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ENVIRONMENTAL FACTORS AIDING CRIME IN URBAN AREAS IN NIGERIA: A JURISPRUDENCIAL ANALYSIS

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Abstract

This paper examined the environmental factors contributing to criminal activities in urban areas in Nigeria. The investigation proceeded from the view that crime is one of the human security problems, which confronted humanity across the globe, a menace which is bedevilling developed and developing countries alike. The paper argued that the nature of crime has been a criminal activity that has the potential to cause significant physical, financial and material losses to victims. Consequent on this, the paper outlined the drivers of urban criminality as relative deprivation, life expectancy, economic inequality, educational attainment, social and economic development and loss in human development potential. The authors asserted that the associated environmental factors of urban criminality such as poverty, unemployment, corruption, urbanisation, family, moral decadence, poor education, technology, child abuse, drug trafficking and abuse, architectural or environmental design are largely attributed to the current crime problems bedevilling Nigeria. The paper concluded that the urban centres in Nigeria are the engines of growth and development, premised on the fact that nearly half of the country's total population resided in cities. The authors concluded that threats emanating from urban crime exert pressures on urban residents and means of livelihoods. In view of the above, the paper recommended that federal and state governments should immediately tackle widespread poverty and growing unemployment and inequality especially amongst the urban poor.

KEYWORDS: crimes, environment, urban area, urbanization, deprivation, poverty.

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1. Introduction

Human history, from its inception has had to contend with one form of crime or the other, a phenomenon that has come to be described as the ‘darker side of humanity.’ Essentially, crime is an offence against the value system of any given society. It is usually conceived as the outcome of a multiplicity of conditions ranging from economic, social, cultural and family.¹The costs and effects of crime vary among the various facets of the population and touch almost everyone in varying degrees. The definition of an area known as ‘urban’ varies from country to country with periodic reclassification. Urban can also vary within one country over a period of time, thus making direct comparisons difficult. An urban area can be defined by one or more of the following: administrative criteria or political boundaries-for example, an area within the jurisdiction of a municipality or town committee; a threshold population size, where the minimum for an urban settlement is typically in the region of 2,000 people, although this varies globally between 200 and 50,000; population density; economic function-where a significant majority of the population are not primarily engaged in agriculture, or where there is surplus employment opportunities; the presence of urban characteristics for instance, paved streets, electric lighting, sewage system, etcetera. Nigeria is a vibrant multi-ethnic and multi-religious nation dotted with urban centres which typically serve as the melting pot for this dynamism. Urban centres often serve as the epicentres for socio-political activities and as a result, can often be blighted by the twin evil of crime and violence. Additionally, Nigerian urban centres are notoriously characterised by challenges of poverty, unemployment and inequitable distribution of wealth amongst resident diverse populations. This naturally results in anger, agitation and violent crimes against urban residents.

The perception of the term crime varies greatly across geographical areas, notwithstanding the socio-cultural and economic differences in the society as well as time lag. This kind of variations makes it difficult to universally define crime across regions of the world. What may be regarded as a crime in one region may not be a crime in another jurisdiction and, may occasionally change over time. For instance, prostitution and

¹M. Ahmed & R. S. Salihu, ‘Spatiotemporal Pattern of Crime using Geographic Information System (GIS) approach in Dala L.G.A of Kano State,’ [2013] (2)(3) Nigeria American Journal of Engineering Research, Pp. 51, 58.

homosexuality are crimes in many parts of the world, especially where there is religious dictate, while in many other jurisdictions, they constitute acts of promotion.² A few decades ago, dumping toxic waste had not been classified as a crime but presently it is a serious crime and violation of laws in a country like Nigeria.³ Therefore, the perception of an act to be a crime varies with time and location.⁴ Similarly, criminal behaviour is a common phenomenon anywhere and in every society, but certain societies have higher criminal activities than others and variation can be found in the same society (such as in urban areas), where criminal activities are common in some locations over others. Within the same city, criminal activities tend to be higher in the city centres than in the suburbs. This may be linked with the intensities of activities and potentialities for offenders to commit crime in the city centre. In fact, Tenibiaje has argued that crime and criminal activities are constantly performing and growing in a sporadic dimension.⁵

The definition of crime is like any other concept in law and social sciences. The definition defies a universal and generally accepted definition. For instance:

A crime is held to be an offence, which goes beyond the personal and into the public sphere, breaking prohibitory rules or laws, to which legitimate punishments are attached, and which requires the intervention of a public authority... for crime to be known as such, it must come to the notice of, and be processed through, an administrative system or enforcement agency. It must be reported and recorded by the police; it may then become part of criminal statistics; may or may not be investigated; and may or may not result in a court case.⁶

The word offence is used in relation to crime under Nigeria laws. Thus, Section 2 of the Criminal Code defines offence as an act or omission which renders the person doing the act or making the omission liable to punishment under the code or under the Act or law.⁷ Similarly, under the Penal Code, where any provision of any law of the state, the doing of an act, or the making of any omission made an offence, then such acts or omission

²ibid

³Usman, et al., 'An Investigation on the Rate of Crime in Sokoto state using principal component analysis,' (2012) (20)(2) Nigerian Journal of Basic and Applied Science, Pp. 152, 160

⁴Dr. AK Anya, The Nigerian State in Episcopal Frock and Consequence of Sermon with Legislative Force, (2015) Journal of Human Rights, University of Pretoria, South Africa, Pp. 72, 91

⁵D. J. Tenibiaje, 'Personality and Development of Crime in Nigeria' [2018] (2)(4) Current Research Journal of Social Sciences, Pp. 214, 219.

⁶Oxford Dictionary of Sociology, 2009 p. 1123

⁷Cap C38 LFN 2004. [Hereafter, CC]

becomes crime.⁸ In *A.G v Awoyele*, the court held that the inclusion of a punishment or penalty for the commission of an offence makes it an offence.⁹ It is a principle of law that if there is no law, there can be no crime. This is because a person cannot be convicted for a crime that is not embodied in a written law.¹⁰ As a matter of fact, S. 3 of the Criminal Code classified an offence into; felony, misdemeanour, simple offences.¹¹ A felony is an offence punishable with three years or more, inclusive of death. A misdemeanour is punishable by punishment for 6 months and up to 3 years. Simple offences are others apart from felonies and misdemeanour and are usually punishable by a mere fine, caution and a very rarely terms imprisonment not exceeding 6 months.

In both the Criminal and the Penal Code, use is made of the word ‘offence’ rather than the word ‘crime’ but since the adjective ‘criminal’ is also used in the two codes as well as constitution, the word crime and offence would appear to be inter-changeable. For instance, Section 2 of the criminal code states; an act or omission which renders the person doing the act or making the omission liable to punishment under this code, or under any act, or law, is called an offence.

Section 3 CC also showed the division of the offences namely; felonies, misdemeanours, and simple offences. While section 1 under the interpretation section states that criminal responsibility or criminally responsible means liable to punishment as for an offence. Also ‘harm’ means any bodily hurt, diseases or disorder, whether permanent or temporary. Section 11 of the Code further states that; A person shall not be punished for doing or omitting to do an act unless the act or omission constitute an offence under the law in force when it occurred. Furthermore, Section 28 of the Evidence Act states that a confession is an admission made at any time by a person charged with a crime stating or suggesting the inference that he committed that crime.’

2. Element and Nature of a crime

⁸ Section 4(2) Penal Code

⁹ (1952) 19 NLR 52

¹⁰ *Aoko v Fagbemi*[1961] 1 ALL NLR 400

¹¹ See also Section 5 of the Criminal Laws of Lagos State.

All crimes features certain elements, unless the state is able to prove the existence of these elements it cannot obtain a conviction in a court of law. There is no crime without intent. Intent pertains to the state of mind or mental attitude with which a person does an act. A synonym for intent, *mens rea* literally means ‘guilty mind.’ The mental design or purpose to commit a crime is the essence of intent. For an act to be a crime, both the act which is the *actus reus* and the intent must occur at the same time.

The nature of crime is the form which any criminal activity that has the potential to cause significant physical, financial and material losses to victim takes. Thus, the impact of the nature of crime is probably best determined by the perceived seriousness or intensity of its effects in addition to the duration of its pains, essentially from the victim’s own perspective. Almost always, the nature of a crime assumes a meaning only in the context of a manifestly subjective assessment by the victim of the consequences of his/her victimization. In other words, the extent of victims’ losses determines the seriousness of crime. In Nigeria, as it is everywhere else, crime is not a new phenomenon, its form, rhythm, technique and effects are prone to rapid changes.

However, in trying to understand crime, it is good to reflect on the perspectives of some scholars. For instance, Habibullah conceived of crime as violation of ‘property rights’ where the focus was prioritised on crime against property, which does not give a comprehensive understanding on crime, because there are many other areas where crimes are committed.¹² Significantly, crimes can be established in corruption, rape, terrorist criminal activities, kidnapping, human trafficking, assault, vagrancy and failure to pay public tax, utility bills or transport, drugs and narcotics abuse, wanton environmental destruction and unauthorised dumping of toxic substances.¹³ On socio-cultural ethical perspectives, crime is viewed as violation of societal norms and values.

In ideological perspective particularly in criminal law, crime is regarded as an act or omission forbidden by law which attracts punishment for violation of the law.¹⁴ Similarly,

¹² M. S. Habibullah., ‘Crime and police personnel in Malaysia: An empirical investigation’ Prosiding Persidangan Kebangsaan Ekonomi (Malaysia Ke VIII 2013).5-9

¹³ E. Tretter, ‘Sustainability and neoliberal urban development: The Environment, Crime and the Remaking of Austin’s Downtown,’ [2013] Urban Studies Journal, 1–16

¹⁴ U. Usman, M. Yakubu, & A. Z. Bello, ‘An Investigation on the Rate of Crime in Sokoto state using principal component analysis’ [2012] (20)(2), Nigerian Journal of Basic and Applied Science, Pp. 152, 160

Tenibiaje¹⁵ posits that crime is an act that violates the law of the society or serious offence against the law of the society for which there is a severe punishment by law. Variant views of crime all converged at a common phrase ‘violation’ of societal norms and values or laws.¹⁶ These include all types of deviant acts or offences against lawful authority, against local act, against person and against property. The prevalence of crime in the world today is a cause for serious concern for all and sundry. It undermines the social fabric by eroding the sense of safety and security. Crime impacts on society in a variety of ways according to the nature and extent of crime committed. It constitutes a problem when its incidence is as rampant in the society as to constitute a threat to the security of persons and property, as well as social order and solidarity.¹⁷

Crime is classified into violent and property crimes.¹⁸ This classification is on the basis of entity on which crime is committed. Violent crime is normally related to crimes committed on human beings and the brute manner in which it was done usually cause harm to a person, his personality or damage property. Violent crime could also be conceived as a criminal activity that is clearly an act of brute force engaged in taking of property or a person's life.¹⁹ To this end, violent crimes include robbery; rape; kidnapping; aggravated assault, thuggery, terrorism; grievous hurt and wounding, murder and homicide.²⁰ On the other hand, property crimes are those offences committed on properties or applied force in stealing property.

Having considered the nature of crime, it is imperative to examine environmental crime. As the name suggests, environmental crime has become a universal issue that poses serious negative environmental, social, and economic impacts, all of which in turn affect the protection of human rights and public health. Environmental crime is vastly expanding in pervasiveness and sophistication. There are many drivers of environmental

¹⁵D. J. Tenibiaje, ‘Personality and development of crime in Nigeria’ [2018] (2)(4) Current Research Journal of Social Sciences, 214–219

¹⁶Dr. A. K. Anya, *The Nigerian State in Episcopal Frock and Consequence of Sermon with Legislative Force*, (2015) Journal of Human Rights, University of Pretoria, South Africa, Pp. 72, 91

¹⁷A. B. Dambazau, *The Nigerian Police and Crime Prevention: Criminology and Criminal Justice in Nigeria*, (Kaduna: Defence Academy Press, (2017) 221

¹⁸M. B. Amin, M. K. Rahim, &G. M. S. Ayu, (2014), *A Trend Analysis of Violent Crimes in Malaysia*, Health and the Environment Journal, 5(2), 41–56.

¹⁹ Habibullah, *supra*, at f/n 12

²⁰J. Song, V. Spicer, P. Brantingham &R. Frank., ‘Crime Ridges: Exploring the Relationship between Crime Attractors and Offender movement, in IEEE European Intelligence and Security Informatics Conference (EISIC), 2013) Pp. 75, 82.

crimes, most notably economic benefits, substantial demand, and institutional and regulatory failures that results in impunity. The influence of these drivers might slightly differ depending on the type of environmental crimes.

3. Challenges of environmental crimes in urban areas

There are many divergent causes promoting crimes in Nigeria. Poverty is deemed to be an influential element aiding environmental crimes. This is accomplished by taciturn facilitation of manipulation and attendant recruitment of low-level perpetrators. Environmental crimes impact heavily on and undermine sustainable development and contribute to the acceleration of climate change, mainly through accelerated tropical deforestation. Not less significant is the fact that such crimes undermine the rule of law, good governance, and fuel geopolitical conflicts. In many cases, environmental crimes deprive governments of vast revenues that could have been used to support development and undercut legitimate businesses and markets. Added to these impacts is the fact that organised criminals often exploit impoverished communities by employing citizens to facilitate or commit environmental crimes. Given the reduced job opportunities available to criminal elements, there is every that they may become dependent upon criminal networks for survival. There are such other factors posing a big challenge to sustainable environmental orderliness, to wit:

I. Deprivation and Social Polarization

The attraction of city life to the criminal elements tends to include the higher pecuniary benefits for crime in large cities and the greater opportunity to profit from crime. Criminals can also be attracted to densely-populated urban environments due to lower arrest probabilities. The presence of large populations ensure that criminals benefit from increased levels of anonymity and a lower chance of recognition especially in cities where populations are also highly mobile. Criminal behaviour cannot be explained by a single factor, because human behaviour is a complex interaction between genetic, environmental, social, psychological and cultural factors. Different types of crimes are being committed by different types of people, at different times, in different places, and under different circumstances.

Consequently, there is need to consider some of the known causes of crime, for instance:

A. Biogenetic factors.

Criminologists are of the opinion that criminal activity is due to the effect of biologically caused or inherited factors. According to them, a criminal is born, not made. They maintained that criminals were the products of a genetic constitution unlike that found in the non-criminal population.²¹

B. Social and environmental factor

The environment is said to play significant role in determining criminal behaviour. Factors within the environment that mostly influence criminal behaviours include poverty, unemployment, corruption, urbanisation, family, moral decadence, poor education, technology, child abuse, drug trafficking and abuse, architectural or environmental design which have attributed to the current crime problem. Despite²² the introduction of democratic governance in Nigeria fifteen years back, the country is facing with the menace of poverty and insecurity. The²³ arguments that democracy is machinery for economic, peace and stability development have been disproved in Nigerian. Fifteen years into democratic governance, the main features in Nigerian democracy have been a significant increase in poverty, inequality, unemployment and insecurity and currently bandit and kidnapping. It²⁴ is argued that poverty breeds insecurity. In another dimension, Ayoola²⁵ identified lack of integrity, transparency and accountability in the management of public funds, especially at all levels of government.

C. Migration and Unemployment

In Nigeria for instance, Abuja is a well-planned city. Given its pattern and design, Abuja has considerable environmental challenge ranging from urban sprawl, decaying inner-

²¹ Dambazau, A.B. *Criminology and Criminal Justice* 2nd edition. (University Ibadan press:2017)

²² Yakubu, Tijani. THE IMPACT OF POVERTY ON INSECURITY IN NIGERIA. Economics. (2020). [https://www.researchgate.net/publication/339933612 THE IMPACT OF POVERTY ON INSECURITY IN NIGERIA](https://www.researchgate.net/publication/339933612_THE_IMPACT_OF_POVERTY_ON_INSECURITY_IN_NIGERIA) accessed 16th November 2023

²³ ibid

²⁴ ibid

²⁵ <https://icpc.gov.ng/2023/10/27/18633/> accessed 16th November 2023

city, inadequate housing, and heightened incidence of crime among others. The incidences of unemployment and rural urban drift have contributed largely to the spate of criminal activities within the state. Drawing attention from the above, it is obvious that the endemic poverty in the rural areas on the fringes of the city and across neighbouring states as a result of neglect by governments operates to precipitate an unprecedented rural urban migration among the youths.

D. Urbanisation.

Urbanisation simply refers to the movement of people from an area with less demand for labour to an area with high demand for labour, usually with surplus employment opportunities either in public sectors or private sectors or both. Urbanization is a population change from rural to urban areas, the steady increase in the proportion of people living in urban areas, and the ways in which each society adapts to the change. This concept has been traditionally defined as the process of city formation and city growth. Urbanization involves the way social activities locate themselves in space and according to interdependent processes of societal development and change. Urbanization is simply put as the change of settlement from rural to an urban society, which is influenced by social, economic, and political developments. Increasing urbanization causes less integration among people and as a consequence, generates less informal social control. Less integration and less informal control explain higher levels of crime, disorder, victimization, and non-fear of crime. The impact of the process of industrialization and urbanization on the reasons of crime is more evident as it promotes changes in social structure, promotes culture conflict and a change in the space environment thereby inducing an increasing number of criminal elements. The disruption of cultural value and morality is another feature of urbanized way of life. This also accounts for the rising reports of incidence of criminality by youths in urban areas. A controversial issue-that is the loss of moral values as a result of new urban life remains an essential by-product of urbanisation.

4. Institutional Crime Prevention and Control

The prevention and control of crime dwells on a range of strategies that are implemented by individuals, communities, businesses, non-governmental organisations,²⁶ and at all levels of government is to target the various social and environmental factors that increase the risk of crime, disorder and victimisation. There are diverse approaches to crime prevention and control that differ in terms of the focus of the interventions; the types of activities that are delivered; and the theory behind how those activities are designed to bring about the desired results.

The sanctions imposed by the regime of criminal law are usually carried out by law enforcement agencies. For instance, the main body saddled with the responsibility of enforcement of laws is the Nigerian police and often times with other government agencies such as the Economic and Financial Crimes Commission,²⁷ Independent Corrupt Practices Commission,²⁸ and the State Security Services.²⁹ The primary role of the police is to keep peace and ensure functional criminal roles in the state, on the basis of the specific jurisdiction and mission. Thus the power to detect and investigate crime is statutorily vested in the Nigerian Police. This is actually the case in Nigeria, and in line with the growing pace of crime in the country, there is need for overhauling of the intelligence unit of the security agencies, for effective information gathering. In Nigeria as of today, technology advancement is still at the lowest ebb. Criminals are becoming sophisticated, leaving almost no trace or clues after the commission of crime. The security agents need information from members of the public. One of the identified reasons why most Nigerians are reluctant in supplying information on criminals to the security agencies in Nigeria is undeniably, critical lack of trust.

5. Conclusion

It has been demonstrated that the urban centres in Nigeria will continue to be the engines of growth and development with nearly half of the total population residing in urban areas. Threats emanating from urban crime exert pressure on urban residents as well as

²⁶ [Hereafter, NGOs]

²⁷ [Hereafter, The EFCC]

²⁸ [Hereafter, The ICPC]

²⁹ [Hereafter, The SSS]

their means of livelihoods, and that the daily regimes of criminal activities vary significantly in accordance with settlement hierarchies.

Furthermore, it was demonstrated that many and varied criminal activities were shown to be concentrated on and vary across different types of urban centres. The statistical analysis tended to support the underlying premise of crime concentration at particular spots or places. Relative deprivation was found to be positively associated with violent and property crimes. Higher life expectancy was found to be negatively associated with violent and property crimes. This is consistent with widely held views in Euro-American studies. Economic inequality was found to be positively associated with all three forms of crimes associated with urban areas. Educational attainment was surprisingly found to be positively associated with serious sexual offences.

Consequently, it is suggested that the provision of educational interventions on women in urban centres in order to empower themselves, particularly through vocational training, may translate into a reduction in the risk of sexual violence. Significantly, notable security challenges in urban areas inclusive of systemic failure of governance; diminishing public trust in the police; weak enforcement of the provisions of the Administration of Criminal Justice Act; connivance of state security actors with criminals and some other measures such as inter-agency rivalry among different law enforcement institutions.

Urban environment planning has also been identified of having the potency to prevent abnormal behaviours. In this wise, crime and felony could be reduced in urban places by identifying effective local features and environmental conditions, along with other actions, capable of deterring the potential felon from having much lesser opportunities to committing criminal and unlawful acts in urban areas.

There is the need for both federal and state governments to immediately tackle widespread poverty and growing unemployment and inequality, especially amongst the urban poor. In this regard, government at various levels should make concerted efforts to diversify their economic base through investment in agriculture, development of small and medium scale industries, and encouragement of art and craft productions. Such engagements will contribute to employment generation, wealth creation and boosting of revenue profiles of cities.

Youths constitute the major demographic groups that are easy prey for organised crimes in cities. There is an urgent need for government at all levels in Nigeria, in partnership with the private sector to invest greater financial and structural support in capacity-build and skills development of young people to enable them to positively contribute to society and nation building.

Diversionsary services such as the establishment of skills acquisition workshops to provide young people with vocational and technical skills are important in this regard. This could be matched with the establishment of Business Development and Coaching Services Centres (BCDSC) across cities. The BCDSCs could render business development and career advice to jobless youths, facilitate their access to start-up funds and offer coaching services that will inform sound decision on career path for these young people.

Communities are best positioned to notice emerging trends in criminal tendencies. Therefore, critical engagement among local communities will foster timely preventive measures against all forms of crime in the cities. Government could enable civilian security platforms at the forefront of combating crime through orthodox means to detect and disrupt criminal recruitment and operation patterns at the community level. This will require greater government partnership with, and support to community and civic leaders in the area of legal and logistic support and encouragement to bolster the capacity of local communities to identify and develop non-violent and practical solutions to check criminal operations in the cities.

Notwithstanding the enactment of the Administration of Criminal Justice Act in 2015, it has been observed that the manual documentation of files and recording of court cases in long hand by the court judges is a disgusting norm. The dictate of the 21st Century anticipates a situation where information-processing and documentations should be digital-based, and information technology been the driving force of most developments in legal practices, should be extended to the Nigerian judicial system.



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