

**THE LAW ON EXAMINATION MALPRACTICE: THREAT TO
EDUCATIONAL INTEGRITY AND NATIONAL
DEVELOPMENT**

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Abstract

The menace of examination malpractice in the Nigerian Educational Sector has become an ugly infectious pandemic permeating the foundation of quality education in Nigeria. It is a threat to the integrity of the examination process and national development as products of flawed assessment invariably come into the society as professionals with flawed certificates. This paper sets out to unravel whether this assumption represents the current state of affairs in Nigerian educational institutions noting that examination malpractice appears to have gone digital as students are seen to manipulate registration photos of their image to merge two faces, thereby confusing facial recognition software; engage in digital cheating, script substitution, influencing results after the exam. The paper argued that the use of electronic gadgets and the advent of Artificial Intelligence (AI) have expanded the horizon from conventional malpractice to unconventional malpractice. The authors contended that this modern trend of examination malpractice not only affects the students but also the educational sector and national development requiring extensive legal, systematic policy solutions and that it has become imperative for the instrumentality of the law to be deployed to eradicate the menace by punishing persons or entities that engages in any act of examination malpractices. The use of doctrinal research methodology will be employed by

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focusing on legal analysis of statutes, textbooks, case laws, and journals.

Keywords: Examination; Malpractice; National Development, Educational Integrity; Students, Corruption

1.0 INTRODUCTION

The prevalence of examination malpractice in the Nigerian educational sector has become cancerous voraciously eating away the very soul of educational integrity and national development in Nigeria. From primary, secondary, and tertiary education levels, ignoble facts of malpractices are replete. These ugly incidents are often engineered by supposedly policy makers and persons seen as gatekeepers into the educational sector. The multiplier effects of these corrupt practices are enormous affecting educational integrity, reduces quality of degrees or certificates awarded by Nigerian educational institutions, fosters the production of half-baked graduates and instils a culture of dishonesty thereby destroying societal norms leading to the institutionalization of corruption. In 2025 a notable Nigerian politician, Uche Nnaji who was the then Minister of Innovation, Science and Technology, resigned because of allegations of forging his academic credentials purporting to have graduated from the prestigious University of Nigeria Nsukka (UNN) leading to the university sanctioning the University's Deputy Registrar and Unit Head of Students' Records and Institutional Research, I.A.S. Onyeador, for issuing a document which falsely claimed that the then-Minister of Innovation, Science & Technology, Uche Nnaji, graduated from the institution.¹ In a letter dated the Vice Chancellor of the University Professor Simon Ortuanya stated that although the Minister was admitted to the university in 1981, there is no record evidencing that he graduated from the university in 1985² which has now

¹<https://www.premiumtimesng.com/news/top-news/863239-exclusive-unn-sanctions-official-for-issuing-false-document-claiming-ex-minister-uche-nnaji-graduated-from-university.html> accessed 12 March 2026.

² <https://www.pulse.ng/story/nigerian-politicians-forged-certificates-2025100611501809855> accessed 12 March 2026.

been confirmed by a federal government panel.³ In an April newspaper publication, it was reported that the Registrar of Joint Admissions and Matriculation Board (JAMB) said it the body uncovered 585 fake A-level certificates in 2025 used in obtaining Direct Entry admissions to tertiary institutions in Nigeria.⁴ In 2024, JAMB uncovered 3,000 fake graduates parading forged degrees from unaccredited foreign institutions (specifically from Benin Republic and Togo). Unfortunately, and notwithstanding this discovery not every allegation of academic certificate forgery results to criminal charges in the court and many who has been arraigned has not ended with a guilty verdict because of lack of evidence, political manoeuvring, or the complexities of Nigeria's legal system.

2.0 EXAMINATION AND EXAMINATION MALPRACTICE DEFINED

Examination is a universal phenomenon widely acknowledged as a means of accessing a person's knowledge, skills and understanding in specific areas to ascertain the academic achievement of students at a given period.⁵ Despite its criticisms that it prioritizes memorization of facts over deep understanding or critical thinking,⁶ it is helpful in assessment of knowledge, improving the confidence of students, developing sense of discipline and provisions of priceless feedback to stakeholders. In a working definition of examination, it has been defined as an organized assessment technique which presents individuals with a series of questions or tasks geared towards ascertaining the individual

³<https://www.thisdaylive.com/2026/03/07/fg-panel-confirms-ex-minister-uche-nnaji-forged-unn-certificate/> accessed 12 March 2026.

⁴ <https://punchng.com/four-arrested-as-jamb-uncovers-585-fake-a-level-certificates/> accessed 12 March 2026.

⁵ <https://inspera.com/online-assessments/exams-as-an-assessment-instrument/> accessed 16 January 2026.

⁶https://www.google.com/search?q=CRITICISMS+OF+EXAMINATION+AS+A+MEANS+OF+ASSESSING+STUDENTS&oq=CRITICISMS+OF+EXAMINATION+AS+A+MEANS+OF+ASSESSING+STUDENTS&gs_lcrp=EgZjaHJvbWUyBggAEEUYOTIHCAEQIRigATIHCARigAdIBCjI0MDQ1ajBqMTWoAgiwAgHxBaAOK5nK CwR5&sourceid=chrome&ie=UTF-8 accessed 2 February 2026.

acquired knowledge and skills.⁷ Examination has also been defined as an exercise designed to examine progress or test qualification or knowledge.⁸ Examination malpractice is an act that disrespects all rules and regulations guiding the good conduct of any examination or any evaluation process.⁹ It was further described as an illegal act by the examinee or examiner or his agent before, during or after the examination with the intent to make the examinee have an undue advantage or earn an unmerited grade.¹⁰ Finally, it was further defined as any action carried out by stakeholders such as educational administrators, teachers, parents or students that is likely to render the assessment or examination ineffective or useless.¹¹

3.0 HISTORICAL BACKGROUND OF EXAMINATION MALPRACTICE IN NIGERIA

Examination malpractice is not a new phenomenon in Nigerian educational sector. Examination malpractice in Nigeria is traceable to the year 1914 during the Senior Cambridge Examination when candidates accessed the examination questions before the scheduled examination which led to the cancellation of the exam.¹² In 1948, a Nigerian student

⁷ Jibrin H. & Ibrahim S. (2023) Examination malpractice in state owned institutions of higher learning, causes and remedies: A study of some selected states in the North Eastern, Nigeria, *International Journal of Education, Learning and Development*, 11(2), 16-26.

⁸ <https://www.merriam-webster.com/dictionary/examination> accessed 16 January 2026.

⁹ Dajwan, L. D.; Mafwalal, B. S.; Davou, B. P.; Mandung, B. D. & Davou, E. M. (2021). Examination malpractices: A threat to educational reforms in tertiary institutions in Nigeria. *South Eastern Journal of Research and Sustainable Development (SEJRSD)*, 4(1), 12-35.

¹⁰ Asuru, V. A. & Njigwum. A. S. (2021). Students' assessment and examination malpractice in schools: trends and implications on quality of education. In Mmejim, I. C. & Daminabo, D. A. F. (Eds). *In saving the soul of education in Nigeria: A festschrift in honour of Prof. Jessica Ezekiel-Hart*. Port Harcourt: Pearl Publishers.

¹¹ Bruno, U. & Obidigbo, G. (2012). The counseling implications of examination malpractices among university undergraduates. *Research Journal of Organizational Psychology and Educational Studies*, 1(2), 199 – 202.

¹² https://www.google.com/search?q=HISTORY+OF+EXAMINATION+MALPRACTICE&oeq=HISTORY+OF+EXAMINATION+MALPRACTICE&gs_lcrp=EgZjaHJvbW

in quality education in Nigeria.¹⁴ Perhaps the examination malpractice menace could be the reason why only one Nigerian University was ranked among the top 1000 universities in the world while in 2026 only two Nigerian universities are in the top 1000.¹⁵

Recently in 2025, reiterating the Federal Government's zero-tolerance policy towards examination malpractice in Nigeria, the Honourable Minister for Education *Dr. Maruf Olatunji Alausa* highlighted the consistent decline in malpractice rates over the past three years in the West African Examination Council (WAEC) results from 16.29% in 2023 to 11.92% in 2024, and 9.70% in 2025. He attributed this progress to robust anti-malpractice measures introduced by WAEC, including the serialization of question papers in key subjects such as English Language, Mathematics, Biology, and Economics.¹⁶

5.0 LEGAL FRAMEWORK

The year 1970 is iconic in the history of Nigeria as it marked the end of the three years civil war between Nigeria and the Republic of Biafra.¹⁷ The 1970's also signalled an unprecedented upsurge in examination malpractice incidents leading to the enactment of Decree 27 of 1973 establishing the West African Examination Council (WAEC) which also established examination malpractice penalties for illegally using examination papers.¹⁸ The penalties for illegally using examination papers are: the prohibition of the student from taking the examination; cancellation of examination results if the student had already taken the exam; Suspending the student for a period of two years from sitting for the exam, and other penalties the court may impose upon conviction of

¹⁴ <https://myschool.ng/news/nigeria-top-examination-malpractice-index-world-wide-14041?filter=best> accessed 16 January 2026.

¹⁵ <https://www.premiumtimesng.com/news/top-news/852326-two-nigerian-universities-in-top-1000-universities-ranking.html?tztc=1> accessed 28 January 2026.

¹⁶ <https://fmino.gov.ng/fg-reaffirms-zero-tolerance-for-exam-malpractice-as-waec-performance-and-credibility-improve/> accessed 16 January 2026.

¹⁷ <https://www.britannica.com/topic/Nigerian-civil-war> accessed 15 January 2026.

¹⁸ See part II, sections 19 of the West African Examination Council Act 1973.

the student assuming the student is arraigned in court. The penalties for leakage of examination papers are also contained in the law.¹⁹ They range from the student being liable upon conviction to a fine of N2,000.00 or imprisonment for a term of five years or to both such fine and imprisonment. However, the law provides that there shall be no institution for this particular offence under section 20, without obtaining the consent of the Attorney-General of the Federation in writing.²⁰ The penalties for impersonation at examination were also prescribed²¹: such penalties are that upon conviction the student of the person shall be liable on conviction to a fine of N200.00 or imprisonment for a term of six months or to both such fine and imprisonment.

Presently, the major legal framework for examination malpractice in Nigeria is the Examination Malpractices Act 2004.²² A Bill to repeal this Act to provide for stiffer penalties was introduced in the National Assembly in April 2025. The Act creates offences and penalties bordering on examination malpractice. The Act criminalizes cheating at examination, stealing of examination question paper, personation at examination, forgery of results slips, obstruction of supervisor, disorderliness at examination, conspiracy and aiding among others. Section 14 of the Act²³ confers jurisdiction on the Federal High Court of Nigeria to try any person alleged to have breached any of the provisions of the Act. Section 18 of the Act,²⁴ repealed section 3 (16) of the Miscellaneous Offences Act that hitherto made provisions for punishment for cheating in examination.

For avoidance of doubt, section 2 provides for the offence of stealing of question papers during exam as follows:

¹⁹ Part II, sections 20 of the West African Examination Council Act 1973.

²⁰ Part II, Section 20 (4) West African Examination Council Act 1973.

²¹ Part II, Section 21 West African Examination Council Act 1973.

²² Examination Malpractices Act CAP E15 Laws of the Federation of Nigeria 2004.

²³ Examination Malpractices Act CAP E15 Laws of the Federation of Nigeria 2004.

²⁴ *Ibid.*

“A candidate who, at any examination, by any fraudulent trick or device or with intent to cheat or secure an unfair advantage for himself or any other person, steals or otherwise appropriates or takes a question paper, an answer sheet or a script of any other candidate commits, an offence and is liable on conviction to a fine of ₦100,000 or imprisonment for a term not exceeding three years or to both such fine and imprisonment.”

Section 3 of the Act provides for the offence of impersonation at examination as follows:

- “(1) A person who, at an examination-
- (a) Falsely represents himself to be a candidate sitting for the examination; or
 - (b) Writes or attempts to write a paper in the name of some other person whether that name is the name of a person living or dead, commits an offence.
- (2) A person guilty of an offence under subsection (1) of this section is liable on conviction-
- (a) in the case of a person under the age of 18 years, to a fine of ₦100,000 or imprisonment for a term not exceeding three years or to both such fine and imprisonment;
 - (b) in the case of a principal, teacher, an invigilator, a supervisor, an examiner, or an agent or employee of the examination body concerned with the conduct of an examination, to imprisonment for a term of 4 years without the option of a fine; and
 - (c) in any other case, to imprisonment for a term of three years without the option of a fine.
- (3) A person who alters or in any other way tampers with a document which has been issued to a candidate in relation to an examination, so that the person is taken to

be the candidate, commits an offence and is liable on conviction-

(a) in the case of a person under the age of eighteen years, to a fine of ₦100,000 or imprisonment for a term not exceeding three years or to both such fine and imprisonment;

(b) in the case of a principal, teacher, an invigilator, a supervisor, an examiner, or an agent or employee of the examination body concerned with the conduct of the examination, to imprisonment for a term of four years without the option of a fine; and

(c) In any other case, to imprisonment for a term of three years without the option of a fine.’’

Most importantly, section 12 of the Act, provides for punishment for corporate bodies and its Directors who purports to sponsor, aid or engage in examination malpractice. Section 13 of the Act provides for the trial of young persons or children who have not attained the age of 17 (seventeen) years to be dealt with under the provisions of the Children and Young Persons Act or law of the various States. The implication is that children and young persons who commit examination malpractice are not exempted from the Act. The summary at this point is that every act of examination malpractice is a punishable offence under the examination malpractice Act.

6.0 KEY FORMS OF EXAMINATION MALPRACTICE IN NIGERIA

The forms and or patterns of examination malpractice are wide. As technology improves, the variants keep growing. A renowned scholar has outlined the following forms of examination malpractice²⁵:

²⁵ Ajere, O. (2013). *Sociology of education: Events and issues*. Ilorin: Reel Impact Publishers; Akaranga, S. I., & Ongong, J. J. (2013). The phenomenon of examination malpractice: An example of Nairobi and Kenyatta Universities. *Journal of Education and Practice*, 4(18), 87-96.

- i. Falsification of examination result either by examinees or even examiners. This is a process whereby the results obtained by the student as contained in the certificate are actually non-existent as it was manufactured by the examination malpractice syndicate. This is a high-stake examination malpractice syndicate responsible for certificate forgeries.
- ii. Storage of questions and answers inside mobile phones. Students are known to store answers inside mobile phones as notes or messages, codes, and signs which they smuggle into the examination halls. In most of our institutions, to curb this form of examination malpractice students are prohibited from going into the examination halls with any electronic gadget including wrist watches.
- iii. Creation of examination centres outside the coverage of internet detections. This can be referred to as miracle examination centres set up in conjunction with some persons who are stakeholders in the education sector for the purpose of enabling some influential candidates to pass the exam. This centre is not readily available to the public but for select few who can afford it. In this centre, the answers are made available for the student who copies them into the answer booklet.
- iv. Accessing examination questions through the internet on the eve of the examination for discussion over-night. This form of examination malpractice may be done with the assistance of the examination coordinators or without their assistance. With snippets of information, some students can easily and illegally hack into any electronic device or website to access the examination questions. The student may also connive with some unfaithful staff of the examination body to access live questions through the internet.
- v. Giving or receiving assistance of varied kinds from parents and other allied groups. Where the parent or student has assisted a staff of the examination body financially or extended other favours to them directly or indirectly, there may be pressure upon

such staff to compromise the examination process in the absence of adequate care and if the staff lacks adequate discipline and moral standard. Also, where the teacher is inadequately remunerated which causes severe poverty, the system inadvertently exposing the teacher to corruption leading to expectations of arms from parents or students.

- vi. Causing confusion and distraction to enable prepared answers come into the examination hall. Often times in some examination halls, students deliberately raise false alarm or causes confusion to distract the supervisors momentarily and in the process, foreign materials will be brought in through pre-arranged persons in order to assist the students with the correct answers. By so doing, the students rely on external aid rather than their knowledge leading to lack of confidence.
- vii. Teachers or lecturers soliciting and wooing colleagues for the award of unmerited grades to their favourite student or students or even parents acting at the same capacity. Usually, some staff in the examination institutions contact their colleagues to assist a particular student with certain grades as a form of reciprocation and established friendship. This may occur innocently or corruptly.
- viii. Examinee having foreknowledge of the questions before the actual examination time (leakage). This form of malpractice proceeds from the teacher or lecturer directly revealing to the students the proposed questions or areas of concentration where questions will arise from. This may actually be done in an open class during teaching or revision exercise. It may also be done surreptitiously by the teacher to some privileged students to the exclusion of others where the teacher has been compromised.
- ix. Verbal sharing of answers and "giraffing": This entails an act of attempting to look at others' work. This usually occurs when students are seated too close to each other due to overcrowding in the examination hall. This type of exam malpractice is made possible by insufficient facilities, such as a lack of examination

halls that would allow students to be spaced at least six meters apart from one another. It may also be caused by insufficient number of invigilators to supervise numerous exam halls; hence many students are kept in a particular exam hall that available exam supervisors can possibly oversee.

- x. Bribing invigilators and supervisors so as to turn ‘blind eyes’ to malpractice or giving examination contractors and impersonators the questions to take away so as to prepare answers outside the examination hall. This form of examination malpractice is well coordinated as it involves more than two persons to be able to achieve this seamlessly involving adequate financial remuneration. Script substitution is subsumed under this form of examination malpractice.
- xi. Awarding inflated marks to students by teachers. This is a form of post-examination exam malpractice where during the assessment of the student’s script, the assessor deliberately inflates the score of a particular student above what the student ordinarily merits because of previous gratification financially or in kind whichever is suitable. This is referred to as Post-Exam Fraud: Bribing markers, altering answer sheets, or manipulating digital record.
- xii. Intimidation: This is a form of examination malpractice where the students who sat for the exam or their proxies directly or indirectly threaten supervisors or markers of negative consequences should they fail the examination.

7.0 CAUSES OF EXAMINATION MALPRACTICE IN NIGERIA

This discourse will be streamlined under these classifications: Student-related factors; systemic and institutional factors; and societal and parental factors. The inordinate vaulting ambition for quest for high grades in academic qualification has created desperation for high grade over actual knowledge acquisition.

7.1 Student-related factors

- i. Laziness & Poor Preparation:** Most students fail to study appropriately as a result of poor time management or poor study habits. This eventually leads to desperation as the time for the examination draws nearer. Staring on the possibility of failure as the natural outcome from the examination, they set out for alternative to success and eventually lands on examination malpractice as the only viable option.
- ii. Pressure:** Often time, the intense desire for good grades due to high stakes leads students to embrace examination malpractice as an option. The quest to graduate with high grades in order to secure a good paying and reputable job, or to satisfy the expectation of parents is a major factor to students lacking in morals.
- iii. Lack of Confidence:** Some students due to upbringing may feel incapable of passing honestly without engaging in examination malpractice. This may be related to environmental factors in terms of nature, nurture controversies. A student trained or brought up in an environment where cheating is seen as a way of life imbibes the habit, and sees nothing wrong in engaging in examination malpractice. This is so because of poor upbringing or poverty, thereby making them to lack confidence in the face of competition with others.
- iv. Desire to acquire Certificates:** The society's undue emphasis on paper qualification over skills pushes students to cheat to obtain a higher grade to enable him secure good employment. Due to scarce employment, students embark on examination malpractice to push them to a higher grade for purposes of securing a good paying job.
- v. Peer Influence:** When students see others cheat in examination without any consequence, it encourages their participation to avoid being left behind. This is a major factor in the involvement of many in examination malpractice.

7.0.2 Systemic & Institutional factors

- i. **Corruption:** In the 2024 Corruption Perception Index (CPI) released by Transparency International (early 2025), Nigeria ranked **140th out of 180 countries**. This portrays the country as deep in corruption and ranked as the 36th world most corrupt country in 2024.²⁶ Collusion between supervisors, teachers, and students for money or favour within the education system during or after examination is a major factor for concern. As a result of poverty, greed and poor remuneration of teachers and lecturers, supervisors and teachers who are not morally sound may easily be influenced by rich students or those from wealthy families to compromise the examination process with the promise of heavy financial reward or political appointments. Often times, examiners intentionally neglect adequate supervision of the students in examination halls thereby allowing students to easily communicate or collude in the exam halls.
- ii. **Inadequate Infrastructure:** In most of our institutions of learning, poor facilities, large class sizes, and few examination halls facilitate cheating. Students or candidate are not properly spaced in examination halls leading to candidates sitting in close proximity with others aiding oral communication and copying.
- iii. **Weak Enforcement:** The lack of prosecution of candidates or students arrested for examination malpractice lowers the deterrent effect of malpractice. Punishment for crime inevitably has a deterrent effect on would be offenders as it discourages others from committing crimes.²⁷ The due application of punishment or penalties to offenders has two forms: specific deterrence, preventing the punished individual from reoffending,

²⁶ https://punchng.com/full-list-nigeria-ranked-36th-worlds-most-corrupt-country-in-2024/#google_vignette assessed 18 January 2026.

²⁷<https://journals.co.za/doi/pdf/10.10520/EJC-1d6821df4d> assessed 18 January 2026;
https://www.iaca.int/media/attachments/2023/01/09/proofread---masters-thesis-liness-t-gulumba-macs-2018_with_covers.pdf assessed 18 January 2026.

and general deterrence, discouraging the public by using an offender as an example. The State is saddled with the bulk of criminal prosecutions through the Federal and State Ministries of Justice under the purview of the Attorney-General of the Federation and the State respectively²⁸ and the Nigeria Police.²⁹

7.0.3 Societal and parental factors

- i. **Parental pressure and Involvement:** Some parents pressure their children towards involvement in examination malpractice by facilitating cheating for their children. They undertake the financial burden of paying for the ignoble exercise to aid their children to secure good grades than they are ordinarily entitled to achieve. Recently, a father was arrested alongside his son for writing the 2024 University Tertiary Matriculation Examination for his son.³⁰ The implication is that the son and the father is neck deep into examination malpractice for a long time.
- ii. **Societal Value Shift:** There is now a focus on acquiring certificates rather than genuine knowledge by students. Employers of labour lay more emphasis on grades rather than genuine knowledge or skills during employment. This has pressured many to seek external assistance to boost their grades in order to secure employment. A hardworking student who graduated with second class lower degree in competition with a second class upper- or first-class graduate who got their grades through examination malpractice will lose the job opportunity if there is no miracle. In fact, such applicant may not even be shortlisted for the interview as he would have been screened out early in the process based on his grade of degree.

²⁸ Sections 174 and 211 of 1999 Constitution of the Federal Republic of Nigeria (as amended).

²⁹ Section 66 Police Act, 2020.

³⁰ <https://punchng.com/2024-utme-father-apprehended-for-writing-exam-for-son/> assessed 18 January 2026.

- iii. **Political Undertones:** For fame and fear of shame, influential figures in the society interfere with the examination or assessment process to help connected students or their children not to fail the examination by compromising supervisors and other education administrators. This was hitherto predominant in private institutions, but now in public or Government owned institutions.

8.0 EFFECTS/CONSEQUENCES OF EXAMINATION MALPRACTICE

In this segment, the discussion will be circumscribed under three headings, which are effects of examination malpractice on individuals and students; effects of examination malpractice on Nigerian education system, and effects of examination malpractice on national development. The negative consequences of examination malpractice in Nigeria are legion and a cause for concern as it has severely damaged the education system and national development.

8.0.1 Effects of examination malpractice on individuals and students

- i. **False Competence:** Because examination Malpractice projects the beneficiary as the best amongst all or in the alternative places the individual in a group higher than his actual academic feet, it gives a false sense of knowledge that eventually impacts in job delivery. Graduates, who attained certain grades because of involvement in examination malpractice, are unable to replicate in the work place the standard reasonably associated with the performance of the grade contained in their certificate.
- ii. **Psychological damage:** Graduates, who are the products of examination malpractice eventually suffers from guilt, anxiety, low self-esteem, and fear of genuine challenge. The psychological effect is extremely damaging and a killer of self-confidence leading to the greater and multifaceted challenge of low-self-esteem. This snowballs into withdrawal syndrome from colleagues at work leading to poor work ethics and performance

because of fear of being branded a failure by others. The individual is unable to function, and accordingly it can be said that ‘the man in him has died’.

- iii. **Devalues hard work:** Examination malpractice discourages honest students from maximally studying to pass their examinations. It fosters a state of despondency on hard working students who see examination cheaters succeed by getting higher grades than they deserve. It confers on the cheaters a false advantage occasioned by the malpractice. In an extreme case, the hardworking students may copy the negative vice of exam malpractice and join the group in subsequent exam.
- iv. **Future hindrances:** A graduate who is a beneficiary of proceeds of examination malpractice by obtaining higher grades will be unable to defend the grade contained in their certificates in their work place which may lead to low productivity and eventual loss of employment.

8.0.2 Effects of examination malpractice on Nigerian education sector

- i. **Credibility crisis:** Examination malpractice has brought about trust deficit in Nigerian Education system globally affecting Certificates and degrees awarded by Nigerian Institutions. Degrees or certificates awarded by Nigerian Universities are subjected to unimaginable scrutiny by academic institutions outside Nigeria and Nigerian graduates subjected to further qualification or refresher course. This affects the global rating of Nigerian institutions compared to foreign institutions.
- ii. **Mediocrity:** Examination malpractice promotes laziness over hard work thereby lowering educational standards. This is so because a student benefiting from examination malpractice finds it difficult to study knowing that there is an inglorious alternative to study which might even place him higher than those burning the night candles to prepare for examination.

- iii. **Systemic failure:** Examination malpractice prevents effective educational reforms as educational administrators are unable to measure real learning because of real assessment deficit. The real educational standard of the students is hidden because students' performance index is distorted leading to inaccurate data analysis.
- iv. **Unfair Admissions:** Hard working students deserving admissions are neglected due to fake scores paraded by examination malpractice candidates. Administrators may potentially use the results of individuals involved in malpractice as a basis for admission, which could disadvantage diligent students. This injustice at times will cause prospective candidates to abandon their core educational pursuit and undertake another course of study in order not to continue wasting their years.

8.0.3 Effects of examination malpractice on National development

Examination malpractice slows down economic development which affects national development. This is so because it introduces unprecedented vices into the society thereby destroying the foundation upon which an egalitarian society stands which are morality, fairness, justice and honesty. Some of the specific causes will be discussed hereunder.

- i. **Corrupt Culture:** Examination malpractice breeds dishonesty as a way of life of the people which permeates into the workplaces and society at large. Where this is entrenched in the lives of the people, society is lost as morality is relegated to the background.
- ii. **Incompetent Workforce:** Examination malpractice qualifies hitherto those who ought not to have been qualified. It helps in the churning out of unqualified lawyers, medical doctors, engineers, and other professionals, leading to failures in critical services. The professionalism and expertise expected from these professionals are lacking and accordingly it impacts negatively to all as political office holders are cheats who obtained their certificates through the backdoor.

- iii. **Economic Impact:** One of the by-product of examination malpractice is that it damages national productivity and economic growth. This happens when half-baked graduates who are beneficiaries of examination malpractice become the predominate manpower in the society or wangles themselves into positions of power and become policy makers. The society will be saddled with ill thought policies that hinder economic growth and development. This is the bane of Nigeria, where obviously our best is not in charge.
- iv. **Erosion of Values:** Examination malpractice promotes charlatans, breeding criminals and fraudsters, promotes corrupt leaders into leadership positions thereby making the country to be built on a foundation of falsehood. Those who obtained acclaimed success through examination malpractice believe that corruption is the way of life.³¹

9.0 EXAMINATION MALPRACTICES AS A CRIMINAL OFFENCE

The researchers submit that examination malpractice without contradiction is an offence and at the same time can be treated as misconduct by institutions. This is predicated on the unassailable belief that it is an unacceptable, improper, or wrongful behaviour that violates rules, laws, or ethical standards which may lead to disciplinary action. The researchers are fortified in the above assertion by the provisions of section 19 of the Examination Malpractices Act³² which defines "examination malpractice" as meaning an act which constitutes an offence under this Act.

³¹https://www.google.com/search?q=effects+of+examination+malpractice+in+nigeria&oq=EFFECTS+OF+EXAMINATION+MALPRACTICE+IN+NIGERIA&gs_lcrp=EgZjaHJvbWUqBwgAEAAyGAQyBwgAEAAyGAQyCAGBEAAyFhgeMggIAhAAGBYHjIICAMQABgWGB4yCAGEEAAyFhgeMggIBRAAGBYHjIICAYQABgWGB4yCAGHEAAyFhgeMggICBAAGBYHjIHCAkQABjvBdIBCjM0OTY2ajBqMTWoAgiwAgHxBdavo87pzDm38QXWr6PO6cw5tw&sourceid=chrome&ie=UTF-8 accessed 17 January 2026.

³² Examination Malpractices Act CAP E15 Laws of the Federation of Nigeria 2004.

Accordingly, Section 1 of Criminal Law of Lagos State³³ defines offence as “An act or omission which renders the person doing the act or making the omission liable to punishment or other measures under this law, or any other law or Regulation is an offence.” Furthermore, section 1 (2) of the Law provides that the word ‘offence’ may be used interchangeably with ‘crime’.³⁴

Consequently, section 36 (12) of the Constitutions³⁵ provides that no person shall be convicted of a criminal offence unless that offence is defined and the penalty thereof prescribed in a written law. Also, section 36 (8) of the Constitution³⁶ makes it expressly clear that no person shall be held to be guilty of a criminal offence on account of any act or omission that did not, at the time it took place constitute such an offence and that no penalty shall be imposed heavier than the one in force at the time the offence was committed. In the case of *Aoko v Fagbemi*³⁷, the court the court, while trying a case in southern Nigeria, held that adultery was not a crime since it was not prescribed as such by a written law. Adultery is only a crime in the North due to the provision of section 387 of the Penal Code.

In the case of *Egwu v University of Port Harcourt*³⁸ the Court of Appeal held on whether examination malpractice an offence as follows:

‘Examination malpractice is a serious criminal charge which can only be tried in a competent criminal court or a tribunal set up under the Constitution. In this case, the panel set up by the respondent lacked the power and

³³ Section 1 Criminal Law of Lagos State 2015.

³⁴ *Ibid.*

³⁵ Constitution of the Federal Republic of Nigeria, 1999 (as amended).

³⁶ *Ibid.*

³⁷ (1961) 1 ANLR 400.

³⁸ (1995) 8 NWLR (Pt. 414) 419.

jurisdiction to try the appellant, making its purported decision void and of no effect’.

The above decision was re-echoed in *Olutayo v Federal University of Technology Minna & Ors*³⁹ where the Court of Appeal held that examination malpractice is an offence. In their words -

‘Examination malpractice is an offence under section 1 of the Examination Malpractices Act, Cap. E15, Laws of the Federation of Nigeria, 2004, and punishable under section 1(2)(a) with a fine of N100,000 or imprisonment for a term not exceeding three years or with both such fine and imprisonment, where the person is under eighteen years. Therefore, a person accused of examination malpractice is entitled to a fair hearing under section 36(1) and (4) of the 1999 Constitution’.

Confronted with the above clear and unequivocal provisions of statutory and judicial pronouncement of the law, the researchers assert that examination malpractice having being criminalized by the Examination Malpractices Act by creating the offence and providing for penalties, renders beyond argument that examination malpractice is a criminal offence.

10.0 SOLUTIONS TO EXAMINATION MALPRACTICE IN NIGERIA

There are myriads of possible solutions to the rampage of examination malpractice in Nigeria. The researchers will approach this discussion under systemic and policy solutions; educational and cultural solutions; and examination solutions during the examination.

10.0.1 Systemic & Policy solutions

³⁹ (2007) 13 NWLR (Pt. 1051) 274 at 303.

- i. **The Reform of Laws & Enforcement:** To curb and or to drastically eliminate the monster known as examination malpractice, the education administrators and law enforcement agencies must purposefully implement, enact laws, enforce laws with severe penalties for offenders, including students, teachers, and officials involved in examination malpractice.
- ii. **Review Exam Procedures:** Institutions must be intentional and proactive by introducing measures like swapping examination centres, using biometric verification, and verifying student's identification documents before and during examination to prevent leakage and impersonation of candidates.
- iii. **De-emphasize Certificates:** Stakeholders must be intentional and purposeful towards the reduction of societal focus on paper qualifications by valuing knowledge, skills and performance at interviews, ensuring admissions and jobs are gotten by merit.
- iv. **Enhance Teacher Welfare:** The government and all relevant stakeholders in the education sector should ensure that lecturers, teachers at all levels, supervisors, and invigilators receive appropriate and competitive compensation packages. This measure can help reduce corruption, increase commitment, and improve job satisfaction within the profession.

10.0.2 Educational & Cultural solutions

- i. **Promote Academic Integrity:** it is advised that school curriculum from kindergarten should emphasize on honesty and hard work from an early age, thereby fostering a culture of ethics in the mind of the pupil in their formative years.
- ii. **Enhance Teaching & Learning:** Government, school proprietors and proprietresses, and relevant stakeholders in the education sector must improve teacher training, provide better infrastructure, reduce overcrowding in schools, and ensure adequate learning materials to enable teachers and students to thrive together.

- iii. **Strengthen Students' Support:** Government, school proprietors and proprietresses, and relevant stakeholders in the education sector must make provision for counselling, career guidance accessible for students at an early stage to enable mentoring and guidance which will de-emphasize negative vices like examination malpractice, cultism, and other societal vices.
- iv. **Foster Growth Mind-set:** Students must be encouraged to focus more on learning, skill development, not just grades acquisition in order to be more useful to the society by creating jobs and making inventions.

10.0.3 During Examinations

- i. **Strict Supervision:** Government and educational institutions must implement thorough checks to be conducted by supervisors and examination invigilators to prevent students from assessing the examination halls with unauthorized materials and ensure close monitoring by invigilators during the exam.
- ii. **Increase Accountability:** Government and educational institutions must ensure that teachers, lecturers, and invigilators are held responsible for upholding examination integrity by providing them with necessary materials (modern electronic gadgets) to enable optimum performance.
- iii. **Promote Honesty:** Government and educational institutions must develop appreciation and reward system that rewards integrity in society to discourage fraud and corruption.

11.0 CONCLUSION/SUGGESTIONS

It is not in doubt that examination malpractice in Nigeria has become a pandemic that has crippled the integrity of Nigerian educational sector and has severely damaged the global reputation of Nigerian tertiary institutions. The global rating of Nigerian higher institutions and certificates awarded therefrom are extremely poor compared with institutions in other developing countries even in Africa. The government through the Ministry of Education both at the Federal and

State levels must be intentional in policy drive towards the total eradication of examination malpractice in the primary, secondary and tertiary educational institutions in Nigeria. There must be the willingness to confront the menace headlong through the Nigerian National Orientation Agency to undertake vigorous campaign to sensitize Nigerians about the dangers of examination malpractice. The National Assembly must rise to the challenge beyond political affiliations to enact laws or amend obsolete laws to cover the use of cyber space and electronic gadgets in modern examination malpractices because it as an offence punishable with years of imprisonment and or fine depending on the type of malpractice and the age or identity of the offenders.

It is suggested that the Attorney-General of the Federation and the State being the chief law officers of the federation and the state, the Nigeria Police must be intentional in the prosecution of examination malpractice offenders. Educational institutions must champion the course ensuring that candidates or students arrested for examination malpractice must be handed over to the Nigeria Police for investigation and onward arraignment in court in conjunction with the Ministry of Justice. It is also suggested that the judiciary (courts) must ensure the accelerated trials of examination malpractice cases so that the case will not be unnecessarily delayed like other cases. When convictions are achieved speedily and published, it will serve as deterrent to others. The federal and state governments must without delay commence the review of the salary emoluments of teachers so as to reasonably adjust the status of Nigerian teachers in order to reduce the tide of corruption in the society.