

EFFECTIVENESS OF CAPITAL PUNISHMENT IN REDUCING CRIME IN DELTA STATE

Kofoworage Adeniyi Samuel*; Jike V. T.**; Prof. May Omogho Aganbi-Esiri***

*Researcher,

Delta State University, Abraka
Email id: Samkofo2@yahoo.com

**Professor,

Department of Sociology,
Delta State University, Abraka
Email id: jikevictor73@gmail.com

***Professor,

Department of Sociology,
Delta State University, Abraka
Email id: esirimay@yahoo.com.

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ABSTRACT

The paper examines the effectiveness of capital punishment in reducing crime in Delta State. Two objectives were developed for the study. Two hypotheses were tested to ascertain the relationship between capital punishment and crime in Delta State. Several related literatures were reviewed in the study. Social control and deterrence theory were used to explain social control measures to crime and deterrence approach. The study employed cross sectional design to determine the effect of capital punishment in crime control in Delta State. A sample of 400 was obtained from the population of 1,265,123 using Taro Yamane sample determination approach. The study utilised probability sampling technique combining stratified, simple random and systematic sampling methods to select the respondents that participated in the survey. The study used questionnaire as the instrument for data collection. Face and content validity was used to validate the instrument while Cronbach alpha was used to determine the reliability of the instrument with a reliability score of 0.72 obtained. Pearson Product Moment Correlation technique was used to test the hypotheses. The results of the analyses revealed that capital punishment is not enough to tackle violent and economic and financial crimes in Delta State. It was recommended amongst others that government should be concerned with tackling the surge in unemployment and poverty in the state to reduce the rate of violent, economic and financial crimes in the state.

KEYWORDS: *Capital Punishment, Deterrence, Effectiveness, Violent Crimes, Transnational Crimes.*

INTRODUCTION

The death penalty also referred to as “capital punishment,” currently serves as a sanction for those convicted for armed robbery and kidnapping in some states in Nigeria. Many Nigerians contend that this punishment deters armed robbery and kidnapping activities in the country. Though evidence on the deterrent effect of capital punishment remains controversial, the nation has maintained it as a sanction for the offence. This is in the face of increasing waves of crime that seem to defile almost all punitive measures put in place to deter it. It is therefore important for Nigeria to align with many other nations that are reconsidering their capital punishment policies or even abolishing it as a sanction (Amnesty International, 2016a; Amnesty International, 2017, 2018b), especially because of the seemingly inability of these measures to checkmate crime and deter its committal. This is coupled with the lack of empirical evidence in literature regarding the extent to which capital punishment deters participation in crimes such as armed robbery, kidnapping, human and drugs trafficking, money laundry and homicide across the country.

Punishment of offenders has gained popularity over the years especially in criminal justice system which stipulates corresponding punishment to the type of crime committed. Some of the deterrence out in place by government to forestall crime has over the years proven to be ineffective as there is still an upsurge in different categories of crimes(Danbazau, 2012). For example, there have been increases in armed robbery, kidnapping, murder, fraudulent acts of money laundering by government agents and private organizations, and drugs and human trafficking despite the imposition of several punishments to control and bring to the barest minimum the occurrence of these crimes in Nigeria(Okonkwo &Naish, 2009). This shows that there is the need to introduce more severe and social control measures like capital punishment to transnational and White collar crimes like human and drugs trafficking and money laundering by politicians to see if it would help to reduce the rate in the recent increase in these types of crime. This implies a gap in literature onpunishment and crime reduction in Nigeria society. Societies across the globe are evolving new approaches to crime control and reduction. This has resulted in the debate on the effectiveness of capital punishment in deterring crime. The substantive argument, seemingly lack of strong empirical evidence on the ability of capital punishment to deter crime, and the increasing surge in crime waves across Nigeria and Delta State in particular, brings the need to examine capital punishment as deterrence for transnational and white collar crimes in Delta State.This paper is anchored by these two specific objectives which are to:

1. Establish whether there is a significant relationship between capital punishment and a reduction in the level of transnational organized crime in Delta State.
2. Determine whether there is a significant relationship between capital punishment and the prevalence of white - collar crime in Delta State.

Hypotheses

1. There is no significant relationship between capital punishment and transactional organized crime in Delta State.
2. There is no significant relationship between capital punishment and white collar crime in Delta state.

Literature Review

Definition of Crime

According to Siegel, (2007), it is difficult to present a universal definition of crime, this being the fact that, acts defined as criminal varies with time and space. However, this study will present some conceptual explication put forward by scholars as regard the phenomenon crime. Danbazau (2012) defined crime as a violation of the rules agreed to be respected by all members of the society, and upon which the rest members of the society place sanctions upon those guilty of the violation, in other words, crime is a violation of the rules, laws, and or norms agreed to be respected by all members of the society.

According to Gottfredson and Hirschi, (1989) cited in Siegel, (2007), notes that the behavioural definition of crime focuses on criminal behaviour; a certain personality profile that causes the most alarming sorts of crime. Nwagboso, (2016) noted that criminal behaviour is the product of systematic process that involves complex interactions between individuals, society and ecological factors over society, of our lives. In other words, from conception onward, the intellectual, emotional, and physical attributes we develop are strongly influenced by our personal behaviour and physical processes, interactions with groups and institutions. These systematic processes affect the transmission from generation to generation of traits associated with increased involvement in crime.

Concept of Capital Punishment

Wikipedia, (2019) defined capital punishment, death penalty or execution as a government sanctioned punishment by death. The sentence is referred to as a death sentence. Crimes that can result in a death penalty are known as capital crimes or capital offences. The term capital is derived from the Latin capitals ("of the head"), referring to execution by beheading. Out of 195 officially recognized countries of the world, thirty-six countries actively practice capital punishment, 103 countries have completely abolished it for all crimes. 6 have abolished it for ordinary crimes (while maintaining it for special circumstances such as war crime) whereas 50 have abolished it de facto, they have either used it for up to ten years or are under moratorium.

According to Okonkwo and Naish, (2009), punishment of the offenders has gained popularity over the years especially in criminal justice system. Therefore, it is the type of crime committed that will determine the kind of punishment as stated in the criminal code. A criminal should be punished for the crime which he or she committed which is the basis for criminal responsibility. Matza cited in Dambazau (2012) stated that, most punishment these days are not infliction of

suffering, either physical or mental, they are the deprivation of liberty and property. In Africa traditional society, there are cultural mechanism stipulated by the community to control crime, this includes punishment of all kinds. The guiding principle is, where there is no crime, there is no punishment. Hence, punishment has been seen as a means of reducing or preventing crime in the society.

Empirical Studies on the Effectiveness of Punishment for Crime

Nigeria Criminal Code (2013) established the enabling Act that criminalizes offences such as human trafficking and all forms of transnational crimes of drugs trafficking. The punishment given for the offence entails being heavy monetary fines, imprisonment with or without option of fines, forfeiture of assets, forfeiture of passport by convicted offenders (Section 34), deportation or repatriation and liability for compensation to victims in civil proceedings. Jail terms range from 12 months (for attempts) to two years to life imprisonment depending on the degree of seriousness of the offence, while fines range from ₦50,000.00 (US\$379) and ₦200,000.00(US\$1,517) for individual traffickers or managerial staff of corporate bodies. NAPTIP Annual Report (2021), indicates that several persons numbering 379 were caught for offences of human trafficking accounting for an increase in the crime. This goes to show that despite the punishment imposed on the traffickers, there is no existing empirical literature that point to the fact that, punishment deters human trafficking in Nigeria, hence, the reason for this research.

Orchia (2011) examined the use of the death penalty in Nigeria and the contrasting views on the phenomenon. The researchers concluded that capital punishment appeared to be justified insofar as it helped to check certain criminal acts. However, the study did not provide credible supporting evidence for its conclusions on the efficacy of the death penalty for deterrence.

Owoade, (2015) studied the effect of sentencing reforms in a postcolonial society and called for rationalization of sentencing discretion in Nigeria, drawing on the experiences of South Africa and England with a view to reducing the number of people in Nigerian prisons. Ukoji and Okolie-Osemene (2016) studied the prevalence of lethal and nonlethal crimes in Nigeria and found that the prevalence of weapons, among other factors, has created the crime-infested environment.

Similarly, Nzeribe and Adekunbi (2013) modeled and forecasted armed robbery cases in Nigeria using auto regressive integrated moving average (ARIMA) models. They performed a forecast of armed robbery in Nigeria using a 29-year data series and anchored their research on the anomie theory. The generated data revealed the four most significant factors in the hierarchy of response, bad friends, money, poverty, and corruption that may account for the involvement of youth in armed robberies. They found that armed robbery was on the increase in the forecasted period. Consequently, they recommended that governments in various states of the federation put up structures to keep citizens, especially young adults, busy in positive ways.

Uduigwomen, (2005), focused his study on criminal deterrence and whether it works. Empirical evidence from the study led to the conclusion that there is a marginal deterrent effect for legal capital punishment, but others insisted that this conclusion must be considered with a large dose of caution and skepticism.

Yusuf (1998) studied violent crimes, economic development, and the morality of capital punishment in Nigeria. The researchers argued from the perspective of retentionists that violent crimes such as murder, armed robbery, kidnapping, and terrorism are the cruelest, most inhuman crimes plaguing Nigeria. They contended that many civilized nations governed by law impose the severest punishment, the death penalty, on such heinous crimes. Yusuf, thus made a case for a selective retention of the death penalty in Nigeria's penal system in cases of culpable or intentional homicide, currently on the increase.

Obarisiagbon (2017) used the functionalist theory to explore the deterring effect of capital punishment on crime. The exploratory study gathered data from 1,200 respondents, 30 in-depth interviews, and 15 key informants' interviews. A descriptive analysis of the data resulted in the conclusion that the death penalty does not in any way deter a would-be criminal. Obarisiagbon further recommended the government should focus on rehabilitation and addressing social inequalities within society instead. Although the researchers elicited the views of the public from three states in Nigeria-Edo, Delta, and Anambra States-they did not focus on the deterring effect of capital punishment on armed robbery.

Theoretical Framework

The theoretical framework adopted for this study is deterrence theory. It is appropriate for this study because it explain Nigeria's situation in crime causation, control and prevention. In deterrence, what is the supreme importance is that punishment prevents crimes. According to Bentham writing on the principles of penal law during the classical period in the nineteen centuries, while he based his argument on utilitarianism, he posited that punishment may prevent the occurrence of crimes either by making it impossible or difficult for offenders and others or providing an opportunity for the reform of offenders. The real justification for punishment, according to Bentham, is the general prevention of crimes. While punishment closes the path of crime, for the delinquent and those potential delinquents, it also serves as a source of security to all. Punishment in this case looks towards the future to prevent crime. Since the assumption is that a crime is committed because it procures certain advantages, then, punishment is to produce the effect that must be expected of it, it is enough that the harm that it causes exceeds the good that the criminal has derived from the crime (Danbazau, 2012). However, the classical school to which Bentham belonged was quick to point out that, for deterrence to work, it is not by the severity of the punishment alone but must also be quick and certain.

Deterrence is categorized into.

- General deterrence and

➤ Specific deterrence

General deterrence works with the rule of lateral effects that, the penalty must have its most intense effects on those who have not committed the crime. This follows that punishment is made to be severe enough so that people in the general population will not want to commit crimes, and that the prevention of criminal acts in the general population at large can be gained by the imposition of punishment on persons convicted of crimes and the belief that the pain of punishment must outweigh the benefit of crime while specific deterrence deals directly with the offender in order to prevent him from further crime. The relevance of this theory to this work is on the fact that, if the criminal is given enough punishment it may deter him or others from further crime.

3.0 Research Methodology

This study utilized the cross-sectional design in order to actualize its objectives. It was used because its outcome is determined simultaneously for each subject of the population. This study's population is made up of a total of one million, two hundred and sixty five thousand, and one hundred and twenty three (1,265,123) individual who are between the age of 20-69 and have fair knowledge about security situation in the state. Taro Yamane formula was used to obtain 400 sample size for the study. The researcher made use of stratified, simple random, and systematic sampling methods to select the respondents that participated in the survey. Using these approaches, Delta state was stratified into three senatorial districts which are; Delta South, Delta north and Delta central. With the use of simple random sampling method, two local government areas were selected from each of the three senatorial districts. The local government areas selected are, Uvwie and Ethiope East local government from Delta central, Ukwani and Ika South local government from Delta North and Warri south and Isoko south local government from Delta south senatorial district. In the selected local government areas, four (4) communities each were selected and in each of the selected communities, streets were numbered using an interval of 5, which means, every 5th street was selected. At the final distribution, one hundred and thirty six (136) questionnaires were distributed in Delta Central, one hundred and seventy six (176) in Delta south and eighty eight (88) in Delta North senatorial district. Questionnaire was used as instrument for data collection. The data collected were analyzed using descriptive statistics such as frequency tables, mean, percentages etc. The Pearson Product Moment Correlation (PPMC) was used to test the hypotheses. This was done with the use of statistical package for social sciences (SPSS version 23.0).

4.0 Results and Discussion

This section presents the distribution of respondents' socio demographic characteristics.

TABLE 4.1: SOCIO-DEMOGRAPHIC OF THE RESPONDENTS

		Frequency	Percentage
Age	20-29	4	1.1%
	30-39	207	58.5%
	40-49	108	30.5%
	50-above	35	9.9%
Gender	Male	84	23.7%
	Female	270	76.3%
Marital Status	Single	227	64.1%
	Married	127	35.9%
Occupation	Unemployed	143	40.4%
	Trader/Business	161	45.5%
	Civil Servant	50	14.1%
Religion	Christian	281	79.4%
	Muslim	55	15.5%
	African Traditional Religion	18	5.1%
Total		354	100.0%

Source: Author's Fieldwork, 2022

Table 4.1 shows the socio-demographic characteristics of the respondents that participated in the survey. On age distribution, majority of them were between the ages of 30-39 years (58.5%). Other age categories are 40 – 49 (30.5%), 50 and above (9.9%) and 20 – 29years (1.1%). Female respondents (76.3%) that participated on the survey were about 3 times more than the male respondents (23.7%). On respondent's marital status, 74.1% were single while 35.9% were married. Occupation of respondents' reveals that 45.5% engaged in trading and business. 40.4% of them were unemployed and 14.1% of them were civil servants. The religion affiliation of respondents reveals that 79.4% of them were Christians, 15.5% were Muslim and 5.1% of them were worshippers of African Traditional Religion.

Ho₁: There is no significant relationship between capital punishment and the rate of transnational crime in Delta State.

TABLE 4.2 CORRELATION TEST FOR HYPOTHESIS ONE

		Capital punishment	Transnational crime
Capital punishment	Pearson Correlation	1	-.880**
	Sig. (2-tailed)		.000
	N	354	354
Transnational crime	Pearson Correlation	-.880**	1
	Sig. (2-tailed)	.000	
	N	354	354

** . Correlation is significant at the 0.05 level (2-tailed).

The result of the analysis shows that the Pearson r value of -0.8880 is not significant at 0.000 probability value under two tailed test. This implies that the null hypothesis is retained and in conclusion, there is no significant relationship between death penalty and the rate of transnational crime in Delta State.

H₀₂: There is no significant relationship between capital punishment and white-collar crime in Delta state.

TABLE 4.3 CORRELATION TEST FOR HYPOTHESIS TWO

		Capital punishment	White collar crime
Capital punishment	Pearson Correlation	1	-.415**
	Sig. (2-tailed)		.000
	N	354	354
White collar crime	Pearson Correlation	-.415**	1
	Sig. (2-tailed)	.000	
	N	354	354

** . Correlation is significant at the 0.05 level (2-tailed).

The table shows the Pearson r value to be -0.415 and the probability value to be 0.000 and this is significant at 0.05 level of significance. The result of the analysis shows that the Pearson r value of -0.415 is not significant at 0.000 probability value under two tailed tests. This implies that the null hypothesis is retained and in conclusion, there is no significant relationship between death penalty and white-collar crime in Delta state.

DISCUSSION

The first finding of the study reveals that there is no significant relationship between capital punishment and transactional organized crime in Delta State. The Pearson result of -0.880 and the probability value of 0.000 establish this fact. The work of Orchia (2011) examined the use of the death penalty in Nigeria and the contrasting views on the phenomenon. The researchers

concluded that capital punishment appeared to be justified insofar as it helped to check certain criminal acts. However, the study did not provide credible supporting evidence for its conclusions on the efficacy of the death penalty for deterrence. Ukoji and Okolie-Osemene (2016) studied the prevalence of lethal and nonlethal crimes in Nigeria and found that the prevalence of weapons, among other factors, has created the crime-infested environment. Obarisiagbon (2017) study also did not find a relationship between capital punishment and crime deterrence in Nigeria. This made Obarisiagbon to recommend rehabilitation and addressing social inequalities within society instead as a way to tackle upsurge in crime. Similarly, Nzeribe and Adekunbi (2013) research established that crime rate would not be reduced by capital punishment, rather the application of social reforms that will help to address social societal ills like unemployment, poverty and infrastructural development that will bring positive impact.

The second hypothesis tested reveal that there is no significant relationship between capital punishment and white-collar crime in Delta state. Uduigwomen, (2005), focused his study on criminal deterrence and whether it works. Empirical evidence from the study led to the conclusion that there is a marginal deterrent effect for legal capital punishment, but others insisted that this conclusion must be considered with a large dose of caution and skepticism. This presupposes that capital punishment is not likely the way out of crime like white collar offences and this supports the study finding. Yusuf (1998) studied violent crimes, economic development, and the morality of capital punishment in Nigeria. The researcher argued from the perspective of retentionists that violent crimes such as murder, armed robbery, kidnapping, white collar and terrorism are the cruelest, most inhuman crimes plaguing Nigeria. They contended that many civilized nations governed by law impose the severest punishment, the death penalty, on such heinous crimes. Yusuf, thus made a case for a selective retention of the death penalty in Nigeria's penal system in cases of culpable or intentional homicide, currently on the increase.

CONCLUSION

The study reveals that death penalty has not reduced transnational crime in Delta State. This is given the high rate of transnational crimes of human trafficking, drugs trafficking and small arms smuggling in the state.

The study revealed that death penalty is not an effective form of punishment to address white collar crime in Delta state. This position is agreed on by the researcher as literature in the work established that capital punishment application in many societies across the globe is being debated and alternative measures are sort.

Recommendations

Corruption is mostly responsible for white collar crimes and its reduction should be channeled towards tackling corruption among the bureaucrats and officers of government involved in such crimes. This is because the imposition of capital punishment rather than reduce the crime would only be served to the few who are unlucky and out of favour with the government. So, tackling

corruption so that the rule of law can be upheld is paramount to tackling white collar crime and not necessarily the imposition of capital punishment.

The study established that, instead of capital punishment, known offenders, such as human traffickers, white – collar criminals, internet fraudsters and the likes should be sent to a government established farm to engage them in farming activities for a specified number of years to improve food basket of the nation.

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