

An Appraisal of Kidnapping and Death Penalty Imperative in Nigeria

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ABSTRACT

The increasing growth of kidnapping in Nigeria has become a strong threat to national peace and security. It has brought about untold economic and psychological consequences to victims and their families to say the least. It has further affected the national image of the country and has eaten deep into every region and segment of the nation-state. Many would-be investors are regularly warned by government of their countries to be wary of coming to Nigeria for fears of being kidnapped. This paper gives a socio-philosophical appraisal of capital punishment on kidnapping in Nigeria. This form of punishment has been strongly favoured by the Nigerian government on the strength of its capacity to deter offenders (or would be offenders) as well as restore justice to the society. The authors attempt to interrogate capital punishment for kidnappers using the deterrence theory of punishment and the theoretical assumptions of the structural- functional theory to explain the problem of kidnapping and why it persists in the country. The paper argues that the recent upsurge in kidnapping reflects the inefficacy of capital punishment (otherwise known as death penalty) to produce the anticipated deterrent effect on kidnapping in Nigeria. It concludes that the blight of kidnapping in Nigeria continues to aggravate due to the gravity of corruption, poverty, resource control, idleness, a dysfunctional criminal justice system, desolation, failure of social institutions and unemployment which render many youths and skillful graduates jobless and in turn drives them to desperately look for a way to survive. The paper attempts to put forward some recommendations with a view to significantly minimize the alarming rate of the menace.

KEYWORDS: Kidnapping, capital punishment, deterrence, Nigeria, insecurity.

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I. INTRODUCTION

Kidnapping is a global problem which affects countries all over the world. It has become endemic in the Nigerian society. It has now become a regular thing to hear news about the abduction of people in the country. It is fast becoming a lucrative alternative to armed robbery offence. The gravity of kidnapping is so intense that it has virtually affected most persons in our society. The current dimension of kidnapping became alarmed in the Niger Delta region when militants (restive youths) on the 26th February, 2006 abducted some foreign oil workers, ostensibly to draw global attention to the dire situation in the oil rich Niger Delta region of the country. Since then, this deadly crime of kidnapping has spread like wild-fire in most parts of the country. Unfortunately, the manipulation of kidnapping to enhance environmental agitations, soon gave way to its use as a tool for financial exploitation (Ukpong and Esu, 2010). The targets are no longer foreigners alone; practically every Nigerian is now a target. One of the biggest cases this decade has witnessed was the kidnapping of at least 276 girls from a government secondary school on the night of 14th -15th April, 2014 in Chibok, Borno state which brought about “bring back our girls” campaign – it was the time when the whole world became alarmed about the height of insecurity in Nigeria (The Abducted School Girls, 2017).

It is a fact that almost all societies in the world agrees that if a person violates the laws, he shall be punished. However, the differences appear when it comes to what kind of punishment should be applied, especially for major crimes such as murder, terrorism kidnapping drug trafficking, e.t.c. Capital punishment, more informally known as the death penalty, remains a controversial issue after centuries of debate. While the social contract gives the state monopoly on the legitimate use of physical force, some assert that when the state kills in the name of justice it violates the proper bounds of its power. It is not surprisingly that philosophers consider matters of life, death, and justice deeply in the light of the execution of Socrates, who is commonly credited as progenitor of philosophy in the West. Socrates was found guilty of numerous charges trumped up by the power structure of Athens in response to what were perceived as ongoing challenges to state power. He was

sentenced to death, and was made to drink a lethal dose of hemlock. Since the execution of Socrates at the hands of his fellow Athenian citizens, capital punishment presents one of the most pronounced rights based conflicts to ever broach Western political thought and public practice (Olanrewaju, 2015).

The incident of kidnapping has affected Nigeria's image as a country abroad. It has also affected Nigeria's attempt to develop a viable tourism industry as visitors are regularly warned by their countries to be wary of coming to Nigeria. Many would-be investors have also stayed away for fears of being kidnapped (Asuquo, 2009). Kidnapping is a capital offence punishable by law in Nigeria (Section 30 subsection 1). In September 2017, the Nigerian Senate approved capital punishment for "whoever engages in the act and it leads to the death of the victim, and a 30 years jail term for anybody that colludes with an abductor" (Premium Times, 2017) hence the use of 'capitalization' in the topic of this paper. Capitalization is the process of making certain offences punishable with death penalty and with the approval of the Nigerian Senate, kidnapping falls into the category of such offenses.

Meanwhile, the objective of this paper is to give a socio-philosophical analysis of punishment from the ethical and moral perspectives with specific attention to capital punishment as a punitive measure in combating the menace of kidnapping in Nigeria. Contrary to the deterrent effect of capital punishment on offenders anticipated by the Nigerian government, the paper argues that the recent upsurge in kidnapping reflects the inefficacy of capital punishment (otherwise known as death penalty) to produce the anticipated deterrent effect on kidnapping in Nigeria.

II. CONCEPTUAL ANALYSIS

The word kidnapping, which has become notorious and disgusting in the ears, was coined from "*kid*" meaning child and "*nab*" which means to snatch. Contrary to this assertion, the menace of kidnapping has completely gone beyond abduction of kids in Nigeria because successive administration has witnessed a lot of pandemonium and kidnapping of government official, politicians, influential people, lecturers, royal families, kinsmen and even some kings were recorded to have been kidnapping from their palace (Ngwama, 2014). Asuquo (2009) noted that the term "kidnapping" is difficult to define with precision, because it varies from State to State and jurisdiction to jurisdiction. It is the forcible seizure, taking away and unlawful detention of a person against his/her will. It is a common law offence and the key part is that, it is unwanted act on the part of the victim. It is a restriction of someone else liberty which violates the provision of freedom of movement as enshrined in the constitution of Federal Republic of Nigeria, where every other law takes its cue from. Abraham (2010) defined kidnapping as an act of seizing, taking away and keeping a person in custody either by force or fraud. However, it includes snatching and seizing of a person in order to collect a ransom in return or settle some scores of disagreement among people.

Walsh and Adrian (1983) also noted that, kidnapping varies from country to country; therefore the term is uncertain and devoid of any straight jacket definition. That is, it depends on who is defining it and from what perspective and for what purpose. They viewed kidnapping as unlawful seizure and detention of a person(s) by force against their will. Also, as an act of seizing a person and taking him/her to another country for involuntary servitude or the impressments of males into military or naval service by force or fraud. The further cited the view of Robertson (1968) who saw kidnapping as a crime of seizing, confirming abducting or carrying away of persons by force or fraud often subject him or her to involuntary servitude in an attempt to demand a ransom or in furtherance of another crime.

Thomas and Nta (2009) defined kidnapping as robbery of the highest rank. According to them, it is an organized and systematic robbery which is not as deadly as armed-robbery, but more profitable than the former. The profitability has encouraged those that indulged in it to carry on with the act although there is a law prohibiting it. In criminal law, kidnapping is defined as taking away of a person by force, threat or deceit with intent to cause him/her to be detained against his or her will (Asuquo, 2009). Whereas Nwaorah (2009) viewed kidnapping as an act of an angry man who wants to take any person of value hostage, and who could be rescued by loved ones. In most cases, victims are often released after payment of ransom. According, to Ogabido (2009) "kidnapping" means to abduct, capture, carry off, remove or steal away a person(s).

The Chambers 21st Century Dictionary (1996) defined kidnapping as the seizing and holding of someone prisoner illegally, usually demanding for a ransom for his/her release. Dode (2007) viewed kidnapping as a process of forcefully abducting a person or group of persons perceived to be the reasons behind the injustice suffered by another group. It is "a low-cost, high-yield terror tactics". This was the initial case in the Niger Delta region of Nigeria. Kidnapping as a social menace exposes the degree of insecurity in a country amongst other offenses. The level of insecurity in Nigeria has increased the crime rate in different parts of the country leaving disgusting consequences for the nation's economy and business growth. Despite the government efforts to assuage the menace of insecurity in Nigeria yet the country was confirmation with the low rank in the Global Peace Index (Ifeoma, Purity, and Anagbogu, 2015).

From the various definitions and conceptualizations of kidnapping above, it is easy to point out that all of them seem to be united in agreement on some key facts, that kidnapping is a forceful and criminal act which violates the rights of the victims. However, a more common ground among the definitions is the fact that all of them agree that it is mostly done for the purpose of ransom providing justification that socio-economic condition is the major driver of kidnapping anywhere in the world, without necessarily ruling out other contributory or intervening variables.

The term 'insecurity' refers to a condition in which people have no confidence in the institutions and leadership that should protect their lives, property and provide for their wellbeing which consequently led their live into trauma, fear, anger, despair, suspicion and mistrust (AbdulKabir, 2017). In the same vein, Adebakin (2012) viewed security as freedom from danger or threats, and the ability of a nation to protect and develop itself, promote and cherish values and legitimate interests and enhance the wellbeing of its people. This can be maintained through internal security system.

III. CAPITAL PUNISHMENT

In order to better understand the nature of capital punishment, it is first necessary to examine the conceptual basis of punishment before considering the relevant theory that has been explored to morally interrogate society's infliction of capital punishment on kidnappers.

Punishment or Penalty?

One of the well known distinctions between punishment and penalty is offered by Feinberg (1970). Feinberg separates 'penalties' from 'punishments'. Penalties are sanctions, such as fines and warnings. Punishments are understood as 'hard treatment', or 'imprisonment'. The difference between penalties and punishments is not simply in severity, but in character. For Feinberg, punishment as imprisonment is not only a more severe sanction than imposing a fine, but imprisonment alone 'expresses' public censure to the criminal but then any sanction including fines might be said to 'express' public censure to the criminal. Of course, a small fine cannot be said to convey the same message as a substantial prison sentence. However, the difference here is simply that one sanction is more severe or punitive than the other; it is not the case that the two are entirely different in kind. Both may arise in relation to crimes and penal sanctions are often embodied in fines and imprisonment. The view that 'penalties' and 'punishments' are different in character is then a distinction drawn too sharply that we should reject. Response to crime may take the form of a fine, imprisonment, a written warning or other alternatives.

What is 'punishment'?

Punishment may be defined in the following way:

- Punishment must be for breaking the law
- Punishment must be of a person for breaking the law
- Punishment must be administered and imposed intentionally by an authority with a legal system
- Punishment must involve a loss (on the part of the offender)

Any punishment must satisfy all four parts of this definition to count as 'punishment'. Therefore if someone was 'punished' for breaking a law and the penalty was not imposed by a legal authority, then no punishment has taken place, Hart (1968). The above definitional analysis of punishment can be summarized in the view of Garland (1990) who maintains that capital punishment is "the legal process whereby violators of criminal law are condemned and sanctioned in accordance with specified legal categories and procedures.

The term 'capital punishment' more informally known as death penalty or execution is derived etymologically from the Latin *capitalis*, meaning 'head'. It originally referred to death by decapitation (execution by beheading), but now applies generally to state sanctioned executions (Bedau, 1982). The sentence that an offender be punished in such a manner is referred to as a **death sentence**, whereas the act of carrying out the sentence is known as **execution**. Crimes that are punishable by death are known as **capital crimes**, **capital offences** or **capital felonies**, and they commonly include serious offences such as murder, mass murder, aggravated cases of rape, child rape, child sexual abuse, terrorism, treason, kidnapping, offences against the state, such as attempting to overthrow government, drug trafficking, war crimes, crimes against humanity and genocide but may include a wide range of offences depending on a country (Kronenwetter, 2001).

Many countries today are considered by anti-death penalty Amnesty International to be abolitionists, which has advocated for the United Nations (UN) to promote abolition of capital punishment with the alternative sanction of life imprisonment. Around 150 countries out of the 193 UN member states have either abolished the use of capital punishment or no longer use it in practice. Amnesty International in 2014 found that executions took place in 22 countries throughout the world out of the 195 sovereign countries recognized by UN. Despite the success of this movement in many countries, more than 60% of the world's population lives in

countries where capital punishment is administered, because the four most populous countries of the world, namely China, India, the United States, and Indonesia, largely employ capital punishment (Amnesty International, 2009).

Capital punishment in Nigeria

During the Nigerian military juntas of 1966 – 79 and 1983 – 98, the government used capital punishment against political opponents, most notoriously when General Sani Abacha ordered the execution of the *Ogoni Nine* by hanging in 1995. Since the transition to democracy, executions have become rare; no executions took place between 2006 and 2013, when four prisoners were awaiting execution at the time. After that, there were no more executions until 2016, when Nigeria hanged 3 men for murder and armed robbery. These executions were the last to date in Nigeria.

The use of capital punishment in Nigeria has generated varied opinions among people in society. In October 2014, former Governor of Delta state, Emmanuel Uduaghan pardoned three inmates who were on death row following the recommendations by the State Advisory Council on Prerogative of Mercy.

IV. THEORETICAL FRAMEWORK

The deterrence theory of punishment as well as the structural-functional theory is adopted in this paper for the purpose of a thorough understanding and explanation of capital punishment and kidnapping respectively. The deterrence theory of punishment can be traced to the early works of classical philosophers such as Thomas Hobbes (1588–1678), Cesare Beccaria (1738–1794), and Jeremy Bentham (1748–1832). Together, these theorists protested against the legal policies that had dominated European thought for more than a thousand years, and against the spiritualistic explanations of crime on which they were founded. There are two basic types of deterrence – **general** and **specific**. General deterrence is designed to prevent crime in the general population. Thus, the state's punishment of offenders serves as an example for others in the general population who have not yet participated in criminal events. It is meant to make them aware of the horrors of official sanctions in order to put them off committing crimes. Examples include the application of the death penalty and the use of corporal punishment.

According to deterrence theory, people are most likely to be dissuaded from committing a crime if the punishment is swift, certain and severe. In other words, people are deterred from actions when they refrain from carrying them out because they have an aversion to the possible consequences of those actions. The theory of deterrence that has developed from the work of Hobbes, Beccaria, and Bentham relies on three individual components: **severity**, **certainty**, and **celerity** (swift). The more severe a punishment, it is thought, the more likely that a rationally calculating human being will desist from criminal acts. To prevent crime, therefore, criminal law must emphasize penalties to encourage citizens to obey the law. Punishment that is too severe is unjust, and punishment that is not severe enough will not deter criminals from committing crimes. Certainty of punishment simply means making sure that punishment takes place whenever a criminal act is committed. Classical theorists such as Beccaria believe that if individuals know that their undesirable acts will be punished, they will refrain from offending in the future. Moreover, their punishment must be swift in order to deter crime. The closer the application of punishment is to the commission of the offense, the greater the likelihood that offenders will realize that crime does not pay.

In short, deterrence theorists believe that if punishment is severe, certain, and swift, a rational person will measure the gains and losses before engaging in crime and will be deterred from violating the law if the loss is greater than the gain. Classical philosophers thought that certainty is more effective in preventing crimes than the severity of punishment. They rejected torture as a means of eliciting confessions, and the death penalty as an effective method for punishing murderers and perpetrators of other serious crimes. Capital punishment is beyond the just powers of the state. Proponents of deterrence believe that people choose to obey or violate the law after calculating the gains and consequences of their actions. Overall, however, it is difficult to prove the effectiveness of deterrence since only those offenders not deterred come to the notice of law enforcement. Thus, we may never know why others do not offend.

The Functionalist Perspective

Functionalism, also called structural-functional theory, sees society as a structure with interrelated parts designed to meet the biological and social needs of the individuals in that society. Functionalism grew out of the writings of English philosopher and biologist, Herbert Spencer (1820–1903), who saw similarities between society and the human body; he argued that just as the various organs of the body work together to keep the body functioning, the various parts of society work together to keep society functioning (Spencer 1898). In other words, the basic assumption of the theory rests on the fact that society can be likened to a living organism made up of component parts, which function harmoniously for the survival of the whole system. Hence, if any part fails to contribute its functional quota or does not promote conditions that enable value consensus among

members of the society, the attendant feedback is always dysfunctional outcomes that undermine the wellbeing of society (Schaefer, 2002). In other words, the function of any recurrent activity is the part it played in social life as a whole, and therefore the contribution it makes to social stability and continuity.

When applying the theory to explain the problem of kidnapping and its implication in Nigeria especially from a socio-economic perspective, structural functionalism would clearly indict the economy for being dysfunctional or not functioning optimally as to produce the desired outcome. The theory could also see the incapacity of the economic system as secondary fallout of a primary malfunction that is associated with the failure of the political system to produce the requisite output necessary to enable the economy function properly. However, the end result of such dysfunctional situations howbeit primary or secondary is usually felt by the masses through widespread poverty, unemployment, deprivation as well as marginalization with attendant consequences of which kidnapping for ransom or economic gain is one.

The crime of kidnapping has been identified as profitable and functional to its perpetrators. The lucrative nature of kidnapping makes it very attractive. Kidnapping as observed in some parts of Nigeria, is identified as a functional measure of politicians to fight their opponents. The money collected as ransoms are means to destabilize the opponents and as well force them to back-out of the political race. In the Niger Delta, kidnapping of foreign expatriates has drawn government attention to look into the plight of the region. This is visualized in the post-amnesty programme initiated by former President Goodluck Jonathan's administration in 2012, which is expected to restore the much needed peace in the region and the country at large so that socio-economic activities could be conducted without obstruction. However, the structural functionalist theory is criticized for not being capable of explaining rapid social change or breakdown of societies and also for addressing the issues of a system as a "closed" concept (Charles, Ikoh, Iyamba & Charles, 2005). Despite these criticisms, the theory is justified for its ability to highlight the functional aspect of crime in our society.

V. CAUSES OF KIDNAPPING

Many reasons are given by researchers for the probable causes of kidnapping in Nigeria. This section inexhaustibly considers below some of the causal factors implicated in the literature. Inyang (2009) linked the problem of unemployment as one of such reasons why kidnapping in Nigeria is often associated with youth unemployment. He used the widely acknowledged adage, which says that "an idle man is the devil's workshop" to present the situation of unemployment in Nigeria. He noted that there are uncountable able-bodied men and women in Nigeria roaming the streets in search of non existing job. Out of frustration together with mounting responsibilities to tackle many idle young persons have ventured into criminal activities of which kidnapping is not an exemption. Ogabido (2009) agreed that "the issue of poverty and unemployment of youths as well as social injustice and 'unfair distribution of the nations resources are potent causes of kidnapping in Nigeria.

Inyang (2009) also believed that, the proliferation of arms as a result of political patronage of miscreant who were dumped after elections may indirectly encourage and enhance kidnapping. Inyang likened today's kidnapping situation to the scourge of arm robbery in the early eighties where many young able-bodied men who fought during the Nigerian civil war were discharged and sent home with nothing. Meanwhile since the schools they left behind were destroyed and there were no jobs to engage them and keep them busy. Many of them consequently took to armed robbery, since as ex-soldiers they were armed with weapons, having acquired the skills and guns during the war. The story is almost the same today as politicians employ most idle youths as political thugs and later dump them after elections. Therefore, the youths (thugs) who have been abandoned by their masters after winning elections are now busy kidnapping innocent persons and relatives of those persons they surged to be wealthy.

The issue of "moral decadence" and the "quest to get rich quick" syndrome have been identified as some of the causative factors of kidnapping. Again Inyang (2009) confirmed these in his proposition that in Nigeria, nobody asks questions on how people make their wealth. According to him, a poor person today can show up with an expensive car tomorrow and nobody dares to question the sudden wealth. Also, people who have donated money to develop their communities and religious institutions are rewarded with chieftaincy and religious titles thereby creating a wrong impression in the minds of Nigerian youths who thereafter take to kidnapping.

The level of insecurity in Nigeria has increased the crime rate in different parts of the country leaving disgusting consequences for the nation's economy and business growth. As a result of insecurity, vices such as insurgence, theft, kidnapping, abduction are handled in Nigeria with lukewarm attitude which channel transformation and structural development to no avail. This is because when there is security threat in the country, money meant for such developments are often diverted into fighting such threats in the country. At present, no part of the country is fully secure as different part of the country is faced with one form of insecurity or the other.

Nwaorah (2009) noted that, in a situation where government officials, especially top ranking persons in civil services who are custodian of government resources loot the treasury openly without fear, it could

automatically encourage few of the dissatisfied persons to vent their anger on them and their relatives. In the same vein, Danesy (2011) argues that, parental neglect, lack of proper counseling, poor skill acquisition and drop-out of school syndrome by youths have led many youths to migrate from rural areas to cities to meander around major roads where they have been seduced with cash benefit and conscripted into various types of gangs or secret cults where they have been trained as ethnic militia to unleash terror on other innocent people of their sponsors in the society.

Political authorities also use the tactic of kidnapping to intimidate or shut other groups up. This tactic is most common in urban areas where local authorities can feel that they are kings. Also, many people today who are desperate in economic and social needs are often the ones who commit kidnappings. So where the gap between the rich and the poor is constantly widening and where the possibilities to earn money in an honest way are often difficult to attain kidnapping turns out to be a lucrative means to fall back on and to draw attention to what is considered an intolerable situation.

VI. A SOCIO-PHILOSOPHICAL APPRAISAL OF CAPITAL PUNISHMENT IN NIGERIA

Many people have strongly held views on the deterrent effect of the death penalty. To some a deterrent effect is self-evident—who would not at least take pause before committing murder when the potential consequence may be forfeiting one's own life? To others it is equally self-evident that there is no deterrent effect due to the rarity of the imposition and execution of the death penalty. Thus, the attitudes of nations vary from one to the other. This variance is confirmed by the fact that crimes that attract the capital punishment in the retentionist countries differ from jurisdiction to jurisdiction. This position is buttressed by the fact that in some countries, the list is short; while in others, the list is long. Hence, there is no universal yardstick to classify which crime will attract capital punishment and which will not.

The use of capital punishment in Nigeria has generated varied opinions among people in society (Premium Times, 2015), our focus at this point is not to exhaust the literature on the arguments for and against the use of capital punishment when capital offences are committed. Essentially there are two camps viz. those in support of capital punishment for capital offences called the 'retentionists' and those against the use of capital punishment irrespective of the gravity of the offence, called the 'abolitionists'. Nigeria is one of the retentionist countries. The Nigerian Constitution endorses capital punishment as a legal form of sentence passed by a court of competent jurisdiction on a person adjudged guilty of capital offence. Appraising the arguments of each camp is not an easy task as the debate is endless and inconclusive in nature, to date this debate has not been laid to rest, however it can be observed that retentionists are of the opinion that abolition of death penalty will result especially in increase in capital crimes by professional criminals. Whereas, the abolitionists argue that despite retaining the death penalty in Nigeria, there is inadequate or no evidence to prove that punishing kidnappers with capital punishment has reduced kidnapping cases over the years, on the contrary, there is a sharp reality of an unprecedented wave in kidnapping occurrence. Meanwhile, kidnappers became more violent and aggressive while committing their crime because they know once they are apprehended the punishment is death penalty.

Furthermore, the retentionists argued that it is very expensive to replace capital punishment with life imprisonment because keeping a convict in custody for life entails feeding him, accommodating him, providing him with health care facilities which the state will shoulder on daily basis, so is cheaper for the state to execute the convicts and save the cost, on the other hand, the abolitionist argued that in kidnapping cases involving the death of the victim, justice depends on the efficacy of the judicial system. There are times the state has executed some convicts and later discovered that they were innocent people and once execution is carried out, it can never be reversed. Therefore, it is safer to free a convict than execute an innocent man.

The abolitionist argued that inflicting death penalty leads to the loss of two lives, hence no one will derive any benefit from, on the contrary the retentionist replied that the retribution theory posits that applying the death penalty on a convict incapacitate such convict from committing further crime, as no any assurance or guarantee that keeping a convict in custody will deter him from killing an inmate or prison official in an attempt to escape, therefore a convict should be made to suffer in proportion to the offence he committed, that will deter others from committing same, the deterrence referred to here is for others and not the convict.

From the foregoing, we would want to posit that the magnitude of the deterrent effect of the capital punishment in Nigeria, including the possibility of no effect, will depend on the scope of the legal authority for its use and on the way that legal authority is actually administered. It might also depend on such factors as the publicity given to executions, which may be beyond the direct control of the criminal justice system. The argument for or against the application of capital punishment is inconclusive in nature and it all depends on ones knowledge, political views, religious views and personal perspective, but apparently there is more write up on abolition of death penalty than its retention.

VII. CONCLUSION

Criminal justice policies are sometimes based on the foundations of the deterrence doctrine as obviously evident in the legislation of capital punishment for kidnapping in Nigeria even when successive administrations have failed to patriotically and meaningfully address challenges such as poverty, unemployment, insecurity, maladministration in the criminal justice system, corruption and a host of other possible predictive causes of crimes including kidnapping. In effect, the menace of kidnapping continues to spread wings due to cases of unsuccessful apprehension of culprits, and successful collection of ransom by captors, many Nigerians have seemingly lost interest in security operatives whom they sometimes see as collaborators with the perpetrators. Capital punishment, longer imprisonments, mandatory sentencing, and a plethora of other “get tough” policies have not demonstrated greater deterrent effects of punishment than less severe penalties. Indeed, increase in the severity of punishment, rather than reduce crime, may actually increase it. On the other hand, increases in the certainty of apprehension of offenders’ conviction and punishment have been found to have possible effects on crime reduction.

The current trend towards the use of capital punishment in Nigeria with respect to kidnapping contradicts Beccaria’s ideas on certainty and quick punishment and to that effect accounts for the inefficacy of capital punishment for kidnapping as currently being witnessed in Nigeria. Most recent is the case of a kidnapping kingpin Chikwudubem Onwuamadike also known as Evans who was arrested in June 2017 and arraigned on a two-count charge of conspiracy to commit kidnapping and kidnapping. He was sentenced to death by hanging in August 2020, three years after he was arrested and even pleaded guilty.

VIII. RECOMMENDATIONS

If the government of Nigeria is indeed sincere in looking for ways to assuage the menace of kidnapping and increase the strength of capital punishment to produce its anticipated deterrent effect on kidnapping, then, she must consider the following recommendations:

Job creation: it is time for government and relevant agencies to do something about our teeming unemployed youths who are vulnerable to criminality. The government should revamp the National Directorate of Employment (NDE) programme. This will assist in providing training for young people who are out of school and out of work, but there should be caution to ensure that the training provides the young people with marketable skills.

Diversification of the economy: Solution to the problem of youth unemployment must therefore be found in the diversification of the economy from oil to agriculture and agro-allied industries. If employment must be generated, the curriculum in both secondary and tertiary institutions must be reviewed in line with the demands of economic diversification.

Provision of social services: like unemployment benefits, prompt payment of retirement benefits, disability benefits, and childcare benefits; fostering an egalitarian society to minimize the inculcated effect of an acquisitive culture, increasing civil liberties, and creating atmospheres conducive to healthy human development are some dialectic suggestions that could help reduce in individuals the tendency to engage in criminal activities. People who are secure of their basic needs can look forward to attaining higher needs such as self-esteem, integrity and pursuit of excellence.

Provision of adequate operational facilities: There is need for effective community policing in the country. Not just institutionalizing the machineries, adequate operational facilities should be given to the police to assist in their proper functioning. With these observations in mind particularly as it affects people with criminal tendencies, effective and well equipped anti-hostage/kidnapping agencies should be set up by the government in order to give stiff resistance to the perpetrators of kidnapping. The joint security forces instituted to check kidnapping should be sustained and given free role to report kidnapper’s hideouts. When they are rendered homeless, it will be difficult for them to carry-out their regular criminal operations.

Public awareness: There is need to encourage the media to organize public awareness programmes against the menace. When adequate information is given about the various measures to curb kidnapping, it could serve as threat to the perpetrators and could also assist them to change from their evil ways.

Law enforcement: State-of-the-art operational facilities related to crime management especially intelligence gathering on kidnappers should be given to the police to assist in their proper functioning to combat the menace of kidnapping in the country. The joint security forces instituted to check kidnapping should be sustained and given free role to report kidnappers’ hideouts. When they are rendered homeless, it will be difficult for them to carry-out their regular criminal operations. It is also necessary to enforce laws against any political/government official/public office holder found collaborating with kidnappers directly or indirectly. Such a person should be disqualified from holding, contesting/vying for any position in government. This will serve as deterrent to others who may want to venture into such criminal activities.

Appropriate and timely sanctions: Curbing this social malaise is a collective effort, while we advocate that the culprits should be apprehended and punished within a timeframe that will enhance the desired deterrence effect,

more importantly public officers should shun corruption and ostentatious display of wealth. Focus should be centered on good governance with accountability, transparency and fair play. With these variables in place, kidnapping will become less attractive and in turn stimulate more sense of compassion, patriotism, sustainable development and nation building.

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