

**JUNGLE JUSTICE IN NIGERIA: A HISTORICAL EXPLANATION AND  
LEGAL IMPLICATION**

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**BENIN CITY**

**MAY, 2025**

**JUNGLE JUSTICE IN NIGERIA: A HISTORICAL EXPLANATION AND  
LEGAL IMPLICATION, PRE-COLONIAL SOCIETIES**

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**A PROJECT SUBMITTED TO THE DEPARTMENT OF HISTORY AND  
INTERNATIONAL STUDIES IN PARTIAL FULFILMENT OF THE  
REQUIREMENTS FOR THE AWARD OF THE BACHELOR OF ARTS (B.A)  
HONOURS DECREE IN INTERNATIONAL STUDIES AND DIPLOMACY,  
UNIVERSITY OF BENIN, BENIN CITY.**

**MAY, 2025**

## **CERTIFICATION**

This is to certify that this project was carried out by **OBOSAIYE OSE-AIGBEKAEN** with Matriculation Number **ART1701154** in the Department of History and International studies, university of Benin, Benin City, under my supervision.

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**Date**

## DEDICATION

**This project is dedicated to God almighty, the giver of knowledge and wisdom for his guardian, protection and care throughout the course of this work.** This project is also dedicated to all victims of jungle justice and extra-judicial killings.

## **ACKNOWLEDGEMENTS**

My profound gratitude goes to God almighty for his guardian and love throughout the course of this work.

I would like to express my upmost gratitude to my amiable project supervisor, Dr Mrs I.O Osemwengie who took time from her busy schedule to access my work, guarding me through the course of this work with patience and understanding.

I would also love to acknowledge my mother Dr, Mrs Stella Ose-Aigbekaen who used her wealth of knowledge to assist the completion of this work, she was always available whenever I needed her guardian and support in course of this work, thank you ma.

I would like to appreciate my father, Dr Ose-Aigbekaen and my sister Dr Uyioghosa Ose-Aigbekaen for their support.

Lastly, to my friends, Okabor Adesuwa, Omoruyi Ruth, Moses Isaac, Eromosele Aisosa , thanks for the care and support you all provided during the course of this work.

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## **CHAPTER ONE**

### **BACKGROUND TO THE STUDY**

#### **Introduction**

Jungle justice is one of the teething issues in Nigeria. The reason had been its constant reoccurrence in the country. Many persons, both Nigerians and non-Nigerian have heavily criticized jungle justice because of its complete disregard for the human rights and life, the brutality and cruelty that it utilizes in giving out the supposed “Justice” is a major point of criticism. Azeez Quadry, a sociologist from the university of Lagos

defined Jungle justice as a public form of extra-judicial killing where an alleged criminal is humiliated, beaten and summarily executed by a crowd, vigilante or any other non-governmental law enforcement agencies. The victims of these acts are usually not given any form of mercy, neither is any benefits of doubt or considerations given to the individuals, before justice is melted upon them and they get brutally lynched by the mob. Jungle justice which is also largely known as mob justice, robbed an accused person of his fundamental rights and places him in an ugly situation where the mob would be the complainant, prosecutor, judge and the judgment executioner all at the same time.<sup>1</sup>

Jungle justice has had such a strong grip on the Nigeria society that a simple shout of “*Ole Ole*,” “*Onye Oshi Onye Oshi*,” “*Barawo Barawo*” (meaning thief in Yoruba, Igbo, Hausa languages respectively) is enough to end an individual’s life in a matter of minutes. When an alleged criminal is apprehended, the mob (which is usually angry) goes for the person or the people involved in the crime with the intention to not just teach them a lesson but to also serve as a deterrent against the general public, in an attempt to discourage them from criminal behaviours but sometimes these alleged criminal never get opportunity to learn the supposed “lesson” because the alleged criminals could possibly die in the process as a result of the punishments that is being melted upon them. While the average Nigerian might be terrified of the punishments these alleged suffered at the hand of the mob, the actions of the mob is never truly able to dissuade actual alleged criminals from committing crime, thus failing in checking criminality as it intends to do.

The punishments meted down on alleged criminals are done in varying ways from a “muddy “treatment”, where the alleged criminal is forced to roll in mud for hours, in some other instance alleged criminals are severely beaten by the angry mob, sometimes the beating is done by the use of body parts (hands and legs). while in some other cases the mob would make use of dangerous objects like sticks and stones in handing out the beatings to these criminals and it is done in reckless abandon, there is a likelihood of the criminals losing their life in the process, however the most extreme form of punishment meted on alleged criminals would be death as the criminal could be executed in different ways but the most popular being necklace style of execution(this is when tires of cars are placed on the neck of an alleged criminal and petrol is then poured on them before they are set on fire).<sup>2</sup>

### **Aim and Objectives**

The aim of this study is to evaluate how effective the customary laws were in fighting crimes in the pre-colonial Nigerian societies and how the advent of the British government, led to the regulation of these customary laws, resulting in an increase in criminality, in which turn led to the gradual introduction of jungle justice into the Nigerian society.

The primary objectives of this study are:

1. To understand how societies in the pre-colonial era dealt with criminality using customary laws
2. To understand how the colonization of these ancient societies affected the development of the customary laws
3. To understand the origin of jungle justice in post-colonial Nigeria
4. To understand the legal implications of jungle justice
5. To offer recommendations on ways in which customary laws can help in tackling the issues of criminality and jungle justice in the Nigeria society.

### **Scope of the Study**

The study takes a critical view of societies in pre-colonial Nigeria dealt. The scope of the study span from the 1800's to the early 2000's which saw the peak of vigilante groups in the country. The scope of the work is to examine the different time period in the country's history in order to understand the factors responsible for the rise of jungle justice in the Nigerian society, its impact on the Nigerian society and the legal implications of jungle justice.

### **Methodology**

A historical research method is used in carrying out this study. Materials were sourced from primary and secondary sources.

**Primary Source:** Comprised written documents such as, correspondence, documentaries and newspapers.

**Secondary Source:** information sourced from articles in journals, published and unpublished works on the subject matter both at the international and national level were sourced, as well as online sources from the internet and websites that are of utmost relevance to the research topic.

## **Literature Review**

Many scholars should be credited for their efforts on scholarly works on Jungle Justice in Modern Day Nigeria and how pre-colonial Nigerian societies were able to deal with crimes effectively. Relevant literatures were consulted in the course of the research for this study.

A. Bottoms, and J. Tankebe, in their article entitled, "Beyond Procedural Justice: A Dialogic Approach to Legitimacy in Criminal Justice",<sup>3</sup> examine that jungle justice usually surface on the news on regular basis and with the rate in which it takes place in the country, one could get the impression that its place of origin was Nigeria but that is far from the truth, as the true origin of jungle justice predates the Roman empire, jungle justice is an issue that affect the different regions of the African continent, countries like Cameroun and south Africa are notorious for their use of jungle justice to fight crimes, regardless the frequent reoccurrence in Nigeria has casted a wild shadow on the country's image creating an impression of brutality leading people from the outside world to associate the country with jungle justice.

T. R. Tyler, and S. Blader, in their article entitled, “Co-Operation in Groups: Procedural Justice, Social Identity, and Behavioral Engagement”,<sup>4</sup> explain that whenever a case of jungle justice arises it receive widespread coverage, debates are sparked as it becomes the discussion on everybody’s lips. While some are quick to fault jungle justice, spelling out its disadvantages as they strongly denounce it, some are quick to defend jungle justice, pointing out it’ usefulness as they maintain that it is a necessary tool to combat criminality in a country like Nigeria. Although regardless of individual stances, most people could agree on two things, one being that jungle justice is an not effective way of dealing with criminality and two begin dangers of jungle justice, however this logical stance seem not to be able to dictate the behaviour of the average Nigeria in the slightest event of a case of jungle justice, even though the people are aware of the problematic nature of jungle justice, This situation leads to the question of why the Nigeria people are still willing to engage in jungle justice? And the factors that led them to such engagement?

Ibrahim Ruwan, Odoh Ogechukwu, Charlton Jose, Gbenga Fadare and Musa Garba, in their article entitled, “Appraisal of Jungle Justice on the Incidences of Crime in Nigeria”,<sup>5</sup> The ineffectiveness of the police appeared to be one of the answers why citizens would engage in jungle justice, they provided a deep breakdown on the ineffectiveness of the police in their work, they presented a detailed and analytical explanation on how the failing of the Nigeria police, and how these failings were very much responsible for the amount of jungle justice in the Nigeria society, in this study the

activities of the police were judged on the scale of the police effectiveness, fairness, and lawfulness, their performances in these three categories impacted their authority and how they were viewed by the general public.

D. Iwarime-Jaja, in his book entitled, *Law and Its Administration in Nigeria*,<sup>6</sup> posit that the perceived police legitimacy (Police effectiveness, fairness and lawfulness) was also the predictors of support for the administration of jungle justice on criminals. Legitimacy is viewed as multidimensional, with police effectiveness, fairness, and lawfulness as its components, further broadening their explanation, they argue that legitimacy is best conceptualized as an -ongoing dialogue which begins with power-holders making a claim to exercise legitimate authority over an audience of One or more, the authors argues, that the audience responses may cause power-holders to perhaps adjust their claims. Legitimate power is grounded in -a belief in the legality of the enacted rules and the right of those elevated to authority under such rules to issue commands.

N. Haas, J. W. de Keijser, and Gerben W. Bruinsma, in their article entitled, “Public Support for Vigilantism, Confidence in Police and Police Responsiveness”,<sup>7</sup> assert that the police fell short in all the different categories and they were viewed as ineffective by the people as they complain of the police of not showing up to a crime scene on time, especially in cases when the criminal had being apprehended. He believed in a way that the lack of swift response on the part of the police to communicated to the people that their complains were not valid. He further argues that the ineffectiveness of

the police to communicate to members of local communities some crucial information about their normative standing in and membership of society.

J Jackson, A. Huq, B. Bradford, and T. Tyler, in their article entitled, “Monopolizing Force? Police Legitimacy and Public Attitudes Toward the Acceptability of Violence”,<sup>8</sup> posits that when police abuse the rights of citizens they communicate to those citizens both their low social standing and the fact that the authorities may not protect them and may, in fact, even hurt them. When the police did decide to step in to handle criminality, the way they handle the cases were viewed as unprofessional and unfair, several respondents in the study were quick to point out situations where notorious criminals were apprehended and handed over to the police, only for these criminals to regain their freedom in a matter of days without them being charged to court, the respondents believed that their release was as a result of these criminals paying their way out of prison. While in some cases, powerful individuals orchestrated the release of these criminals, it was believed by the respondents that the police were ready to give the most notorious of criminals their freedom back for the right pay.

J. Tankebe, in his article entitled, “Self-Help, Policing, and Procedural Justice: Ghanaian Vigilantism and the Rule of Law”,<sup>9</sup> contends that the activities of the police made the people to make some adjustment, so much that in the event of members of a community apprehending a criminal, they are less likely to hand over the said criminal to the police. The Nigeria constitution legally allowed for the average Nigerian citizen to take custody of an apprehended criminal, however the citizen have no right to harm the

suspect and it is expected of them to hand over the suspected criminal to the appropriate security agencies more especially the police as soon as they arrive at the crime scene but this happens not to be the case most of the time as the people have no incentive to hand over the apprehended criminal to the police.

Oluwabusayo Temitope, and Hameenat Ojibara, in their article entitled, “Revisiting the Effects of Colonialism on the Development of Customary Laws in Nigeria”,<sup>10</sup> assert that in certain instances that the police usually face resistance from the people as they believed that the criminal could possibly walk freely from their crimes, in most cases, the apprehended criminals are reluctantly handed over to the police. When members of a community willingly handed over a suspect to the police and the suspect has no financial footing or the backing of an influential individual, it was alleged that the police would commence a long-winded process of torture on the suspect in their custody in bid to get information from them. The respondents saw the police to be more readily available for the services of the high, powerful and wealthy, notwithstanding if the activities of these individuals with affluence would pass as legal, regardless the police were willing to jump at the opportunity of protecting the interest of the powerful, which sometimes came at the detriment of the average citizen.

The purpose of this study is to take a broad look at the different ancient societies and understand their different customary laws and how these laws govern the people but more importantly how these laws were used to deal with criminality in their societies and

also the study is to examine the overlapping nature of the numerous customary laws of the different ancient societies. It can be said that the societies in the pre-colonial Nigeria were interwoven with each other, the study would also examine how the arrival of the British put an abstract stop to the long standing laws of the people which had being passed from generation to generation in these different societies. And these same laws were regulated in favour of the British laws which were foreign to the indigenes of these societies, it is also important to know how the people in the different societies reacted to these changes.

This study also seeks to understand how criminality worsen in the post- colonial Nigeria society and at what point in the country's history did jungle justice become a way of dealing with criminality and also looks at how jungle justice as a new found way of dealing with criminality led to the formation of several vigilant groups in the late 80's to the mid-2000's with their activities of extra-judicial killings reaching a peak in the 1990's. This study is looking effectiveness of the different laws that govern the Nigerian people in pre-colonial Nigeria and the laws that govern the Nigeria people in the post-colonial Nigerian society. Another section of this work aims to examine the legal implication that comes with jungle justice in Nigeria, this is section is to understand what the law say about jungle justice and appropriate punishments meant for the perpetrators.

## **Chapterization**

The chapters are organized into four chapters which are outlined as follows.

**Chapter One: Background to the Study** - This chapter is concerned with the introduction, which consist of the overview of the study, introduction, aim and objectives of the study, methodology, scope of the study and literature review.

**Chapter Two: Jungle Justice in Historical Perspective-** This chapter discusses the laws and administration of the pre-colonial societies, crime solving methods of centralized societies in pre-colonial Nigeria, the Benin kingdom, the Efik society, Traditional Measures in Crime Control in Efik society, crime solving methods of decentralized societies in pre-colonial Nigeria, the Igbo society, traditional Measures in Crime Control in Igbo society, the advent of the British and Effect of the British colonization on traditional crimes solving methods.

**Chapter Three: Legal Implication of Jungle Justice in Nigeria-** This chapter also examines the position of the law on Jungle Justice, the position of international laws on Jungle Justice, if are people allowed to take the law into their hands? The implications of Jungle Justice in regards to solving criminality in Nigeria, the appropriate punishment for the perpetrators of Jungle Justice and what does Jungle Justice say about the Nigerian justice system?

**Chapter Four: Conclusion** -This presents the summary and conclusion to this study.

## ENDNOTES

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## **CHAPTER TWO**

### **JUNGLE JUSTICE IN HISTORICAL PERSPECTIVE**

#### **The Laws and Administration of the Pre-Colonial Societies**

Prior to the Creation of what is now known today as present day Nigeria by the British government in the year 1914, different ethnic groups existed in pre-colonial Nigeria societies. These ethnic groups that had historically lived in the geographical location which make up the areas that is the present day Nigeria which were then later amalgamated, these ethnic groups were established in every sense from their culture, arts, political system and most importantly their security and legal framework. These different ethnic groups were so established that they were able to create kingdoms and empires with the different kingdoms and empire created by these different ethnic groups having their lay down laws, administration and style of government. The law of these ancient societies was a mirror of accepted usage of each society, a reflection of the social attitudes and habits of the various ethnic groups. These laws served different purpose, some were created for the purpose of settling quarrels, rules and regulation on how the members were to relate with their king and their deities, some other were general laws of the land, which were created for social order, some other were created for the sanity and security of these societies.

These native laws were however not static, rigid or stagnant instead they were a flexible body of rules and principles of the changing times and were developed to meet new conditions. These ancient pre-colonial societies also created institutions which were mandated to enforce, uphold and protect the laws of the land. However, the focus of this study is to understand how the different ancient societies were able to create order, secure their societies and criminality was dealt with.

Traditional methods that were employed by these ancient societies to control crimes and maintain social order were not of universal acceptance as these laws were culturally relative. Historically the laws that governed the communities of the various ethnics were very much influenced by the societal and spiritual beliefs of the people, the traditional religion and spirituality played a remarkable role in African indigenous law process, both in their creation and dispensation, religious and ritual beliefs and practices were greatly relied upon in determining legal responsibility. These Tradition religions were relied upon as they promoted truth, equity and justice which were the primers of conflict resolution in traditional African societies.<sup>1</sup>

The people of these ancient societies believed in the involvement of the gods of lands in the enactment of these laws, It is believed by the people that the deities and ancestors were always present at the scene of conflict resolution. Unlike modern criminal systems, there was no dedicated police force in pre-colonial Nigeria and the laws of these societies were unwritten unlike that of the western society. They were passed them down from generations to generation and it was strong cohesive bound of communal consciousness of the people of these ancient societies that was responsible for the sane nature of their societies as criminality was successfully reduced to a minimum.

### **Crime Solving Methods of Centralized Societies in Pre-Colonial Nigeria**

Historically the different ethnic groups in the pre-colonial Nigeria had numerous similarities in their laws and in the principles of tackling criminality with the several characteristics typifying their traditional judicial procedures. It can be said that the laws

of some pre-colonial societies were the same laws with little or no variation.<sup>2</sup> The ancient societies in the pre-colonial Nigeria operated two different governments: majority of the societies operated a centralized system of government, while the minority operated a decentralized system of government. Kingdoms and empires like that of the Benin and the Efik were examples of ancient societies that operated a centralized system of government. In these societies the kings and his chiefs were the ones that controlled the criminality with the chiefs being directly tasked with the mandate to solve criminality in the society.

In these societies whenever a serious criminal activity takes place in the community, the suspect is taken straight to the king's palace where the king would usually give the chiefs the freedom to take charge and properly do some findings on the case. whatever information that is gathered in their investigation is brought to the court of the king, the king and his council of chiefs tries the person for his crimes with the king giving the final judgment and putting a punishment on them that they must obey, on the other hand minor crimes and disputes were strictly handled by the chiefs and elders of the community with little or no involvement of the king. Only cases which are considered to be heinous usually require the attention of the king. In order to properly understand the workings of the centralized pre-colonial Nigerian societies, an in-depth view is to be taken into the Benin kingdom and the Efik kingdom

### **The Benin Kingdom**

The Benin kingdom known is as one of the greatest empire/kingdom to ever exist in the African continent. The kingdom was known for their greatness on different ranging from economic, art and leadership, in ancient Benin Kingdom the leadership was superseded by the Oba, who ruled the Kingdom through an assembly of chiefs and advisors representing various districts of kingdoms. In ancient Benin whenever any of disorderliness happens in the land leading to a break of law, the perpetrators of the crime are brought to the King's Court. The council of chiefs who are giving the mandate by the King (Known as the Oba) are to preside over such a case, trial by ordeal is used in cases of theft, perjury and witchcraft (if the accused denies the charge) once found guilty of the crime, the individuals are to receive their punishment in due time.

In the great Benin kingdom, there were several salient novelties in the law that promoted justice and the consolidation of peace and order. An example of such novelty is the recognition of group or collective responsibility in legal personality particularly when accountability is demanded of a litigant or suspect.<sup>3</sup> In pre-colonial Benin, even to date, legal personality is so broad that the law imposed collective responsibility on the extended family and close friends. The reason for the creation of this collective responsibility imposed on the suspect and their family was to support a continuous harmonious relationship among all the members of the community as corporate body. This also necessitated an interdependence relationship, creating a strong shared bond amongst the people making it difficult to isolate an individual from the family unit, with

this the family members of a criminal are also held accountable for the behaviour of the criminal, this legal framework was also enacted in cases of dispute.<sup>4</sup>

### **The Efik Society**

The Efik speaking people are some of the oldest ethnic group in Nigeria and in ancient times, they have been about to established their own effective methods and ways of dealing with criminality in their society. These methods were broken into forms and fashion: some methods were gender-specific, in some methods only men are allowed to partake in them, while in some other methods both women and children were involved. There were some specific groups that were responsible for playing crucial roles in enforcing the laws in the ancient Efik society. Some of these groups were run by men while some others run by women.

**Ekpři Akata:** This is a male dominated and oriented group whose sole role was to create and maintain moral sanctity in the society. The members of Ekpři Akata were regarded as “spirit” and thus dispose clairvoyantly to all sorts of crime and scandals committed in the society.<sup>5</sup> The Ekpři Akata was responsible for the detection of anti-social and criminal behavior, exposing and ridiculing them into correction. Meetings were held amongst the members at night and in the course of these meeting; discussions were held on misbehaviour and immoral Misconduct of several individuals or groups in the community. After these meetings, the members move around the village in the cause of moral crusade to apprehend anyone carrying out any wrongdoings, no one is free from the list, from

thieves, to individuals committing adultery they are all apprehended for their wrong doing.

**Ekpe Society:** The Ekpe society was another group in the Efik kingdom that was responsible for dealing with crimes. The Ekpe society was not just any other group in the Kingdom, Ekpe society was the highest of all traditional institution in Efik kingdom. Ekpe society was the instrument of government and they were most revered and renowned in the Efik kingdom. Ekpe society was instrumental in the creation, formulation and enforcement of traditional authority in Efik land. Ekpe society was responsible for settling major conflict and disputes involving individuals and groups amongst the different Efik clans in the Kingdom. The guilty parties were made to pay some fines; the judgment of the Ekpe society regarding any matter of disputes was final.

**Ekpa Cult:** The Ekpa Cult comprises of female members only and the purpose of this cult was to serves as a social reformer group and they achieve this aim by singing and dancing, these meetings were usually organized at night. Their songs rebuked social ills, while also serving as avenue to warn the males in the community against disrespect for womanhood. These songs kept Men who abuses their wives in check as they were often ridicule and abuse in these songs. The group would place punishment on the men who were guilty of physically abusing their wives, in some cases these men were made to pay fines, while in some other cases, harsher punishment were placed on the. However, while the group stood for the protection of women, the group did not let the hook off women as

they extended the punishment to women who were found to have committed adultery and abortion.<sup>6</sup>

### **Traditional Measures in Crime Control in Efik Society**

The Efik people not only had different groups that were meant to tackle crime but they also have various measures of crime control which maintenance social order.

**The Abiam (Oath Taking):** was one of such measures that were made to control criminality, the process involves oath taking by swearing to “Juju” or “Mbiam”. Suspects were made to swear to ascertain their innocent or guilty.

**The Uwang:** (Tying of palm front leaf) was another measure created by the Efik people to curb criminality, although less extreme than the previous measure, it was very effective in controlling crime, the measure entails that uwang is hanged on trees and place on fruits or on farmlands to prevent people from trespassing farmlands.<sup>7</sup>

**Uyere – Nkang (Rubbing OF Charcoal):** Another measure that was taken was to apprehend criminals who were caught red handed in their act of criminality are stripped naked and their naked bodies are rubbed with charcoal and they are paraded round the village.

**Public Denouncement:** was another radical measure used in controlling crime among the people, It carries with it some serious economic sanctions which might prevent criminals from engaging in any type of economic relationship and transaction with any person in

the village and nobody was allowed to buy from offenders or neither were the offenders allowed to buy from them.<sup>8</sup>

**Praise and Blame:** was another approach used by the Efiks, although not as heavy as the other previous methods, it was effective and useful. The Efik people believed in the power of praise and championing of good behaviours, so the Efik made it a course to reward good behavior. People who achieved marvelous deeds were praised and uplifted for their actions, similarly bad conducts were openly denounced by blame and offenders were berated in different ways.

### **Crime Solving Methods of Dis-Centralized Societies in Pre-Colonial Nigeria**

While the Binis and the Efik's operated a centralized society, the Igbo operated a dis-centralized society. Historically in decentralized societies the leaders of the communities were the ones bestowed with mandate to uphold the laws of these societies. When a crime takes place in a dis-centralized society, instead of taking the suspects to the king's palace, the suspects are taken to the market square for their trial. The leaders (elder's council), chiefs and villages head are the ones that puts the person through the process of trial, these trials were rid of any Formality in the dispensation of judgment, procedure of the judgment were minimal and devoid of bureaucracy. Trial usually attracted all people from the village or district, depending on the magnitude of the case, while the presence of women and children were allowed, they had no right to argue any opinion in the case, their shouts of approval or protest some was their only way of

influencing the decision making of the leaders and elders and also to encourage the parties by outspoken sympathy. In order to properly understand the pre-colonial Nigerian, dis-centralized societies, an in-depth is to be taken into the Igbo society;

### **The Igbo Society**

The Igbos operated a justice system that was different from that of the Binis and Efiks. The Igbo society is tagged “a cephalous political system” which can be translated as “a leaderless or chief less political system”. This term is suitable for describing the Igbo pre-colonial political system because of its decentralized nature as it was based on village and direct democracy where everyone in the village has the authority to contribute in decision making. Each Igbo village was seen as a political unit inhabited by related families who were bounded by common beliefs and origin. Each lineage system is made up of a number of territorially kin-based units. Each unit is made up of economically independent household and each household recognized the authority of the compound head. Each family head in the village (compound head) held the ‘Ofo‘title and altogether formed the council of elders.

The council of elders presided over important issues as the village’s welfare, safety, development and so on. The compound head has numerous rituals, moral and legal rights and obligation. He offers sacrifices for the welfare of his compound members, whom he helps to extricate from the ritual, social and legal problems.<sup>9</sup> The system of organizing the family in the pattern of kinship and extended family is significant in

understanding crime prevention and control in the Igbo setting. The extended family was the basic unit for social control amongst the Igbos. The extended families are descendants of a common ancestor. The extended family's had the responsibility of keeping order amongst the people within the family, the family which was the source of stability and social control was united under the control of the oldest person. The affairs of this unit are managed by a head or Onye isi. He is usually the eldest male in the family and he holds the family Ofo (oath) symbol.<sup>10</sup> The Onye isi is often involved in primary socialization of the individual, the Onye isi lead over a council of household heads or component lineage elders and other representatives, the council is responsible for putting any allegation or dispute and any appropriate restitution, compensation.<sup>10</sup> Matters that cannot be dealt with at this level would have to be moved to the umunna (Adult men in the extended family) or umuada (married daughters of the family) and if necessary Amala (Village tribunal).<sup>11</sup>

The Umuada can intervene on their own or at the invitation of the family or village unit to resolve such issues as spousal abuse, infidelity or theft, or to admonish erring women who are married into their village. They can impose sanctions such as shaming and ostracism rebuke and fine on an erring person.<sup>11</sup> The members of the family were very interwoven.<sup>12</sup> similar to the laws of the Binis, the Igbos families are more especially the heads of the families are to share in the responsibility and sanction of a member of the family who is an offender as the family members would be on trial with them and made to pay certain fines.<sup>13</sup> In the proceeding of conflict resolution, the elders

usually showcased a strong belief in the ubiquitous nature of the ancestral spirit; hope in the impartation of ancestral knowledge and control of the proceeding. Among the council of elders, one was recognized as the most senior to others. He was the 'Okpara' he could call for and adjourn a meeting and could also give judgment as well. The council of elders was believed to be earthly representatives of the Igbo ancestors. They maintained the age long customs, traditions and laws of the land.

### **Traditional Measures in Crime Control in Efik Society**

Crime and misgivings in the Igbos society were dealt with at different level depending on the gravity of the crime: Some crimes are dealt with in the family unit; some others are dealt with amongst the clans of a villages; some others more serious crimes are dealt with by all the members of the village as these criminal cases are brought to the market center for the elders of the village to deal with. Below are the different ways in which the Igbos was able to control crime in their communities.

### **Sorcery/Secret Cults/Societies/ Masquerade Groups**

Sorcery played a central place in the administration of justice in most traditional African societies as the ultimate court of appeal and the Igbos were no exception. When

the evidence is hard to be verified the case is then moved to a diviner, the diviner is to consults the oracle or administers an ordeal in order to discover the truth.<sup>14</sup> As the determination of the disputed facts are essential to the final ruling of case, although before a diviner is allowed to step in the case, he may be allowed to interfere with the consent of both parties.

The masquerade cult which was called mmanwu, played a role in the traditional Igbo society. The role and duty of these masquerades is to effect obedience to the sanctions of the town on a culprit. These masquerades could invade a culprit's home, and seize all his belongings until the owner paid the stipulated fine for the crime they committed and the offender is only able to reclaim their properties by the payment of the fine.<sup>15</sup>

### **Spiritual Reparation or Land Cleansing**

The Igbos viewed their relationship with the spirit world as a sacred bond. They regard any serious offence like 'Aru' or 'Nso ala' as offence committed against 'Ala' (the earth goddess); such a crime, to them, has weakened the bond between the native people and 'Ala'. The offender is mandated to provide items like goats, sheep, cow, or fowl plus pieces of kolanuts, etc (depending on the gravity of the offence). The purpose is to use these items to cleanse the polluted land and restore the relationship of the people of the community with the spirits.

### **Restitution/Compensation**

This was a measure used by the Igbos to compensate the victim who has wrongfully suffered damage by the offense of the offender. Like in the case of manslaughter (i.e., unlawful but unintentional killing of a fellow kinsmen), the offender is mandated to spend the rest of his life laboring for the family of the victim, performing all the tasks or services the deceased would have done for his family were he alive.

### **Fine Payment**

This is one of the most common forms of crime control measures among the Igbos. It serves as both a punitive and a preventive measure of addressing criminal behaviour in the land. Criminals who cannot pay the fine were sold into slavery.

### **Ostracism/Excommunication**

This is an extreme degree of crime control method among the traditional Igbo people. Extreme, because the close corporate kinship pattern among the Igbos is so strong that denying or preventing one from having contact with his kinsmen is akin to taking a fish out of the waters. Igbo people call it 'Iwuchi' or 'Ikpikirinkwu'. When one is ostracized, his relationship with other fellows is completely cut off.

### **Death Penalty**

This crime control measure is usually administered when someone has willfully killed another person. The offender is mandated to kill himself by himself – the Igbo

people tag it as “do it yourself” (ya mee ya n’onwe ya) a rope is handed over to his family who conducts him to hang himself.

### **Banishment**

Banishment is as bad as death penalty. It is akin to what the modern state call, ‘exile’. It means a process by which an offender is expelled from his clan temporarily or permanently. Only offenders who commit the crimes considered as defiling the land get banished. When the land is polluted, the earth goddess (‘Ala’) gets angry. So the offender must be whisked off from the community immediately before the anger of the gods spread throughout the entire community. Entails banishment for life: the banished person won’t be able to return to his community all his life time and at the event of his death, he is buried outside his homeland.

### **Oath Taking**

This is the main crime control method among the traditional people of Mpam. Usually the chief priest is summoned to conduct the oath taking. The setting can be at the village square or shrine. It is better for the accused to say the truth before time than to take the oat because if he is guilty of the crime and takes the oath, he will die. These different structures examined in pre-colonial Nigeria societies, displays a sound administration of justice and proper maintaining law and order. These laws were instrumental for the growth in these empires and societies.

## **Grades, Social Clubs and Vigilant Groups**

These ages – grade organization played very significant role in the socio-cultural life of the people in these societies. These groups performed both social and political functions; and instilled healthy ideas and objectives in their members and further act as a disciplinary body for erring members. This was achieved by making any deviant member who is guilty of violating the societal norms of the society to be subjected to some serious sanctions and punishments. These ages – grades were and are still very essential in the chain of government as without them, the administrative function could hardly be carried out. That is while one section of the grade takes responsibility for looking after road maintenance and other development projects. Another section takes responsibility for the policing in community. Vigilante group are formed in these communities in order to safeguard them as they control the crime and suppress and punish crime.

## **The Advent of the British**

The advent of the British into the geographical location which is what now known as the present day Nigeria, was the start of a sweeping change that drastically affected the lives of the people who had historically lived in this location, at the initial stage. The people of these ancient societies traded several essential items with the British, with several historical records citing the Benin kingdom and Lagos as a major trading routes of the British. These trades were relatively fair for both sides, until the British started to push trading demands that would leave the people of these societies at a disadvantage.

The people resisted and the British created plans in order to coercing the kings of Benin and Lagos into signing treaty which gave away the rights of important areas of their kingdom to the British.

These treaties were presented to the kings in ways were the content were not truly represented, regardless with the treaties signed, the British wasted no time in forcefully taking the control of the kingdoms. Frist was the annexation of Lagos in 1861 which made Lagos a British colony, but perhaps the most significant takeover of all the ancient societies was the Benin massacre, when the British forces invaded the Benin kingdom in 1897 and extra judicially killed hundreds of Benin people, regardless of their gender and age, all the houses in the Kingdom were burnt to the ground. Oba Ovoramwen Nogbaisi was eventually captured by British Consul-general Ralph Moor and cast before the British law; before he was tried and found guilty he was then deposed and exiled to Calabar. Benin massacre was the turning point as it marked the total capture of the ancient Nigerian societies it wasn't long after the Lagos annexation and the Benin massacre that the British introduced a system of indirect rule in order to manage their colonies.

There were several consequences of this historical takeover, firstly was the destabilization of these societies as the British forces extra-judicially killed numerous people and while their houses were unlawfully burnt to the ground in these violent takeover. The act of jungle justice were melted down on the people of these societies by the British troops, thus setting a precedent in these societies which has originally been

organized without violence as their laws kept things in order. However, the disorder the British troops injected into the pre-colonial society made its way into the post-colonial Nigeria and has continued to affect the development of the country.

Secondly the customary laws which had being used in the different regions of the country for centuries before the advent of the British government became inferior to the Common law of England the customary law were then made to go through repugnancy tests, these tests stagnated the development of the customary laws of the land.

### **Effect of the British Colonization on Traditional Crimes Solving Methods**

The aftermath of the British takeover, amalgamation and colonization of the ancient Nigeria societies, was marked with change for the people. The change was so drastic for the people that there were different resistance and uprising to the British rule, a lot of these uprising against general oppression that the people felt mainly were against regulation and reduction of the traditional laws that the people were familiar with. At that time, British common laws felt very much out of place for the people, these protest and resistance were met with violent push back as the police with the supervision of extra-judicially killed protesters on several occasions. However regardless of the protest and cries of the people, they had no option but to live with the change.

The British law was responsible for introducing formal policing into the country and not after long after their introduction was the ineffectiveness and problematic nature of the police evidence to Nigerians, so were the corruption and the ineffective of the court

evidence to the people as they now stuck with new unfamiliar laws which they were meant to adopt. No longer were criminality solved in a communal fashion, which historically was more effective for the people, the ineffectiveness of the police and the court only became more pronounced in the post-colonial Nigeria society after the country's independence as more Nigerians were victimized by criminal elements without protection from the police or justice from the court, jungle justice started to manifest itself in ways and more people became victims of justice in different ways.

The people who became victims of jungle justice and extra-judicial killings can be divided into three sections, the first of people became victims through their own action as they participated in theft, robbery and kidnapping, these individuals were apprehended by a mob and then victimized, some of them survived, some others lost their lives, the second section of these people, became victims by accident, they were drivers who were involved in a car accident were, in which they were responsible for killing people, some of these drivers apprehended by the mob and killed, even they may have had no fault in the accident and it was just a bad situation, the last section of people who became victims by other people's actions, these people were killed by robbers, kidnappers, ritualists, religious extremists, cult killings, banditry and terrorism.

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### **CHAPTER THREE**

#### **LEGAL IMPLICATION OF JUNGLE JUSTICE IN NIGERIA**

The commonality of Jungle justice in Nigeria has been established during the course of this research. At this junction, it is extremely essential to educate ourselves on the position of the law on jungle justice and extra-judicial killings. Although while it is being established in this study that the status law which Nigeria operates, may be ineffective to the average Nigerian especially as it pertains to criminality in the Nigerian society. It is still important to be knowledgeable about the position of the law on jungle justice, so one is informed about how the law responds to involvement in any mob action.

In order to get a vivid understanding of the position of the law on jungle justice and extra judicial killings some important questions need to be presented and answered, questions such as:

- What does the law say about jungle justice and mob action of any kind in general?
- Are people allowed to take the law into their hands?
- Why do the people take the laws into their hands in the first place?
- What exactly is the appropriate punishment for the perpetrators of Jungle justice in the Nigerian society?
- What are the implications of Jungle justice in regards to solving criminality?
- If there is any punishment for the perpetrators of Jungle justice do they actually face the wrath of the law for their actions?
- What does “Jungle justice” say about the justice system in Nigeria

These are all important and valid questions to be properly answered with depth and proper insight. It is essential to keep a mental note that some of the answers to these questions are quite obvious and straightforward, while some others come with more complexities and nuances.

Also, understanding the position of the law on Jungle justice would not just be limited to the Nigeria law as the position of the international law would be examined in order to get a broader and fuller view on the subject matter.

### **The Position of the Law on Jungle Justice**

The law of the land is clear on Jungle justice and the concept of individuals taking the law into their hands which could possibly lead to extra-judicial killings with or without clear intentions. The law states that no man has the right to take the life of anyone regardless of the situation except in a case of self-defense. The law of the land states that everyone has the right to life and man is not allowed to take it. Section 33 (1) of the 1999 constitution of the Federal Republic of Nigeria provides that every individual has a right to life. No one shall be willfully deprived of their life except in the execution of a court's sentence for a criminal offense they have been proven guilty.<sup>1</sup> Section 34(1) of the 1999 constitution of the Federal Republic of Nigeria also provides that every individual is entitled to the dignity of his person. No person shall be subject to torture, slavery or be required to perform forced labour. Section 35(1) of the 1999 constitution of the Federal Republic of Nigeria also provides that every person shall be entitled to his/her

personal liberty except in the execution of the sentence or order of a court in respect of a criminal offense of which he has been found guilty.

Section 36(3) of the 1999 constitution of the Federal Republic of Nigeria provides that every person who is charged with a criminal offense shall be presumed to be innocent until he is proved guilty. This law had a clear and straightforward view on mob action and extra-judicial killings, it clearly states that no one has the right to torture, harass, harm or take the life of another individual on the basis of alleged criminality and if it so happens that an alleged criminal is apprehended, his or her dignity is to be respected at all times. Alleged criminals are to be presumed to be innocent until proven guilty by a legitimate court of law. Similarly, section 8 (1 and 3) of (2) Administration of Criminals and Justice Act (2015) gives mob justice no room, and thus, prohibits Jungle Justice. And by implication any person caught or arrested participating or engaging in mob justice may face relevant criminal charges. Subsection 1 and 3 of the section provide thus:

Section 8(1): “A suspect shall:

(a) Be accorded humane treatment, having regard to his right to dignity of his person; also,

(b) Not to be subjected to any form of torture, cruel, inhuman or degrading treatment”.

Section 8(3):

“A suspect shall be brought before the court or otherwise released conditionally or unconditionally”.

And in affirmation and support to the above statutory provisions, there is a Supreme Court which decided the case of Kalu ,V. State (1998), there in, Anthony Ikechukwu Iguh JSC in his dictum mentioned that:

“...for a valid and proper arraignment of an accused person, the following three conditions must be satisfied namely:-

(1) The accused person must be placed before the court unfettered unless the court shall see cause otherwise to order;

(ii) The charge of information shall be read over and explained to him to the satisfaction of the court by the Registrar or other officer of the court; And

(iii) The accused shall then be called upon to plead instantly there to (unless, of course, there exists any valid reason to do otherwise such as objection to want of service where the accused is entitled by law to service of a copy of the information and the court is satisfied that he has in fact not been duly served therewith)”

The law of the land is clear on the fact that regardless of the magnitude of the crimes committed alleged criminals are not to be beaten or tortured but instead, handed over to the appropriate authorities.<sup>2</sup>

## **The Position of International Laws on Jungle Justice**

Article 5 of the Universal Declaration of Human Rights, Article 7 of the ICCPR, and Article 1, Paragraph 1 of the Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment. In essence, all these legal sources clearly emphasize that any torture or severe physical and mental pain shall not be inflicted upon any person (crime suspect) to punish extra-judicially or obtain a confession from them during a criminal investigation. Mob justice infringes this right as it involves alleged suspects being subjected to physical violence, torture, inhumane and degrading treatment which consequently results in mental and physical health complications.<sup>3</sup>

### **Are People Allowed to Take the Law into their Hands?**

The average citizen only holds the right to apprehend criminal until the arrival of the security agencies. They are to obey the constitution and hand over the criminals to the security agencies and let them do their jobs, regardless of their level of frustration with the criminal actions of the individual. It is important to know that no one or group of persons is/are empowered by the law to accuse, try, convict and execute any criminal in the land. There are institutions set up to deal with deviants in the society and all citizens must act always to respect such institutions. That is what makes for a civilized nation and people.

The very act of Jungle justice itself – torturing, and lynching of suspects – is a greater evil; a violation of human right and a crime against humanity. It dehumanizes the

human person, reduces the value placed on human life and does incalculable damage to the perpetrators themselves, turning them into barbarians in every sense of the word. There can be nothing more barbaric and dehumanizing.<sup>4</sup>

### **The Implications of Jungle Justice in Regards to Solving Criminality**

Jungle justice presents a big problem for security agencies in Nigeria. As it kills evidences which in turn stalls investigation and possible prosecution of the case. The person that has been lynched might have being a good source of information for investigation and when the security agencies do make their arrests they most likely won't be able to establish a link between those arrested and the crime committed with no evidence the victim of a crime is bound to loose in court except the security agencies were to meet and arrest the criminal in the their act of criminality or if there were videos evidence of the crime the faces of the suspects involved in the crime can be traced, if there is no video evidence and in the general, the security agencies will not be able to lay their hands on the prime or primary suspect. While there can be so much to be said about the police force and their ineffectiveness, it is important for people not to take the law into hands in any situation as in the process it might destroy the evidence needed to investigate the case.

### **The Appropriate Punishment for the Perpetrators of Jungle Justice**

There is no law that doesn't come with a punishment in the event that there is a breakdown of the law. The law has established its position that it forbids ordinary citizen to take laws into their hands regardless if there is a lack of adequate security and a slow judiciary system. The law also prohibits security agencies from committing extra-judicial killings on innocent civilians and alleged suspect, these suspects still have to be taken to the court of law before their fate could be decided. Both the citizens and the security agencies are to operate within the confines of the law. Although if people go head to break the law by participating in jungle justice, they would be punished by the proportion the crimes committed in the process of the melting out jungle justice, an individual who engage in jungle justice is one crime or the other in the process, examples of these includes; unlawful assembly and riot, kidnapping and unlawful confinement, assault and battery and lastly murder. In order to understand what exactly the law says about these crimes and the punishments it attracts, it is important a broader view is taken into each and every one of these crimes.

**1. Unlawful Assembly and Riot:** when an act of violence is committed by a large crowd of people, who came together with the intent to cause harm to an individual or a group of people, in the event of the members of this group being apprehended, they likely to be charged for unlawful assembly or riot. In Nigeria, unlawful assembly and riot are distinct offenses under the Criminal Code Act. According to Section 69 of the Criminal Code, an unlawful assembly is when three or more persons, with intent to carry out a common purpose, assemble in such a way or conduct themselves in such a way as to cause

reasonable fear of a tumultuous disturbance of the peace in the neighborhood. The punishment for this offense is stated in Section 70 of the Criminal Code, which states “any person participating in an unlawful assembly is guilty of a misdemeanor and is liable to imprisonment for one year”. On the other hand, riot is when a group of persons, who may or not be heavily armed come to together in unison to disturb the public peace either by force or violence, the offense of rioting attracts a three years jail term as it is stated in Section 71 of the Criminal Code “anyone participating in a riot is guilty of a felony and is liable to imprisonment for three years”

An example that illustrate the crime of Unlawful assembly and riot, would be a group of persons violently engaging in the destruction and burning of buildings, however it is important to note that when a group of people assemble to apprehend a criminal, without harming form of harm to them, this act didn't fall the offense of unlawful assembly and riot as it lawful for a group of persons together to apprehend criminal but is what is not lawful is creating public disturbance and nuisance while causing harm to the suspect. The law seeks to strike a balance between the freedom of association and assembly as against the preservation of public order and public peace.

**Section 100 of the Penal Code** has a similar provision as above but the requisite number is “*five*” (5) or more people. It also appears that from S 12 of the Public Order Act that 5 is the number there.

“It is immaterial that the original assembly was lawful if they conduct themselves in such a manner as to cause reasonable fear that they would tumultuously disturb the peace of the neighborhood where they are so gathered. Except the accused persons assembled to prevent someone (or persons) from breaking into a house to commit a felony therein.”

“An unlawful assembly graduates into a RIOT where such assembly actually\_begins\_to disturb\_the\_peace\_of\_the\_neighborhood”

“Unlawful assembly- 1 year. Riot-3 year’s punishment”.<sup>5</sup>

**2. Kidnapping and Unlawful Confinement:** In Nigeria, both kidnapping and unlawful confinement are serious criminal offenses, with the Criminal Code Act outlining specific penalties. Kidnapping, as defined by Section 364 of the Criminal Code Act, involves unlawfully imprisoning someone within Nigeria to prevent them from seeking legal release or making their location known. This offense is what people who refuse to hand over criminal suspects to the appropriate security agencies unknowably commit, Section 364 of the Criminal Code Act in Nigeria state that 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 the place where he is imprisoned,

Is guilty of a felony and is liable to imprisonment for ten years.<sup>6</sup>

Section 273 of the Penal Code further provides;

'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>7</sup>

3. Assault and battery: These are the most committed crimes by people who engage In jungle justice, as in most cases of jungle justice, the victims are usually beaten with and without weapons by the mob, the actions of the mob falls under the offenses of assault and battery, the punishments of these crimes are heavy. Under the Nigerian law, assault and battery are treated as one and the same, there types of the assaults that the law recognize.

### **Types of Assault**

The Nigerian Criminal Code Act recognizes various types of assault, each defined as follows:

Common Assault (Section 252): This type involves the unlawful application of force to another person without their consent.

Assault Occasioning Harm (Section 355): This assault results in actual bodily harm to the victim.

Serious Assault (Section 356): Serious assault includes attacking another person with the intent to commit a felony, resisting lawful arrest, or obstructing a police officer. It also includes unlawful assault against individuals executing lawful processes related to property or those involved in trade or business conspiracies.

Indecent Assault (Section 353): This type includes any sexual assault against individuals, encompassing unwanted sexual advances or actions.

Assault with Intent to Commit Unnatural Offences (Section 352): This refers to assaulting another person to have carnal knowledge against the order of nature.

Assault on Persons Protecting Wrecks (Section 354): This refers to unlawfully assaulting individuals engaged in protecting shipwrecks or assisting in rescue operations.

### **Penalties for Assault**

Common Assault (Section 351): This offense is punishable by imprisonment for up to one year. The section states that “Any person who unlawfully assaults another is guilty of a misdemeanor, and is liable, if no greater punishment is provided, to imprisonment for one year”

Assaults Occasioning Harm (Section 355): This type of assault carries a penalty of imprisonment for up to three years. It states that “Any person who unlawfully assaults another and thereby does him harm, is guilty of a felony and is liable to imprisonment for three years.”

Serious Assaults (Section 356): Serious assault is punishable by imprisonment for up to seven years

Assault on Persons Protecting Wrecks (Section 354): The section states that “Any person who unlawfully assaults and uses actual violence to a peace officer or any other person while acting in the execution of his duty in or concerning the preservation of a vessel in distress, or of any vessel or goods wrecked or stranded or lying underwater, is guilty of a felony and is liable to seven years’ imprisonment”

### **Conspiracy as an Act of Assault**

The Nigerians take account of the events were individuals conspiracies to commit against an individual, this is closer to the act of jungle justice in any form, as people have to agree as a collective to attack and cause harm to a suspected criminal, whether verbally or non-verbally, the act of this agreement is the act of conspiring which is punishable by the law.

In Nigeria, conspiracy to commit assault is governed by specific sections of the Criminal Code Act:

Section 516: This section states that anyone who conspires with another to commit a felony, including assault, is guilty of a felony and may face imprisonment for up to seven years.

Section 517: This section addresses conspiracy to commit a misdemeanor, indicating that anyone who conspires to commit an offense that is not a felony is guilty of a misdemeanor and may be punished with imprisonment for up to two years.<sup>8</sup>

4. Murder: This is the tipping point of jungle justice as it even lead to a case of extra-judicial killings as a person was killed in the process of the people melting down jungle justice on them, this is the most crime of all the crimes that could be committed when an individual engages in jungle justice, usually even the most fearless person in the mob might become apprehensive as he or she know the weight and the implications of the crime of murder as the punishments of murder be at the worst death and at the least life imprisonment.

Section 315 of the Criminal Code Act in Nigeria state that “any person who unlawfully kills another is guilty of an offence which is called murder or manslaughter, according to the circumstances of the case”

Section 316 of the Criminal Code defines the offence of murder as follows:

"Except as hereinafter set forth, a person who unlawfully kills another under any of the following circumstances that is to say:

(a) If the offender intends to cause the death of the person killed, or that of some other person; (b) If the offender intends to do to the person killed or to some other person some grievous harm;

- (c) If death is caused by means of an act done in the prosecution of an unlawful purpose, which act is of such a nature as to be likely to endanger human life;
- (d) If the offender intends to do grievous harm to some person for the purposes of facilitating the commission of an offence which is such that the offender may be arrested without warrant, or for the purpose of facilitating the commission of an offence which is such that the offender may be arrested without warrant, or for the purpose of facilitating the flight of an offender who has committed or attempted to commit any such offence;
- (e) If death is caused by administering any stupefying or overpowering things for either of the purpose last aforesaid;
- (f) If death is caused by willfully stopping the breath of any person for either of such purpose, is guilty of murder.<sup>9</sup>

Every individual should strive to be a law abiding citizen because being law abiding is the highest contribution one can make in the development of his society. Everyone should be law abiding and the idea of jungle justice should be discouraged and condemned by very well meaning citizens of the country because jungle justice and extra-judicial killings are not only crime against the law and the state, it is also a crime against God and humanity.

### **What does Jungle Justice say about the Nigerian Justice System?**

In all the stands, the laws have taken against jungle justice, its frequent occurrence in Nigeria society only validates the notion that the law of the land is oftentimes not respected. It is a contravention against the fundamental human rights as it is provided for in our constitution. Jungle justice having such commonality in the Nigerian shows the complete weakness of our judicial system; thus, empowering the aggrieved citizens taking laws into their hands as Unfortunately, most of the perpetrators of this act are most of the times not held accountable for their actions, not arrested and obviously never persecuted for their heinous crimes; they are completely left off the hook.<sup>9</sup> It is evidently clear that the Nigerian justice system most especially the judiciary system is in a terrible shape. The fact that justice is almost never given to the aggrieved victims of injustice even after being reassured of Justice. Even when justice is being dispensed the process are usually slow, tiring and hectic for the victims.<sup>10</sup> The public is becoming increasingly impatient in following the dictates of the law. Nigerians are simply losing confidence and faith in law enforcement agencies and the justice system as a whole.

## **ENDNOTES**

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## **CHAPTER FOUR**

### **CONCLUSIONS**

Jungle Justice has been established as a crippling menace because of the damages it has caused in the Nigerian society. To reiterate for the purpose of emphasis, jungle Justice has been responsible for the loss of lives, destruction of properties and destabilization of different families and communities. Several individuals who were merely accused of criminality were killed without a fair hearing from the court to determine their innocent or guilty. The Nigerian law is clear on the fact that there is no rationale for ordinary citizens to take the law into their hands. The effect of jungle justice on Nigeria as a country is massive: internally there are cases of deaths and destructions; while externally on the international scene, Jungle justice has portrayed the Nigerian people in a primitive light giving the outside world the idea that Nigerians have lost their heads, common sense, and collective conscience due to the numerous horrific episodes of jungle justice across the country.<sup>1</sup>

This poses a significant threat to the individual citizen, society, and the entire country as it impedes growth and development <sup>2</sup>; it creates a ground for other nationalities to form harmful and dangerous opinions about the average Nigerian. This could be a big disservice to Nigerians both home and abroad, there is a need for jungle justice and extra-judicial killings in Nigeria to stop, so that the image of the country is fortified. If the issue of jungle justice in the Nigerian society is not tackled it could possibly lead to numerous losses of foreign direct investments, due to the perceived unsafe nature of the Nigerian society.<sup>3</sup>

The mechanism to curb the jungle justice out of the Nigerian society must be put into action with immediate effect in order to correct these damages and repair the country, this can only be achieved in a collaborative effort between the government, stake holders across the board, security agencies, religious organizations and non-governmental organizations, all in conjunction to effect the needed change. The regulation and reduction of the customary laws has proven to have affected the Nigerian society, considering the Nigeria status law which was drafted from the British law has proven to be ineffective in dealing with criminality in the Nigeria society. On one hand, many scholars argued that the regulation of the customary laws is responsible for the inadequate tackling of criminality in the Nigerian society, the commonality of jungle justice in the Nigerian society is simply a sign of weaknesses of our judicial system which ought to be strong but this weakness has unfortunately created an avenue for jungle justice to have a strong grip on the affairs of the country as crimes are not properly dealt with and justice is not only delayed but in most cases not given to victims of crimes and injustice,

Scholars have argued that the ineffectiveness of the Nigeria status law and the Nigeria criminal justice system is proof that only the customary law would be effective in dealing with criminality in the Nigerian society.<sup>4</sup> However, some of the scholars are of the view that the customary law should be used in dealing with criminality as it would tackle criminality in a communal manner which historically was the way criminality was dealt with in the pre-colonial Nigerian societies. These set of scholars are of the opinion

that a complete return to customary laws is what is needed to tackle criminality and jungle justice in the long run. another section of the proponents of customary laws are of the opinion that there is no need for a complete return to customary laws, instead it should be given more of a role in the Nigeria constitution especially as it pertains to dealing with criminality believing that a working synergy could be created between the already dominant and status law and possibly elevated customary laws.<sup>5</sup>

On the other hand, some scholars argue that the Nigeria status law could be made to work, especially in cases of criminality, convinced that if the 1999 constitution is correctly amended and the laws were made to work without delay or favoritism then the roles of the customary laws wouldn't need to be elevated as the Nigeria status law would be able to tackle criminality and restore sanity into the Nigerian society.<sup>6</sup>

While both school of thoughts offer some sounds perspective on the issue, it is important to understand that in order to properly tackle jungle justice, the solutions has to be derived from several angles in order to create lasting change for the problem of jungle justice in the country.

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