

SLP
November, 2025

SWEARING FALSELY: A CULTURAL AND LEGAL EXAMINATION OF PERJURY IN NIGERIA



Precious Orowa
Associate Counsel, SLP



Faith Eze
Associate Counsel, SLP

Truth constitutes the fundamental benchmark of justice in every society. It is widely assumed that when an individual swears an oath to speak the truth, whether in a court of law or during official proceedings, their testimony will be fair, honest and reliable. In Nigeria, however, this expectation is often compromised. Perjury, defined as the wilful act of making false statements under oath, continues to pose a significant challenge. Its implications extend beyond individual cases; it undermines institutional integrity and erodes public confidence in legal processes, political commitments, and governance as a whole.

Historically, within traditional Nigerian societies, truth-telling was regarded as a sacred moral obligation. The violation of an oath was perceived not merely as dishonesty but as a profound transgression against both divine authority and communal values. With the advent of modernization, urbanization, and increasing political corruption, this cultural reverence for truth has been progressively weakened. The decline of moral consciousness and societal accountability has contributed to the normalization of deceit in both private and public spheres.

This research examines the phenomenon of perjury in Nigeria through a multidisciplinary lens that encompasses legal, cultural, and sociological dimensions. It interrogates how perceptions of truth-telling are influenced by social norms, religious doctrines, and traditional belief systems. Furthermore, it assesses the adequacy of the existing legal framework governing perjury and the extent to which these laws are effectively enforced. By adopting this holistic approach, the study seeks to enhance understanding of how false swearing distorts the administration of justice in Nigeria and to underscore the imperative of restoring truth as a foundational value in the nation's legal and moral order.

CULTURAL PERSPECTIVE ON PERJURY IN NIGERIA

Long before the modern court system, truth-telling was a key part of indigenous Nigerian justice. Traditionally, an oath is either a statement of fact or a promise with wording relating to something considered sacred as a sign of verity.

In the **Yoruba culture**, the truth (òtítọ́) was tied to divine justice. Oaths were sworn before powerful deities such as Ogun, the god of iron, or Sango, the god of thunder, who were believed to punish falsehood instantly. In the process of oath-taking, various shrines are usually the beehive of these activities. Such shrines include Ayelala, Ogun, Shongo, Okija, Asigidi and Oronmila just to mention a few. These are perceived to be powerful deities that the majority of Nigerian politicians fear more than their creator, God. In administering justice properly, covenant and oath-taking features regularly in the life of the Yoruba people, and this is done to maintain law and order and whoever betrays the order is left to the gods for a penalty. The research of *Ogunleye (2013)* on Covenant-Keeping among the Yoruba People: A Critique of Socio-Political Transformation in Nigeria revealed that "Covenant prevents unfaithfulness in the Yoruba traditional society. A covenant made in form of an oath, taken either in front of divinity or religious emblems, makes the Yoruba people to comport themselves well in the society.

In the **Igbo culture**, people took oaths before deities like Amadioha or the earth goddess, Ala, believing that false swearing would bring sickness, misfortune, or death. According to Ugwu (2007), in the igbo culture, there are the characters, the one taking the oath and the deity who serves as both a witness and an executor of the terms of the oath, to justify the truth or punish the one telling lies. He stipulated that because the gods are seen to be impartial judges, they are thought to be able to punish or testify, which entails afflicting the person in question with some enigmatic illness or ailments like strokes, swollen legs, etc.

The **Hausa-Fulani** culture believed that lying under oath was an invitation to divine punishment and that oaths (rantsuwa) invoked Allah's name. In Islam, keeping one's word is very important. The Quran states that Allah holds you accountable for your true intents rather than just your oath-taking behaviors.

If you violate an oath, there shall be atonement by feeding ten poor people from the same food you offer to your own family, or clothing them, or by freeing a slave. If one cannot afford this, then such a person shall fast for three days. This is the atonement for violating the oaths, as it's expected that people should fulfill their oaths. God thus explains His revelations to us, that we may be appreciative (Quran Chapter 5: Verse 89). In Islam, as we can see here, oath-taking and its abidance are not a serious matter, since there are provisions for it in the Quran.

In these traditional systems, oaths were not procedural formalities but sacred acts. A person's words were considered binding before the spiritual world. To lie under oath was both a crime and a curse, a betrayal of community trust and cosmic order.

Religion is one of the lifelines of Nigerian society; it is not merely a Sunday activity for some or a series of customs for others. Many Nigerians' perceptions of the world, their interactions with people, and their sense of right and evil are influenced by their faith. One thing is certain, regardless of one's faith: the truth is extremely important.

According to Christian doctrine, being honest is sacred and not optional. The commandment "Thou shalt not bear false witness against thy neighbour" (Exodus 20:16) isn't just ancient scripture; it's a moral compass that still guides millions today. Proverbs 12:22 puts it even more bluntly: "Lying lips are an abomination to the Lord." From church sermons to Bible study groups, believers are reminded that every word spoken before God carries weight and that truth is a reflection of one's faith.

Islam echoes this reverence for truth. False testimony, known as shahada al-zur, is strongly condemned. The Qur'an warns against it in Surah An-Nur (24:4), and Prophet Muhammad didn't mince words; he ranked false testimony among the gravest sins, just behind idolatry. For Muslims, speaking the truth isn't just about being good, it's about being faithful.

In a country where religion is deeply woven into the fabric of society, lying isn't just a legal misstep; it's a spiritual danger, and swearing falsely isn't seen as a mere breach of law; it's a betrayal of one's relationship with God.

The normalization of fake swearing has permeated many facets of Nigerian life, despite having such solid cultural and religious roots, as campaign pledges are routinely broken in politics with no repercussions whatsoever, and falsified paperwork and dishonest statements are occasionally viewed as essential survival strategies in the business world. Lying may be accepted or justified in social situations as a way to safeguard one's reputation or interests. Perjury is frequently disregarded or ignored in society as a result of the breakdown of traditional accountability systems and the lax execution of legal penalties.

Bringing back the moral significance of oaths and fostering a culture that values telling the truth are crucial to combating perjury. It is imperative that academics, religious organizations, and community leaders actively participate in changing public perceptions. Nigerian society can start to restore faith in its institutions and preserve the integrity of its legal system by reaffirming the sanctity of sworn declarations and encouraging moral conduct.

THE LEGAL FRAMEWORK GOVERNING PERJURY IN NIGERIA

Perjury is a criminal offense under Nigerian law, defined as the act of knowingly making false statements under oath in judicial or official proceedings. The legal provisions addressing perjury are found in both the Criminal Code Act (applicable in southern Nigeria) and the Penal Code (applicable in northern Nigeria).

Section 117 of the Criminal Code Act states that;
Any person who, in any judicial proceeding, or for the purpose of instituting any judicial proceeding, knowingly gives false testimony touching any matter which is material to any question then pending in that proceedings, or intended to be raised in that proceeding, is guilty of an offence which is called perjury.

Section 156 of the Penal Code states that;
Whoever, being legally bound by an oath or by an express provision of law to state the truth or being bound by law to make a declaration upon a subject, makes a statement, verbally or otherwise, which is false in a material particular and which he either knows or believes to be false or does not believe to be true, is said to give false evidence.

The offence attracts a punishment of up to fourteen years' imprisonment under section 118 of the Criminal Code Act. In the North, section 159 of the Penal Code provides similar provisions, prescribing imprisonment and payment of a fine for anyone who gives false evidence under oath.

The **Oaths Act, Cap O1**, **Laws of the Federation of Nigeria 2004**, governs the administration of oaths, affirmations, and declarations. It emphasizes that such acts must be carried out before an authorized person and with a clear understanding of their solemn nature.

Section 205 of the Evidence Act 2011, as amended, provides that witnesses in judicial proceedings must testify under oath or affirmation, reinforcing the importance of truth in the administration of justice. Religious or personal beliefs are respected by allowing affirmation as an alternative to oath-taking. This requirement reinforces the solemnity of testimony and serves as a moral and legal deterrent against falsehood, thereby strengthening the administration of justice.

Nigerian courts have defined the elements of perjury in several cases. In *Odukoya V. Frn (2023) Lpelr-59732(Ca)*, the court clarified the essential elements for a perjury offence under Section 85 of the Criminal Law of Lagos State:

- The false statement must be made on oath.
- It must occur during a pending judicial proceeding or be intended to initiate one.
- The falsehood must relate to a material matter, that is, something relevant to a question raised or intended to be raised in the proceeding

This interpretation reinforces that not all false statements amount to perjury; only those that are knowingly false, made under oath, and materially connected to the judicial process qualify. In *FRN v. Iweka (2011)) LPELR-9350(SC)*, it was stated that where a witness gives oral evidence which contradicts his or her previous statement in writing, that evidence should be treated as unreliable and liable to be rejected. The Court of Appeal affirmed that for perjury to be established, the false testimony must be material and knowingly made under oath. Also, in *Omoregie V Dpp (1962) Lpelr-40916(Sc)*, the Court held that the evidence did not meet the threshold for perjury under Section 117 of the Criminal Code, which requires knowingly false testimony on a material matter in judicial proceedings.

These cases demonstrate that, while the judiciary understands the gravity of perjury, practical issues such as the burden of proof and a lack of investigative capacity frequently impede successful prosecution. As a result, perjury rules exist primarily on paper, with no deterrent effect.

Whereas Nigeria's perjury laws are entrenched and precise, their enforcement is regrettably lacking. Very few individuals are actually prosecuted for giving false testimony, despite the practice being common in Nigeria, whether in affidavits, electoral forms, or court testimonies. Political interference, insufficient follow-up investigation, and a lack of public enlightenment are all accountable for the lack of serious prosecution.

The attitude towards perjury is also a problem. Unaware that dishonesty under oath goes to the very foundation of justice, the majority of Nigerians view it as less serious than corruption or theft. The validity of the entire legal procedure is brought into question when falsehoods are allowed to continue unchecked. The courts also have great difficulty proving perjury. Judges must be convinced that the accused lied knowingly and intentionally, and not just that the statement was false. This usually needs corroborative documentation and proof of intent. Section 135 of the Evidence Act states that the burden of proof in criminal cases is "beyond reasonable doubt," and this makes perjury even more difficult to prosecute. As such, laws designed to discourage false swearing tend to be nothing more than words on paper, having no concrete effect.

BRIDGING CULTURE AND LAW: RESTORING THE SANCTITY OF OATHS IN NIGERIA

More than statutory changes or infrequent prosecutions are needed to effectively combat perjury in Nigeria; a purposeful combination of law enforcement and moral instruction based on Nigeria's cultural and religious traditions is needed. Since oaths had social and philosophical significance that usually overcame the deterrent effect of the secular sanction, fear of supernatural or ancestral punishment was the main historical check on false swearing. The dignity of oaths may be restored, and the administration of justice strengthened, by reasserting the connection between the formal machinery of the state and the normative power of religious and traditional values.

1. Rebuilding Moral Foundations in Homes, Schools, and Faith Communities

The journey toward truth begins early. Religious institutions, schools, and homes should all emphasize moral education. Children must be taught that an oath is a solemn promise with severe repercussions, irrespective of whether in God's presence or the court. The Legal institutions may work with traditional and religious leaders in educating the public on the legal and moral repercussions of taking an oath. This word can be spread outside the classroom by media campaigns, public speeches, and sermons by judges, lawyers, and clergymen collectively. Together, morality voices and the voice of the law deliver a strong message that it is a sin and a crime to break an oath.

2. Enforcing Perjury Laws Without Fear or Favor

Moral persuasion alone won't solve the problem if the law isn't applied fairly. Nigeria's legal codes, like Section 117 of the Criminal Code and Section 156 of the Penal Code, clearly define perjury and prescribe penalties. But the enforcement is patchy. Prosecutions are rare, and when they do happen, they're often seen as politically motivated. The perjury laws must be enforced equally and without political interference. Political purpose or selective prosecution is unacceptable. It makes it clearly apparent that all are under the law when celebrities are brought to book for lying. It has been made clear by courts that it is not easy to establish perjury. One needs to show that the lie was deliberate, material to the case, and backed by good evidence. Increasing institutional capacity with forensic equipment, witness protection, and legal education can facilitate these requirements and increase conviction rates.

3. Using Technology to Curb False Sworn Documents

Enforcement can also be improved through procedural reforms. Falsification of documents filing can be minimized, for instance, through the use of electronic databases to verify affidavits. Technology can potentially be a game-changer in avoiding perjury, especially in affidavits and sworn statements. Increased authentication of sworn declarations should also be mandated by courts. By doing this, institutional integrity and public trust will both be enhanced.

These systems need to be secure, easily accessible, and supported by clear judicial law if they are to function effectively. They make it very much more difficult to defraud on paper and much simpler to establish it when a person does.

Human rights assurances must be respected in the meeting of culture and law. For example, anti-perjury initiatives must not involve mob punishment or threaten a defendant's right to a fair trial. Traditional and moral leaders must not replace due process but cooperate with prevention and education. Accordingly, to combat perjury and create social cohesion and respect for the rule of law, reforms must incorporate normative persuasion, procedural safeguards, and institutional responsibility.

RECOMMENDATIONS

Unchecked perjury has far-reaching consequences. It erodes public trust in the legal system, obstructs justice, and reinforces a culture of impunity. When witnesses lie under oath without consequence, the credibility of judicial outcomes is compromised.
To address this issue, several steps are recommended:

1.Strengthen Enforcement: Law enforcement and judicial officers must prioritize perjury cases and ensure consistent prosecution.
2.Public Education: Public awareness campaigns can educate citizens regarding the seriousness of perjury and its implications on justice.
3.Community Engagement: Traditional and religious leaders have to reassert the sanctity of oaths and the value of telling the truth.
4.Legal Reform: Consider laws that ease prosecution and increase penalties against false testimony.

CONCLUSION

Truth is the foundation of justice and fairness in every society. In Nigeria, however, this foundation has become weak because perjury has become common and often goes unpunished. What was once seen as a sacred act of honesty, especially in traditional societies, has now lost its meaning. Today, many people take oaths lightly, and this has affected not just the courts but also politics, governance, and public trust.

Fixing this problem is not just about enforcing the law; it is also about rebuilding moral values. In the past, fear of divine punishment kept people honest. Reconnecting law enforcement with moral and cultural values can help restore respect for the truth. Religious and traditional leaders, schools, and the media all have important roles to play in teaching people that truth-telling is both a moral and social duty.

To truly fight perjury, Nigeria must combine strong legal action with public education and community involvement. When oaths are treated as sacred promises and lies are punished without bias, people will begin to trust the justice system again. In the end, restoring honesty and integrity is not only about following the law, it is about reviving the moral conscience of the nation.

REFERENCE

- Criminal Code Act Cap C38, Laws of the Federation of Nigeria 2004
- Oaths Act, Cap O1, Laws of the Federation of Nigeria 2004
- Evidence Act 2011 as amended
- Penal Code Act Cap P3, LFN 2004
- https://www.afriwise.com/blog/federal-high-court-of-nigeria-introduces-e-affidavit-system?utm_source=chatgpt.com accessed 23rd October 2025
- Ugwu, C.O.T. (2007) African Traditional Religion in the security of Human lives and property in Journal of Religion & Human Relations, Awka: Department of Religion & Human Relationship Maiden Edition.
- African Traditional Religion Oath-Taking System for Achieving Resource Control in Nigeria by Ugwa James Kalu
- J.S. Mbiti, African Religions and Philosophy (Heinemann 1969) 202–205
- OnunwaUdobata(1990) Studies in Igbo Traditional Religion: Pacific publishers, Uruowulu-ObosiAnambra State Nigeria
- Oath-Taking: A Religio-Cultural Pathway to Justice In West African Traditional Society By Clifford Meesua Sibani, Phd & Jones M. Jaja, Phd
- Justice In Yoruba Culture by Kanu, Ikechukwu Anthony (Osa) & Omojola Immaculata Olu, (Ssma), Phd
- Ogunleye A. R. (2013). Covenant-Keeping among the Yoruba People: A Critique of Socio-Political Transformation in Nigeria. International Journal of Humanities and Social Science Vol. 3 No. 9.

© Syntegral Legal Practise

@syntegral_lp
info@syntegrallp.com
www.syntegrallp.com