

# JUNGLE JUSTICE PHENOMENON IN NIGERIA: A RETROGRESSIVE DESCENT TO THE STATE OF NATURE

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## ABSTRACT

Jungle justice, that despicable social malaise which was the defining feature of the society in the erstwhile state of nature has resurrected. This time, it is used mostly in Africa both in the villages and in big cities without hearing from the suspect as if it is the only means of serving justice to the accused persons. Through a doctrinal approach and the engagement of content analysis, the paper found that jungle justice has become a disturbing affliction ravaging the Nigerian society. It is a total repudiation of the rule of law, modern civilisation and a repugnant violation of the dignity of mankind. The paper also found that the bestial act is perpetrated by the materially poor in the society as a result of broken security system and the negative perception of the judiciary. To mitigate this pseudo form of justice, the paper recommended overwhelming reforms of the judicial system and that of the security agencies in order to restore the confidence of the populace. Mass sensitisation of the people is also recommended to alert them to the inherent evils of jungle justice in recognition of the global dominant pulse in human rights.

**Keywords:** Jungle, Justice, Phenomenon, Retrogressive, Descent

## 1.0 INTRODUCTION

The remarkable statement of Thomas Hobbes, an English philosopher, who described social life in the primitive state of nature or Stone Age era of humanity is still resonating. He said that “life in the state of nature is solitary, brutish, nasty, poor and short”<sup>2</sup> which is believed to have been permanently interned with that bygone era. Jungle justice, an extra-judicial punishment or murder of the crime suspect is a sad vestige of the past. Presently, it is a malady and moral degeneration which prospect of abating is not in sight. Its return is the latest disturbing woe afflicting the Nigerian society. It is the menace of a disorder also called, mob justice, street justice or justice of the people which the Nigerian society can ill afford and which has brought the country’s administration of criminal justice system to its knees. It is like a return to that historical era of absurdity and incivility. Without any doubt, it is a function of human instincts of selfish, wickedness, vindictiveness and brutality which inevitably is an anti-thesis of rule of law and therefore a travesty of justice. These human instincts are further exacerbated by trust deficit in the administration of criminal justice system and the rule of law by the people. Thus, apart from the scourge and menace of terrorism, banditry, insurgency and epidemic of corruption in the country, the next affliction in the Nigerian society is jungle justice which is intolerably repulsive- a total obliteration of

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<sup>2</sup> 1000 Words Philosophy: AN Introductory Philosophy-Anthropology Nasty, Brutish and Short” Available at <https://www.1000philosophy.com> Last visited 21/9/2024

decency and civilisation. The phenomenon has assumed an existential threat not only to the life of the potential victims also to the universally cherished rule of law and the alluring attributes of democracy.<sup>3</sup> This is as a result of not only state failure but also that of the failure of police and legal institutions.<sup>4</sup> Thief! Thief! Stone him! Kill him! Kill him are sometimes all that need to be screamed for a large irate mob to beat a crime suspect to stupor or burn him alive with overzealous youth taking pictures and records videos for social media which amounts to a debasement of human dignity without due process of law. A prominent member of Nigerian Bar Association, Mr. Monday Ubani noted with serious concern that:

Anything you described as jungle justice is not proper justice. This is because the elementary principle of justice is that, anybody that is accused of an offence must be given opportunity to give his own side of the story for fair hearing. It is a constitutional right and one of the fundamental principles of human rights<sup>5</sup>.

Instances abound where victims are mindlessly mutilated or murdered through bizarre or outrageous methods such as using motor tires as neck lace on the victim with a view to beating him until his eyes gouged or cremating him or shot him in the head with a manifest intention to humiliate and summarily execute him. Some of the most scandalous reported cases were the mindless lynching of four students of university of Port-Harcourt, the “Aliu 4” which happened on October 12, 2012 for allegedly stealing laptops. An engineering student of Obafemi Awolowo University, Ile-Ife was gruesomely lynched in April 2023 on the allegation of stealing exotic handset. The Apo six killing which is more of extra judicial killing in the Federal Capital city Abuja, where six Igbo auto-spare parts traders were killed in cold blood on June 8, 2005. In 2022, a mob of Islamist fundamentalist lynched one Deborah Samuel, a student of Shehu Shagari College of Education, Sokoto on religious ground. Others are in Mushin area of Lagos, a 53-year old woman was stripped naked while the irate mob threw dangerous weapons at her in an attempt to kill her on the allegation that she touched a baby and it disappeared. The list is not exhaustive, just a tip of the iceberg. All these without opportunity for the suspects to defend themselves or allow someone else to do that as required by law<sup>6</sup>.

It is a notorious fact that Jungle justice is not limited to specific group of people, both the rich and the materially poor, the young and old, the educated and the uneducated are involved but the youth and the unemployed are disproportionately the perpetrators of the heinous act. No one is also immune from becoming a victim of jungle justice. It is indeed a social problem that affects lives and properties.

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<sup>3</sup> Illah Obadiah *et al* (2022) “Jungle Justice and the Nigerian Law Enforcement Oder: An Analysis of Fire and Smoke Relationship” *Lapal Journal of Humanities* Vol. 13 No. 1 June 2022 p. 2.

<sup>4</sup> Obasanjo *et al* (2023) “Patterns and Causes of Mob Justice in Nigeria” *Faculty Journal of Criminology Securities Studies* Vol. 2 Issue 1 2023 p. 108.

<sup>5</sup> Abdulah Abdulwahab “Jungle Justice: A Disregard for the Rule of Law?” Available at <https://www.vanguard.com>. Last visited 22/3/ 2023.

<sup>6</sup> Illah Obadiah, Hassan Isiaka Imam *et tal* (2022) “Jungle Justice and Nigerian Law Enforcement Oder: An Analysis of Fire and Smoke Relationship”. *Lapal Journal of Humanities* Vol. 13 No. 1 June 2022 p.65

We must however emphasize that there is no part of our criminal justice system that says citizens must turn the other side when criminal suspects are caught in the act or are reasonably suspected. Enactments are not self-fulfilling. In other words, the fact that the law provides for a right, power or procedure does not immediately render such power exercisable. It requires government agencies like the law enforcement agencies or a section of the population to activate the provisions of the law. Along this trajectory, the law provides for private persons to effect the arrest of a criminal suspect with the mindset of turning him over to the law officers who will ensure that the provisions of the law are followed for his trial and punishment<sup>7</sup>.

The concern of human rights community in Nigeria is the frequency at which jungle justice occurs which is diametrically opposed to Goal No.16 of the United Nations Sustainable Development Goals (SDGs)<sup>8</sup>, which emphasises peace, justice and strong institutions. These are hardly attainable where the rule of law does not reign, where torture and conflicts predominate, and where jungle justice is a daily occurrence. The pertinent questions at this stage are; does our law approve of killing a suspect without fair trial? Or does our legal system sanction the hearing of the complainant without that of the accused? What if the court holds otherwise and the suspect had been dispatched to the great beyond? These and other issues constitute the compelling reasons for this study.

In order to achieve its objectives, the paper is in different parts. The first part is this preceding introductory remarks. The second part dealt with the legal framework, while the third part discussed the causative factors for the re-emergence of jungle justice. Part four dealt with the curative therapy which in the view of this writer can stymie the incidence of jungle justice in our society. Part five is the conclusion and recommendations for possible action of our political leadership.

## **2.0 THEORETICAL/CONSTITUTIONAL FRAMEWORK**

This study shall use the theory of the rule of law especially its fundamental rights content as the most appropriate to justify that jungle justice is unconstitutional, pernicious archaic, and barbaric which formed part of the historical account of the Stone Age.

The rule of law is a concept of considerable antiquity. It simply means the predominance of law as opposed to the use of arbitrary power. Its origin dates back to early history. It had been a principle of the English unwritten constitution from the Middle Ages and its supremacy had formed the basis of the struggle between the king and the Parliament which was resolved in favour of the supremacy of the rule of law<sup>9</sup>. It is the foundation upon which democracy and democratic governments all over the world rests. It distinguishes and differentiates democracy as a preferred system of government. It also presumes that the society in which it operates is governed by laws derived from their constitution and that is

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<sup>7</sup> Sections 3 and 4, Administration of Criminal Justice Act 2015.

<sup>8</sup> Oluwatoyin O. Ajayi, Taiwo. O Lawrence (2024) 'Implication of Covid 19 Pandemic Outbreak on Selected Sustainable Development Goals in Nigeria.' p. 182. See also <https://www.google.com>. Last visited 13/4/2024.

<sup>9</sup> Oshio P. Ehi. 1988. 'Rule of Law, Military Government and Dilemma of Nigerian Courts' *Journal of the Indian Law Institute* Vol. 30 No. 4 (October-December) 1988,p, 456. Also available at <https://www.Jstor.org/stable>. Accessed March 31, 2020

why the constitution is rightly seen and recognised as the *groundnorm* of all laws<sup>10</sup>. According to the Black's Law Dictionary<sup>11</sup>, the rule of law is the supremacy of regular law as opposed to arbitrary power by government and individual. Every person is subject to the ordinary law within the jurisdiction<sup>12</sup>. According to Dicey's exposition of the rule of law;

It is the absolute supremacy or predominance of regular law as opposed to the influence of arbitrary power and excludes the existence of arbitrariness, prerogative or even of rule of wide discretionary authority on the part of government...<sup>13</sup>.

The concept of rule of law is a globally acceptable democratic tenet that places prominence on strict adherence to the due process of law. It presupposes that everyone is equal before the law and that due process of law must necessarily take the centre stage in administering the affairs of the state. A late Nigerian jurist, John Idowu Taylor profoundly captured this position while delivering judgment in *Mohammed Olayori & 2 Ors*<sup>14</sup> as follows:

If we are to have our actions guided and restrained in certain ways for the benefit of society in general and individual members in particular then, whatever post we hold, we must succumb to the rule of law. The alternative is anarchy and chaos<sup>15</sup>.

The immediate significance of rule of law regime is that it ensures that there is a supreme check on political power used against the peoples' rights<sup>16</sup>. The rule of law guarantees consistency and certainty of outcomes in every possible way in a democratic society such that nothing is left to the whimsicality of political power or individuals within the society. The rule of law collectively symbolises the most important features of democratic governance such as government of the people, by the people and for the people<sup>17</sup>. The rule of law being a constitutional concept remains the cornerstone of governance in any given polity. It is a nebulous concept whose meaning and centre vary from place to place<sup>18</sup> and which Lord Coke colourfully spoke of as "golden and straight net wand of law as opposed to the uncertain and crooked cord of discretion"<sup>19</sup>.

Late Justice Chukwudifu Oputa (JSC) said in the case of *Government of Lagos State v. Ojukwu*<sup>20</sup> that "the state is subject to law and that the judiciary is a necessary agency of the

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<sup>10</sup> Ubani Tony. (2020) 'In Defence of Rule of Law in Nigeria' available at <https://www.worderpaper.ng/defence-rule-law-nigeria>. Accessed April 24, 2020.

<sup>11</sup> B. A. Garner, *The Black's Law Dictionary*, 7<sup>th</sup> edition, West Group Publishing Co St Paul minn 1999 p.332.

<sup>12</sup> *Ibid* p.332.

<sup>13</sup> A.V. Dicey. *Introduction to the Study of the Law of the Constitution*. 10<sup>th</sup> Edition, (1885), p.199

<sup>14</sup> (1969) 2 All NLR p298

<sup>15</sup> at p. 308

<sup>16</sup> Ubani Tony op.cit.

<sup>17</sup> Abraham Lincoln (1809-1865) .The 16<sup>th</sup> President of the United States made this statement in his address at the dedication of the Military cemetery at Gettysburg, Pennsylvania on 19<sup>th</sup>, November, 1863.

<sup>18</sup> Ojo.A. *Constitutional Law and Military Rule In Nigeria* Evans Bros. Ibadan, 1987 p.239.

<sup>19</sup> Quoted from *Miscellaneous Offences Tribunal v. Okoroafor*.(2001) 10NWLR (pt.745)p.310. See also Olanipekun Wole. "Assault on the Rule of Law: A Veritable Threat To Democracy" Being The Text of The First "Annual Emeritus Professor David. A, Ijalaye Lecture" Delivered on Monday 27<sup>th</sup> February, 2006, at The Faculty of Law O.A.U. Ile-Ife. p.16.

<sup>20</sup> 1986 NWLR pt 18, 621

rule of law”<sup>21</sup>. The long history of absolute rule in human experience led those seeking a more just order to articulate the need to be more trustful of laws than the heart of man. As John Adams, the second President of the United States said, “the executive shall never exercise the legislative power or judicial powers or either of them to the end that it may be a government of law and not of men”<sup>22</sup>. In other words, without the rule of law, there can be no rule at all<sup>23</sup>. Cicero was therefore right during the heydays of Roman jurisprudence when he said that “we are all slaves of law so that we may be free”<sup>24</sup>. It is worthy of note that the rule of law and the rule of force are mutually exclusive. The Court of Appeal in the case of *Nwadijuebowe v Nwawo & O*<sup>25</sup> observed that “law rules by reason and morality, force rules by violence and immorality”<sup>26</sup>. However, the world no longer has a choice between the rule of force and rule of law. Indeed, if civilisation is to survive, it must choose the rule of law through an independent judiciary. After all, God still chose to govern man through the rule of law. This is embodied in the Ten Commandments given through his servant, Moses on Mount Sinai<sup>27</sup>. The whole essence of this is that the rule of law itself was an expression first created by God directing man not to be governed by power or might but by laid down laws<sup>28</sup>. Thus, “where the rule of law operates, the rule of self-help by force is abandoned”<sup>29</sup>. In fact, the rule of force makes monsters of the citizens.

It is in the light of this theoretical background that the extant 1999 CFRN (as amended) provides in section 33(1) for the right to life of every citizen and makes the judiciary the sole power to carry out the proceedings that will lead to the conviction of a criminal suspect.<sup>30</sup> The constitution further provides for the right to fair hearing as part of inalienable rights of the citizens<sup>31</sup>. Section 36(5) of the same constitution specifically presumes a criminal suspect to be innocent until he is proved guilty in the law court while the Administration of Criminal Justice 2015 protects him from any form of torture, cruel inhuman or degrading treatment<sup>32</sup>. It is therefore not surprising that the Court of Appeal in the case of *Olabode v. The State*<sup>33</sup> stated the judicial view of jungle justice thus;

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<sup>21</sup> Ibid, at p. 647

<sup>22</sup> Pat Utomi (2004). ‘The Rule of Law, Property Rights and Challenge of Prosperity in Nigeria’. *The Advocate*. The International Journal of Law Student’s Society, Obafemi Awolowo University, Ile-Ife, 2004 Vol. 24, p.132.

<sup>23</sup> Felix Nwaneri “Rule of Law on Test” *New Telegraph Newspaper*, Nigeria, Monday December 9, 2019, p.11

<sup>24</sup> Chukwudifu Oputa, (1990).” The Independence of the Judiciary in a Democratic Society. Its needs, positive and negative aspects’. *Justice Journal: A Journal of Contemporary Legal Problems* Vol. 1, No. 3, p. 21. See also Ekweonu Cristie C.” The Federal Ministry of Justice, The Rule of Law and the Challenges of Justice Administration in an Era of transformation” *The Justice Journal: A Journal of Contemporary Legal Issues*, 2013, Vol. 5, p. 1.

<sup>25</sup> (2004) 6 NWLR pt 869, p. 439.

<sup>26</sup> per Augie JCA at p 455.

<sup>27</sup> Exodus 20, verses 3- 17. See also, Roman’s 13, verse 9.

<sup>28</sup> Olanipekun Wole (SAN)”Assault on the Rule of Law: A Veritable Threat to Democracy.” Being the Text Of the First “Annual Emeritus Professor David A. Ijalaye Lecture” Monday February, 27, 2006. At The Faculty of Law O. A. U. Ile – Ife. p.7

<sup>29</sup> *Government of Lagos State V. Ojukwu* 1986, NWLR Pt. (18) 621. per Niki Tobi (JSC)

<sup>30</sup> Section 6 CFRN.

<sup>31</sup> Section 36(1) CFRN.

<sup>32</sup> s 81 (1b) ACJA Act 2015.

<sup>33</sup> (2007) JELR 52220 (CA)

Let me say once again that no matter how one feels about the acts of another, it is wrong to try to redress an unlawful or seemingly unlawful act with another unlawful act, this will amount to jungle justice. The 1999 constitution of the Federal Republic of Nigeria recognises the sanctity of human life and no one will be allowed to take life of another without due process no matter how brave he thinks he is, the law frowns at and will certainly punish such criminal and irresponsible act when proven as in this case.

The aforementioned legal provisions uphold the rights and dignity of individual accused of crimes, given room for due process in accordance with the law. As a result, it is imperative that no act of individual or a group of people should constitute a fundamental disjuncture to the hallowed essence of human corporate existence.

On a global scene, the Universal Declaration of Human Rights 1948 (UNDHR) of the United Nations of which Nigeria is a signatory unequivocally provides for the right to life and that no one shall be subjected to torture or cruel, inhuman or degrading treatment.<sup>34</sup> Article 11 of the same Instrument further provides that every suspect of a penal offence has the right to be presumed innocent until proved guilty according to the law<sup>35</sup>. The African Charter on Human and People's Rights also in Article 4 provides that "every person has the right to life and integrity of their person and that no one can be arbitrarily deprived of this right". Thus, based on the provisions of our *groundnorm* i.e. CFRN the 1999 constitution, the judicial approval in the case of *Olabode v. The state*<sup>36</sup> and the International Conventions cited above, Jungle Justice itself is a criminal offence. It is so repulsive and repugnant to natural justice, modern civilisation and good conscience that it should not be a defining feature of the 21<sup>st</sup> century. It is therefore submitted with humility that the propensity by any government to condone it and allow it to fester to the level of philosophy of retribution will constitute not only a serious infraction of the sanctity of the rule of law but also a desecration of the essence of human corporate existence.

### **3.0 THE DRIVING FORCES BEHIND JUNGLE JUSTICE**

The provisions of law for the security of life and properties of people in Nigeria is enshrined in section 14 (2) of the CFRN. Along this trajectory, there is no doubt that government everywhere certainly originated with the need among other things, to protect lives and properties and to maintain law and order.<sup>37</sup> This sacred duty ensures that the sanctity and dignity of the people are not violated. Contrary to this constitutional expectation, insecurity of lives and properties have been the recurring order of the day as a result of advanced stage

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<sup>34</sup> Article 5

<sup>35</sup> art. 11

<sup>36</sup> op. cit.

<sup>37</sup> Taiwo L. O, Olusegun O. O. (2024) "1999 Constitution (Nigeria) Fundamental Objectives and Directives Principle of State Policy: A lifeless Platitude or A Reality of Social and Economic Justice". *Elizade University Law Journal*, Vol. 7, 2024, p.262

of state failure in the country<sup>38</sup>. The corollary is monumental insecurity being harvested in different forms of criminality- terrorism, banditry insurgency and jungle justice.

Recall that it has been stated that the absurdity of jungle justice was a feature reminiscent of the primordial time when man was in a state of nature, when might is right and when the livelihood of man depended on the survival of the fittest which in no small measure impeded the development of that society. However, the popular belief was that, that era ended at the twilight of that period. Little did we realise that this social vice will re-occur in the present era. The question that arises is: what are the causative factors that drive and sustain this social menace? A further review of the causes in Nigeria constituted a necessary urge for this study.

### **3.1 Mistrust in Judicial System and Security Agencies**

The judiciary is popularly referred to as the last hope of the common man, the beacon of democracy and the bastion of the rule of law. It is the third arm of the government which is provided for in the CFRN<sup>39</sup> and it is thereby saddled with the judicial power of the federation and that of the constituent states. Unfortunately, the judiciary in Nigeria as important as it is, is besieged with myriads of woes which inevitably erodes its diligent discharge of its duties to the people and makes administration of criminal justice flaccid. There is no other better words to describe a judiciary which corruption has eaten deep into its fabric and with other features like prohibitive cost of prosecuting cases, inordinate delay or prolong trials of cases, leadership failure, and loss of people's trust and confidence than a shambolic judiciary.

Mistrust and loss of confidence in the judiciary also refers to the inability of the people to achieve their goals i.e., justice through legitimate means such as formal justice system. Scholars have however highlighted the negative effects of mistrust in the judiciary as a veritable erosion of its continued relevance or existence.<sup>40</sup> Commenting in a similar vein, Professor Sam Smah of Criminology and Criminal Justice Department, National Open University of Nigeria stated that

the total breakdown and disorganisation of the criminal justice system have made it easy for this sort of action to be perpetuated from city to city and from place to place on different kind of individuals, especially those who are poorly placed in the society, who do not have an escape route, no one to stand and defend them<sup>41</sup>.

It is also argued that some crimes or offences are not properly investigated and processed due to the inefficiency of Nigerian justice system. This eventually leads to the discharge and

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<sup>38</sup> Ibid

<sup>39</sup> section 6 CFRN

<sup>40</sup> Adu-Ghamfi. (2014) "Implications of Mob Justice Practice among communities in Ghana" *Public Policy and Administration Research* 4(7) 87-96. Available at [https:// www.jiste.org/journals](https://www.jiste.org/journals), Dambazau A.B. (2011) *Ibadan Spectrum Limited p.45*.

<sup>41</sup> Janet Ogundepo (Year) "Jungle Justice Thrives, Victims' Families Grieve amid Poor Legal System". Available at <https://www.punching.com>. Last visited 12/12 2023

acquittal of the accused due to lack of diligent prosecution.<sup>42</sup> Closely related to the people's frustration with the judiciary is the perceived image of the police institution which is an important value chain in the administration of criminal justice system. The institution has lost its credibility and as such, the people no longer have trust in it, whereas it is the only agency which is recognised and certified by law to apprehend and prosecute suspects<sup>43</sup>. Unfortunately, the Nigerian police carries an unenviable stigma of high level of unprofessionalism, corrupt, weak, and with poor motivation.<sup>44</sup> Factors such as pervasive corruption at the counter at the threshold of reporting alleged crimes, extortion of the accused families before and after the charges are filed, unexpected transfer of Investigating Police Officers with a view to compromising part-heard matters, intimidation of vital prosecuting witnesses, all contribute to the perception that George Orwell's satirical book, "Animal Farm" where the *clihe* "all animals are equal" and the legal maxim "equality before the law" are both grandiose illusions. This perception of a flawed and arbitrary justice system undermines the conventional criminal justice system and encourages mob justice as an alternative platform of administration of justice<sup>45</sup>.

Another situation is where the rich and powerful or privilege personalities are suspected of committing crimes, arraigned and tried, people hear very little in term of punishment or sentences. Whereas, more often than not, they hear that people who stole tubers of yam, pepper or lesser items are promptly convicted and sentenced to terms of years of imprisonment. They do not need to be politically connected or properly schooled in the legal processes before they lose confidence in the system<sup>46</sup>. Thus, jungle justice epitomises the abysmal failure and inefficiency of the agencies of criminal justice administration in Nigeria<sup>47</sup>.

Of no less importance is the parlous socioeconomic conditions in the country which inevitably engenders negative attitudes due to anger and frustration culminating in irrational behaviour as a result of shocking poverty. The provision of the economic objectives of the government is embedded in the constitution<sup>48</sup>. It is to the effect that the state will harness the resources of the nation to promote the welfare and prosperity of the citizens<sup>49</sup>. Contrary to this pious expectation, many Nigerians are impoverished and live under unmitigated poverty. Congenital illiteracy, mass unemployment, crushing international debts and soaring inflation have been identified as risk factors for jungle justice. This author is further exited that the constitution further provides for suitable and adequate shelter, adequate food, and reasonable national minimum wage. This is synonymous with the dignity of mankind. Regrettably, these indices of quality life are grossly lacking which in no small measure impacted more on the majority of Nigerians who are already impoverished. These economic inequalities and

<sup>42</sup> Dambazau A. B. (1999) "Law and Criminality in Nigeria", *Ibadan University Press* p.55.

<sup>43</sup> Section 4 Police Act 2004.

<sup>44</sup> Taiwo Adeniyi *et al* (2021) "Jungle Justice Claims 158 Nigerians in 18 Months" Daily Trust Newspaper. Available at <https://www.dailytrust.com>. Last visited 27/8/2024.

<sup>45</sup> Glad, R. *et al* (2010) "Mob Justice: A Qualitative Research Regarding Vigilante Justice in Modern Uganda". Available at <https://www.gunpea.ub.ug.se> Last visited 12/12 2020.

<sup>46</sup> Illah Obadiah *et al op.cit*, p. 69.

<sup>47</sup> Illah, Obadiah *et al, Ibid*.

<sup>48</sup> Section 16 CFRN

<sup>49</sup> Taiwo L. O. & Olusegun O. O. *op. cit* p. 270.

disparities create the enabling environment where marginalised people feel excluded from the formal justice system. Thus, as alternative means of seeking justice and future protection, they resort to jungle justice<sup>50</sup>.

The factors of frustration and anger cannot be totally discountenanced as aggravating sources of jungle justice in the Nigerian society. The country slipped into economic depression some years back and there is no sign that the predicament will abate soon. It is also no longer in doubt that pervasive scourge of corruption constitutes a big threat to meaningful development in Nigeria and the fight to stymie the menace seems to be a wild goose chase<sup>51</sup>. The anger, pain and disappointment are often let out when a suspect is apprehended<sup>52</sup>. A respondent to a survey conducted by a criminologist was of the opinion that “hunger and frustration due to economic recession often make people vent their anger on anyone caught stealing a cup of gari<sup>53</sup>. This anger is manifested in giving the alleged thief instant judgment. The consequences of corruption on the poor masses are generally outrageous. It ranges from the absence of basic infrastructure such as portable water, good road network, deficient leadership outputs, and unemployment and youth hopelessness<sup>54</sup>. Specifically, the poor-masses are greatly impacted. The privileged and the well-connected enjoy economic rents. This represents abnormal monopoly profits and can bestow large benefits on the patrons of such corruption which leads to the widening gap between the rich and the poor<sup>55</sup>. As a result of this, there is a tendency for wealth to be concentrated in the hands of a tiny minority of the population. Income distribution therefore becomes highly uneven. This further exacerbates the burden of corruption on the poor as they cannot afford the required fees to send their children to decent schools, to obtain proper health care and to have adequate access to government provided services such as domestic water and power supply. Thus, jungle Justice is a symptom of the malaise of poverty, corruption, insecurity of life and properties and, exploitative political system. That is why it is not surprising that many of those who participate in jungle justice are those who poorly educated, artisanal workers, social miscreants, half-baked apprentices, street urchins and other charlatans who lack the elementary knowledge that a criminal suspect possesses sacrosanct rights to life and fair hearing under the law. What is more, we cannot fail to mention man’s inhumanity to man. The inherent wickedness in man’s heart which is borne out of vindictiveness, vendetta, vengeance, bad blood and witch-hunting as motivating factor for the festering malaise of jungle justice in Nigeria. The lack of compassionate love for fellow human makes people

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<sup>50</sup> Obasanjo S. Balogun et al (2023) “Patterns and Causes of Mob Justice” *FUOYE Journal of criminology and security studies*.

<sup>51</sup> Taiwo, O Lawrence (2024) “The Marauding Scourge of Corruption in Nigerian Public Sector: An Albatross against Human and National Development”. *African Journal of Law and Human Rights*. Vol. 8 No. (2) 2024 p 33.

<sup>52</sup> Obarisiagbon Emmanuel I (2018) Caught clubbed and Burnt: Criminological Reflections on the incidence of Jungle Justice in Benin Metropolis, Southern Nigeria” *International Journal of Arts and Humanity Vol. 7 (3) 2018 (online)*.

<sup>53</sup> Obarisiagbon Emmanuel I. Ibid.

<sup>54</sup> Ogbewere B. Ijewereme (2015) “Anatomy of Corruption in the Nigerian Public Sector” Available at <https://journal.sage.pubcom>. Last visited 12/5/2020).

<sup>55</sup> Myint U. (2000) op. cit.

take laws into their hands without giving the victims the opportunity of legal defence<sup>56</sup>. How else can we describe a situation where a nursing mother was beaten to a state of coma because she allegedly stole a pot of soup or foodstuff? This writer sees it as nothing but churlish, sheer callousness, insensitivity and the height of inhumanity in our blood vessels. The pervasive influence of social media is a factor occasioning jungle justice. This is through fast dissemination of unsubstantiated allegations of crimes which spur the lynching mob to descend on the alleged suspects.

#### **4.0 EFFECTS OF JUNGLE JUSTICE ON NIGERIAN STATE**

It is disheartening to note that the occurrence of jungle justice and its spike in recent years in Nigeria has been a major concern to human rights crusaders and other stakeholders in the Nigerian project. This is because of the inability of the government to stem the tide which engenders existential threat to law abiding citizens. One of the major effects of jungle justice on the Nigerian State is that of the negative perception of the judiciary and the legal system. It significantly distorts and portrays the country's criminal justice system as unreliable, inept, incompetent and extremely weak. Not only this, it is a method of extorting and exploiting the country's security, order, peace and stability by portraying Nigerians as primitive, lawless and vulgar living in the wilderness. Nevertheless, the dynamism of the judiciary has never been in doubt. It has the prerogative of adjudicating on disputes both civil and criminal based on the provisions of the extant laws<sup>57</sup>. It is however posited by this writer that if the menace of jungle justice continues to soar in the present geometric proportion, then Nigeria may become a state of anomie and if that situation is sustained, a failed state by bounding the spirit of vengeance amongst the people or uniting people in a spirit of retribution<sup>58</sup>. Secondly, jungle justice is a veritable means of distorting police investigation and erasing probative evidence which may be useful in diligent prosecution. This may happen if anyone of the murderous crowd is apprehended, the other members will erase the trace of their involvement permanently. Further investigation on the matter and evidence which would have been used to apprehend the others would have been jeopardised.

Perhaps, the most notable effect of jungle justice is the possibility of killing innocent victims since they are not afforded the opportunity of hearing at all. It is a notorious principle of our law that no innocent person should suffer<sup>59</sup>, let alone being deprived of his life. This principle is so much respected that if many suspects are arrested because of an alleged crime and only one of them is innocent, the trial court is obliged to discharge all of them if that innocent one cannot be identified. Recall that when Adam in the Christian scriptural book was accused of transgression of God's divine instruction, He, in his omnipresence afforded him the right of defence<sup>60</sup>. What then emboldens the rampaging mere mortal mob to strip a suspect of his fundamental rights and tossed him to unsightly bowl where the same people served as the

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<sup>56</sup> Aderounmu Busayo. (2022) ("Jungle Justice and the need for National reorientation (II)" available at <https://www.businessday.com>. Last visited 12/12/2023.

<sup>57</sup> Section 6, CFRN

<sup>58</sup> Aderounmu Busayo. Ibid. This may occur when the friends, colleagues, or gang members of the individual who was the victim of jungle justice set aside time and assign themselves the mission of retaliation.

<sup>59</sup> Section 36 (5) CFRN

<sup>60</sup> Genesis3 v1-6, 17.

complainants, prosecutors, judges and executioners all at the same time<sup>61</sup>. The prevailing question is; are they wiser than God for them to have embarked on the ignominious and unmitigated savagery? Or better still, what justification do they have to stoop so low and abdicate logic and rationality? It is respectfully submitted that apart from the broken judiciary and the inept security agencies, it is also no other than their distorted minds about the more transparent English adversarial legal system. They have embalmed their memories of the subjective and opaque traditional African legal system in order to escape the present and the future. Chukwudifu Oputa (JSC), in his characteristic forthrightness and candour, warned against scandalous denial of justice in the case of *Godwin Josiah v. the state*<sup>62</sup>. According to him, “Justice is a three-way- traffic, justice for the accused, justice for the victims of crimes and justice for the society whose social norm is infracted”. It is submitted with humility that the act of the mob is borne out of irreversible illiteracy, callousness, covetousness, bad blood and the popular misconception amongst members of the general public that the accused does not deserve justice. All of these are a total negation of the sacredness and sanctity of rule of law.

Due to the heterogeneous nature of the country’s ethnic nationalities, Jungle justice is also a potential source of ethnic conflagration which eventually can ignite state of lawlessness, chaos, and eventually ethnic cleansing. Let us assume at least for a moment, that the suspect who was mobbed and killed does not belong to the dominant tribe of the scene of crime is eventually found to be innocent and no single one of the mob is apprehended, there may be suspicion of ethnic bias against the suspect which may lead to reprisal by the suspect’s ethnic extraction<sup>63</sup>. It is however the humble view of this writer that the historical account of this country at the threshold of civil war in 1966 does not suggest that Nigeria can afford to thread that path of perdition again because of the avoidable overzealousness of few misguided social aberrant.

## 5.0 JUNGLE JUSTICE IN OTHER JURISDICTIONS

Jungle justice is not the exclusive tribulation of Nigeria. South Africa presents another jurisdiction where the ferociousness of jungle justice is a way of daily life and in fact a language<sup>64</sup>. The malaise is a function of unresolved trauma of the past apartheid that manifested as part of the society’s responses when they have been wronged. Annah Moyo puts the issues thus:

when our souls and spirits are broken as a society, it reflects in how we deal with issues and violence is a manifestation of this brokenness and the consequent rage and anger that spills out when we have been wronged. The default language of violence and the gruesome nature of this language that communities resort to as their last option in dealing with problem, crime and criminality is a response to issues and challenges of our present day.

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<sup>61</sup> Busayo Aderounmu op. cit.

<sup>62</sup> 1985 1 NWLR. (Pt. 1) 125.

<sup>63</sup> Wikipedia: Jungle Justice- UMSA. Available at <https://www.wikipedia.org>. Last visited 11/8/2024.

<sup>64</sup> Annah Moyo-Kubela (2023) “Mob Justice is a Language in South Africa” available at <https://www.csvr.org.za>. Last visited 12/8/2023

Indeed, this is a vintage testimony that mob justice is a symptom of much bigger social vice in South Africa reminiscent of the dark days of apartheid when suspected collaborators of the white minority-regime were executed by “neck lacing a used tire followed by a can of petrol then a match. This has normalised violence in South Africa which no longer conjures strong emotional reactions from community members who witness such acts. The practice is still ongoing till today. The smoke from the burning fire is euphemistically referred to as “the smoke that calls”. In other words, it is this smoke that draws the attention of the appropriate authorities or security agencies to do the needful.<sup>65</sup> Most of the instances of jungle justice in South Africa like any other place are unreported. The difficulty with the few that are reported is often that there are a number of people involved and to link the individual suspect or accused to the actual killers, at least to fulfil the legal righteousness (evidence) of certainty is often difficult<sup>66</sup>. It is no surprise then that jungle justice is committed whimsically by the mob without any consequence or accountability.

Apart from the havoc which apartheid foisted on South African society, other causes of jungle justice in the country are similar to that of Nigeria. It ranges from unwholesome practices in the judiciary occupied by judges who are not above board, inordinate delay of cases and unwillingness of the complicit community people to give evidence. Others are endemic corruption and the tardy responses of the police to distress call. The burgled Police investigations does not also help to secure conviction<sup>67</sup>.

Cameroon is another country in Africa where an alleged criminal is publicly humiliated beaten and viciously executed by irate mob without the opportunity of defence. The reasons for this dastardly act are also similar to that of Nigeria and South Africa- a dysfunctional and corrupt judicial system, distrustful law enforcement and unfounded distrust in European principles of criminal justice system. The suspect on arrest is forced to roll in the mud for hours followed by execution by neck lacing with used tire<sup>68</sup>.

The prevalence of jungle justice in Africa especially in Nigeria, South Africa and Cameroon would almost give the impression that it originated in Africa and also limited to it. This is not true. In fact, jungle justice predated the establishment of ancient Rome<sup>69</sup>. It is however the alarming rate at which it takes place that led people to associate it with Africa. It is submitted that in spite of the fact the practice started before the ancient Rome was founded, the current level of civilisation and the global giant stride in elevating the status of humanity to a higher level are sufficient to have eradicated the obnoxious practice in the Nigerian society.

## **6.0 CONCLUSION AND THE PROGRESSIVE WAY FORWARD**

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<sup>65</sup> Ibid

<sup>66</sup> Wendell Roself (2022) “In South Africa’s Slums, Mob Justice Rules”. Available at <https://www.reuters.com>. Last visited 22/11/2023.

<sup>67</sup> Ibid

<sup>68</sup> Peter Tse Angwato (2022) “Cameroon Predicament” Available at <https://www.researchgate.net/publication>. Last visited 15/2/2023.

<sup>69</sup> Obadiah IIIah, op. cit.

Having examined the scandalous vestige of the state of nature when jungle justice was used as an alternative to the subjective African method of settling criminal matters and the crawling English model of criminal justice system, which Nigeria also inherited from our colonial masters, it is obvious that rather than solving the problem of human insecurity in Nigeria, it has compounded and complicated the situation. We have also examined the motivating factors such as the near collapse of judicial and security systems and pervasive negative influence of social media. The consequential effects of jungle justice in the society were also highlighted. It is found that the act is in defiance of human conscience, natural justice and social decency. It is also found to be a degrading treatment, a cruel and repugnant infraction of the victim's fundamental rights to life and dignity of human person. The reality of today is that the horrors of jungle indicates that a section of the world, especially in Africa is retrogressing back to the state of nature which if it is allowed to fester and sustained, Africa will continue to carry the unviable stigma of the dark continent of the world. Hence, this discourse becomes necessary and compelling with a view to offering curative therapies in order to enhance the administration of criminal justice system in Nigeria. Thus, the present administration will leave the Nigerian society better than it met it if the following therapies are explored.

The first potent therapy in the writer's view to minimise the incidence of jungle justice in Nigeria is to cure the judiciary of the growing negative perception which stems from allegations of corruption, delay in dispensing justice, and a seeming disconnect between judicial outcomes and societal expectations arising from years of systemic neglect and lack of transparency. Just like the broken judiciary, the law enforcement agents have image problems. This has led people to take laws into their own hands. It is however conceded that not all the security officials are bad and inefficient, nevertheless effort should be made to flush out the dregs element among them rather than play the ostrich in the name of *esprit de corp*.

An important but mostly discounted therapy is the creation of citizens' awareness. Because of the wide-spread mentality that jungle justice is the only way to bring suspect caught in the act to justice, there is the need for the authority to embark on sensitisation of the people to the dangers inherent in the method. Certainly, many may have heard of the "rule of law or human rights" but are not entirely sure what it really means. Some have never heard these rights with which they are endowed at all. They can be reached through the mass media, religious places of worship and campaigns mounted by National Orientation Agency. Perhaps, the most important means to stymie the incidence of jungle justice is to incorporate the culture of non-violence in into our ethical values from the impressionable age of childhood. This will enable them not to participate in it and later serve as agents of non-participation to their peers.

If the above recommendations can be adhered to by the present administration, Nigeria will not only be a country reputed for her abiding faith in the rule of law and a model for other African countries. The resultant rejuvenated Nigeria will also serve as an enduring legacy of the present administration for presiding over a country free of people with bestial instincts to the admiration of the succeeding generation and in conformity with its renewed hope agenda mantra and the United Nations Sustainable Development Goal (SDGs) No. 16.

