

## **CRIMINAL JUSTICE SYSTEM AND BANDITS' CRIMINAL VICTIMIZATION IN NORTHWEST NIGERIA**

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**ABSTRACT:** The criminal justice system is tasked with enforcing obedience to the law, determining whether the laws have been broken, imposing punishment on lawbreakers, and ensuring that justice is done, among others. The CJS is, therefore, saddled with the responsibility of identifying, arresting, prosecuting, and penalizing offenders. To ascertain whether the CJS is effective in performing its functions or otherwise, the extent to which the system forestalls criminal victimization and sanctions lawbreakers is taken into consideration. The objective of this paper is to assess the effectiveness of the CJS in handling the menace of armed banditry in the northwest region. The paper is premised on routine activity theory and based on secondary sources of data such as reports, journal articles, institutional and organizational publications, and textbooks. Data were obtained from online sources and examined critically. The paper submits that the criminal justice system is failing to tackle armed banditry on the grounds that, despite the large number of bandits terrorizing the region, only a few of them have been arrested. The few that have been arrested are hardly convicted and punished for their crimes. It concludes that the failure of the CJS to tackle armed banditry would embolden the bandits and result in the further escalation of the menace. Among other things, the paper recommends intensification of policing in the region to identify and apprehend offenders, and arrested bandits should be convicted and punished without any delay to serve as a deterrent to others.

**Keywords:** Criminal Justice System, Banditry, Criminal Victimization, Northwest Nigeria

### **INTRODUCTION**

To regulate human behaviour, every society is governed by laws (Mmahi & James, 2022). Given that society is composed of law-abiding individuals and lawbreakers, a mechanism to ensure compliance with the law is required. Hence, the justice system is put in place across countries around the world for the purposes of law enforcement and offender prosecution. The system of justice is fundamental to public safety because its mandate is to ensure obedience to the law and that violations of the law attract suitable punishments (Hambali, 2022). It is the justice system that makes certain that members of society have their rights protected. The Criminal Justice System (CJS) is made up of organizations tasked with enforcing obedience to the law, determining whether a person has broken the law, imposing punishment on lawbreakers, ensuring that justice is done, as well as providing care and rehabilitation for people who have been found guilty of breaching the law and have received the recommended punishment. The foregoing indicates that the CJS is saddled with the responsibility of identifying, arresting, prosecuting, and penalizing offenders (Ugwuoke, 2010).

To ascertain whether the CJS is effective in performing its functions or otherwise, the extent to which the system forestalls criminal victimization and sanctions lawbreakers is taken into consideration. The CJS will, therefore, be adjudged ineffective if there is widespread criminal

victimization, as this indicates the failure of the system to deter, arrest, sanction, rehabilitate, and reintegrate offenders into society (Ukwayi & Opka, 2017). Globally, the security of lives and property in society is contingent upon an efficacious criminal justice system (Barnes, 2014). According to the findings of Barnes (2014), the United States' criminal justice system is effective in detecting and sanctioning those who violate the law more regularly. As reported by the Executive Office of the President of the United States (2016), one of the factors that had resulted in an increased rate of incarceration and a reduction in crime rate were modifications to law enforcement strategies in the USA. However, Ronald (2019) claimed that the American penal system utterly undermines the dignity of prisoners and their households in his evaluation of the country's criminal justice system. In South Africa, Govender & Pillay (2022) reported that worries over the standard of service and the general professionalism of the police force were common. According to them, many people in the general public believe that South African police officers were not well-trained to function effectively in the country's justice system. According to the findings of Osse & Asiamah (2020), the Ghanaian judicial system faces numerous difficulties that jeopardize the effective administration of justice. According to the report, the justice system is typified by a lack of the prerequisites for effective justice delivery, such as accessibility, affordability, clarity, and responsiveness (African Union, 2019).

In Nigeria, the administration of criminal justice has been criticized on many grounds. Olonisakin, Ogunleye, and Adebayo (2017) stated that there is widespread conviction that justice in Nigeria is a myth. According to Eze, Obi, and Ajah (2020), the majority of victims of crime in Enugu metropolitan areas have been largely ignored in the administration of criminal justice, and additionally, there is an unfriendly relationship between cops and crime victims. Similarly, Hambali (2022) decried the neglect of crime victims, in which they merely serve as witnesses to the state in the prosecution of criminal victimization that was unleashed on them. According to the report of a study conducted by Ukwayi and Okpa (2017), Port Harcourt Maximum Prison had roughly 80% of its prisoners on the awaiting trial list, making it the second most congested prison in Nigeria as a result of the ineffectiveness of the justice system. According to Olonisakin et al. (2017), unfairness in society, disorder, and unlawful behavior in Nigeria and among Nigerians are all results of the incredibility of the CJS in the administration of justice. One of the ways to ascertain the effectiveness of the CJS is to evaluate the frequency at which criminal offenders are identified and arrested by the police. In this regard, an efficacious system ought to increase the likelihood that offenders will be detected and apprehended for their transgression. The rates of crime and re-offending are also important indicators of how well the CJS is working to safeguard public safety (DiIulio, Alpert, Moore, Cole, Petersilia, Logan, & Wilson 1993). The success of the CJS in discharging its mandate has an impact on the rate of crime and reoffending.

The objective of this paper is to examine the effectiveness of the CJS in the prevention and control of armed banditry, which has become the most dreaded violent crime in the Northwest, Nigeria. This theoretical paper (a perspective), adopted a critical analysis approach to evaluate the performance of the CJS in tackling armed banditry. It is based on secondary data sources, including reports, journal articles, institutional and organizational publications, and textbooks obtained from online sources and examined critically. The conclusion of the paper was reached by the deductive reasoning method, which deduces particular assertions from general principles. The rest of the paper is divided into sections. The first section describes the problem of banditry in the northwest region. The second section contains a theoretical explanation of the phenomena being examined. The third section evaluates the performance of the criminal

justice system in tackling armed banditry. This is followed by the concluding and recommendations sections.

### **Problem of Armed Banditry in Northwest, Nigeria**

Armed banditry is a violent crime that could take the form of kidnapping, cattle rustling, village invasion, armed robbery, or extortion, committed by criminal gangs (Okoli & Okpaleke 2014; Okoli & Ugwu 2019). Armed banditry is neither new nor peculiar to Nigeria. In 19<sup>th</sup>-century Europe and America, it was committed by a group of people who were motivated by the need to liberate the masses from the hardship they were going through (Warto, 1994). In Africa, banditry takes the form of violent economic crime committed by criminal gangs with the motive of getting material benefits (Okoli, 2016; Abdullahi, 2019). In Nigeria, armed banditry, which began in 2011 (International Crisis Group [ICG], 2020), has evolved into the most frightening violent crime characterized by the victimization of people irrespective of the victim's or target's ethnic, political, or religious affiliation. Various dimensions of banditry have been identified in the literature. These include highway robbery and abductions (Okoli & Okpaleke, 2014); cattle rustling and plundering (Uche, 2018); invasion of villages for criminal victimization (Dutse & Olowoselu, 2020); and killings (ICG, 2020). Armed banditry has been attributed to a number of causes. These include poverty, greed, corruption, and inadequate law enforcement (Gadzama, Saddiq, & Dariya, 2028); poor parenting, deficient socialization, and economic factors (Usman & Singh, 2021); drug misuse, scattered settlement, monetary gain from banditry, and the spread of weapons (Yahaya & Bello, 2020); poor leadership (Babatunde, 2020); and the availability of criminal hideouts for bandits (Olaniyan & Yahaya, 2016).

Banditry has had devastating impacts on the victims over the years. Following the nature and extent of criminal victimization that bandits unleashed on the general public, a federal high court in 2021 declared the activities of bandits as acts of terrorism (Ejekwonyilo, 2021). In the northwest region, people live in apprehension due to recurring heinous attacks perpetrated by the bandits (Amnesty International, 2020). According to the report of a study conducted in Kaduna State by Dutse et al. (2020), banditry endangers food production, economic activities, healthcare delivery, and personal safety. Similarly, Okoli and Okpaleke (2014) found that agricultural activities and livestock farming have suffered setbacks due to banditry in the Northwest region. In the same vein, Mmahi and James (2023) found that due to heightened acts of banditry in the Nahuche community in Zamfara State, farmers deserted their farmlands to avoid being abducted for ransom. Thus, the community faced a severe decrease in farmer productivity and the ensuing food scarcity. According to the study, the Nahuche community, which had previously had an abundance of food, experienced a food shortage as a result of banditry. In Zamfara State, Yahaya and Bello (2020) found that banditry has put the personal security of residents of the state in great danger. On their part, Abdulrashid, Saifullahi, & Amir (2018) found that given the onslaught of bandits on the farmers in Katsina State, their income has drastically reduced. Arson and destruction of lives have also constituted a ruinous impact of banditry, as many have been killed and property burned down to ashes by the bandits operating in Zamfara State (Ojewale, 2021). Similarly, ICG (2020) reported that numerous lives have been lost to banditry across states in the Northwest region. A large number of people have also been reported to have deserted their villages and towns and run to relatively safer places as internally displaced persons (The New Humanitarian, 2021).

## Theoretical Framework

### Routine Activity Theory

According to Cohen and Felson (1979), crime results from the confluence of three critical elements at the same time and location. These are motivated criminals, suitable targets, and the lack of a capable guardian (Siegel, 2005). An offender with motivation is a person who is prepared and eager to engage in crimes. A person or piece of property that the criminal targets for victimization is a suitable target. Felson referred to victims as "targets" in his statement. Lack of a capable guardian denotes the unavailability of someone who could stop a crime from being committed. Police patrols, security personnel, watchful employees, relatives, fellow residents, or colleagues are examples of capable guardians. According to the routine activity theory, a person's likelihood of committing a crime is influenced by their regular daily activities. The targets' regular movements and activities may put them within the reach of criminals who may victimize them without their proper guardianship. Nevertheless, four additional elements also have an impact on whether or not a motivated offender would commit crime at the intersection of the previously listed components. From the perspective of the criminal, four variables impact the probability that the criminal would consider the target suitable or not. The level of risk is determined by using the acronym VIVA, which stands for value, inertia, visibility, and access (Cohen & Felson, 1979).

According to Felson & Clarke (1998), contingent upon what is valuable to the offender, value denotes that an offender will only victimize targets they believe to be valuable. In other words, the criminal may not go after things that are not valuable to them. Inertia has to do with the weight of the object being targeted, which determines how easily it can be moved. Lightweight items that are simple to remove are more likely to be stolen than bulky ones that are difficult to take away. When valuable objects are on display for potential offenders to see, this is referred to as visibility. The term "access" describes the arrangement of items so that potential criminals can readily locate them. The chances of stealing valuable items that are not accessible to criminals are slim. On the other hand, the likelihood of stealing objects that are accessible to prospectively motivated criminals is higher. Anyone who intends to commit a crime and is capable of doing so may be considered a potential offender (Felson & Cohen, 1980). Young men who have dropped out of school and lack steady employment are likewise more likely to be potential offenders (Gottfredson & Hirschi, 1990).

From the standpoint of routine activity theory, the three factors that lead to crime commission—a motivated offender, appropriate targets, and the lack of a capable guardian in rural sections of the region—converge in the instance of banditry in the Northwest region. The motivated criminals are armed bandits; agriculturalists, herdsman, ranchers, and travellers are good targets; and the absence of a capable guardian denotes the incapacity of law enforcement agents or vigilante groups to prevent banditry. Due to the availability of criminals in the area who are ready and willing to commit crimes, banditry is rife. There is also the availability of appropriate targets that are vulnerable to assault due to their regular routines. Herdsman move about with their cattle, farmers must tend their farms in order for the crops to grow well and produce a good harvest, and people must commute from one location to another for various reasons. These routine activities make the victims vulnerable to attacks. Given that the region is an agrarian one, there are foodstuffs for the bandits to steal in large quantities.

A lack of capable guardians makes crime thrive, according to RAT. A capable CJS would prevent acts of banditry, arrest, and prosecute offenders. However, the failure of the criminal justice system to prevent armed bandits from carrying out criminal activities indicates a lack of capable guardians. From the point of view of RAT, therefore, the escalation of armed banditry is traceable to the poor performance of the CJS in preventing banditry and arresting and prosecuting bandits.

With reference to how VIVA applies to bandits' victimization sprees, value shows that the foodstuffs, cattle, and people that bandits abduct are valuable to them owing to their monetary and nutritional worth. In other words, the reason banditry still exists in the area is because of the money that bandits make by selling stolen livestock and agricultural products—a huge amount of money that the bandits extort from the families of abducted victims as ransom. Because these are moveable items that can be readily moved from one place to another at the whim of the bandits, animals are rustled, crops are pillaged, and people are abducted, indicating the influence of inertia (the weight of the objects) on the criminal victimizing the targets. On visibility, the bandits can readily see people, cows, and crops. Crops are freely moved from one place to another or shown for sale. Also, cows are fed in wide fields. Furthermore, kidnapping victims and bandits occupy the same physical space, either because they live nearby or because they travel the same path. Because of all these conditions, individuals and property are more visible to bandits. Regarding accessibility, given that bandits and their victims come in contact physically, they are within the bandits' reach, which facilitates victimization.

#### **Evaluation of the effectiveness of the Criminal Justice System in combating banditry.**

Nigeria's justice system works to prevent crime and recidivism, sanction those who violate the law, safeguard the public at large, compensate victims, foster public trust among eyewitnesses and the victims themselves, and guarantee that the system is equitable and impartial. As aforementioned, however, the effectiveness of the justice system can be determined based on how well it discharges these responsibilities.

**Apprehension of bandits:** An effective justice system would not allow known criminal gangs to persistently perpetrate crime without arresting the criminals. In the case of banditry, it is worrisome that it has become widespread and is carried out both during the day and at night without the criminals being arrested. These criminals make use of technology, such as mobile phones, that could have been used to track and massively arrest them. Regrettably, they have continued to operate without being arrested. According to Kumolu (2022), the Northwest region has become a place where bandits audaciously operate openly without apprehension. In addition to carrying out criminal victimizations openly in Zamfara State, bandits impose levies running into millions of naira on villages (Kumolu, 2022). It is indeed worrisome that criminals would impose levies on villages and successfully collect the imposed levies from their victims without being tracked and apprehended. This is an indication of the acute state of lawlessness and the colossal failure of law enforcement agencies. A state or country where this happens cannot be said to have an effective justice system. States like Sokoto and Katsina have equally witnessed the alarming onslaught of bandits who have carried out invasions on their towns and villages without being confronted by security personnel (Kamolu, 2022). This indicates that the villagers and commuters plying those routes are at the mercy of bandits. The regular attacks of bandits are therefore traceable to the fact that, in many cases, they do not encounter resistance during their criminal operations. The security agencies' failure to track and arrest bandits and other criminals terrorizing people in Nigeria (Okamgba, 2024) is indicative of the



disappointing performance of the justice system. Despite the linkage of the national identity number with the subscriber identity module data, which makes it easy to track mobile phone users, security agencies still fail to track criminals (Okamba, 2024). Due to the extent and lethal nature of banditry in the region, the North has been described as the most dangerous place to reside, given that bandits operating in the region have grown bolder (Olokoro, 2020). While brazenly carrying sophisticated weapons, bandits openly invade homes, rural settings, and markets, buying food and other necessities without encountering any opposition from law enforcement agencies (Olokoro, 2020).

Likewise, the Human Rights Writers Association of Nigeria reported that across States in the Northwest region, bandits were allowed to operate without being apprehended or subdued (Nwachukwu, 2021). More so, The Cable (2022) reported that a commissioner in Niger State has averred that the government has failed to arrest and prosecute bandits. The report indicates that the problem of armed banditry has caused locals to lose faith in the government. This is due to the manner in which bandits were carrying out their criminal activities freely without being arrested (The Cable, 2022). Collusion between criminals and security agencies has also been identified as one of factors responsible for the exacerbation of banditry (Oyero, 2024). It is worth noting that such collusion would jeopardize that fight against banditry.

**Trial and sentencing of arrested bandits:** The law enforcement agencies have not completely failed to arrest bandits. Some arrests have been made. However, given the large number of bandits, belonging to several groups, terrorizing the region, the arrests that have been made are grossly inadequate. After the arrest of bandits, it is the responsibility of the courts to subject them to trial and sentence them accordingly. Regrettably, the courts (the second arm of the justice system) have been found wanting in prosecuting arrested bandits. According to Alkali (2022), it is worrisome that, despite the arrests that have been made, none of the bandits terrorizing the northwest region have been convicted by the court. The delay in the trial of arrested bandits constituted a snag in the efforts to combat the menace (The Nation, 2022). Arresting criminals without convicting them would give other criminals and prospective criminals the impression that the justice system is weak. Hence, the criminals would not be deterred from perpetrating their criminal activities. Given the alarming and deadly nature of banditry, it is worrisome that the arrested ones among them are not speedily convicted to serve as a deterrent to other bandits and other individuals who may want to join the bandit groups. It indicates an injustice to the victims of banditry, who have suffered enormous losses and are looking up to the justice system to dispense justice. Not only does it constitute an injustice to the victims of banditry, but it would further deepen the lack of confidence of the general public in the justice system. A report by Maishanu (2021) states that bandits who have been arrested in Zamfara State and their accomplices have been released without punishment. In the same vein, Egbodo (2021) reported that the House of Representatives had ordered an inquiry into claims that security personnel were secretly releasing bandits who had been detained. Similarly, Musa (2022) reported that the increase in bandits' criminal activities is due to the fact that apprehended bandits are frequently freed from custody without facing charges. The United Nations Children's Fund has equally expressed concern over the absence of prosecution and appropriate punishment for bandits despite the magnitude of atrocious acts of criminality they unleash on their victims, including women and children (Abubakar, 2023).

### **Implications**

The foregoing indicates that, with respect to armed banditry, the justice system is largely failing in justice delivery. This failure has implications. First, it would encourage bandits to remain daring, as they have demonstrated in their criminal victimizations, since the likelihood of apprehension and conviction is slim. Other members of society who have the motivation to join the criminal gangs may do so, having perceived the justice system as weak. Second, the end of banditry may not be in sight since the woeful performance of the CJS could embolden and encourage the bandits to continue with their criminal activities. This would worsen the already large extent of destruction of lives and property, destruction of livelihood, impoverishment, and weakening of the economy of the affected region. Third, it may result in members of society having a deeper loss of confidence in the CJS.

### **Conclusion**

This paper concludes that armed bandits have become emboldened due to the poor performance of the CJS in tackling armed banditry. This has resulted in further escalation of the menace. The poor performance of the CJS has the potential to exacerbate the already substantial amount of loss of lives and property, destruction of livelihood, destitution, and weakening of the local economy in the affected areas. It can cause people in society to lose faith in the CJS even more.

### **Recommendations**

1. Law enforcement agencies should demonstrate capability by intensifying policing in the region, identifying, and massively arresting bandits.
2. Arrested bandits should be convicted and made to serve appropriate punishment without delay,

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