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**Caught, Clubbed and Burnt: Criminological Reflections on the Incidence
of Jungle Justice in Benin Metropolis, Southern Nigeria**

Barr. Emmanuel Imuetinyan Obarisiagbon, Ph.D.

Department of Sociology & Anthropology

Faculty of Social Sciences

University of Benin, Benin City

emmanuel.obarisiagbon@uniben.edu

+2348037234478

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Abstract

All over Southern Nigeria, incidents of people taking the law into their hands and meting out instant justice on suspected criminals without recourse to the rule of law and the position of Section 33 (1) of the 1999 Constitution of the Federal Republic of Nigeria abound. This motivation for participation in jungle justice was therefore explored. A combination of both qualitative and quantitative techniques was employed to collect data from six hundred and fifteen respondents. A descriptive analysis of the quantitative data collected was undertaken, using frequency distribution while the qualitative data were content analysed. Findings from this study reveal that motivation for jungle justice was multifaceted. Illiteracy, lack of trust on the police, flaccid court system, chronic anger due to economic situation and disregard for the rule of law and human right were some of the motivation for the alarming incidence of the social phenomenon. Based on the findings of this study, there is the need to overhaul the criminal justice processes with a view to boosting the confidence of the public in its activities and also embark on a teaching on no violence and the ills of jungle justice.

Key Words: Jungle justice, court, police, human rights

Introduction

Every nation the world over has a system of government in place that is saddled with the responsibility of governance which includes but is not limited to the maintenance of law and order. The essence of the existence of a system of government in a nation is to avoid descent into the state of chaos and anarchy where only the strong survives (Orabueze, Okoye and Ohaeto, 2013). For the avoidance of doubt and clarity in governance, every democracy, Nigeria inclusive has a constitution which could be

written or unwritten. In Nigeria, the constitution is written and it is the supreme law from which other laws derive their validity.

Presently, the 1999 constitution of the Federal Republic of Nigeria not only establishes but also distributes powers to the three organs of government viz: the executive, legislature and the judiciary. In the same vein, the constitution in Chapter 4 provides for the fundamental human rights. This implies that there are rights and freedom that Nigerians are entitled to which the constitution guarantees. Specifically, Sections 33 and 34 guarantee the right to life and human dignity respectively and to ensure that these are not derogated from the citizens. The constitution further establishes in Section 214 (1) the Nigeria Police Force to maintain law and order, ensure public safety and spells out the mode of arrest, detention and prosecution of offenders while Section 6 (1) establishes the courts, to administer justice and equity which is a three-way traffic- justice for the state, justice for the complainant and justice for the offender.

Unfortunately, the administration of the criminal justice system in Nigeria is besieged with several challenges that have made the public to lose confidence in it (Obarisiagbon, 2017). The first contact the public has with administrators of criminal justice is with the Nigeria Police Force. Try as the police would, several persons have several terrible and bitter experiences with some of them who have the tendency to over-reach their powers to the detriment of the citizens. There have been several complaints against the police and the court bothering on inefficiency and corruption which has tended to make the public seek for alternative mode of getting justice. This alternative route to getting justice is more often than not referred to as jungle justice; which is the act of a group of people taking the law into their own hands and administering what they consider or see as justice on the suspected offender. This type of administration of justice is now the order of the day in Nigeria and may continue unabatedly unless some steps or actions are taken by government.

Statement of the Problem

Prior to the advent of the British rule in Nigeria, the various indigenous societies that later made up the entity called Nigeria had their various forms of social control and administration of justice be it civil or criminal. Matters were usually heard by the head of the communities and punishments ranged from public flogging, restitution, to banishment to mention but a few. However, with the advent of the British, the modern day administration of criminal justice came into being with well laid out structures like the police, the courts, and the prisons. Although it must be quickly postulated that these were already in existence in some form, the essence of the structure was to ensure peace, safety and social order and to avoid the rule by might.

Curiously however, it would appear that these structures have failed to live up to the expectations of the public as they have resorted to self-help which includes jungle justice or what some people commonly referred to as mob justice. This is the punishment carried out by individuals on a suspected offender without any legal authority. It has become rather unfortunate that Nigerians have resolved by themselves to ignore the duties and functions of the law enforcement agencies and have instead opted to implement the law themselves through the instrumentality of mob justice (Sanni, 2017).

The incidence and prevalence of this social malady is on the rise in some parts of the country, particularly southern Nigeria. Notorious cases of jungle justice that made headlines in Nigeria include but are not limited to the Aluu 4 boys in Port Harcourt (2012). The Ejigbo incidence in Lagos, Warri incidence of 2016 where two out of seven robbers caught were beaten blue and black and torched alive (Danchan, 2016). The truth is that a thousand and one of such cases have taken place without making headlines in our daily newspapers.

The man that commits a crime no doubt deserves to be visited by punishment if convicted but this has to be in accordance with the extant laws of the land and it is not for members of the public to take the

laws into their own hand for whatever reason. The question is, why do people really take the law into their hands. Scholars have opined that the police force in Nigeria is corrupt and even when criminals are caught and handed over to the police, they are often not charged to court after money might have exchanged hands (Ubabukoh, 2013). Others believe that the judiciary- the court which is the last hope of the downtrodden are also not free from corruption and thus some cases do not see the light of day. The slow adjudication of criminal cases in the courts and several unnecessary adjournments have made the court not to be fancied by the public (Olong, 2012). Recent events in Nigeria seem to suggest that a session of the public no longer attach any value to human life. Apart from the hate speeches, Boko Haram, the agitations of the Niger Delta militants and the Biafra struggle all around the country, the incidence of jungle justice is the latest disturbing social trend as it is like a return to the Stone Age. Thus there is the need to examine the motivation for jungle justice in Nigeria.

Objective of the Study

The study examined the motives behind the use of jungle justice by the public in Benin Metropolis, Southern Nigeria.

Research Question

What are the motives behind the use of jungle justice by the public in Benin Metropolis, Southern Nigeria?

Brief Review of Related Literature

Meaning and Menace of Jungle Justice

The term jungle justice also commonly referred to as mob justice, street justice, jungle law or instant justice refers to a situation in which people take the law into their own hands and mete out punishment to a suspect for perceived heinous crimes (Luke, 2013).

On his part, Abati (2015) decribed it as a situation where some lawless people arrogate unto themselves, the power to punish criminals by way of public extra-judicial killings, beating or humiliation without recourse to the rule of law or regards to the offender's fundamental human right or the sanctity of life. To Chima (2016), jungle justice is a vicious violation of the fundamental human right of an alleged criminal who is either stripped naked, tortured or set ablaze which the mob watch to their delight that justice has at last arrived.

Sanni (2017), stated that it is punishment meted out by individuals without any legal authority to a suspected criminal, whose life is often snuffed out by a stick and stone-wielding mob. The rate at which an irate mob often gathers within a few minutes of an offender being caught to do "considered" justice to their victim leaves much to be desired in Nigeria. There is usually on such occasion, so much anger, noise and call for the head of the offender who is not given any opportunity to defend himself or herself. His rights are instantly taken away from him and judgment without trial is swiftly delivered on him by the mob who are the law enforcement agents, the judges and the executioners.

The alarming rate at which jungle justice takes place in most cities would almost give the impression that it originated in Nigeria and is also restricted to it. As Teju (2012) puts it, jungle justice was not invented in Nigeria. In fact, its origin predates ancient Rome. It is however its rate that has led people to associate jungle justice with Nigeria. In spite of the extant provision of Section 33 (1) of the Constitution of the Federal Republic of Nigeria which states that: "Every person has the right to life, and no one shall be deprived intentionally of his life."

There have been incidences of jungle justice across Nigeria which has made headlines. It would appear that the senseless brutal killing of four University of Port Harcourt undergraduate students in October, 2012 somehow brought to the fore, the social phenomenon of jungle justice in Nigeria. Worst still, this

same incident has further exposed the flaws inherent in the administration of criminal justice in Nigeria as it was only a few weeks ago did the court deliver its judgment on the case, five clear years after. It is needful to add here that as aptly pointed out by Ubabukoh (2013) the Nigerian police have their own brand of jungle justice which is extra judicial killing. The APO killings in Abuja, the federal capital territory of Nigeria are ever green.

Justification for the Incidence and Prevalence of Jungle Justice in Nigeria

Scholars and jurists have advanced several reasons for the continued existence and use of jungle justice (Oputa, 1991, Alemika and Chukwuma, 2000 and Abati, 2012). The crime rate in some cities in Nigeria leaves much to be desired as people are not only dispossessed of their wares but their lives are at stake. Crime, to put it mildly is pervasive and the Nigerian citizenry have in fact lost confidence in the law enforcement agency as they are not able to carry out their constitutional duties of protecting lives and property. Apart from the police' inefficiency and ineffectiveness, as Ubabukoh (2013) noted, that the police is corrupt, collects bribe and release suspects who return to society to continue their criminal activities. Little wonder that Alemika and Chukwuma (2006) say that the police have serious image problem in the eye of the public who see them as crime collaborators and so are not only unwilling to cooperate with them but have taken their destiny into their own hands by resorting to jungle justice.

The dispensation of criminal justice in Nigeria is flaccid and needs total overhauling. Cases are not heard expeditiously as series of adjournment letters keep coming to court (Olong, 2010). As Ubabukoh (2013) notes, when criminal trials are unduly delayed, the complainants and their witnesses may stop attending court sessions and resort to street justice to settle similar matters in future. Besides, there have been accusations leveled against judicial officers whom the public sees as corrupt and corruptible (Oputa, 1991 & Abati, 2002).

In Nigeria as in other nations the world over, there is an elementary principle of law that any one accused of committing an offence should be heard out before his guilt is established. This is fair hearing and is a constitutional right which is malleable. However, recent events seem to suggest that Nigerians have jettisoned this time honoured principle of law that has led to the soaring of jungle justice and it is intolerably repulsive as many innocent souls have been brutalized, tortured, maimed and in some cases set ablaze (Abdulwahab, 2016). Until, Nigerians desist from the abuse of human lives, disrespect to the rule of law and embrace the principle of fair hearing, jungle justice will continue unabated.

It has been noted that jungle justice is nothing more than a symptom of many diseases of which the chronic anger of people towards an exploitable political system comes top (Adeleke, 2017). Nigeria entered into deep economic depression over a year ago and there are no signs that things will be better in the near future. The prices of goods and services have soared, yet salaries have remained the same. There is so much hunger and frustration in the country. The anger, pain and serious disappointment are often let out when an offender is pursued, caught and his body goes up in flames. Why spare anyone who is callous enough to steal the little a person probably has in this "Buhari period". And so, jungle justice will continue as long as there is anger and frustration due to economic hardship on the down trodden society.

It has been argued that one of the motivations for participation in jungle justice is illiteracy (Olalekan, 2017). The level of literacy in Nigeria is quite low and it is thus not a wonder that many of those who engage in jungle justice are illiterates, artisans, drivers and the likes who do not understand that an accused person under the law in Nigeria still has rights that should be respected and not violated. If the facts against jungle justice must succeed, there has to be the enlightenment of these sets of Nigerians.

Theoretical Framework

This study employed the functionalism perspective in the explanation of the topic under investigation. The theory holds that social phenomenon can be explained in terms of the part they play in the existence and survival of the larger society. It notes that there is inter-dependence of various parts within the system. This means that the function of a part of a system usually affects the system as a whole. Moreover, there is the need for the system to maintain equilibrium in order to survive. This means that the social system tends towards equilibrium. That is, when one variable of the system changes in magnitude or in quality, the other variables are subjected to strains and are transformed. As a result, the system changes its pattern of performance and the dysfunctional components are disciplined by a regulatory mechanism and the equilibrium of the system is re-established (Parson, 1951).

In explaining jungle justice, the functionalist perspective looks for how ideas or subject of the society works in consonance and the role each play to achieve the corporate goal of social order. Functionalism sees jungle justice as playing a very vital function in the stability and growth of the society by getting rid of undesirable elements through instant judgment. In other words, the use and or sustenance of jungle justice in society ensures that undesirable elements- criminals are not only gotten rid of but ensures that they are no longer a threat to the society.

Methods and Materials

The concurrent triangular design was adopted for the study in order to obtain different but complementary data on the same subject matter- death penalty. The choice of this design was to bring together the differing strengths and non-overlapping weaknesses of quantitative methods with those of qualitative methods (Creswell, 2004). From the qualitative paradigm, the descriptive survey design was used. The descriptive survey design was used to collect information that describes, explores and helped the study to investigate population based on sampling (Kothari, 2011). For the qualitative paradigm, the in-depth interview (IDI) and key informant interview guides were used since it is a purposeful undertaking by the study which interrogated subjects on a given situation to collect needed information. The face and content validity of the research instrument was ascertained by three experts in the field of criminology in Nigeria. The split-half method was used to determine the reliability of the instrument. Reliability coefficient result obtained for the instrument was .91. The data gathered through qualitative technique was content analyzed while descriptive and inferential statistics was used for the quantitative data.

A total of 620 respondents were sampled while 20 in-depth interviews and 10 key informant interviews were conducted amongst respondents which consisted of adult male and female police officers, legal practitioners, in Benin metropolis in southern Nigeria. The choice of legal practitioners and police officers stemmed from the fact that they are very knowledgeable in the subject under investigation. Out of the six hundred and twenty questionnaires that were administered, six hundred and fifteen were returned, found useful and therefore used for analysis. This however represents a return rate of 90.5% and is considered significant.

For the purpose of efficiency and thoroughness, two field assistants were recruited and trained. The field assistants were involved in the pre-test of the instruments and also the collection of the required data used for the study

Table 1: Demographic characteristics of respondents

	FREQUENCY	PERCENTAGE (%)
Sex		
Male	485	79
Female	130	21
Total	615	100
Age		
18-30	282	46
31-40	150	24
41-50	100	16
Above 50	83	14
Total	615	100
Educational Level		
Primary	132	22
Secondary	216	35
Tertiary	267	43
Total	615	100
Religion		
Christianity	591	96
Islam	9	2
A.T.R.	15	2
Total	615	100

Source: field survey, 2017

Table 1 summarizes the results of the demographic characteristics of the respondents. It reveals that among the 615 respondents who participated in the study, 79% were male while 21% were female. 46% were in the 18-30 years' age range, 24% were between 31 and 40 years while 16% were between 41 and 50 years and the remaining 14% were above 50 years. On educational level, there 22% had primary school education, 35% had secondary education while 43% had tertiary education. 96% of the respondents were Christians, 2% were Muslims and ATR was 1%.

Table 2: Motivation for jungle justice

	FREQUENCY	PERCENTAGE (%)
Illiteracy	25	4
Chronic anger due to economic situation	40	7
Flaccid court system	95	15
Disregard for the rule of law and human right	28	5
Lack of trust on the police	100	16
All reasons stated above	327	53
Total	615	100

Source: field survey, 2017

Table 2 shows that 4% of the entire surveyed population believed that illiteracy is a motivating factor for jungle justice, 7% considered chronic anger due to economic situation, 15% held on to the flaccid court system, while 5% accepted disregard for the rule of law and human right, lack of trust on the police had 16% and 53% for all reasons stated above. The findings of this study that all the factors indicated above are motivations for the occurrence of jungle justice in Nigeria further validates the previous studies and views of Alemika and Chukwuma (2000), Ubabukoh (2013) and Oputa (1991) and

Abati (2002) on lack of trust on the police and flaccid court system respectively. These views are further given credence to by

A police officer who simply put the issue thus:

The public for whatever reason appears generally to have lost confidence in us. They do not trust us nor do they believe that we are sincere and criminals as well as charge and prosecute them in the court. It is very sad that they believe that we are corrupt and very inefficient. This is why the public on apprehending a criminal, takes the law into their hands by killing the person (KII, Male Police officer, Oba Market road, Benin City).

Another respondent asserted that:

You pray not to have anything that will take you to court. That place is full of delay, adjournment and no sitting. The worst part lawyers defending criminals know the truth but will turn the table upside down so that their clients-the accused will be set free and in most cases, these criminals are set free usually due either to the brilliance of the lawyer or the negligence of the prosecutor. So to people like me, the court is a waste of time, if an armed robber or kidnapper is caught, kill him there and then (IDI, Male, Banker, Akpakpava Street, Benin City).

Similarly, this study's result collaborates the views of Abdulwahab (2016) and Adeleke (2017) on the disregard for the rule of law and human right and chronic anger due to economic situation as motivation for jungle justice respectively. These findings are further validated by

Another respondent who simply put the issue thus:

Most of the people who take part in the burning of a human being even though suspected of having committed a grievous crime do it, to put it mildly have no regard for due process, rule of law neither do they know that the suspect's right to life is guaranteed under the Nigeria constitution (KII, Female Legal Practitioner, High court premises, Benin City).

And one of the interviewees who opined that:

Hunger and frustration due to this Buhari time (economic recession) often makes people vent their anger at anyone caught stealing even a cup of garri. This anger is manifested in giving the thief instant judgment. This instant judgment comes in different forms like flogging, stripping naked or burning to death (IDI, Male Civil servant, Mission Road, Benin City).

Olalekan's (2017) finding on illiteracy being a reason for jungle justice is further supported by this study. The above finding of this study is further buttressed by an informant who stated that:

I am personally of the view that there is an increase in the use of jungle justice by the public. I also strongly believe that the participants are uneducated persons who do not believe in the rule of law. Those who set people ablaze under the excuse that the person stole, robbed or kidnapped are ignorant of the law and the place of the criminal justice system. This is nothing more than illiteracy at work (IDI, Male University lecturer, Ekenwan road, Benin City).

Conclusion and Recommendations

Jungle justice which some Nigerians see as an alternative to the slack criminal justice system, no doubt has not been able to stop would-be criminals from carrying out their nefarious activities. The resort to the torturing and burning of suspected a criminal to death is a symptom of many flaws in the criminal justice process: the slow pace of the adjudication of criminal cases and corruption has led people to

resort to extra-judicial measures. The situation has not been helped by the poor image of the entire criminal justice system of Nigeria. Interestingly, jungle justice has not reduced the crime rate in Nigeria, instead, it has increased the number of human right abuses and criminality in the name of jungle justice. There is therefore the need to put a stop to this social malady.

Consequently, the following suggestions are put forward:

- There is the need to overhaul the criminal court processes in order to make the dispensation of justice faster. For justice delayed is justice denied.
- The introduction of the Administration of Criminal Justice Act (2015) happily, was supposed to speed up criminal trials but there are worries on its implementation. So, the Act should be strictly adhered to, to restore lost confidence in the criminal court processes.
- The law enforcement agents have an image problem which has led people to take the law into their own hands. Not all security personnel in Nigeria are bad and inefficient or ineffective. Consequently, effort should be made to point out the bad elements rather than covering for them in the name of esprit de corp.
- There is the need to spread an awareness of human rights to the citizenry. Jungle justice not only violates one's right to fair trial but the right to be held innocent until proven guilty. People should be taught about these rights.
- There should be a sensitization or teaching on no violence. One way to combat this phenomenon is to inculcate even in children, that brutality and unnecessary violence in any form is unacceptable.
- People should be taught not to participate in the act of jungle justice. This is the most vital tool that can be used in combating jungle justice. Tacit approval of the act or standing by and recording or videoing the act should be discouraged.
- Beyond this, there is also the need for a general reorientation of the citizenry. The government through the mass media, educational institutions, religious groups and other agents of socialization can emphasize and educate people on the sanctity of human lives and respect for the rule of law, rather than killing one another at the snap of the finger.

References

- Abati, R. (2002). How the ordinary Nigerian perceives the Nigerian justice system. *The Prosecutor*, No. 2, p 15
- Abati, R. (2015). Jungle justice as a normal justice. Retrieved on the 10th of April from <http://www.reubenabati.com.ng/index.php/others>
- Abdulwahab, A. (2016). Jungle justice: Law and human rights. Retrieved on Dec. 1 from <http://www.vanguard.com>.
- Adeleke, D. I. (2017). Jungle Justice: a helpless people's reaction to an ineffective government. Retrieved July 3 from <http://venturesafrica.com/jungle-justice-is-a-sign-of-hlplessness>.
- Alemika, E. & Chukwuma, I. (2000). *Police community violence in Nigeria*. Lagos: Center for Law Enforcement Education and National Human Rights Commission.
- Chima, J. (2016). Jungle justice in Nigeria or elsewhere. Retrieved on November 18 from <http://www.linkedin.com/pulse/jungle-justice-Nigeria>.
- FRN (1999). *Constitution of the Federal Republic of Nigeria*. Lagos: Government Printer.

- Danchen, I. (2016). Young man burnt to death over ₦10m in Abuja. Retrieved on the 18 of March, 2016 from <http://www.vanguardngr.com>
- Luke, N. (2013). When the mob rules: jungle justice in Africa retrieved on the 12th of June, from <http://www.p.dw.com/p/IJune>
- Ndu v. The State (1990). 7 NWLR (pt 164) p 5
- Olalekan, O. (2017). Jungle Justice: Why people are quick to mete instant justice on suspects. Retrieved on August 27th from <http://www.tribuneonlineng.com>.
- Olong, A. M. (2010). The administration of criminal justice in Nigeria: a case for Reform. Unpublished Ph. D thesis, University of Jos
- Oputa, C. A. (1991). Judicial ethics, law, justice and the judiciary, in 1990 judicial lectures – continuing education for the judiciary Lagos: MIJ Professional Publishers Ltd, p.34
- Orabueze, F.O., Okoye, J. & Ohaeto, N. F. (2013). The law of the jungle and the NPF: Extra-judicial killing in Adichie's the thing around your neck. *International Journal of Research in Arts and Social Sciences*, Vol. 6, pp 316-330
- Parsons (1951). *The social structure*. London: The Free Press of Glencoe.
- Sanni, M. (2017). Jungle justice on the rise in Nigeria. Retrieved February 14 from <http://www.AljazeeraNigerianewspapers>
- Teju, C. (2012). 'Perplexed ... perplexed': on mob justice in Nigeria. Retrieved on October 24 from <http://www.TheAtlantic.com>
- Ubabukoh, I. (2013). Why resort to jungle justice? Retrieved on 16 January, 2013 from <http://www.vanguardngr.com>