

**KIDNAP AS A MODERN CHALLENGE TO SECURED CREDIT TRANSACTION, AN APPRAISAL**

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**ABSTRACT**

Institutionalized and trans border organized illegal activities such as robbery, terrorism, smuggling, human trafficking and human part trading, drugs and small arms trafficking, and kidnapping amongst other social vices are vital and significant contributors to commercial transactions in Africa; positively and negatively, albeit mostly illegally. Effective, deterring counter action from government to effectively curb, or put an effective stop to the seeming escalating activities of kidnapping and tracing of the funds which flows from ransom paid by victims and their relatives are still largely an illusory fantasy to be hoped for or achieved. Nevertheless, illicit funds from these sources have assisted in compromising security agencies, strategies, and structures in the present day Africa where several individuals; mostly the active and restive; highly oriented youths, are engaged in the nefarious and psychologically wrenching activity of kidnapping. The objective of this paper is to analyze the incidents of kidnapping activities and comparatively review the attendant consequences with secured credit transactions in Nigeria. The paper therefore discussed the origin and motives of kidnapping. Although Security of lives and property in Nigeria is said to be the primary function of the Government as enshrined in section 14 (20) (b) and Section 214 of the Constitution,<sup>1</sup> the effectiveness of this function seems impaired and rendered the effective enjoyment of same by Section 6 (6) (c) of the same Constitution<sup>2</sup>, the effectiveness of this infusion has been seen to be impaired by a number of factors which amongst others include; corruption, improper functioning of regulatory institutions and authorities, corruption, administrative compromise, repressive style of policing, and manpower shortages. The obvious result is the escalating wave of mundane criminal activities as exemplified in the recent upsurge in the rate of dare devil robbery and kidnapping with impunity nationwide, and most recently prevalent; particularly, of school children in the North. As a solution to dissuade and discourage this activity, this paper recommends that government should stop paying lip service to the fight against kidnapping and instead take concrete steps to stem and control the rising tide and bring it to an end or; at the least, bring it to the barest minimum.

**1.0 INTRODUCTION**

The objective of this paper is to highlight kidnapping and its attendant impact and challenge to secured credit transaction and overall development. In addition, the paper attempts to discuss the origin and motives of kidnapping in the country. Although Security of lives and property in Nigeria is the primary function of the Government as enshrined in *Section 14 (20) (b)* of the *Constitution*,<sup>3</sup> and through the Nigeria Police as provided and enshrined in *Section 214* of the *Constitution*<sup>4</sup>, the effectiveness of this function has seemingly been impaired by *Section 6 (6) (c)* of the *Constitution*<sup>5</sup>, the effectiveness of this function has also been seen to be impaired by a number of factors which amongst include; corruption, improper functioning of regulatory institutions and authorities, corruption, administrative compromise, repressive style of policing, and manpower shortages.

To say that kidnapping is a menace in contemporary Nigeria is surely an understatement, it is now a hydra headed monster presently dealing a very agonizing, excruciating pain and morbid fear in the minds of the populace. Kidnapping comes in different modes and serves different purpose as the operators have adduced different reasons for their participation in the nefarious activity, while some use it as a means of negotiation and protection of collective interest as evidenced in the militants in the Niger Delta region, those in the North and some other parts presently use it as a protest against Western Education, however, some operators in all the parts of Nigeria see it as a veritable means of livelihood, financial benefit and sustenance.

**2.0 KIDNAPPING**

In Nigeria; without prejudice to the fact that it has been in existence before now; but has assumed a very different

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<sup>1</sup>*Constitution of the Federal Republic of Nigeria 1999, (as amended)*

<sup>2</sup>*Ibid*

<sup>3</sup>*Constitution of the Federal Republic of Nigeria 1999, (as amended)*

<sup>4</sup>*Ibid.*

<sup>5</sup>*Ibid*

notorious dimension as a result of its use and purposes of participating in it, it must be emphasized that kidnapping for seemingly social reasons is not of a recent development.<sup>6</sup> In ancient times, individual; especially strangers, were often kidnapped for ritual purposes or for use as slaves or for burial of prominent kings, chiefs or warriors.

Modern day dimension of the prevalent kidnapping activity is said to have first attracted national attention in Nigeria on the 25<sup>th</sup> February 2006 when the restive Niger Delta youths abducted some expatriate workers of oils companies in their bid to communicate and press home their demand for restitution, restoration of the environmental degradation caused to their environment, and an increase in the provision and availability of social infrastructures in the Niger Delta area. Since then, it has not only become ubiquitous, it has also been shamelessly commercialized in different parts of the country. The recent trend, being the mass kidnap of school children from schools; as presently prevalent in the Northern part of Nigeria and also incused into the South, victims of this reprehensible heinous activity are no longer predominantly or exclusively foreigners, they are now mostly Nigerians and sadly include adults, children, males, females, the rich, poor and even security agents and military personnel.

Kidnapping in Nigeria has become so mean and insanely tainted that they have fussed impunity and have lost respect for the highly placed clergy men in the society. For instance, the 'Catholic News Agency' of Nigeria reported that the Anglican Bishop of Benin diocese was kidnapped on the 24<sup>th</sup> of January 2010 after celebrating Sunday Mass at the Benin City Cathedral. The incessant and consistent abduction of school children from schools, both in the North, West, and Lagos, in fact the latest of the abominable and agonizing activity is the constant and indiscriminate kidnap of commuters in almost all the state highways in Nigeria.

Although this crime against humanity takes place now in both the rural and urban areas, and is in fact perpetrated in virtually all parts of Nigeria, it is mostly targeted not at demanding for ransom and killings of some victims to instill fear into relatives and loved ones of the victims to get them to deliver ransom quickly and also keep the police out of the transaction.

Kidnapping of human beings for various reasons is not of a recent development. The notorious crime may have motives which can generally be classified under; economic, social and political reasons. According to Cyriax, Wilson and Wilson the first seemingly foreign reported case of kidnapping for economic reason was that of the four years old Charlie Ross from Philadelphia in the United States of America. Authors have further explained that the word 'kidnap' derives from the seventeenth-century English practice of seizing children and transporting them as slaves to the tobacco plantation in the American colonies. The American innovation or style of kidnapping was to make money not by sending children away but by sending them back if the above can qualify as kidnapping, then this paper most humbly posits that "the capture of black from Africa by the Colonial over lords as slaves and transportation of them to the sugar cane and tobacco plantation in their Country automatically qualifies as kidnapping".

It is not just the emotional and psychological torture and humiliation that victims pass through at the hands of these criminals and the monetary extortion in the name of ransom that usually follow, but the evidently helpless and hopeless response of security agencies to curbing the menace. This paper is of the opinion that more than ever before, Nigeria has an urgent and serious need to re-examine critically her security out-fit with respect to the capacity and structure of the nation's policing system and the challenge which the activity poses to secured credit transaction. This is especially necessary in the context of the current effect which the activity has on the socio-economic, socio- commercial, political and socio-cultural impact which the activities possess to the economy and economic related activities.

The crime fighting strategy inherited from our colonial masters has largely contributed to the porous security situation especially with respect to the rising incident of kidnapping in the country. There is no doubt that the Nigerian government has largely failed to protect lives and property in the country. Thus, reacting to the current high-profile kidnapping in the land, Nigeria's former Senate President, retired General David Mark recommended the declaration of a state of emergency especially in states where the incident has become rampant. According to Senator Mark;

If the federal government can declare a state of emergency in the power sector to get power back, it should as well declare a state of emergency in all these areas where we have armed

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<sup>6</sup> J. Samaha. *Criminal law*. Ninth Edition.(2005) Thamas Learning Inc. Canada,. 356-357.

robbery and kidnapping<sup>7</sup>

Most Nigerians are likely to agree with Senator Mark. They are also likely to agree to the fact that the absence of the ability to send a radical deterrence signals to kidnappers is largely responsible for their boldness, impunity and operational reckless methods of their operations. The unfortunate increase in the number of kidnapping in recent times has made it extremely difficult to keep track of the number of these ugly criminal acts and tendencies in the country. The diary of the recent distribution of crime in Nigeria has however shown to be 6677.667 in 2015 and 14600.33 in 2019, more than eighty three kidnap incidents have taken place in the country involving the forceful abduction of hundreds of Nigerians and foreigners alike.<sup>8</sup>The magnitude of the problem of kidnapping in Nigeria is also exemplified by another report by the United States security group-clay ton consultants. According to this report, there has been about 512 incidents of kidnapping in Nigeria in the first half 2010 alone as against 353 incidents for the whole of 2009. According to the same source, Nigeria is in the world's top eight kidnapping hotspots, alongside war zones and failed states such as Afghanistan, Iraq and Somalia.<sup>9</sup>. The most unfortunate victims of these incidents of kidnapping in Nigeria usually die in the process while the more lucky ones are released after serious torture and payment of heavy ransoms.

A critical analysis of the Nigerian crime situation especially as it relates to violent crimes such as armed robbery and kidnapping would readily indicate that at least the three objectives above provide useful insights in the explanation of these crimes. Many Nigerians would agree that structural poverty engendered by exploitation and injustice by the political authority in the country is the root cause of violent crimes such as armed robbery and kidnapping.

### **3.0. SECURED CREDIT TRANSACTIONS**

Secured credit transaction activities on the other hand can be said to be an activity with economic and commercial flavor which enjoys the enforcement of law where a breach occurs during the pendency of the transaction and even if brought within a reasonable time after the pendency of the transaction. A secured credit transaction can involve the deposit of an instrument as collateral to enable the depositor obtain favour; which is not exclusive to pecuniary benefits alone, for a specific period or in perpetuity. It can be in the form of a Mortgage, pledge, bailment, debenture, and shareholding in a company stock amongst others. The choice of the above is not exclusive, but limited for the purposes of this presentation.

### **4.0. BAILMENT**

Just like every legal concept and any other topic that assumes the flavor of law, there is no universally accepted definition for Bailment, as such the definition advance is limited for the purpose of this presentation only, Bailment; with all the attendant denominators is a situation whereby one is in possession of the chattel of another as security<sup>10</sup>.

As stated earlier, bailment eludes precise definition; therefore none of the definitions we have is exhaustive in view of the widely different forms abailment can take. This paper therefore start by advancing two definitions as posited by Romer L.J. in the case of *Ashby v Tolhurst*<sup>11</sup> where Sir Williams Jones defined it as;

“a delivery of goods on a condition express or implied, that they shall be restored by the baillee to the bailor or according to his direction as soon as the purpose for which they are bailed shall be answered”

Schmitthoff and Sarre, advancing their definition in regards of bailment defined same as;

‘the delivery of goods by one person, called the bailor, to another, called the baillee, in order that they may be used for some purpose upon a contract that the same goods shall be redelivered by the baillee to or according to the direction of the bailor<sup>12</sup>.

In other words, the goods detained shall be released upon the fulfillment of whatever is the condition of the bailment. Bailment has its origin in the medieval law which lacked an appropriate word to express a legal

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<sup>7</sup>. *The Source Magazine*, July 26, 2010 pp22.

<sup>8</sup>. *The Source Magazine*, July 26, 2010 p.22.

<sup>9</sup>. This day, July26, 2010 p.68

<sup>10</sup> See Sir Percy Winfield, *Province of the Law of Tort* (1930) 301.

<sup>11</sup>(1937) 2 All E.R. 837; (1937) 2 K.B. 242.

<sup>12</sup> C.M Schmitthoff and D.A.G Sarre, *Charlesworth's Merchantile Law* (1967), 11<sup>th</sup> Edition. 249.

relationship arising from the surrender of possession of a chattel by one person to another.<sup>13</sup> The person delivering the goods is called the bailor, the person to whom they are delivered is called the bailee, and the act of transferring the possession from the bailor to the bailee is called bailment. In such a situation, the owner of the chattel is said to have bailed the chattel.

### **5.0 MORTGAGE.**

A mortgage as a secured credit transaction on the other hand is the conveyance or transfer of legal or equitable title or interest in real estate with the proviso of redemption upon repayment. In the first instance, a writer<sup>14</sup> has said that

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“Land is today the most acceptable form of security as it appreciates in value unlike other forms of security, over a period of years. It is often applied as security by way of mortgage (legal or equitable)”

The term mortgage according to the Blacks law Dictionary<sup>15</sup> is a conveyance of title to property that is given as security for the payment of a debt or the performance of a duty and that will become void upon payment or performance according to the stipulated terms. Although lord *Macnaghten in Samuel v Jarrah Timber and wood Paving Corporations*<sup>16</sup> had pointed out that;

“No one ..... by the light of nature ever understood English Mortgage of real estate”

Several definitions have been proffered to this concept. According to professor I. O. Smith<sup>17</sup> relying on the words of Lord Lindley M.R in *Stanley v Wilde*<sup>18</sup>, defined mortgage as;

‘ a legal or equitable conveyance of title as a security for the payment of debt or the discharged of some other obligation for which it is given subject to a condition that the title shall be re-conveyed if the mortgage debt is liquidated”

Cheshire<sup>19</sup> opined that a mortgage arises where land is conveyed or otherwise dealt with in order to secure the payment of a debt or the discharge of some other obligation. According to *Megarry*<sup>20</sup> the essential nature of a mortgage is that it is a conveyance of a legal or equitable interest in a property with a provision for redemption.<sup>21</sup> Although, a mortgage can be created over land or chattel, land provides a much more reliable and invaluable means as security for loans and financial advancement in modern times. Actual physical control of the property is hardly necessary and its characteristic feature of immovability affords the creditor a reassuring grip and interest on the security.<sup>22</sup> Mortgage of land entails transfer or conveyance of title or interest in land by the debtor or a third party to the creditor as an assurance for the repayment of debt or discharge of any obligation. Mortgage is different from other form of credit, for example, transfer of possession to the creditor which pledge entails, or a mere passive right of retention which lien entails. An ingredient of mortgage is that the lender acquires ownership while the borrower; more often that not, retains possession, this places a great advantage on mortgage as opposed to a customary pledge, since the borrower keeps possession of the property for the time being<sup>23</sup>.

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<sup>13</sup> See Paton, *Bailment in common Law*, 1952. The First monograph on Bailment was An Essay on the law of Bailment by Sir Willaim Jones, 1871.

<sup>14</sup> H.S.N. Okoli: *The certificate of Occupancy as security for Bank lending, A Blueprint for Nigerian Law: Collection of critical essays written in commemoration of the thirteenth anniversary of the establishment of the Faculty of Law of the University of Lagos*, edited by Akintunde Obilade.

<sup>15</sup> 9<sup>th</sup> Edition: Bryan .A Garner.(2009). 1101.

<sup>16</sup>(1904) AC 323 ay page 362.

<sup>17</sup>. I.O Smith, *Practical Approach to Law of Real Property in Nigeria*. 2<sup>nd</sup> Edition. 1999. 236.

<sup>18</sup>(1899) Ch. 474.

<sup>19</sup> Cheshire, *The Modern Law of Real Property*. (9<sup>th</sup> Edition). 547.

<sup>20</sup>Megarry, *A Manual of Law of Real Property*. (4<sup>th</sup> Edition). 460.

<sup>21</sup> I.O Smith “The Legal Framework for secured credit: a suitable case for treatment” quoted from “*Nigerian Law of Secured Credit*”. (1999) B.1.1 Issue 1.127 at 129.

<sup>22</sup> I.O. Smith, *op. cit*, page 236.

<sup>23</sup> By virtue of Section 1 of the *Land Use Act 1978*, all Lands are vested in the Governor of a State to hold in trust. Individuals only enjoy a Right of Occupancy, whether expressly granted or deemed.

It is no longer news in Nigeria that after the 1978<sup>24</sup> no citizen in the Country or resident in any State has absolute and uncontrolled ownership or what could also be called interest fee-simple interest in land.<sup>25</sup> Furthermore, section 9 of the Land Use Act gives the Governor of a State power to issue a Certificate of Occupancy to either holder of statutory or customary right of occupancy;<sup>26</sup>

“A right of occupancy is the main conveyance of interest; the certificate of occupancy merely evidences title, **and cannot cure any defect in title**. The latter is a confirmation of the former<sup>27</sup>”. emphasis, mine.

## **6.0 KIDNAPPING ACTIVITIES AND SECURED CREDIT TRANSACTION**

As we have indicated before, the strain theory provides a useful insight into the Nigerian crime situation, especially with respect to kidnapping. Emile Durkheim, the erudite French sociologist and scholar had according to Blackburn<sup>28</sup> theorized that under certain social conditions, traditional societal norms and rules lose their authority over behavior. Durkheim had referred to this condition as ‘anomie’. Blackburn contends that it was this major premise that provided the platform for Robert Merton’s strain theory of criminal behavior. Robert Merton had argued that a society instills in its members a desire for certain goals and prescribes socially approved means for realizing such desired goals. He had identified five different ways by which individuals adjust themselves especially in capitalist societies with strongly prescribed goals and clear distinctions between institutionalized and deviant means of realizing such goals. Innovation, the fourth method of adaptation in Merton’s analysis is what concerns us in this discussion. In Nigeria where everybody is desperate to become rich overnight, innovative methods have become the shortest cut to wealth. Such deviant strategies include; bribery and corruption, embezzlement, robbery, kidnapping for financial purposes and all forms of fraud. In fact, innovative methods or short cuts to wealth or financial success in Nigeria has translated into what Umez has described as a prevailing value system that encourages tainted<sup>29</sup>, corrupt and illegal practices as necessary and sufficient means to an end.

## **7.0. KIDNAPPING: MOTIVES AND HISTORICAL EXPLORATION**

Kidnapping is an ancient crime that originally involved holding the king’s relatives for ransom. According to him, kidnapping was considered a serious offense because it interfered with the personal liberty of members of royal families. He specifically noted that aggravated kidnappings were mostly undertaken to achieve any or a combination of the following objectives:

- Sexual invasion
- Obtaining hostage
- Obtaining ransom
- Robbing the victim
- Murdering the victim
- Blackmailing and Terrorizing the victim,
- And achieving Political aims.<sup>30</sup>

While kidnapping for social reasons especially for the purpose of the burial of prominent individuals has greatly subsided, kidnappings for ritual and financial purposes have assumed an unprecedented dimension since the arrest of Chukwudi Dumeé Onuamadike popularly known as ‘Evans the kidnapper’ in Lagos during the weekend of 10–11 June 2017<sup>31</sup> to the on-going kidnapping of School children that is presently prevalent in the North now, the latest

<sup>24</sup>The advent of the Land Use Act of 1978

<sup>25</sup>. *Abioye v Yakubu, supra*.

<sup>26</sup> The methods are cumulative and not exclusive such that after the adoption of one method the debt remains unsatisfied, mortgage may adopt another. However, where foreclosure proceedings are embarked upon by the mortgagee, he cannot afterwards fall back on any of the other method earlier mentioned above; see also <http://peisker.net/mortgages.htm> accessed on the 4<sup>th</sup> of June, 2021.

<sup>27</sup> I.O Smith *ibid*. see also *Savanna Bank v Ajilo* (1989) 1 (NWLR) P 96. Where the Apex Court held that, all statutory rights of occupancy were caught by the consent provisions in Deeds of Assignments and Conveyances, and that failure to obtain same rendered the mortgage transaction void.

<sup>28</sup>. Blackburn R. (1993). *The psychology of criminal conduct: Theory; Research and practice*. England, John Wiley and Sons.

<sup>29</sup> B. Umez. (2000) <http://academicjournals> accessed on the 4<sup>th</sup> of June, 2021.

<sup>30</sup>. Samaha J. (2005). *Criminal law*. Ninth Edition. Canada, Thomas Learning Inc.

<sup>31</sup>Ezeobi, Chiemelie; Obi, Paul (12 June 2017). "How Police Finally Nabbed Notorious

being in Tegna which came about three months after 42 people, including students<sup>32</sup>, were seized by gunmen in Kagara, which is located around 18 km from Tegna, this novel trend started with the *abduction* in 2014, of 276 schoolgirls from *Chibok secondary School*. The challenge posed by this trend and activity can be attributed to a set of factors which are greatly interwoven some of which are separated here for analytical purposes. These include;

### **7.1. CHALLENGE OF KIDNAPPINGS TO FREE MOVEMENT.**

There is no gain saying the fact that many Nigerian politicians are power hungry and are indeed determined to maim and kill in order to get to the seat of power. The rising incidence of political kidnapping and assassinations in the country is a sufficient pointer to the fact that many Nigerian politicians can go to any length including killing through political assassinations, and kidnapping fellow Nigerians for purposes of ritual murder, raising monies for campaigns, trading prospects, intimidating opposing candidates, *et-cetera*, to enable them attain their political ambitions. It is unfortunate and in fact surprising to observe that school pupils and students are now targets for economic, politically motivated and ritual kidnapping and killings in Nigeria. It was at a time alleged that the hunch at the backs of persons with hunchbacks contain substances that are useful for ritual purposes. It is an open secret that individuals with such deformities in different parts of contemporary Nigeria are now living in great fear as their movements are highly restricted because of fear of political and religiously related kidnappings.

Kidnappings in Nigeria are now being experienced on a regular and near almost daily basis. As the 2023 election approaches, Nigerian parents are consistently engulfed with agonizing mortal fear on a constant basis to restrict the movements of their children and themselves as anybody can be a victim anywhere and at any time, even with security agents not so far from the position of a kidnap attack. From this perspective, one can state emphatically that it impedes free movement of goods and personnel.

### **7.2. CHALLENGE OF KIDNAPPING TO SOCIO-CULTURAL VALUES.**

According to Ugwuoke, the dominant value system subsisting in contemporary Nigeria is one that glorifies and endorses sudden wealth without consideration for the source or means by which such wealth was amassed<sup>33</sup>, and sees kidnappings as a source of secured credit transaction by which kidnapped victim are held hostage while threat of killing and maiming is used as a means to obtain unimaginable amount as ransom as if it a normal and sufficient means of acquiring wealth these days. This new wealth acquiring system which now shapes the attitude and drive of most Nigerians; including the youths, is a complete reverse of the traditional system which was essentially predicated on hard work, climbing the social and economic ladder and good morals which is not only seen but also recognized by the community in which one is domiciled, and family name values. A number of factors which include; the influence of long military dictatorship, inability to properly check and curtail small arms proliferation, failed government institution in most African States, corruption and the influence of the media have all contributed to this changing trend which has worsened the security situation and in now threatening the very corporate existence of Nigeria as an entity.

The above factors amongst others can be said to be largely responsible for the entrenchment of the current nefarious and negative value system currently prevalent in the country. This new value system has helped to make our youths indulge in all sorts of criminal behaviors which essentially include armed robbery, bettings, advance free fraud; popularly tagged as “yahoo” and kidnapping amongst others in their quest to make money easily.

As we have observed earlier, kidnapping for monetary gains in Nigeria originated from the activities of restive militants in the Niger Delta regions. Although the agitation of Niger Delta youths can be traced to the problem of political marginalization, it can be argued that their involvement in kidnapping for purposes of obtaining huge ransoms from expatriate oil workers is partly motivated by inordinate desire to get rich quick; hiding under the cloak of emancipating the Niger Delta and fighting for compensation for the years of environmental degradation experienced. Nigerian youths generally have imbibed the culture of materialism which is ultimately predicated on the philosophy of ‘get rich quick syndrome’<sup>34</sup>

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Kidnapper, Evans". *Thisday*. Retrieved 25 June 2017.

<sup>32</sup><https://edition.cnn.com/2021/02/27/Africa//students-released-nigeria-hitl/index.html>. accessed on the 4<sup>th</sup> of June, 2021.

<sup>33</sup>. Ugwuoke, J.O. (2017). Why most African Countries are still poor,. A study of Public Perception in Enugu State. *Ph.D Thesis*, Dept. of sociology/Anthropology, UNN

<sup>34</sup> *Ibid*.

### **7.3. CHALLENGE TO PRODUCTIVITY AND EMPLOYMENT**

Another important challenge posed by kidnapping in Nigeria includes the high level of unemployment and yet desire to be millionaires especially among youths.

Several unemployed youths in Nigeria are poverty stricken and usually find solace in money doubling, betting, Ponzi and criminal activities which includes participation in kidnapping and armed robbery. It can therefore be argued that a good number of Nigerian youths who have taken to these seeming social vices are not only poor but also unemployed, corruption is not strongly related to kidnapping, but they have indirect connection whereby youth political thugs who served corrupt political leaders and turned out to become kidnapers, sometimes for ransom from political opponents; poverty is correlated with kidnapping in Nigeria; and there are multiple consequences of kidnapping, such as financial victimization, rape and even death of the victims, particularly when these highly intelligent and resourceful youth channel their time and energy in these nefarious activities instead of legal commercially valuable activities.

### **7.4. CHALLENGES TO EDUCATION**

This is prevalent in the North, but has gradually seeped into the South, East, and West where most of the youth now publicly declare that “Education is a fraud/scam”, because many school leavers including graduates of tertiary institutions roam the streets after graduation without finding jobs, while miscreants engaged in thuggery, stark illiterates; some of whom never attended even primary schools, are the ones living in affluence and wealth, being appointed and installed as Nobles and Institutional Heads. People whom are known to have no means of livelihood will just become millionaires overnight and nothing will be done to investigate and ascertain his sudden source of wealth but will instead receive praises from all and sundry, even some of the educated elites will be taken as their employees. It has gotten so bad that some institution of High learning within the African continent awards even Doctorate degrees to well known miscreants.

### **7.5. CHALLENGE TO ECONOMIC DEVELOPMENT**

Result has shown that kidnapping and terrorism impacts negatively on economic development and has made Government to divert financial resources and manpower meant for economic development and other related purposes and matters to tackle insecurity which all seem to be done only on the various media and social media of purchases of arms and ammunitions, fighter jets to drones, foreign trainings and partnership amongst others. Expenditure made by Government on security matters alone had significantly and negatively impacted on economic development implying that the expenditure made on security matters has helped to drain the financial position of the country without any visible or discernible positive effect on the economy or the security situation of the country.

### **7.6. CHALLENGES OF INFORMATION TECHNOLOGY**

The police and the operators of the Global System for Mobile Communication (GSM) as a theme also plays a fatally important role that network and information providers play, which has impacted negatively and act as a challenge on the Nigeria Police and the ability of the state to arrest; even when arrest is made, prosecution to secure conviction in relation to kidnap cases is another comical act. The operators of the Global System for Mobile Communication (GSM) in Nigeria are considered as seeming *participus-criminus*, as they either do not cooperate with the police in the investigation of kidnap cases by refusing to furnish tracking details of calls made through their networks by kidnapers to the families of kidnap victims or do not keep the requisite tracking equipment in good condition. There were reported cases of telecommunication operators refusing to cooperate in the investigation of kidnap cases on account of faulty equipment; this is perceived as being the norm amongst the operators. The situation is also not helped by the nonchalant attitude of some network providers in furnishing investigating police officers with call log details.

### **SUMMARY AND CONCLUSION**

This paper has reviewed the situation of crime in Nigeria with special reference to kidnapping and it's the resultant challenges which it. It further examined the concept of kidnapping in its historical context. The paper broadly identified some of the motives of kidnapping to include.

In addition, the paper had identified a number of challenges which the incidence of kidnapping in Nigeria poses to economic development and secured credit transaction. These include; freedom of movement, the changing in socio-cultural value system, productivity, Challenges of Information Technology and employment, education, and

Government financial and economic policies.

It is inherent that since the enthronement of the current democratic dispensation in 2015, the situation of kidnapping in Nigeria assumed a new Hobbesian dimension which has continued to change advancing towards a worse situation while eroding confidence and belief in the continuous retention of the entity called Nigeria. The nation has drifted from one level of kidnapping to another which presently is predominantly is of School children in the North. Thus, within the period spanning 2014 to 2021, Nigeria has witnessed a transition from the prevalence of armed robbery to criminal and political assassinations, expatriate kidnappings to ritual murder and now school children kidnapping which has assumed a dangerous proportion, from the *abduction* in 2014 of 276 school girls from *Chibok Secondary School to the most recent* being in Tegna which came about three months after 42 people, including students<sup>35</sup> were kidnapped by gunmen in Kagara, The seeming incompetence and inability to respond positively to control and deter the criminal activity in the country is exemplified by the constant removal and replacement of security service chiefs and some Inspector-General of Police, a change that has become like a routine posting to enable some persons access to the nation's wealth.

### **RECOMMENDATIONS.**

It is inherent from the position of this paper that the Government has not done enough in the area of securing lives and properties and also protecting the fundamental and inalienable right of its citizenry, corruption, poor working condition, frequency in the transfer and change of service chiefs and police officers, uncooperative attitude of GSM operators, delay emanating from legal practitioners and Director of public prosecution, Based on the findings, it is recommended that government should stop paying lip service to the fight against corruption but instead take concrete steps to stem the rising tide<sup>36</sup>. Besides a review of the conditions of service of the police, prison and judicial officers, there is the need to provide functional vehicles to the various prison authorities as well as renovating and refurbishing dilapidated buildings and furniture in the various courts.

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<sup>35</sup><https://edition.cnn.com/2021/02/27/Africa//students-released-nigeria-hitl/index.html>.accesses on the 4<sup>th</sup> of June, 2021.

<sup>36</sup>Obarisiagbon, E.I. Aderinto, A.A. Kidnapping And The Challenges Confronting The Administration Of Criminal Justice In Selected States Of Nigeria. (2019). *African Journal of Criminology and Justice. AJCJS*. Vol 4.No. 1. 41.