

**AN ANALYSIS OF ANTI-KIDNAPPING STATUTES IN NIGERIA**

**BY**

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BENIN CITY**

**MARCH, 2020.**

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**A PROJECT WORK WRITTEN IN, AND SUBMITTED TO THE FACULTY OF LAW, UNIVERSITY OF BENIN, IN PARTIAL FULFIMENT OF THE REQUIREMENT FOR THE AWARD OF THE DEGREE OF MASTER OF LAWS (LL.M) OF THE UNIVERSITY OF BENIN, BENIN CITY.**

**MARCH, 2020.**

## CERTIFICATION

I, Faith Osas ODIASE (PG/LAW0802212) hereby certify that, apart from references made to other people's works as duly acknowledged herein, this entire project is the product of my personal research, and it has neither in part nor in whole been presented for another degree elsewhere.

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## APPROVAL

We certify that this project work was completed and written by Faith Osas ODIASE (PG/LAW0802212) in partial fulfillment of the requirement for the award of Master of Laws (LL.M) Degree of the University of Benin,.

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## **DEDICATION**

This project work is dedicated to God Almighty the giver of life and every good thing.

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## ABBREVIATION

British Broadcasting Corporation (BBC)

Cable News Networks (CNN)

Constitution of the Federal Republic of Nigeria (CFRN)

Federal Bureau of Investigation (FBI)

Foreign Direct Investment (FDI)

Gross Domestic Product (GDP)

Inspector General of Police (IGP)

International Covenant on Civil and Political Right (ICPR)

International Journal of Development and Management Review (INJODEMAR)

International Journal of Peace and Conflict Studies (IJPCS)

Journal of Humanities and Social Science (JHSS)

Kidnapping (Prohibition) Law (KPL)

Movement for the Emancipation of the Niger-Delta (MEND)

National Association of Chambers of Commerce, Industry, Mines and Agriculture (NACCIMA)

National Youth Service Corp (NYSC)

Nigeria Weekly Law Report (NWLR)

Nigerian Institute of International Affairs (NIIA)

Nigerian Police Force (NPF)

Oodua People's Congress (OPC)

People's Democratic Party (PDP)

United Nation (UN)

United Nations Office of Drugs and Crime (UNODC)

Weekly Law Report (WLR)

World Poverty Clock (WPC)

## ABSTRACT

Kidnapping has gained ascendancy in Nigeria over the last decade. Despite the government's effort to nip this daunting societal menace in the bud, it has graduated and developed more terrifying modus operandi. One thing is certain; kidnapping has become a terrorist act in the country, spanning from the Niger Delta militants in Southern Nigeria to that of the Boko Haram insurgents in the Northern part of the country. The Chibok and Dapchi girls' incident which brought the Nigerian State to the global arena cannot be easily forgotten. A malady previously unknown to the people has rapidly become domesticated. Kidnapping is undeniably, a crime of ancient origin. As persistent and resurgent as this crime is however, governments of nations of the world have continually devised means of curbing the crime or at least reducing its occurrence to the barest minimum through the instrumentality of the law. The business of securing lives and properties in the State is a paramount one to any government hence, structures must be put in place and efforts made in perpetuity to ensure this is guaranteed the citizens. Nigeria as a country has witnessed a colossal increase in kidnapping in recent years. Despite the various laws enacted and implemented against such offence. The law acting as an instrument of social control and as the last hope of the common man has stepped up to address this anomaly. The law institutions confronted with the saddening reality that the penalty for kidnapping was disproportionate and inadequate, had to toughen the anti-kidnapping laws, in some cases as a capital offence to act as a possible deterrent. However, the recurring increment in the spate of kidnapping (even of law officers) in the face of the current legal regime leave one in doubt if the current laws are well designed to tackle this daunting menace.

This study finds that despite the enactments of various laws across the states in Nigeria and the updating of such laws, the daunting menace of kidnapping still remains largely unchecked; as the present day reality evidence this fact. This is largely due to the fact that the various extant anti-kidnapping laws in Nigeria, while prohibiting the act of kidnapping, has little or no effect in resolving the several motivations and socio-economic causes of kidnapping. Several social factors that have hindered solutions to kidnapping, through the instrumentality of the law, are linked to massive unemployment, worsening political instability, internal grievances, get rich quick syndrome, corruption, repressive style of policing and manpower shortages and perceive weaknesses of the state security outfits, inter alia.

Hence, this study reviews the existing literature on kidnapping to establish the theoretical framework for our analysis; exposing the kidnapping problem. Furthermore, this study undertakes an analysis of anti-kidnapping laws in Nigeria; pinpointing key constraints to its effectiveness. Ultimately, by way of contribution to knowledge, this study advances the stance that for anti-kidnapping laws to be effective, it should be designed to take into consideration the motivation and socio-economic causes of kidnapping; this will help in designing (and implementing) a more comprehensive and effective anti-kidnapping laws.

## CHAPTER ONE

### GENERAL INTRODUCTION

#### 1.0. Introduction

In Nigeria, before the 1990s, cases of kidnapping were so few that there was no mention of kidnapping in the Eighth United Nations Survey on Crime Trend and Operation of Criminal Justice System conducted in 2002 by the United Nations Office on Drugs and Crime.<sup>1</sup> However, there has been a surge of kidnapping incidences in recent time in Nigeria. Indeed, statistics places Nigeria as the 3rd highest in kidnapping cases in the world.<sup>2</sup> This rising incidence and prevalence of kidnapping in Nigeria have continually generated concern in both academic and non-academic circles. This act of criminality is perpetrated by established and emerging criminal groups as well as individual criminals for various degrees of reasons.<sup>3</sup>

The contemporary narrative of kidnapping in Nigeria tells the story of a migratory bird. It has moved from the Niger-Delta creek where it served political cum environmental pollution right causes to the eastern region where it became a commodity to pay huge amount on and straight up to the northern region of the country to be used as a religious and terrorist weapon of choice before heading back to the south western part of the

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<sup>1</sup> I. Graham, *Kidnapping by Country: Definition, Graph and Map* (2005) cited in E. I. Obarisiagbon and A. A. Aderinto, "Kidnapping and the Challenges Confronting the Administration of Criminal Justice in Selected States of Nigeria" *African Journal of Criminology and Justice Studies (AJCJS)* 11(1), (2018): 41

<sup>2</sup> Ibid

<sup>3</sup> Victoria Nkemdilim Ogbuehi, "Kidnapping in Nigeria: The Way Forward" *Journal of Criminology and Forensic Studies* 1(3), (2018): 1

country where it has become a daily news for the poor to hear on the newsstand while the high and powerful shrivel in their fortified home afraid to step out for fear being kidnapped.<sup>4</sup> In other words, the current dimension of kidnapping became alarming in the Niger Delta region when militants in February, 2006, abducted some oil workers ostensibly to draw global attention to the deplorable situation in the oil-rich Niger Delta region of the country. Since then, kidnapping has spread to most parts of the country, especially the south-eastern and south-southern regions of Nigeria. The targets are no longer oil workers or foreigners alone; every Nigerian is now a target. In fact, the safety of persons in Nigeria and their property cannot be guaranteed owing to the near daily incidence of kidnapping.<sup>5</sup>

As persistent and resurgent as this crime is however, governments of nations of the world have continually devised means of curbing the crime or at least reducing its occurrence to the barest minimum through the instrumentality of the law. The business of securing lives and properties in the State is a paramount one to any government hence, structures must be put in place and efforts made in perpetuity to ensure this is guaranteed the citizens. The law acting as an instrument of social control and as the last hope of the common man has stepped up to address this anomaly.

The law institutions confronted with the saddening reality that the penalty for kidnapping was disproportionate and inadequate, had to toughen the anti-kidnapping laws, in some

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<sup>4</sup> Adedoyin Akinsulore, "Kidnapping and its Victims in Nigeria: A Criminological Assessment of the Ondo State Criminal Justice System" (unpublished), 1

<sup>5</sup> Obarisiagbon and Aderinto, "Kidnapping and the Challenges" *supra*, 42

cases as a capital offence to act as a possible deterrent.<sup>6</sup> However, the recurring increment in the spate of kidnapping (even of law officers) in the face of the current legal regime leave one in doubt if the current laws are well designed to tackle this daunting menace. Truly, the Nigerian state, along with its security apparatus look on despondently and clueless as to how to respond or solve this menace outside the reactive, ineffective modus operandi that have given them a bad name in the country.<sup>7</sup>

This is largely due to the fact that the various extant anti-kidnapping laws in Nigeria, while prohibiting the act of kidnapping, has little or no effect in resolving the several motivations and socio-economic causes of kidnapping. Several social factors that have hindered solutions to kidnapping, through the instrumentality of the law, are linked to massive unemployment, worsening political instability, internal grievances, get rich quick syndrome, corruption, repressive style of policing and manpower shortages and perceive weaknesses of the state security outfits, inter alia.

Hence, this study reviews the existing literatures on kidnapping to establish the theoretical framework for our analysis; exposing the kidnapping problem. Furthermore,

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<sup>6</sup> Indeed, Obarisiagbon and Aderinto reflected this in the following words:

Kidnapping is an offence punishable under the Nigerian law. Anybody caught involved in the act is expected to face a penalty of ten years' imprisonment. Apart from this, some states like Abia, Akwa Ibom, Anambra, Enugu, Imo, Ebonyi, Rivers and Edo have passed into law a bill termed "Prohibition of Hostage Taking and Related Offences Law" with death penalty as punishment for offenders. In further response to the rising waves of kidnapping, some states have improved their methods and strategies of stemming the menace. They have increased their funding on security matters and provided more equipment, communication gadgets, vehicles and other tools of policing to their various State Police Commands. Ibid.

<sup>7</sup> Akinsulore, "Kidnapping and its Victims in Nigeria" supra

this study undertakes an analysis of anti-kidnapping laws in Nigeria; pinpointing key constraint to its effectiveness. Ultimately, by way of contribution to knowledge, this study advances the stance that for anti-kidnapping laws to be effective, it should be designed to take into consideration the motivation and socio-economic causes of kidnapping; this will help in designing (and implementing) a more comprehensive and effective anti-kidnapping laws.

### **1.1. Statement of Problem**

To say that kidnapping is a menace in contemporary Nigeria is surely an understatement. Truly, kidnapping is one crime that Nigerians are beginning to get used to as its spate of occurrence has sadly made it a conspicuous way of Life in the country. Everyone is a vulnerable and a potential victim. While the poor are mostly kidnapped for ritual purposes, the rich are kidnapped for extortion through the payment of ransoms which runs from thousands to millions and billions of naira depending on who's involved, inter alia. According to a Presidency source, Nigeria recorded 1177 cases of kidnapping in a space of 14 months from 2016 to 2017. While 525 suspects were prosecuted, 652 are still being investigated.<sup>8</sup> The fact that over 1000 persons were arrested as kidnap suspect within such a short time speaks volume of the extent which the crime has eroded the security fabrics of the country. Most curious is the fact that despite the various laws that has been enacted over the years and the calls for stricter sanctions for kidnapping; which has been incorporated into the anti-kidnapping laws of some states,<sup>9</sup> with the aim of

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<sup>8</sup> The Eagle Online, 2017, as cited in Victoria Nkemdilim Ogbuehi, "Kidnapping in Nigeria: The Way Forward" *Journal of Criminology and Forensic Studies* 1(3), (2018): 1

<sup>9</sup> For example see TVC, "Taraba State Governor Prescribes Death Sentence in New Anti-Kidnapping Bill" *TVC News* (4<sup>th</sup> July, 2019) available at <https://tvcnews.tv/taraba-state-governor->

checkmating this daunting menace, the hydra head of kidnapping continues to blossom. Most disheartening about this situation is that in recent times even law officers, empowered by the various laws to implement same, have been victims of kidnap.<sup>10</sup> This raises several queries on the ability of the present legal framework cum criminal justice system to tackle the recurring daunting menace of kidnapping in Nigeria; hence, an assessment of anti-kidnapping laws in Nigeria vis a vis the reality on ground is required.

## 1.2. Aim and Objectives

The aim of this study is to undertake an analysis of the anti-kidnapping laws in Nigeria, with the view of rationalizing and attempting to resolving the ‘gaps’ between the current anti-kidnapping laws cum criminal justice system to checkmate kidnapping and the reality of the ever increasing spate of kidnapping in Nigeria.

The specific objectives of the study are:

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prescribes-death-sentence-in-new-anti-kidnapping-bill/ accessed on 3<sup>rd</sup> November, 2019; Sahara Reporters, New York, “BREAKING: Taraba Governor Signs Death Sentence For Kidnappers” *Sahara Reporters* (4<sup>th</sup> July, 2019) available at <http://saharareporters.com/2019/07/04/breaking-taraba-governor-signs-death-sentence-kidnappers> accessed on 3<sup>rd</sup> November, 2019; The Punch Newspaper, “Kano Assembly Okays Life Imprisonment for Kidnappers” *Punch Newspaper* (undated) available at <https://punchng.com/kano-assembly-okays-life-imprisonment-kidnappers/> 3<sup>rd</sup> November, 2019; Haleem Olatunji, “Ogun Gov: We’re Considering Death Penalty for Kidnappers” *The Cable News* (12<sup>th</sup> August, 2019) available at <https://www.thecable.ng/ogun-gov-were-considering-death-penalty-for-kidnappers> 3<sup>rd</sup> November, 2019

<sup>10</sup> For example see Unini Chioma, “Kidnapped DPO Regains Freedom After Paying N3m Ransom” *The Nigerian Lawyers* (13<sup>th</sup> August, 2019) available at <https://thenigerialawyer.com/kidnapped-dpo-regains-freedom-after-paying-n3m-ransom/> accessed on 4<sup>th</sup> November, 2019; Peter Dada, “Gunmen Kidnap Ondo Judge in Edo, Demand N50m” *The Punch Newspaper* (24<sup>th</sup> October, 2019) available at <https://punchng.com/gunmen-kidnap-ondo-judge-in-edo-demand-n50m/> accessed on 4<sup>th</sup> November, 2019; Sola Shittu, “Gunmen Kidnap Appeal Court Judge, Kill Police Orderly in Edo” *The Punch Newspaper* (30<sup>th</sup> October, 2019) available at <https://punchng.com/breaking-gunmen-kidnap-appeal-court-judge-kill-police-orderly/> 4<sup>th</sup> November, 2019; Bridget Edokwe, “Another Judge Kidnapped in Nasarawa” *Barrister NG* (3<sup>rd</sup> November, 2019) available at <http://www.barristerng.com/another-judge-kidnapped-in-nasarawa/> 4<sup>th</sup> November, 2019

1. to establish a theoretical framework for a better understanding of the kidnapping problem;
2. to examine the spate of kidnapping in Nigeria;
3. to interpolate the socio-economic cum political considerations in the analysis of kidnapping in Nigeria;
4. to analyze some anti-kidnapping laws (both old and new) in Nigeria, with a view of assessing its effectiveness in tackling the spate of kidnapping; and
5. to recommend a more comprehensive framework (of practical utility) that takes into consideration the socio-economic cum political drive of kidnapping in Nigeria.

### **1.3. Methodology**

Kidnapping as a form of criminal behaviour is not entirely new around the world. However, its current dimension has become a serious menace especially in the Nigerian society. This is particularly disheartening given that kidnapping now assumes a renewed criminal dimension that is enabled by socio-economic, political and religious discontents. Hence, this study adopts an interdisciplinary and a criminological approach in the analysis of kidnapping in Nigeria, interpolating the socio-economic cum political considerations in the analysis of the anti-kidnapping laws in Nigeria; while assessing the effectiveness of stricter sanctions in the Nigerian anti-kidnapping laws on curbing the hydra head of kidnapping in Nigeria.

Similarly, as a theoretical research, this study adopts the doctrinal method which especially seeks to highlight relevant literature and laws including current media reports

on kidnapping in Nigeria. This method is adopted because it is considered the most effective strategy for obtaining authentic information about this violent crime and the attendant legal response in the country. It is also considered the best method for understanding the danger and magnitude of high profile kidnapping, as well as the anti-kidnapping legal framework in Nigeria.

#### **1.4. Expected Findings**

The expected findings of this research work are that:

1. efforts have been made to review the anti-kidnapping laws in Nigeria; providing for stricter sanctions;
2. the daunting menace of kidnapping in Nigeria in recent times is alarming despite the reviewed anti-kidnapping laws in Nigeria;
3. there are socio-economic cum political dimensions to kidnapping in Nigeria;
4. to close up the ‘reality gap’ between the anti-kidnapping laws in Nigeria and the ever increasing spate of kidnapping, these socio-economic cum political dimensions must be interpolated into the enactment and implementation of anti-kidnapping laws and mechanisms.

#### **1.5. Expected Contribution to Knowledge**

This research seeks to contribute to the existing body of knowledge in the following area:

1. providing a legal cum criminological analysis of, and dimension to kidnapping in Nigeria;

2. addressing the ‘reality gap’ evident in the implementation of the anti-kidnapping laws in Nigeria; and
3. development of a comprehensive framework to complement and bolster the effectiveness of the anti-kidnapping laws in Nigeria.

## **1.6. Conclusion**

Kidnapping is a serious offence against its victims and the State; hence, various laws and commendable legal reform has been engaged in different parts of Nigeria. However, in reality, these commendable laws and legal reforms have not translated into an effective mechanism for curbing the daunting menace of kidnapping. This is largely due to the socio-economic cum political dimension of kidnapping, as well as constraint in the enforcement of these laws. Thus, to aptly tackle this security issue, a comprehensive framework is required to complement and bolster the effectiveness of the anti-kidnapping laws in Nigeria.

## CHAPTER TWO

### LITERATURE REVIEW

#### 2.0. Introduction

Crime is one of the human security problems confronting humanity across the world. Nations have grappled to contain the rising incidence of turmoil, civil strife; high rate of crime, particularly the organized crimes of drug trafficking, human trafficking, kidnapping, human sacrifice and ritual killing and armed robbery; international terrorism, sectarian violence, political violence; communal strife; natural disaster; insurgency; militancy and pervasive normlessness; economic crimes such as advanced fee frauds; cybercrimes; money laundering and systemic official corruption in the private and public sectors; cross border crimes and host of others.<sup>11</sup> Among these crimes, the most egregious is kidnapping. Kidnapping is a new wave of crime that is presently ravaging the country.

#### 2.1. Theories of Crime Causation

Criminological theories about why people commit crime are used (and misused or even worse not used at all) every day by legislative policy makers when they develop new initiatives, sanctions, and programs; and these theories are also being applied (and misapplied) by government apparatus of states' security as they classify, supervise, counsel, and control offenders placed on their caseloads. Since these theories, among

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<sup>11</sup> Ukoji Vitus Nwankwo and James Okolie-Osemene, "A Study of Crime Reporting in Nigeria" (undated – unpublished draft version), 1; Ilechukwu L. Chidi, Uchem Rose and Asogwa Uche, "Stemming the Incidence of Kidnapping in the Nigerian Society: What Religious Education Can Do?" *Journal of Culture, Society and Development* 12, (2015): 28

other considerations, are explanations that can guide human behaviour, this part of the study offers a brief overview of the major theories of crime causation (which is by no means exhaustive).

### **2.1.1. Pre-Theoretical Explanations**

Prior to the formal development of crime causation theories, there existed, in earliest times, other explanations for the causation of crime in human societies. It has been opined that there were essentially two pre-theoretical explanations; demonology and naturalism.<sup>12</sup> Indeed, Vold opines that primitive and pre-literate people believed that spirits inhibit and control individuals in ways beyond their comprehension in that they (the spirit)take victims, direct or push them to engage in outlaw conduct often against their will.<sup>13</sup> Conversely, Schmalleger, a proponent of naturalism strongly notes that manipulation and control of natural events like the night, stars, moon among others will help reduce crime.<sup>14</sup>While commenting on this position, it has been opined that Schmalleger's view is incomplete because more course was made to social factors that can influence man to engage in crime inhuman society.<sup>15</sup> The belief in demonology and naturalism brings control measures like flogging, incapacitation, purification, prayer and especially exorcism of such evil possessive spirits.

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<sup>12</sup> Ikechukwu M. Ukandu, *The Menace of Kidnapping in Abia State: A Study on the Strategic Role of Religion in the Amelioration of Violent Crimes* (M.A thesis, Department of Religion and Cultural Studies, Faculty of the Social Sciences, University of Nigeria, Nsukka, August, 2011), 28

<sup>13</sup> Cited in E. U. M. Igbo, *Introduction to Criminology* (Nsukka: University of Nigeria Press Ltd, 2007); see *ibid*, 29

<sup>14</sup> See F. Shmalleger, *Criminal Justice Today: An Introduction Text for the 21<sup>st</sup> Century* 4<sup>th</sup>edn. (Upper Saddle, River, NJ: Prentice Hall Inc., 1997)

<sup>15</sup> Ukandu, *The Menace of Kidnapping in Abia State*, *supra*, 29

In a brief analysis of the pre-theoretical explanations, Igbo concluded by discarding the pre-theoretical explanations as being mythical and unscientific because it is not possible to locate the part of the human body where such demons or evil spirits resides.<sup>16</sup>In response to this, it has been observed that although, these cannot be proven otherwise, Igbo's stance tends to ignore or rather down play the true nature of man being a tripartite being with spirit, soul and body and in constant contact with the spiritual beings in the world. If knowledge of the African cosmology or world-view is anything to go by, it is worthy of note, that the living and the dead are residing in the same world and as such there exist a very high tendency for wicked or evil spirit to influence man's life negatively.<sup>17</sup> Despite the appealing nature of this response and the fact that these pre-theoretical explanations cannot be totally ignored, given the African worldview, we however will not take these pre-theoretical explanations into much consideration in this study, as they cannot be easily ascertained and are beyond human control cum regulation.<sup>18</sup>

### **2.1.2. Biological Theories**

Biological explanations of crime assume that some people are 'born criminals', who are physiologically distinct from non-criminals. Biological theories about the causes of crime focus on the idea that the physical body, through inherited genes, evolutionary factors,

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<sup>16</sup> See Igbo, *Introduction to Criminology*, supra

<sup>17</sup> Ukandu, *The Menace of Kidnapping in Abia State*, supra, 29

<sup>18</sup> Truly, the fear of adopting such pre-theoretical explanations was expressly stated by Ukandu, when he noted that "with these pre-theoretical explanations, one wonders if the devil should not be presumed innocent until proven guilty on the last Day of Judgment. A situation where people blame demons as being solely responsible for all criminal behavior is faulty in part as it limits an understanding of what man is in the social sense." See *ibid*

brain structures, or the role of hormones, has an influence on an individual's involvement in criminal behavior. Growing understanding of these mechanisms suggests that certain biological factors, such as particular genes, neurological deficits, low serotonin activity, malnutrition and environmental pollutants may all affect a person's biological propensity for criminal and antisocial behavior.<sup>19</sup> Stating succinctly, the proposition of this theory is that biological traits are able to control human behavior both individually and collectively. Gall, one of the pioneer of this theory, propagated the idea that bodily constitution reflects personality. The notions of born criminal or atavism were major import in this area.<sup>20</sup>

Gaines, Kaune and Miller affirm that certain biological traits in individuals could lead toward criminal behaviour in a given set of circumstances.<sup>21</sup> These traits were traced to a biochemical condition and genetics especially how it influences the brain. A fair knowledge of neuroscience (the science of the structure and function of the brain) will point to abnormalities on physical health which people suffer at their nascent and formative stage especially through child birth has been an influence on their behaviour to life.<sup>22</sup> Similarly, it is noted that biological drawbacks of a person play a contributory role for committing offence.<sup>23</sup> From ancient time, eminent jurists have been trying to find out

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<sup>19</sup> See Ministry of Justice, "Theories of the Causes of Crime" *Strategic Policy Brief* (March, 2009), 1

<sup>20</sup> Cited in Shmalleger, *Criminal Justice Today*, supra

<sup>21</sup> See L. K. Gaines, M. Kaune and R. L. Miller, *Criminal Justice in Action* (Balmont, CA: Wadsworth/Thomas Learning, 2001)

<sup>22</sup> Ibid; see also Ukandu, *The Menace of Kidnapping in Abia State*, supra, 31

<sup>23</sup> Gajiur Rahman, "The Causation of Crime: A Study on Biological Factors" *IOSR Journal Of Humanities And Social Science (IOSR-JHSS)* 20(11), version III (2015): 02

the hidden biological factors which lead to the commission of crime. Although criminologists varies in their opinions in their research but they show remarkable success to the development of biological approach of causation of crime. All human bodies are not same in their structure. A man having good physical structure possesses less criminal tendency into mind whereas this tendency can be found in a man having defective physical structure. A particular organ of human body implies a specific tendency of crime. Almost all the study of biological approach suggests that criminals are defective in physique other than non-criminals.<sup>24</sup> Another fundamental truth which can't be overlooked is that two major segments of human society-male and female are different in their biological structures. The sex determining chromosomes, hormonal operation, and some other physiological rules are different for these two classes. In most of the human societies, male have been pictured as aggressive, active, diverging and females as gentle, polite, and motherly. Different biological structure may contribute to the different behaviour pattern of males and females. All over the world, around 85 to 90 percent crimes are being committed by the males indicating a close link of male biological structure and violent behavior.<sup>25</sup> Rahman describes the different parts of human body and their effects on offensive activities; as highlighted below:<sup>26</sup>

- 1. Physiognomy:** The term “Physiognomy” refers to the study regarding structure & characteristics of human face. T. Baptistle Della Porte (1535-1615) is the founder

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<sup>24</sup> Ibid

<sup>25</sup> See Sheikh Hafizur R. Karzon, *Theoretical and Applied Criminology* (Dhaka: Palal Prokashoni, 2008)

<sup>26</sup> Rahman, “The Causation of Crime” supra, 03

of physiognomy.<sup>27</sup> He emphasizes that abnormal elements of human face are the principal causes of crime, though he does refuse to accept the other biological factors of crime. The principle of physiognomy gets established while Baccaria was absorbed in research in crime. In 1775, Swiss scholar Johan Caspar Lavater (1741-1801) publishes a book named “Physiognomic fragments” in four parts; where Lavater showed a close relationship between human face and conduct.<sup>28</sup> He mentions beardlessness in men, the bearded women, a shifty eye, a weak chin, an arrogant nose and many other facial features as sign of an abnormal individual. One glaring example is the description by Havelock Ellis of the examination by a Greek physiognomist of Socrates; reported to have abnormal facial features, which reveals him as brutal, sensuous, and inclined to drunkenness. Socrates concedes the observation of the physiognomist, but says that he overcame all those tendencies through his endeavor.<sup>29</sup> In the course of time the significance of physiognomy diminishes, but it, however, contributes to the emergence of a better organized and logically more impressive branch of criminological study, namely phrenology.

- 2. Phrenology:** The term “phrenology” implies the study of human skull in where attempt is made to find out the close relation between human skull features and crimes. The famous European anatomist, Franz Joseph Gall (1758-1828) is the founder of phrenology and plays significant role to its development. He didn't use

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<sup>27</sup> See Stephen Schafer, *Theories in Criminology* (New York: Straford Press, 1969)

<sup>28</sup> See George B. Volt, *Theoretical Criminology* (New York: Oxford University Press, 1979)

<sup>29</sup> Ibid

the term “phrenology” directly, rather applied the term “Craniology” which also included researching human skull and conduct. But, phrenology got more popularity and the British naturalist Thomas Ignatius Forster did use this term for the first time in 1815.<sup>30</sup> In 1971, Gall firstly starts to publish materials on the relation between head conformations and the personal characteristics of individual. John Gaspar Spurzheim (1776-1832), a student of Gall, continues researching along with Gall on phrenology. In fact, Spurzheim makes this theory popular in Britain and America. According to Greek philosopher, Aristotle, brain is one of the organs of mind. Arthur E Fink also provides three basic propositions which are:

- a. The external shape of the skull conforms to the interior and reveals the shape of brain.
- b. The mind consists of faculties or functions.
- c. These faculties are related to the shape of the brain and skull; thus the shape of the skull is the indicator of brain and the shape of brain is the indicator of different faculties.<sup>31</sup>

Gall listed twenty six (26) of such faculties, though Spurzheim increases the number to thirty five (35). The remarkable faculties include amativeness, conjugality, philoprogenitiveness, friendliness, combativeness, destructiveness, acquisitiveness, cautiousness, self-esteem, firmness, benevolence, constructiveness, ideality,

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<sup>30</sup> B. K. Goswami, *A Critical Study of Criminology and Penology* (Allahabad: Allahabad Law Agency, 1983)

<sup>31</sup> Schafer, *Theories in Criminology*, supra

imitativeness, secretiveness.<sup>32</sup> These faculties can conveniently be collapsed into three compartments; the intellectual faculties, the moral sentiments and the lower or active propensities.

It is important to observe that it is actually the lower or active faculties which are liable for the commission of crime. This faculty includes destructiveness, combativeness, amativeness, acquisitiveness, secretiveness. For the faculty of destructiveness, man commits the offence of murder. For the combativeness faculty, the offence of hurt, grievous hurt, assault etc. are committed. For the faculty of acquisitiveness, the offence of theft and robbery are committed. Giving false evidence, frauds are committed for the propensities of secretiveness.<sup>33</sup> It is worth mentioning that human being possesses intellectual, moral, lower and active propensities at the same time. Where the moral and intellectual propensities are dormant, a man easily indulges in offensive activities, but it is near impossible for a man, having dominant moral and intellectual propensities, to commit crime.

**3. Body Type Theory:** Social scientist, William H. Sheldon, tries to establish a correlation between physical structure of the criminal and the crime. He develops his ideas from the fact that life begins in the embryo which is made up of three different tissue layers; an inner layer called endoderm, a middle layer known as mesoderm and an outer layer or ectoderm. He links a corresponding physical and mental typology consistent with the known facts from embryology and the

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<sup>32</sup> Volt, *Theoretical Criminology*, supra

<sup>33</sup> Schafer, *Theories in Criminology*, supra

physiology of genetic development. He points out that physiologically; the endoderm gives rise to the development of digestive viscera, the mesoderm to bone, muscle and tendons of the motor-organ system, the ectoderm to connecting tissues of nervous system, skin and related appendages. He summarizes the basic characteristics of physique and temperament of these types of physical structures in the following way:<sup>34</sup>

- a. Endomorphic Structure –They are persons with fatty or bulky body having short tapering limbs, small bones, soft and smooth skin and are usually of a mild temperament and comfortable person.
- b. Mesomorphic Structure –Persons with such structures are strongly built with prominent muscle and bones and connective tissues. They have heavy chest and large wrists and hands. These people are temperamentally somotonic, active, dynamic, assertive and behave aggressively.
- c. Ectomorphic Structure –Persons with ectomorphic structure are generally lean and fragile with delicate body, small face, sharp nose and fine hair. They are sensitive by temperament and avoid crowds. Sheldon further describes that these physical structures are directly related to temperament of the person who commits crime. Thus according to him, endomorphic are moody and accommodative by nature but the mesomorphic is a rigid and somewhat of serious temperament. The ectomorphic, on account on their delicate physical build-up, are often shaky in their decisions and are short tempered. He attributes criminality to endomorphics and

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<sup>34</sup>

N. V. Paranjape, *Criminology and Penology* (Allahabad: Central Law Publications, 2005)

mesomorphics rather than the ectomorphics.<sup>35</sup> Nonetheless, Sutherland criticizes the analysis of Sheldon on the ground that it closely resembles the heredity consideration of criminals which has lost its significance in modern criminology.

**4. Cesare Lombroso's "Born Criminal" Theory:** Cesare Lombroso (1835-1909)

is regarded as the father of modern criminology since he is the first to employ scientific methods in explaining criminal behavior and shifts the emphasis from crime to the criminal.<sup>36</sup> Lombroso principally asserts that man becomes criminal by birth. He also finds that man commits crime for having ancestral characteristics which are liable for anti-social activities. This theory is related to the word "atavism" which comes from the latin term *atavus* which means ancestor and atavism is related with the primitive human characteristics which provide identity of inferior nature of a man.

Essentially, in the 19<sup>th</sup> Century, Italian prison psychiatrist Cesare Lombroso drew on the ideas of Charles Darwin and suggested that criminals were *atavistic*: essentially 'evolutionary throwbacks'. He suggested that their brains were mal-developed or not fully developed. In his review of prisoners, he found that they shared a number of common physical attributes, such as sloping foreheads and receding chins.<sup>37</sup> In so doing, Lombroso suggested that involvement in crime was

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<sup>35</sup> Ibid

<sup>36</sup> See S. M. A. Qadri, *Criminology and Penology* (Lucknow: Estern Book Company, 2009)

<sup>37</sup> Lombroso as a doctor in the Army measures physical characteristics of soldiers and get interested to determine a relation between mental condition and physical structures on some findings. He also examines and measures different organs of thousands of convicts and finds abnormal and defective structures which he considers as identifier of a criminal – see Rahman, "The Causation of Crime" supra, 04

a product of biology and biological characteristics: criminals were ‘born that way’. Lombroso’s theory is essentially a theory of biological positivism.<sup>38</sup> A man who has not been evolved soundly bears inferior characteristics of his/her ancestry and can’t keep up with the modern civilization. Hence human being shows abnormal anti-social activities which may amount to crime.<sup>39</sup> He further asserts that these abnormal organic features bear criminal tendency but doesn’t make a man criminal all the time. Lombroso provides some abnormal physical characteristics such as asymmetrical face, large and excessive dimension of jaw, defective eyes, unusual ear, receding forehead, twisted nose, fleshy and swollen lips, scant beard, woolly hair, long arms, abnormal dentition, abnormal chin, defective thorax, abnormal and inconsistent sex organ, supernumerary fingers, imbalance of the hemispheres of the brain, abnormal head etc. which have the linkage to the commission of crime. Lombroso conducts statistical research upon Italian offenders in support of his theory. In a research, he examines 383 Italian criminals in where he finds 21% who have only one such anomaly; 43% have five or more anomalies, hence as many as five in any individual is taken as the minimum indication of criminal physical type. From this research, He comes to a decision that man is born criminal and the persons who have five or more of above mentioned characteristics possesses the criminal tendency.<sup>40</sup> Although, Lombroso principally emphasizes the biological factors, he nonetheless never denies other

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<sup>38</sup> University of Glasgow, School of Education, “Theories and Causes of Crime” *The Scottish Centre for Crime and Justice Research*, 2

<sup>39</sup> Schafer, *Theories in Criminology*, supra

<sup>40</sup> Volt, *Theoretical Criminology*, supra

non-biological reasons. He admits that psychological affairs can be liable to the commission of crime indirectly.<sup>41</sup>

Lombroso's work has long since fallen out of favour. However, biological theories have continued to develop. Rather than measuring physical features of the body, contemporary approaches focus on:

- Biochemical conditions (e.g. linked to poor diet or hormone imbalance)
- Neurophysiological conditions (e.g. learning disabilities caused by brain damage)
- Genetic inheritance and/or abnormality
- Intelligence<sup>42</sup>

These attempts, to locate the causes of crime within the individual, suggest that there are identifiable differences between offenders and non-offenders. In other words, criminals are in some way different or abnormal to everyone else.

### **2.1.3. Sociological Theories**

Sociological approaches suggest that crime is shaped by factors external to the individual: their experiences within the neighbourhood, the peer group, and the family. Theories under this head are briefly discussed below:

#### **1. The Chicago School/Social Disorganization Theory – Social disorganization theory grew out of research conducted by sociologists at the University of**

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<sup>41</sup> See H. E. Barnes and Teeters, *New Horizons in Criminology* (New Delhi: Prentice Hall of India, 1966); for Hooten's theory and other biological theories see Rahman, "The Causation of Crime" supra, 04-06

<sup>42</sup> See University of Glasgow, School of Education, "Theories and Causes of Crime" supra

Chicago in the 1920s and 1930s. Its key proponents were Clifford R. Shaw and Henry D. McKay (1942), who used spatial mapping to examine the residential locations of juveniles referred to court. Shaw and McKay found that patterns of delinquency were higher in areas characterized by poor housing, poor health, socio-economic disadvantage and transient populations. This led them to suggest that crime was a function of neighbourhood dynamics and not due to individual actors and their actions.<sup>43</sup> Shaw and McKay explained these patterns by reference to the problems that accompanied immigration to Chicago at this time. They claimed that areas settled by newly arrived immigrants experienced a breakdown of social norms due to ethnic diversity and competing cultural traditions. Conventional institutions of social control were therefore weakened and unable to regulate the behaviour of local youths.<sup>44</sup>

2. **Anomie/Strain Theory** – Anomie is a concept developed by one of the founding fathers of sociology, Emile Durkheim, to explain the breakdown of social norms that often accompanies rapid social change.<sup>45</sup> American sociologist Robert Merton (1957) drew on this idea to explain criminality and deviance in the USA. His theory argues that crime occurs when there is a gap between the cultural goals

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<sup>43</sup> Ibid, 3

<sup>44</sup> See Carlin Wong, “Clifford R. Shaw and Henry D. McKay, the Social Disorganization Theory” *Center for Spatially Integrated Social Science* (2002): 1-5; Donald J. Shoemaker, *Theories of Delinquency* (New York: Oxford University Press, 1996); James F. Short, *Delinquency, Crime, and Society* (Chicago: The University of Chicago Press, 1976); C. R. Shaw and H. D. McKay, *Juvenile Delinquency and Urban Areas* (Chicago: The University of Chicago Press, 1969); C. R. Shaw, *Brothers in Crime* (Philadelphia: Albert Saifer, 1952)

<sup>45</sup> See Brent M. Pergram, *Durkheim and Anomie or Strain Theory* (New York: Sage Publication Inc., 2017), 132-186; Sandro Serpa and Carlos M. Ferreira, “Anomie in the Sociological Perspective of Emile Durkheim” *Sociology International Journal* 2(6), (2018): 689-691

of a society (e.g. material wealth, status) and the structural means to achieve these (e.g. education, employment).<sup>46</sup> This strain between means and goals results in frustration and resentment, and encourages some people to use illegitimate or illegal means to secure success. In short, strain theory posits that the cultural values and social structures of society put pressure on individual citizens to commit crime.<sup>47</sup> Jock Young draws on Merton's anomie/strain theory in his book,<sup>48</sup> locating crime in relation to both structural and cultural processes. Structurally speaking, Young argues that the dismantling of the welfare state, alongside increasing disparities between the rich and the poor, have served to further exclude disadvantaged groups. This has occurred alongside high levels of cultural inclusion.<sup>49</sup> Contemporary consumer capitalism places greater emphasis on conspicuous consumption and material success, intensifying feelings of deprivation experienced by the less successful.<sup>50</sup>

- 3. Subcultural Theory** –Linked to anomie and strain, are concepts of status frustration and differential opportunity, which North American subcultural theorists used to explain the delinquent activities of disadvantaged groups in the 1950s and 60s. Status frustration is associated with the work of Albert Cohen(1955), who conducted research into groups of young, lower-class men.

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<sup>46</sup> See Pergram, *Durkheim and Anomie or Strain Theory*, supra, 134-142

<sup>47</sup> University of Glasgow, School of Education, "Theories and Causes of Crime" supra, 4

<sup>48</sup> Jock Young, *The Exclusive Society* (New York: SAGE Publication Ltd., 1999), 1-224

<sup>49</sup> Ibid

<sup>50</sup> University of Glasgow, School of Education, "Theories and Causes of Crime" supra, 4

Cohen argued that lower-class youths could not aspire to middle-class cultural goals and so, frustrated, they rejected them to create their own subcultural system of values.<sup>51</sup> According to Albert Cohen, juveniles from lower-class areas respond to the strain in one of three ways: by adopting a “college boy” role, which entails continued attempts to achieve success through legitimate avenues, such as school; by adopting a “corner boy” role, which results in lowered expectations (and aspirations) for success; or by adopting the “delinquent boy” role, which enables youths to redefine “success” in a way that will relieve their status frustration. Cohen observed that individuals who adopt a “corner boy” role would become involved in marginal forms of crime and deviance (e.g., drunkenness, drug use), but they would not pose a major threat to community residents. However, “delinquent boys” responded to blocked educational opportunity by forming a subculture (or gang) that defined “success” and “status” in a very different manner. These individuals gained status and self-esteem by engaging in crime and emphasizing (antisocial, hedonistic) behavior that directly challenged existing norms. Since it is the subgroup of “delinquent boys” that is most likely to become adult criminals, it certainly makes sense to develop intervention strategies aimed at changing the social conditions that spawn delinquent subcultures.<sup>52</sup>

Building on Cohen’s theory, criminologists Richard Cloward and Lloyd Ohlin have theorized that different types of subcultures emerge because there is

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<sup>51</sup> See Gray Cavender, “Cohen, Albert K.: Delinquent Boys” in Francis T. Cullen and Pamela Wilcox, eds., *Encyclopedia of Criminological Theory* (Thousand Oaks: SAGE Publications, Inc., 2010), 180-184

<sup>52</sup> Ibid; See James Byrne and Don Hummer, “An Examination of the Impact of Criminological Theory on Community Corrections Practice” *Federal Probation* 80(3), (2016), 20

differential access to both legitimate and illegitimate opportunities in these lower-class communities. Stable lower-class neighborhoods are characterized by a clearly defined criminal subculture, where criminal values are easily learned, criminal role models are visible, and a structure exists to support various criminal activities. In transitional neighborhoods, people are constantly moving in and/or moving out; as a result, individuals face blocked access to both legitimate and illegitimate opportunities. In these neighborhoods, status is gained through the use of violence in “conflict”-oriented subcultures. Cloward and Ohlin also identify a third type of subculture, the retreatist subculture, which includes the “double failures”, who were denied access to both the criminal and conflict subcultures. “Retreatists” often abuse drugs and/or alcohol in order to relieve the frustration they feel because of blocked legitimate and illegitimate opportunities.<sup>53</sup> To resolve this, Cloward and Ohlin, in addition to educational reform, have advocated a number of policies focusing on improving job opportunities for at-risk youth (and young adults) from lower-class areas.<sup>54</sup>

4. **Social Control Theory** – In 1969, Travis Hirschi introduced a theory to criminology known as the Social Bond Theory, more recently known as the Social Control Theory.<sup>55</sup> Hirschi did not buy into earlier theories such as the Strain Theory or Differential Association Theory, both which maintained the

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<sup>53</sup> Ibid; see also Francis T. Cullen, “Cloward, Richard A., and Lloyd E. Ohlin: Delinquency and Opportunity” in Francis T. Cullen and Pamela Wilcox, eds., *Encyclopedia of Criminological Theory* (Thousand Oaks: SAGE Publications, Inc., 2010), 171-175

<sup>54</sup> Byrne and Hummer, “An Examination of the Impact of Criminological Theory” *supra*, 21

<sup>55</sup> See T. Pratt, J. Gau, and T. Franklin, *Key Ideas in Criminology and Criminal Justice* 1<sup>st</sup> ed. (Los Angeles: SAGE Publications Inc., 2011)

belief that criminal behavior was either learned or caused by occurrences or conditions in one's environment. According to Bartol and Bartol, Social Control Theory, "contends that crime and delinquency occur when an individual's ties to the conventional order or normative standards are weak or largely nonexistent".<sup>56</sup> This theory contends that all people, from the time we are born, are basically bad apples that must be controlled by laws, rules and regulations in order to keep society in check. It goes on to maintain that those who have a weak bond to societal controls end up participating in deviant or criminal behavior. According to Hirschi, there are four types of basic bonds that people develop which determine whether or not they will become involved in criminal activity.<sup>57</sup> These four bonds include Attachment, Commitment, Involvement and Belief. The Attachment Bond refers to, "the level of psychological affection one has for pro-social others and institutions".<sup>58</sup>The Commitment Bond cites the, "importance of the social relationships that people value, which they would not want to risk jeopardizing by committing criminal or deviant acts".<sup>59</sup>The Involvement Bond relates to "the opportunity costs associated with how people spend their time...idle hands are the devil's workshop".<sup>60</sup>Lastly, the Belief Bond refers to "the degree to which one adheres to the values associated with behaviors that

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<sup>56</sup> C. Bartol and A. Bartol, *Criminal Behavior* (Upper Saddle River, NJ: Pearson Education/Prentice Hall, 2011), 5

<sup>57</sup> Pratt, Gau and Franklin, *Key Ideas in Criminology*, supra

<sup>58</sup> Ibid, 58

<sup>59</sup> Ibid

<sup>60</sup> Ibid

conform to the law”.<sup>61</sup>This final belief asserts that the more important a person’s values are in relation to a certain crime (such as using illegal drugs), the less likely they are to commit said crime.<sup>62</sup>

Social Control Theory is definitely a contributing factor in explaining society’s involvement and engagement in criminal activity, although it definitely is not the sole explanation. Overall, Hirschi’s Social Control Theory asserts that humans are not born with a conscience but rather that it is developed over time through interaction with important people and places in our lives. We are taught morals and values by our parents, churches and schools. We are taught laws and social norms by our parents, schools, courts and police. Our churches and families instill in us religious beliefs that are also a huge influence on our behavior and decisions. Parents enroll their children in extracurricular activities not only to teach them discipline and how to interact with their peers, but also in an effort to fill some of their free time so they do not spend it getting into trouble. It is children who do not have these influences in their lives that ultimately end up committing deviant or criminal acts according to the Social Control Theory. While it is believed that there are biological issues that highly contribute to whether or not a person becomes a criminal, it has been opined that approximately fifty percent (50%) of the engagement in criminal behavior can be explained by the Social Control Theory.<sup>63</sup>

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<sup>61</sup> Ibid, 59; see also University of Glasgow, School of Education, “Theories and Causes of Crime” supra, 6

<sup>62</sup> Ibid

<sup>63</sup> Michelle A. Crawford, “Social Control Theory” *FPSY-6135-4* (unpublished, July 20, 2014), 3

**5. Right Realism/Rational Choice Theory** – This branch of criminology sees individuals as rational actors: individuals are capable of making their own choices, which includes choosing to commit crime. In any course of action, individuals weigh up the likely benefits and disadvantages of each action. Right realism emerged in the USA and the UK around the 1980s, in response to rising crime rates and a perceived failure of sociological approaches to adequately address the real causes of crime. Prominent right realists such as James Q. Wilson (1975)<sup>64</sup> and Charles Murray (1990)<sup>65</sup> come from political backgrounds and claim that criminological theory should inform criminal justice policy. One of the key theories to emerge from this branch of criminology is rational choice theory, associated with the work of Cornish and Clarke (1986).<sup>66</sup> According to this theory, individuals not only decide to commit crime, but decide when and where to commit crime.

As have been observed, this theory lends itself to the range of policy initiatives known as situational crime prevention, sometimes referred to as designing out crime. This is the umbrella term for a range of strategies that are used to reduce the opportunities to commit crime.<sup>67</sup> Examples of this strategy include: Increasing formal surveillance measures such as CCTV and alarms, and the Neighbourhood

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<sup>64</sup> See Matt Delisi, “Wilson, James Q., and Richard J. Herrnstein: Crime and Human Nature” in Francis T. Cullen and Pamela Wilcox, eds., *Encyclopedia of Criminological Theory* (Thousand Oaks: SAGE Publications, Inc., 2010), 1015-1019

<sup>65</sup> R. Lister, ed., *Charles Murray and the Underclass: The Developing Debate* (Lancing, West Sussex: Hartington Fine Arts Ltd., 1999), 1–182

<sup>66</sup> See Derek B. Cornish and Ronald V. Clarke, “Understanding Crime Displacement: An Application of Rational Choice Theory” *Criminology* 25(4), (1987): 933-948

<sup>67</sup> University of Glasgow, School of Education, “Theories and Causes of Crime” supra, 7

Watch scheme; Increasing natural surveillance such as improving street lighting; and Concealing or removing ‘targets’ e.g. ‘high value’ goods such as mobile phones, cash and jewelry.<sup>68</sup> These strategies also includes approaches that extend beyond the ‘situation’; involving restricting access to weapons and alcohol and investing in diversionary activities (such as engagement in sport) to encourage people to engage in pro social, rather than anti-social, activities (such as crime).<sup>69</sup>

**6. Left Realism/Relative Deprivation** – Left realism is a branch of critical criminology, which developed in the UK and the USA in the 1980s. It suggests that crime disproportionately affects the lives of the poor and disadvantaged. Key proponents include Lea and Young (1984) and Elliot Currie (1985). One of the key concepts of left realism is relative deprivation. Closely associated with anomie theory, relative deprivation suggests that crime happens when individuals or groups see themselves as being unfairly disadvantaged compared to other individuals or groups who they see as being similar to themselves. Since the disadvantage is perceived and determined by an individual, it is a subjective assessment.<sup>70</sup> Left realists also support two other key theories to explain crime:

- a. Marginalization: some groups experience marginalization at different levels (social, political and economic). These groups are on the periphery of society. Lacking political representation, these groups represent

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<sup>68</sup> Ibid

<sup>69</sup> Ibid, 8

<sup>70</sup> Ibid

themselves and their ways of taking political action include the commission of crime and violence.

- b. Sub-cultures: marginalized individuals and groups may come into contact with others who share these experiences, and who then may form their own sub cultures in which crime and violence may feature.<sup>71</sup>

#### **2.1.4. Economic Theory**

Basically, the economic theory of crime is a standard theory of decision making where individuals choose between criminal activity and legal activity on the basis of the expected utility from those acts. It is assumed that participation in criminal activity is the result of an optimizing individual responding to incentives.<sup>72</sup> This theory is based on the notion that individuals respond rationally to the costs and benefits of criminal opportunities. Hence, factors that increase the expected costs of crime (such as increasing the likelihood of apprehension or severity of punishment) or reduce the expected benefits (such as improved educational or job opportunities) can reduce the incidence of crime.<sup>73</sup> Among the factors that influence an individual's decision to engage in criminal activities are:

1. the expected gains from crime relative to earnings from legal work;
2. the chance (risk) of being caught and convicted;

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<sup>71</sup> Ibid

<sup>72</sup> Ann Dryden Witte and Robert Witt, "Crime Causation: Economic Theories" *Encyclopedia of Crime and Justice* (2001): 5

<sup>73</sup> Ministry of Justice, "Theories of the Causes of Crime" *supra*, 4

3. the extent of punishment; and
4. the opportunities in legal activities.<sup>74</sup>

Thus, the economic theory sees the criminal committing a crime if the expected gain from criminal activity exceeds the gain from legal activity, generally work. Any reasonable economic theory considers the causation of crime dependent on the legal and illegal opportunities; the chance of being caught; and the extent of sentencing; in the terminology of Freeman, they are intrinsically related.<sup>75</sup> Thus, severe sentencing and improvements in legal work opportunities of criminals must be expected jointly to reduce crime.<sup>76</sup>

## 2.2. Historical Development of Kidnapping

The history of the word kidnap can be traced back to its earliest root, which evolved from two English words, principally 'kid' (meaning infant) and 'nap' (meaning sleep). The etymology of kidnap is dated back to the 17th century child abduction in Britain when the kids of the rich families were been abducted for "ransom while asleep (nap)".<sup>77</sup> Contrary

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<sup>74</sup> Witte and Witt, "Crime Causation: Economic Theories", supra

<sup>75</sup> See Richard Freeman, "The Economics of Crime" in Orley Ashenfelter and David Card (ed.), *Handbook of Labor Economics* 3 (North Holland, 1999a), Ch. 52

<sup>76</sup> For more on this theory see Gary Becker, "Crime and Punishment: An Economic Approach" *Journal of Political Economy* 76 (1968): 169-217; Isaac Ehrlich, "Participation in Illegitimate Activities: A Theoretical and Empirical Investigation" *Journal of Political Economy* 81, (1973): 521-565; Isaac Ehrlich, "The Deterrent Effect of Capital Punishment: A Question of Life and Death" *Journal of Political Economy* 65, (1975): 397-417; Gary Becker and Kevin Murphy, "A Theory of Rational Addiction" *Journal of Political Economy* 96, (1988): 675-700; and Jeffrey Grogger, "The Effect of Arrests on the Employment and Earnings of Young Men" *Quarterly Journal of Economics* 110, (1995): 51-71

<sup>77</sup> See R. Tzanelli, "Capitalizing on Value: Towards a Sociological Understanding of Kidnapping" *Sociology* 40(5), (2006): 931

to the assertion of Mohamed<sup>78</sup> who traced the concept of kidnapping to have originated around 1682, Turner<sup>79</sup> argues that the menace of kidnapping was originated in 17<sup>th</sup> century in England where children were kidnapped and sold as slaves or agricultural workers to colonial farmers. While veering off from these contrasting stance, Ezeibe and Eze claim that kidnapping started as far back as 1874 in the form of child abduction. The four year old boy in Pennsylvania in United States was abducted for ransom during the 18<sup>th</sup> century.<sup>80</sup> Nonetheless, the Holy Bible alluded to kidnapping in the story of Joseph, who was kidnapped by his brothers and sold into slavery in the land of Egypt.<sup>81</sup> And it has also been opined that the oldest codification of criminal law ever discovered in human history- The Code of Hammurabi- prescribed death as the punishment for kidnapers.<sup>82</sup> Similarly, Akpan described how centuries before the 17<sup>th</sup> and 18<sup>th</sup>, in ancient Rome, the Emperor Constantine (AD 315) became alarmed by the incidence of kidnapping that he ordered the death penalty punishment for the crime.<sup>83</sup>

Despite the certainty of the actual origin of kidnapping, as per date, it is clear, however, that ever since its inception it has been on the rise globally. In various parts of the world

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<sup>78</sup> See M. K. N. Mohamed, "Kidnap for Ransom in South East Asia: The Case for a Regional Recording Standard" *Asian Criminology* 3, (2008): 61-73

<sup>79</sup> See M. Turner, "Kidnapping and Politics" *International Journal of the Sociology of Law* (1998)

<sup>80</sup> See C. C. Ezeibe and M. O. Eze, "Political Economy of Kidnapping in Nigeria- The South East Experience" *Journal of Liberal Studies* 15(1), (2012): 231

<sup>81</sup> See The Holy Bible, Genesis 37

<sup>82</sup> Which is dated to about 1754; see P. R. Wright, *Kidnap for Ransom: Resolving the Unthinkable* (London and New York: CRC Press, 2009)

<sup>83</sup> See S. N. Akpan, "Kidnapping in Nigeria's Niger Delta: An Exploratory Study" *Kamla Raj Journal of Social Science* 24(1), (2010): 33-42

today, kidnapping for ransom is a common occurrence. Certain cities and countries are often described as the kidnapping capital of the world. Baghdad acquired the title in 2007, Mexico had it in 2004 and Columbia in 2001, Haiti, Brazil, Philippines and part of former Soviet Union as well as Africa have frequent kidnappings.<sup>84</sup> Yun attributes the global increase in kidnapping during the last twenty years to the end of the Cold War. He further adds that kidnapping is one of the “unintended” consequences of globalization. As the world continues to globalize at a swift pace, kidnapping trends are expected to correspond, becoming an increasing concern to people worldwide.<sup>85</sup>

### 2.3. Conceptualizing Kidnapping

Scholars have defined kidnapping using various terms,<sup>86</sup> and because the concept lacks strait-jacket description.<sup>87</sup> However, a few of such descriptions are considered in this section starting with Turner,<sup>88</sup> who contends that kidnapping is an act of capturing people under duress and conveying them to a terminus where they are held in an illegitimate confinement against their wish. Similarly, Asuquo opines that kidnapping is a popular

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<sup>84</sup> Chidi, Rose and Uche, “Stemming the Incidence of Kidnapping” *supra*, 30

<sup>85</sup> Minwoo Yun, “Implications of Global Terrorist Hostage-taking and Kidnapping” *The Korean Journal of Defense Analysis* XIX, (2007): 135-165

<sup>86</sup> See R. Ogungbola, “Crime, Violence and Social Injustice in Nigeria: An Interplay” *Sahara Reporters* (2013) <http://saharareporters.com/2013/04/05/crime-violence-and-social-injustice-nigeria-interplay-rotimiogungbola%C2%A0> accessed on 16<sup>th</sup> December, 2019

<sup>87</sup> See W. R. Ene, “Kidnapping and The Nigerian Society: A Sociological Insight” *International Journal of Development and Management Review* (INJODEMAR) 13(1), (2018): 161-172

<sup>88</sup> See M. Turner, “Kidnapping and Politics” *International Journal of the Sociology of Law* 26, (1998): 145-160

crime against the law and an annoying action carried out against the victims,<sup>89</sup> while Abraham,<sup>90</sup> perceives kidnapping as an act of capturing, taking away and keeping people in custody either through force or deceit. Robertson<sup>91</sup> views kidnapping as an offence relating to capturing, authorizing seizing or taking away of persons coercively and subjecting them to unintentional servitude with the aim of collecting a ransom or in furtherance to another crime. Nwaorah<sup>92</sup> contends that kidnapping is a deliberate deed carried out by aggrieved persons with an intention of arresting people's value who could be salvaged by those who care for them. Commenting on these varied conceptualization of kidnapping, Omonijo et al stated that, dwelling on the above various perspectives, it could be observed that most authors are united on the fact that kidnapping is a criminal and forceful act deliberately carried out against the wish of the victims for monetary gain, forcefully or deceitfully.<sup>93</sup> In the words of Ngwama, kidnapping is a false imprisonment in the sense that it involves the illegal confinement of individuals against his or her own will by another individual in such a way as to violate the confined individual's right to be free from the restraint of movement. This involves taking away of person against the person's will, usually to hold the person in false imprisonment or confinement without legal authority. This is often done for ransom or in furtherance of another

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<sup>89</sup> Cited in D. O. Omonijo *et al.*, "Examining the Social Problem of Kidnapping as a Reaction Against Injustice in Nigeria" *Academic Journal of Interdisciplinary Studies* 8(2), (2019): 178

<sup>90</sup> Cited in Ene, "Kidnapping and The Nigerian Society" *supra*

<sup>91</sup> Cited in *Ibid*

<sup>92</sup> N. Nwaorah, "Are Kidnappers Worst Criminals?" *Vanguard* (March 29, 2009), 14

<sup>93</sup> Omonijo *et al.*, "Examining the Social Problem of Kidnapping" *supra*

crime.<sup>94</sup> Similarly, it has been noted that kidnapping is an organized crime that has its essence in the unlawful intentional deprivation of a person's freedom from movement in an attempt to exploit the situation to extort money or other advantages.<sup>95</sup> However, it has been opined that the concept of 'kidnapping' has possesses a definitional problem, because of the societal variations in moral and legal point of view as well as availability of other terminologies alike such as: hostage-taking, abduction and hijacking. In different societies therefore, these concepts are used interchangeably while in other societies, there is variation in meaning and usage.<sup>96</sup> For instance, in Malaysia, according to Akpan, kidnapping of an adult within its territorial boundary comes under abduction while in other counties such as Nigeria, the terminologies are used as the same with slight differences in terms of moral and legal punishment attached to.<sup>97</sup> Inyang and Abraham<sup>98</sup> has clarified that, in hostage-taking and hijacking, the victims are seized and detained probably in a known location such as plane, ship or in a building apartment. For instance, the holdup (seizure) of a loaded vehicle or a container alone without persons is mostly seen as hijacking, while in most jurisprudence and juristic interpretation, it will be termed as theft and leaving hijacking to an illegitimate seizure of both the loaded container and

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<sup>94</sup> Justice C. Ngwama, "Kidnapping in Nigeria: An Emerging Social Crime and the Implications for the Labour Market" *International Journal of Humanities and Social Science* 4(1), (2014): 134

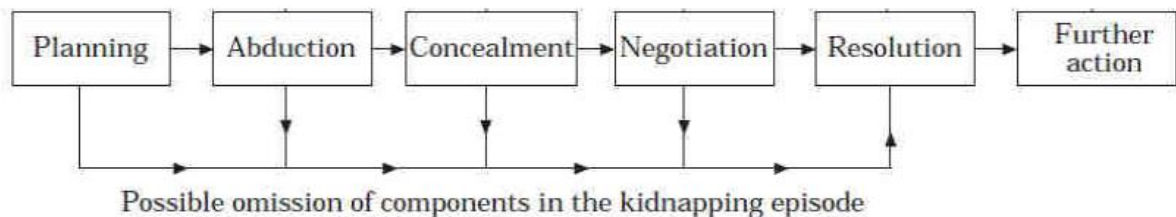
<sup>95</sup> See A. C. Okoli and F. T. Agada, "Kidnapping and National Security in Nigeria" *Research on Humanities and Social Sciences* 4(6), (2014): 137-146

<sup>96</sup> Badamasi Saidu, U. A. B. Ahmad Zakuan and K. Z. B. Haji Yusoff, "Kidnapping and Rise of Insecurity in Nigeria: A Case of Kaduna State" *Asian Journal of Multidisciplinary Studies* 6(4), (2018): 41

<sup>97</sup> N. S. Akpan, "Kidnapping in Nigeria's Niger Delta: An Exploratory Study" *Journal of Social Science* 24(1), (2010): 33-42

<sup>98</sup> See J. D. Inyang and U. E. Abraham, "The Social Problem of Kidnapping and its Implications on the Socio-economic Development of Nigeria: A Study of Uyo Metropolis" *Mediterranean Journal of Social Sciences* 4(6), (2013): 531

the persons together. But in a broader sense, the concept of kidnapping could mean any situation of forceful disposition or taking away of an individual against his ‘free will’ or by luring such a person for illegal hostage. Elster believes that difference exists between kidnapping and hostage-taking using visibility theory as the framework of analysis.<sup>99</sup> He opined that in the case of kidnapping, the victims are held in a secret location away from public knowledge, whereas in hostage-taking, the victims may be visible and their where about known but rescuing them is difficult so as not to cause collateral damage.<sup>100</sup> However, no significant different exists between the two with regard to stages involved and their motivation and logic. A successful kidnapping incident may involve six stages which commence with strategic planning by the perpetrators, abduction, and concealment, followed by negotiation. After an agreement is struck, the resolution sets in and this may mark the termination of the kidnapping episode. However, further action may be taken by the kidnapers, the victim or government. The sequential components of a kidnapping episode are given in the figure below:<sup>101</sup>



### 2.3.1. Forms of Kidnapping

<sup>99</sup> See J. Elster, “Kidnapping in Civil Wars” Prepared for the Workshop on *Techniques for Violence* Oslo, August 20-21, 2004

<sup>100</sup> Ibid

<sup>101</sup> See Turner, “Kidnapping and Politics” supra, 152

Kidnapping has been generally categorized into different forms; depending on the driving force or motivation behind such kidnapping. Oladeinde categorizes kidnapping into three broad categories, such as target, spontaneous, and aggravated.<sup>102</sup> Other forms of abduction include bride, express and tiger kidnappings.<sup>103</sup> These latter forms of kidnapping are succinctly explained below:

1. Bride Kidnapping: This entails taking a bride/bridegroom against the will (consent) of his or her parent to an unknown destination to marry;
2. Express Kidnapping: This type of kidnapping is motivated by pecuniary interests; and
3. Tiger Kidnapping: Kidnapping done in an attempt to perpetrate another crime; e.g., holding a bank manager hostage to get him to instruct his staffers to effect an illegal transfer.

Zannoni<sup>104</sup> also identified three broad categories of kidnapping, thus: criminal, political, and emotional/psychological kidnapping. Criminal kidnapping is a type of holding people that is motivated by the quest to obtain ransom from the victim(s)' family, business or associates; political kidnapping is driven by the need to advance a political cause (e.g. militant/militia, terrorist government); and emotional/pathological kidnapping is committed by people who are emotionally or psychologically disturbed, e.g. for rape,

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<sup>102</sup> A. Oladeinde, "State of the Nation" being a Television Programme transmitted by Channels Television, Lagos on 21<sup>st</sup> February, 2017; see also Samuel U. Odoma and Linus Y. Akor, "Kidnapping: A Lucrative Crime in 21<sup>st</sup> Century Nigeria" *Global Journal of Human - Social Science* 19(3), version 1 (2019): 31

<sup>103</sup> Okoli and Agada, "Kidnapping and National Security in Nigeria" *supra*

<sup>104</sup> Cited in *ibid*

child abduction by estranged parents, etc. The United Nations Office of Drugs and Crime (UNODC, 2017), has put kidnapping in different forms and purposes as follows: Kidnapping for extortion of either ransom or to influence decision making process, kidnapping between and amongst criminal groups to recover a lost or gain advantage over a rival group, kidnapping for sexual exploitation i.e. spouse or children, Kidnapping for political or ideological reason, and Kidnapping for a vengeance purpose. It is important therefore to note that the above classifications have put kidnapping as either for criminal tendencies, political or economic gains.<sup>105</sup>

According to Chidi, Rose and Uche,<sup>106</sup> there are basically two types of kidnapping, namely: Economic kidnapping and political kidnapping. In the authors' view economic kidnapping or the kidnapping business is where a finance demand is made, which could be either hard cash, or some other financial resources.<sup>107</sup> It is based on this that Tzandelli<sup>108</sup> describes kidnapping as a business venture that is regulated by the laws of demand and supply and is a type of social action that involves the calculation of the most efficient means to desired end. As economic venture, kidnapping enterprise and kidnappers are businessmen, they just happen to be on the illegal side of it.<sup>109</sup> If you deprive them of the demand then there is not going to be any supply. In the recent times,

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<sup>105</sup> See Saidu, Zakuan and Yusoff, "Kidnapping and Rise of Insecurity in Nigeria" supra, 41

<sup>106</sup> Chidi, Rose and Uche, "Stemming the Incidence of Kidnapping" supra, 30

<sup>107</sup> See also B. E. N. Thom-Otuya, "Kidnapping: A Challenge to Nigeria Security System" *International Journal of Social Science* 2(8), (2010): 107-116

<sup>108</sup> R. Tzandelli, "Capitalizing on Value Towards Sociological Understanding of Kidnapping" *Sociology* 40, (2006): 929-947

<sup>109</sup> See generally IKV Pax Christi, *Kidnapping is a Booming Business* (Netherlands: IKV Pax Christi, 2008).

kidnapping was used as a weapon to fight for economic and environmental justice in Niger Delta. The economic motivation was intermittently used as a means to fund and sustain the fight. On the other side, political kidnapping is where political concessions such as the release of prisoner, changes to the law and policy retreats are demanded.<sup>110</sup> Here kidnapping is seen as an instrument for political vendetta and settling of political scores. The operation is organized and targeted mainly on key serving politicians or contractors working directly for government. Once the victim is kidnapped, a high level of negotiation is expected which will ultimately lead to a heavy ransom. Such ransom is used to further political goals, self-settling of aggrieved groups or a way of financially crippling an aspiring politician. Turner describes this as “money and politics” kidnapping,<sup>111</sup> where there are political motive for kidnapping but where ransoms are also demanded. Such ransoms are often used to further the political objectives of the kidnapping organizations or simply to facilitate the survival of the organization. Based on this, Akpan asserts that it was insinuated that most top kidnapping operation are master minded by top government officials, opposition groups, unrewarded or uncompensated members of election rigging groups, among others.<sup>112</sup> Again, Ibrahim and Mukhtar<sup>113</sup> opine that kidnapping is usually motivated by financial gain or political demand. Thus,

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<sup>110</sup> R. Briggs, “The Kidnapping Business, Guide of Security Controllers” *Newsletter* (2009)

<sup>111</sup> Turner, “Kidnapping and Politics” *supra*

<sup>112</sup> See Akpan, “Kidnapping in Nigeria’s Niger Delta” *supra*; One example given of political kidnapping was that of Chris Ngige, the former Governor of Anambra State, who was kidnapped in July 10, 2003 by his fellow political party members who were in opposition with him; see I. Emewu and G. Anyanwu, “Anambra Kidnap Drama: Force at Play in Fierce Guber Contest” *Daily Sun* (October 31, 2009): 11-12

<sup>113</sup> Bello Ibrahim and Jamilu Ibrahim Mukhtar, “An Analysis of the Causes and Consequences of Kidnapping in Nigeria” *African Research Review* 11(4), serial no. 48 (2017): 136

opportunistic or traditional criminals as well as political dissidents can resort to kidnapping in order to illegally obtain economic gains or have their demands granted.

Indeed, Turner identified different types of kidnapping based on the motivation of the perpetrators/kidnappers.<sup>114</sup> According to him, motivation for kidnapping may range from material motivation (acquisition of money) and non-material motivation (political reasons). Putting these two dimensions together, he arrives at four typologies of kidnapping based on the distinctive rationales for kidnapping. These are: money but no politics, no money no politics, money and politics, and politics but no money. Money but no politics kidnapping is a typology of kidnapping in which the kidnappers abduct basically for no other reason than to collect ransom or to sell the victim(s) into servitude for hard labour or sexual exploitation. The second typology, no money no politics, is a form of kidnapping in which neither pecuniary motive nor politics play any role in the kidnapping episode but the satisfaction of certain affective objectives. For instance, parental abduction of children especially when the parents are separated or divorced, one of the parents who does not have the custody of the children may forcibly take the children away to another place to live with them. On the other hand, the children or any other person may be kidnapped by strangers or non-family members not to collect ransom but to harm the person. The third typology money and politics- is a kind of kidnapping where there is political motivation for kidnapping but ransom and other material items are also demanded. The last of the typology is politics but no money. This is a kind of typology exclusively motivated by political events.<sup>115</sup> Turner's typology of

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<sup>114</sup> Turner, "Kidnapping and Politics" supra

<sup>115</sup> Ibid

kidnapping basically emphasized that motive for kidnapping may be material and non-material. It may also involve the two in a single episode.

Ukandu<sup>116</sup> outlined the types of kidnapping as; kidnapping for marriage purposes, for ritual purposes, economic reasons, a new trend of criminal behavior, as a political tool amongst others. Pharaoh<sup>117</sup> broadly categorizes them as criminal kidnapping and political kidnapping. Osumah and Aghedo<sup>118</sup> identified three categories of kidnapping in Nigeria. The first is what they called ritual-oriented kidnapping. In this form of kidnapping, children, lunatics or physically challenged, special people and other forms of vulnerable people are targeted by the perpetrators basically for ritual purpose. The ritual may be for moneymaking, longevity of life,<sup>119</sup> power acquisition, among others. In this kind of kidnapping, the victims are killed and vital human parts are removed for sacrifice. For instance, in East African countries like Zambia, Burundi and Tanzania, albinos have become endangered species of human being. They are haunted, kidnapped and used for rituals.<sup>120</sup> Similarly, in Nigeria, people with hunchback are haunted, kidnapped and killed

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<sup>116</sup> Ukandu, *The Menace of Kidnapping in Abia State*, supra, 54

<sup>117</sup> R. Pharaoh, "An Unknown Quantity: Kidnapping for Ransom in South Africa" (2005): 23 <http://www.iss.co.za/pubs/crimeQ/No.14/pharaoh.pdf> accessed on 17<sup>th</sup> December, 2019

<sup>118</sup> See O. Osumah and I. Aghedo, "Who Wants to be a Millionaire? Nigerian Youths and the Commodification of Kidnapping" *Review of African Political Economy* 38(128), (2011): 277-287

<sup>119</sup> Among the Yoruba people of South western Nigeria, ritual for longevity of life is called 'irapada' meaning 'buy back'. This involves ritual practice in which the life of the kidnapped little child is used in replacement for that of an old person so that the old person will live longer after the expected lifetime of the child used for the ritual would have been added to his/her lifetime. Kidnappers involved in this kind of kidnap are called 'gbomo-gbomo'. 'Gbomo' is an elision for 'gbeomo' which mean to "forceful have possession of a child". 'Gbomo-gbomo' is therefore used to designate a repeated action or occurrence. It could simply means a serial child kidnapper

<sup>120</sup> See O. B. C. Nwolise, "Motion for Serious Focus of Research on the Spiritual Dimension of Human and National Security" *Studies in Politics and Society* 3(1), (2015)

for the extraction of their hunchback for rituals. Another form of kidnapping is the politically-motivated type which stems from the premium put on power by political actors, especially in this part of the world which often make them employ any means possible to acquire the power. This kind of kidnapping, booms in areas where organized criminal groups are available and have easy access to the political elites. A sub-category of this form of kidnapping is terrorist groups' kidnapping<sup>121</sup> which is usually employed by armed groups to achieve their socio-political and economic objectives. Boko Haram has kidnapped high profile personalities in and out of Nigeria in furtherance of their campaigns against the Nigerian state<sup>122</sup> famous among which is the Chibok, and fairly recent the Dapchi, kidnapping incident. In some cases, they have collected ransom for the kidnapped people. In other cases, they simply used them to perpetrate their bombing spree. The third form of kidnapping in Nigeria is business-related kidnapping in which a person usually of wealthy background is kidnapped with the intention of collecting money from them or their relations.<sup>123</sup>

### **2.3.2. Implications of Kidnapping**

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<sup>121</sup> Elster, "Kidnapping in Civil Wars" supra

<sup>122</sup> For comprehensive report on Boko Haram kidnapping activities in and outside Nigeria, see S. Menner, "Boko Haram's Regional Cross-Border Activities" *CTC Sentinel* 7(10), (2014); J. Zenn, "Boko Haram: Recruitment, Financing and Arm Trafficking in the Lake Chad Region" *CTC Sentinel* 7(10), (2014)

<sup>123</sup> Owonikoko Babajide Saheed, "Kidnapping in Pre- and Post-Amnesty Niger Delta, Nigeria" *International Journal of Peace and Conflict Studies (IJPCS)* 3(2), (2016): 65

Globally and locally it is evident in literature that kidnapping has several negative implications; including psychosocial and psychosomatic consequences for individual perpetrators, victims, family, friends and the society in general.<sup>124</sup> For the individual perpetrator, he or she may have psychological problems such as reinforcement of antisocial behaviors such as theft, violence and aggressions. Victims may experience fear, suicidal ideations, depressive symptoms, distress, panic, and traumatizing situations hence creating psychological imbalance.<sup>125</sup> Omonijo *et al*, in their discourse limits the implication scope to economic and sociological implications.<sup>126</sup> For economic implications, they observed that studies have shown that economy is the bedrock of national development,<sup>127</sup> but the role of manpower in any developing economy is very crucial. However, before manpower could offer the best of their capabilities, their safety must be secured. In that wise, security could be regarded as the main pillar of national development.<sup>128</sup> It is under a secured atmosphere that all machinery of development can function effectively to achieve desirable results. The negative effects of kidnapping on manpower that produce goods and services for home consumption and exportation cannot be overemphasized. More often than not, it has resulted in the closure of companies /

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<sup>124</sup> See D. A. Alexander and S. Klein, "Kidnapping and Hostage-taking: A Review of Effects, Coping and Resilience" *Journal of the Royal Society of Medicine* 102(1), (2009): 16-21; F. A. Akwash, "The Psychological Impact of Kidnapping" *Scholarly Journal of Science Research and Essay* 5(1), (2016): 1- 5

<sup>125</sup> Akwash, "The Psychological impact of Kidnapping" *supra*

<sup>126</sup> Omonijo *et al*., "Examining the Social Problem of Kidnapping" *supra*, 181-182

<sup>127</sup> See also Akpan, "Kidnapping in Nigeria's Niger Delta" *supra*; A. D. Famoye, "Pre-Colonial Security System in Akungba-Akoko, South-West Nigeria" *International Journal of Humanities and Cultural Studies* 2(2), (2015):179-191

<sup>128</sup> Famoye, "Pre-Colonial Security System" *supra*

establishments,<sup>129</sup> most of which are oil and gas companies.<sup>130</sup> Parenthetically, the sector is the main stay of the national economy,<sup>131</sup> as no other sector generates foreign exchange and local revenue than the sector and other allied services. With this development, the Gross Domestic Product (GDP) of the nation could reduce drastically. Besides, the negative effect could deter the growth of industrialization, most especially tourism, which has the capacity of attracting employment opportunity for the jobless and a huge resource for the nation's socio-economic development. As cases of kidnapping in a nation continues to attract global attention, governments of foreign countries constantly warn their nationals to desist from coming to such nation out of fears of being kidnapped.<sup>132</sup> If the trend continues, prospective development associates could be driven away and such nation could be deprived of development alliances and opportunities. It could also hinder the bulk of investments and capital that flow to such nation from overseas for national development. The negative economic effect of kidnapping on the expenditure on security and its agency at government and individual levels should not be waved aside.<sup>133</sup> At individual level, a lot of money that would have been invested on profitable ventures has been diverted to ransom by the victims of kidnapping in order to regain their freedom.

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<sup>129</sup> See R. O. Dode, "Incidents of Hostage Taking and the Niger Delta Crisis in Nigeria" *South-South Journal of Culture and Development* 9 (1), (2007): 162-179

<sup>130</sup> See Akpan, "Kidnapping in Nigeria's Niger Delta" supra

<sup>131</sup> This is in reference to Nigeria

<sup>132</sup> Inyang and Abraham, "The Social Problem of Kidnapping" supra

<sup>133</sup> See O. Soyombo, "Sociology and Crime Control: That We May Live in Peace" *The Guardian* (September 17, 2009), 56-72 – where an example was given of Lagos State, which spent three billion naira on security within two years; aggravated by incidences of kidnapping in the State

Indeed, it has been observed that fifteen billion naira was paid to kidnappers as ransom between 2006 and 2009.<sup>134</sup>

Apart from the economic implication of the menace of kidnapping, its sociological effect cannot be overruled. The importance of Sociology is hinged on social interaction or relationship in the society. Social interaction could be positive or negative; the positive aspect could lead to a successful life while the negative aspect could lead to a life of frustration. The tendency of kidnapping creating high level of mistrust among people may not be ruled out. Trust among mankind could be secured in the way people interact with one another. A faithful interaction should engender trust and since studies have shown that perpetrators of kidnapping usually engage friends, relations, neighbours, co-workers, house helps etc., to solicit relevant information which can be used to abduct victims, there could be high level of mistrust and strain in social interactions among family members.<sup>135</sup> In such a situation, some persons may want to stop interacting freely and openly discuss with others, within and outside the family. Hence, people may begin to withhold reasonable information which could be of help to their fellow human being due to the fear of being kidnapped. Apart from that, the extension of traditional hospitality to strangers which Africans have been transmitting from one generation to another for many years could suddenly turn to isolation and hostility. Moreover, acknowledgement of greetings from strangers may no longer be necessary and innocent persons who are in serious need of help, either through a free ride or by physical,

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<sup>134</sup> This was only in Nigeria – see Omonijo *et al.*, “Examining the Social Problem of Kidnapping” *supra*, 181.

<sup>135</sup> Soyombo, “Sociology and Crime Control” *supra*

psychological and financial need may be greatly affected. Kidnapping could affect people's social relations and movement negatively. Wealthy people in particular may reduce their rate of visitation either to parents, siblings or friends etc. In this regard, important ceremonies such as funerals, naming, marriages etc., could be negatively affected. Some cases of kidnapping have led to the death of the victims. The negative effect of such on the bereaved may not be quantified. In a situation where the bread winner of the family is affected, it could create a wide gap in the family that may be very difficult to fill in a very long time.<sup>136</sup>

Chidi, Rose and Uche, while reviewing the effects of kidnapping on Nigeria as a nation, noted that the effects of kidnapping includes economic, social, physical, medical, political, psychological/emotional, moral and international effects.<sup>137</sup>The economic effects of kidnapping include direct and indirect costs. As observed earlier, the direct cost of kidnapping involves the economic value that individuals and government may be lost to kidnapers, much money has been paid as ransom, while the indirect cost of kidnapping include expenditure on preventive measures, such as the employment of private security personnel. At government level, the economic effects include the expenditure on security and security agencies.<sup>138</sup> In Ordu's view, the effects of kidnapping activities include traumatic effect, victims' families' emotional effect,

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<sup>136</sup> Omonijo *et al.*, "Examining the Social Problem of Kidnapping" *supra*, 182

<sup>137</sup> Chidi, Rose and Uche, "Stemming the Incidence of Kidnapping" *supra*, 38

<sup>138</sup> See generally *Ibid*, 38-39

Nation's negative effect, and fear and insecurity.<sup>139</sup> Kidnapping a person or holding an individual hostage is very traumatic. The kidnappers traumatize their victims by blindfolding their eyes and sometimes hide the victims in the trunk of their vehicles and transport them to unknown locations. The kidnappers sometimes use inhalant tranquilizers to make their victims become tranquil so that they would remain asleep until they get to their hidden destinations. When the victim realizes his/her predicament the psychological trauma ranges from depression, emotional attack and anger, to fear of unknown. This effect also extends to the victims' families', who are normally emotionally traumatized.<sup>140</sup>

#### **2.4. Conclusion**

In this part of this study, we have been able to show that there exist quiet a number of criminological explanation to criminal activities. Some of these criminological theories and explanations are relevant, as would be soon subsequently, and must be taken into consideration in developing an apt and effective Laws and Criminal Justice System to halt, or at best minimize, the tide of kidnapping in Nigeria. Irrespective of the varied conceptualization of kidnapping activities, as well as the diverse historical narration, it is glaring that the effects and implications of kidnapping on the individuals and the government is devastating; especially with the fact that anybody, irrespective of social

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<sup>139</sup> Gilbert Enyidah-Okey Ordu, "Kidnapping, Security Challenges and Obstacles to the Control of Hostage Taking in Nigeria" (unpublished), 5-6

<sup>140</sup> Ibid

class, could be a victim of kidnapping activities; howbeit for different reasons.<sup>141</sup> Hence, kidnapping is a major criminal act that must be critically examined, both locally and globally, by legal scholars, criminologist, sociologist and psychologist alike; with a view to tackling the recurring occurrence of kidnapping.

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<sup>141</sup> While the rich are easy target for kidnapping for ransom and political reasons, the poor are mainly kidnapped for ritual purposes, and allied purposes

## CHAPTER THREE

### THE THREAT OF KIDNAPPING IN NIGERIA

#### 3.0 Introduction

The kidnapping of all manner of persons has gained ascendancy in Nigeria. A malady previously unknown to the people has rapidly become domesticated. Indeed, Nigeria was globally declared as one of the horrible country to subsist in the world because of the widespread of corruption, injustice, violence and lack of security that exposed many innocent lives to end up in the hitch of kidnappers.<sup>142</sup> The increasing growth of kidnapping in Nigeria has become a strong threat to national peace and security. It has affected the national image of the state and has eaten deep into every region and segment of the nation.<sup>143</sup>

Hence, this part of this study seeks to trace the origin of kidnapping in Nigeria and develop a theoretical framework to understand kidnapping in Nigeria; while considering the causes, instances and effects of kidnapping in Nigeria.

#### 3.1. Evolution of Kidnapping in Nigeria

Prior to colonialism, in the era of slave trade, the problem of kidnapping was a major problem in developing countries because of its economic gains, rituals benefits for power and burying of monarchs. After the eradication of slave trade, kidnapping seized to be the

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<sup>142</sup> See O. S. Abdulkabir, "Causes and Incisive Solutions to the Widespread of Kidnapping in Nigeria Current Administration: Under Scholastic Scrutiny" *Journal of Political Sciences and Public Affairs* 5(2), (2017): 258

<sup>143</sup> K. Johnmary Ani and E. N. Nweke, "Curbing Kidnapping in Nigeria: An Exploration of Strategic Peace Building Tools" *Africa's Public Service Delivery and Performance Review*, 111

major source of income for traditional rulers and merchants but its engagement for rituals and money has persisted. The strong belief in fetishism and animism is seemed to have given a room for its persistence in Nigeria.<sup>144</sup> Immediately after independence, political kidnapping was introduced and later became prominent among militants in Niger Delta region who used to target expatriates, mostly Americans and Britons in order to crave the indulgence of the world to the high level of poverty prevailing in the region despite its richness in mineral resources.<sup>145</sup> It was also propelled by the problem of environmental deprivation of the people of Niger Delta due to oil spillage, gas exploration and production. The intention then was to keep the hostages for a few days and later set them free when a press conference which was usually broadcast by the Cable News Networks (CNN) and British Broadcasting Corporation (BBC) must have been organized.<sup>146</sup> In other words, the current wave of kidnapping began with the abduction of expatriate oil workers by the Movement for the Emancipation of the Niger-Delta (MEND, a youth group) in late 2005 as a means of alerting the world of the many years of injustice, exploitation, marginalization and underdevelopment of Niger-Delta region.<sup>147</sup> These kidnaps were unaccompanied by demand for any form of ransom whatsoever in the early

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<sup>144</sup> See D. O. Omonijo *et al.*, “Examining the Social Problem of Kidnapping as a Reaction Against Injustice in Nigeria” *Academic Journal of Interdisciplinary Studies* 8(2), (2019): 179

<sup>145</sup> Although, it has been opined that a case of kidnapping was perpetrated by the government in its 1984 attempt to repatriate from London an Ex Minister Umaru Dikko who was alleged to have stolen \$1b during his time as the Minister in-charge of Transport – see Sahara Reporters, “How The Kidnap of Umaru Dikko From London was Foiled in 1984 – BBC World Service” *Sahara Reporters* (2012); see also Victoria Nkemdilim Ogbuehi, “Kidnapping in Nigeria: The Way Forward” *Journal of Criminology and Forensic Studies* 1(3), (2018): 3

<sup>146</sup> See Dennis D. Amachree, “Evolution of Kidnapping in Nigeria” (2017) <http://bulwarkintelligence.com/reports/security-threats/evolution-kidnapping> accessed on 20<sup>th</sup> December, 2019

<sup>147</sup> I. D. Odoh, “Kidnapping in Nigeria and its Root Causes” [www.tncp.net](http://www.tncp.net) cited in Okpere L. Osewe, “An Examination of the Effectiveness of Anti-Kidnapping Legislations in Nigeria: A Legislative Approach to a Social Malady” (10<sup>th</sup> October, 2012) (unpublished), 2-3

stages. The refusal of the Federal Government of Nigeria to address the grievances of MEND which include; the amendment of the Land Use Act to give oil rich states more power over their resources, development of the oil producing areas, and that the issue of natural resource control and self-determination be recognized for the protection of their minority status, triggered the trend of kidnapping now gaining grounds in the twenty-first century.<sup>148</sup> In a related view, it has been noted that kidnapping in Nigeria first attracted national attention on 25<sup>th</sup> February, 2006, when the militants of the Niger Delta took hostages to protest the inequality in the region. According to the militants, Nigeria is built at the expense of the region which serves as the cash cow for the whole country.<sup>149</sup>

Unfortunately, the manipulation of kidnapping to enhance environmental agitations, soon gave way to its use as a tool for financial exploitation. It was primarily targeted at the expatriate oil staff in the region. Akwa Ibom State Governor, Godswill Akpabio has stated that kidnapping “which started in the Niger-Delta region has spilled to other parts of the country”.<sup>150</sup> It has been opined that kidnapping took a new dimension in Niger Delta when multinational oil companies began to pay thousands of naira to militias as ransom to ensure the release of their workers, usually expatriates without much negotiation.<sup>151</sup> The militants considered it a good source of income and a plausible means of sourcing funds for arms and ammunition. But the scenario changed when the oil

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<sup>148</sup> Ibid

<sup>149</sup> Justice C. Ngwama, “Kidnapping in Nigeria: An Emerging Social Crime and the Implications for the Labour Market” *International Journal of Humanities and Social Science* 4(1), (2014): 134

<sup>150</sup> See This Day Newspaper, “Akpabio Asks Army to End Kidnapping”, *This Day Newspaper* (Friday, January 22, 2010). 10

<sup>151</sup> Amachree, “Evolution of Kidnapping in Nigeria” *supra*

companies reconsidered prompt ransom payment, re-strategized and ensured adequate security for their expatriates, the militias diverted their attention to high profile Nigerians until the Federal Government introduced amnesty programme, which prompted the militias to surrender their arms and ammunition and desist from the act of kidnapping, but the menace had already spread to South-East, South-West, North-West etc., creating tension for the people.<sup>152</sup> Kidnapping has become an attractive course of business to individuals, who, though not militants, have engaged in the nefarious habit because of monetary benefits accruing from the seemingly lucrative business venture<sup>153</sup> It later extended to abducting children and relatives of the affluent citizens alike in order to obtain ransom or monetary compensation for effecting release. Sadly now, the victims range from politicians, clerics, judicial officers, security agents, business persons, civil servants, members of the National Youth Service Corp (NYSC), petty traders and stall owners, market women, traditional rulers, lawyers, bankers, and individuals from all walks of life including the relatives of these individuals and even innocent school children<sup>154</sup>. The ransom is demanded in a graduated manner according to the worth of the victim. Huge and sometimes outrageous sums are requested from victims from rich family background while it is whittled down in cases of average and poor victims. According to a 2011 Federal Bureau of Investigation (FBI) global kidnap rating, Nigeria ranked fourth in the world; although it was not disclosed which countries ranked before

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<sup>152</sup> Omonijo et al., "Examining the Social Problem of Kidnapping" 79

<sup>153</sup> Hakeem Jamiu, "The Rising Wave of Kidnapping in Nigeria" <http://www.dailytrust.com> cited in Osewe, "An Examination of the Effectiveness of Anti-Kidnapping Legislations in Nigeria" supra, 4

<sup>154</sup> BBC News, "Ransom Demand after Gunmen Seize Nigerian School Children" <http://www.bbc.co.uk/news/world-africa> cited in Ibid

Nigeria.<sup>155</sup> An FBI agent, Ms Jennifer Dent, disclosed this at an Alumni lecture organized by the Hubert H. Humbert Fellowship Program held at the Nigerian Institute of International Affairs (NIIA) in Lagos.<sup>156</sup> In a different analysis, it was shown that the crime of kidnapping has become endemic to the extent that Nigeria in the year 2008 was placed sixth on the global kidnapping index by online tourism site. This rating put the country among countries with serious kidnapping problems.<sup>157</sup> This is unfortunate, as the incremental change in the ratings between 2008 and 2011, howbeit by different bodies, shows the consistent increase of the rate of kidnapping in Nigeria. Kidnapping is on the increase in Nigeria. Statistically, Nigeria records more than 1,000 kidnapping incidents a year, and there are undoubtedly many that are unreported.<sup>158</sup>

### **3.2. Theoretical Framework of Kidnapping in Nigeria**

The theoretical framework of this study is based on some of the sociological theories and the economic theory discussed in the preceding chapter; as well as other fragmented theories deployed by other scholars.

Firstly, applying the Social Disorganization Theory, Cullen and Agnew<sup>159</sup> noted that disorganized communities cause crime because informal social control breaks down and

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<sup>155</sup> *Vanguard Newspaper*, Sunday 13<sup>th</sup> November 2011, 1, 5

<sup>156</sup> Ibid

<sup>157</sup> See Ilechukwu L. Chidi, Uchem Rose and Asogwa Uche, "Stemming the Incidence of Kidnapping in the Nigerian Society: What Religious Education Can Do?" *Journal of Culture, Society and Development* 12, (2015): 28

<sup>158</sup> See Catlin Group, *Kidnap and Ransom Today* (London, UK.: Catlin Group Limited, 2012)

<sup>159</sup> See G. Cullen and R. Agnew, *Criminological Theory: Past to Present* (Los Angeles: Roxbury Publishing Company, 2002)

criminal cultures emerge. Moreover, disorganised society lack the collective efficacy to fight crime and disorder.<sup>160</sup> Igbo<sup>161</sup> applying this to Nigeria observed that social disorganization refers to a breakdown in the normal and habitual way of life of a people. He asserted that social disorganization theorist argue that whenever and wherever there is social disorganization, there is always an increase in crime and other criminal behaviour.<sup>162</sup> From this view, it has been opined that colonialism affected Nigerians cultural value, causing obstruction in the indigenous method of living as a group by introducing a new way of life which metamorphosed into criminal culture. Hence, Wright observed that in what other ways had the whites allowed me to be natural, to be real, and to be myself; except in rejection, rebellion and aggression.<sup>163</sup> This is further explained by the fact that there are little or no evidence of kidnapping in the region now known as Nigeria prior to colonization. Similarly, social disorganisation theory posits that crime could become “systematic” (i.e., organised and enduring) when the society is “unorganised” for its prevention. For instance, it seems that the institution that are supposed to instruct morals to the young ones such as the family, the school and the church are failing in their responsibility due to the degradation of the entire value system. Therefore taking vocation in crime such as kidnapping becomes readily viable.

Secondly, applying the Anomie/Strain Theory, and its related sub-cultural theory; which tries to justify that crime escalate as a result of imbalance between structural goals and

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<sup>160</sup> Ibid

<sup>161</sup> See E. U. M. Igbo, *Introduction to Criminology* (Nsukka: University of Nigeria Press, 2007)

<sup>162</sup> Ibid

<sup>163</sup> R. Wright, *Black Boy* (Britain: Fletcher and Son Ltd, 1984), 227

means, it is obvious (as proposed by Merton) that the lower class individuals in Nigeria are most likely to experience strains because they aim for the same goals as the rest of society, and have blocked opportunities for success. This theory of crime is a product of conflict that exists between ends and wants. Nigerians are generally desirous of the good life which entails material possession, wealth, power, and recognition. Everyone longs for good things of life regardless of their social standing.<sup>164</sup> “Strain is related to criminal motivation, people who feel economically and socially humiliated may perceive right to humiliate others in return”.<sup>165</sup> These theorists are of the opinion that the members of the lower class who are unable to achieve their live goals legitimately get angry and frustrated. This situation puts them in a position of taking to crimes such as kidnapping to make ends meet. Akinyemi<sup>166</sup> explains that when people are asked to pursue economic success and at the same time denied means of achieving it, there is a goal blockage; the aspiration is frustrated and may lead individuals to choose illegitimate means (such as kidnapping) to achieve their goals. In Nigerian social and cultural life, the emphasis is on success defined purely in monetary terms and wealth has become the yardstick for measuring success. However, there is no corresponding emphasis on the approved or legitimate means of attaining the much-cherished goal of success. For example, every year, Nigerian universities and other tertiary institutions churn out hundreds of thousands of graduates. Many of these graduates have little or no prospects of securing paid

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<sup>164</sup> See L. J. Siegel, *Criminology: Theories, Patterns, and Typologies* 10<sup>th</sup> edition (Ohio, USA: Cengage Learning, 2010), 182

<sup>165</sup> Ibid, 190

<sup>166</sup> B. Akinyemi, “Nigeria at a Cross Road” *A Paper Presented at Workshop on Conflict Resolution held at the Institute of African Studies, University of Ibadan, Oyo State, Nigeria, 27–28, August 2002*

employment in the already saturated Nigerian labour market. Confronted with a bleak future but desirous of making ends meet and be accorded celebrity status in a society that glorifies and even worships wealth, many of these jobless youths forms or joins sub-cultural groups, which resort to heinous crimes such as kidnapping, armed robbery, hostage-taking, prostitution, etc.<sup>167</sup> This is akin to the “Economic Theory” that views kidnapping from economic concept of making ends to meet. Nseabasi<sup>168</sup> has raised the idea that kidnapping is regulated by the laws of demand and supply and is a type of social action that involves the calculation on the most efficient means to the desired ends. Kidnapping is a social enterprise and according to the Nations Newspaper,<sup>169</sup> kidnappers are businessmen, they just happen to be on the illegal side of it, if you deprive them of the demand then there is not going to be any supply of the kidnapped victim. This is the reason why perpetrators of this crime usually choose their victims based on their ability to cough out good money.

The creation of the imbalance between structural goals and means in the Anomie/Strain Theory can best be explained by the functionalism or structural functionalism theory. This theory is associated with the works of Emile Durkheim (1917), Robert K. Merton (1968) and Talcott Parsons (1979) among others.<sup>170</sup> The basic assumption of the theory rests on the fact that society can be likened to a living organism made up of component

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<sup>167</sup> See Samuel U. Odoma and Linus Y. Akor, “Kidnapping: A Lucrative Crime in 21<sup>st</sup> Century Nigeria” *Global Journal of Human - Social Science* 19(3), version 1 (2019): 31

<sup>168</sup> Cited in Ngwama, “Kidnapping in Nigeria” *supra*, 134

<sup>169</sup> May 10, 2002

<sup>170</sup> See Warikiente Robert Ene, “Kidnapping and the Nigerian Society: A Sociological Insight” *International Journal of Development and Management Review (INJODEMAR)* 13(1), (2018): 164

parts, which function harmoniously for the survival of the whole system. Hence, if any part fails to contribute its functional quota or does not promote conditions that enable value consensus among members of the society, the attendant feedback is always dysfunctional outcomes that undermine the wellbeing of society.<sup>171</sup> When applying the theory to explain the menace of kidnapping in Nigeria especially from a socio-economic perspective, structural functionalism would clearly indict the economy for being dysfunctional or not functioning optimally as to produce the desired outcome. Similarly, the theory views the incapacity of the economic system as the secondary fallout of a primary malfunction that is associated with the failure of the political system to produce the requisite output necessary to enable the economy function properly. However, the end result of such dysfunctional situations howbeit primary or secondary is usually felt by the masses through widespread poverty, unemployment, deprivation as well as marginalization with attendant consequences of which kidnapping for ransom or economic gain is one.<sup>172</sup>

Another relevant theory to this study is the Rational Choice Theory, which anchored its argument on the economic principle of “cost-benefit analysis”. According to these neoclassical criminologists, people commit crimes after weighing their options and being convinced that the benefits of committing the crime outweigh its risks and costs. They insist that “crime will decrease when the opportunities are limited, benefits are reduced,

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<sup>171</sup> See R. Schaefer, *Sociology* 4<sup>th</sup> edition (New York, U. S. A: McGraw-Hill Companies, 2002)

<sup>172</sup> Ene, “Kidnapping and the Nigerian Society” *supra*, 164

and costs are increased”.<sup>173</sup> In other words, the possibility to deviate is high when the probability of success and reward is higher than the probability of being caught and punished. The inability of the nation and her agencies of social control to arrest and punish deviant groups over the years may have encouraged the proliferation of organized crime groups in Nigeria. More so, since it look almost certain that kidnappers will be successful and handsomely rewarded, it is not surprising that kidnap cases are on the increase.

### **3.3. Causes of Kidnapping in Nigeria**

A cursory study of the scholarly literatures on kidnapping would reveal the various reasons that has been pinpointed as the cause of the epidemic menace of kidnapping in Nigeria; which has gradually developed into an organized crime in Nigeria. These factors causing kidnapping in Nigeria are briefly highlighted and examined below:

#### **1. Political Economy of the Niger Delta and Militancy**

As earlier noted, militancy in the Niger Delta region was the immediate precursor of kidnapping in the country; as a result of the political economy in the region.<sup>174</sup>

#### **2. Proliferation of Arms and Military Uniform, and the Collapse of Security Apparatus**

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<sup>173</sup> See F. Schmelleger, *Criminology Today: An Integrative Introduction* 6<sup>th</sup> edition (New York, USA: Prentice Hall, 2012), 64

<sup>174</sup> See Chidi, Rose and Uche, “Stemming the Incidence of Kidnapping” supra, 31 – 32; Ngwama, “Kidnapping in Nigeria” supra, 138

Inyang believes that the proliferation of arms as a result of political patronage of thugs who were dumped after elections may indirectly encourage and enhance kidnapping.<sup>175</sup> He likened today's kidnapping situation to the scourge of arm robbery in the early eighties where many young-able bodied men who fought during the Nigerian civil war, who were discharged and sent home with nothing. Meanwhile since the schools they left behind were destroyed and there were no jobs to engage them and keep them busy. Many of them consequently took to armed robbery, since as ex-soldiers they were armed with weapons, having acquired the skill and guns during the war.<sup>176</sup> The story is almost the same today as politicians employ most idle youths as political thugs and later dumps them after elections. Therefore, the youths (thugs) who have been abandoned by their master after winning elections are now busy kidnapping innocent person and relative of those persons they surged to be wealthy.<sup>177</sup> Similarly, failure of the security apparatus of the Nigerian state over time, with incessant conflicts occurrences has largely emboldened the courage of kidnapers. According to Ibrahim and Mukhtar,<sup>178</sup> many youths find themselves becoming kidnapers because they were victims of ethnic or religious conflict situation who had been radicalize and lost their belongings, in that regard lost hope in the competent of law enforcement agencies. The kidnapers accessed weapons either from their ethnic, religious or political champions against their opponents in a conflict situation,

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<sup>175</sup> U. S. Inyang, "Kidnapping: Who Can Deliver Nigeria?" *News D' Or Magazine* I (9), (2009): 11-15

<sup>176</sup> Ibid

<sup>177</sup> J. D. Inyang and U. E. Abraham, "The Social Problem of Kidnapping and its Implications on the Socio-economic Development of Nigeria: A Study of Uyo Metropolis" *Mediterranean Journal of Social Sciences*4(6), (2013): 531

<sup>178</sup> See B. Ibrahim, and J. I. Mukhtar, "An Analysis of the Causes and Consequences of Kidnapping in Nigeria" *African Research Review*11(4), (2017): 134-143

or through compromising security personnel from which they later use for kidnapping. Nevertheless, the Nigerian Police Force (NPF) has done a great job in the arrest of some of the leaders arrested in Imo;<sup>179</sup> an arrest of a gang leader in Lagos for kidnapping a four year old;<sup>180</sup> the capture of Nigeria's wealthiest kidnapper Mr. Chukwudumeme (A.K.A Evans) and a gang suspected to be led by a dismissed D.S.S of Police, Abdulraheed Maigari, whose group have terrorized the Nigerian states and Abuja.<sup>181</sup> The prosecution of some of these kidnappers arrested leave more to be desired. It has, however, been opined that the NPF will do better if provided the enabling environment at par with their contemporaries internationally.<sup>182</sup>

### 3. Poverty

According to Hino,<sup>183</sup> in Nigeria most indicators of social and economic progress, including real per capital consumption, literacy, access to clean water, and income distribution, indicate that poverty has worsened since 1960. Despite its human and natural resource wealth, Nigeria has become one of the poorest nations of the world. Per capital

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<sup>179</sup> C. Alozie, “Kidnap Gang Leader in Imo Arrested” *Vanguard* (2018) <https://www.vanguardngr.com/2018/08/kidnap-gang-leader-in-imo-arrested/> accessed on 2<sup>nd</sup> January, 2020

<sup>180</sup> S. Oditia and S. Gbenga, “Police Arrest Leader of Gang for Kidnapping for year Old” *The Guardian* (2018) <https://guardian.ng/news/police-arrest-leader-of-gang-for-kidnapping-four-year-old/> accessed on 2<sup>nd</sup> January, 2020

<sup>181</sup> The Sun, “Police Capture Notorious Evans Kidnapping Gang” *The Sun* (2017) <http://sunnewsonline.com/police-catch-notorious-evans-kidnapping-gang/> accessed on 2<sup>nd</sup> January, 2020

<sup>182</sup> Nkemdilim Ogbuehi, “Kidnapping in Nigeria” *supra*, 6

<sup>183</sup> H. Hino, *Nigeria* (Washington D.C.: International Monetary Fund, 2005), 4-84

income was lower in 2002 than in 1975. Truly, Suleiman<sup>184</sup> concludes that poverty has triggered perilous spectrum to the life of people in Nigeria ever than before this current administration and thus, more than 60 per cent were living in despicable famine, 20 per cent were on the breadline, 10 per cent were neither rich nor poor which as a result of this assessment only 10 per cent can boast of their three time meals. Remarkably sad, Brookings Institution report of June 2018 shows that Nigeria had overtaken India as the poverty headquarters of the world with 87m poor citizens living below the poverty line of less than \$1 a day. The report as sourced from the World Poverty Clock (WPC) also adds that six Nigerians became poor every minute.<sup>185</sup> Hence, poverty in Nigeria is generally believed to be prime cause of kidnapping in the country. Justifying this, Garland posits that virtually, all the various theories of crime causation have explanatory value; it is therefore axiomatic that poverty and social deprivation would in varying degrees, adjusting for intervening variables predispose people to criminality.<sup>186</sup> Arewa<sup>187</sup> explains that where a society is characterized by pervasive poverty and social injustice, the preponderance of its citizenry will suffer untold hardship and incline to criminality in order to survive. On this, Thom-Outya<sup>188</sup> points out that all over the world, poverty is

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<sup>184</sup> A. O. Suleiman, "Scriptural Solution to the Implacable Poverty Widespread in the Current Administration in Nigeria: Comparative Analysis" *Intellectual Property Rights – Open Access* 4, (2016): 6

<sup>185</sup> Naij.com, "Bad Governance, Behind Poverty in Nigeria" *Legit* (2018) <https://www.legit.ng/50387.html#53747> accessed on 2<sup>nd</sup> January, 2020

<sup>186</sup> Cited in Chidi, Rose and Uche, "Stemming the Incidence of Kidnapping" *supra*, 32

<sup>187</sup> J. A. Arewa, *Core National Values as Determinant of National Security and Panacea for the Crime of Kidnapping and Abduction in Nigeria* (Lagos, Nigeria: Nigerian Institute of Advanced Legal Studies, 2013)

<sup>188</sup> B. E. N. Thom-Outya, "Kidnapping: A Challenge to Nigeria Security System" *International Journal of Social Science* 2(8), (2010): 107-116

said to be a motivating condition for criminal activities. Many Nigerians are suffering from administrative neglect, crumbling infrastructure and services, high unemployment, social deprivation, abject poverty, filth squalor and endemic conflict. Most of the kidnapers are lured by poverty; poverty frustrates them into harsh and uncivilized thought and actions. Arewa stated that the drift of the Nigerian state has been unremitting since 1966, resulting in progressive decrease in state capacity to deliver on the social compact by guaranteeing socio-economic rights and generally improving the well-being of the citizenry.<sup>189</sup> Weak state capacity in turn leads to economic failure, unemployment and pervasive poverty which provide a festering ground for malcontent, deviance and criminality.

#### **4. Unemployment**

Nigerian universities and other tertiary institutions produce hundreds of thousands of graduates every year. Successive poverty alleviation and youth employment interventions by both federal and state governments have not significantly addressed the youth unemployment situation in the country. A December 2017 report by the National Bureau of Statistics disclosed that 7.9 million Nigerians lost their jobs between the fourth quarter of 2015 and the third quarter of 2017, thus worsening an already bad unemployment situation.<sup>190</sup> A recent report from the National Bureau of Statistics shows that 7.53 million out of 85.08 million Nigeria labour force were unemployed; are cord that is considered a

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<sup>189</sup> Arewa, *Core National Values* supra

<sup>190</sup> See Odoma and Akor, "Kidnapping" supra, 34

threat to national development by Nigeria Labour Congress.<sup>191</sup> Chidi<sup>192</sup> draws a correlation between unemployment and criminality, particularly kidnapping noting that “if people are empowered and provided jobs, most of these crimes will be reduced”.<sup>193</sup> Similarly, Okolo<sup>194</sup> identified the alarming rate of unemployment in Nigeria as one of the country’s top five headaches. He avers that the evil monster of unemployment has succeeded massively in pouring into the minds of its victims, bright but negative thoughts and ideas on how to make fast cash and one of the surest options is ‘kidnapping’. Likewise, Inyang opines that kidnapping in Nigeria is often associated with youth unemployment. He used the acknowledged adage, which says that “an idle man is the devil’s workshop”, to present the situation of unemployment in Nigeria.<sup>195</sup> Several able bodied men and women are roaming the Nigerian streets in search of jobs that do not exist. Out of frustration and mounting responsibility to tackle, many idle young persons have ventured into criminal activities, of which kidnapping is not an exemption.<sup>196</sup> A student who is unable to secure a job is psychologically bereft of other means of survival in such situation; the young person could develop a negative attitude towards society and attribute his failure to that of society.<sup>197</sup> In line with this Thom-Otuya<sup>198</sup> points out that

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<sup>191</sup> V. Ahiuma-Young, “Nigeria Unemployment Rate, a National Threat – Labour” *Vanguard* (2018) <https://www.vanguardngr.com/2018/01/nigerias-unemployment-rate-national-threat-labour/> accessed on 2<sup>nd</sup> January, 2020

<sup>192</sup> Ngwama, “Kidnapping in Nigeria” supra

<sup>193</sup> Ibid, 139

<sup>194</sup> Cited in ibid

<sup>195</sup> Inyang, “Kidnapping: Who Can Deliver Nigeria?” supra

<sup>196</sup> Inyang and Abraham, “The Social Problem of Kidnapping” supra

<sup>197</sup> Inyang, “Kidnapping: Who Can Deliver Nigeria?” supra

the spate of unemployment in the country is too high and very risky for national development. There are lots of youth whose energy are still seeking for work to dissipate and earn with it. They are poor and idle. This is the factor that is responsible for the spread of the kidnap venom to various parts of the country like wild fire. Indeed, Abdulkabir,<sup>199</sup> in his study, shows that most of the convicted kidnappers confessed that they were unemployed graduate looking for a way to survive and if there is no good way to stay alive the evil is the only option.<sup>200</sup>

### **5. Loss of Societal Values and Quest to Get Rich Quick Syndrome**

These have been identified as some of causative factors of kidnapping.<sup>201</sup> Inyang confirmed these in his proposition that in Nigeria, nobody asks questions on how people make their wealth.<sup>202</sup> A poor person today, according to him, can show up with an expensive car tomorrow and nobody dare to question the sudden wealth. He further asserts that people who have donated money to develop their communities are rewarded with chieftaincy titles thereby creating a wrong impression in the minds of Nigerian youth who thereafter take to kidnapping.<sup>203</sup> Inyang and Abraham identified greed as one of causes of kidnapping in Nigeria.<sup>204</sup> According to them, throughout history, greed has

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<sup>198</sup> Thom-Otuya, "Kidnapping: A Challenge to Nigeria Security System" supra

<sup>199</sup> Abdulkabir, "Causes and Incisive Solutions" supra

<sup>200</sup> Ibid, 3

<sup>201</sup> Inyang and Abraham, "The Social Problem of Kidnapping" supra

<sup>202</sup> Inyang, "Kidnapping: Who Can Deliver Nigeria?" supra

<sup>203</sup> Ibid

<sup>204</sup> Inyang and Abraham, "The Social Problem of Kidnapping" supra

caused many persons to take part in heinous criminal acts. Kidnapping is perhaps one crime that promotes greed and despair on the human person. For many, it is greed that pushes perpetrators to brutalize and torture a stranger and put his family through a cruel ordeal for weeks, months sometimes years.<sup>205</sup> Again, some commentators are of the view that many Nigerians have jettisoned the time-honoured respect for our culture, love for human lives and hard work in exchange for western values and ostentatious orientation, which birthed the modern crimes and social evils destroying the core value of the society.<sup>206</sup> Onovo,<sup>207</sup> for instance, attributed the rising crime wave in Nigeria to the elevation and celebration of fraudsters by many Nigerians. He also took exception to the celebration by religious leaders and traditional rulers, of people who embezzled or misappropriated public funds. According to him, celebrating such people is not only an indictment on societal and moral values but serves as an impetus to kidnapping as people who celebrate criminals end up encouraging them to do more.<sup>208</sup>

## 6. Corruption and Poor Governance

Arewa<sup>209</sup> succinctly pointed out that consequently upon the collapse of the parliamentary system in Nigeria in 1966 through degeneration and revolutionary ouster, the state, its laws and institutions became dedicated instruments of despots and political forces, and

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<sup>205</sup> Ibid

<sup>206</sup> See Odoma and Akor, “Kidnapping” supra, 34

<sup>207</sup> O. Onovo, “Security Challenge in South-East and South-South” *being a speech delivered during the South-East and South-South Security Summit* organized by the National Association of Chambers of Commerce, Industry, Mines and Agriculture (NACCIMA) in Enugu, (2010)

<sup>208</sup> Ibid

<sup>209</sup> Arewa, *Core National Values* supra

caused Nigeria to slip deeper and deeper in the mire of corruption and malfeasance far beyond transformation. Economic failure is attributed to erosion of the state's institutional and administrative capacities, corruption pandemic, inconsistency in economic policy, external shocks, poor state of the rule of law and military dictatorship, rising ethnic nationality conflicts and the state's inability to implement its policies and decisions due to corruption and refraction of such policies through prism of ethnic and sectional interest provoked some other sections to criminality especially that of kidnapping. From this perspective, Thom-Otuya<sup>210</sup> writes that poor leadership being provided by the country's politicians have resulted in mass poverty and unemployment.<sup>211</sup> According to Ogabido<sup>212</sup> the issue of poverty and unemployment of youth as well as social injustice and unfair distribution of the nation's resources are potent causes of kidnapping in Nigeria. These factors have caused the youths to engage in kidnapping and criminal activities as a way of getting their share of nation's wealth. He blamed the Federal Government for lack of equity and fairness in the business of governance as well as lack of responsible leadership that is not complacent to give incentives to people's yearnings and aspiration. Nworah<sup>213</sup> observes that in a situation where government officials especially top ranking persons in civil services who are

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<sup>210</sup> Thom-Otuya, "Kidnapping: A Challenge to Nigeria Security System" supra

<sup>211</sup> See also Ngwama, "Kidnapping in Nigeria" supra, 138

<sup>212</sup> G. O. Ogabido, "Kidnapping: New Brand of Terrorism" *Saturday Sun* (October 31, 2009), 7

<sup>213</sup> N, Nwaorah, "Are Kidnappers Worst Criminals?" *Vanguard* (March 29, 2009), 14

custodian of government resources spend recklessly or loot, it could automatically encourage persons who are dissatisfied to vent their anger on them and their relatives.<sup>214</sup>

### **7. Statelessness and Normlessness of Nigeria State**

In Arewa's view,<sup>215</sup> since 1966, Nigeria crossed the threshold into a latent state statelessness, the state; its laws and legal institutions lack majesty, authority and legitimacy. The politic is anarchical and characterized by a pervasive state normlessness. The citizenry have not internalized the laws of the state and lack the psychological acceptance of the authority of the state. They are alienated from the state.<sup>216</sup> Because of this, the state has progressively lost its moral authority to socialize the citizenry away from criminality; hence there is an upsurge in the incident of the crime of kidnapping and abduction. Again, the succession of absolutist military regimes has left a festering laceration on the national psyche, which the few short-lived civil interregnums have not healed. Nigeria has thus far existed at the precipice for no state can survive where there is pervasive statelessness and normlessness.<sup>217</sup>

### **8. Loss of the Patriarchal Authority by Nigerian State**

Again, Arewa<sup>218</sup> stated that Nigeria has lost the patriarchal moral authority which is necessary in the socialization process, the same way, a father who ought to constitute the

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<sup>214</sup> Ibid

<sup>215</sup> Arewa, *Core National Values* supra

<sup>216</sup> Hino, *Nigeria*, supra

<sup>217</sup> Ibid

<sup>218</sup> Arewa, *Core National Values* supra

central and dominant figure in a family unit loses authority as a result of his failure to discharge his obligations as the central and dominant figure to provide for the needs of members of his household. Patriarchal authority emanates from consistency in the discharge of those obligations. Where the obligations are habitually discharged in the breach, the patriarch loses its grip and progressively becomes unable to rein in the behaviour of the citizenry. This outcome is inevitable because of the nature of the socialization process.<sup>219</sup> According to Arewa, socialization is effected by setting rules of human conduct by forbidding certain conduct and encouraging certain conduct through operant reinforcement; preferred conducts are rewarded while deviation from them is punished, thus through a reward/punishment system deviant behaviour is discouraged and ultimately eliminated.<sup>220</sup> However, because rules tend to be imperative they must flow from authority which is derived from the capacity of the patriarch to fulfil those obligations it owes to the people; such as the provision of social services and the general enhancement of their well-being.<sup>221</sup> Because the state of Nigeria lacks the patriarchal state capacity, she loses the moral authority to socialize people away from criminality and deviance through laws and punishment, that is, law enforcement. This lack of state capacity stultifies the entire socialization process as people resort to criminal opportunistic behaviour, like kidnapping, to achieve the economic goal of basic survival and culturally prescribed goal; attainment.<sup>222</sup>

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<sup>219</sup> Hino, *Nigeria*, supra

<sup>220</sup> Arewa, *Core National Values* supra

<sup>221</sup> Chidi, Rose and Uche, "Stemming the Incidence of Kidnapping" supra, 33

<sup>222</sup> Arewa, *Core National Values* supra

## 9. The Use of Hard Drug

The upsurge of kidnapping is linked to high consumption and trafficking of hard drugs.<sup>223</sup> The use of hard drugs no doubt leads to violent crimes such as kidnapping and armed robbery within the country. Numerous drug sale joints are springing up every day where criminal activities are planned, perfected and executed. Some streets in the state have been turned into no-go areas for law abiding residents as unscrupulous miscreants have turned them into ghettos and hideouts for their hard drugs operation. Okoli<sup>224</sup> cited streets like York and Park Streets in Aba in Abia State, and Inyang and Abraham<sup>225</sup> made same observation about Uyo Metropolis, Akwa-Ibom State, along Etuk and Nkembe streets. These are but few examples. After taking the drugs, the takers became high, fearless, bold and inhuman and they can perpetrate kidnapping under this state of mind without qualms of conscience.<sup>226</sup>

Chukuigwe and Albert,<sup>227</sup> while examining the socio-economic effect of kidnapping on the development of Ogba/Egbema/Ndoni Local Government Area of Rivers State, used a

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<sup>223</sup> A. Okoli, "Help us Flush Kidnappers Abia Governor begs Army: Situation beyond Policy Capacity" *Vanguard Newspaper* (June 10, 2009), 1

<sup>224</sup> Ibid

<sup>225</sup> Inyang and Abraham, "The Social Problem of Kidnapping" supra

<sup>226</sup> Chidi, Rose and Uche, "Stemming the Incidence of Kidnapping" supra, 34; for other related causes see Ordu, "Kidnapping, Security Challenges and Obstacles" supra, 2-5; Abdulkabir, "Causes and Incisive Solutions" supra, 3-5

<sup>227</sup> See N. Chukuigwe and C. O. Albert, "Socioeconomic Effects of Kidnapping on the Development of Ogba/Egbema/Ndoni Local Government Area of Rivers State, Nigeria" *Nigerian Journal of Rural Sociology* 16(2), (2015): 51-57

structured questionnaire of 150 respondents to determine the major causes of kidnapping; which they presented in a table, as shown below:<sup>228</sup>

**Table 2: Mean Distribution of the Respondents on the Causes of Kidnapping in ONELGA**

Causes	Egbema n = 30	Omoku n = 30	Usomini n = 30	Egi n=30	Igburu n = 30	Grand Mean	Remark
Agitation from oppression, exploitation and environmental degradation	2.52	2.67	2.58	2.61	2.56	2.59	Accept
Cultism (quest for supremacy)	3.38	3.66	3.34	3.53	3.22	3.43	Accept
Kidnapping as a lucrative venture	2.14	3.49	3.24	3.36	2.24	2.89	Accept
Kidnapping as a way of seeking concessions from government	2.08	2.26	1.98	2.34	1.82	2.10	Reject
Unemployment/idleness	2.34	3.44	2.58	3.11	3.22	2.94	Accept
Proliferation of arms	3.11	3.54	3.20	3.14	3.33	3.26	Accept
Abandonment of political thugs	3.14	3.66	3.56	3.45	3.28	3.42	Accept
Poor parenthood	2.43	2.86	2.56	2.64	2.52	2.60	Accept
Moral decadence/ quest to get rich quickly without work	3.26	3.77	3.57	3.29	3.46	3.47	Accept
Corruption	2.61	3.12	2.73	2.58	2.63	2.73	Accept
Poverty	2.52	3.16	2.81	2.75	2.58	2.76	Accept
Illiteracy	2.22	2.43	2.12	2.06	2.33	2.23	Reject
Ritual/cultural activities	1.53	2.45	1.83	1.73	2.13	1.93	Reject
Politics (political tools)	3.23	3.56	3.34	3.44	3.26	3.37	Accept
Greed	2.66	2.97	2.61	2.55	2.88	2.73	Accept
Youths restiveness	2.84	3.22	3.03	3.43	2.78	3.06	Accept
Land/chieftaincy Disputes	1.47	2.10	2.04	2.22	1.72	1.91	Reject
Influence of hard drugs	2.89	3.42	2.78	3.22	3.26	3.11	Accept
Peer group influence	3.54	3.18	3.26	3.11	3.19	3.19	Accept
Insecurity	3.23	3.57	3.33	3.43	3.27	3.37	Accept
Paucity of company largesse	2.57	3.05	3.02	2.98	2.76	2.88	Accept
Absence of youth organisations	2.10	3.87	3.67	2.38	2.62	2.93	Accept
<b>Critical Mean = 2.50</b>							

### 3.4. Some Incidences of Kidnapping in Nigeria

<sup>228</sup> Ibid, 54

In Nigeria, there has been a vast variety of kidnap incidences in Nigeria, both reported and unreported, that it would be practical onerous, if not impossible, to outline each and every kidnap incidences in Nigeria. Hence, we shall briefly pinpoint some of those incidences noted in the literatures on kidnapping; albeit in tables, as shown below:<sup>229</sup>

Date	Incident
Jan. 10, 2010	Three Britons and a Colombian working for Netco were kidnapped when their convoy was attacked near Port Harcourt.
Nov.17, 2011	Two Americans and one Mexican sailor were kidnapped by militants. All three were later released on December 3, 2011 for ransom.
Sept. 30, 2011	Professor Hope Eghagha, the commissioner for Education in Delta state was kidnapped at Owo Ekei in Ika North East LGA of the state. He was later released when an undisclosed ransom was paid.
Jul. 15, 2012	Emmanuel Sorukwu, son of the secretary to the Delta state government was kidnapped at Warri, Delta state and released later when an undisclosed amount was paid.
Aug. 16, 2012	Samuel Uduaghan, a cousin of the then Delta state governor was kidnapped. 50 million naira ransom was demanded.
-	His Royal Highness, the Traditional Ruler Of Okordia in Ikanama Community in Yenagoa Local Government was kidnapped in his palace. Although, 30 million naira was demanded by his abductors, he was rescued by the JTF.
Aug. 11, 2012	Professor Sunny Odoemena of the Department of Biochemistry, University of Uyo was kidnapped. 50 million naira was demanded but 12 million naira later paid.
Oct. 29, 2012	His Royal Highness Eze Okwu Osisan, the traditional ruler of Igbaru Community in Ogba/Egbema/Ndoni LGA of Rivers state was kidnapped. 10 million naira was demanded but 500,000 niara paid.
Dec. 17, 2012	Five Indian sailors were kidnapped by MEND militants. All five men were later released on January 27, 2013 for ransom.
Dec. 20, 2012	4 South Korean oil workers were kidnapped by MEND gunmen from an oil plant in the Niger Delta. All 4 men were later released on December 23 with ransom paid.
February, 2014	President Jonathan's uncle Chief Inengite Nitabai was kidnapped. He was later released with millions of ransom paid.
April 3, 2014	The son of Pa E.K. Clarke was kidnapped. It took the intervention of Tom Polo for him to be released.
Nov. 28, 2014	Two Pakistani and one Indian construction workers were kidnapped at the Emakalakala town, Bayelsa state.
May 20, 2015	President Jonathan's cousin Mrs. Patience Egbeni, 35, and one Kate Eni were kidnapped by men dressed in military camouflage in Ogbia Local Government Area, Bayelsa State.

<sup>229</sup> See Owonikoko B. Saheed, "Kidnapping in Pre- and Post-Amnesty Niger Delta, Nigeria" *International Journal of Peace and Conflict Studies (IJPCS)* 3(2), (2016): 71; Odoma and Akor, "Kidnapping" supra, 33; and NkemdilimOgbuehi, "Kidnapping in Nigeria" supra, 4-5 respectively

Table A<sup>230</sup>

S/No.	Name	Year Kidnapped	Place Kidnapped	Ransom Demanded/Paid	Released/ Killed
.1	Mr. Ohunyom Ernest	Nov, 2011	Lagos	N85 Million	Released
.2	Mr. Ojukwu Cosmas	21/1/2012	FESTAC Town, Lagos	\$1Million	Released
.3	Mr. Mbarikatta Williams Uboma	16/6/2012	FESTAC Town, Lagos	N20 Million	Released
.4	Mohammed Jamal (Lebanese)	19/8/2012	Ajah, Lagos	N17 Million	Released
.5	Mr Leo Abraham	20/8/2012	Badagry, Lagos	N15Million	Released
.6	Mr. Paul Cole	23/8/2012	FESTAC Town, Lagos	N20 Million	Released
.7	Mr. Kingsley Nwokenta	19/9/2012	FESTAC Town, Lagos	N15 Million	Released
.8	Mr. Anthony Ozoanidobi	10/10/2012	Satellite Town, Lagos	N15 Million	Released
.9	Mr. Tom	2012	Benin	N100 Million	Released
10.	Owner of Kings Paint	2012	Benin	N40 Million	Released
11.	Mr. Randaki	2012	Benin	N30 Million	Released
12.	Mr. Dan Odiete	2013	Benin	N100 Million	Released
13.	Owner of Uyi Technical	2013	Benin	N100 million	Released
14.	Elias Ukachukwu	Nov, 2015	Lagos	\$1 Million	Released
15.	Chief Raymond Okoye Oduna-Ichinda	2015	Lagos	\$1 Million	Released
16.	Mr.Uche Okafor	2015	Alaba Int'l Market, Lagos	\$1 Million	Released
17.	Mr. James Udoji	2016	FESTAC Town, Lagos	\$1 Million	Released
18.	Mr. Francis Umeh	July, 2016	Rasaki Estate, Lagos	\$1 Million	Released
19.	Col. Samaila Inusa	27/3/ 2016	Kaduna	Unknown	Killed
20.	Rev. Fr. John Adeyi	24/4/ 2016	Benue	Unknown	Killed
21.	Margaret Emefiele	29/9/2016	Delta	N1.5 Billion	Released
22.	Mr & Mrs Pius Mallam	3/10/2016	Kaduna	Unknown	Released
23.	Amb. Bagudu Hirse	20/11/ 2016	Kaduna	Unknown	Released
24.	Isa Achuja (HRM)	1/1/2017	Kogi	N20 Million	Released
25.	Mr. Donatus Duru	14/2/2017	Lagos	N150 Million	Released
26.	2 German Archaeologists	22/2/ 2017	Kaduna	Unknown	Released
27.	Oba Joel Daodu	17/4/2017	Ondo	N15 Million	Released

<sup>230</sup> Saheed, "Kidnapping in Pre- and Post-Amnesty" supra, 71

**Table B<sup>231</sup>**

S/No	Personality	When	Where	Perpetrators	Ransom N& \$
1	John Mikel Obi's Father	2015 and 2018	Undisclosed	Unknown Gunmen	Undisclosed
2	Toyin Owosowon, the Reagent of Akungba-Akoko in Ondo State	June 2015	Ondo State		Undisclosed
3	Professor James Adichie (The father of Chimamanda Adichie)	May 2015	Undisclosed	Unknown Gunmen	N50m demanded, an undisclosed sum paid
4	Olu Falae, Former Finance Minister	September 2015	Ondo State	Fulani Herdsmen	N100m demanded, an undisclosed sum paid
5	Madam Beauty Siasia (The mother of Samson Siasia – ex-Super Eagles Coach)	November 2015	Odoni Village Bayelsa	Unknown Gunmen	Not Disclosed
6	Ex-Senator Patrick Ani	2015	In his Calabar farm	Unknown Gunmen	Not Disclosed
7	Sheik Adam Idoko (UNN's Chief Imam)	2015	Enugu Ezike	Unknown Gunmen	N20m demanded, N2m paid
8	Rev. Father John Adeyi	2016	Otukpo Benue State	Unknown Gunmen	Murdered after a ransom of N2m was paid
9	Lagos Monarch Oba Oniba of Ibaland	2016	Lagos state	Suspected Niger Delta Militants	Undisclosed
10	Colonel Samaila Inusa	March 2016	Eastern Bypass Kaduna	Unknown Gunmen	Murdered, no ransom was paid
11	Ngozi Okonjo Iweala's mother	2016	Her husband's palace in Delta	Unknown Gunmen	Undisclosed
12	Mrs. Margret Emiefele (The wife of Nigeria CBN Governor)	2016	Benin – Agbor Road	Unknown Gunmen	Undisclosed
13	Mr. Pius and Mrs. Laurentia Mallam (Mrs. Mallam was an ex-minister of Environment)	2016	The Bwari-Jere axis of Abuja/Kaduna road	Unknown Gunmen	Undisclosed
14	Two wives of Nasarawa state commissioner	2016	Lafia	Unknown Gunmen	Undisclosed
15	Mr. Bagudu Hirse (Former Foreign Affairs Minister)	2016	Kaduna state	Unknown Gunmen	Undisclosed
16	Three Osun State Government Officials	2016	Kogi state	Unknown Gunmen	Undisclosed
17	Senator Iyabo Anisulowo	2016	Ogun State	Unknown Gunmen	Undisclosed
19	Four residents of Lekki Gardens in Isheri	2016	Lagos	Unknown Gunmen	N2bn demanded, an undisclosed sum paid
20	Sierra Leone's Deputy High Commissioner to Nigeria	-	Abuja	Unknown Gunmen	\$40m ransom demanded but an undisclosed sum was paid for his release.

<sup>231</sup> Odoma and Akor, “Kidnapping” supra, 33

**Table C<sup>232</sup>**

### **3.5. Effect of Kidnapping on Nigeria Nation**

Kidnapping as a bane in the Nigerian society is heavily laden with numerous consequences and negative effects; which plagues Nigeria as a nation. Truly, kidnapping spreads the fear that hinders direct economic investment thus resulting in declining economic productivity, spiraling unemployment and a serious threat to the government's foreign direct investment drive.<sup>233</sup>The exit of companies from kidnap prone areas further results in loss of huge revenues that would otherwise have been used to provide critical infrastructure and enhance the development of the country's social capital. The consequences of kidnapping in Nigeria have been succinctly summarized as follows:<sup>234</sup>

1. It leads to loss of life, a threat to public safety;
2. It sabotages economic growth and development by way of capital and investment flight;
3. It results in a negative perception of Nigeria on the international scene with its negative consequences on trade, tourism, and Foreign Direct Investment (FDI);
4. It creates an atmosphere of public insecurity, thereby endangering the prospects of societal progress; and

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<sup>232</sup> Nkemdilim Ogbuehi, "Kidnapping in Nigeria" supra, 4-5; As at April 30<sup>th</sup>, 2019, the Inspector General of Police (IGP) observed that at least 685 persons were kidnapped across the country; 79.8% of the national total of kidnappings were recorded in the three northern geopolitical zones, Zamfara State had the highest national kidnap rate with 281 victims – see Samson Toromade, "IGP says 1,071 people killed, 685 kidnapped in Nigeria in 2019" *Pulse.ng* (May 1<sup>st</sup>, 2019) <https://www.pulse.ng/news/local/igp-says-1071-people-killed-685-kidnapped-in-nigeria-in-2019/681pntp> accessed on 2<sup>nd</sup> January, 2020

<sup>233</sup> Ngwama, "Kidnapping in Nigeria" supra

<sup>234</sup> Okoli and Agada, "Kidnapping and National Security in Nigeria" supra

5. It has often led to the loss of investment capital, closure of businesses and unemployment, etc.<sup>235</sup>

### **3.6 Conclusion**

Living in denial that kidnapping does not constitute a part of everyday living in Nigeria will be tantamount to being irrational and perhaps lifeless. Truly, the industry of Kidnapping has grown in geometric progression over the last two decades with its end far in sight at the moment considering the factors responsible for the escalation. Hence, in this part of our study, we established a theoretical framework for understanding kidnapping in Nigeria, deploying some of the sociological theories, the economic theory and other fragmented theories, to further consider the causes, incidences and effects of kidnapping in Nigeria. On the basis of this, it is necessarily apt that any pathway developed to tackle kidnapping in Nigeria must take into consideration the issues discussed in this part of this study.

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<sup>235</sup> Ibid; Odoma and Akor, “Kidnapping” supra, 35; for other effects see Chidi, Rose and Uche, “Stemming the Incidence of Kidnapping” supra, 38-40

## CHAPTER FOUR

### ASSESSING THE LEGAL FRAMEWORK TO CURB KIDNAPPING IN NIGERIA

#### 4.0. Introduction

Kidnapping has gained ascendancy in Nigeria over the last decade. Indeed, before a couple of years ago, kidnapping was not a prominent offence in Nigeria. It was then largely a dead letter law in the country's statute books. It was hardly up for trial in the courts, let alone being the subject of daily media reports. That has all changed now. Hardly any day passes without one kidnapping incident or the other being reported in the news: print and electronic media. Arguably, the only offence that is having as much media mention as kidnapping in Nigeria currently is corruption.<sup>236</sup> Despite the government's effort to nip this societal menace in the bud, it has graduated and developed more terrifying modus operandi. One thing is certain, kidnapping has become a terrorist act in the country, spanning from the Niger Delta militants in Southern Nigeria to that of the Boko Haram insurgents in the Northern part of the country. The Chibok and Dapchi girls' incident which brought the Nigerian State to the global arena cannot be easily forgotten. A malady previously unknown to the people has rapidly become domesticated. Despite the fact that the primary role of government is the provision of security for its own people, it would appear that this role has been largely ignored.<sup>237</sup> The Nigerian state

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<sup>236</sup> Nat Ofo, "The Effectiveness of Capital Punishment as a Deterrence to Kidnapping in Nigeria" (2011): 1 <http://papers.ssrn.com> accessed on 3<sup>rd</sup> January, 2020

<sup>237</sup> I. Davidson, "Nigeria: Stunting Economic Growth and Development in South East" *This Day Newspaper* (13<sup>th</sup> June, 2010) cited in D. Chidimma Umego, "Offence of Kidnapping: A Counter to National Security and Development" <https://ssrn.com/abstract=3337745> accessed on 3<sup>rd</sup> January, 2020

no longer provides security for the Nigerian people. Nigerians have compulsorily become religious as whole families barricade themselves at night in prison high walls and pray for God's protection. But kidnapping as a variant of armed robbery is infinitely more disturbing as it often occurs in the open among persons going about their normal business.<sup>238</sup>

Hence, the law acting as an instrument of social control and as the last hope of the common man, has been enacted, amended, and deployed at various points and at different echelon, all in an effort to address this anomaly. However, the geometric growth in the occurrence of kidnappings in Nigeria, despite these efforts, cast logical doubts on the aptness and effectiveness of the legal frameworks aimed at curbing kidnapping in Nigeria; this forms the basis for this part of the study, as this chapter reviews the legal frameworks created overtime to curtail kidnapping in Nigeria.

#### **4.1. Anti-Kidnapping Laws in Nigeria**

According to section 364 of the Criminal Code:<sup>239</sup>

Any person who -

(1) unlawfully imprisons any person, and takes him out of Nigeria, without his consent; or

(2) unlawfully imprisons any person within Nigeria in such a manner as to prevent him from applying to a court for his release or from discovering to any other person the place where he is imprisoned, or in such a manner as to prevent any person entitled to have access to him from discovering

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<sup>238</sup> Ibid

<sup>239</sup> Applicable in the southern part of Nigeria; this is a Schedule to the Criminal Code Act, Cap. C38, Laws of the Federation of Nigeria 2004 – it is important to note that the marginal note of this particular provision reads “kidnapping”

the place where he is imprisoned; is guilty of a felony, and is **liable to imprisonment for ten years.**

Furthermore, section 365 thereof provides: “Any person who unlawfully confines or detains another in any place against his will, or otherwise unlawfully deprives another of his personal liberty, is guilty of a misdemeanour, and is **liable to imprisonment for two years.**”

Also, there are provisions in the Penal Code<sup>240</sup> on kidnapping. For example, the Penal Code applicable in the Federal Capital Territory, Abuja, provides a definition and punishment for the offence of kidnapping as follows:

Whoever takes or entices a person, under fourteen years of age if a male or under sixteen years of age if a female, or any person of unsound mind out of the keeping of the lawful guardian of such person without the consent of such guardian or conveys that person beyond the limit of the Federal Capital Territory, Abuja, without the consent of someone legally authorised to consent to such removal is said to kidnap such person.<sup>241</sup> Whoever kidnaps or abducts a person shall be punished with imprisonment for a term which **may extend to ten years and shall also be liable to fine.**<sup>242</sup>

From the above provisions of both the Criminal Code and the Penal Code, it is clear that for the offence of kidnapping to be complete the following elements must be established. In the first place, there must be the enticement or taking away of the victim. Secondly, the taking away of the victim must be without the consent of the victim, his parents or lawful guardian. Thirdly, the victim must be confined and be denied access to his parents

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<sup>240</sup> Applicable in the northern part of Nigeria

<sup>241</sup> Section 271

<sup>242</sup> Section 273

or lawful guardian. In other words, the place of confinement must be a secret place in relation to the victim's relatives. It is noteworthy that the demand for the payment of ransom is not necessary for the offence of kidnapping. Where a ransom is demanded, it amounts to further proof of the fact of unlawful confinement. The absence of a demand for ransom does not detract from the commission of the offence of kidnapping. A curious question in relation to kidnapping is whether it is synonymous with abduction. Abduction has been defined thus:<sup>243</sup>

The offence of taking an unmarried girl under the age of 16 from the possession of her parents or guardians against their will - It is no defence that the girl looked and acted as if she was over 16 or that she was a willing party. No sexual motive has to be proved. It is also an offence to abduct an unmarried girl under the age of 18 or a mentally defective woman (married or unmarried) for the purpose of unlawful sexual intercourse. In this case a defendant can plead that he had reasonable grounds for believing that the girl was over 18, or that he did not know the woman was mentally defective, respectively. It is also an offence to abduct any woman with the intention that she should marry or have unlawful sexual intercourse with someone, if it is done by force or for the sake of her property.

Similarly, it has been further defined as the taking away or detaining unlawfully a female, intending to force her into marriage, concubinage, or prostitution.<sup>244</sup> The Criminal Code and Penal Code are not without provisions relating to abduction. Accordingly, section 361 of the Criminal Code provides that "(a)ny person who, with intent to marry or carnally know a female of any age, or to cause her to be married, or carnally known by any other person, takes her away, or detains her, against her will, is guilty of a felony, and

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<sup>243</sup> Elizabeth A. Martin, *A Dictionary of Law* 5th edition (Oxford: Oxford University Press, 2003), 1

<sup>244</sup> Amy H. Blackwell, *The Essential Law Dictionary* (Illinois: Sphinx Publishing, 2008), 6

is liable to imprisonment for seven years.”<sup>245</sup> Further, section 362 provides that “(a)ny person who unlawfully takes an unmarried girl under the age of sixteen years out of the custody or protection of her father or mother or other person having the lawful care or charge of her, and against the will of such father or mother or other person, is guilty of a misdemeanour, and is liable to imprisonment for two years. Ignorance of (the) age of (the) girl, or consent (is) no defence.”<sup>246</sup> Likewise, section 363<sup>247</sup> avers that “(i)n the case of proceedings in respect of an offence under the preceding section - (a) it is immaterial that the offender believed the girl to be of or above the age of sixteen years; (b) it is immaterial that the girl was taken with her own consent or at her own suggestion.”<sup>248</sup>

According to section 272 of the Penal Code “whoever by force compels or by a deceitful means induces a person to go from a place, is said to abduct that person.” A clear difference between the provisions of the Criminal Code and Penal Code in respect of the definition of abduction is that the Criminal Code defines it in relation to sexual intercourse, which is absent in the Penal Code definition. The definition in the Criminal Code is consistent with the practice in the United Kingdom as can be gleaned from the definition of the term in the Oxford Dictionary of Law.<sup>249</sup> It can, therefore, be concluded that in spite of the fact that the offences of kidnapping and abduction are usually

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<sup>245</sup> It is important to note that the marginal note of this particular provision reads “Abduction”

<sup>246</sup> The marginal note of this particular provision reads “Abduction of girls under sixteen”

<sup>247</sup> The marginal note of this particular provision reads “Ignorance of age of girl, or consent, no defence”

<sup>248</sup> See also section 225 of the Criminal Code dealing with the abduction of a girl under eighteen years with intent to have carnal knowledge of her

<sup>249</sup> Martin, *A Dictionary of Law*, supra, 2

mentioned side by side in most statutes, they are not synonymous. They may have similar elements, but they do not have the same elements in totality. This is so in spite of the common usage of treating the two terms or offences as synonymous.

Beyond the aforementioned statutes, other statutes have provisions relating to kidnapping. These statutes include the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003 which provides that a person, who kidnaps, abducts or by deceitful means lures any person in order that such person may be killed for any purpose, commits an offence and is liable on conviction to imprisonment for life.<sup>250</sup> Also, section 29<sup>251</sup> of the Act provides that any commercial carrier who knowingly carries any person in contravention of the Act, in addition to any other penalty provided in any other Act or enactment, commits an offence and is liable on conviction to imprisonment for two years or a fine of N2 million instead thereof.<sup>252</sup> Another statute worthy of mention in discussing the offence of kidnapping is the Nigerian Security and Civil Defence Corps (Amendment) Act (No. 6) 2007 which amends the Nigerian Security and Civil Defence Corps Act 2003.

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<sup>250</sup> See section 20 of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003; it should, however, be observed that kidnapping under this provision is limited in scope to kidnapping of a person “in order that such person may be killed for any purpose”; hence, for example, it does not cover instances of kidnap for ransom; section 27(1) thereof provides that where a person is charged with any of the offences under the Act and the evidence establishes an attempt to commit that offence, he may be convicted of having attempted to commit that offence and shall be liable on conviction to 12 months imprisonment or a fine of N50,000 or both; furthermore, section 28(2) thereof provides that where a body corporate is convicted of an offence under the Act, it shall be liable to a fine of N2 million and the court may issue an order to wind up the body corporate and its assets and properties forfeited to the Victims of Trafficking Trust Fund

<sup>251</sup> As amended by section 11 of the Trafficking in Persons (Prohibition) Law Enforcement and Administration (Amendment) Act, (No. 14) 2005

<sup>252</sup> It should be noted, however, that the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003, as amended has been repealed and replaced by the Trafficking in Persons (Prohibition), Enforcement and Administration Act, 2015, which has no equivalent provision

Section 4 thereof inserts a definition for the phrase “act of terrorism” into the original Act. It defines the term to mean an act which involves the kidnapping of a person.

Likewise, the Terrorism Act 2011 prescribes 10years imprisonment for hostage taking.<sup>253</sup> In order to provide for a more stringent and appropriate punishment for kidnapping, it has been stated that the National Assembly, in September 2017 passed into Law the Kidnapping Abduction Act, which provided for a 30year term of imprisonment for anyone caught colluding with an abductor to receive ransom for any person wrongfully confined. A death sentence was equally provided by the Act for any one whose kidnapping activities led to the death of any person.<sup>254</sup> Conversely, it has been observed that Nigeria does not have a national law on kidnapping, and that it is hoped that the 9<sup>th</sup> National Assembly (House of Representative and the Senate) will make the enactment of the Act a priority upon assumption to office.<sup>255</sup> Once this becomes a reality, States that are yet to enact their laws against kidnapping will rely on the Act of National Assembly in tackling the many challenges of kidnapping.<sup>256</sup> Hence, late last year, the Senate commenced the consideration of a motion for a bill on anti-kidnapping law aimed at tackling the menace of kidnapping and other criminal acts across the country.<sup>257</sup>

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<sup>253</sup> Umego, “Offence of Kidnapping” supra, 5

<sup>254</sup> Ibid; see also Kemi Busari, “Senate Approves Death Sentence for Kidnappers” *Premium Times* (September 29, 2017) <https://www.premiumtimesng.com/news/top-news/244560-senate-approves-death-sentence-kidnappers.html> accessed on 6<sup>th</sup> January, 2020

<sup>255</sup> Victoria Nkemdilim Ogbuehi, “Kidnapping in Nigeria: The Way Forward” *Journal of Criminology and Forensic Studies* 1(3), (2018): 7

<sup>256</sup> Ibid

<sup>257</sup> See Admin, “Senate to Pass Anti-Kidnapping Bill into Law” *ReportersAtLarge* (October 2, 2019) <https://reportersatlarge.com/2019/10/02/senate-to-pass-anti-kidnapping-bill-into-law/> accessed on

## 4.2. Incidences and Anti-Kidnapping Laws in Some Selected States

Kidnapping is not contained in the exclusive list of the Nigerian Constitution,<sup>258</sup> therefore, States Houses of Assembly have the powers to enact such laws. Similarly, in pursuant to section 17(3) (c) CFRN, 1999 as amended, which empowers the State government to direct its policy towards ensuring the health, safety and welfare of the people, several States has enacted and re-enacted anti-kidnapping laws within its territory. These anti-kidnapping laws in some states would briefly be considered.

### 4.2.1. Edo State

Edo State, Nigeria is very notorious for kidnapping. Acts of kidnapping have reportedly been carried out on all classes of people and for all manner of motives and purposes at different times. Kidnapping for ransom as well as for rituals is highly prevalent in the State. While a number of cases go unreported, the ones reported are most times not prosecuted to the end of justice, neither are offenders brought to book. In August 2013, the human rights lawyer and Senior Advocate of Nigeria, Mike Ozekhome was kidnapped on the Benin-Auchi road in Edo State.<sup>259</sup> He was held by his kidnapers for twenty days; four of the policemen who responded to his distress call were killed in a gun duel with the kidnapers. In September 2013, Justice Daniel Iyobosa Okungbowa, a

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6<sup>th</sup> January, 2020; Deji Elumoye, “N’ Assembly to Pass Anti-Kidnapping Bill” *This Day* (October 2, 2019) <https://www.thisdaylive.com/index.php/2019/10/02/nassembly-to-pass-anti-kidnapping-bill/> accessed on 6<sup>th</sup> January, 2020

<sup>258</sup> See Constitution of the Federal Republic of Nigeria (CFRN), 1999, as amended, Part I, Second Schedule

<sup>259</sup> See Admin, “Human Rights Activist, Mike Ozekhome, Kidnapped” *ICIR* (August 24, 2013) [www.icirnigeria.org/human-rights-activist-mike-ozekhome-kidnapped/](http://www.icirnigeria.org/human-rights-activist-mike-ozekhome-kidnapped/) accessed on 6<sup>th</sup> January, 2020

judge of the High Court in Benin was kidnapped in Ekpoma, Edo State and a ransom of N200 million was demanded.<sup>260</sup> In March 2015, the Department of State Security nabbed and paraded six suspected kidnapers who were allegedly involved in a series of kidnappings including that of a former Local Government Chairman in the State, Anselm Adima.<sup>261</sup> In April 2018, the Edo State police command paraded a notorious kidnapper, Muritala Umaru, who confessed to having made over a hundred million naira from kidnapping.<sup>262</sup> According to him, he operated with a network of kidnapers, who kidnapped marked victims across the State on a superior's instruction; victims could end up being killed by the 'chief' if they refused to cooperate. In August 2018, the police in Edo State arrested 23 year old Adamu Aminu man over alleged attempt to kidnap his father's employer, Professor Emeritus Joshua Ubuigboje, for pecuniary gains.<sup>263</sup> More recent is the kidnap of a Federal High Court (Akure) Judge, Justice Abdul Dogo,<sup>264</sup> and a Court of Appeal (Benin) judge, Justice Nwosu-Iheme,<sup>265</sup> almost simultaneously; both

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<sup>260</sup> Jefferson Ibiwale, "Kidnappers Demand N200 Million Ransom for Abducted Judge" *ICIR* (October 2, 2013) <http://www.icirnigeria.org/kidnappers-demand-n200-million-ransom-for-abducted-judge/> accessed on 6<sup>th</sup> January, 2020

<sup>261</sup> Admin, "SSS Nabs 6 Suspected Kidnappers in Edo" *Premium Times* (March 18, 2015) [www.premiumtimesng.com/regional/south-south-regional/178708-sss-nabs-6-suspected-kidnappers-inedo.html](http://www.premiumtimesng.com/regional/south-south-regional/178708-sss-nabs-6-suspected-kidnappers-inedo.html) accessed on 6<sup>th</sup> January, 2020

<sup>262</sup> Simon Ebegbulem, "I've Made over N100m from Kidnapping, says Herdsman in Edo" *Vanguard* (April 11, 2018) [www.vanguardngr.com/2018/04/Ive-made-over-n100m-from-kidnapping-says-herdsman-in-edo/](http://www.vanguardngr.com/2018/04/Ive-made-over-n100m-from-kidnapping-says-herdsman-in-edo/) accessed on 6<sup>th</sup> January, 2020

<sup>263</sup> A. Usman, "I Planned the Kidnap of my Father's Boss - Suspect" *Daily Trust* (August 30, 2018) [www.dailytrust.com.ng/i-planned-the-kidnap-of-my-father-s-boss-suspect-268241.html](http://www.dailytrust.com.ng/i-planned-the-kidnap-of-my-father-s-boss-suspect-268241.html) accessed on 6<sup>th</sup> January, 2020

<sup>264</sup> See Peter Dada, "Gunmen Kidnap Ondo Judge in Edo, Demand N50m" *Punch* (October 24, 2019) <https://punchng.com/gunmen-kidnap-ondo-judge-in-edo-demand-n50m/> accessed on 6<sup>th</sup> January, 2020

<sup>265</sup> See Sola Shittu, "Gunmen Kidnap Appeal Court Judge, Kill Police Orderly in Edo" *Punch* (October 30, 2019) <https://punchng.com/breaking-gunmen-kidnap-appeal-court-judge-kill-police->

were kidnapped in Edo State. The list is endless of singular acts of organized kidnapping in the State as well as series of kidnappings carried out by a particular crime network or group. Despite this, there exists an amended State law on kidnapping which has tightened the reins on punishment of the crime of kidnapping.

The Edo State Kidnapping Prohibition Amendment Law 2013 defines kidnapping as:

...the unlawful removal or exportation of a person from any place where he or she is to another place from the vicinity where he or she is found, or the unlawful confinement of a person in any place without his or her consent with any of the following intention or purposes: (i) To hold for ransom or reward; or (ii) As a shield or hostage; or (iii) To facilitate the commission of a felony; or (iv) To inflict bodily injury on or terrorize the victim or another; to give ransom or anything of value; or (v) To interfere with the person's business or the business of another; or (vi) To restrain or keep back; or (vii) To falsely imprison for payment of ransom or doing an act by another.<sup>266</sup>

While not part of the amended provisions, this definition can be seen to be well detailed and all inclusive. There is hardly an instance premeditated not covered by this definition. The Edo State Kidnapping Prohibition (Amendment) Law amends section 3 of the law to impose an outright death sentence on kidnapers for the offence of kidnapping. This demonstrates the complete intolerance of the law for the crime. This is a departure from the previous Edo State Kidnapping Prohibition Law, 2011 which impose the death sentence only where the victim dies in the process, but if found alive, imposes the

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orderly/ accessed on 6<sup>th</sup> January, 2020; Oluchi, "Gunmen Kidnap Another Judge in Edo" *Channels* (October 30, 2019) <https://www.channelstv.com/2019/10/30/gunmen-kidnap-another-judge-in-edo/amp/> accessed on 6<sup>th</sup> January, 2020

<sup>266</sup> Edo State Kidnapping Prohibition (Amendment) Law, 2013, section 15(a)

punishment of life imprisonment.<sup>267</sup> The amended provision means that while some other State laws have only provided for the death sentence where the victim dies in the hands of the captors,<sup>268</sup> Edo State now toes the line of States such as Bayelsa State<sup>269</sup> in providing for the capital punishment for the offence of kidnapping. Similarly, section 4<sup>270</sup> now punishes attempted kidnap with life imprisonment without an option of fine as opposed to 20 years imprisonment without option of a fine earlier provided for.<sup>271</sup> This likewise demonstrates a zero tolerance even for merely attempting the offence. It has been opined that although an attempt is inchoate, a harsher punishment would perhaps discourage and destroy any intention to commit the crime, before it sees the light of day. It is more so important to punish the *mensrea* even were the *actusreus* is wanting hence, this provision.<sup>272</sup>

Again, section 5 of the Edo State Kidnapping Prohibition (Amendment) Law now punishes aiding and abetting with death sentence as opposed to the life imprisonment without an option of fine in the case of an individual; and forfeiture of all assets and properties to the State instead of a fine not than less ₦50, 000,000.00 in the case of a

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<sup>267</sup> See Edo State Kidnapping Prohibition Law, 2011, section 3(1) and (2)

<sup>268</sup> See Oyo State Kidnapping (Prohibition) Law, 2016; as was previously obtainable in Edo State, *ibid*

<sup>269</sup> Bayelsa State Kidnapping and Allied Offences Law, 2013

<sup>270</sup> Edo State Kidnapping Prohibition (Amendment) Law

<sup>271</sup> See Edo State Kidnapping Prohibition Law, 2011, section 4

<sup>272</sup> M. Oluwapelumi Mojolaoluwa, "Curbing the Menace of Kidnapping in Edo State: The Edo State Kidnapping Prohibition (Amendment) Law 2013 to the Rescue" (unpublished), 8

corporate body.<sup>273</sup> From this amended position, aiding and abetting the crime of kidnapping is equated with committing the crime vicariously, while the forfeiture of all assets and properties of a corporate body is analogous to a death pronouncement on such body. Section 7 punishes with death on conviction the offence of harbouring a kidnapped person as opposed to life imprisonment without an option of a fine.<sup>274</sup> Wilful harbouring connotes a deliberate condonation of the crime which demonstrates acquiescence with the intention and purpose of the kidnapper and as such is so punished. Likewise, section 8 now punishes giving instrument and aid for kidnapping with a death sentence instead of life imprisonment.<sup>275</sup> He who facilitates an offence is capable of committing same, other things being equal. On its part, section 9 now punishes with death sentence the offence of kidnapping to compel another to do or abstain from doing an act; instead of life imprisonment without option of a fine,<sup>276</sup> while section 10(1) punishes false representation to release a kidnapped or abducted person with 25years imprisonment instead of 7.<sup>277</sup> Section 12 now has a subsection (b) which gives the State the liberty to destroy and/or do any such thing as it desires appropriate against the properties of any person convicted in the offence of kidnapping. As such, conviction will not only result in death of the kidnapper but may as well result in forfeiture or destruction of the properties or whatever the State would. Although section 12 Edo State Kidnapping Prohibition Law,

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<sup>273</sup> See Edo State Kidnapping Prohibition Law, 2011, section 5

<sup>274</sup> See *ibid*, section 7

<sup>275</sup> *Ibid*, section 8

<sup>276</sup> *Ibid*, section 9

<sup>277</sup> *Ibid*, section 10

2011 already provided for forfeiture of the proceeds of kidnapping to the State, this amendment goes a step further to ensure the kidnapper loses out completely in the long run. Essentially, the Edo State anti-kidnapping law, with these amendments, is palpably all encompassing as it covers attempted kidnapping, aiding and abetting, arrangement for self-kidnapping, harbouring a kidnapped person, giving instrument and aid for kidnapping, kidnapping to compel another to do or abstain from doing an act, false representation to release a kidnapped or abducted person, procuring or counselling another to kidnap or abduct; arranging for self-kidnap, forfeiture of profits realized from kidnapping; and takes care of acts of kidnapping carried out by both private individuals and corporate bodies. It also stipulates that all forfeiture upon conviction is to the State and all trial of offences under the law is by summary trials at the High Court. Additionally, it can be seen that the amendment law is very much capital in disposition as regards punishment and unsparing as far as the crime of kidnapping and its accompanying crimes are concerned.<sup>278</sup> It is important to note that in this Act, kidnapping and abduction are used interchangeably.

#### **4.2.2. Ondo State**

With the spiralling spate of kidnapping activities in the country particularly in the Southern States of Nigeria, there have been calls by many States for a more severe penalty for the offence of kidnapping; which is believed may deter criminals. Hence, many States, including Ondo State, have enacted new state legislations with a more

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<sup>278</sup> Although this amendment is laudable, the reality on ground shows that the stringent posture it assumes has, however, been unable to deter kidnappers from continuing in their trade/craft of kidnapping their marked target

severe penalty - even the ultimate penalty, death sentence. Ondo State of Nigeria is a state battling with the scourge of Kidnapping and in the bid to deter perpetrators the Ondo state Anti-Kidnapping and Anti-Abduction Law, 2010 was enacted.<sup>279</sup>

The Ondo State Anti-Kidnapping and Anti-Abduction Law was enacted in 2010 as a reaction to the public outcry to the increased spate of kidnapping in Ondo State.<sup>280</sup> This is a crime specific law and it expands the definitional scope of kidnapping beyond what the traditional criminal law that existed in the country provided. It increased the punishment regimes for those found guilty of the offence including those that harbour kidnapers or procure the offence. The law recognises the act of aiding kidnapping by corporate bodies<sup>281</sup> and proffers pecuniary punishment for such corporate bodies found guilty.<sup>282</sup> Interestingly, this law seems to recognize the various causative purposes which fuel kidnapping and this varies from the pecuniary, religious, criminal, sadistic, economic and political. Thus section 2 of the law defines ‘kidnapping or abduction’ to include:

...the unlawful removal or exportation of a person from any place where he or she is, to another place from the vicinity where he or she is found, or the unlawful confinement of a person in any place without his or her consent with any of the following intention or purposes: i.

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<sup>279</sup> This is a short crime specific law enacted to punish the offence of kidnapping and abduction. It contains only 11 sections and was signed into law on 26<sup>th</sup> August 2010 by Dr Olusegun Mimiko, the Ondo State Governor

<sup>280</sup> The kidnapping of the mother of Olusola Oke, the then legal adviser for the PDP in 2011 marked one of the high points in the kidnapping experience of Ondo State; see Dayo Johnson, “PDP Legal Adviser’s Mum Kidnapped” *The Vanguard Newspaper* (June 14, 2011); similarly, the mother of Jimoh Ibrahim (the billionaire businessman), was also kidnapped in Igbotako, Ondo State sometimes around March 2011; see also *Vanguard Newspapers* (March 21, 2011)

<sup>281</sup> Section 5 (ii)

<sup>282</sup> This ranges between 20-50 million naira; see section 5(ii)(b); however for principal officers of the guilty corporate body, a prison term of 20 years as sentence, see section 5(ii)(a)

to hold for ransom or reward; or ii. a shield or hostage; or  
iii. to facilitate the commission of a felony; or iv. to inflict  
bodily injury on or terrorise the victim or another; or v. to  
interfere with the performance of any Governmental or  
political function; or vi. to interfere with the person's  
business or business of another.

This definition is akin to that of the Edo State Kidnapping Prohibition (Amendment) Law, 2013;<sup>283</sup> previously examined. Punishment for the person found guilty of the offence of kidnapping, contrary to section 3(i) of the Ondo State Anti-Kidnapping law, is death by hanging if the person kidnapped or abducted loses his or her life<sup>284</sup> and life imprisonment without an option of fine where the kidnapped or abducted does not lose his life.<sup>285</sup> While the attempt of kidnapping is rewarded with twenty years imprisonment without an option of fine, any person who aids or abets kidnapping or abduction shall be liable on conviction to life imprisonment without an option of fine. This position is essentially similar to the old Edo State Kidnapping Prohibition Law, 2011. Furthermore, where a corporate body aids the commission of kidnapping or abduction or with the connivance of or attributed to any neglect by principal member of the body, such a corporate body or its members shall upon conviction be liable to imprisonment for twenty years without option of fine, if in the case of individual who a principal members of the corporate body,

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<sup>283</sup> Section 15(a)

<sup>284</sup> Section 3(ii) (a); see Admin, "3 Sentenced to Death by Hanging for Kidnap, Murder of Infant" *Spotlightreports*(2014) <http://www.spotlightreports.com.ng/3-sentenced-death-hanging-kidnap-murder-infant/> accessed on 6<sup>th</sup> January, 2020

<sup>285</sup> Section 3(ii) (b)

and a fine of not less than twenty million naira but not more than fifty million naira, if a corporate body.<sup>286</sup>

The role of the victim in the commission of the offence of kidnapping or abduction is given prominence in section 6 of the Ondo State Anti-Kidnapping law and where such victim is convicted of arranging for his own kidnapping, he is liable upon conviction for fifteen years without option of fine.<sup>287</sup> To fast track the judicial process on cases of kidnapping, the law, in section 10, mandates the Chief Judge of the state to designate a High Court as special court for the purpose.<sup>288</sup>

#### **4.2.3. Lagos State**

In Lagos State, there have been several incidences of kidnapping and abduction. However, the kidnapping and abduction incidence of late 2016 and in 2017 led to a major review of the anti-kidnapping law in Lagos State. A chronology of major kidnapping highlights by unidentified armed gangs in Lagos State in 2016 includes; the 27 November 2016 attack on a farm in Igboodu community, Epe LGA with 7 people abducted including a security guard, two commuters, and four poultry farmers with 50 chickens and crates of eggs

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<sup>286</sup> See Adedoyin Akinsulore, “Kidnapping and Its Victims in Nigeria: A Criminological Assessment of the Ondo State Criminal Justice System” (unpublished), 11-12

<sup>287</sup> Section 6 provides that: “Any person who puts forward oneself whether overtly or covertly to another to be taken, kidnapped, abducted or seized for the purpose of extracting money, ransom or for any other benefit from ones employer or anybody whosoever commits an offence and shall be liable on conviction to imprisonment for a term of 15 years without an option of fine.” Victims who are also offenders have been object of criminological study for a while so as to understudy the underlying cause of this negative turnaround - see Marvin E. Wolfgang and Simon I. Singer, “Victim Categories of Crime” *Journal of Criminal Law and Criminology* 69, (1978): 379, 393

<sup>288</sup> This was duly done and Honourable Justice W. R. Olamide presided over the court in Akure as at 2015; see the recent arraignment of the kidnappers of Chief Olu Falae in the special Anti-kidnapping Court, Akure Ondo State <http://www.premiumtimesng.com/news/more-news/191543-falae-suspected-kidnappers-arraigned-plead-not-guilty.html> accessed on 6<sup>th</sup> January, 2020

carted away; the 15 November 2016 attack on a farm in Igboodu community, Epe LGA with 4 farmers abducted; the 17 September, 2016 attack at Oshorun estate behind Lekki Gardens Estate, Isheri town with 4 landlords abducted during routine exercise.<sup>289</sup> Similarly, on 14 February 2017, members of unidentified armed gangs numbering about 15, dressed in Military camouflage invaded a farm at Igboodu community, Epe LGA of Lagos state abducting 7 people including 5 farmers and 2 members of a local security outfit-‘Oodua People’s Congress (OPC)’ and escaped through the creeks. More worrisome in the kidnapping trend was the targeting of schools by armed gangs in the state with communities in Isheri town - a border town between Lagos and Ogun states and Epe LGA becoming targets for kidnapping due to their geographical vulnerability being surrounded by water bodies that provide easy escape routes for hoodlums. The continuous increase in kidnapping however created tension in the affected areas resulting in the relocation of some residents from their abode to other areas for safety despite alleged reports of reactive approaches adopted by security services to avert emerging threats. Other recorded abductions by unidentified armed gangs in the state include; the 8 February 2017 attack on Isheri North Estate, GRA, with one person abducted, 3 estate security guards killed and 2 others injured.<sup>290</sup> The estate security guards were reportedly killed while attempting to repel the attack; the 27 January 2017 attack at a farm in Igboodu community, Epe LGA with 4 people abducted including a National Youth Service Corp member and 3 farmers; the 13 January 2017 attack on Isheri town with 8 people abducted including 3 female students and 5 Officials of the Nigeria Turkish International College

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<sup>289</sup> WANEP – Nigeria, “Kidnapping in Lagos” *Situation Tracking* (January-February, 2017)

<sup>290</sup> Ibid

at the school premises. Other similar kidnappings in schools in Lagos state in 2016 include; the attacks on Babington Macaulay Junior Seminary, Ikorodu LGA and the Lagos State Model College, Igbonla community in Epe LGA.<sup>291</sup> With the view to checkmate the menace of kidnapping, security services engaged in a series of discussions on how to intensify security surveillance in the riverine areas. Likewise, in keeping up with the contemporary wave of enactment, re-enactment, and amendment of anti-kidnapping laws, to provide for a more stringent penalty across various states in Nigeria, the Lagos State House of Assembly in early 2017 passed a crime specific law on the prohibition of kidnapping.<sup>292</sup>

The Lagos State Kidnapping (Prohibition) Law, 2017 (KPL) is a brief crime specific law made up of 20 sections. The KPL defines ‘kidnap’ to include “...the act of unlawful removal or abduction of person(s) from a place to another against the person(s)’ will, either by force or use of offensive weapons, firearms or deception or the act of holding somebody hostage with or without the person’s consent with the intent to demand ransom, for ritual killing or for any other unlawful purpose.”<sup>293</sup> The KPL imposes a penalty of life imprisonment, where death does not occur, and death sentence, where the victim dies in the process.<sup>294</sup> The death sentence may be executed by hanging, lethal injection, or as the

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<sup>291</sup> Ibid

<sup>292</sup> Admin, “Ambode Signs Anti-Kidnapping Laws” *The Nation* (February 2, 2017) <https://thenationonlineng.net/ambode-signs-anti-kidnapping-laws/> accessed on 6<sup>th</sup> January, 2020

<sup>293</sup> Section 1

<sup>294</sup> Section 2(1) and (2)

court may direct.<sup>295</sup> Again, while conspiracy to kidnap attract a penalty of twenty (20) years imprisonment,<sup>296</sup> attempt to kidnap attracts a penalty of twenty five (25) years imprisonment.<sup>297</sup> A person who overtly or covertly puts himself forward to be kidnapped or abducted by another for the purpose of extracting money or any ransom, from another or for any other reason commits an offence and shall be liable on conviction to fourteen (14) years imprisonment.<sup>298</sup> By virtue of section 7(1) KPL aiding and abetting the offence of kidnapping or conspiracy to kidnap attracts a criminal sanction of twenty (20) years imprisonment. The KPL imposes a twenty five (25) years jail term on a person who assists in the escape of the offender.<sup>299</sup> Any property, movable or immovable, used for or in connection with the commission of an offence of kidnapping under the provisions of the KPL may be forfeited to Lagos State.<sup>300</sup> Remarkably, the KPL mandate the Chief Judge of Lagos State to ensure that any matter brought in relation to the KPL is tried and concluded expeditiously within sixty (60) days of arraignment.<sup>301</sup> The KPL, just like its equivalent in other states, is laudable, and is a legislative attempt to curb the growing tides of kidnapping, hence, employing the theory of deterrence, they all provide for a stricter and a more stringent penalty; with the hope that it would deter potential

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<sup>295</sup> Section 2(3)

<sup>296</sup> Section 3

<sup>297</sup> Section 4

<sup>298</sup> Section 5

<sup>299</sup> Section 7(2)

<sup>300</sup> Section 15

<sup>301</sup> Section 17(2)

kidnappers. The reality on ground, however, cast doubt into the efficacy of these sprouting of laws with a more stringent penalty.

#### **4.3. Legality and Efficacy of Death Penalty for Kidnapping**

Death penalty is the most severe punishment that can be imposed for an offence. It is cloaked with finality once implemented and thus irreversible. It is an instance of the lawful taking of the life of another; albeit, by the State. There are six commonly used methods of enforcing capital punishment these days. These are hanging, shooting (otherwise known as firing squad), beheading, stoning, electrocution and lethal injection.<sup>302</sup> However, it should be noted that hanging, shooting (that is, firing squad), and more recent in some jurisdiction in Nigeria, lethal injection, are the methods used in enforcing capital punishment in Nigeria.<sup>303</sup> Capital punishment is the ultimate penalty in Nigeria. It is a severe penalty for offences considered grievous. Accordingly, before the kidnapping saga, the offences for which this penalty was imposed in Nigeria were murder,<sup>304</sup> culpable homicide punishable with death,<sup>305</sup> treason,<sup>306</sup> conspiracy to commit

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<sup>302</sup> Nat Ofo, “Constitutionality or Otherwise of Death Penalty Enforcement in Nigeria” (2009) <http://ssrn.com/abstract=1612441> accessed on 7<sup>th</sup> January, 2020

<sup>303</sup> See *ibid*

<sup>304</sup> See section 319(1) of the Criminal Code; section 106 of the Armed Forces Act, Cap. A20, Laws of the Federation of Nigeria 2004; see also, *Olabode v State* (2008) WRN (Pt. 2) 167

<sup>305</sup> See section 221 of the Penal Code; see also *Maiyaki v. State* (2008) 3 NWLR (Pt. 1075) 429; *Ogbu v State* (2007) 5 NWLR (Pt. 1028) 635 S.C

<sup>306</sup> See section 114(3)(a) of the Armed Forces Act, Cap A20, Laws of the Federation of Nigeria 2004; section 37(1) of the Criminal Code; and section 411 of the Penal Code; see *Nwambe v. State* (1995) 3 NWLR (Pt.384) 407

treason,<sup>307</sup> instigating the invasion of Nigeria,<sup>308</sup> and armed robbery.<sup>309</sup> These offences are considered so serious that anybody found guilty of any of them is deemed unworthy to be part of society. They are considered to place the society in grave danger and should therefore be put away permanently to secure the society.

In considering the imposition of death penalty, otherwise known as the capital punishment, the first issue to resolve is the question of its legality; having regards to international best practices. Since capital punishment, death penalty, are often imposed when the offence committed is classified as a capital offence, the safeguard for the imposition of death penalty usually includes a reduction in scope and non-extension of the existing scope of capital offences inter alia. For instance, the International Covenant on Civil and Political Right (ICPR), of which Nigeria is a signatory, in a bid to ensure a total abolition of capital punishment, provides that the scope of capital offences should be restricted to the ‘most serious crimes’.<sup>310</sup> This raises another issue, as to what constitute ‘most serious crime’. It has been posited that the first attempt at this definition was in 1984, when the Economic and Social Council of the United Nations, adopted by resolution, the safeguards for the protection of those facing death penalty. The first safeguard stipulates that the scope should not go beyond intentional crimes with lethal or other extreme consequences. This safeguard can be construed to depict that the offences

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<sup>307</sup> See section 37(2) of the Criminal Code

<sup>308</sup> Section 38 of the Criminal Code

<sup>309</sup> See section 1(2) of the Robbery and Firearms (Special Provisions) Act, Cap. R11, Laws of the Federation of Nigeria 2004; see *Ndidi v State* (2007) 13 NWLR (Pt. 1052) 633 S.C.; *Bello v State* (2007) 10 NWLR (Pt. 1043) 564 C.A.; and *Usufu v State* (2007) 3 NWLR (Pt. 1020) 94 C.A.

<sup>310</sup> ICPR, 1976, article 6

should lead to loss of life or be life threatening in the sense that death could be a likely consequence of the action.<sup>311</sup> The UN Commission on Human Rights, in its Resolutions 1991/61 and 2004/67 urges all states that still retain death penalty to ensure that it is not imposed for non-violent financial crimes or non-violent religious practices or expression of conscience. It has also been stipulated that death penalty should not be imposed for political reasons.<sup>312</sup> From this perspective, it may be opined that kidnapping fall under the category of most serious crimes, to which death is a probable consequence. Nonetheless, it has been opined that the death penalty should only be imposed, if a kidnapping operation results in the death of any person.<sup>313</sup> This view aligns with the position expressed in the anti-kidnapping laws of several states in Nigeria, such as Ondo and Lagos State; previously reviewed.

Beyond this, there exists a huge worldwide debate between the retentionist, who generally campaign for the retention of death penalty, and the abolitionist, who generally campaign for the abolition of death penalty; on grounds of its efficacy or otherwise, inter alia. Several reasons, besides the need to protect the society, have been adduced as justification for the continued retention of capital punishment, but, as credible as the justification for the retention of death penalty may seem, abolitionists are quick to proffer

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<sup>311</sup> G. Akingbehin, “Capitalisation of Kidnapping Offence in Lagos State” *The Punch Newspaper* (February 2, 2017)

<sup>312</sup> See American Convention on Human Rights, 1978, article 4(4); see generally Emmanuel O. Akingbehin, “Capitalization of Offences in Nigeria: An Appraisal of the International Law Restrictions” *NAUJILJ* 8(2), (2017): 72-80 for more details on the international restrictions on the imposition of the death penalty

<sup>313</sup> Umego, “Offence of Kidnapping” *supra*, 7-8

counter-arguments against its continued retention.<sup>314</sup> Retribution is usually touted as a justification for death penalty. The contention is that the criminal should be given a punishment as severe as the offence he has committed. That is to say, the punishment should be the same in quality and severity as the offence itself. Thus, the retentionist argues that a person who kills deserves to die. This an-eye-for-an-eye justification has been nimbly criticised. If retribution can only come from the death of a murderer, it would inexorably lead to some absurdity. This absurdity is picturesquely captured by Bedau thus:<sup>315</sup> “It would require us to rape rapists, torture torturers, and inflict other horrible and degrading punishments on offenders. It could require us to betray traitors and kill multiple murderers again and again – punishments that are, of course, impossible to inflict.”<sup>316</sup> Another counter-argument to the retribution justification is that it is unproven how the victim of murder has been compensated by the execution of the murderer.

The strongest argument in favour of death penalty is the argument of deterrence. The deterrence argument is to the effect that by killing those who commit grievous offence, other members of the society would be deterred from committing a similar offence. It has been opined that this argument is both simplistic and laced with fundamental ignorance or indifference.<sup>317</sup> It presupposes that all grievous offences are committed with strict and

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<sup>314</sup> Nat Ofo, “The Effectiveness of Capital Punishment” *supra*, 18

<sup>315</sup> Hugu Adam Bedau, “The Case against the Death Penalty” *Capital Punishment Project, American Civil Liberties Union* (31 December, 1997) <http://www.aclu.org/capital/general/10441pub19971231.html> accessed on 7<sup>th</sup> January, 2020

<sup>316</sup> *Ibid*

<sup>317</sup> Nat Ofo, “The Effectiveness of Capital Punishment” *supra*, 19

scrupulous rationality, which is not always the case. In some cases, offenders might have acted under the influence of drugs, alcohol or emotion. In such a state, reasoning is significantly impaired. It would be impossible or unthinkable to imagine that the offender would have evaluated the full consequences of his action before committing the crime. Also, the effectiveness of deterrence is dependent on the publicity given to the enforcement of the punishment. But then, publicising the execution of a condemned prisoner brutalises the psyche of the populace and detracts from the value attached to life. The resultant consequence of this is that the society would be made up of people who have very little regard for life. They would readily and easily take the life of another since the State has ‘taught’ them that life is worth little or nothing.<sup>318</sup> Likewise, it is yet unproven that death penalty has really been an effective deterrence to committing grievous crimes. In societies where death penalties have been abolished, there is no evidence that there has been an upsurge in such grievous crimes. Even in Nigeria, experience does not suggest that the deterrent benefit of death penalty is real. For example, shortly after the civil war in the 1970s, there was a prevalence of armed robbery in the country. To stem this ugly tide, a decree was promulgated stipulating death penalty for armed robbery.<sup>319</sup> In fact, convicted armed robbers then were publicly executed and members of the public were allowed to watch the public execution of condemned armed robbers. If a study is undertaken today, it is obvious that the conclusion cannot be reached that there has been a reduction in armed robbery incidents in Nigeria. Indubitably, there has been an upsurge in armed robbery in the country, with increased sophistication,

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<sup>318</sup> Ibid

<sup>319</sup> Robbery and Firearms (Special Provisions) Decree, 1970

professional organisation and effective execution. These days, armed robbers are more vicious, vexatious and callous. This could be a response to the fact that the law is harsh on them. They spare nothing and no-one to escape being caught. It can, therefore, be concluded that the 'benefit' the society has derived from the imposition of death penalty for armed robbery is increased waste of lives of victims of armed robbery as armed robbers are most willing to waste lives to avoid being captured. Little wonder, therefore, that till date armed robbery has remained a major security concern begging for real solution which government, sadly and unfortunately, is shying away from.<sup>320</sup>

Similarly, a flaw in the deterrence argument is that it presumes the effectiveness of the machinery for the administration of justice. This encompasses the whole gamut of crime detection and the apprehension, investigation, prosecution and conviction of the offender. If there is any inefficiency in any part of the chain, the punishment for the offence serves little, if any, purpose in being deterrence to others from committing the same crime. What empirical evidence shows is that the fear of detection is even a stronger motivation to avoid committing crimes. If the prospective offender is certain that he would be detected and arrested, he is more likely to avoid carrying out the crime. This is inherent in the fact that kidnapers are readily willing to waste lives in the course of their operations to secure their success which includes their escape and avoidance of detection and subsequent apprehension. Thus, the key component in crime prevention is to facilitate its detection, secure prompt apprehension of the offenders, undertake rapid investigation of the case and ensure the diligent prosecution of offenders. It is immaterial what the penalty for the offence is. Death penalty is not the issue, the certainty of detecting crimes

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<sup>320</sup> Nat Ofo, "The Effectiveness of Capital Punishment" *supra*, 20

and effectively and rapidly prosecuting offenders would serve the society better.<sup>321</sup> Indeed, this is fortified by the fact that it is not in doubt that the deterrence benefit of the severe penalty for kidnapping is not being attained. There exists no empirical proof that the offence of kidnapping has reduced in the States where it has been made a capital offence. It is a clear indication that lasting solution to criminality rests with addressing the root cause of crimes. In other words, no matter the severity of the punishment for the offence of kidnapping, if the root causes of the problem are not eradicated, the crime would persist. The challenge, therefore, is to find a lasting solution to the problem by forthrightly and sincerely addressing the real issues with a view to eliminating this embarrassing, inexcusable and intolerable breakdown of law and order in Nigeria.

#### **4.4. Conclusion**

The menace of kidnapping has severely ravaged the nation and put everybody at risk. Thus, there is grave urgency for a permanent solution. The solution that is desirable should not be superficial; it should be deep-rooted. However, the various pathways undertaken, both nationally and regionally, has been largely legislatively cosmetic, in the sense that it has been purely based on providing a more stricter and stringent legal framework without more. And in our analysis we have shown that no matter the severity of the punishment for the offence of kidnapping, if the root causes of the problem are not eradicated, the crime would persist. Similarly, the effectiveness of the penalty for an

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<sup>321</sup> Ibid, 21; hence, several scholars have argued for the abolition of death penalty – see *ibid*, 21-24; B. O. Igwenyi, C. A. Igwe, N. P. Ben-Igwenyi, “Abolition of Death Penalty in Nigeria: Juristic Issues and Solutions” *Global Journal of Politics and Law Research* 7(7), (2019): 53-65; where they concluded that the worldwide trend is towards the abolition of death penalty, which is fortified by the numerous international treaties against death penalty

offence is largely dependent on the effectiveness of the police (in intelligence gathering and arresting offenders, investigating offences and prosecuting offenders), the court (in ensuring fair and speedy determination of cases) and the prison (in ensuring that convicts truly suffer the consequences of incarceration). Any compromise in any part of the chain thwarts the efforts toward a relatively crime-free society.<sup>322</sup> However, death penalty has not been proven to be effective in deterring people from committing such offences. In fact, empirical evidence suggests that death penalty is not an effective deterrence against crimes. Furthermore, the effectiveness of the penalty for an offence is largely dependent on the likelihood of offenders being detected, apprehended, swiftly prosecuted, convicted and sentenced. The absence of any of these elements is a major setback to the entire process.<sup>323</sup> Again, crimes, such as kidnapping, which are manifestations of social, political and economic contradictions, cannot be eliminated by the imposition of stiff penalties only. Hence, since kidnapping is a social menace occasioned largely by socio-economic and political factors, the solution must, beyond the legal framework, incorporate these dimensions.

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<sup>322</sup> Nat Ofo, “The Effectiveness of Capital Punishment” *supra*, 35-36

<sup>323</sup> *Ibid*

## CHAPTER FIVE

### SUMMARY, RECOMMENDATIONS AND CONCLUSION

#### 5.0. Summary

This study reviews the existing literatures on kidnapping to establish the theoretical framework for our analysis; exposing the kidnapping problem. Furthermore, this study undertakes an analysis of anti-kidnapping laws in Nigeria; pinpointing key constraint to its effectiveness. This study advances the stance that for anti-kidnapping laws to be effective, it should be designed to take into consideration the motivation and socio-economic causes of kidnapping; this will help in designing (and implementing) a more comprehensive and effective anti-kidnapping laws.

In developing this study, we commenced by presenting a preliminary overview of this study in chapter one. Hence, in chapter one we laid out the statement of the research problem, the aim and objectives, the scope of the research, the research methodology, expected findings and expected contribution to knowledge of this research work. This is to establish a cursory view of our study.

In chapter two of this study, we undertook a literature review of this study. In this part of this study we discussed the criminological theories about why people commit crime; which are used (and misused or even worse not used at all) every day by legislative policy makers when they develop new initiatives, sanctions, and programs. In considering the criminological theories, we carried out an analysis of pre-theoretical explanations, biological theories, sociological theories, and economic theory. From this point, we traced the historical development of kidnapping globally, attempted a delineation of the

concept of kidnapping; while discussing the various forms it often assumes, depending on the motive behind the act of kidnapping. Further, we observed that kidnapping as a global menace is not without dire implications; hence, we succinctly pinpointed these varied implications.

In chapter three of this study we drew our attention to the threat of kidnapping in Nigeria. In this part of our study we traced the origin of kidnapping in Nigeria, by a consensus of scholars, to the agitation of the Niger Delta militant in the oil rich region, which subsequent escalated to other regions in Nigeria. Further, we developed a theoretical framework to understanding kidnapping in Nigeria; while considering the causes, instances and effects of kidnapping in Nigeria.

Chapter four reviews the legal frameworks created overtime to curtail kidnapping in Nigeria. This analysis began with the National legal framework, which we then narrowed down to the legal framework created by states to curb kidnapping. We observed that there a growing trend to create a stricter and more stringent laws with stiffer penalty, death penalty, for the offence of kidnapping; with a view to deter potential kidnapers from engaging in such crime. From this view, we considered the legality and efficacy of imposing death penalty for the offence of kidnapping. We resolved that no matter the severity of the punishment for the offence of kidnapping, if the root causes of the problem are not eradicated, the crime would persist. And that since crimes, such as kidnapping, are manifestations of social, political and economic contradictions, it cannot be eliminated by the imposition of stiff penalties only. Hence, the solution that is desirable should not be superficial, but deep-rooted; beyond the legal frameworks, incorporating the socio-political and economic dimensions.

The fifth chapter provides the concluding chapter of this research with the summary of the work, recommendations and conclusion.

### **5.1. Conclusion and Recommendations**

As observed earlier, from our analysis it is clear that a lasting solution to criminality rests with addressing the root cause of crimes. In other words, no matter the severity of the punishment for the offence of kidnapping, if the root causes of the problem are not eradicated, the crime would persist. The challenge, therefore, is to find a lasting solution to the problem by forthrightly and sincerely addressing the real issues with a view to eliminating this embarrassing, inexcusable and intolerable breakdown of law and order in Nigeria. Hence, our recommendation would largely go beyond the legal frameworks, to incorporating the socio-political and economic dimensions of kidnapping. An effective solution to kidnapping requires concerted efforts on the part of governments, State and Federal, to address and resolve the social, economic and political contradictions in society that have left everyone helpless, anxious, hyper sensitive and reactive. Given that Nigerians are experiencing hard times due to systemic failure, the elite class in their capacities in every institution that makes the whole should ensure fairness in allocation of national resources and political appointments. They should desist from siphoning the resources of the state to the detriment of the masses and always have the interest of the masses at heart. More importantly, the act of selfishness among them should be replaced with altruism and service to humanity which corroborates Danjuma's<sup>324</sup> view that good governance is a remedy to the socio-economic crises in Nigeria.

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<sup>324</sup> A. Danjuma, "Good Governance as Panacea to Socio-economic Crises in Nigeria" *IOSR Journal of Business and Management* 2(3), (2012): 36-40

The creation of employment would also impact positively on kidnapping as the youths who engage in kidnapping activities would become gainfully employed. It is most likely that youth joblessness is directly relevant to the increase in kidnapping. It is saddening to note that government seems to have completely neglected its role in the creation of employment and the enabling environment for businesses to thrive and consequently provide employment opportunities. Those who are unemployed should be given unemployment benefits. If the resources of the country are properly utilised, this can be done.

Again, our value system has suffered huge degradation and devaluation. The need, therefore, exists for a committed effort towards national re-orientation for citizens. Hence, the act of engaging in dubious transactions, which has now been regarded as the normal way of life in Nigeria, should begin to attract condemnation and sanction instead of such being celebrated. Moreover, the act of voting for persons of questionable character during elections for monetary gain should be stopped to pave the way for persons of impeccable character across Nigeria. Both the religious leaders<sup>325</sup> and traditional rulers have critical roles to play in this matrix of national re-orientation for citizens.

An improvement in the security situation in the country would go a long way in curtailing the frequent kidnapping incidents. To further this course, the availability of an accurate

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<sup>325</sup> For the role of religious education in stemming the incidence of kidnapping in the Nigeria society see Chidi, Rose and Uche, “Stemming the Incidence of Kidnapping” supra, 41-44; see also M. U. Nnam, “Kidnapping in the Southeastern States of Contemporary Nigeria: An Empirical Investigation into the Social and Demographic Characteristics of Offenders” *International Journal of Development and Management Review (INJODEMAR)* 9(1), (2014): 69-70; where it was found that weak or lack of strong religious attachment exerts undue pressure and influence on certain individuals and their consequent involvement in kidnapping as a coping mechanism

and comprehensive database of citizens and residents would tremendously improve the crime fighting efforts of the security agencies. It is no longer news that many Nigeria heads of security agencies are in service to steal thereby ignoring the acquisition of modern crime-fighting equipment, officers training, and officers' welfare. Without hardware, training, and generous welfare packages; the task of crime fighting will be significantly undermined. The Chief Executive Officers of security agencies should as a matter of responsibility give an account of their stewardship to their supervising ministers from time to time. The report should include how monies appropriated to them were expended in the course of their duties with a feedback mechanism in place where the officers are allowed to confirm or refute whatever account was given without the fear of harassment, intimidation, and possible retrenchment. The office of the National Security Advisor (NSA) has to come up with a blueprint on the need for corporation among all the security agencies in Nigeria and the need for circulation of intelligence in real time among them whenever the need arises. Again, it is essential to make sure that defenceless Nigerians are aware of how to identify the difference between kidnappers and bandits on the highways erecting roadblocks as government security agents and the actual government agents. As much as this will be practicable, it is advisable to dismantle all barricades on Nigeria roads and substitute them with heavy patrol activities in areas that have been identified as risky (black spots) like the – Kaduna/Abuja expressway. Again, Nigeria needs to completely transition to fighting crimes digitally with the use of

technology as against heavy reliance on manual and personal alone - a methodology that has failed the people repeatedly.<sup>326</sup>

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<sup>326</sup> See also E. I. Obarisiagbon and E. O. Akintoye, “Insecurity Crisis in Nigeria: The Law Enforcement Agents a Panacea?” *Journal of Sociology and Social Work* 7(1), (2019): 44 – 51

## BIBLIOGRAPHY

### Books

- Arewa, J. A., *Core National Values as Determinant of National Security and Panacea for the Crime of Kidnapping and Abduction in Nigeria* (Lagos, Nigeria: Nigerian Institute of Advanced Legal Studies, 2013)
- Barnes, H. E. and Teeters, *New Horizons in Criminology* (New Delhi: Prentice Hall of India, 1966)
- Bartol, C. and A. Bartol, *Criminal Behaviour* (Upper Saddle River, NJ: Pearson Education/Prentice Hall, 2011)
- Blackwell, Amy H., *The Essential Law Dictionary* (Illinois: Sphinx Publishing, 2008)
- Catlin Group, *Kidnap and Ransom Today* (London, UK: Catlin Group Limited, 2012)
- Christi, IKV Pax, *Kidnapping is a Booming Business* (Netherlands: IKV Pax Christi, 2008)
- Cullen, G. and R. Agnew, *Criminological Theory: Past to Present* (Los Angeles: Roxbury Publishing Company, 2002)
- Gaines, L. K., M. Kaune and R. L. Miller, *Criminal Justice in Action* (Balmont, CA: Wadsworth/Thomas Learning, 2001)
- Goswami, B. K., *A Critical Study of Criminology and Penology* (Allahabad: Allahabad Law Agency, 1983)
- Graham, I. *Kidnapping by Country: Definition, Graph and Map* (2005) cited in E. I. Obarisiagbon and A. A. Aderinto, "Kidnapping and the Challenges Confronting the Administration of Criminal Justice in Selected States of Nigeria" *African Journal of Criminology and Justice Studies (AJCJS)* 11(1), (2018): 41
- Hino, H., *Nigeria* (Washington D.C.: International Monetary Fund, 2005), 4-84
- Igbo, E. U. M., *Introduction to Criminology* (Nsukka: University of Nigeria Press Ltd, 2007)
- Karzon, Sheikh Hafizur R., *Theoretical and Applied Criminology* (Dhaka: Palal Prokashoni, 2008)
- Lister, R., ed., *Charles Murray and the Underclass: The Developing Debate* (Lancing, West Sussex: Hartington Fine Arts Ltd., 1999), 1-182
- Martin, Elizabeth A., *A Dictionary of Law* 5th edition (Oxford: Oxford University Press, 2003)

- Paranjape, N. V., *Criminology and Penology* (Allahabad: Central Law Publications, 2005)
- Pergram, Brent M., *Durkheim and Anomie or Strain Theory* (New York: Sage Publication Inc., 2017), 132-186
- Pratt, T., J. Gau, and T. Franklin, *Key Ideas in Criminology and Criminal Justice* 1<sup>st</sup> ed. (Los Angeles: SAGE Publications Inc., 2011)
- Qadri, S. M. A., *Criminology and Penology* (Lucknow: Estern Book Company, 2009)
- Schaefer, R., *Sociology* 4<sup>th</sup> edition (New York, U. S. A: McGraw-Hill Companies, 2002)
- Schafer, Stephen, *Theories in Criminology* (New York: Straford Press, 1969)
- Schmelleger, F., *Criminology Today: An Integrative Introduction* 6<sup>th</sup> edition (New York, USA: Prentice Hall, 2012), 64
- Shaw, C. R. and H. D. McKay, *Juvenile Delinquency and Urban Areas* (Chicago: The University of Chicago Press, 1969)
- Shaw, C. R., *Brothers in Crime* (Philadelphia: Albert Saifer, 1952)
- Shmallegger, F., *Criminal Justice Today: An Introduction Text for the 21<sup>st</sup> Century* 4<sup>th</sup>edn. (Upper Saddle, River, NJ: Prentice Hall Inc., 1997)
- Shoemaker, Donald J., *Theories of Delinquency* (New York: Oxford University Press, 1996)
- Short, James F., *Delinquency, Crime, and Society* (Chicago: The University of Chicago Press, 1976)
- Siegel, L. J., *Criminology: Theories, Patterns, and Typologies* 10<sup>th</sup> edition (Ohio, USA: Cengage Learning, 2010), 182
- Volt, George B., *Theoretical Criminology* (New York: Oxford University Press, 1979)
- Wright, P. R., *Kidnap for Ransom: Resolving the Unthinkable* (London and New York: CRC Press, 2009)
- Wright, R., *Black Boy* (Britain: Fletcher and Son Ltd, 1984), 227
- Young, Jock, *The Exclusive Society* (New York: SAGE Publication Ltd., 1999), 1-224

### **Articles/Journals/Periodicals**

- Abdulkabir, O. S., “Causes and Incisive Solutions to the Widespread of Kidnapping in Nigeria Current Administration: Under Scholastic Scrutiny” *Journal of Political Sciences and Public Affairs* 5(2), (2017): 258

- Akingbehin, Emmanuel O., "Capitalization of Offences in Nigeria: An Appraisal of the International Law Restrictions" *NAUJILJ* 8(2), (2017): 72-80
- Akpan, S. N., "Kidnapping in Nigeria's Niger Delta: An Exploratory Study" *Kamla Raj Journal of Social Science* 24(1), (2010): 33-42
- Akwash, F. A., "The Psychological Impact of Kidnapping" *Scholarly Journal of Science Research and Essay* 5(1), (2016): 1- 5
- Alexander, D. A., and S. Klein, "Kidnapping and Hostage-taking: A Review of Effects, Coping and Resilience" *Journal of the Royal Society of Medicine* 102(1), (2009): 16-21
- Ani, K. Johnmary and E. N. Nweke, "Curbing Kidnapping in Nigeria: An Exploration of Strategic Peace Building Tools" *Africa's Public Service Delivery and Performance Review*, 111
- Becker, Gary and Kevin Murphy, "A Theory of Rational Addiction" *Journal of Political Economy* 96, (1988): 675-700
- Becker, Gary, "Crime and Punishment: An Economic Approach" *Journal of Political Economy* 76 (1968): 169-217
- Briggs, R., "The Kidnapping Business, Guide of Security Controllers" *Newsletter* (2009)
- Byrne, James and Don Hummer, "An Examination of the Impact of Criminological Theory on Community Corrections Practice" *Federal Probation* 80(3), (2016), 20
- Cavender, Gray, "Cohen, Albert K.: Delinquent Boys" in Francis T. Cullen and Pamela Wilcox, eds., *Encyclopedia of Criminological Theory* (Thousand Oaks: SAGE Publications, Inc., 2010), 180-184
- Chidi, Ilechukwu L., Uchem Rose and Asogwa Uche, "Stemming the Incidence of Kidnapping in the Nigerian Society: What Religious Education Can Do?" *Journal of Culture, Society and Development* 12, (2015): 28
- Chukuigwe, N., and C. O. Albert, "Socioeconomic Effects of Kidnapping on the Development of Ogba/Egbema/Ndoni Local Government Area of Rivers State, Nigeria" *Nigerian Journal of Rural Sociology* 16(2), (2015): 51-57
- Cornish, Derek B. and Ronald V. Clarke, "Understanding Crime Displacement: An Application of Rational Choice Theory" *Criminology* 25(4), (1987): 933-948
- Cullen, Francis T., "Cloward, Richard A., and Lloyd E. Ohlin: Delinquency and Opportunity" in Francis T. Cullen and Pamela Wilcox, eds., *Encyclopedia of Criminological Theory* (Thousand Oaks: SAGE Publications, Inc., 2010), 171-175
- Danjuma, A., "Good Governance as Panacea to Socio-economic Crises in Nigeria" *IOSR Journal of Business and Management* 2(3), (2012): 36-40

- Delisi, Matt, "Wilson, James Q., and Richard J. Herrnstein: Crime and Human Nature" in Francis T. Cullen and Pamela Wilcox, eds., *Encyclopedia of Criminological Theory* (Thousand Oaks: SAGE Publications, Inc., 2010), 1015-1019
- Dode, R. O., "Incidents of Hostage Taking and the Niger Delta Crisis in Nigeria" *South-South Journal of Culture and Development* 9 (1), (2007): 162-179
- Ehrlich, Isaac, "Participation in Illegitimate Activities: A Theoretical and Empirical Investigation" *Journal of Political Economy* 81, (1973): 521-565
- Ehrlich, Isaac, "The Deterrent Effect of Capital Punishment: A Question of Life and Death" *Journal of Political Economy* 65, (1975): 397-417
- Ene, Warikiente Robert, "Kidnapping and the Nigerian Society: A Sociological Insight" *International Journal of Development and Management Review (INJODEMAR)* 13(1), (2018): 161-172
- Ezeibe, C. C. and M. O. Eze, "Political Economy of Kidnapping in Nigeria- The South East Experience" *Journal of Liberal Studies* 15(1), (2012): 231
- Famoye, A. D., "Pre-Colonial Security System in Akungba-Akoko, South-West Nigeria" *International Journal of Humanities and Cultural Studies* 2(2), (2015):179-191
- Freeman, Richard, "The Economics of Crime" in Orley Ashenfelter and David Card (ed.), *Handbook of Labor Economics* 3 (North Holland, 1999a), Ch. 52
- Grogger, Jeffrey, "The Effect of Arrests on the Employment and Earnings of Young Men" *Quarterly Journal of Economics* 110, (1995): 51-71
- Ibrahim, B. and J. I. Mukhtar, "An Analysis of the Causes and Consequences of Kidnapping in Nigeria" *African Research Review*11(4), (2017): 134-143
- Igwenyi, B. O., C. A. Igwe, N. P. Ben-Igwenyi, "Abolition of Death Penalty in Nigeria: Juristic Issues and Solutions" *Global Journal of Politics and Law Research* 7(7), (2019): 53-65
- Inyang, J. D. and U. E. Abraham, "The Social Problem of Kidnapping and its Implications on the Socio-economic Development of Nigeria: A Study of Uyo Metropolis" *Mediterranean Journal of Social Sciences*4(6), (2013): 531
- Inyang, U. S., "Kidnapping: Who Can Deliver Nigeria?" *News D' Or Magazine* I (9), (2009): 11-15
- Menner, S., "Boko Haram's Regional Cross-Border Activities" *CTC Sentinel* 7(10), (2014)
- Ministry of Justice, "Theories of the Causes of Crime" *Strategic Policy Brief* (March, 2009), 1

- Mohamed, M. K. N., "Kidnap for Ransom in South East Asia: The Case for a Regional Recording Standard" *Asian Criminology* 3, (2008): 61-73
- Ngwama, Justice C., "Kidnapping in Nigeria: An Emerging Social Crime and the Implications for the Labour Market" *International Journal of Humanities and Social Science* 4(1), (2014): 134
- Nkemdilim Ogbuehi, Victoria, "Kidnapping in Nigeria: The Way Forward" *Journal of Criminology and Forensic Studies* 1(3), (2018): 1
- Nnam, M. U., "Kidnapping in the Southeastern States of Contemporary Nigeria: An Empirical Investigation into the Social and Demographic Characteristics of Offenders" *International Journal of Development and Management Review (INJODEMAR)* 9(1), (2014): 69-70
- Nwolise, O. B. C., "Motion for Serious Focus of Research on the Spiritual Dimension of Human and National Security" *Studies in Politics and Society* 3(1), (2015)
- Obarisiagbon, E. I. and A. A. Aderinto, "Kidnapping and the Challenges Confronting the Administration of Criminal Justice in Selected States of Nigeria" *African Journal of Criminology and Justice Studies (AJCJS)* 11(1), (2018): 41
- Obarisiagbon, E. I. and E. O. Akintoye, "Insecurity Crisis in Nigeria: The Law Enforcement Agents a Panacea?" *Journal of Sociology and Social Work* 7(1), (2019): 44 – 51
- Odoma, Samuel U. and Linus Y. Akor, "Kidnapping: A Lucrative Crime in 21<sup>st</sup> Century Nigeria" *Global Journal of Human - Social Science* 19(3), version 1 (2019): 31
- Okoli, A. C., and F. T. Agada, "Kidnapping and National Security in Nigeria" *Research on Humanities and Social Sciences* 4(6), (2014): 137-146
- Omonijo, Dare O., M. C. Anyaegbunam, C. B. Obiorah, S. N. C Nwagbo, C. A. Ayedun, V. A. Adeleke, E. I. Olowookere, J. A. Odukoya and C. Agubo, "Examining the Social Problem of Kidnapping as a Reaction against Injustice in Nigeria" *Academic Journal of Interdisciplinary Studies* 8(2), (2019): 176 – 185
- Osumah, O. and I. Aghedo, "Who Wants to be a Millionaire? Nigerian Youths and the Commodification of Kidnapping" *Review of African Political Economy* 38(128), (2011): 277-287
- Rahman, Gajjur, "The Causation of Crime: A Study on Biological Factors" *IOSR Journal of Humanities and Social Science (IOSR-JHSS)* 20(11), version III (2015): 02
- Saheed, Owonikoko Babajide, "Kidnapping in Pre- and Post-Amnesty Niger Delta, Nigeria" *International Journal of Peace and Conflict Studies (IJPCS)* 3(2), (2016): 65

- Saidu, Badamasi, U. A. B. Ahmad Zakuan and K. Z. B. Haji Yusoff, “Kidnapping and Rise of Insecurity in Nigeria: A Case of Kaduna State” *Asian Journal of Multidisciplinary Studies* 6(4), (2018): 41
- Serpa, Sandro and Carlos M. Ferreira, “Anomie in the Sociological Perspective of Emile Durkheim” *Sociology International Journal* 2(6), (2018): 689-691
- Suleiman, A. O., “Scriptural Solution to the Implacable Poverty Widespread in the Current Administration in Nigeria: Comparative Analysis” *Intellectual Property Rights – Open Access* 4, (2016): 6
- Thom-Otuya, B. E. N., “Kidnapping: A Challenge to Nigeria Security System” *International Journal of Social Science* 2(8), (2010): 107-116
- Turner, M., “Kidnapping and Politics” *International Journal of the Sociology of Law* 26, (1998): 145-160
- Tzandelli, R., “Capitalizing on Value towards Sociological Understanding of Kidnapping” *Sociology* 40, (2006): 929-947
- University of Glasgow, School of Education, “Theories and Causes of Crime” *The Scottish Centre for Crime and Justice Research*, 2
- WANEP – Nigeria, “Kidnapping in Lagos” *Situation Tracking* (January-February, 2017)
- Witte, Ann Dryden and Robert Witt, “Crime Causation: Economic Theories” *Encyclopedia of Crime and Justice* (2001): 5
- Wolfgang, Marvin E., and Simon I. Singer, “Victim Categories of Crime” *Journal of Criminal Law and Criminology* 69, (1978): 379, 393
- Wong, Carlin, “Clifford R. Shaw and Henry D. McKay, the Social Disorganization Theory” *Center for Spatially Integrated Social Science* (2002): 1-5
- Yun, Minwoo, “Implications of Global Terrorist Hostage-taking and Kidnapping” *The Korean Journal of Defense Analysis* XIX, (2007): 135-165
- Zenn, J., “Boko Haram: Recruitment, Financing and Arm Trafficking in the Lake Chad Region” *CTC Sentinel* 7(10), (2014)

### **Newspapers and Online Sources**

- Admin, “3 Sentenced to Death by Hanging for Kidnap, Murder of Infant” *Spotlight reports* (2014) <http://www.spotlightreports.com.ng/3-sentenced-death-hanging-kidnap-murder-infant/> accessed on 6<sup>th</sup> January, 2020

- Admin, “Ambode Signs Anti-Kidnapping Laws” *The Nation* (February 2, 2017) <https://thenationonline.net/ambode-signs-anti-kidnapping-laws/> accessed on 6<sup>th</sup> January, 2020
- Admin, “Human Rights Activist, Mike Ozekhome, Kidnapped” *ICIR* (August 24, 2013) [www.icirnigeria.org/human-rights-activist-mike-ozekhome-kidnapped/](http://www.icirnigeria.org/human-rights-activist-mike-ozekhome-kidnapped/) accessed on 6<sup>th</sup> January, 2020
- Admin, “Senate to Pass Anti-Kidnapping Bill into Law” *Reporters At Large* (October 2, 2019) <https://reportersatlarge.com/2019/10/02/senate-to-pass-anti-kidnapping-bill-into-law/> accessed on 6<sup>th</sup> January, 2020
- Admin, “SSS Nabs 6 Suspected Kidnappers in Edo” *Premium Times* (March 18, 2015) [www.premiumtimesng.com/regional/south-south-regional/178708-sss-nabs-6-suspected-kidnappers-inedo.html](http://www.premiumtimesng.com/regional/south-south-regional/178708-sss-nabs-6-suspected-kidnappers-inedo.html) accessed on 6<sup>th</sup> January, 2020
- Ahiuma-Young, V., “Nigeria Unemployment Rate, a National Threat – Labour” *Vanguard* (2018) <https://www.vanguardngr.com/2018/01/nigerias-unemployment-rate-national-threat-labour/> accessed on 2<sup>nd</sup> January, 2020
- Akingbehin, G., “Capitalisation of Kidnapping Offence in Lagos State” *The Punch Newspaper* (February 2, 2017)
- Alozie, C., “Kidnap Gang Leader in Imo Arrested” *Vanguard* (2018) <https://www.vanguardngr.com/2018/08/kidnap-gang-leader-in-imo-arrested/> accessed on 2<sup>nd</sup> January, 2020
- Amachree, Dennis D., “Evolution of Kidnapping in Nigeria” (2017) <http://bulwarkintelligence.com/reports/security-threats/evolution-kidnapping> accessed on 20<sup>th</sup> December, 2019
- Bedau, Hugu Adam, “The Case against the Death Penalty” *Capital Punishment Project, American Civil Liberties Union* (31 December, 1997) <http://www.aclu.org/capital/general/10441pub19971231.html> accessed on 7<sup>th</sup> January, 2020
- Busari, Kemi, “Senate Approves Death Sentence for Kidnappers” *Premium Times* (September 29, 2017) <https://www.premiumtimesng.com/news/top-news/244560-senate-approves-death-sentence-kidnappers.html> accessed on 6<sup>th</sup> January, 2020
- Chioma, Unini, “Kidnapped DPO Regains Freedom after Paying N3m Ransom” *The Nigerian Lawyers* (13<sup>th</sup> August, 2019) <https://thenigerialawyer.com/kidnapped-dpo-regains-freedom-after-paying-n3m-ransom/> accessed on 4<sup>th</sup> November, 2019

- Dada, Peter, "Gunmen Kidnap Ondo Judge in Edo, Demand N50m" *Punch* (October 24, 2019) <https://punchng.com/gunmen-kidnap-ondo-judge-in-edo-demand-n50m/> accessed on 6<sup>th</sup> January, 2020
- Daily Sun* (October 31, 2009): 11-12
- Davidson, I., "Nigeria: Stunting Economic Growth and Development in South East" *This Day Newspaper* (13<sup>th</sup> June, 2010) cited in D. Chidimma Umego, "Offence of Kidnapping: A Counter to National Security and Development" <https://ssrn.com/abstract=3337745> accessed on 3<sup>rd</sup> January, 2020
- Ebegbulem, Simon, "I've Made over N100m from Kidnapping, says Herdsman in Edo" *Vanguard* (April 11, 2018) [www.vanguardngr.com/2018/04/Ive-made-over-n100m-from-kidnapping-says-herdsman-in-edo/](http://www.vanguardngr.com/2018/04/Ive-made-over-n100m-from-kidnapping-says-herdsman-in-edo/) accessed on 6<sup>th</sup> January, 2020
- Edokwe, Bridget, "Another Judge Kidnapped in Nasarawa" *Barrister NG* (3<sup>rd</sup> November, 2019) <http://www.barristerng.com/another-judge-kidnapped-in-nasarawa/> accessed on 4<sup>th</sup> November, 2019
- Elumoye, Deji, "N' Assembly to Pass Anti-Kidnapping Bill" *This Day* (October 2, 2019) <https://www.thisdaylive.com/index.php/2019/10/02/nassembly-to-pass-anti-kidnapping-bill/> accessed on 6<sup>th</sup> January, 2020
- Ibiwale, Jefferson, "Kidnappers Demand N200 Million Ransom for Abducted Judge" *ICIR* (October 2, 2013) <http://www.icirnigeria.org/kidnappers-demand-n200-million-ransom-for-abducted-judge/> accessed on 6<sup>th</sup> January, 2020
- Johnson, Dayo, "PDP Legal Adviser's Mum Kidnapped" *The Vanguard Newspaper* (June 14, 2011)
- Naij.com, "Bad Governance, Behind Poverty in Nigeria" *Legit* (2018) <https://www.legit.ng/50387.html#53747> accessed on 2<sup>nd</sup> January, 2020
- Nwaorah, N., "Are Kidnappers Worst Criminals?" *Vanguard* (March 29, 2009), 14
- Odita, S. and S. Gbenga, "Police Arrest Leader of Gang for Kidnapping for year Old" *The Guardian* (2018) <https://guardian.ng/news/police-arrest-leader-of-gang-for-kidnapping-four-year-old/> accessed on 2<sup>nd</sup> January, 2020
- Ofo, Nat, "Constitutionality or Otherwise of Death Penalty Enforcement in Nigeria" (2009) <http://ssrn.com/abstract=1612441> accessed on 7<sup>th</sup> January, 2020
- Ofo, Nat, "The Effectiveness of Capital Punishment as a Deterrence to Kidnapping in Nigeria" (2011): 1 <http://papers.ssrn.com> accessed on 3<sup>rd</sup> January, 2020

- Ogabido, G. O., “Kidnapping: New Brand of Terrorism” *Saturday Sun* (October 31, 2009), 7
- Ogungbola, R., “Crime, Violence and Social Injustice in Nigeria: An Interplay” *Sahara Reporters* (2013) <http://saharareporters.com/2013/04/05/crime-violence-and-social-injustice-nigeria-interplay-rotimiogungbola%C2%A0> accessed on 16<sup>th</sup> December, 2019
- Okoli, A., “Help us Flush Kidnappers Abia Governor begs Army: Situation beyond Policy Capacity” *Vanguard Newspaper* (June 10, 2009), 1
- Olatunji, Haleem, “Ogun Gov: We’re Considering Death Penalty for Kidnappers” *The Cable News* (12<sup>th</sup> August, 2019) <https://www.thecable.ng/ogun-gov-were-considering-death-penalty-for-kidnappers> accessed on 3<sup>rd</sup> November, 2019
- Oluchi, “Gunmen Kidnap another Judge in Edo” *Channels* (October 30, 2019) <https://www.channelstv.com/2019/10/30/gunmen-kidnap-another-judge-in-edo/amp/> accessed on 6<sup>th</sup> January, 2020
- Onovo, O., “Security Challenge in South-East and South-South” *being a speech delivered during the South-East and South-South Security Summit* organized by the National Association of Chambers of Commerce, Industry, Mines and Agriculture (NACCIMA) in Enugu, (2010)
- Pharoah, R., “An Unknown Quantity: Kidnapping for Ransom in South Africa” (2005): 23 <http://www.iss.co.za/pubs/crimeQ/No.14/pharaoh.pdf> accessed on 17<sup>th</sup> December, 2019
- Sahara Reporters, “How the Kidnap of Umaru Dikko from London was Foiled in 1984 – BBC World Service” *Sahara Reporters* (2012)
- Sahara Reporters, New York, “BREAKING: Taraba Governor Signs Death Sentence for Kidnappers” *Sahara Reporters* (4<sup>th</sup> July, 2019) <http://saharareporters.com/2019/07/04/breaking-taraba-governor-signs-death-sentence-kidnappers> accessed on 3<sup>rd</sup> November, 2019
- Shittu, Sola, “Gunmen Kidnap Appeal Court Judge, Kill Police Orderly in Edo” *The Punch Newspaper* (30<sup>th</sup> October, 2019) <https://punchng.com/breaking-gunmen-kidnap-appeal-court-judge-kill-police-orderly/> accessed on 4<sup>th</sup> November, 2019
- Soyombo, O., “Sociology and Crime Control: That We May Live in Peace” *The Guardian* (September 17, 2009), 56-72
- The Eagle Online, (2017), as cited in Victoria Nkemdilim Ogbuehi, “Kidnapping in Nigeria: The Way Forward” *Journal of Criminology and Forensic Studies* 1(3), (2018): 1

- The Punch Newspaper, “Kano Assembly Okays Life Imprisonment for Kidnappers” *Punch Newspaper* (undated) <https://punchng.com/kano-assembly-okays-life-imprisonment-kidnappers/> accessed on 3<sup>rd</sup> November, 2019
- The Sun, “Police Capture Notorious Evans Kidnapping Gang” *The Sun* (2017) <http://sunnewsonline.com/police-catch-notorious-evans-kidnapping-gang/> accessed on 2<sup>nd</sup> January, 2020
- This Day Newspaper, “Akpabio Asks Army to End Kidnapping”, *This Day Newspaper* (Friday, January 22, 2010). 10
- Toromade, Samson, “IGP says 1,071 people killed, 685 kidnapped in Nigeria in 2019” *Pulse.ng* (May 1<sup>st</sup>, 2019) <https://www.pulse.ng/news/local/igp-says-1071-people-killed-685-kidnapped-in-nigeria-in-2019/681pntp> accessed on 2<sup>nd</sup> January, 2020
- TVC, “Taraba State Governor Prescribes Death Sentence in New Anti-Kidnapping Bill” *TVC News* (4<sup>th</sup> July, 2019) <https://tvnews.tv/taraba-state-governor-prescribes-death-sentence-in-new-anti-kidnapping-bill/> accessed on 3<sup>rd</sup> November, 2019
- Usman,A., “I Planned the Kidnap of my Father’s Boss - Suspect” *Daily Trust* (August 30, 2018) [www.dailytrust.com.ng/i-planned-the-kidnap-of-my-father-s-boss-suspect-268241.html](http://www.dailytrust.com.ng/i-planned-the-kidnap-of-my-father-s-boss-suspect-268241.html) accessed on 6<sup>th</sup> January, 2020
- Vanguard Newspapers* (March 21, 2011)
- Vanguard Newspaper*, Sunday 13<sup>th</sup> November 2011, 1, 5

### **Thesis, Unpublished Works and Other Sources**

- Akinsulore, Adedoyin, “Kidnapping and its Victims in Nigeria: A Criminological Assessment of the Ondo State Criminal Justice System” (unpublished)
- Akinyemi, B., “Nigeria at a Cross Road” *A Paper Presented at Workshop on Conflict Resolution held at the Institute of African Studies, University of Ibadan, Oyo State, Nigeria, 27–28, August 2002*
- Elster, J., “Kidnapping in Civil Wars” Prepared for the Workshop on *Techniques for Violence* Oslo, August 20-21, 2004
- Michelle A. Crawford, “Social Control Theory” *FPSY-6135-4* (unpublished, July 20, 2014), 3
- Mojolaoluwa, M. Oluwapelumi, “Curbing the Menace of Kidnapping in Edo State: The Edo State Kidnapping Prohibition (Amendment) Law 2013 to the Rescue” (unpublished), 8

Nwankwo, Ukoji Vitus and James Okolie-Osemene, “A Study of Crime Reporting in Nigeria” (undated – unpublished draft version), 1

Odoh, I. D., “Kidnapping in Nigeria and its Root Causes” www.tncp.net cited in Okpere L. Osewe, “An Examination of the Effectiveness of Anti-Kidnapping Legislations in Nigeria: A Legislative Approach to a Social Malady” (10<sup>th</sup> October, 2012) (unpublished)

Oladeinde, A., “State of the Nation” being a Television Programme transmitted by Channels Television, Lagos on 21<sup>st</sup> February, 2017

Ordu, Gilbert Enyidah-Okey, “Kidnapping, Security Challenges and Obstacles to the Control of Hostage Taking in Nigeria” (unpublished)

The Holy Bible, Genesis 37

Ukandu, Ikechukwu M., *The Menace of Kidnapping in Abia State: A Study on the Strategic Role of Religion in the Amelioration of Violent Crimes* (M.A thesis, Department of Religion and Cultural Studies, Faculty of the Social Sciences, University of Nigeria, Nsukka, August, 2011)