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## SOCIOLOGICAL ANALYSIS OF FACTORS RESPONSIBLE FOR MOB JUSTICE IN NIGERIA

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### Abstract

*Mob justice is a global phenomenon, no continent or country of the world can be said to have a zero occurrence of the practice both in the past and in the present times. The study is a sociological analysis of the factors responsible for mob justice in Nigeria. The study is underpinned by the theory of rights to life. The study anchored within a qualitative approach of inquiry and it engages the use of secondary sources of data for the information. Secondary data in general, connote information that is already documented both published and unpublished. The study's findings revealed that mob justice in Nigeria is a complex phenomenon primarily rooted in structural aspects of society. Key factors responsible for mob justice identified were deficiencies within the criminal justice system and broader issues such as poverty, lack of education, and high unemployment. The study highlighted that individuals from lower social classes face barriers in accessing and using the formal judicial system. Based on these findings, the study recommended that government should strengthen the security in the country to combat crime and prevent the citizens from taken the law into their hands and whole criminal justice procedure should be overhauled by the Government to ensure that suspected criminals in the country are not only apprehended by the security agents but also tried in due course. Also, government should enact anti-jungle justice law and there should be comprehensive reforms and reorientations necessary to bring Nigeria's policing operations and government authorities in to conformity with constitutional and international human rights standards.*

**Keywords:** Sociological, Factor, Mob, Justice, Mob Justice, Nigeria

### 1. Introduction

Mob justice has been characterized as one of the social vices that impedes the development of any society. The act of placing law into ones' hands and not going through the appropriate government agencies for the proper dispensation of justice leads to infringement of other people's rights which unveils the postulation of mob justice. Violence is a wide spread and growing problem in every society mostly in Africa, it takes different forms and occurs in all setting; at work, in the home, on the street and community at large. Such

violence affects both female and male of all ages and grades. It occurred throughout recorded history, most violence is however perpetrated by men against women, whatever the age of victim, and such violence is often cycle of abuse that shows itself in many forms throughout life. Physical violence is not a spectacle unique to our society. In fact, physical violence had occurred throughout recorded history (Balogun, 2023).

Developed or developing countries are assumed to portray modern ways of life to justify improvement and modernization. It is however disheartening seeing such

citizens of civilized or modernizing states to be acted primitively, even to the point of living a hopeless and almost not worth living. It is true that mob life is a life where tomorrow cannot be decided and safety of life is not guaranteed as various catastrophic behaviors occur in the mob life. However, as the world evolves, human beings have moved from a lawless state as that of the jungle to a state where laws direct ways of life and behavioral patterns. Mob justice has become very common in Africa and Nigeria in particular. It has been observed that it is the fastest way in which justice can be met out to criminals. This is however very barbaric, dehumanizing and contrary to the unalienable rights of persons. Mob justice also known as jungle justice is a justice that respects no law. It perpetually connotes the infringement upon citizens' constitutional rights (Awuku & Amponsah, 2018).

Mob justice is a global phenomenon, in that no continent or country of the world can be said to have a zero occurrence of the practice both in the past and in the present times. In the United States, mob lynching against Black Americans, Mexicans, members of the abolitionist movement, unionists, and others were common across the nation during the America Civil War in the 1860s (Huggins, 1991). In Africa, although practices of mob execution subsided with the emergence of the colonial justice system across Africa, mob execution continued in some African communities during the post-colonial period (Adu-Gyamfi, 2014). The term is an age long practice that is predominant in various parts of Africa, especially Sub-Saharan Africa. However, the difference between mob justice in Africa and other parts of the world is simply the degree of its prevalence. So, while jungle justice practices are high and flowing from the cultural and historical experiences of the people of Africa, the practice is low and seriously checked in most parts of the world especially in Europe and North America (Anthia, 2005; Collins, 2008).

The prevalence of mob justice, particularly in countries of Sub-Saharan Africa, has emerged as a notable concern, posing a threat to the right to life and violating the fundamental human rights of the accused offenders (Adu-Gyamfi, 2014; Baloyi, 2015). This practice

appears to undermine the core principles of the criminal justice system, which encompasses a range of measures aimed at deterring criminal or unlawful conduct, primarily focused on preventing lawbreaking and administering fair legal sanctions to offenders (Reid, 2009; Adler, Mueller, & Laufer, 2000). Thus, the establishment of the criminal justice system was intended to ensure justice, equity, and the preservation of the rule of law within a civilized society (Olonisakin, Ogunleye & Adedayo, 2017).

However, the world's progress toward the total abolition of the death penalty and torture represents an important step towards advancing human rights and justice (Hood & Hoyle, 2009; Amnesty International, 2016). In spite of this, mob justice has become a troubling global social phenomenon in a number of nations. It is especially prevalent in some Sub-Saharan African countries and has detrimental effects on both the victims and society at large. Mob justice has negative consequences on a family's health and social well-being as well as those of the community (Chalya et al., 2015; Ng'walali & Kitinya, 2006); families lose their breadwinners, which causes severe psychological trauma for the victims' loved ones and friends (Baloyi, 2015). The increasing occurrence of mob justice reflects a disturbing trend where human life is devalued. Mob justice seriously violates human rights by devaluing human life and undermining human dignity, sometimes even to an extent where it is comparable to that of animals (Amara, 2015; Baloyi, 2015). Due to the predominance of mob justice, which perpetuates a cycle of violence and fosters an environment of fear that disregarded personal responsibility for acts of violence committed under the pretence of seeking justice, innocent lives have tragically been lost (Abdulah, 2016), Levine, 2011; Adu-Gyamfi, 2014).

Mob justice, also known as mob lynching, is not exclusive to Africa. It has a long-standing history with severe consequences in various parts of the world (Ng'walali & Kitinya, 2006; Glad et al., 2010). There are documented cases of lynching-like penalties in mediaeval Germany (Abbott, 2017). In the United

States, from the late 1800s until the 1950s, lynching and mob violence were utilized as violent methods of intimidation and control over non-white people, notably African Americans, mainly in the Southern states. Between 1887 and 1950, about 4,084 black Americans were lynched (Gupta, 2019). In the American South, lynching was mostly perceived as a racially motivated phenomenon (Lewis, 1993). However, in a number of sub-Saharan African nations, such as Nigeria, Cameroon, Uganda, Tanzania, Ghana, South Africa, and Kenya, mob justice has emerged as a significant problem, which entails the quick application of torture and death to people who are suspected of committing crimes, even in the presence of law enforcement officials (Luke, 2016; Orock, 2014; Levine, 2011; Mugunga, 2015; Ng'walali & Kitinya, 2006; Adu-Gyamfi, 2015; Baloyi, 2015; Sibanda, 2014). The use of mob action in both urban and rural parts of Nigeria is part of an increasing trend of informal policing arrangements (Alemika & Chukwuma, 2004; Bakare, 2014). Nigeria is notable as one of the African nations with the highest prevalence of mob justice (Luke, 2016; Olujobi, 2012; Abdulah, 2016).

In societies with established procedures for dealing with offenders, mob justice is a departure from the normal administration of justice. Provisions to protect the fundamental human rights of the accused are included in a number of legal frameworks, including the Nigerian Constitution of 1999, the Administration of Criminal Justice Act of 2015 (ACJA 2015), the African Charter on Human and People's Rights, and the Universal Declaration of Human Rights (UDHR). These legal safeguards are designed to shield criminal suspects from inhumane treatment, including mob justice. However, despite these safeguards and the emphasis on due process in the treatment of offenders, it is most worrisome that the practice of mob justice is growing. In Nigeria, as one of the biggest and fastest-growing country in Africa, is not immune to the effects of this phenomenon. A rise in incidents of mob violence has sparked worries about the rule of law, violations of human rights, and the general safety and security of city residents. The arbitrary nature of mob justice, where

innocent individuals could be the subject of unfounded accusations, seriously jeopardizes the principles of justice and human rights.

More often than not, it is the fate of those accused of not only felonies like burglary, murder, rape, theft, kidnapping and armed robbery but also misdemeanours like pick pocketing. Some of the suspects are in many cases just falsely accused. For example, on the 5<sup>th</sup> of October in 2012, some students of the University of Port Harcourt (Chiadika Biringa, Ugonna Obuzor, Lloyd Toku, & Tekena Elkanah) were lynched in the village of Aluu having being falsely accused of stealing laptops and other electronic gadgets. Even as they pleaded their innocence, they were set upon by the mob, stripped, paraded through town, beaten with sticks, weighed down with tires and set ablaze (Cole, 2012). It is against this background that the study is an sociological analysis factors responsible for mob justice in Nigeria.

## **2. Literature Review**

### **2.1 Conceptual Clarification**

#### **Concept of Mob**

The concept of mob is constantly changing. Mob has been conceptualized by different scholars, international, regional and sub-regional organizations who have defied uniformity of parlance. Presently, the prevalent definition has been geographical, independent of all that the concept of mob encloses; it would appear that in recent past, there has been a widening of the concept that extend beyond the traditionally accepted meaning of the mob. A mob is a form of crowd, which is different from causal crowds that are without organization, conventional crowds that are assembled for a specific purpose such as witnessing a ball game, or expressive crowds that are involved in expressive behaviour, such as dancing and singing. Several sociological perspectives have been employed to describe the mob. The mob, compared to individual destructive or violent tendencies, is more extreme. This

is because, according to Canetti's (1973) description, when human beings find themselves within a crowd that pursue similar goal, whether destructive or not, they are careless of the risk of being surrounded by alien bodies. They are therefore prompted to engage in unpleasant acts without minding the consequences on their individual safety and security. Therefore, in the context of the study, mob is a form of crowd, which is different from causal crowds that are without organization, conventional crowds that are assembled for a specific purpose such as witnessing a ball game, or expressive crowds that are involved in expressive behaviour, such as dancing and singing.

### **Concept of Justice**

Defining the concept of justice can be very difficult especially when in matters of state control and balance of individual rights, either as positions of criminals or victims. Stemming from the lack of absoluteness to the scope of justice, there are evolving arguments on the need to define justice not as an outcome (equality, equity and freedom) but rather as a process. Results can be just if they were obtained by a just or fair process. The term 'justice' is as old as man. The minds of the masses, the oppressed, the down-trodden and the slaves are yearning for justice. Justice is a legal, ethical term with common concept. Justice is pivotal in that it is a prerequisite for peace and harmony in the society, it connotes fairness, a just attitude, correctness and fair dealing. It gives citizens voice, the power and rights to stand for what is right and the rule of law protected. Aristotle mentioned that justice has twofold functions.

Justice is the process that yields equal, predictable, accessible, rational outputs – based on the certainty of applying legal rules developed over time to prevent or remedy what would arouse the sense of injustice and to resolve disputes (Conflict Research Consortium, 1998). Rather than using justice to mean liberty or freedom, by defining it in terms of who shall make certain decisions, justice is seen as a process concerned with how decisions are made while taking note of the frame of mind and the expected results. Justice is concerned not only with the consequences of actions but with their

significance. This is why, in legal matters, emphasis is placed on procedure that produces the expected outcome. This is in accordance with the work of Cooray and Leonard (1988), who argues that, aside being interpersonal adjudication and resolution of conflicts between persons, justice, is equally law based and can be broadly defined by process defined by law. Within the context of the study, justice is process that yields equal, predictable, accessible, rational outputs – based on the certainty of applying legal rules developed over time to prevent or remedy what would arouse the sense of injustice and to resolve disputes

### **Concept of Mob Justice**

The concept of mob justice has no unilateral classification; as different scholarly postulations have been identified based on scholars' perspectives. Mob justice, defined as the practice whereby a mob, usually several dozens or several hundred persons, take the law into their hands to injure and kill a person accused of wrongdoing, poses a medico-legal, social and public health problem in most developing countries, including Nigeria (Ng'walali & Kitinya, 2006; Outwater et al., 2011). This violent phenomenon of mob justice occurs when a group of people act as both accusers, jury, and judge and punish an alleged wrongdoer on the spot. The person accused of a crime has no chance to defend them or claim innocence. This procedure often ends up with the victim being beaten to death or seriously injured.

The victim of mob justice is denied a fair trial and the right to life which violates the United National standards of human rights. In some societies globally, mob justice occurs because of social discrimination. Mob justice is a form of unlawful punishment usually carried out by a group of individuals (mob) for presumed criminal offenses without consideration for due process of the law. Robin et al. (2010) observed that mob justice is a 'situation where a crowd of people take the law into their own hands, act as accusers, jury, and judge and punish a criminal suspect or an alleged criminal on the spot. This procedure often ends up with the victim being beaten to death or seriously injured. Mob justice or execution is usually initiated by a group

of people who may have witnessed the perceived allegation or offense. Typically, the mob increases in size as people join the group to punish the victim. Mob justice refers to acts of violence meted out by a group of people against an individual or individuals who are alleged to have committed a crime (Berg & Wendt, 2011). This action is often carried out with total disregard for due process of the law. Alston (2010) defines mob justice as an exercise in lawlessness; a return to practices based on a failure of the justice system to address serious problems perceived by the community.

Sociologically, mob justice is a form of collective behaviour, which Henslin (2005) referred to as actions by a group of people who bypass the usual norms governing their behaviour and do something unusual. The distinction necessary to be made here is on the nature of the action of the mob that administers mob justice. It is usually violent as Krinninger (2016), Verweijen (2016) and Baloyi (2015) among others revealed. From the above descriptions, it can be concluded that mob justice is a situation where a group of people without authority grant themselves the power to punish suspected criminals within their communities; and it is an extra-judicial form of trial and execution by an informal group. It does not serve the interest of justice because it falls short of the known meaning of justice since it is done outside the known legal and criminal justice framework.

## 2.2 Theoretical Framework

The study is underpinned by the theory of rights to life. The right to life is a moral principle based on the belief that a being has the right to live and, in particular, should not be killed by another entity, including the government. The concept of a right to life arises in debates on capital punishment, war, abortion, euthanasia, police brutality, justifiable homicide, and animal rights (Steiner, Alston & Goodman, 2008). Various individuals who identify with pro-life views may disagree on which areas this principle applies, including such issues previously listed. The

International Human Rights Standards for Law Enforcement has created a system whereby it is recognized that international human rights law is binding upon all state actors and that said state actors must know and be capable of applying international standards for human rights (International Human Rights Standards for Law Enforcement, 2017). The right to life is, for the most part, an inalienable right granted to every human on the planet. However, there are certain situations in which state actors are required to take drastic action, which can result in civilians being killed by law enforcement agents.

Furthermore, the right to life grants several specific exceptions regarding the death penalty and the qualification of “arbitrariness,” and therefore, it is defined as a non-absolute right. The Human Rights Committee determines the justification of interventions (non-arbitrary) as an intervention under strictly controlled and limited circumstances, in self-defense or defense of others, or if necessary, to effect the arrest or escape of the persons concerned. Dworkin summarizes the problematic issue of the extent of the right to life to the right to die that “making someone die in a way other approve, but he believes a horrifying contradiction of his life, is a devastating, odious form of tyranny” Dworkin, (2012). In addition to that, Dworkin indicates that prohibiting the individuals from deciding about their death in the expectancy of an individually seen undignified death in severe physical or mental pain excludes the possibility of enjoying the right to live in dignity.

In the *Re Ward of Court Case* decision, the Irish Supreme Court decided that the right to life “implies to die a natural death.” This judgment is confirmed by state practice as several domestic courts determined that forcing a medical treatment without the patient's consent violates the right to private life. Acknowledging the right to die generally does not allow the individual to decide whether to die. In contrast, it merely allows choosing when and how to die (Kyriakides, 2016). Concerning the current study, the theory of the right to life depicts that every human has the right and freedom to live. Therefore, the approach

will guide the investigation of how the incidence of mob justice affects the right to life of the citizens of Nigeria.

### 2.3 Empirical Review

Ng'walali and Kitinya (2006) conducted a four-year autopsy study in Tanzania to investigate the factors responsible for mob justice. The study found that mob justice occurrences were common, accounting for 12.4% of the instances examined. The main targets of mob justice were those who had committed theft, murder, or transgressed local conventions and religious beliefs. Robbery accounted for 95.3 percent of all mob justice deaths, making it the most common cause. The survey determined that stoning (49.9 percent) and burning (48.11 percent) were the two most common ways of killing used during mob justice occurrences. The study found that young people, particularly those between the ages of 15 and 40, were the most common victims of mob punishment; and that mob justice poses a significant social, legal, and public health problem that requires urgent attention. The researchers concluded that addressing youth unemployment and economic inequalities are important factors in reducing the prevalence of mob justice. They also argued that an ineffective judicial system and corruption encourage individuals to take matters into their own hands. As long as the judicial system remains ineffective and corruption goes unpunished, people will continue to organize their own trials and pass judgment on suspects in the streets.

Similarly, Glad et al. (2010) conducted a study in Uganda to investigate the factors responsible for mob justice. The research methods used were focus group discussions and interviews. The study's findings revealed that mob justice in Uganda is a complex phenomenon primarily rooted in structural aspects of society. Key causes of mob justice identified were deficiencies within the judicial system and broader issues such as poverty, lack of education, and high unemployment. The study highlighted that individuals from lower social classes face barriers in accessing and using the formal judicial system. Based on their findings, the researchers recommended implementing

structural changes such as increased transparency within the judicial system and improvements in education as potential measures to prevent mob justice occurrences.

Kodah (2012) also studied the practice of mob violence in the name of justice and its implication for the rule of law in Ghana. The study was divided into three major parts. The first part examines some conceptual issues of justice, which serve as a framework for the analysis. The second part evaluated some possible causes that elicit recourse to mob violence to seek equity and fairness. It also brought out the potential impacts of the practice on the rule of law, good governance, and sustainable democratic development in Ghana. The study rejected mob violence, "mob justice," as an acceptable way of seeking justice in the third part. This is done by taking cognizance of the conceptual framework set at the beginning. The study turned the paradigm upside down, thus making "mob justice" mob justice. Consequently, the study made some recommendations that should be considered to put an end to upholding the supremacy of the rule of law needed for the entrenchment of Democracy and good governance in Ghana.

Sibanda (2014) investigated the harm caused by mob justice to people endowed with the right to life entrenched in the Bill of Rights. The investigation was done against the backdrop of an elaborate Bill of Rights that makes the right to life inviolable in democratic South Africa. It exposed the factors that underlie the growing incidence of mob justice in the country and the implications of this phenomenon for legal and policy options. The study explained that the state has to protect the right to life and that mob justice is unconstitutional and violates the right to life and its associated rights like the section 35 rights and the right to dignity. Therefore, it was necessary that the state act upon this phenomenon to fulfill its constitutional duty to protect the right to life. Beyond the analysis of the incidence of mob justice in South Africa, an effort was made to proffer possible

strategic responses to curb the phenomenon in the short and long terms.

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Chalya et al. (2015) analyzed the mob-justice situation in north-western Tanzania to determine the causes and injury characteristics of mob-justice cases and the outcome of treatment among survivors. A total of 234 cases (i.e., 170(72.6%) deaths and 64 (27.4%) seriously injured patients) of mob justice were studied. The median age of victims was 28 years. Males outnumbered females by a ratio of 6.1: 1. The most common reason for a mob-justice was theft/robbery in 63.2% of cases. Stoning (50.4%) and burning (43.6%) were the most frequent methods used in executing mob justice. The head (95.7%) and the musculoskeletal (63.2%) were injured in the most common body region. Open wounds (97.4%) and fractures (47.9%) were the most common injuries sustained. More than 70% of the victims brought in alive (64 cases) were treated surgically, of which wound debridement (75.6%) was the most common procedure performed. Complication and mortality rates were 51.6% and 51.1%, respectively. The study concluded that mob justice constitutes a medico-legal, social, and public health

problem in Tanzania that needed immediate attention. Addressing the root causes of mob justice, such as poverty, lack of education, unemployment, and substance abuse, will reduce the incidence of mob justice in our environment, hence saving a life.

### **3. Methodology**

The study is anchored within a qualitative approach of inquiry and it engages the use of secondary sources of data for the information. Secondary data in general, connote information that is already documented both published and unpublished. In this respect, the information for the paper is generated from the textbooks, journal articles, newspaper articles, bulletins, governments gazettes, monograph, newspapers and magazines; unpublished materials like these, dissertations, projects, papers presented at conferences, workshops, symposia, and consultation fora, the internet, and the library. It is a case study inquiry because it concerns the issue of the factors responsible for mob justice in Nigeria.

### **4. Conclusion and Recommendations**

It was established that mob justice in Nigeria usually takes the form of a brutal beating caused mainly by rise in crime (mostly theft and burglary) and ineffective security. By and large, the law at the point in time does not adequately regulate the behaviours of those within the country and the results are rise in crime. As the inefficiency of the criminal justice system lead to high rate of crime, the prevalence of crime in turn pave way for the rising cases of mob justice in Nigeria. The bottom line here is that, if the law was adequately regulating the behaviours of the citizens, there would not have been upsurge in crime there as there is now. And if there was no upsurge in crime there, people would not have been frequently perpetrating mob justice as they do. Worthy of note is the fact that while the citizens have positive attitude towards the act of mob violence, their frequent indulgence in it is yet to result to reduction in crime. Therefore, we can conclude that rather than improve, the act of mob justice only undermines the formal security in Nigeria. The study recommends as thus:

- i. Government should strengthen the security in the country (both the police and other law enforcement agencies) in order that they should combat crime and prevent the citizens from taken the law into their hands. This can be achieved by first deploying more competent personnel and then by equipping them with modern security gadgets.
- ii. The whole criminal justice procedure should be overhauled by the Government to ensure that suspected criminals in the country are not only apprehended by the security agents but also tried in due course. Those found guilty at the end of every trial should be punished in accordance with the provisions of the Criminal Code.
- iii. Government should enact anti-jungle justice law. This will, on one hand strengthen the legal institution in the course of trying and punishing culprits as a deterrent measure to others, and on the other hand, re-emphasise the illegality of mob justice which the residents among many citizens are partially ignorant of.
- iv. There should be comprehensive reforms and reorientations necessary to bring Nigeria's policing operations and government authorities into conformity with constitutional and international human rights standards.

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