Crime and Punishment in Nigeria: Public Perception of State Laws and Criminal Sanctions

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Abstract
Public perception of state laws and sanctions of the offender are inevitable particularly the nature of crime and punishment in Nigeria society with serious implications for the success or failure of the law and the legal system. The public thinks, believe, and feels about the law and the legal system determine whether people actually turn to law or turn away from if whether the support the law or fight it and therefore whether the legal system succeeds in its social control functions or fails. The cardinal objective of study is to conduct a survey of public perception of criminal laws and sanctions in Nigeria and the research questions were examined the level of public support for state laws, public choices of penalties for criminal offences the perceptions of state law and punishment in Nigeria subgroup population vary in the way of punish offences. The major theoretical framework used for the paper is Marxist theory this explain the inherent contradiction, inequality and division of classes and group in the society. The theory submits that many of the laws in Nigeria are biased in favors of the economically privileged class and the law will not receive much public support. The paper also utilized secondary sources of data analysis the study concluded and recommended that in order to sustain widespread public support for the state laws or even to broaden support. The majority of laws in Nigeria will elicit low or passive support.

Introduction

The perception of the Nigeria public toward the state laws and sanction in modern Nigeria legal system on crime and punishment is within the context of criminal justice system and development of the Nigeria society. Crime and punishment in Nigeria can be situated under the British colonies which had the British legal foisted in Nigeria following the British annexation of the colony of Lagos in 1862, and the English Law in 1863 in the territory of Nigeria particularly the ordinance No. 3 of 1863 (Okonkwo, 2009) though, there had been in existence in the territory, a fully established system of Local customary law-the native law and custom (Park, 1963).

Prior to British presence in the territory, the validity of customary Law rested on its acceptance by the community whose affairs is governed and general agreed, but not sovereign enactment as is the case with customary law seen as a mere expression integral form of the customs of the people which were subjected by coercive sanctions although these were inadequately organized, unwritten, customary law norms were vague and purely traditions of people.

The system and nature of customary law in pre-colonial Nigeria changed with the sovereignty in 1900 as a result of British government in Nigeria states, the legal scenery altered signification in the pre-existing state with the new system of criminal law and establishment of municipal courts by the colonial government in Nigeria for example, the laws were meant to promote British interest and the system of criminal law did not result in the abrogation of the customary law instead the imperial orders in council which constituted the New British administration in Nigeria (Nwabueze, 1963).

The modern Nigeria state represented by the courts the police and prison became available for the administration of customary law and later change. However, the tension associated with this criminal justice scenario was further heightened by the consolidation and preservation of criminal law side by side with criminal for example, crime were punishable much more severely under customary law than the case under the criminal code (Olakanmi, 2005). A good case is the crime homicide under criminal code when crime is committed upon sufficient provocation the offence becomes manslaughter rather than murder, and is not punishable by death rather under the customary law provocation provided grounds for mitigation, as killing under this law was punishable by death whether sufficient provoked or not (Park, 1963).

This situation has generally indicated the need for remedial legislative action in people's minds a feeling they felt that laws were not applied in such a way that permitted judicial decisions appropriate to Nigeria.

The pattern and trends of criminalization has remained unchanged and the law and processes in Nigeria has continue to retain its practical application (Sa'ad, 1991). The public perception of state laws and sanctions in Nigeria society tend to generate negative perception or non-support of substantive laws on the reasonable sections of the entire public with the nature of crime and punishment in Nigeria as well, the new trends of criminality in the various state with or non-sanctions in Nigeria as a whole.

Conceptual Clarification

The concepts of "crime and punishment", "state law, justice are based on the understanding of public perception of state laws and sanctions in society are inevitably on the impact of perceptions held about these phenomena by members of society. The state is not a thing that exist as much, what "the state" stands for is a number of particular institutions which, together constitution its reality and they interact as parts of what may be called the state system.

The state is that composite structure which is composed of the various institutions national and local government (Haralambos, 2013). It includes the legislative, executive, judiciary, and the administrative apparatuses of government. Part of the state system are the police and the security apparatuses with the aim of maintaining law and order whose role are the management of violence and the exercise of power.

There are numbers of various schools of thought that explained the emergence of the state. These include the social contract theory of Thomas Hobbes (1651) expressed in the leviathan", John Locke (1690) in two treatise of government the theory of force, patriarchal theory, matriarchal theory, the evolutionary theory and the Marxist theory of state. Each of these divergent theories postulates a different account of the state existence and its purpose for existence. However, the Nigeria state has largely patronized by interest group and the general perceptions of state laws and sanctions as held by the Nigeria public. Similarly, various conceptions of law exist. These conceptions are analytical in approach and reflection of the complex nature of the phenomena's. Laws exist in all forms of societies yet there are breakdown of law and order in the state and society in general. The ultimate objective of law is justice, truth and reality because law is "a rule or system of rules recognized by a country or community as regulating the actions of its members and enforced by the imposition of the legal profession (Oxford Advanced Dictionary, 2005).

Justice is the first virtue of social institutions as justice is fairness, the original position of equality corresponds to the state of nature in the traditional theory of contract.
Crime: is an intentional act or Omission in violation of criminal law (statutory and case law) committed without defense or justification and sanctioned by the state as a felony or misdemeanor (Tappan, 1960).

Punishment: is the infliction of pain or suffering or deprivation of something of value in relation to someone who has committed crime (s), violates rule (s) societal norms or regulations. Punishment can also be refers to as any series of impositions (such as fine, probation, work services, incarceration and so on) imposed upon a person by authority of law after that individual has been determined to be a criminal offender.
Sanction: measure taken by a state to coerce another to conform to norms of conduct.

Statement of the Problem
The Nigeria society operates under a capitalist system and the nature of contemporary Nigeria state laws and law enforcement. The societal reality has emerged from this contemporary criminal justice system as a whole is widely perceived within the Nigeria public as unjust (Igbo, 2006). Many public belong to lower class with the sole aim of protecting or defending against exploitation and oppression by the capitalist.

Crimes in Nigeria are punishable by the law and authority concerned and Capital offences attack life imprisonment penalty such as homicide and other grievous capital offences.

Public reaction towards and sanction in Nigeria has been outright condemnation express by members of society and the pattern of public support not state laws and sanctions is prescribed by the state for crime and punishment.

Objective of the Paper
The study aims at examining public perception of state laws and their sanctions in Nigeria with the objectives to;

a. Investigate the influence of other perception patterns held by individuals on support for state laws.
b. Determine the officially prescribed partialities for public and to find out appropriate punishment to the offences.
c. To analysis public perception towards state proscriptions of law against all manner of crime and criminal behavior and adequate penalty for offences.

Literature Review and Theoretical Framework
Law and punishment are the body of rules and sanctions recognized and applied by society for the purpose of reconciling people rights and obligation. The Nigeria society on the perceptions of law and punishment or sanction is attributed to the complex nature of human societies with divergent feelings, attitudes and perceptions held by public toward law and punishment has been recognized as a crucial factor that help to establish the character, performance and effectiveness of law and the legal system in general (Ibilade, 2005). The public thinks, believes and feels about the law and the legal system determines whether people actually turn to law or turn away from it; whether they support the law or fight it (Olakanmi, 2009). In (Friedman, 1969) and therefore whether the legal system succeeds in its social control functions or not

researchers have taken interest in the study of perception held by public or sections of it toward deviance and legal punishment, perception of the seriousness of criminal acts, penalty demands for offenses in the society.

Perception of Law, Crime and Punishment

Perception of law, deviance and legal punishment in Nigeria State is a complex phenomena they vary among individuals and groups, and depend on the acts being criminalized (sanders, 1974) found that people generally perceive the legal system positively in the sense of seeing its existence as necessary in society for social control (Selih, 1979). Found that the three population subgroups inhabitants whom he investigated expressed similar positive repressive attitudes towards the criminalization of act for law was 75.8% for drug taking for the other eleven acts support for criminalization was more than overwhelming ranging from a minimum average proportion of 76% to 98.2%. In a relative development, McConnel and Martin (1969) are quick to note also that there are a number of areas in which their data do show substantial differences in attitudes between the four subgroup surveyed. These categories of differences have to do with whether actual harm is associated with and acts are victimless this interpretation is akin to the empirical assertions of Cohen, (1980) that difference in socio-economic and demographic attribute to age, sex, socio-economic class, education in and religion affiliation of the individual may be important in determining the punishment reactions of individuals at a number levels.

Thomas (1977), Foster (1976), Cage (1976), Howard (1977), reached similar conclusion. Findings from these studies indicate that beliefs in the efficacy of punishment are deterring crime leads to enhanced willingness to punish offenders. This observation is related to the reported difference in penalty assignments based on difference in the characteristic of the offence, a finding that can be better explained from Marxist perspective (Okonkwo, 2009).

Relationship between the Sentencing Provisions of the Law and the Public Choices of Penalty

The penal provision of the law imposed by the court with the punishment preferences of the public have reported wide discrepancies between the two (Newman, 1957), (Gibbons, 1969), Grind Staff (1974), establish that the public consistently demand more severe penalties than those provided by law or actually imposed by the criminal justice system, for crime (Erskine, 1974) observed that a majority of opinion think that courts are lenient, actually believe that the lenience of penalties are important causes of crime in the U.S the work of Thomas (1974) is also indicative of a public call for toughen measures against criminals. In capitalist society, the interests whom laws protect are mainly capitalists. In an effort to appear fair just too all classes and groups in society, the legal system become motivated in the step down brutalities in official punishment.

Theoretical Perspective

Law and punishment has several theories that explained the phenomena under investigation among which are deterrence, Rehabilitation, positive model; Holistic approach, Symbolic integrationists and conflict or Marxist theory. Each of these theories has its own assumption, strength, weakness and application. However, these studies adopted Marxist theory on law and punishment.

The Marxist theory originated from Karl-Marx (1818-1883). The theory holds the views that conflict is inherent division of societies with social inequality and these social divisions give rise to different and competing interests groups in the society.

Conflict is contradiction between individuals and groups that seek to explain antagonism in a human society. Conflict is inevitable, universal and part of society. The theory emphasize disorder and instability as well as coercions as a basic sources of disintegration in the society Marx observed and contain that, the basic contradiction which involved the exploitation of one social group by another in a feudal society, the lords' exploits heir serf, in capitalist society, Capitalist exploit their workers (proletariat) because they dominate and control he economic though Marx posited that economic determinism is the base or core substructure of society that shapes and control conduction the other institutions. The mode of production of material life consists of the social, political and intellectual life in general (BOURNE, 1973).

The theory is mostly applied to explain class conflict between the bourgeoisies and proletariat and society are characterized by dominant and subdominant groups which compete for resources however, power, inequality and class struggle exist in all society and the are inevitable (Haralambos, 2013). The historical materialism of history explains social structure with reference to the economic base of society as a product of relations of the forces of production and the dialectical result of contradiction of affirmation negation forces. The theory was criticized by ignoring order and stability and accused of having more on inequality and class division or contradiction. The theory was vehemently criticized for its claims that the economy is the base of society without considering other social structures of the society and sociological paradigms.

The Socio-Demographic Characteristics of Respondents

Analyses of the socio-economic and demographic profiles of respondents show that a greater majority of respondents were male. The frequency distribution along the gender line shows out the total sample size of two thousand and forty –eight (2,048) respondents, males constituted 66.0% (i.e. 1,351 respondents), while females represented 34.0% (i.e. 697respondents) of the total sample. With respect to marital status, survey data collected revealed that many of the respondents (52.1% or 1,068 persons) were single or unmarried. The married category constituted 47.9% (i.e. 980 persons). Data on religious affiliation of research subjects indicated that there were 65.0% (1331 respondents) Christian, 27.6% (566 respondents). Muslims and a third set of respondents constituting 7.4% (151 respondents) belonged to the "other category who indicated either traditional religion, atheism, or other unconventional faiths.

With regard to ethnic origin, 34.6% (709 respondents) of our sample were Igbos, 23.0% (472 respondents) were Yorubas, while "other" (non-Nigerians and other ethnic minorities such as Binis, Tivs, Ijaws etc.) represented 21.9% (448 subjects). The other ethnic group represented in respondents. Further analysis of the frequency distribution of the respondents in terms of demographic characteristics, revealed that our research subjects were a relatively well-educated group. Slightly over one-half of our sample population (52.2% or 1,068) indicated that they possess post-secondary education. Those possessing secondary education constituted 24.0% (492 respondents), while those with primary-level education and below represented 23.8% (488 respondents) of the research sample. Data on the respondents' age show that overall, the respondents were a relatively young group: 63.9% (1,309 respondents) belong to the 18-31 years of age bracket whereas 36.1% (739 respondents) belonged to the status/labor – force participation of research subjects also showed that an engaged

in salaried/paid employment. Following closely in size is the unemployed category (housewives, students, applicants' etc.) who constituted 31.5% (650 respondents) of the sample. A third category-the self-employed-made up 32.5% (665 respondents) of the sample population.

When data on respondents average annual income analyzed its was observed that well over one-half of the sample (1,747 or 85.3%) belong to the "lower" income brackets, while a minority 14.7% (i.e. 301 respondents) fell within the "higher" income bracket. Data on type of community showed that a far greater number of respondents (71.7% or 1,469 respondents) resided or were domiciled in the urban/semi-urban environment, compared with the 28.3% (579 respondents) who indicated rural residence.

An examination of the data contained in table above shows that an overwhelming majority of our respondents perceived all of the laws surveyed as necessary in Nigeria. These figures (in table) indicate that there is popular public support for state laws. This evidenced by the proportionally larger number of respondents who endorse in each of the case surveyed the state definition of conduct as criminal. The wide differences recorded in percentages for support is indicative that the proportion respondents supporting the law in each case significantly different from the proportion not supporting the law.

Analysis of the reasons for support of survey laws showed that: public support for state laws stemmed from some agreement among individuals regarding the harmful nature of the criminalized acts. Among the back-ground reasons given by respondents for supporting the criminalization of the act of stealing include that: "act is harmful", "act often leads to death of innocent citizens:, "act can cause insecurity of life and property:, "act is un-Islamic", "act reduces the wealth of the individual", act is unethical", "it is an immoral act", "it prohibited Islam", because it is a cheating to some hardworking citizens " etc. in the case of manufacture and sale of counterfeit and fake drug the common expressions or reasons given for acceptance include: "act is harmful", "adulterated drugs kill", "act can prompt a disease onset", "act is a harmful activity which can cause death", act is dangerous to the general public health" in the case of receiving stolen property, such reasons as these were given "law will discourage the act of stealing" "act promotes stealing" act for the law of assault, respondents believed that the law is a good law because according to them "act will bring lack of respect", "act can lead to public crises", act is an indecent act", "act is very dangerous because it could lead to death of the weaker ones" etc. The arguments present in favour of criminalizing the act of fraud include: fraud affects the economy of the country", "act affects or decreases government ability to provide services to the public", and fraud is un-Islamic". "It retards economic development", it causes a lot of economic hardship to the less privileged" etc. with respect to the act of drug trafficking, the common reason advanced was that "act can lead ultimately to serious mental health problem."

Pattern of Support for State Laws across Economic and Demographic Sub-Division of the Country

Data on support for survey laws was also analyzed in terms of the distribution of support across socio-economic and demographic sub-division of the sample. Analysis of the data shows that a substantial majority of individuals within each of the socio-economic and demographic subgroups supported each of the survey laws.

Discussion of the Finding and Recommendation

The study find out that criminal law which prescribe the acts of felony and misdemeanour behaviour are in accord with the current perception of the Nigerian public towards these course of conduct. A substantial majority of Nigerians support these criminal proscriptions they agree with the state's definition of these acts as criminal and punishable.

An interesting finding here is that when specific socio-economic and demographic factors are fund to influence support for state laws, the influence of such as a factor is restrictive or selective. The study finds that the typical penalty recommended by respondents for the five out of the offences is imprisonment. Discrepancy exists between the public choices of penalty and the penalty officially prescribed by law for all the offences is that the penalty provisions of the law for offences. Furthermore, the finding of the study are that subgroups of the research sample vary among themselves in their punitive disposition they differ in the magnitude of punishment, which they assign to offences also there exists a very high level of consensus among subgroups investigated on the relative seriousness of various crime.

Recommendation

The study recommended that the Nigeria public perception of state laws and criminal sanctions has been supportive attitude toward the state laws which indicate over whelming popular support and affirmation of state laws. The reported wide public support for the state laws definitely based on the perception of the acts under proscription as harmful and threatening. This means that the various group that make up the Nigerian public identify positively with the interests and values which these specific law protect and advance. This can only recommend one thing. The paper recommended that in Nigeria, law review commissions are set up by government with the mandate to tinker with existing laws and punishment the method of criminal adjudication over crime seriousness rating show that a sociologically valid and justifiable basis is now further available for guiding such review exercises. The phenomenon of perception of law and sanction in our environment need for more research in the area of social reaction to law and punishment.

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