

PHILOSOPHY OF VIOLENT CRIMES IN NIGERIA: INTERROGATING THE MONSTERS**JOSHUA IGONOH****Law College, Salem University,
Lokoja Kogi State****Abstract**

Over the years, anti-crime legislative trend in Nigeria has been reactionary thus putting the criminals ahead of the laws. Recent trend shows how fast various violent crimes, on the wings of corruption seem to drag Nigeria to the brink of internationally recognized definition of a failed State. This paper interrogated some of the resilient violent crimes defying large volume of legislation aimed at stemming their trend; with virtually no result. The paper found that the problem has never been about lack of adequate legislations to tackle these monsters but lack of political will and lame-duck enforcement machinery to tackle the menace. The paper thus recommended the need for a more proactive anti-crime measures that may arrest these monsters before the Nigerian State withers away, in the spirit of Marxian dialectics. Operative Words: Philosophy, Violent Crimes, Search and Monster

Introduction

Criminal law on which men place their reliance for protection against the deepest social injuries has always been indispensable to the social existence of humanity because, it closely concerns everyday interpersonal affairs of men;¹ although the concept of crime differs from place to place; according to values and ideals of each people. While all and sundry seem to understand implications of criminal law to their daily living, very few tend to give thought to why people commit certain crimes despite the severity of sanctions attracted by such crimes; and what else could be done to tame the tide of such crimes. The News media, no doubt, has contributed to the society's awareness of different manifestations of crime, without requisite information on other fundamental parameters of crime like the causes, nature and category of persons that play leading role in each crime and why.

Bentham, the forerunner of utilitarianism, focused attention on the calculus of both offender's behaviour and the optimal response by legal authorities, stressing two incentives that motivate potential or actual offenders, positive and negative². He explained that while negative incentives deter and prevent actual and would be offenders from actively pursuing criminal or illicit activity because of the probability of being caught and severity and nature of punishment to be imposed in case of breach, positive incentives induce participation in legitimate alternatives to crimes like legitimate employment and rehabilitation programmes.

¹ H. Wechsler, "The Challenge of a Model Penal Code" in Williams G; (ed.) *Textbook of Criminal Law*. 2nd ed. (Stevens and Sons, 1983) 4; P. Ocheme, *The Nigerian Criminal Law* (Liberty Publications Ltd; 2008) Pp. 1 & 2

² I. Ehrlich, 'Crime, Punishment and the Market for offenses' *The Journal of Economic Perspectives*, Vol. 10, No.1 (Winter, 1996) pp. 43-67.

What this amounts to, is that potential offenders are usually faced with identical legitimate and illegitimate opportunities dictating minimal net returns that each individual would require before engaging in criminal activity. In such order, people are likely to resort to crime when they perceive that the advantageous net returns in committing a particular offence outweigh the negative incentive.

According to sociologists, crime problem of each people derives from their social order in the sense that “the type of socio - economic order which a country operates, dictates, in a large part, the types, magnitude and seriousness of that country’s crime problem.”³ Propounding his *Anomie* theory, Durkheim argued that normlessness results in deviant behaviour.⁴

Developing further on this theory, Merton posited that the element of social and cultural structure which involve culturally assigned goals and aspirations on the one hand and the structure of acceptable mode for achieving such goals and aspirations are two inseparable concepts: meaning that a society cannot maintain a normative function without a balance between aspiration and the means for achieving such aspiration⁵. The workability of this social structural development is dependent on the fact that every player of this social goal must be on the same level playing field and obedience to the rules, to yield the culturally desired goal; otherwise, the players may be tempted to resort to illegitimate means to achieve the same goal⁶. In other words, where more emphasis is placed on the goal than the means, it may lead to a breakdown of the social system so that those who feel frustrated by the system tend to rebel by rejecting the existing order, and seeking to adopt a new social order, often a criminalized order, for achieving their own aspiration⁷.

Placing the Nigerian situation into this hypothesis, what is apparent is that because the Nigerian social structure is self-destructive in the sense that the system frustrates the players in one breath and sets a stage that lures them to adopt illegitimate means towards achieving the set goals, the laws created by such system cannot possibly contain the ills it perpetuates.⁸ In Nigeria, so much emphasis is placed on goals rather than the legitimate means for achieving the goals thus resulting in *anomie*. The Nigerian society seems to believe that when a society fails to provide a basis for normal behaviour, it is an atmosphere of chaos and anomie that may turn around to destroy society itself.⁹ In other words, a crime-proned society is a reaction of the society to its own failures.

For instance, the Nigerian society is obviously divided into the ‘haves’ and ‘have-nots’ and this dichotomy flows down the stream so that even children of the masses who form the larger strata of the Nigerian body polity are as their parents, confronted with the challenge of inability to acquire good, quality education and employment because of their social class. What this means is that even employment becomes a class issue. Frustration puts society in an era

³ S. Zumve ‘Youth Crime in Contemporary Nigeria: A Social Structure Analysis’ *The Social Analyst. A journal of the Nigerian Sociology and Anthropology Students Association, Benue State University. Markurdi Vol. 4 No. 1 Aug. 2005. P. 33.* See also O. Oluwole, ‘The Young Prisoner’ ed. Elias T. O. (ed.) *The Prison System in Nigeria* (National Conference on the Prison System, July 1-5 1968) p. 217 at 223

⁴ *Ibid* at 34-35

⁵ R.K. Merton, ‘Social Structure and Anomie’ *American Sociological Reviews* 3 (1938) p. 672-682

⁶ *Ibid*, pp. 673-674

⁷ *Ibid* at 674

⁸ Zumve, *op.cit* at p.37

⁹ *Ibid* at p. 39

where youth unemployment is no longer cynical and temporary but structural and apparently permanent¹⁰ this class eventually becomes disgruntled and rejects the institutionalized means for achieving the standard goals set by the society, thus resorting to illegitimate means like robbery, ritual killing and hired assassination to achieve their sought-after.

This also explains thuggery in the political landscape of Nigerian politics. Because the society looks away from illegitimate means by which people climb to political position, either through imposition of unpopular candidate or the wanton violation of all laid down democratic principles, aspirants spend more funds to recruit thugs and *militia* to enthrone unpopular candidates. And because these thugs' access funds by such unwholesome practice, it endears them to thuggery and all other forms of criminality, including political assassination and ritual killing for their political god-fathers so they could achieve their own financial goals. It is from the same perspective that other vices like kidnapping and drug-related offences in Nigeria can be explained. As the multi-National Oil Industries seem to forget that with their quest for maximum profit, they also owe the society the duty for reparation of the social, economic and environmental problem they create, and as government seems to look away from its responsibility to balance these competing interests, frustrated youths resort to kidnapping and all forms of terrorism and violent crime to vent their frustration under the guise of Liberation Organizations or Emancipation Movements. This partly explains why the Niger Delta communities mistake terrorism for freedom-fighting and why Islamists vent their frustration in form of Jihad.

It must not be forgotten in a hurry that a criminal is made out of the social value of every community. Thus, in a society where criminals are glamorized and their *macho* image adored, every ambitious youth would see them as role model because of their ability to over-rule and defeat the laid down pattern of the society, to yet achieve the desired goals. In a society where the rich live in mansions, displaying their wealth at the slightest opportunity to the contamination of the poor, the tendency is to overstretch the criminal leanings of weak-hearted ones, to desire to attain; even if improperly. In Nigeria, money is adorned above all other values no matter how shameful the source, thus creating misplaced respect for "the wealthy" who are treated sacredly, to intimidate the 'have not'. In the end, the system creates apathy to laws requiring information on questionable source of wealth.

It is on the same basis, that access to drugs and sophisticated arms have promoted disposition to crime than any other factor. In the midst of frustration arising from unemployment and general poverty line, driving the young ones into drug abuse to size themselves up to the social challenges staring them in the face, and with the drug abuse comes the need to provide *for* the financial needs to meet up with the *pseudo* personality imposed by abuse. The end result is a resort to all forms of violent crimes and all other terrorist acts to meet the demands of their newly attained *pseudo* status.

Why Certain Crimes Still Pay in Nigeria.

Aside the traditional basis for punishment, it has been recognized that punishment is the society's way of expressing its denunciation of certain behaviours. Thus, the fact of punishment drives home to all, the fact that the society abhors certain behaviours and thus

¹⁰ D. Ityavyar, 'The Contribution of Nigerian Youths to Nation Building' in Zumve, Ibid at p. 45

shows its denunciation of such acts by legislating to regulate people's pattern of behaviour, away from such behaviour; failing which the offender is punished for it. As Denning put it; The punishment inflicted for graver crimes should adequately reflect the revulsion felt by the great majority of the citizens for then ... the ultimate justification for any punishment *is not that* it is deterrent, but that it is emphatic denunciation by the community, of a crime¹¹ By this, the society seeks to control people's behavioural pattern by apportioning punishment to erring members of the society, either for retributive, deterrent, corrective or reformative purposes, depending on the grave circumstances of each case¹². This way, the law-abiding citizens are equally re-assured that they are protected against the infraction of their interest by those who exhibit criminal tendency. Usually, the society through the State shows its denunciation of a particular pattern of behaviour either by verbal expressions or by criminal legislation, accompanied by appropriate legal punishment in case of infraction.

In Nigeria, this drive has, in some cases, resulted in *over-criminalization* of some criminal behaviours because of inability to curtail such behaviours by a single stroke of legislation. And quite ironically, certain offences like Armed Robbery, Political Assassination, Kidnapping, Terrorism and Ritual killing have continued to gain prominence despite the fact that the society's denunciation of these crimes has been as grave as attracting death sentences.

The question therefore is as to whether the fault lies with the nature of punishment or the legislation itself or the apparatus for enforcement of these laws.

Interrogating the Monster

Since the main concepts in this paper form the thrust of discussion in the main stream of this paper, it is observed that any attempt to clarify such concepts aside the main discussion could create boredom.

A close study of the history of legislation in some of the capital crimes would show that the inability of the Nigerian criminal justice system to bring them under control no longer lies with inadequacy of legislation denouncing them. An examination of the laws on Armed Robbery, Homicide, with political assassinations as its derivative and Ritual killing that should ordinarily be subject of clarification in this paper will show will show that the problem goes beyond adequacy or inadequacy of legislation and severity or otherwise of punishment. In this paper therefore, effort will be exerted at discussing each of these subject of crime along with identifying why some of them seem to defy the rather stern measures put in place to contain them, with a view to determining more effective measures at tackling them. Exploration of just a few of such crimes will justify this position.

Armed Robbery

Although Nigeria's criminal laws do not define robbery in the strict sense but description by various laws provide for what constitutes robbery or armed robbery¹³. Under section 401 of the Criminal Code, a person is said to be guilty of robbery when he steals anything and at or immediately before or immediately after the time of stealing it, uses or threatens to use actual

¹¹ L.J. Lord Deuning (as he then was) in the Report of the Royal Commission on Capital Punishments 1953.p.18

¹² O. Hye-Wado; and M.U Gasiokwu; "Law and Social Order", Law and Society, Uni. Jos. Journal (1995) p. 33-38

¹³ The principal Laws Providing for robbery are, the Penal Code, Criminal Code and Robbery and Firearms (special provisions) Act, cap. 398 Laws of the Federation of Nigeria.1990 now 2004

violence to any person or property in order to obtain or retain the thing stolen or to prevent or overcome resistance to its being stolen or retained.

Section 296 (2) of the Penal Code, extends its provision to include theft and extortion committed in circumstances as described in section 401 of the criminal code. It provides that Theft is robbery if in order to commit the theft or in committing the theft or in carrying away or attempting to carry away property obtained by theft, the offender for that end voluntarily causes or attempts to cause to any person death or hurt or wrongful restraint or fear of instant death or of instant hurt or of instant wrongful restraint¹⁴

In similar tone, the Penal Code provides that extortion is robbery, if the offender at the time of committing the extortion is in the presence of the person put in fear and commits the extortion by putting that person in fear of instant death, or instant hurt or of instant wrongful restraint to that person or to some other person and by so putting in fear, induces the person so put in fear then and there, to deliver up the thing extorted¹⁵

What all these sum up to is that robbery being rooted in theft, the principles for establishing the offence of theft also apply to robbery except that punishment for robbery under the codes range between seven years and life imprisonment, depending on the circumstances of each case¹⁶ as distinct from the sterner punishment under the Armed Robbery and Firearms Act.

When, during the civil war, the General Yakubu Gowon's administration felt the need to take sterner measure against robbery, it promulgated the *Suppression of Armed Robbery Decree No. 2 of 1967*¹⁷ which amended the provisions of sections 402 and 403 of the Criminal Code, Cap. 42. This Decree prescribed more severe penalty from seven years in attempted robbery to fourteen years and life imprisonment for armed robbery respectively. In August 1970, the same administration saw the need to combat robbery scourge with sterner measures and thus promulgated another Decree with more severe punishment of death, by firing squad; and specified time-frame within which to dispose of robbery cases¹⁸

Despite these stern measures, armed robbery rate continued to soar, thus resulting in several amendments to beef up substantive and procedural effectiveness of the laws on this subject.¹⁹ With all these measures also are the Sharia law provisions against robbery, carrying stern penalties as well.²⁰ Thus, it is apparent that the offence of robbery is sufficiently criminalized to nib the scourge. Incidentally, evidence abound that robbers have refused to be

¹⁴ Penal Code Law, Cap.89 Laws of Northern Nigeria. 1963.

¹⁵ Section 296 (3) of the Penal Code. Ibid.

¹⁶ Section 403 of the Criminal Code prescribed seven years for attempted robbery and life imprisonment for armed robbery, with offensive weapons.

¹⁷ Otherwise known as Decree No. 2 of 1967

¹⁸ Sections 1 and 2 of robbery and Firearms (Special Provision) Degree No. 47, 1970 prescribed minimum of 21 years for Robbery and death by firing squad or by hanging where offensive weapons were involved.

¹⁹ These amendments include Robbery and Firearms (Special Provisions) (Amendment) Decree No. 48 of 1971; Decree. No. 5 1984; Degree No. 28 of 1986 and the Robbery and Firearms (Special Provisions) Act cap. 398 Laws of the Federation Nigeria, 1990

²⁰ Robbery otherwise known as Hiraba is defined and punished in Zamfara State Penal Code Sections 153, 229 and 231, See also Section 227 and 229 of Bauchi State penal Code; Sections 228 and 230 of Kebbi State penal Code; Sections 229 and 231 of Jigawa State Penal Code; and Sections 229 and 231 of Yobe State Penal Codes.

bred thus lending credence to argument that the severity of punishment may not deter as much as the certainty of being caught²¹.

Painting a grim picture of the present status of armed robbery in Nigeria despite the plethora of laws and stem punishment, an author said:

There is a type of war going on now between millions of citizens and armed robbers virtually all over the Country. Perhaps, never in the history of this society have so many been terrified and besieged by so few; every passing day, new entries are made in the catalogue of individuals who have suffered assaults, humiliation, deprivation and death in the hands of men and women of the underworld²²

Elsewhere, the same author said: Armed Robbery has become a source of worry to the rich and poor, the privileged and commoners alike.

Armed robbers now operate in broad day light and are more daring... Their lucky victims end up probably with light wounds while the unlucky ones receive deep cuts or gun shots which ultimately lead to their death or are killed out rightly²³

Commenting on the helplessness of Nigerians in the hands of armed robbers, another author had said:

Cases of armed robbery, theft band and violence are daily on the increase. It is no longer a pride or pleasure to ride in a brand new or flashy car: chances are that the driver would lose his life to hoodlums. Electric gadgets are no longer safe in our heavily barricaded homes. Young healthy criminals go about depriving owners of those gadgets. Night time that is supposed to be time for repose and rest becomes a time for toil and dread²⁴

In the words of the former Biafran Leader, Emeke Odumegwu Ojukwu, Everywhere, the citizen of this country is assaulted with violence, in his home where he is obliged to erect and inhabit his own prison; in his place of work which he has to turn into a fortress and in the streets where his fear borders on schizophrenia.

The helpless Nigerian citizen has watched helplessly the degradation of his society; robbery with violence has become so much an everyday affair that the robbers and criminals have become folk heroes of our new society. With mouth agape, 'the Nigerian' has watched a national metamorphosis where 'keeping the peace has become 'killing the peace'²⁵

Ilegbune amplified the description when she said: The robber is undoubtedly the common enemy of all law-abiding citizens, which include policemen. The latter's lives and properties are not spared at all in their undying efforts to protect lives and property night and day... Nigerians live in continuous apprehension for the security of their lives and property, rather than live in cheaper, unwilled compounds, people now spend huge sum of money in securing their houses with wall fencing, sometimes as high as those of Kirikiri maximum security prison²⁶

²¹ T.O. Ilegbune *Nigerian Law and Criminology of Robbery* (Lagos, Malthouse Press Limited, 1998) pp 82-87. See also Feinberg, J; and Hyman, G. *The Expressive Function of Punishment* (London, Wardsworth Publishing Company, 1988) p. 58

²² T. Thompson "The Siege by Armed Robbers" *Daily Times*, Tuesday February 17, 1981 at p.3

²³ T. Thompson "Has Lynching Come to stay?" *Daily Times* Thursday, February 19, 1981 at p. 7

²⁴ E.O. Odumegwu, *Because I am Involved* (Spectrum Books Ltd. 1989) p. 26.

²⁵ Ilegbune, op. cit at pp. 14-15

²⁶ De-Goshe, " Child Abuse and Neglect: Consequences for the Nigerian Society", A paper presented at the launching of the State chapter of ANNPPCAN of 16th July, 1988.

That armed robbery continues to thrive despite stringent statutory measures to combat the scourge is no longer in doubt but now, it has a more ferocious crime-kin in Nigeria inform of kidnapping. Seeing the helplessness of the law enforcement outfit, Nigerians have resorted to all forms of unorthodox measures to combat the menace. Indeed, looking at the rate of regional agitations for cessation and Federal Governments' lame-duck response in raising all forms of improperly trained security outfit, it is obvious that the menace of armed banditry has already grossly overwhelmed the Nigerian government. As Ilegbune put it:

The war has remained intense... no winning signs have as yet appeared in the horizon. Indeed since 1997, almost every State in Nigeria has been forced to establish and equip a special 24 hour anti-crime surveillance or crack squad to deal with the situation²⁷

Indeed, the thriving regime of armed robbery and kidnapping in Nigeria and failure of the criminal justice system to arrest the growing trend has been alluded to several reasons, ranging from expertise of its personnel who were members of Nigerian Armed Forces improperly demobilized, the post-war conflict of prosperity and poverty and mass unemployment, lucrative nature of the robbery business, corruption within the Nigeria police, subversion and materialization of traditional and religious values, innate proclivity to crime, easy availability of receivers and buyers of stolen goods, high-greed within the police force, poor police public relation management and a host of other factors²⁸. These factors, no doubt constitute the real soul and spirit giving life to armed robbery developing into monster in Nigeria.

In Tarhule's view, the volume of cash in circulation and being handled by individuals is one of the main reasons robbery has remained a lucrative business²⁹. He thus suggested the need to deemphasize elaborate cash transactions, amendment of the Dishonoured Cheques Act and innovation in the banking industry to make alternate mode of banking transactions more attractive. As if the banks used his article as a working document, today's banking system in Nigeria has moved far into electronic banking system by use of coded cards and facilities even for street transactions but how far this has assisted in lowering the rate of robbery is yet to be seen.

And, if in any case it is conceded that these innovations have made robbery less attractive, these measures may be responsible for increase in incidents of kidnapping by which large funds that cannot be accessed through robbery are now forced out of their owners' accounts by kidnapping. What is apparent from the prevailing situation therefore is that robbery in Nigeria cannot be explained in relation to one single factor.

In the end, Kerker places all the blame on the society that fails to live up to its social responsibility³⁰ but Tarhule blames the failure on lack of proper philosophy of punishment.³¹

²⁷ Ilegbune, *op. cit.*, pp.. 18-19

²⁸ Ilegbune, *op.cit* at pp. 8-15

²⁹ V. Tarhule, "Socio-Legal Approach to the Menace of Armed Robbery" Benue State University Law Journal Vol. No. 1 (2002) 274

³⁰ J.T. Kerker "An Ethical Analysis of Death Penalty as Deterrence in Nigeria" African Journal of Environmental Law and Development Studies Vol. 1 pt 2 P. 14

³¹ V. Tarhule "Evolution of prisons and The Philosophical Basis of Imprisonment in Nigeria" Journal of Private and Public Law, BSUJPL (2008) Vol. 1 No. 1p. 81 at 97-101

Salmond³² and Elegido³³ on the other hand insist on the need for a more severe punishment as deterrence. This in the view of this paper may be the last resort despite world-wide criticism of Nigerian's handling of her security situation.

Hired Assassination

This is another capital offence linked to murder. It is another form of murder except that here, it is often committed, without provocation or resentment to the assassin³⁴. Here, the victim is often targeted for economic, political or social gain because he is seen as a threat to the long run interest of the master-minder of the dastardly act. In Nigeria, there is no specific statutory provision for assassination but since unlawful killing is the end result of assassination, the provisions of the Penal Code and Criminal Code on murder or culpable homicide adequately cover the offence of assassination³⁵. In such cases, liability of the hirer is secured as a conspirator or abettor³⁶. In spite of the capital nature of this offence, it has been on the increase, especially in the last two decades, either directly or remotely connected to political reasons.

Thus far, the trend is that the victims were murdered in circumstances suggestive of political interest; suspects were arrested and later released or charged to court without proper investigation or without commitment on the part of the State to pursue prosecution to a logical conclusion. In the case of Bola Ige for instance, the suspect won election to the senate while in prison custody³⁷ giving him intimidating personality that "killed the case" despite the fact that one of the assassins was said to have confessed to the crime in which he implicated some 'sacred cows' of the society.³⁸ Apart from these cases, several other victims go down on daily basis unpublicized for economic, social and corrupt reasons. While some are known to have been killed to stall some court cases, some go down to conceal facts within exclusive knowledge of the victims who were unwilling to compromise their positions. The list of causes for assassination in Nigeria is endless and it has continued to thrive for some obvious reasons that this paper regards as the spirit in the monster. Some of these reasons range from police complicity to executive manipulation and high level corrupt practices within the ranks of the police and politicians, and indifference of the society at large.

Indeed, the problem may be summed up as sociological because in a situation where the society compromises its values, nothing different can be expected of the players or facilitators of the system. The Nigerian society's belief in wealth no matter how it comes and the disposition to play along with the rich for political and social enthronelement is a factor that stares the Nigerian society in the face, like an insurmountable giant. In the circumstance where war against corruption is paid only lip service to score political attention of the International Community or where such war deceitfully takes on political opponents alone, people are likely

³² J. Salmond, 'Deterrence Concept of Criminology and Law' <core.ac.uk>download>pdf> accessed on 09-08-2021

³³ J.M. Elegido, 'Nature and Principles of Sentencing in Criminal Jurisprudence in Nigeria' <seahipaj.org>full>IJILPS-S-4-2019> accessed on 09-08-2021

³⁴ B.A. Garner Black's Law Dictionary. 9th ed (U.S.A. West Group, 2009) 41

³⁵ Sections 316 and 319 of the Criminal Code define and constitute what amounts to Murder and the punishment thereof while sections 220 and 221 of the penal Code cover the same subject for Northern States of Nigeria.

³⁶ Sections 516 of the Criminal Code and Sections 83, 96 and 97 of the penal Code.

³⁷ Ibid at parag 12

³⁸ Sergeant Jabilla a.k.a Rogers confessed to the dastardly act, Ibid

to resort to all forms of measures to attain their dreams as long as they know that the system is not transparent enough to catch up with them. In the words of Tarhule, although corruption is a recurrent decimal in every society, what has made the Nigerian corruption stand out like a colossus is the brazen, wholesale and mind bugging figures that are involved. By this, despite institutional and legal mechanisms put in place, corruption continues to grow in geometric progression³⁹

Not even the courts are absolved from the disgraceful social malaise of the Nigerian society. In a situation where undeserving individuals secure appointment to the higher bench through their political cronies and god fathers, the bench must play along the interest of the Executives and Politicians to compensate for their good gestures⁴⁰. The decadence has been further dramatized by establishment of all forms of associations, including Judge's, wives association which in some cases, have been turned into fund raising Organizations from those the Judges and members of their families should ordinarily avoid.⁴¹ No wonder, the Executive has been unwilling to grant the Judiciary the autonomy it deserves because when an institution joins the bandwagon of a failed system it is designed to dismantle, sponsors of such system must take such institution for granted.

Both by inner do or actual involvement, the news of corruption of judicial officers in Nigeria no longer surprises Nigerians; instead, it is now politicized even in cases involving the higher bench. In the end, it appears that the matter is only all about the society producing its kind on the bench.

Ritual Killing

This is another form of capital offence linked to murder or culpable homicide that has continued to thrive in Nigeria. It is a form of killing, often associated with idolatry and occultic practices to mollify some deities to improve the lots of the ritualists. They are often connected to quest for money, political power and fortune. The merchants of body parts who are the real actors in the criminal act do so to enable them procure human body part for the ritualists whose witch doctors demand such parts as condition for occultic powers to give the ritualists the backing they desire⁴².

As a result of increasing greed for political power and wealth, this practice which was supposed to be extinct with the influence of Christianity, Islamic revival and modern civilization has staged a more powerful return to the center spread of the Nigerian society. Some other factors that have promoted the rate of ritual killing in Nigeria in any case include people's traditional and religious beliefs, which demand human ritual scarifies in some circumstances, for political or economic power between the deity and its subjects.

This strong religious belief along with quest for wealth and general apathy of Nigerian society to its own vices forms such a formidable impetus for the growth of ritual killing in

³⁹ V. Tarhule, "Towards An Overhaul of the War Against Corruption in Nigeria" Ed; Angwe B.R; Alubo, A.O; et al; Milestones In Nigerian Laws: Legal Essays In Honour of Dr. (Alhaji) Abdullahi Adamu (Makurdi, Oracle Business Limited, 2007) 191 at 220.

⁴⁰ C.O. Akpangbo "Democracy, Human Rights and the Administration of Justice: A Critical Complimentarity" in Ladan M.T. (ed) Essays in Honour of Hon Justice Mohammed Lawal Uwais, Chief Justice of Nigeria (Zaria, Amodu Bello University Press, 2001) p. 1 at 15

⁴¹ Ibid at 15

⁴² File:/F:/Responses to Information request (R.IRS). Htm Accessed on 17-07-2009

Nigeria in recent times; and the fact that this belief has been exported beyond the shores of Nigeria to Britain. South Africa, Kenya and Uganda are sufficient evidence that this inhuman practice is not in a hurry to abate.

It is not only disturbing that this form of capital crime is on the rise and that several of them are not publicized but that this practice has not been sufficiently criminalized; or may be for lack adequate and appropriate enforcement apparatus. Both Criminal Code and Panel Code seem to concentrate more on possession of human parts than seeing such possessor as the possible killer of the owner of the body parts⁴³.

The prescribed punishment under these codes ranges between two to five years with option of fine; under the penal code.⁴⁴ While it is conceded that gravity of punishment may not necessarily deter, it is humbly submitted that the issue of severity of punishment cannot be totally divorced from the principle of deterrence which occupies a pride of place in Nigeria's criminal justice system. It is humbly further submitted that as long as punishment for such offences that involve lives of innocent, defenseless, vulnerable members of the society remains minimal and uncertain, those who undertake such business have no reason to be afraid of the consequences.

Closely related to this, is need to beef up the investigative capacity of the Nigerian police with state-of-the-art gadgets along with better forensic services. It was with such sophisticated investigation equipment the British police was able to trace the root of *Adam* to Southern Nigeria, upon discovering his mutilated body in River Thames, London⁴⁵. The limited scope of this offence has equally assisted its growth because it absolves the murderer of the risk of discovering a more involving and demanding charge as the burden of proving murder automatically rests on the prosecution once a murderer could escape the scene of crime, even if with the body parts. Seeing the logistic difficulties the police will face in fixing the situs of the crime, it is humbly submitted that possession of human parts should warrant strict liability upon the possessor to prove that some other person was the killer. Until this is done, ritual killing remains the safest route of escaping prosecution for murder by simply removing the parts to feign ritual killing only.

Kidnapping

Until recently, the penal provisions on kidnapping in Nigeria existed more in principle with minimal punishment until the Niger Delta clamor for control of oil wealth located in their States began to gather momentum⁴⁶.

From the days of Ken Saro Wiwa, the environmental activist of Ogoni land in the late 1980s, through the military dictatorship into 1999, various armed pressure groups had been

⁴³ Section 210(e) and (f) of the Criminal Code and Section 216 (e) and (f) and section 219 of the Penal Code.

⁴⁴ S, 219 of the penal Code

⁴⁵ The Guardian Newspaper, 7th July, 2004.

⁴⁶ Section 364 of the Criminal Code and Sections 217 and 272 of the penal Code which provide for kidnapping and abduction carry only ten years imprisonment. Not even the forefathers of Niger Delta struggle like Isaac Adakaboro of the 1960s ever resorted to kidnapping.

mounting localized pressure against oil industries operating in their areas until the Obasanjo civilian administration came on board on May 29, 1999 when violent clamor assumed the dimension of freedom fighting, reminiscent of rebel movement and terrorism under the aegis of "Movement for the Emancipation of the Niger Delta". Despite various rounds of peace talks called by the Federal Government and concession granted, armed violence escalated to the point of kidnapping foreign and indigenous oil workers and innocent non-oil workers, pursuing their legitimate businesses in the region; in exchange for ransom-demand running into millions of Naira.

At the rate these terrorists attacked on - going Federal Government development projects in the region, it became apparent to well thinking Nigerians, including those from the region that the movement was more for selfish financial quest than for the so - called emancipation of the Niger Delta. And from the superiority of fire power of the armed groups against the National security outfit, it dawned on Nigerians that the situation was only a little short of declaration of war by a renegade few, sponsored by some greedy individuals to hold the country and its economy to ransom. Not only were these sponsors and faceless fighters eating fat from this ugly situation, the renegades remained invincible, apparently because successive governments lacked political will to tackle this scourge, head-on, at the expense of innocent Nigerians left in the cold of terror and uncertainty.

This was the scenario that necessitated Rivers State House of Assembly, taking the lead in passing the Kidnap (prohibition) Law, 2009 which repealed section 364 (1) of the Rivers State Criminal Code of 1999. The High points of this new law include section 1 (2) (a) which prescribes death penalty where death results in the kidnap process, and paragraph (b) that prescribes life imprisonment without option of fine where death does not result. While sections 2 and 3 (a) punish attempt, aiding and abetting with imprisonment, section 3 (b) punishes Corporate bodies and their Directors who aid and abet kidnapping. This pioneering attempt, no doubt, was a pointer to the need for Nigeria's policy makers to undertake a rethink of the Criminal Code and Penal Code provisions on kidnapping. Quite unfortunately, not too long after passage of the law, it became apparent that River State lacked political will and wherewithal to apprehend and prosecute perpetrators of this dastardly criminal act that has now spread to other regions of Nigeria. Executive hypocrisy in the garb of lack of political will to execute those convicted for these capital offences is also a factor that further encourages perpetrators.⁴⁷

When the number of people killed by extra judicial measures in the name of combating robbery and riot is placed side by side with those killed by the secrete security service personnel, and death resulting from accident through "pot-holes" on Federal and State Roads. and politically motivated killing, it smacks of grave hypocrisy that the same government pretends to lack political will to execute those who have been adjudged guilty by due process of law as unworthy to live within the legitimate community of law abiding citizens. Definitely, keeping and servicing a system that cannot be put to use does not only amount to cawdice but a disservice to the victims and their relations, resulting in loss of faith in the system by the entire citizenry.

⁴⁷ The last known execution for capital offences in Nigeria was in 1995 involving Environmental Activist, Ken Saro Wiwa and his Ogoni Colleagues. <http://www.Amnasty.Org/en/news-and-updates/news/poverty-andthe_death-penalty_in_Nigeria-20081021> accessed on 09-08-2021

Having regards to the high caliber of individuals engaged in the syndicate for these offences and the corruption within the police, culprits are hardly caught and where they are caught at all, intervention by influential barons of these offenders stall investigation almost immediately. The sum total of the factors endearing these offences to the gullible is a social problem. When the society does not lose its values, the police nor the Judges are absolved from complicities because, as products of the society, none of these apparatus of the administration of criminal justice can act differently from what the society is made up of. As if to admit defeat even before a combat against this vice at all, the Governors of the thirty six States of Nigeria have been quoted as calling on the Federal Government “to bring the full weight of the law to bear on culprits by acting decisively on the criminality of kidnapping, in order to restore sanity and general security.”⁴⁸

This call followed the rapid spread of the kidnapping scourge to the Northern States of the country as exemplified by the kidnap of the Secretary to the Government of Kaduna State at the end of September, 2009 and several such highbrow kidnapping up and until now. The inability of the States to confront this scourge became further evident when it was discovered that all victims of kidnap from the Northern States, including the Secretary to Kaduna State Government and the two Chairmen of Local Government Councils and Judicial officers from Kogi State were successfully freighted to the South-South States, across all the police check points without any confrontation with the Police⁴⁹. Today, kidnappers do not need to go that far to find safe haven for themselves and their victims because, almost every community in Nigeria is now a secure hideout.

From all that has been discussed, it is humbly submitted that the problem with some of the criminal offences in Nigeria is not as much with lack of adequate legislation to contain those crimes as much as failure of the Nigerian system. Offenders are never caught; instead, most arrests are smoke-screened to make scape-goats of some lame-duck individuals to divert attention from the main offenders who are either the “high-ups” of the society or their agents.

Moreso, the police are corrupt, from down the ladder, within other ranks through to the Inspector Generals as appointees of the President who must play along the President’s interest or that of his political party because their own hands are also soiled in several financial matters. And to cap it all, the religious organizations that should act as the bastion of the people’s morality have thrown decorum to the wind for competitive drive for wealth, with other members of the society Thus, wealth, however acquired, has become the bench mark of Nigeria’s religious, academic, traditional and national awards.

Conclusion and Recommendations

This paper on Philosophy of Violent Crimes in Nigeria interrogates reasons these monsters have not only been resilient but are fast dragging Nigeria to the status of a failed State. Examining some of these crime trends, the paper took a position that crime being a product of values of each society, the people’s indifference to sources of wealth and their

⁴⁸ Nigerian Tribune Newspaper, No 14.782 Wednesday 7th October, 2009 at pp. 1 and 4 www.tribune.com.ng

⁴⁹ Ibid at p.12 It is noted also that police records at police command Zone 6 comprising of Abia, Ebonyi and Bayelsa States indicate seventy two officially reported cases of kidnapping between January and September, 2009 showing increase of about 300% above the previous year record. Kogi State alone recored some twelve incidents of kidnapping within the same period as opposed to nill record in 2008.

disposition towards *worshipping* wealth-holders has contributed in no small measure in nursing wrongful ambition for wealth, even if by any violent means.

The paper found that the problem with violent crime-growth in Nigeria is therefore not as much with lack of adequate legal framework as with lack of political will and sincere enforcement machinery to combat the menace. The paper thus recommends as follows:-

- a. That Nigerians should put their own destinies in their hands by renouncing greed and corrupt disposition that threaten existence of the country as a sovereign State.
- b. That the youths in particular should reengineer their social values and demobilize their support for old brigade politicians whose only goal in politics is to plunder the National economy, resulting in a future without a substance.
- c. Those more pro-active measures for enforcement, including prompt execution of convicts on death row be ensured to extract from the society those who prove themselves unworthy to be part of the community of same humans.
- d. That failure to ensure these measures could result in the Nigerian State withering away in a reloaned form of Marxian dialectics.

Reference

- Akpangbo C.O; "Democracy, Human Rights and the Administration of Justice: A Critical Complimentarity" in Ladan M.T. (ed) Essays in Honour of Hon Justice Mohammed Lawal Uwais, Chief Justice of Nigeria (Zaria, Amodu Bello University Press, 2001)
- De-Goshe, " Child Abuse and Neglect: Consequences for the Nigerian Society", A paper presented at the launching of the State chapter of ANNPPCAN of 16th July, 1988.
- Ehrlich, I, 'Crime, Punishment and the Market for offenses' The Journal of Economic Perspectives, Vol. 10, No.1
- Elegido J.M. 'Nature and Principles of Sentencing in Criminal Jurisprudence in Nigeria' <seahipaj.org>full>IJILPS-S-4-2019> accessed on 09-08-2021
- Feinberg, J; and Hyman, G. The Expressive Function of Punishment (London, Wardsworth Publishing Company, 1988)
- Garner B.A. Black's Law Dictionary. 9th ed (U.S.A. West Group, 2009)
- Hye-Wado O; and Gasiokwu M.U; "Law and Social Order", Law and Society, Uni. Jos. Journal (1995)
- Ilegbune T.O. Nigerian Law and Criminology of Robbery (Lagos, Malthouse Press Limited, 1998).
- Ityavyar, D; 'The Contribution of Nigerian Youths to Nation Building' in Zumve, Ibid at p. 45
- Kerker J.T. "An Ethical Analysis of Death Penalty as Deterrence in Nigeria" African Journal of Environmental Law and Development Studies Vol. 1 pt 2
- Lord Deuning L.J. (as he then was) in the Report of the Royal Commission on Capital Punishments 1953.p.18
- Merton, R.K; 'Social Structure and Anomie' American Sociological Reviews 3 (1938)
- Ocheme. P; The Nigerian Criminal Law (Liberty Publications Ltd; 2008)

- Odumegwu, E. O; Because I am Involved (Spectrum Books Ltd. 1989)
- Oluwole, O; 'The Young Prisoner' ed. Elias T. O. (ed.)The Prison System in Nigeria (National Conference on the Prison System, July 1-5 1968)
- Salmond J, 'Deterrence Concept of Criminology and Law' <core.ac.uk>download>pdf> accessed on 09-08-2021
- Tarhule V., "Evolution of prisons and The Philosophical Basis of Imprisonment in Nigeria" Journal of Private and Public Law, BSUJPPL (2008)
- Tarhule, V. "Towards An Overhaul of the War Against Corruption in Nigeria" Ed; Angwe B.R; Alubo, A.O; et al; Milestones In Nigerian Laws: Legal Essays In Honour of Dr. (Alhaji) Abdullahi Adamu (Makurdi, Oracle Business Limited, 2007)
- Tarhule, V; "Socio-Legal Approach to the Menace of Armed Robbery" Benue State University Law Journal Vol. No. 1 (2002)
- The last known execution for capital offences in Nigeria was in 1995 involving Environmental Activist, Ken Saro Wiwa and his Ogoni Colleagues. <<http://www.Amnasty.Org/en/news-and-updates/news/poverty-andthe death-penalty in Nigeria-20081021>> accessed on 09-08-2021
- Thompson T; "Has Lynchung Come to stay?" Daily Times Thursday, February 19, 1981
- Thompson T; "The Siege by Armed Robbers" Daily Times, Tuesday February 17, 1981
- Wechsler. H; "The Challenge of a Model Penal Code" in Williams G; (ed.) Textbook of Criminal Law. 2nd ed.
- Zumve S. 'Youth Crime in Contemporary Nigeria: A Social Structure Analysis' The Social Analyst. A journal of the Nigerian Sociology and Anthropology Students Association, Benue State University. Markurdi Vol. 4 No. 1 Aug. 2005.