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Between the Court and the Street: Exploring the Respective Barriers to Access to Justice and Drivers of Street Justice in Nigeria

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Abstract

Sustainable Development Goal (SDG) 16, in light of the premium on access to justice, underscores the imperative to 'provide access to justice for all'. Justice is sought by all in the pursuit of their rights and interests. In effect, it is 'a given' that access to justice is just as important as access to all other SDGs that include, but are not limited to, health, water, and education, which the United Nations and other global bodies are striving to deploy to the doorstep of 'the common man'. People cherish justice so much so that they may be tempted to seek it at all cost and by all means in certain circumstances. Ideally, justice is pursued via the courts and other mechanisms that human societies have, in their wisdom, instituted. However, in circumstances where the judicial mechanism does not work for the good of all, street justice unfortunately turns out to be the norm. This paper focuses on the barriers to access to justice and the drivers of street justice and the interplay of factors that attend them. Engaging with secondary data, the paper examined the provisions of the laws guaranteeing access to justice, the barriers in the justice system hindering access to justice and the propellers of street justice and other alternatives that people explore when they feel short-changed from access to justice. The research proffered recommendations, derivable from the established findings, that inform choices, guide judges, provoke regulators, enlighten lawyers, influence policy makers, interest the public and, ultimately enrich knowledge and add upon existing literatures.

Keywords: Justice, access to justice, street justice, prosperity, Nigeria

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1. Introduction

The imperative for access to justice is a momentous issue considering recurring instances of persecution, oppression, marginalization, inhumanities, crimes, and wilful wrongs that humanity is subjected to in the contemporary world.¹ Consequently, discourses and research on access to justice

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¹ T. Marchiori, *A Framework for Measuring Access to Justice Including Specific Challenges Facing Women*, (New York: UN Women 2016).

have become expedient. This is because the critical factors militating against the effective operations of the machinery of justice need to be identified and have remedies devised for them, monitor advancement towards access to justice for all, and define standards on which justice delivery could be based and evaluated. While access to justice has become seemingly elusive for the ordinary poor masses of Nigeria, concomitant desperations, self-helps and absurdities have taken the centre stage. As justice seems far to afford, some persons, who desire justice as an intrinsically endowed right, can hardly fold their hands or resign to fate. One way or the other, the cherished idea of justice is facilitated by the society through appropriate institutions. But where the designated authorities are weak or non-existent, perversion often becomes the norm. Having access to justice signals the death knell of street justice that has now become a menace in Nigeria.

The 1999 Constitution of the Federal Republic of Nigeria,² the Universal Declaration of Human Rights³ and Sustainable Development Goal (SDG)⁴ against the backdrop of the imperative for justice for every person, emphasize the need for access to justice. By this emphasis, access to justice is equally as paramount as access to every other critical aspect of human need for survival and prosperity that include, but not limited to, food, water, health, shelter, and education, which the United Nations, concerned global organizations, regional organizations, and nations are pushing to the front burner and seeking to deploy at the doorstep of the 'common man'. This is because achieving justice to a satisfactory degree makes for prosperity and dignity for most people.

While some nations make justice a priority, capturing its essence in their constitutions and statutes and making it available to the least and lowest of their citizens, others merely pay lip service to the notion of justice and subject it to the whims and caprices of a few privileged 'powers and principalities'. Access to justice is a prerequisite for the enjoyment of rights and by extension, the flourishing of humanity. When access to justice is undermined by any factor, then humanity is diminished as happiness, peace, and livelihood are affected. This is because justice is the basic minimum right that every human person is entitled to enjoy without let or hinderance. In essence, access to justice should not be denied to persons because denying them access means treating them as inferior and for some people, provoking them to resort to other mechanisms for the attainment of their justice objectives.

The efficiency of a nation's judicial system is determined by the extent of access for all classes of persons to justice. Of late in Nigeria, the administration of justice has come under strong and strident criticisms. Both lay people and learned people are expressing worry about the waning dignity of the judiciary in Nigeria largely characterized by lack of autonomy, poor funding, delay in trials, and manifest corruption that ultimately work hardship on people.⁵ Access to justice is frustrated in many ways leaving people to explore alternatives in self-defence, jungle justice, resort to deities or resigning to fate. On the extremes, laws are being violated as more crimes are being committed, turning Nigeria to a jungle where only the strongest can survive, scant regard is had to law, and justice is non-existent.

² Federal Republic of Nigeria (1999). *Constitution of the Federal Republic of Nigeria*, 1999. Abuja: Federal Ministry of Justice.

³ United Nations (1948). *The Universal Declaration of Human Rights*. Available at: <https://www.un.org.corresspondences-undhr-2459>. (Accessed on 6th April 2024).

⁴ United Nations (2015). *Transforming our World: The 2030 Agenda for Sustainable Development*, United Nations. Available at: sdgs.un.org/publications/transform-our-world-2030-agenda-sustainable-development-1781 (Accessed on 4th April 2024).

⁵ T. Nwikipasi and N.A. Duson, 'The Concept of Justice and its Application in a Developing Country such as Nigeria', *International Journal of Innovative Legal and Political Studies*, 9(1), (2021) 52-62.

It is these scenarios that provoke the inquiry to ascertain the barriers to access to justice in Nigeria, the drivers of street justice in Nigeria, as well as the other alternative mechanisms that people explore when they feel shortchanged or lack the confidence that justice would be met in their cases in Nigeria. Specifically, the paper is preoccupied with ascertaining the barriers to access to justice in Nigeria, establishing the drivers of street justice in Nigeria, and assessing other alternatives people explore in their quest for justice in Nigeria.

The paper adopts the doctrinal methodology, which utilises primary and secondary data elicited from published documents by evaluating and analysing the contents. Documentary analysis is a systematically explicit and reproducible way to identify, evaluate and synthesize existing corpus of works carried out by scholars.⁶ The paper would particularly elicit data from the Constitution of the Federal Republic of Nigeria 1999, statutes enacted by parliaments in Nigeria, judgments of courts of Nigeria, and other equivalent documents from other countries; journal articles, newspapers and magazines, international reports, and other academic sources.

2. Conceptual Clarifications

2.1 Access to Justice

Justice has been identified as the oldest virtue in human society.⁷ While justice often appears as an elusive concept, it may loosely be concluded that it connotes equity and fairness, and ought to be available to everyone in every society for the enjoyment of their fundamental human rights.⁸ Justice is the final and ultimate result of an effective application of laws to specific issues arising in an interest involving two or more persons. Justice is the system by which laws, working through institutional mechanisms, resolve conflicting interests, avail remedies for wrongs and injuries inflicted, and mete out punishments for crimes committed.⁹ Despite the enthronement of democracies in several countries, the enjoyment of justice is still hindered by some socio-economic, institutional, and cultural challenges that seem to make it impossible for some citizens to enjoy the fundamental rights solemnly taken as available to them by the constitution.¹⁰ The attainment of justice in Nigeria has been elusive as people yearn for them and do not attain them resulting in their manifesting their disenchantment in diverse forms of desperation.¹¹

In every society where rule of law reigns supreme, justice is inalienable to all persons equally and is fairly administered by an independent judiciary, resulting ultimately in everybody obtaining justice without consideration of their status, gender, race, religion or age.¹² Justice is tied to equality, being the very ideal that compels the courts to objectively pronounce rights and liabilities between

⁶ M. Tight, *Documentary Research in the Social Sciences*, (London: SAGE Publications, 2019).

⁷ F. Ogunmodede, 'What is Justice?' in Iroegbu, P. (ed.), *Kpim of Morality, Ethics: General, Special and Professional*. Ibadan: Heinemann Educational Books, (2005) 401-415.

⁸ N. S. Okogbule, 'Access to Justice and Human Rights Protection in Nigeria', *International Journal of Human Rights*, 3, (2005) 95-115.

⁹ P. Keuleers, *Access to justice for all: An enabler of the 2030 agenda and essential for leaving no one behind*. (2018). Available at: <file:///C:/Users/oalus/Desktop/South%0020African%20Conf/Access%20to%20justice%20&%20SDG/Access%20to%20justice%20for%20all%20-%20UNDP.pdf> (Accessed 2nd April 2024).

¹⁰ O. Oko, *Seeking Justice in Transitional Societies: An Analysis of the Problems and Failures of the Judiciary in Nigeria*. (2021). Available at: <https://brooklynworks.brooklaw.edu/bjil/vol31/iss1/1>.

¹¹ N. T. Nwikipasi, and N. A. Duson, 'The Concept of Justice and its Application in a Developing Country such as Nigeria', *International Journal of Innovative Legal and Political Studies*, 9(1) (2021) 52-62.

¹² O.O. Olusegun and O.S. Oyelade, 'Access to justice for Nigerian women: A veritable tool to achieving sustainable development', *International Journal of Discrimination and the Law*, 22(1) (2022) 4-29.

two conflicting interests.¹³ Equality is a normative concept and refers to the constituted social arrangement requiring that all persons be treated equally.¹⁴ To reflect on the notion of justice with a view to deciphering the very essence it serves, what instantly comes to mind is equality.¹⁵ Conversely, inequality forms the very foundation for injustice and makes it difficult for underprivileged people to enjoy what is due for them and be unable to exercise their inherent capabilities on the same equal pedestal with other more endowed people.

Access to justice is seen as the unfettered right of every human person to utilize legal mechanisms and tools in the protection of their rights and interests and opine that it is a basic inalienable right, which ought to be guaranteed in every egalitarian and democratic society.¹⁶ Justice ought to be accorded the status of a human need that falls within the level of essential services such as education and health. As indispensable as justice is to humanity, inability to access it constitutes a hinderance to a meaningful living and the enjoyment of life by persons.¹⁷ In light of widespread strides towards the optimization of the operational mechanisms of justice systems, the capacity of individuals to enjoy unfettered access to justice and resolve whatever differences they may have with one another, is deemed to form part of the basic essentials of democracy, development, rule of law, and human rights.¹⁸

Access to justice implies all the mechanisms of the substantive and procedural laws in a given society, which are designed to guarantee that members of the society have all the opportunities to seek redress within the ambits of the law.¹⁹ It is the constitutional right and ability of persons to institute an action for an alleged rights violation in the jurisdiction of a court of law and have the court determine the matter in a fair and impartial manner going by the body of evidence adduced before the court and in accordance with the applicable rules and principles of law.²⁰ In practice however, it is not everybody that can successfully institute an action for alleged rights infringement before a court of law on the one hand, and on the other hand, the outcomes of legal suits depend less on the merits of the cases than on how pretty well a litigant is represented in the court of law.²¹

Thus, viewed literally, access to justice is the opportunity a person has to proceed before the court of justice and seek to ventilate their grievance against another.²² Access to justice means much more than ordinarily accessing a court of justice but extends to equality of opportunities of citizens to enjoy fair, impartial, and timely verdict in their cases before the courts. It is reasoned that there is a barrier to access to justice if, for social, political, or economic factors, individuals suffer

¹³ C. Ogbujah, 'Equality, equity and justice in resource distribution in Nigeria', *Journal of African Philosophy, Culture and Religions*, 10(2) (2021) 13-27.

¹⁴ S. Ribotta, 'Poverty as a matter of Justice', *The Age of Human Rights Journal*, 20(2) (2023).

¹⁵ G.D. Vecchio, 'Equality and Inequality in relation to Justice', *Natural Law Forum*, Paper 116 (1966). Available at: <https://scholarship.law.nd.edu/cgi-viewcontent.pdf> (Accessed on 9th April 2024).

¹⁶ V. Lima and M. Gomez, 'Access to Justice: Promoting the Legal System as a Human Right', in Leal Filho, W., Azul, A., Brandli, L., Ozuyar, P. and Wall, T. (eds.) *Peace, Justice and Strong Institutions. Encyclopaedia of the UN Sustainable Development Goals*, (Springer, Cham. 2020).

¹⁷ Olusegun and Oyelade, (n. 12) 4-29.

¹⁸ Marchiori, T. (2016). *A Framework for Measuring Access to Justice Including Specific Challenges Facing Women*, New York: UN Women.

¹⁹ Ani, C. (2021). Access to Justice in Nigerian Criminal and Civil Justice Systems, *Nigerian Juridical Review*, 21(4).

²⁰ Baumgartner, S. P. (2011). Does Access to Justice Improve Countries' Compliance With Human Rights Norms? An Empirical Study. *Cornell International Law Journal*, 41.

²¹ Oleinik, A. (2014). Access to justice as a form of inequality. *Journal of Economic Issues*, XLVIII(2), (DOI 10.2753/JE10021 - 3624480214).

²² Igwe, O. I. and Bassey, A. (2021). Review of the impacts of poverty on access to justice in Nigeria, *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*, 12(2), pp.16-36.

discrimination in the legal and justice system.²³ It is in line with this that access to justice is deemed to consist of the elements enabling individuals to seek remedies for grievances suffered and to get their rights and interests duly protected.²⁴

2.2 Street Justice

The resort to street justice is experienced in every part of the world but remains most prominently used in Africa²⁵. It is the high rate of criminality and the corresponding lack of confidence in the justice system that exacerbate the waves of street justice²⁶. It is a common practice in Nigeria resorting to all kinds of self-help actions due to the inherent barriers to access to justice which have disempowered a lot many people from the rights to justice as provided in the constitution and all other legislations that seek to guarantee equality before the law. There is a growing understanding that 'scores' should be immediately settled when an infraction of rights or infringement of interests occurs as experiences have shown that a whole lot of bribery, extortion, and miscarriage attend the justice system²⁷. Criminals and wrongdoers can easily escape the law and this manifestly exposes the inefficiencies of the legal and justice systems in Nigeria²⁸. There is rampant impunity for the law, which serves as the *raison d'être* for the adoption of street justice and self-help in the pursuit and attainment of justice²⁹.

Lynching is a very common sight in Nigeria as extra-judicial killing is usually meted out to most crime suspects in Nigeria³⁰. Cole (2012)³¹ observe that street justice has become a recurrent issue in Nigeria and there are numerous casualties that are being recorded from the incidents across the country. The new trend in street justice is a source of concern especially given the loss of innocent lives that have been wasted through the acts. It is even believed that the reportage of the incidents of the crime in the media is usually lower than the rate at which the phenomenon occurs because the media decide what to report and media reach does not cover everywhere and every time.³²

The rate at which mob culture is embraced in Nigeria is alarming and has been increasing year after year. The media reports of 2020, 2021, 2022, and 2023 had 83, 107, 149, and 204 respectively of

²³ Lima, V. and Gomez, M. (2020). Access to Justice: Promoting the Legal System as a Human Right. In Leal Filho, W., Azul, A., Brandli, L., Ozuyar, P. and Wall, T. (eds) *Peace, Justice and Strong Institutions. Encyclopaedia of the UN Sustainable Development Goals*. Springer, Cham. <https://doi.org/10.1007/978-3-319-71066-2-1-1>.

²⁴ Marchiori, T. (2016). *A Framework for Measuring Access to Justice Including Specific Challenges Facing Women*, New York: UN Women.

²⁵ Easley, D. (2021). Can you hear me now? Due process and language barriers to justice. *Journal of Global Justice and Public Policy*. 5(7). Available at: jgipp.regent.edu/wp-content/uploads/2021/12/can-you-hear-me-now-due-process-and-language-barriers-to-justice.pdf.

²⁶ Shodunke, A. O., Oladipupo, S. A., Alabi, M. O. and Akindele, A. H. (2023). Establishing the nexus among mob justice, human rights violations and the state: Evidence from Nigeria. *International Journal of Law, Crime and Justice*, 72. Available at: <https://doi.org/10.1016/j.ijlcj.2022.100573>.

²⁷ *Ibid*.

²⁸ Gholami, H. and Abdulrauf, S. H. (2018). Inside the Nigeria Police Force: An examination of the conditions and facilities at the police stations in Ilorin metropolis of Kwara State, Nigeria. *International Journal of Humanities and Applied Social Sciences (IJHASS)*, 2.

²⁹ Dada, A. A., Dosunmu, A. G. and Oyediji, G. O. (2015). Criminal justice system: the Nigeria scenario. *International Journal of Social Science and Humanities Research*, 3(3), pp.437-444.

³⁰ Shodunke, Oladipupo, Alabi, and Akindele, (n. 26).

³¹ Cole, T. (2012). *Perplexed...Perplexed: On Mob Justice in Nigeria*. The Atlantic.

³² Kpae, G. and Adishi, K. (2017). Jungle justice and criminal justice administration in Nigeria: The need for reform of the justice system. *International Journal of Innovative Legal and Political Studies*. 5(4), pp.15-20.

incidents of deaths resulting from street justice.³³ It does appear that street justice has become somewhat institutionalized in Nigeria.³⁴ Prompted by the staggering records of street justice, Nwakpu, *et al* expressed the concern that it has become a persistent societal challenge given the very high frequency of its occurrence.³⁵ They maintain that street justice has become a very common phenomenon that is now deemed as an acceptable way of dealing with and responding to some cases of criminality like kidnapping, armed robbery, thefts, rape, pick pocketing, etc. The perception of the menace as acceptable, according to Osasona,³⁶ is because mobs aggregate and unleash mayhem on a suspect without any bystander being reasonable or bold enough to restrain them from wasting life extra-judicially. The situation is so perturbing that Nigeria is likened to a jungle where the allusion to the survival of the fittest in the jungle perfectly situates.³⁷

3. Legal Framework on Access to Justice in Nigeria

The courts have the onerous responsibility of promoting prosperity, ensuring wellbeing, upholding the rule of law and democracy, and guaranteeing security of lives for all persons legally domiciled in the country.³⁸ The social order and wellbeing of the state and her people is based on the important ideals of justice, equality, and freedom.³⁹ It is an express constitutional provision that:

In the determination of their civil rights and obligations, including questions or determination by or against any government or authority, a person shall be entitled to access justice for fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such a manner as to secure its independence and impartiality.⁴⁰

The Legal Aid Council has been empowered to guarantee access to justice for the poor by making provisions for the Legal Aid Council to avail legal representation for indigent citizens.⁴¹ By the provisions of its Section 46(4), the Legal Aid Council has been imbued with the powers to undertake legal representation for poor citizens in both civil and criminal matters.⁴² In the same vein, the Act establishing the National Human Rights Commission (NHRC) has empowered the Commission to defend and protect all victims of alleged infraction of human rights in all parts of Nigeria.⁴³ Pursuant to this power, the Commission has the mandate to make interventions and investigate all complaints and concerns bordering on basic rights of the citizens and exercise the statutory discretion to make appropriate orders for reliefs and compensations as may be expedient in each scenario of human rights abuse.

³³ E. S. Nwakpu, J. N. Ogbodo, I. W. Nwakpu, and A. S. Oyeleke, 'Spectators of Suffering: Witnessing Victims of Jungle Justices on Social Media', *Mediterranean Journal of Social Sciences*. 11(1) (2020).

³⁴ Dahiru, M. (2023). 'The unacceptable spate of jungle justice in Nigeria'. *Daily Trust*, [online] p.1. Available at: <https://dailytrust.com/the-unacceptable-spate-of-jungle-justice-in-Nigeria> [Accessed 4 June 2024].

³⁵ Nwakpu, Ogbodo, Nwakpu, and Oyeleke, (n. 33).

³⁶ Osasona, T. (2016). Ending the perverse culture of mob justice in Nigeria. *Oxford Human Rights Hub*. URL: <https://ohrh.law.ox.ac.uk/ending-the-perverse-culture-of-mob-justice-in-Nigeria/>. Accessed on 6th June 2024.

³⁷ Miller, R. (2024). Why do we need public legal education? *Access to Justice*. The Law Society. Available at: lawsociety.org.uk/topics/issues/why-do-we-need-public-legal-education. [Accessed on 26 June 2024].

³⁸ Federal Republic of Nigeria (1999). *Constitution of the Federal Republic of Nigeria*, 1999. Abuja: Federal Ministry of Justice.

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ *Ibid.*

It is also noteworthy that various state's High Courts in Nigeria have provisions in their Rules of Civil Procedure demanding that access to justice is allowed for all indigent persons. By this practice rule, a High Court judge has the discretionary powers and jurisdiction to grant the application of a poor citizen to initiate or defend a matter in any State High Court or Federal High Court via a process, *in forma pauperis*. This approach entitles an indigent litigant to proceed with filing their case without incurring cost or paying a professional fee. Utilizing such a mechanism, the indigent litigant is seeking to invoke 'the epistolary jurisdiction of the Honourable Court' to have the court intervene and appoint an advocate that avails legal services to the litigant.⁴⁴

4. Nexus between Sustainable Development Goals, justice, and prosperity

Sustainable Development Goals (SDG) 16 seeks to enthrone peaceful, inclusive, and just societies, which guarantee for everybody equal access to justice and entitlement to appropriate remedies when they suffer wrongs from others.⁴⁵ SDG 16 is an outcome as well as an enabler of sustainable development with its targets interconnected to other goals, which are instrumental in the attainment of peaceful societies where justice, inclusiveness and fairness thrive.⁴⁶

By Resolution 70/1, '*Transforming Our World: The 2030 Agenda for Sustainable Development*', the United Nations General Assembly on the fateful day, September 25, 2015, arrived at 17 Sustainable Development Goals (SDGs) and 169 critical targets.⁴⁷ By this milestone, member states solemnly subscribed to a new strategic vision for sustainable development implementable by 2030. Building on the takeaways of the implementation of MDGs, the new vision recognizes that 'only peaceful and just societies can contribute to sustainable development, and that a functioning and accessible justice system is an essential element of development per se and an enabling factor for the realization of other development goals.'⁴⁸ With respect to access to justice, the most important target in SDG 16 is target number three that emphasizes the imperative of promoting the rule of law at all levels of societies and also guaranteeing equality of access to justice for all persons. The attainment of justice for everyone has emerged as an indispensable goal, and accessing justice with ease is truly relevant today for the enjoyment of life. SDG 16 underscores the imperative to (1) enhance peace and inclusivity for the realization of sustainable development; (2) make access to justice an unfettered right for everyone; and (3) enthrone effectiveness, accountability, and inclusiveness at all levels of institutions. Particularly, target number 16.3 harps on promoting the rule of law nationally and internationally.⁴⁹

5. Barriers to Access to Justice in Nigeria

Okogbule, presents the impediments to access to justice in three different broad categorizations that include the substantive, the procedural, and the political and economic barriers.⁵⁰ Under this

⁴⁴ F. Falana, *Nigerian Law of Socio-economic Rights*, (Lagos: Legaltex Publishing, 2017) 212.

⁴⁵ United Nations (2015). *Transforming our World: The 2030 Agenda for Sustainable Development*, United Nations. Available at: sdgs.un.org/publications/transform-our-world-2030-agenda-sustainable-development-1781 (Accessed on 4th April 2024).

⁴⁶ Conference in Preparation for High Level Political Forum (2019). *Peace, just and inclusive societies: SDG 16 implementation and the path towards leaving no one behind*. Available at: https://sustainabledevelopment.un.org/content/documents/23814SDG_16_MAIN_SUMMARY_SDG_Conference_Rome_May2019.pdf (Accessed 2nd April 2024).

⁴⁷ United Nations, *Transforming our World*, (n. 45).

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

⁵⁰ Okogbule, N. S. (2005). Access to Justice and Human Rights Protection in Nigeria, *International Journal of Human Rights*, Issue 3, pp.95-115.

compartmentalization, people are denied access to the enjoyment of justice due to substantive provisions of the laws, the procedural technicalities of the laws, and the nature of the political and economic conditions of the society. People are denied access to justice in multifaceted ways that include the nature, procedure, quality of the justice and the location of the justice seeker in the context of the judicial matrix.⁵¹ For Gwangudi, it is not only procedural mechanisms that diminish access to justice but equally extends to other issues such as the physical nature of the facilities where the dispensation of justice is conducted, the standard of the personnel and the material resources that aid the dispensation of justice, the length of time it takes to get justice dispensed, the moral and ethical contents of the persons who dispense the justice, the extent of adherence to the guiding rules and principles for the dispensation of justice, the cost involved in getting the justice dispensed, the quality of the lawyers engaged in seeking the justice, and the objectivity and impartiality of the operators of the justice system.⁵² In Okogbule's view, the factors that impede access to justice include delay in justice administration, high cost of litigation, constitutional indulgences, over reliance on technicalities, illiteracy, ignorance, and judicial corruption.⁵³ Other scholars have similarly identified the barriers to justice to include poverty, illiteracy, poor justice administration, language barriers, and shortcomings in the laws.⁵⁴ Thus, going by these views, we can distil the common strands of the issues that constitute hinderances to justice as follow hereunder.

5.1 Delays in the administration of justice

The Enugu State Judiciary reports that out of a total of 318 tenancy possession cases that came before the courts, only 71 of them could be concluded within the legal year under review.⁵⁵ Cases are also known to linger longer in more contentious issues like land disputes. Akaniro, finds that it takes a minimum of two years to conclude a land matter and can extend beyond that should the matter proceed on appeal.⁵⁶ For criminal case trials, the Directorate of Public Prosecution, indicates that they last a minimum of three years except in rare scenarios where the accused person pleads guilty on arraignment thereby saving the court the time and pains in entertaining claims, counter-claims, and addresses.⁵⁷ Adegboyega, notes that chieftaincy tussles last longer as was found in Ile-Oluji Community Chieftaincy dispute that lasted from 1998 through 2015 and the case of Okpaligbo-Ogu Community Chieftaincy that spanned from 2000 till 2014.⁵⁸

There is much truth in the popular aphorism that justice delayed is justice denied. As Justice Oputa opines, delay is a serious indictment on the efficacy of the justice system as it erodes public confidence in the adjudicatory process and in the administration of justice. Significant number of people find themselves to be victims or casualties of the crawling and most times, the crippling

⁵¹ Okogbule, N. S. (2005). Access to Justice and Human Rights Protection in Nigeria, *International Journal of Human Rights*, Issue 3, pp.95-115.

⁵² Gwangudi, M. I. (2002). Problems mitigating against Women's Access to Justice in Nigeria, *University of Maiduguri Law Journal*, 5, pp.13-26.

⁵³ Okogbule (n.52).

⁵⁴ See Muftau, R. (2016). Access to Justice in Nigeria: The Need for Some Future Reforms, *Journal of Law, Policy and Globalization*, 47; Olusegun and Oyelade, (n. 12) 13-26.

⁵⁵ Enugu State Judiciary (2015). *Annual Case Returns 2014*. Enugu: Government Printer.

⁵⁶ Akaniro, G. (2009). *Introduction to Nigerian Legal System*. Enugu: New Koncept Books.

⁵⁷ Department of public prosecution Enugu State

⁵⁸ Adegboyega, B. (2016). 'Ile-Oluji Chieftaincy tussle ends with the demise of a co-contestant', *Sun Newspapers*, 10th March, p.20.

expense of the machinery of justice and are therefore forced into resignation, or being content with the lack of justice thereof.⁵⁹

There exists a plethora of reasons and excuses for the delays often experienced in the justice system, some of which have been endemic in the system. Some delays are occasioned by the officials of the justice system itself – the court clerks, court registrars, bailiffs, lawyers, and even judges – while some are due to the existence of a multitude of procedural rules which are often technical and complicated, and the bureaucracy often times attending their applications.⁶⁰ The lengthy adjournments in regular courts resulting in heavy backlogs of unheard and part-heard cases have heightened the need and concern for the expeditious resolution of cases.

5.2 Judicial corruption

Osborne,⁶¹ views judicial corruption as the wrong, unlawful and inappropriate practice and use of assigned judicial position for personal interests just as Oluwagbemi⁶² holds the same view. The act of abuse has to do with the responsibility that a judicial officer holds and involves an unlawful exchange taking place between two individuals that gain at one end and, at the other end, the victim, who would lose their case because of the conspiracy between the judge and the victim's opponent. The debasement of adjudicatory ethics, the bastardization of judicial norms and the infestation of the judiciary with corruption and avarice have tended to substantially reduce the confidence that people hitherto reposed on the judiciary.

Normatively, access to justice is a basic human right duly recognised by international laws as, for instance, postulated in The Universal Declaration of Human Rights, 1948, in its Article 7.⁶³ Sen, posits that every human right should have a threshold condition of importance having got a significant social value that can create a set of obligations for other people.⁶⁴ Even as the international community, via the United Nations conventions and SDGs, has demonstrated a commitment towards access to justice, corruption has made rights espoused on papers to have divergences in reality. Against this light, he suggests that access to justice should be deemed a global common issue instead of merely being a concern about the poor and the less privileged.⁶⁵

5.3 Technicality of the rules

Justice exists in two forms that include substantive justice and technical or procedural justice.⁶⁶ Lawyers have tendencies to engage in technicalities in order to gain victory at all cost.⁶⁷ The technical nature of law is such that it is not easily understood by persons who are not nuanced in law. Technicalities are usually spotted and explored by some lawyers to pick holes with the cases of opponents by looking at where the opponent is technically faulty as against looking at the merit

⁵⁹ Oputa, C. (1999). The philosophy of justice with emphasis on arbitration. *Nigerian Law and Practice Journal*, 3(1), 73.

⁶⁰ Makinde, A. (2017). *Policing the Niger Delta region*. Ibadan: University Press.

⁶¹ Osborne, D. (1997). Corruption as Counter-culture: Attitudes to Bribery in Local and Global Society. In: B. A. K. Rider (ed) *Corruption: The Enemy Within*. Alphen aan den Rijn: Kluwer Law International, 9-34.

⁶² Oluwagbemi, B. (2019). Justice in the context of normative rights. Ibadan: Spectrum Books.

⁶³ United Nations (1948). *The Universal Declaration of Human Rights*. Available at: <https://www.un.org.corresspondences-undhr-2459>. (Accessed on 6th April 2024).

⁶⁴ Sen, A. (2009). *The Idea of Justice*. Cambridge, MA: Harvard University Press.

⁶⁵ *Ibid*.

⁶⁶ Albiston, C. R. and Sandefur, R. L. (2013). Expanding the empirical study of access to justice. *Wisconsin Law Review*, 2013(1).

⁶⁷ Akaniro, G. (2009). *Introduction to Nigerian Legal System*. Enugu: New Koncept Books.

of the case.⁶⁸ Examples abound in the use of *locus standi*, which is the right to institute an action before a court. Some lawyers, relying on *locus standi*, have shut out litigants from being heard in the court. *Locus standi*, as a principle, requires that prospective litigants must demonstrate that they have substantial interest in a case before they can sue a person on the matter. This deliberate mischief has often worked hardship on access to justice and discourages public interest litigants from instituting legal action as they are dubbed meddlesome interlopers.⁶⁹

5.4 Constitutional bottlenecks

The same constitution that guarantees access to justice still stifles access to justice by certain provisions in the Constitution. This appears ironical and contributes its own share to the impediments faced by people in accessing justice in Nigeria. The Constitution, in trying to strike a balance between parties in a criminal trial creates another challenge that hinders effective dispensation of justice. It is provided that whoever is charged to a court of law for a criminal offence shall have the right to be afforded enough time and facilities to enable the person to prepare their defence.⁷⁰ The interpretation and application of this provision is that every accused person has an unlimited right of time to present their case.⁷¹ It is reasonably felt that this ordinarily innocent provision should not constitute any cog in the wheel of progress of justice but given the characteristic Nigerian style and factor, a harmless provision is now being abused and applied to cause unjustifiable delays in justice delivery.⁷²

5.5 Poverty

Litigation is often an expensive endeavour that involves engaging the services of a lawyer and having to pay professional fees. The cost of litigation would be even more expensive when a litigant seeks to retain the services of a leading lawyer. According to Okogbule,⁷³ considering the low incomes of the local people, potential litigants can rarely afford to engage lawyers and expert witnesses.

Frynas⁷⁴ also noted that poverty has tremendously hindered access to justice in Nigeria because the poor does not have the means to afford justice. Indeed, Igwe and Bassey⁷⁵ found that justice is not easily accessible to the poor, disadvantaged and socio-economically deprived citizens in Nigeria, as this drastically limits their ability to challenge abuses, crimes and rights infringements. The Rule of Law and Anti-corruption Project,⁷⁶ also notes that a considerable gap exists between the legal needs of the people and the avenues available to satisfy the needs, and thereby creates a 'justice gap' that holds the gravest consequences for the poor. In their finding, the National Bureau of Statistics notes that girls, vulnerable women, orphans, the poor and the elderly that are most likely

⁶⁸ Onyeidu, S. O. (1999). *Phenomenology of Religion*. Nsukka: Easy Quality Press.

⁶⁹ Okogbule, (n. 52).

⁷⁰ *Ibid.*

⁷¹ Federal Republic of Nigeria (1999). *Constitution of the Federal Republic of Nigeria*, 1999. Abuja: Federal Ministry of Justice.

⁷² Okogbule, N. S. (2004). The Nigerian Factor and the Criminal Justice System, *University of Benin Law Journal*, 7, p.165.

⁷³ *Ibid.* 165.

⁷⁴ Frynas, J. G. (2001). Problems of Access to Courts in Nigeria: Results of a Survey of Legal Practitioners, *Social and Legal Studies*, 10(3), pp.397-419.

⁷⁵ Igwe, O. I. and Bassey, A. (2021). Review of the impacts of poverty on access to justice in Nigeria, *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*, 12(2), pp.16-36.

⁷⁶ Rule of Law and Anti-Corruption (ROLAC) (2018). *Justice, Conflict and Security in Nigeria*. Abuja: Stellar Publishers.

living in poverty are equally most likely to be in dire need of access to justice.⁷⁷ In a related report, National Bureau of Statistics⁷⁸ makes a startling finding that more than 133 million of Nigerians, constituting 63% of Nigerian population, are living in abject poverty.

Miserable and humiliating as the circumstances of abjectly poor people are, they are more preoccupied with the struggle for living that has rather to do with finding food to eat, shelter to sleep in and water to quench their thirst than spending money to get justice.⁷⁹ In light of their economic situation, the natural tendency for most poor people when confronted with rights violations or imminent threats to their interests may be to resign to fate because one cannot give what one does not have.

5.6 Illiteracy

Illiteracy undermines access to justice because a person who cannot read and write can hardly sufficiently know the full range of rights available to them, except they are informed or guided by another person. Illiteracy creates distrust of the justice system and often makes the litigant intimidated before the courts.⁸⁰ That being the case, the illiterate litigant has a very fundamental barrier that limits them from understanding the language used as well as appreciating the implications of the documents and processes served on them. Not being represented as is often the case, the illiterate party will be subject to the intimidation of the opponent, who may be literate and or represented by a lawyer. According to Okaru-Bisant,⁸¹ the courtroom experience of an illiterate litigant is always a harrowing one and this has resulted often in high dropout rate in litigation by illiterate people. It is an ordeal dragging an illiterate person to court and oppressors use it to advantage in humiliating their opponents and traumatizing them throughout the rigours of the trial process.⁸² In some cases, the mere service of court summons on some illiterate and uninformed persons in an initiated case have set them going to surrender and pacify the initiating litigant.⁸³

5.7 Ignorance

Ignorance limits the information and awareness that people have of existing resources, rights, and opportunities. Ignorance can make a potential client to forfeit their ordinarily valid claim because they do not know the legal provisions regarding the steps and procedures they can explore in seeking redress in courts.⁸⁴ To seek justice effectively, the potential client should have information and awareness about what are their rights and responsibilities, what are the basic provisions of the law concerning their basic rights and liberties, the location of lawyers and the courts, and the legal resources they can explore at each point in time.

⁷⁷ The Bell Foundation (2022). *Language barriers in the criminal justice system*. Available at: bell-foundation.org.uk/app/uploads/2022/23/language-barriers-in-the-criminal-justice-system.pdf [Accessed on 18th May 2024].

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

⁸⁰ Brems, E. and Adekoya, C. O. (2012). Human Rights Enforcement by People Living in Poverty: Access to Justice in Nigeria. *Journal of African Law*, 14(4). Available at: Doi: 10.1017/S0021855310000070 [Accessed on 26 May 2024].

⁸¹ Okaru-Bisant, B. (2019). Overcoming Institutional and Legal Barriers That Abused Females from Accessing Justice in Fragile Nigerian Regions, *American University Journal of Gender, Social Policy and the Law*, 27(1), pp.32-70.

⁸² *Ibid.*

⁸³ Okaphor, E. F. and Akachukwu, O. D. (2014). Appraising Language Rights Under Nigeria Legislation. *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*, 5, pp.163-171.

⁸⁴ Okaru-Bisant, B. (2019). Overcoming Institutional and Legal Barriers That Abused Females from Accessing Justice in Fragile Nigerian Regions, *American University Journal of Gender, Social Policy and the Law*, 27(1), pp.32-70.

When people are ignorant of the legal and justice mechanisms, they find it difficult to understand what is at stake in many of the legal, justice and human rights issues that confront them.⁸⁵ This implies that even in the first place, they do not know what constitute legal wrongs, torts, crimes, and liabilities. In the usual circumstances that they find themselves, they become miserable as they are vulnerable to the situations that can take a great toll on their rights, liberties, and interests. One of the most fundamental legal axioms is “ignorantia juris non excusat” or “ignorantia legis neminem excusat” which means “ignorance of the law excuses not” or “ignorance of the law excuses no one”. This legal maxim goes to demonstrate and insist that whether one is aware or not of the provisions of the law does not excuse one from liability when one infringes or breaches the law. In effect, people bear squarely the consequences of their actions (commissions) or inactions (omissions) that offend the law whether or not they are aware that such actions or inactions run afoul of the law. That is how strict the legal and justice systems can be and it substantially affects access to justice.

Impliedly, it is legal consciousness that guarantees people’s individual rights and liberties and dignity, enthrones a society within which equity and justice are protected and are available for the weak and the poor as well, and not a society where only might is right.⁸⁶ For Miller,⁸⁷ legal information is power and a very important tool that people can utilize in making informed decisions and fighting for the causes that are cherished by them.

5.8 Language barriers

At no place is the essence of having a perfect understanding and being perfectly understood more crucial than in the justice system but rather unfortunately, with its technical and complicated language, it is still the place where language is most difficult to follow for majority of people.⁸⁸ The official language of the courts in Nigeria is English and all the court processes and documentations are in English and both would contain issues, claims and counter-claims that are totally strange to the litigant who does not understand any other language than their native mother tongue. If the language used in law is totally different from that which an individual is familiar with, that person will not follow and comprehend the very provisions and the consequences of the letters of the law.⁸⁹ When people are unable to understand the language of the court, they will not be in the best possible position to plead their rights and defend their claims.⁹⁰

Even for native English speakers, the technical legal and complex language used in the justice system can be quite befuddling and opaque.⁹¹ According to The Bell Foundation,⁹² legal practitioners are also quite convinced that aspects of law and its practice and language are ‘archaic’, ‘alien’, and ‘old-fashioned’ and therefore difficult to be understood by the ‘lay person’ that is ‘uninitiated’ into the practice of law and legal nuances. Understanding the language of the courts play the instrumental role of ensuring that the parties whose matters are before the court and their

⁸⁵ Frynas, (n. 75) 397-419.

⁸⁶ *Ibid*, 397-419.

⁸⁷ Miller, R. (2024). Why do we need public legal education? *Access to Justice*. The Law Society. Available at: lawsociety.org.uk/topics/issues/why-do-we-need-public-legal-education. [Accessed on 26 June 2024].

⁸⁸ Sokolic, I. (2022). Claims to ignorance as a form of participation in transitional justice. *Cooperation and Conflict*. 27(1).

⁸⁹ The Bell Foundation (n. 78).

⁹⁰ Okaphor and Akachukwu, (n. 84) 163-171.

⁹¹ Ogwezzy, M. C. (2016). Communication of an interpreter and fair trial under Nigerian Criminal Justice System, *International Journal of Legal Discourse*, 1(1), 213-233.

⁹² The Bell Foundation (n. 78).

witnesses are able to confidently express themselves and proffer the appropriate testimony and evidence for their cases.⁹³ This suggests that the justice system uses ‘a different kind of English’ that is bewildering for people that use English as additional language (EAL).

6. Factors that account for resort to street justice in Nigeria

6.1 Corruption and ineptitude of the law enforcement agencies

The Nigeria Police has the tainted profile of being synonymous with corruption and consequently, ineptitude.⁹⁴ The police in Nigeria pays premium on bribery and often accepts bribe to overlook crimes, compromise cases and allow criminal suspects to escape the hook of the law.⁹⁵ Once the palms of a willing police officer are greased, he can find a way to trivialize a serious matter and play down on the evidence that would have been useful in the sustenance of the prosecution of a crime suspect.⁹⁶ The United Nations Office of Drugs and Crimes⁹⁷ survey indicates that the Nigeria Police is the most corrupt agency in Nigeria. Corruption, having eaten so deep into the fabric of the police formations, continues to undermine the effectiveness of the force in the performance of its duties.

6.2 Lack of confidence in the justice system

As more people continue to lose confidence in the justice system, they are progressively led to embrace self-help to meet their justice needs however rightly or wrongly that may be.⁹⁸ The widespread violent criminalities in Nigeria today, according to Iwarimie-Jaja,⁹⁹ is largely associated with the despondency held by the people about the justice system. It is all too clear that the contradictions inherent in the justice system have thereby created the requisite conditions that enable social disorder to thrive. According to Gbenemene and Adishi,¹⁰⁰ the weaknesses and inefficiencies that characterize Nigeria’s justice system has midwived a scenario of heightened frustration and exacerbated desperation in people which ultimately drive them to utilize mob justice as a way of ventilating their disaffection and displeasure over a wrongful act. According to Makinde,¹⁰¹ 78% of respondents that participated preferred physical settlement of scores to litigation, reasoning that from arrest to investigation, trial, and the time of delivery of verdict, the justice system is susceptible to compromise that ultimately results to miscarriage of justice.

6.3 Social exclusion and alienation

When a group of people strongly feel marginalized at social, economic and political levels, and have ultimately found themselves at the societal periphery, they naturally feel they do not belong

⁹³ *Ibid.*

⁹⁴ Okereke, B. (2012). *The Role of the Nigeria Police in the Administration of Justice: Issues and Challenges*. Zaria: Ahmadu Bello University Press.

⁹⁵ Gholami, H. and Abdulrauf, S. H. (2018). Inside the Nigeria Police Force: An examination of the conditions and facilities at the police stations in Ilorin metropolis of Kwara State, Nigeria. *International Journal of Humanities and Applied Social Sciences (IJHASS)*, 2.

⁹⁶ *Ibid.*

⁹⁷ United Nations Office on Drugs and Crimes (UNODC) (2017). *Corruption in Nigeria: Bribery, public experience and responses*.

⁹⁸ Iwarimie-Jaja, D. and Lasisi, R. (2019). The Criminal Justice System as an Enablement of Social Order in Nigeria. *Nigerian Journal of Sociology and Anthropology*, 17(1).

⁹⁹ *Ibid.*

¹⁰⁰ Gbenemene, K. and Adishi, E. (2017). Jungle justice and the criminal justice administration in Nigeria: The need for reform for the judicial system. *International Journal of Innovative Legal and Political Studies*, 5(4).

¹⁰¹ Makinde, A. (2017). *Policing the Niger Delta region*. Ibadan: University Press.

and are not represented in the affairs of the state, and they may want to organize themselves and take some actions that include resorting to crime and violence.¹⁰² Many Nigerians find themselves at the bottom of the socio-economic ladder with no access to the facilities and benefits of governance. This state of affairs results in social discontentment and makes people lose faith in governance and the ability of the state to address their needs.¹⁰³ Social exclusion is illustrated by the scenario of an urban jungle. In Obiagu, Enugu State, Nigeria, for instance, health clinic, schools, sports field and recreation park, electricity, pipe-borne water, and even police post are non-existent. The residents just feel like they are not part of the society as the state does not do anything for their welfare. To demonstrate their disdain for the state, two incidents of police men coming to arrest two persons from their community were opportunities they seized. On the first occasion, the youths could disarm the officers who had come to make arrest, seized their rifles, beat them up and made a public spectacle of them. On the second incident, the mobs gathered, beat up the police and set their patrol van ablaze.¹⁰⁴ So in this kind of place, street justice is the norm. Having been neglected over the years, they have started taking the laws into their own hands, setting up their own vigilante outfits, and have become responsible for themselves and to themselves, and even question the existence of the state and government.

6.4 Savage orientation and background

It is in the character of people to act in ways that reflect the kind of environment they were groomed in.¹⁰⁵ According to the Scottish Centre for Crime and Justice Research,¹⁰⁶ the socialization process of imbibing behaviours and exhibiting them in a social environment can be deliberate sometimes and, at other times, unconscious. Ugwoke,¹⁰⁷ studied the proclivity for street justice in Nigeria and found the preponderance of jungle tendencies in most of the slum settlements of Ajegunle and Ojuelegba in Lagos; Obiakpor in Rivers; Obiagu and Abakpa in Enugu; Oturkpo and Alaede in Benue; and Tudunmagaji in Abuja. Ellwood,¹⁰⁸ maintains that Lombroso ascribed violent criminality to savagery which find fertile grounds in adverse geographical conditions, density of population, alcoholism, drug addiction, and economic hardship. It is on the basis of this that Ellwood,¹⁰⁹ submits that most violent criminals owe their orientation to the social and physical environments that nurtured them.

6.5 Ignorance of the actual situation

At the root of most mob actions is ignorance. People are easily drawn to an episode of violence and join in expanding its flame and dimensions without necessarily knowing how and why it started. A mob action is usually initiated by a small number of people who would ultimately recruit others, through their own actions and incitement, that join to execute the agenda.¹¹⁰ As often the

¹⁰² Scottish Centre for Crime and Justice Research (2016). Youth Violence: *The Mediating Effects of Gender, Poverty and Vulnerability*. Available at: <https://www.sccjr.ac.uk>2016/02>. Accessed on 4th June 2024.

¹⁰³ Agboti, C. I. and Nnam, M. U. (2018). An assessment of the relationship between crime and social exclusion in Nigeria. *International Journal of Research in Arts and Social Sciences*, 8(1).

¹⁰⁴ Nwikipasi, N. T. and Duson, N. A. (2021). The Concept of Justice and its Application in a Developing Country such as Nigeria, *International Journal of Innovative Legal and Political Studies*, 9(1), 52-62.

¹⁰⁵ Mshelia, I. H. and Yusuf, U. A. (2022). An assessment of crime and mob justice in Nigeria: A case study of Ibrahim Babangida Market, Suleja, Niger State. *Arts and Social Science Research*, 12(1).

¹⁰⁶ Scottish Centre for Crime and Justice Research (2016). Youth Violence: *The Mediating Effects of Gender, Poverty and Vulnerability*. Available at: <https://www.sccjr.ac.uk>2016/02>. Accessed on 4th June 2024.

¹⁰⁷ Ugwuoke, C. U. (2015). *Criminology: Explaining crime in the Nigerian context*. Nsukka: University of Nigeria Press.

¹⁰⁸ Ellwood, C. A. (1912). Lombroso's Theory of Crime. *Journal of Criminal Law and Criminology*. 2(5).

¹⁰⁹ *Ibid*.

¹¹⁰ Ifill, S. A. (2018). *Confronting the Legacy of Lynching in the Twenty First Century*. Washington DC: Beacon Press.

case, the subsequent members of the group do not border themselves about establishing the veracity of the allegation against the victim(s) and would rely on the information proffered by the initiators. In situations where the subsequent joiners ask questions about the complicity of the victim(s), they, the joiners, would normally be fed with falsehoods and be satisfied by the information from the masterminds.¹¹¹ Those who are in doubt about the veracity of crime as alleged would turn out to be active bystanders, just watching as cruelty and inhumanity are unleashed against presumably innocent person(s).¹¹²

6.6 Fallout of the governments' creation of anti-crime militias and vigilante squads

As Nigeria got increasingly overwhelmed by insecurity and crimes, state governments were drawn into the formation of anti-crime militias and vigilante squads. The state governments, according to Ogbozor,¹¹³ encouraged communities to establish vigilante groups or strengthen the existing ones if they already had them to function for the purpose of securing lives and property in their respective communities. The absence of any national or state legislation in regard to the operations of vigilante groups implied that no statutory financial allocation accrued to the states for the operational upkeep of the vigilante groups neither was there regulatory framework that spelt out how the vigilantes and militias carried out their duties. According to Fella-Brown,¹¹⁴ there was only a directive from the Inspector General of Police to the Divisional Police Officers to be in control of the respective vigilante groups within their jurisdiction.

Consequently, vigilante groups operated for a long time without funding leading them towards embarking on extortion, illegal deals, stealing, and some became willing tools in the hands of some politicians who appropriated them for the purpose of settling scores with perceived or manifest opponents.¹¹⁵ It was very easy for them to get away with serious criminal conducts like public execution, and mob actions eventually found basis and support in the acts of these non-state security actors.¹¹⁶ It was therefore, for most of the times, not fashionable to go through the normal course of law enforcement agencies as any group of persons could just carry out whatever punishment they felt is appropriate for any perceived or alleged wrongdoing.

6.7 Revenge for previous encounter with a criminal

According to Tiwa,¹¹⁷ street justice increases by the day as people who have previously encountered criminals would want to unleash a great deal of punishment on any person they meet as a criminal suspect. For Obarisiagbon,¹¹⁸ it is a way of revenging an ugly past experience and also a better way to obliterate or reduce social nuisances while discouraging further indulgence in crimes. The moral dilemma, however, remains that whereas in some instances the victims of street justice are culpable

¹¹¹ Akala, B. (2019). *Natives: Race and Class in the ruins of an empire*. London: Two Roads.

¹¹² *Ibid.*

¹¹³ Ogbozor, E. (2016). Understanding the Informal Security Sector in Nigeria. Special Report. Washington DC: United States Institute of Peace. Available at: SR391-understanding-the-informal-security-sector-Nigeria.pdf (Accessed on 12th April 2024).

¹¹⁴ Fella-Brown, V. (2021). *The Greatest Trick the Devil Played was Convincing Nigeria He Could Protect Them: Vigilante Groups and Militias in Southern Nigeria*. New York: United Nations University. Available at: collections.unu.edu/eserv/UNU-SouthernNigeriaVigilantes.pdf.

¹¹⁵ Obasanjo, S. B., Ifah, S. S. and Osisiogu, U. C. (2023). Patterns and Causes of Mob Justice in Nigeria. *FUOYE Journal of Criminology and Security Studies (FJCSS)*, 2(1).

¹¹⁶ *Ibid.*

¹¹⁷ Tiwa, D. F. (2022). From 'ethnic militias' to 'jungle justice'? Research and Change in Vigilantism in Nigeria. *Africa*, 92(2). Available at: cambridge.org/core/journals/africa/article/abs/from-ethnic-militias-to-jungle-justice-research-and-change-in-vigilantism-in-nigeria/CE7482391B603E71D70B9FC176C312DB (Accessed on 9th April 2024).

¹¹⁸ Obarisiagbon, E. I. (2018). Caught, Clubbed and Burnt: Criminological Reflections on the Incidence of Jungle Justice in Benin Metropolis, Southern Nigeria. *International Journal of Arts and Humanities*, 7(3), 32-40.

in the allegations against them, in other cases it is innocent persons that are rudely and brutally subjected to mob callousness.

7. Conclusion and Recommendations

7.1 Conclusion

We have sought in this paper to explore the barriers to access to justice and the drivers of street justice in Nigeria. In doing this, we set out to interrogate the inherent conditions of the justice system that make it ill-equipped to live up to its expectations as the last hope of the common man. We have also sought to ascertain the inherent factors in individuals that undermine their capacity for enjoying the unfettered rights freely endowed on them by the Constitution as free citizens. The drivers of street justice were also identified and dwelt upon.

7.2 Recommendations

In light of the barriers to access to justice and the drivers of street justice, we make bold to proffer the following recommendations:

- a) The governmental authorities must make fundamental decisions that restore the hope of the citizens in governance and make a public example of justice for all.
- b) The governments at the federal, state and local levels should make the reporting of crime easier for people so that people can reach law enforcement agencies easily. For instance, emergency numbers should be designated in Nigeria for the purpose of reaching the police and other security agencies whenever there is an emergency.
- c) Public enlightenment and orientation are very important for people to know the law and how it works.
- d) Educational curricular should incorporate human rights and civic responsibilities in order to imbibe sanity, decency and responsibility on young people.
- e) Partnership should be created between the local people and the police where they should interface and co-operate on reporting, arresting, handling, and surrendering of offenders to the law enforcement agencies.
- f) The police and other security agencies should be bolstered to provide adequate security for the citizens through operational logistic supports like vehicles, arms and ammunitions, electronic gadgets, and surveillance equipment as well as attractive working conditions.
- g) The police should be trained and retrained on operational mandates, crime prevention, investigation, information gathering and intelligence monitoring and utilization.
- h) Community policing should be statutorily created with regulatory framework and clearly spelt out *modus operandi* in order to support mainstream police formations with grassroot policing.
- i) There should be synergy among traditional institutions and authorities, town and village unions, and law enforcement agencies.
- j) The legal and justice system should be holistically reformed and rejigged for the delivery of swift and steady justice for all.

- k) There should be established a National Legal Aids Scheme akin to the National Health Insurance Scheme or National Housing Scheme where people can resort to for the purpose of accessing legal advice and legal representation if need be.
- l) The procedure for the appointment of judicial officers should be more transparent in order to ensure that people have opportunities to scrutinize the persons sought to be appointed into judicial positions and raise their concerns, if any, about the pedigree and antecedents of candidates for judicial positions.
- m) An integrity-specific provision should be included in the Constitution so that only lawyers of proven integrity can be appointed to the bench as judicial officers.
- n) A mechanism for bringing complaints against judicial officers who are erring should be put in place and punitive measures that should apply where a judicial officer is found to have erred need to be stipulated.
- o) There should be a requirement for definite timing in the conclusion of a case and the delivery of judgment in any case that comes before the courts.
- p) Measures like computerization should be adopted to fast track the dispensation of justice.