembly and no State House of Assembly can make any effective law in this respect.

The next question is, premised on the limited implications of item 45 of the Second Schedule of the Constitution, would it be legal for the State House of Assembly to make laws for the peace, order and good government of the State? Put in another way round, to reflect the provisions of section 11 of the Constitution, can a State House of Assembly legally make laws with respect to the maintenance and securing of public safety and public order and providing, maintaining and securing of such supplies and services as may be designed by the National Assembly as essential supplies and services? The logical answer is yes, without any reservation.⁷⁰ Therefore, since the Amotekun Law was enacted and the Amotekun Corps was established pursuant to that law for the purpose of maintaining and securing public safety and public order, as well as ensuring the maintenance and security of essential supplies and services, the Amotekun Corps is deemed legal, necessary, and an innovative creation born out of necessity.

Conclusion

This study concludes that Nigeria, as a federation comprising the Federal, State, and Local Governments, is constitutionally mandated to ensure the security and welfare of its citizens. Within this framework, the establishment of the Amotekun Corps does not contradict the objectives of the Federal Government; rather, it complements national efforts by strengthening security in the South-West region. The initiative embodies the principle of shared responsibility among the different levels of government in addressing threats such as kidnapping, armed robbery, and other criminal activities. Therefore, any law enacted by a subnational government to establish institutions or organize citizens for the protection and defense of the state

⁶⁸ Ajiboye Babatope Matthew, "The Western Nigeria Security Network and the Fight against Hostage-Taking and Kidnapping in the South-Western Region of Nigeria," *London Journal of Research in Humanities and Social Sciences* 23, no. 14 (2023): 65–78.

⁶⁹ Chinedu Thomas Ekwealor and Olumuyiwa Temitope Faluyi, "Security Institutions and Democratic Governance in Nigeria," in *Democratic Practice and Governance in Nigeria* (London: Routledge, 2020), 190–206, <https://doi.org/10.4324/9781003029540-12>.

⁷⁰ Oluwatoyin Olusegun Olowo, "Community Security Responses to Insecurity in Ondo State, Nigeria: An Assessment of Causes, Effects, and the Role of Amotekun and Other Security Agencies," *EduLaw: Journal of Islamic Law and Jurisprudence* 7, no. 2 (September 11, 2025), <https://doi.org/10.47453/edulaw.v7i2.3518>.

is consistent with constitutional principles. On this basis, the Amotekun Corps represents a legitimate and constitutional response to security challenges in Ondo State, aimed at maintaining public safety, preserving order, and safeguarding essential public services.

This study recommends that the Nigerian government, at both federal and subnational levels, adopt a more inclusive and decentralized approach to national security. Security policies should be people-centered, encouraging citizens to actively participate in protecting their communities. The Nigeria Police Force should reorient its focus toward serving the people rather than the central authority, reinforcing public trust and accountability. Furthermore, subnational governments should be empowered to establish and equip their own security agencies to effectively address region-specific threats. This would decentralize the overly centralized policing structure and enhance the overall efficiency and responsiveness of law enforcement across the federation.

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