

**ERADICATION OF MOBBING AND SELF HELP AS A PROPOSITION TO AID THE PROPER
ADMINISTRARATION OF JUSTICE**

Apapa Femi Divine¹

Ajayi Crowther Univerisity

apapafemi737@gmail.com

¹ Apapa Femi Divine, Ajayi Crowther Univerisity, apapafemi737@gmail.com

ABSTRACT

This paper investigates the persistent problem of mobbing and self-help in Nigeria, highlighting their detrimental impact on the administration of justice and the overall social order. It explores how these practices, often fueled by a lack of trust in the formal justice system and a desire for immediate retribution, undermine the rule of law and contribute to a climate of lawlessness. The paper analyzes the legal definitions of mobbing and self-help, demonstrating how they violate fundamental principles of due process and create a culture of impunity. It then proposes a multi-faceted approach to address the root causes of these behaviors, emphasizing the need for robust law enforcement, comprehensive public enlightenment campaigns, and community-based initiatives to promote a culture of respect for the law. Ultimately, the paper argues for a justice system that is accessible, equitable, and responsive to the needs of all citizens, fostering a society where mobbing and self-help are no longer tolerated.

Keywords: *Crime, Mobbing, Self- help, Violent, pre-colonial, Rights.*

INTRODUCTION

The classical aim of any modern society is to achieve a certain level of order, which is important for the protection of the rights of its members and citizens of that particular country or designated territory, as opposed to this, Nigeria has imperatively been identified as one of the countries which resolve to mobbing and self-help an haphazard behavior that has induced us to a certain level of decadence, unlawfulness and contributed to the breakdown of law and order. This article delves into the complex issue of mobbing and self-help in Nigeria, exploring their origins, manifestations, and the devastating consequences they have on the administration of justice. By analyzing the legal frameworks and societal dynamics that contribute to these behaviors, this paper aims to illuminate the urgent need for a comprehensive strategy to eradicate them and pave the way for a more just and peaceful society.

According to the Black law's dictionary,

“Mobbing means an assemblage of many people acting in a violent and disorderly manner, defying the law, committing or threatening to commit depredations upon property or violence to persons”². It is usually referred to by its popular term jungle justice. A notable instance of mob justice is the Aluu four case of 2012³, as well as a recent case that happened in Lagos where a lawyer, in the person of Uduak Adams, was wrongfully accused of kidnapping a child while seeking accommodation in Surulere. She faced a violent mob attack, supported by the OPC, on Aborishie Street. Uduak was brutally beaten, suffering extensive injuries. Her accusers, who were later detained, had demanded her immediate execution. Fortunately, the supposed kidnapped child was found. This exonerated Uduak Adams from the allegations against her. This is just one of many similar cases where the person upon whom the mob attack is directed at have been found innocent⁴.

Self-help, on the other hand is a term that means to protect your own property or person and not to resort to any legal action⁵. This is where the court system is made void. It occurs to suspects of both criminal and civil offenses who are reprimanded at the scene of the crime with no room for the expression of their rights to fair hearing, and may sometimes lead to the deprivation of their right to life and some other essential rights in this regard. Although self-help has initially been expedient since the beginning of human nature, even as seen in the periods of our forefathers with a reference to the Mosaic law which states an eye for an eye ,and a tooth for a tooth this was however because no proper structure was put in place to attain justice.

Nonetheless, with several years upfront during the pre-colonial era we could see that although there was no form of court system, the various kingdoms of different ethnic groups like the old Oyo Empire, still managed to effect a kind of orderly society due to their localized form of judicial pronouncements. They relied on their chiefs, oracle consultants, etc., as the case may have been.

In this 21th century, self-help comes in the form of a lack of trust in the court system to give a practical and fair judgment. Imagine a society without a court system in its jurisdiction to resort to, such a country would be filled with anarchy, lack of fairness, and injustice. In Nigeria, although there is an availability of the court system, many people still take recourse to Mobbing due to various reasons, predominantly being the lack of trust in the Judicial/ Justice System, which is plagued by corruption, delays, and inefficiency most people in Nigeria have a bias knowledge as to what constitutes justice in Nigeria, it is often believed that justice in Nigeria is elude. There are different instances that fuel this perceptions a clear instance is a situation where the rich and powerful are able to oppress the poor by getting favorable judgments from judges because it is believed that they have their ways to judicial officers and are well connected to them.

² Garner, Bryan A. Black's law Dictionary.11th ed. Thomson Reuters, 2019.

³ Jimitotoa, Onoyume. Aluu four justice at last.vanguard, August 3, 2017.<https://www.vanguardngr.com/2017/08/aluu-four-justice-last/amp/>(accessed February 24,2025.)

⁴ Okeh, Amarachi. Lawyer wrongfully accused of kidnapping demands justice.Punch News, October 4, 2023.

<https://punchng.com/lawyer-wrongfully-accused-of-kidnapping-demands-justice/?amp> (accessed February 26, 2025.)

⁵ Garner, Bryan A. Black's law Dictionary.11th ed. Thomson Reuters, 2019.

Then on the basis that there can be falsification in the evidence and by such justice is not given to the right person.

Consequently, on the basis of delayed justice because cases are usually dragged and later relinquished without fair judgment and so on, this contributes to a growing sense of frustration among the populace, leading to incidents of mob justice as an attempt to seek immediate retribution for alleged offenders.

Another reason may include the fact that there is little or no punishment for those perpetrating the mob act, most people who commit mob actions are left free and are assumed to have orchestrated the right justice as in line with people's perception about the improper justice system in Nigeria, this has given way for more people or citizens to succumb to this act.

See section 316 of the criminal code act which has it jurisdiction in the south defines murder⁶ and section 319 prescribes the punishment for such according to the circumstance of the case⁷ also section 220 of the penal code for the north provides the same ⁸sometimes mob justice can lead to the death of the person being attacked (murder) this is an example of an offence that this mobbing act causes and the offence and the punishment are well spelt out in the penal code and criminal code of the different jurisdiction as stated above and as such if any mob is caught committing such offence they should be punished in accordance with such laws spelling out those offences, but this is not usually the case.

Additionally, Nigeria has been facing security crises such as banditry, kidnapping and rising insecurity, the frequent occurrence of these threats can increase fear and create a sense of vulnerability among the population. In some cases it may be perceived by them as a way to protect themselves or their communities, even though they are in breach of the proper channel to obtain redress and the rights of the alleged victims.

Section 33(1) of the 1999 Constitution of the Federal Republic of Nigeria (FRN) states that everyone has the right to life and no one shall intentionally be deprived of his/her life except in execution of the sentence of a court in respect of a criminal offence in which he/she has been found guilty⁹. Also, Section 34 of the Constitution of the FRN recognizes the dignity of individuals, stating that no one shall be subjected to torture or inhuman or degrading treatment. ¹⁰

Furthermore, Section 36 of the Constitution of the FRN allows for fair hearing¹¹. Victims of self-help are usually suspects and alleged offenders who are not guilty of the crime until they are given the right to fair hearing and acquitted by the judge to be criminally liable and as such are not to be deprived of their rights as stated above.

CONSEQUENCES OF MOB JUSTICE

1. Perpetrators of self-help render themselves liable for criminal and civil action: people who commit self-helps are liable to various civil and criminal action depending on the kind of offence they commit on certain suspects mob actions most of the times go against various rights and privileges of people e.g. right to life, right to fair hearing, right to dignity, etc. and there are various punishments for the violation of this right if there is a proper system, when this rights are violated unless in relation to some exceptions the punishments are to be carried out, some of the laws that stipulate this punishment includes ; the criminal code, the penal code , the violence against body act and such other laws.

2. Punishment of the wrong person: in the absence of proper investigation and legal procedures, innocent individuals may become victims of Mob actions. Most times the suspect is denied of any form of fair hearing

⁶ Criminal code Act, cap. c38 Laws of Nigeria 2004, s.316

⁷ Criminal code Act, cap. c38 Laws of Nigeria 2004, s.319

⁸ Penal code Act, cap. P4, Laws of the federation of Nigeria 2004, s.220

⁹ Constitution of the federal republic of Nigeria, 1999 as amended s.33

¹⁰ Constitution of the federal republic of Nigeria, 1999 as amended s.34

¹¹ Constitution of the federal republic of Nigeria, 1999 as amended s.36

as in accordance with section 36 of the constitution¹² because mob actions are characterized by instant justice. In some cases, the person being attacked by the mobs might not be the one to have committed the crime and he /she is punished unjustly or most times the person might have an explanation to give as regards the crime they're being accused of but is not given the right to and so the person is subdued to injustices .e.g. the Aluu four case of 2012 were four students from the university of portharcourt were beaten and burned to death for the alleged theft of a phone by a group of community members, fueled by anger and misinformation it was later discovered that they weren't the ones that stole the phone¹³. Also in the U.S central park five case in 1989 involved five young men wrongfully convicted of assaulting and raping a jogger in central park, New York City. The mob mentality fueled by public outrage led to the wrongful prosecution of these individuals, who were eventually exonerated years later when new evidence emerged, highlighting the dangers of relying on mob justice¹⁴.

3. Total breakdown of law and order: According to black laws dictionary laws are rules of conduct or action prescribe or formally recognized as binding or enforced by a controlling authority¹⁵. While order is a direction or command given by a court or other competent authority, requiring a person to do or refrain from doing a particular act¹⁶. it is the procedure to carry out the law ,when mobs takes justice into their hands they disrupt the order by breaching the procedures to which such suspects are to be punished for not following a particular rule or from deviating from a particular rule if found guilty in the court of justice. It is unfortunate that although the law has provided the legal and constitutional process to seek redress people still seek to provide their own justice for a victim. Constant mob actions would give no way for law and order and when a society is existing with no law and order the society will continue to live underdeveloped and disordered.

SOLUTIONS THAT CAN BRING ABOUT THE ERADICATION OF MOB JUSTICE IN NIGERIA

1. The provision of a fair just and proper judicial system:

When a society is embedded with a fair, and autonomous judicial system that is blindfolded and does not follow the rule of the rich over the poor, rather recognizes the two principles of natural justice, Audi alteram partem (Hear the other side), Nemo iudex in casua sua (No one should be a judge in their own case), the society will regard and recognize the system. The rate of self-help would reduce or even vanish because people would begin to have faith in the judicial system for equal justice to give fair hearing and just judgments, also the mitigation of delayed justice would aid this as well.

2. Given public enlightenment to citizens on their right and actions that constitutes a breach of such right:

In the society we live in, most people are ignorant. When the government finds a way to enlighten the public about the effects of mobbing through anti mob campaigns, symposiums, webinars etc. those who engage in these actions begin to realize their wrongs and other several adverse effects ranging from the fact that they might be torturing the wrong alleged offender, and also the fact that those who engage may render themselves liable for criminal actions, because they are in violation of the victims' rights and equally stipulating the punishment for such an offense of the violation of a person's right would cause people to disengage from this act, and the society would begin to work and function with law and order with an inclusion to seek the right and proper channel for obtaining redress . Additionally, many people need to be

¹² Constitution of the federal republic of Nigeria,1999 as amended s.36

¹³ Jimitotoa, Onoyume. Aluu four justice at last. vanguard, August 3, 2017.<https://www.vanguardngr.com/2017/08/aluu-four-justice-last/amp> (accessed February 24, 2025.)

¹⁴ Aisha, Harris. New york times, May 13, 2019 www.newyorktimes.com(accessed February 26, 2025)

¹⁵ Garner, Bryan A. Black's law Dictionary.11th ed. Thomson Reuters, 2019.

¹⁶ Garner, Bryan A. Black's law Dictionary.11th ed. Thomson Reuters, 2019.

enlightened about their rights as well so that they are aware that the actions of mobs are not normal but are against certain laws, and are in breach of their rights.

3. The establishment of agencies to curb the actions of mobs:

When agencies or authorities are put in place, especially in areas where these mobs are found (i.e., mostly local areas), when these mobs know that authorities are in this kind of places they desist from such actions because they know the verdicts of what these authorities might do to them if they are caught committing such act. These agencies can set up places to report cases of mob actions that is in a case where a suspect is caught at the commission of an action, these authorities should be made easily accessible so that reports can be made to them at that instance before the suspect flees. This would reduce mob actions because instant justice is one of the reasons for jungle justice, and since this authority is put in place to cater for it, there would be no need for such mob action.

4. Establishment of laws against mob action:

A bill seeking to criminalize mob actions was considered by the House of Representatives in earlier times¹⁷, however, in subsequent times, if such a bill is passed into law, it allows for the catering of mob cases before the commission of that mob act. It also makes it an anticipatory law in the sense that before such a mob case comes in place, some laws are made against it already which prevents people from committing such mob actions, thus If anyone commits it the punishments for committing such actions are stipulated and carried out.

5. Strengthening law enforcement agencies:

Enhancing the capacity and effectiveness of law enforcement agencies is essential to curb mob justice. This can include the provision of more weaponry, stringent implementation of laws against bribe collection, and training of police officers to respond promptly and professionally to incidents, improving investigative techniques, and ensuring proper enforcement of the law. By strengthening law enforcement, communities will thereby regain trust in the legal system, reducing the inclination towards mob justice.

In conclusion, the eradication of mobbing within the Nigerian legal system is crucial for upholding justice and protecting the rights of individuals. By advocating for measures to eradicate this menace, we can empower victims to stand against mobbing and seek redress through the right and proper legal channels, as this would enhance the overall effectiveness of the legal system in addressing grievances.

¹⁷ Ikechuckwu, Amaechi., Anti mob legislation, vanguard news, July 12, 2021. <https://www.vanguardngr.com/2021/07/anti-mob-legislation>. (accessed February 27, 2025.)