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ADMINISTRATIVE CAPTURE AND POLICY FAILURE IN NIGERIA'S PUBLIC INSTITUTIONS: RETHINKING REGULATORY INDEPENDENCE IN EMERGING DEMOCRACIES (2020–2026)

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Abstract

This study examines the causal relationship between administrative capture and policy failure in Nigeria's public institutions between 2020 and 2026. Despite multiple governance reforms, Nigeria continues to experience widespread policy inconsistency, weak implementation, bureaucratic inefficiency, and regulatory dysfunction across major sectors. Drawing on regulatory capture theory, principal-agent theory, institutional theory, public choice theory, and digital-era governance theory, the study finds that many Nigerian regulatory institutions suffer from weak operational autonomy, politicised appointments, budgetary dependence, selective enforcement, and inadequate technical capacity. These conditions create opportunities for administrative capture, corruption, and policy manipulation. Policy failure in Nigeria reflects not poor technical planning but deeper structural problems: neopatrimonialism, weak rule of law, and fragile democratic institutions. Digital governance reforms, including the Treasury Single Account, Integrated Payroll and Personnel Information System, and electronic procurement, offer opportunities to reduce administrative discretion but face persistent resistance from entrenched interests. The study concludes that sustainable regulatory independence requires institutional autonomy, legal protection, professional bureaucracy, judicial independence, digital transparency, and civic participation. Recommendations include strengthening institutional autonomy, professionalising public administration, expanding digital governance, and strengthening judicial independence.

Keywords: Administrative Capture; Policy Failure; Regulatory Independence; Public Institutions; Neopatrimonialism

1. Introduction

Policy failure remains one of the most persistent governance challenges confronting emerging democracies, particularly within states characterised by weak institutional structures, fragile accountability systems, elite domination, political instability, and limited administrative capacity. Across many developing countries, governments frequently formulate ambitious policies and reform programmes that ultimately fail during implementation or produce outcomes significantly different from their intended objectives (World Bank, 2023). Such failures undermine democratic legitimacy, weaken institutional trust, discourage investment, and constrain socio-economic development. In Nigeria, policy failure has become a recurring feature of public administration and governance, raising fundamental questions about state capacity, institutional effectiveness, and democratic consolidation. The central argument of this study is that policy failure in Nigeria is not primarily a technical problem of inadequate planning, insufficient resources, or poor implementation design. Rather, it is a structural problem of administrative capture the systematic domination of public institutions by political elites, bureaucratic actors, corporate interests, and patronage networks that manipulate institutional processes for personal or group advantage rather than public welfare (OECD, 2023). Administrative capture operates through multiple mechanisms: politicized appointments that place loyalists rather than experts in regulatory leadership positions; budgetary dependence that gives executive authorities leverage over agency operations; selective enforcement that applies regulations based on political connections rather than objective criteria; procurement manipulation that diverts public resources through inflated contracts and non-competitive bidding; and bureaucratic collusion where officials cooperate with politically connected business interests for personal gain (Noah, Adhikari, Ogundele, & Yazdifar, 2021; Akor, Nwosumba, Ukeje, & Otu, 2024).

Between 2020 and 2026, Nigeria experienced multiple governance crises that exposed significant weaknesses within public administration systems. Economic instability, inflation, rising public debt, insecurity, fuel subsidy reforms, exchange-rate liberalization, procurement controversies, and public sector inefficiency intensified debates regarding institutional accountability and regulatory effectiveness (International Monetary Fund [IMF], 2024). The removal of fuel subsidies in 2023, for example, generated widespread public dissatisfaction not because the policy was technically unsound, but because implementation was distorted by the very networks that had benefited from the subsidy regime importers, marketers, and bureaucratic actors who resisted reforms that threatened their rent-seeking opportunities (Gana, Ogaji, & Augustine, 2026). This pattern recurs across policy domains: reforms succeed when they align with elite interests and fail when they threaten them.

The independent variable in this study is administrative capture the degree to which public institutions are dominated by political, bureaucratic, or corporate interests that prioritize private gain over public welfare. The dependent variable is policy failure the gap between policy objectives and implementation outcomes, manifested in abandoned projects, inconsistent enforcement, regulatory dysfunction, institutional illegitimacy, and declining public trust. The mediating variable is digital governance capacity the extent to which technology-enabled systems (Treasury Single Account, Integrated Payroll and Personnel Information System, electronic procurement) reduce administrative discretion and create accountability. The moderating variable is neopatrimonial structure the informal networks of patronage, ethnic bargaining, and elite power that shape institutional behaviour regardless of formal rules. Despite growing scholarly attention to governance failures in Nigeria, significant gaps remain in the academic literature gaps that this study directly addresses. First, there is insufficient empirical focus on how the political economy of administrative capture produces systematic policy failure. Most existing studies treat policy failure as a technical problem of implementation rather than a structural problem of capture and neopatrimonialism (Howlett & Ramesh, 2021). This represents a theoretical gap: the literature lacks an integrated framework that explains why formal institutional reforms consistently fail to produce regulatory independence in contexts where informal power structures remain intact.

Second, the literature has not adequately analyzed how administrative capture manifests across different sectors of Nigerian governance, from oil and gas regulation to electricity administration, public procurement, and environmental governance. Studies tend to focus on single sectors without comparative analysis that would reveal patterns of capture common across institutions (Noah et al., 2021). This is an empirical gap: no systematic synthesis exists of how capture operates through similar mechanisms across Nigeria's regulatory landscape. Third, the relationship between digital governance reforms and administrative capture remains severely undertheorized. While Nigeria has introduced major digital initiatives such as the Treasury Single Account (TSA), Integrated Payroll and Personnel Information System (IPPIS), and electronic procurement platforms, the extent to which these reforms have reduced capture or been resisted by entrenched interests is not well understood (Heeks, 2021). This is a methodological gap: existing studies have not adequately measured the effectiveness of digital reforms in contexts where institutional resistance remains strong.

Fourth, the implications of emerging technologies, particularly artificial intelligence (AI) and automated regulatory systems, for regulatory independence in developing countries have not been systematically examined (Okoro, Mckenzie, & Radeljic, 2026; UNESCO, 2021). This is a policy gap: the literature lacks frameworks for evaluating whether digital reforms can overcome the structural conditions that produce administrative capture. Fifth, the post-2020 evolution of Nigeria's regulatory institutions including the Nigerian Electricity Regulatory Commission (NERC), the Nigeria Extractive Industries Transparency Initiative (NEITI), and environmental regulatory bodies has not been systematically analyzed. Terhemen (2025) assessed NERC's independence, finding a significant gap between formal legal provisions and operational reality. This is a longitudinal gap: existing studies focus on institutional design rather than tracking how regulatory independence (or its absence) evolves over time in response to political and economic pressures.

This study addresses the five identified gaps through a multidimensional analytical framework that integrates Regulatory Capture Theory, Principal-Agent Theory, Institutional Theory, Public Choice Theory, and Digital-Era Governance Theory. The solution offered is both theoretical and practical. First, the study provides an integrated theoretical framework that explains why policy failure in Nigeria reflects not technical inadequacy but structural capture. The framework posits that policy outcomes (dependent variable) are determined by the interaction of (1) elite interests and neopatrimonial networks, (2) bureaucratic incentives and rent-seeking behaviour, and (3) institutional design and accountability mechanisms. Second, the study synthesizes empirical evidence from multiple sectors oil and gas regulation, electricity administration, environmental governance, public procurement, and digital governance to identify common patterns of administrative capture. The analysis draws on peer-reviewed studies, governance reports from the World Bank (2022, 2023), the African Development Bank (2022), the IMF (2024), Transparency International (2023), the United Nations Development Programme (UNDP, 2022), and the OECD (2023).

Third, the study critically evaluates digital governance reforms, examining both their potential to reduce administrative discretion and the institutional resistance they face. The analysis considers the TSA, IPPIS, electronic procurement platforms, and automated auditing systems, drawing on evidence from Heeks (2021), Dunleavy, Margetts, Bastow, and Tinkler (2021), and the Central Bank of Nigeria (2021). Fourth, the study explores emerging debates on AI governance and automated regulation in developing countries, examining both the promise of technology-enabled accountability and the risks of algorithmic bias, digital exclusion, and new forms of capture (Okoro et al., 2026; UNESCO, 2021). Fifth, the study provides actionable policy recommendations grounded in empirical evidence, including: strengthening institutional autonomy through legal protections and independent funding; professionalising public administration through merit-based recruitment and continuous training; strengthening accountability through independent oversight bodies and public disclosure systems; expanding digital governance to reduce administrative discretion; strengthening judicial independence; and promoting civic participation. The scholarly relevance of this work is threefold. Theoretically, it advances the integration of multiple institutional theories into a framework that explains why formal reforms fail in neopatrimonial contexts. Methodologically, it demonstrates the value of cross-sectoral comparative analysis for identifying patterns of administrative capture. Practically, it provides evidence-based guidance for strengthening regulatory independence in Nigeria and other emerging democracies facing similar governance challenges.

2.1 Theoretical Framework

This study adopts Regulatory Capture Theory as its primary framework, complemented by Principal-Agent

Theory, Institutional Theory, Public Choice Theory, and Digital-Era Governance Theory. The independent variable (administrative capture) and dependent variable (policy failure) are analysed through the interaction of these perspectives.

Regulatory Capture Theory (Primary Framework)

Regulatory Capture Theory, developed by Stigler (1971), explains how regulatory institutions become dominated by the interests they are expected to regulate. According to this theory, regulated industries and political elites often influence regulators through lobbying, political connections, financial dependence, or informal relationships, gradually converting public-interest regulation into private-interest protection. In Nigeria, regulatory capture is evident within sectors such as oil and gas regulation, electricity administration, public procurement, and environmental governance, where powerful corporate and political interests frequently shape institutional outcomes (Noah et al., 2021; Akor et al., 2024). The theory explains why formal institutional creation alone cannot guarantee regulatory independence in weak governance environments. Regulatory capture in Nigeria manifests through politicized appointments where leadership positions are filled based on political loyalty rather than technical competence; budgetary dependence where agencies rely on executive authorities for funding, creating leverage for political interference; and selective enforcement where regulations are applied unevenly based on political connections rather than objective criteria.

2.2 Complementary Theoretical Perspectives

Principal-Agent Theory explains governance problems arising from information asymmetry and conflicting interests between principals (citizens or political authorities) and agents (public officials or institutions) (Klitgaard, 1988). In Nigeria, weak oversight systems enable bureaucratic corruption, implementation sabotage, procurement fraud, and administrative inefficiency (World Bank, 2023). Institutional Theory emphasises the role of formal and informal structures, norms, and organisational cultures in shaping governance outcomes (North, 1990). Nigeria's governance institutions reflect historical patterns associated with centralised authority, military administrative culture, and neopatrimonial politics. Public Choice Theory argues that political and bureaucratic actors pursue self-interest rather than collective welfare (Buchanan & Tullock, 1962), explaining resistance to reforms that threaten rent-seeking opportunities. Digital-Era Governance Theory emphasises the role of digital technologies in improving transparency and accountability (Dunleavy et al., 2021), though Nigeria's experience demonstrates that technology alone cannot overcome structural capture. This study integrates these five perspectives into a coherent analytical framework. The framework posits that policy failure (dependent variable) is determined by the interaction of: (1) regulatory capture dynamics (elite networks, corporate influence, political interference); (2) principal-agent problems (information asymmetry, conflicting incentives, weak monitoring); (3) institutional legacies (historical patterns, informal norms, neopatrimonialism); (4) public choice incentives (rent-seeking, bureaucratic resistance, policy inconsistency); and (5) digital governance capacity (automation, transparency systems, institutional resistance to reform). The framework generates testable propositions: policy implementation succeeds when administrative capture is weak, principal-agent alignment is strong, institutional design supports autonomy, public choice incentives are aligned with public interest, and digital governance systems effectively reduce discretion. Policy failure occurs when these conditions are absent.

3. Methodology

This study adopts a qualitative conceptual methodology anchored in documentary analysis of secondary sources (Snyder, 2019). Data were obtained from three categories: (1) peer-reviewed Scopus- and Web of Science-indexed journal articles (2020–2026) including Noah et al. (2021), Akor et al. (2024), Terhemen (2025), and Gana et al. (2026); (2) governance reports from the World Bank (2022, 2023), African

Development Bank (2022), IMF (2024), Transparency International (2023), UNDP (2022), and OECD (2023); and (3) digital governance literature including Dunleavy et al. (2021), Heeks (2021), and Central Bank of Nigeria (2021). Inclusion criteria required peer-reviewed sources published between 2020 and 2026, directly relevant to administrative capture or policy failure in Nigeria. Analysis proceeded through thematic synthesis, identifying recurring themes: administrative capture mechanisms, regulatory independence constraints, policy implementation failure, digital governance resistance, and neopatrimonial structures.

Table 1: Variable Summary

Variable	Definition	Indicators (2020–2026)	Source
Independent Variable (IV)	Administrative Capture	Politicized appointments; budgetary dependence; selective enforcement; procurement manipulation; bureaucratic collusion	Noah et al. (2021); Akor et al. (2024); Terhemen (2025)
Dependent Variable (DV)	Policy Failure	Implementation gaps; regulatory dysfunction; institutional illegitimacy; declining public trust	Gana et al. (2026); IMF (2024); Transparency International (2023)
Mediating Variable (M)	Digital Governance Capacity	TSA, IPPIS, e-procurement adoption; automation resistance	CBN (2021); Heeks (2021)
Moderating Variable (W)	Neopatrimonial Structure	Elite networks; ethnic bargaining; limited-access order	Alli (2026); North (1990)

4. Results and Discussion

Table 2: ***Mechanisms of Administrative Capture in Nigerian Public Institutions***

Mechanism	Description	Sector Evidence
Politicized appointments	Leadership positions filled based on political loyalty rather than technical competence	NERC, NCC, NDDC, NEITI
Budgetary dependence	Regulatory agencies rely on executive budget approvals, creating leverage for political interference	All MDAs
Selective enforcement	Regulations applied unevenly based on political connections rather than objective criteria	Environmental regulation in Niger Delta
Procurement manipulation	Inflated contracts, non-competitive bidding, political favoritism in procurement	Infrastructure, health, education sectors

Mechanism	Description	Sector Evidence
Bureaucratic collusion	Officials cooperate with politically connected business interests for personal gain	Oil and gas, electricity, customs
Elite interference	Political actors influence investigations, prosecutions, and judicial processes	Anti-corruption agencies
Institutional resistance to reform	Bureaucratic actors oppose transparency and automation reforms that reduce discretionary authority	TSA, IPPIS, e-procurement resistance

Source: Compiled from Noah et al. (2021); Akor et al. (2024); Terhemen (2025); World Bank (2023); Transparency International (2023).

Table 3 Regulatory Independence: De Jure vs. De Facto in Nigerian Institutions

Institution	Legal Framework (De Jure Independence)	Operational Reality (De Facto Independence)	Gap
Nigerian Electricity Regulatory Commission (NERC)	Constitutionally established as independent regulator	Executive interference, political pressure on tariff decisions, limited enforcement power	Significant
Nigeria Extractive Industries Transparency Initiative (NEITI)	Statutory independence for transparency oversight	Budgetary dependence on executive; political influence on report publication	Moderate
National Communications Commission (NCC)	Legally independent regulatory authority	Executive appointments influence; political pressure on licensing decisions	Moderate
Niger Delta Development Commission (NDDC)	Statutory mandate for regional development	Chronic political interference, procurement manipulation, and leadership instability	Severe
Federal Inland Revenue Service (FIRS)	Autonomous revenue collection authority	Political influence on tax enforcement; selective application of penalties	Significant

Source:. Compiled from Terhemen (2025); Akor et al. (2024); African Development Bank (2022); World Bank (2023).

Table 4 Fuel Subsidy Reform Implementation Failure: Key Factors (2023–2024)

Factor	Description	Consequence
Poor implementation planning	No phased transition plan; immediate removal without preparation	Sudden price shock; public anger
Weak palliative coordination	Inadequate distribution of relief measures; corruption in palliative delivery	Widespread hardship; eroded trust
Inflationary consequences	Fuel price increase transmitted to transport, food, housing costs	Reduced purchasing power; economic distress
Institutional distrust	Public skepticism of government claims about savings and reinvestment	Legitimacy deficit; protest
Informal network resistance	Elite networks benefiting from subsidy regime opposed reform	Implementation sabotage; policy reversal pressure

Source: Compiled from Gana, Ogaji, & Augustine (2026); IMF (2024); World Bank (2023).

Table 5: Digital Governance Reforms and Administrative Capture Reduction Potential

Reform Initiative	Year Introduced	Primary Objective	Capture Reduction Potential	Implementation Challenges
Treasury Single Account (TSA)	2015	Consolidate government revenues; reduce leakages	High (reduces multiple accounts, increases transparency)	Bureaucratic resistance; system circumvention
Integrated Payroll Personnel Information System (IPPIS)	2017	Eliminate ghost workers; verify payroll	High (biometric verification, automated payments)	Resistance from beneficiaries of ghost-worker schemes
Bank Verification Number (BVN)	2014	Unique biometric identifier for bank customers	Medium (reduces identity fraud)	Limited coverage; system vulnerabilities

Reform Initiative	Year Introduced	Primary Objective	Capture Reduction Potential	Implementation Challenges
Electronic Procurement (e-Procurement)	2021	Automate procurement; reduce discretion	High (audit trails, competitive bidding)	Phased implementation; resistance from procurement officials

Source: Compiled from Central Bank of Nigeria (2021); Heeks (2021); Dunleavy et al. (2021).

4.1 Discussion of Major Findings

Administrative Capture as the Primary Driver of Policy Failure

The empirical evidence confirms that administrative capture (independent variable) is the primary driver of policy failure (dependent variable) in Nigeria's public institutions. Noah et al. (2021) demonstrated how regulatory failure in Nigeria's oil and gas sector reflects not technical incapacity but deliberate capture: "corporate environmental accountability is undermined by regulatory capture where institutions designed to protect public interests become dominated by the industries they regulate" (p. 72). Despite comprehensive environmental regulations, gas flaring continues, oil spills are under-prosecuted, and multinational corporations face minimal sanctions (Akor et al., 2024). This pattern is not explained by inadequate regulations but by the structural power of extractive industries within Nigeria's political economy. The mechanisms of capture identified across sectors display remarkable consistency. Politicized appointments place loyalists rather than experts in leadership positions. Budgetary dependence gives executive authorities leverage over agency operations. Selective enforcement applies regulations based on political connections. Terhemen (2025) assessed NERC's independence, finding that "operational realities remain heavily influenced by state interference and regulatory capture" (p. 5). The gap between de jure and de facto independence characterizes most Nigerian regulatory institutions.

Policy Failure as Structural, Not Technical

The analysis demonstrates that policy failure in Nigeria reflects deeper structural problems associated with neopatrimonialism, weak rule of law, and limited state capacity. The fuel subsidy removal programme provides a compelling case study. Gana et al. (2026) documented how "informality, implementation failure, and the active destruction of trust" combined to undermine policy legitimacy (p. 1). The subsidy regime had created extensive rent-seeking networks importers, marketers, and bureaucratic actors benefited from the opaque system. When reform was announced, these networks resisted. The reform's failure reflects not technical incompetence but the structural power of actors who benefit from the status quo.

Digital Governance: Promise and Limitations

Digital governance reforms offer opportunities for reducing administrative discretion, but evidence demonstrates that technology alone cannot overcome structural capture. The TSA has consolidated revenues and reduced leakages. IPPIS has eliminated ghost workers. However, these reforms face persistent resistance from bureaucratic actors benefiting from opaque manual systems (Heeks, 2021). Digital reforms can be circumvented, require maintenance and political support, and risk creating new forms of exclusion (Okoro et al., 2026).

The Neopatrimonial Foundations of Regulatory Weakness

Ultimately, the persistence of administrative capture reflects the neopatrimonial character of the Nigerian state. As Alli (2026) argues, Nigeria operates as a "limited-access order" where political competition occurs among elites who share access to state resources. Under such conditions, regulatory independence is a constitutional fiction. Agencies operate not as autonomous guardians of public interest but as territories to be controlled by political factions. Strengthening regulatory independence requires addressing structural conditions: concentration of economic power in extractive industries, reliance of political elites on patronage, and weakness of civil society and media as accountability actors.

5. Conclusion and Recommendations

This study has examined the causal relationship between administrative capture (independent variable) and policy failure (dependent variable) in Nigeria's public institutions between 2020 and 2026. The analysis demonstrates that policy failure in Nigeria reflects not technical inadequacy but structural capture driven by neopatrimonial networks, elite interests, and weak accountability systems. Administrative capture operates through politicized appointments, budgetary dependence, selective enforcement, procurement manipulation, and bureaucratic collusion mechanisms that systematically undermine regulatory independence and produce policy failure. The theoretical contribution is the integration of Regulatory Capture Theory, Principal-Agent Theory, Institutional Theory, Public Choice Theory, and Digital-Era Governance Theory into a framework explaining why formal reforms fail in neopatrimonial contexts. The empirical contribution is the synthesis of evidence from multiple sectors identifying common patterns of capture. The study concludes that sustainable regulatory independence requires institutional autonomy, professional bureaucracy, judicial independence, digital transparency, and civic participation.

Based on the findings and conclusion, the study recommends:

i. **Strengthen Institutional Autonomy and Legal Protection.** Nigeria should strengthen constitutional and legal independence of regulatory agencies through reforms that protect institutions from political interference, including transparent, merit-based appointments with fixed tenure protections and independent funding structures. **Body for Implementation:** National Assembly, Office of the Head of the Civil Service of the Federation.

ii. **Professionalize Public Administration.** Recruitment, promotion, and disciplinary systems should prioritize merit, competence, and ethical standards rather than political loyalty. Continuous professional training should strengthen institutional capacity in policy analysis, digital governance, and regulatory oversight. **Body for Implementation:** Federal Civil Service Commission.

iii. **Strengthen Accountability and Oversight Mechanisms.** Independent oversight bodies, judicial institutions, parliamentary committees, and civil society should play stronger roles in monitoring regulatory institutions. Measures include mandatory public disclosure, independent audits, whistleblower protection, and transparent procurement monitoring. **Body for Implementation:** National Assembly, ICPC, EFCC.

iv. **Expand Digital Governance and Transparency Systems.** Government should strengthen digital reforms including electronic procurement, automated auditing, digital payroll verification, and integrated public financial management platforms to reduce administrative discretion. **Body for Implementation:** NITDA, Federal Ministry of Communications, Innovation and Digital Economy.

v. **Strengthen Judicial Independence and Rule of Law.** Nigeria should improve judicial autonomy, reduce procedural delays, strengthen anti-corruption courts, and modernize digital evidence systems. Specialized administrative courts should handle complex regulatory disputes. **Body for Implementation:** National Judicial Council, Federal Ministry of Justice.

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