

## "A Corridor of Corruption": Perception of Kidnappers, Victims of Kidnapping and Their Relations on the Administration of Criminal Justice in Selected States of Nigeria

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### ABSTRACT

*This study investigated the perception of kidnappers, victims of kidnapping and their relations on the administration of criminal justice in selected states of Nigeria with a view to underscore its implication with regards to the prevalence of kidnapping. The study utilized the qualitative method—in-depth interviews and key informant interviews in generating data from 60 interviewees for the study. The qualitative data collected from the study was analyzed using a manual content analysis. The study showed that there is generally corruption, ineffectiveness and inefficiency amongst the police, court and prison officials and that this has led to public loss of confidence and distrust in them which situation, kidnappers exploit to their advantage. Based on the findings, it is recommended that government should stop paying lip service to the fight against corruption, inefficiency and ineffectiveness in the public service but instead take concrete steps to stem the rising tide. Besides, a review of the conditions of service of the police, prison and judicial officers, there is the need to provide functional vehicles to the police, court and prison authorities as well as renovating and refurbishing dilapidated buildings and furniture in the various courts so as to boost their morale and increase efficient and effective service delivery.*

**Keywords:** Kidnapping, Criminal Justice system, Victims of kidnapping, Nigeria

### INTRODUCTION

Though kidnapping has been in existence in Nigeria, its incidence and prevalence however became pronounced from the 1990s and has remained unabated till date (Ogugbuaja, 2010, Abati 2010, Osumah and Aghedo, 2011). This social malady which first attracted national attention on the 25<sup>th</sup> of February, 2006 when the Niger Delta militants first abducted expatriates in the oil industry. This was done in order to make the world aware of their demand for restitution and increased infrastructural development (Ngwama, 2014 and Ugwuoke, 2016).

Kidnapping is an offence punishable under the Nigerian law and on conviction; the suspected kidnapper is sentenced to ten years imprisonment without an option of fine. Due to the upsurge in kidnapping, several southern states in Nigeria have enacted anti-kidnapping laws making it a capital offence (Inyang, 2009). In further response to the rising waves of kidnapping, some states have adopted diverse means to curb this ugly social phenomenon. Despite these measures, the spate of kidnapping in Nigeria has once again given the country an embarrassing image. Over the past few years, reported cases of kidnapping have risen, in spite of the old and new laws that have been put in place, the various strategies employed by government to curb the rising wave of kidnapping, there is still an upsurge in it, thus raising questions as to the efficacy and effectiveness of the criminal justice process.

Scholars have pointed to several flaws in the justice administration, accusing judicial officers of deliberately not applying the rules after money has exchanged hands (Abati, 2002). In fact, Manby (2004) was very emphatic in his argument that Nigeria's justice process is laced with corruption thus, enabling suspected kidnappers to continue in their reign of terror and illicit money making venture. Corruption appears to be the bane of the justice system as several judges even at the apex court have been accused of corrupt practices with the assistance and connivance of very senior legal practitioners. The Nigeria police have been generally criticized for its unenviable, ineffective and inefficient performance because of its corrupt practices. The average Nigerian has no

good words for the police as they see them as brutal, corrupt, irresponsible and unfit to prevent and detect crime, particularly, kidnapping (Obarisiagbon, 2017).

This state of affairs is not only worrisome but needs investigating especially against the background that the general public perception of the principal actors in the administration of criminal justice seems to have left much to be desired. There appear to be a general distrust of the police, the court has been accused of corruption while the prisons have been lashed out at for not bringing accused persons to court as at when due (Oputa, 1991, Ugwulebo, 2011, Alemika and Chukwuma, 2000 and Ayorinde, 2014). The National Judicial Council has also embarked on sanitizing the judiciary by querying or suspending erring judicial officers and, in some cases, retiring others. These actions point to the fact that the administration of criminal justice has flaws and needs a thorough overhaul (Lawal, 2005).

It is therefore against this backdrop that this study thoroughly investigated the issue of corruption as the bane of the administration of criminal justice in selected states of Nigeria, particularly from the perception of kidnappers, victims of kidnapping and their relatives.

### **OBJECTIVE OF THE STUDY**

The study sought to examine the perception of kidnappers, victims of kidnapping and their relations of the administration of criminal justice system in selected states of Nigeria.

### **RESEARCH QUESTION**

How do kidnappers, victims of kidnapping and their relations perceive the administration of criminal justice system in selected states of Nigeria?

### **REVIEW OF RELATED LITERATURE**

#### **Perception of kidnappers, victims of kidnapping and their relations of the criminal justice system**

Every society has a mechanism in place to prevent, detect, prosecute and punish offenders of its extant laws when breached. The mechanism involves the police, the court and the prison (Ayorinde, 2014). The essence of putting this mechanism in place, is to have a near, if not crime-free society. Regrettably in Nigeria, crime particularly kidnapping and recently Fulani herdsmen killing and destruction has been on the increase with no end in sight. The question often asked by concerned persons is: what is the police doing to detect and prevent its near daily occurrence; how come, some of the perpetrators of these heinous crimes, when caught are not convicted by the court of the land? At the bottom of these issues lie basically two issues- corruption and the perception of the role of key players in the administration of criminal justice.

Studies have revealed that the kidnappers, victims of kidnapping and their relatives have very negative perception of criminal justice. Their confidence in the police, the court and the prison is very low. Their views of criminal justice point to a broader confidence problem for the police, whom many accuse of being corrupt; the court, that many see as a place where anything goes, and the prison, seen as a breeding ground and a centre for future kidnappers (Osaghae, 2011). Based on his findings on the low perception of the public on criminal justice, Osaghae (2011) advises that the relatives of kidnapped persons should try to cooperate with the security agents because they can be of great help.

Oputa JSC (1991), whilst condemning the stigma of corruption in the judiciary, spelt out an irresistible canon of rectitude in judicial behaviour in this eloquent exhortation to judges.

*“Corruption is the cancer eating deep into every facet of our national life. The courts have not been spared. But to retain public confidence in the system, the administration of justice in our courts should, above all things else, be pure incorruptible and just, otherwise we dispense the counterfeit. Justice in our courts should never become a marketable commodity blatantly auctioned, with the hammer going down to the beautiful effigy of elegant and relentless justice. Our Judges should at all costs, ensure that in our courts, justice is not mocked, nor depreciated, nor diluted, nor disfigured, nor prostituted, nor in any way debased. This should be the stuff, of which, and from which, our people’s confidence in the court system should be made”.*

This admonition coming from an erudite jurist is a pointer to the fact that the court is indeed perceived negatively by the public.

Many people believe and are usually unwilling to approach the courts for justice in criminal matters because of the bureaucratic bottlenecks and unattractive approach which are adopted by judicial personnel. In fact, the public has grown weary of patronizing the court whenever they have criminal matters. This perhaps, explains the surge in jungle justice in Nigeria.

Omagie and Uche (2013) observe that some of the kidnap incidences are not reported to the law enforcement agents because the ordinary man believes that, the police aid and abet criminals. They further note that the Nigeria police do not have what it takes to track or apprehend kidnapers. Besides, the public see the police as a corrupt organization that set criminals free by not pressing charges against them, when their financial demands have been met.

Commenting on this vexed issue of the image of the police, Ugwulebo (2011) observed that the police over time have been accused by the public of aiding and abetting kidnapers, and as a result, people detest using the police against kidnapers. Although the responsibility of the police is the security of lives and property, as enshrined in Section 214 of the 1999 Constitution, the public holds the view that they have not been effective owing to corruption, repressive style of policing and manpower shortage (Ugwuoke, 2010). Some of the kidnap cases are not reported to the law enforcement agents, and even when reported, charges are not pressed, owing to police ineffectiveness, corruption in the court and bribery in the prison (Omague and Uche, 2013).

It is rather pathetic that even little children have come to believe that the police is not what it professes to be – “the police is your friend”. People generally see them in a bad light, not doing what it is paid to do, extortionists, vicious, uncivil, always ready to shoot at the slightest provocation, do not follow the rule of law, and support the higher bid in its “sale of justice”. In fact, kidnapping and most recently Fulani herdsmen killings have come to dampen the public belief in the ability of the police to protect lives and property, let alone detect crimes. Kidnapping activities take place under the nose of the police and they are unable to do anything even when the public offers information and/or gives the money they ask for to facilitate movement and their work. The few arrested suspected kidnapers are even granted bail and set free at the police station. The few cases that go to court always end up with the investigating police officer showing his/her incompetence as evidence given indicates that the case was not thoroughly investigated.

In a study carried out by Alemika and Chukwuma (2000) on police-community violence in Nigeria, they observed that the public generally distrusts the police due to their antecedents and so are unwilling to assist them in any way either by giving them useful information about suspects, or reporting the occurrence of criminal activities in their neighbourhood. The media, as a potent force, contribute to the battering of the Nigerian Police’s image; they constitute a crucial factor in the police-public relationship. The Nigerian public is daily bombarded by both the print and electronic media of the apparent failure of the police to protect the lives and property of the citizenry, without corresponding publicity of the problems the police is confronted with. Similarly, through either their commission or omission, the police provide the media the opportunity for negative reporting on them over their handling of criminal activities.

### **THEORETICAL FRAMEWORK**

In the explanation of the topic under focus, the functionalist theory was adopted. At the core of this theory is the fact that the society is seen as being indifferent, but interrelated and dependent institutions. These institutions work though independently but in consonance with each other to ensure stability in the society. Society, the functionalists insist, must be in a constant state of equilibrium and for this to occur, all the institutions must be functional as a malfunctioning of any would invariably lead to a malfunctioning of the others (Parson, 1951 and Merton, 1968).

This theory assumes that there are inherent challenges confronting the criminal justice process and these have inadvertently led to an upsurge in the poor and negative perception of the public on the key players in the criminal justice system. Put succinctly, the inability of the police, the courts and the prison to carry out their statutory functions have impacted on the way kidnapers, victims of kidnapping perceive the administration of criminal justice in Nigeria. That the police and judicial officers have been accused of corrupt practices which have social consequences on their work has led to apathy and general hatred for the justice institution by the public. Little wonder that the justice institution has remained in a state of disequilibrium in Nigeria.

## METHODOLOGY

This is a cross-sectional study which used the explanatory design to gain insight into the perception of the public in the administration of criminal justice in selected states in Nigeria. Three states were purposively selected essentially due to the prevalence of kidnapping in the areas. These states are Anambra, Delta and Edo. The qualitative method of data collection was used. This was accomplished through the use of In-depth interview (IDI) and Key informant interview (KII) were used to elicit information from the respondents who were purposively selected due mainly to their knowledge of the subject matter. In all, the sample size of this study was 60 respondents comprising of 48 In-depth interviews and 12 Key informant interview.

At the commencement of the interview which was basically unstructured, the purpose of the study was made known to the interviewees whose consent was duly obtained. They were further assured of the confidentiality of the data and the place of interview was made free of interference as much as possible. The interviewees' permission was sought before recording and note taking was carried out. Content analysis method was used to analyse the qualitative data generated from this study. Themes from the interviews were identified and analysed in line with the objectives of the study.

## RESULTS AND DISCUSSION OF FINDINGS

Several themes and sub themes emerged in the course of gathering data from the field and the result and discussion of findings are presented below:

One of the major themes that emerged during the course of gathering data was the perception of kidnapers, victims of kidnapping and their relatives of criminal justice. The interviewees were well aware of what criminal justice entails and expressed their displeasure and disdain on the actual operations of criminal justice. The study revealed that Nigerians have lost confidence in the administration of criminal justice, such that if possible, they will not only shun the operators but also take the law into their own hands. Many informants commented that the criminal justice in Nigeria today cannot provide effective remedy to kidnapping, as it is corrupt and inefficient.

This view is attested to by one of the kidnapers interviewed in Awka prisons:

*“Personally, the Nigeria Police is not a police force. The people you call policemen are bribe collectors and, once you give them good money, they are ready to let you go home. While I was in police cell with those whom we did the job together, the relatives of two of my pals paid the police money and the police freed them. I am here today because my people failed to raise the money the police asked for”.* (IDI, Male, Convicted kidnapper, Awka).

Another informant illuminated the sorry state of the Nigerian judiciary:

*“I can tell you without fear that some of us who run this show are untouchable. We were six who went for this job but right now only two of us are still going to court. They used the Director of Public Prosecution (DPP) to free four of my guys after they paid money to someone in that office. Those people are very corrupt. How I wish my mother was able to raise the money for me, I would not be here anymore”.* (IDI, Male, Suspected kidnapper, Ogwashi-uku near Asaba)

In a similar view, a suspected kidnapper awaiting trial in the Benin prisons lamented that the prison is breeding more kidnapers rather than rehabilitating or reforming inmates:

*“Many prison officials are corrupt and do unimaginable things. Those of us here give them money and they allow us to make phone calls”.* (IDI, Male, Suspected kidnapper, Awka).

Another informant puts his view thus:

*“I was asked by the Investigating Police Officer (IPO) to bring money so that he will give good evidence in court for me. He told me that without his evidence, the case will not pass. I had to give him the money he asked for, when I saw that he was absent in court twice”.* (IDI, victim of kidnapping, Benin City)

One of the informant's perception of the court is quite disheartening. He observed that:

*"I don't believe in the court anymore. For two years now the case was charged to court, yet I have not been asked to state my own side of the story, it is always adjournment upon adjournment. We also receive calls from our people through the prison officials' phones. Some of the people here still run and direct their shows from the prison with use of phones".*(IDI, male, suspected kidnapper, Benin City)

This study's findings have, to a large extent, further validated Ugwulebo (2011), and Alemika and Chukwuma (2000). To these authors, the Nigerian Police is seen by the citizenry as not to be trusted, an organization that is "unfriendly", "brutal", "trigger-happy", "extortionist", "crime collaborators", "gross violators of fundamental human rights", and so on.

The unprecedented upsurge in kidnapping, ritual murders, election violence and recently the Fulani herdsmen killings have further dampened the hope of the public on the ability of the Nigeria police to secure and protect the lives and belongings of Nigerians. The study revealed that Nigerians generally believe that the police is inefficient, such that prevention and prosecution of crimes has remained a problem with them. Besides, this general situation has led to public distrust of the police; apparent lack of confidence; hatred and suspicion; and the feeling of intimidation by police presence.

Alemika and Chukwuma's (2000) study further support the findings of this work. They posited that Nigerians have resorted to whether intentionally or unintentionally, not having anything to do with the police. This resolve has reflected in the unwillingness to give information or reports of occurrence of crime to the police. Instead, they have unwittingly started meting out jungle justice to suspected criminals caught in the very act.

Ugwulebo (2011) argues that the Nigerian police have been accused of aiding and abetting kidnappers and, as a result, people detest using the police against kidnappers. The themes of ineffectiveness and miscarriage of justice were also expressed by some of the informants as represented by this excerpt:

*"I can tell you that the police are our worst enemies. When I was kidnapped, we passed through checkpoints. It is unbelievable that at the checkpoint, the police saw me inside the booth and I even asked him to help me as I was being kidnapped but they told him not to mind me and gave him money".* (IDI, victim of kidnapping, Asaba)

Data got from the relatives of victims of kidnapping point to a very negative perception about criminal justice. It would appear that criminal justice is for the "high and mighty," while justice is for the highest bidder. One relative of a kidnap victim angrily stated:

*"I had to pay or should I say give money to the police in their office before they took my statement as per my sister's kidnap. If I tell you how much I spent during the case, you won't believe it and more painful is the fact that they took the money and did nothing. My dad and I had to still pay those bastards ransom before my sister was released".* (IDI, male, relative of victim of kidnap, Awka).

A respondent argued that:

*"The state counsels are lazy and always ill-prepared for their cases. They are full of complaints and reasons why they cannot go on with one's case. Yet, they are quick to ask for more money so that the case will not fail. Sometimes, they even threaten that if we don't give them money, they will collect from the other side and not bring out all the exhibits before the court".* (IDI, Female, relative of kidnap victim, Benin City)

Another informant asserted that:

*“Even the prison people don’t help matters, most time they don’t bring the accused to court and so the court has to adjourn the case till another time. It is quite frustrating”.* (IDI, male, relative of kidnap victim, Asaba).

The excerpts above depict a gloomy perception of relatives of kidnap victims in relation to criminal justice and also showed that the kidnapers, victims of kidnapping and their relatives have a very negative perception of criminal justice. The informants’ confidence in the police, court and the prison was very low. In fact, their views on criminal justice pointed to a broader confidence problem for the police whom many accuse of being corrupt; the court, whom many see as a place where justice is for sale, and the prison, seen by many as a breeding ground and a centre for future kidnapers.

The findings of this study further validate the works of Osaghae (2011), Ugwulebo (2011), Omage and Uche (2013) and Oputa JSC (1991). Osaghae (2011) based on his study of the perception of the public on the criminal justice system advised that the relations of kidnapped persons should try to cooperate with the security agents because they can be of great help. Ugwulebo (2011) argues that the police has been accused of aiding and abetting kidnapers, and as a result, people detest using the police against kidnapers. Omage and Uche (2013) aver that some of the kidnap incidences are not reported to the law enforcement agents and, even when reported, charges are not pressed, owing to police ineffectiveness, corruption in the court and bribery in the prison.

Oputa JSC (1991), whilst condemning the stigma of corruption in the judiciary, spelt out an irresistible canon of rectitude in judicial behaviour in this eloquent exhortation to judges.

*“Corruption is the cancer eating deep into every facet of our national life. The courts have not been spared. But to retain public confidence in the system, the administration of justice in our courts should, above all things else, be pure incorruptible and just, otherwise we dispense the counterfeit. Justice in our courts should never become a marketable commodity blatantly auctioned, with the hammer going down to the beautiful effigy of elegant and relentless justice. Our Judges should at all costs, ensure that in our courts, justice is not mocked, nor depreciated, nor diluted, nor disfigured, nor prostituted, nor in any way debased. This should be the stuff, of which, and from which, our people’s confidence in the court system should be made”.*

This admonition coming from an erudite jurist is a pointer to the fact that the court is indeed perceived negatively by the public. Many people believe that the delays and bureaucratic bottlenecks associated with Nigerian courts have made it very unattractive to approach. In fact, the public has grown weary of patronizing the court whenever they have criminal matters. This, perhaps explain the surge in jungle justice in Nigeria.

On a general note, findings from the data of this study supports the theoretical framework adopted to explain the relationship between kidnapping and the administration of criminal justice as it has revealed that the economic structure within the society pressurizes citizens, particularly the unemployed youths to commit crimes. Moreover, the inability of the police, the court and the prison to effectively carry out their statutory functions have consequently impacted on the way the kidnapers, victims of kidnapping and their relations perceive the administration of criminal justice in Nigeria. Consequently, this study suggests

## CONCLUSION AND RECOMMENDATIONS

Although there are extant statutory provisions spelling out the powers and functions of the police (Police Act, 2004), the court (the constitution, 1999) the prison (Prisons Act, 2004). Regrettably, the incidence and prevalence of kidnapping has in no small measure, exposed the flaws and inadequacies inherent in the administration of criminal justice. The study revealed that there are quite a number of challenges confronting the administration of criminal justice in Nigeria of which corruption and inefficiency appears to top the list. These have generally impacted negatively on the public perception of the image of the key players in the criminal justice system. Though these challenges are multifaceted, they are however surmountable.

First, government should stop paying lip service to the fight against corruption. Judges who have been found culpable of corrupt practices by the National Judicial Council, should not just as it is at present, be recommended for retirement and retired from the judicial service, but such judicial officers should be tried in a court of competent jurisdiction and if found guilty, should be sentenced to a term of imprisonment. This will not only make others sit up but serve as a deterrent to potential corrupt judicial officers.

Since the police is saddled with very sensitive roles in the investigation of crimes, kidnapping inclusive, and to a great extent, prosecution of cases in all lower courts, as well as acting as witnesses at the high court, they should be provided with facilities and infrastructure to enhance expeditious and elaborate investigation of kidnap cases and intelligence gathering. This will ensure that in most, if not all cases, the police are able to complete investigation before charging the suspected kidnapers to court.

Lastly, there should be full implementation and compliance with the provisions in the Administration of Criminal Justice Act, 2015 particularly with regards to the minimum number of adjournments that can be sought and granted in a criminal case. In addition, its provision on the speedy dispensation of criminal justice should also be ensured as this will have the maximum effect of discouraging lazy legal practitioners from seeking frivolous adjournments.

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