

## AN ANALYSIS OF THE CAUSES OF JUVENILE DELINQUENCY IN NIGERIA FROM THE LEGAL AND EMPIRICAL PERSPECTIVES<sup>1</sup>

### Abstract

This paper examines the prevailing causes of juvenile delinquency in Nigeria. It adopts analytical and qualitative research methodologies by relying on the existing legal and theoretical frameworks and also, a descriptive survey through questionnaires and direct interviews of 1,500 stakeholders from selected states in the six geo-political zones of Nigeria. Purposive and simple random sampling techniques are employed and simple percentage scores and frequency counts are used to analyse the research questions. The results from the descriptive analyses show that the prevailing causes of juvenile delinquency in Nigeria were those encapsulated in the sociological theory of juvenile delinquency. The paper recommends the preventive mechanisms and argues for legal and structural reforms towards economic efficiency, equity and democracy for juveniles.

**Keywords:** Juvenile delinquency, Causes, Theoretical framework, Reforms, Stakeholders, Nigeria.

### 1. Introduction

A child<sup>2</sup> if specially nurtured with care and attention will grow in a positive way. Changes in the mental, physical, and spiritual developments of a child make him or her capable of realizing his or her fullest potentials. But in the world today, children live differently from their parents or grandparents due to multiple and sometimes complex factors like harmful surroundings, lack of basic needs, wrong company, relationship with opposite sex and other social factors which may turn them to be delinquents.<sup>3</sup> This may be connected to the fact that children get easily influenced by what they see around because of their immaturity. They often get confused about what to do when faced with changes brought about by societal laws and orders as postulated by Adeloye that “in a bid to resolve these confusions, the adolescents without proper guidance resort to delinquent behaviour.”<sup>4</sup> Children constitute about 44.3% of Nigeria’s population<sup>5</sup> and despite the fact that Nigeria is a

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<sup>2</sup>In this paper, the terms “child”, “juvenile”, “young person”, “adolescent” and “youth” are used interchangeably to refer to children in “conflict with the law or beyond parental control”. By Rules 2.2 (a) of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, a juvenile is a child or young person who under the respective legal systems may be dealt with for an offence in a manner which is different from an adult.

<sup>3</sup>Black’s Law Dictionary (Centennial ed. 1981-1991) at p.428 defines a delinquent as an infant of not more than specified age who has violated criminal laws and engaged in disobedient, indecent or immoral conduct and is in need of treatment, rehabilitation or supervision defined by Statute.

<sup>4</sup>B. Adeloye, *Parents Perception of Adolescents Problems*. (Heinemann. Ibadan, 1990) 6-9

<sup>5</sup>Nigeria has estimated 44.3% of children population according to [populationaction.org/wp-content/uploads/2012/01/DemoDev.pdf](http://populationaction.org/wp-content/uploads/2012/01/DemoDev.pdf). See also Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, *World Population Prospects: The 2010 Revision* [en.wikipedia.org/wiki/Demographics](http://en.wikipedia.org/wiki/Demographics). Accessed on 24th January, 2013.

signatory to many international instruments<sup>6</sup> on the protection of the children and has domesticated most of these provisions in her Child Rights Act 2003, there is still an increase in the rate of juvenile delinquency.<sup>7</sup> Nigeria has witnessed an increase both in crimes committed by children and those committed against them. For instance, the prevalence of violence against girls,<sup>8</sup> child labour, children living on the streets, children in conflict with the law,<sup>9</sup> child trafficking, kidnapping,<sup>10</sup> violence in school and violence in conflict situations against children are heavily documented in the existing literature.<sup>11</sup>

With rising statistics of rate of juvenile crimes and changing social dynamics, it is essential to probe deeply into the underlying causes of juvenile delinquency in Nigeria. In responding to this quest, this paper carries out empirical examination vis-à-vis juvenile delinquency in the six geo-political zones of Nigeria in order to ascertain the ways to reduce its continued occurrence. To achieve its set objective, the paper postulated the following critical research questions:

- (i) Is sociological theory a reflection of the causes of juvenile delinquency in Nigeria?
- (ii) If yes, does the existing legal framework adequately and effectively address juvenile delinquency in Nigeria?
- (iii) If no, what legal framework would be more appropriate to address the causes of juvenile delinquency? and
- (iv) To what extent has the legal and institutional frameworks complied with the international instruments dealing with juvenile delinquency?

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<sup>6</sup> Nigeria is signatories to the United Nations Convention on the Rights of the Child (UNCRC) on April 16<sup>th</sup>, 1991 and African Charter on the Rights and Welfare of the Child (ACRWC) on 13<sup>th</sup> JULY, 1999 and ratified it on 23<sup>rd</sup> July, 2001. See

<http://www.africanunion.org/root/au/Documents/Treaties/List/African%20Charter%20on%20the%20Rights%20and%20of%20the%20Child.pdf>. Accessed on 31<sup>st</sup> October, 2013

<sup>7</sup> As at 2013, there were 1306 juveniles held in custody out of custodial institution capacity of 2115 for offences ranging from property offences rated at 30.72%, offences against person, offences against the state, moral offences, and victimless offences among others. See an Operational Research Report on Challenges of Borstal Institutions, Remand Homes, Reformatories and Approved Schools in Nigeria submitted to the Federal Department of Social Welfare, Federal Ministry of Women Affairs and Social Development, Abuja, Nigeria by A. E. Idyotough, June, 2013.

<sup>8</sup> The most recent violence was the abduction of 270 girls from Chibok, Borno State, Nigeria by an insurgent group popularly called *Boko Haram*. See the Nation Newspaper, Tuesday, May 13, 2014.

<sup>9</sup> A Child in conflict with the law has the right to treatment that promotes that child's sense of dignity and self-worth and such treatments must take into account the child's age. It must also aim at his or her reintegration into society and at his or her assuming a constructive role in society.

<sup>10</sup> Example is the Kidnapping of school children at Abayi International School, Osisioma near Aba, Abia State in the South-South and South-East of Nigeria by unknown gun men. See Vanguard Online; [www.vanguardngr.com](http://www.vanguardngr.com) Accessed on 12<sup>th</sup> November, 2013.

<sup>11</sup> Second Country Periodic Report on the United Nations Convention on the Rights of the Child by the Federal Ministry of Women Affairs, Abuja, 2004. Available at [www.unicef.org/wcaro/WCARO\\_Nigeria\\_Factsheets\\_CRA.pdf](http://www.unicef.org/wcaro/WCARO_Nigeria_Factsheets_CRA.pdf) Accessed on 20th January, 2013.

For ease of understanding, this paper is divided into seven parts. The next section examines the methodology adopted by the paper. In part three, we discuss the theoretical framework of juvenile delinquency while part four is dedicated to a discussion of legal and institutional frameworks available for juvenile delinquency. Part five is the presentation of data analysis and discussion of findings follow in part six while the paper concludes and makes recommendations in the last part.

## **2. Methodology**

The method adopted in this paper is both analytical and qualitative. The paper makes a content analysis of the existing theoretical and legal frameworks to identify the prevailing causes of juvenile delinquency in Nigeria. The qualitative method involved non-doctrinal approaches where a descriptive survey was carried out through close ended questionnaires and in-depth interviews to investigate incidences of juvenile delinquency and how the delinquent is being taken care of in the administration of juvenile justice in Nigeria. Frequency distributions with simple percentage were employed and the study context cut across the six geo-political zones of Nigeria. Purposive sampling technique<sup>12</sup> was adopted and the target population was randomly selected<sup>13</sup> from the police, the prisons, the judiciary, the welfare officers, the remand-homes, the legislatures, legal practitioners, parents, non-governmental organizations and community leaders who are the stakeholders in the administration of juvenile delinquency. A total of 1,258 respondents returned the questionnaire out of the selected population of 1500. Majority of the respondents are within the age bracket of  $18 \leq 45$  years and more than a quarter (31%) belonged to  $46 \leq 65$  years age group. Data from the field<sup>14</sup> reveals that 197 (15.7%) respondents reside in Bauchi. 207 (16.4%) respondents reside in Enugu. 225 (17.9%) respondents reside in Ilorin. 203 (16.1%) respondents reside in Kaduna. 216 (17.2%) respondents reside in Lagos while 210 (16.7%) respondents reside in Port Harcourt.

## **3. Review of Theoretical Framework on Juvenile Delinquency**

The concept of juvenile delinquency<sup>15</sup> was developed in the 19<sup>th</sup> century by the positivist school of thought<sup>16</sup> who advocated for rethinking of free will conceptualization of human

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<sup>12</sup> Purposive sampling technique was adopted primarily because of the non-availability of a sampling frame for the target population.

<sup>13</sup> Juvenile delinquency as bedrock of juvenile justice administration in Nigeria form a species of the criminal justice and relatively small, simple random sampling was employed (200 respondents at the average of 40 for each agency of the police, prison, judiciary, delinquents' officer and legal practitioners). In realm of other stakeholders which comprises of NGOs, Community leaders and Parents, a total number of 50 respondents were sampled from each city of the geographical zones.

<sup>14</sup> Studies conducted by M. A. Abdulraheem-Mustapha, *An Analysis of the Framework for Juvenile Justice Administration in Nigeria*. Unpublished Ph.D. Law Thesis, Faculty of Law, University of Ilorin, Nigeria. 2014

<sup>15</sup> According to A. A. Ayua & I. E. Okagbue, *The Right of the Child in Nigeria*. (Nig. Inst. of Advanced Legal Studies, Lagos, 1996). P, 240. Juvenile delinquency has been defined as an anti-social behaviour that is beyond parental control and therefore is subject to legal adjudication.

<sup>16</sup> D. J. Shoemaker, *Juvenile Delinquency* (Rowman & Littlefield Publishers, Inc., 2009). p65

behaviour developed by the classical theory.<sup>17</sup> Their position is that juveniles are not able to fully appreciate the consequences of their acts and as such they cannot be credited with making clear and rational choices regarding their behaviour.<sup>18</sup>

Criminologists have, therefore, sought to provide theories to examine the series of predictive factors responsible for juvenile delinquency globally. This is premised on the fact that crime is a very complex phenomenon in society. The complexity of crime evidenced the fact that crime and juvenile involvement cannot be explained by a single theory. Instructively, most theorists often disagree with regard to the actual cause of delinquent behaviour. As a result, delinquency and crime have been variously explained in terms of rational choice, biological, physiological, psychological and socio-economic motivations, environment and inadequacies.<sup>19</sup>

The leading philosopher<sup>20</sup> in the classical school fashioned the framework for developing a fair system of justice for society where punishment should offset the gains made from committing crimes.<sup>21</sup> Under the classical theory, the modern view is that, people exercise rational choices in order to commit crime including where or how to commit it.<sup>22</sup> This theory was developed without recognizing the age or mental condition as conditioning factors in the use of punishment as a means to control crime with the assumptions that juveniles are not as rational as adults and that they cannot clearly reason the consequences of their actions.<sup>23</sup> This paper argues that since the application of this theory of classical school to the modern rational theory, the classical theory has not considered the actions of juveniles in their theory and we need to explore other alternative theories of explaining the causes of juvenile delinquency. This is necessitated by the fact that the above theory has imputed liability on all victims of crime.

According to Voldet *al*, behaviour is not only conditioned but also determined by individualistic characteristics which cannot be equated with product of free will or rational

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<sup>17</sup> In the late eighteenth and early nineteenth centuries the classical school propounded the free will theory of investigating criminal and delinquent causation through scientific methods to explain deviant behaviour in an attempt to apply rationality and the rule of law to brutal and arbitrary criminal justice processes. See A. Freda, O. W. M. Gerhard & S. L. Williams, *Criminology and the Criminal Justice System* (6<sup>th</sup> ed. McGraw-Hill, New York, 2007). p.60

<sup>18</sup> D. J. Shoemaker, *Juvenile Delinquency*. (Rowman& Littlefield Publishers, Inc., 2009)

<sup>19</sup> See E.E.O. Alemika, and I. C. Chukwuma, 'Juvenile Justice Administration in Nigeria: Philosophy and Practice' (Centre for Law Enforcement Education, Lagos, 2001) available at <http://www.Cleen.org/Juvenile%20justice%20Report.pdf>. (Accessed on 17<sup>th</sup> February, 2011).

<sup>20</sup> Cesare Beccaria was a leading philosopher in the Classical School of Thought and he developed the Rational Theory with the notion that all people act according to their free will. See Shoemaker, D.J., *Juvenile Delinquency*. P.64

<sup>21</sup> R. Martin, R. J. Mutchinick, and T. W. Austin, *Criminological Thought: Pioneers Past and Present*. (Macmillan, New York, 1990). Cited in D. J. Shoemaker, *Juvenile Delinquency*. P 65

<sup>22</sup> D. B. Cornish, and R.V. Clarke, *The Reasoning Criminal*. (Springer-Verlag. New York, 1986) cited in D. J. Shoemaker, *Juvenile Delinquency*. P66

<sup>23</sup> *Ibid*

choice.<sup>24</sup> Associated with the above position is the theory developed by Cesare Lombroso<sup>25</sup> from the positive school of thought that criminals were born to be criminals and that they were characterized by numerous physical features<sup>26</sup> thereby explaining human behaviour by biological determinism as opposed to the free will or rational choice developed by the classical or rational theory. Also, related to the above theory is the concern for inheritance of criminal traits developed in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries particularly by Richard Dugdale<sup>27</sup> on the Juke Family in upstate, New York when he concluded that crime and other social problems were inherited.<sup>28</sup>

However, the above position was rejected by Glueck and Glueck<sup>29</sup> that trait characteristics determine personality and behaviour. This alternative view suggested that there might be some kind of ‘social selection’ occurring such that physically strong and aggressive males might be encouraged to join gangs where their involvement in delinquent acts would be encouraged.<sup>30</sup> This latter position was associated with recent research and thinking that crime and delinquency were influenced between biological factors and environment.<sup>31</sup>

Psychological theory<sup>32</sup> was also developed to determine juvenile delinquency at the later part of 19<sup>th</sup> century by adopting psychoanalytical<sup>33</sup> and psychopathic personality<sup>34</sup> theories

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<sup>24</sup> G. B. Vold, T. J. Bernard and J. B. Snipes, *Theoretical Criminology* (5<sup>th</sup>eds) (Oxford University Press, New York, 2002). Pp26-28

<sup>25</sup> Cesare Lombroso was influenced with the thinking of Charles Darwin by becoming interested in the physical aspect of crime when he performed autopsies on the cadavers of well-known criminals in Italy. See D. J. Shoemaker, *Juvenile Delinquency*. P67.

<sup>26</sup> Examples are hunched back, long forearms, low forehead etc. See A. K. Cohen, *Deviance and Control* (Englewood Cliffs, NJ, Prentice-Hall, 1996). Pp49-50

<sup>27</sup> Richard Dugdale in 1888 used “family tree” method to study the lineage of Juke family and based on the official data and news accounts he recorded, he found out that Juke family has shown pattern of deviance such as drunkenness, prostitution and crimes for several generations as biological explanation of delinquency.

<sup>28</sup> See D. J. Shoemaker, *Juvenile Delinquency*. Pp.68-69 See *Buck v Bell* (1927) U.S. Supreme Court cited in D. C. Rowe, *Biology and Crime* (Roxbury, Los Angeles, 2002). Pp141-142

<sup>29</sup> S. Glueck and E. Glueck, *Physique and Delinquency*. (Harper and Brothers, New York, 1956). p

<sup>30</sup> *Ibid.*

<sup>31</sup> O. S. Dalgard and E. Kringlen, ‘Criminal Behaviour in Twins’ In *Crime in Society* (Leonard D. Savitz and N. Johnson (eds.) (Wiley, New York, 1978) pp 292-307.

<sup>32</sup> The Psychological theory strictly focused on attitudes and mental characteristics. This was break down to many aspects such as the Psychoanalytic view, Personality factors and the Psychopathic personality. See H. J. Eysenck and S. B. J. Ensenck, ‘Psychopathy, Personality and Genetics’. In *Psychopathic Behaviour*. (R. D. Hare and D. Schilling (eds.) (Wiley, New York, 1978). Pp197-220

<sup>33</sup> This is one of the earliest psychological explanations of crime and delinquency developed by Sigmund Freud who conceptualized the human mind into “the *id*, the *ego* and the *superego*.” “The *id* according to him is the part of the mind that is selfish and full of basic “instincts”, the *ego* regulates and balanced *id* impulses with social restrictions and conventions while the *superego* represents those social conventions.”

which emphasized hidden motives for behaviours which were extended to adopting relationship between intelligence and criminality with violence. However, this paper argues that these theories are inter-related as modern theorists<sup>35</sup> have tended to incorporate interactions between biological and psychological or physiological situations and delinquency as most of the theories have shown some attempts to do further research in a bid to analyse the causes of juvenile delinquency.

Significantly, sociological approaches examine the effects of social structures and processes on the behaviour of individuals and group of people. Societal conditions theoretically affect people's collective perceptions of the availability of opportunities and the intensity of deprivations, so that delinquency and crime are reactions to certain types of environments.<sup>36</sup> Instructively, therefore, sociological theories are used to substantiate the rehabilitation view of justice.<sup>37</sup> If people are controlled by their environment and by their relationship with significant others, then it follows that their behaviour can be changed by improving the quality of their social world.

It is instructive to note that the general position of sociological theorists has been that the cause of juvenile delinquency is found not so much in the youth but in the environment.<sup>38</sup> These environmental factors include cultures, social structures, social opportunities, social control mechanisms and social institutions.<sup>39</sup> Subsequent theories<sup>40</sup> developed under the

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<sup>34</sup> The term psychopath was introduced in the latter part of the 19<sup>th</sup> century and has often been associated with violence as one of the specific behaviours that must be exhibited over a period of time in order to apply the label. See H. Cleckley *The Mask of Sanity* (5<sup>th</sup>ed) (Mosby Saint Louis, 1976).

<sup>35</sup> D. C. Rowe., *Biology and Crime* (Roxbury, Los Angeles, 2002) at p 105 holds the view that "there are no genes for specific behaviours in humans; rather, the genes usually code for proteins and the proteins in turn can affect and interact with a host of physiological traits"

<sup>36</sup> Socio-economic conditions, inequality and deprivation, underclass conditions such as poverty, neighborhood degeneration, low educational achievement, inadequate housing, and family dysfunction are associated with delinquency and criminality. See T. Gabriel, *Penal Philosophy* in Trans. R. Howell (Boston Little Brown, 1912). 252.

<sup>37</sup> Adolphe Quetelet and Andre Michel Guerry were among the first scholars to repudiate the classical free-will doctrine from their working independently on the relation of crime statistics to such factors as poverty, sex, race, age and climate to mention just but few, concluded that society and not the decisions of individual offenders was responsible for criminal behaviour. See Quetelet, "A Treatise on Man." 103.

<sup>38</sup> *Ibid*

<sup>39</sup> W. S. Davidson II, R. Redner, R. L. Amdur and C. M. Mitchell, *Alternative Treatments for Troubled Youth: The Case of Diversion from the Justice System* (Plenum Press, New York, 1990) p12

<sup>40</sup> The pioneer behind conditioning theory is Ivan Pavlov, a Russian physiologist who conducted behavioural experiments on dogs during the late nineteenth and early twentieth centuries. The basic attributes of his experiments were stimulus-response and reward-punishment. His laboratory dogs were stimulated to respond with certain behaviors. Pavlov's methods were remarkably simple: The dogs were rewarded when they responded correctly, and punished when they responded incorrectly. Pavlov's most famous experiment involved conditioning dogs to salivate at the ring of a bell. He initially rang a bell each time the dogs were fed (which stimulated them to salivate), and eventually simply rang the bell without food. The result was that the dogs were stimulated to salivate even though no food was given. Extrapolating these observations to human behaviour, Pavlov's experiments theoretically demonstrate

sociological explanation of delinquent behaviour include the “learning by experience theory.” The theorists hold the view that if behaviour produces desirable consequences, it will increase in frequency and in that case it is said to be reinforced. In contrast, behaviour which produces aversive consequences will decrease in frequency and the behaviour is therefore said to be punished.<sup>41</sup> In essence, criminals and delinquents are stimulated (reinforced) by their environment to continue acting out defiantly until they are punished in some manner. Therefore, when offenders are repeatedly rewarded for their deviance and receive no punishment for breaking the law, they are likely to continue until the authorities catch them.

Similarly, another sociological theory was predicated on family factor as family is a social institution and the immediate environment for juvenile internalization of behaviour and future style of life. Thus, parental neglect, increase in one-parent families and non-marital unions, children who are exposed to or do witness domestic violence,<sup>42</sup> absence of father or mother in many low-income families, can lead children to seek patterns of delinquency from peer groups.<sup>43</sup> At the same time, children whose parents divorced or separated<sup>44</sup> and subsequently remarried have been found to be more likely to have continuing problems with antisocial, coercive and noncompliant behaviour through their upbringing as well as children who lose their parent(s).<sup>45</sup> Parents’ antisocial personality disorder,<sup>46</sup> parental substance abuse, parental psychopathology and depression<sup>47</sup> show many parenting deficiencies associated with increased antisocial behaviour in children such as

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that behaviour is predicated on lifetime stimuli. For a selection of the writings of Pavlov, see I. P. Pavlov, *Selected Works*. (Honolulu, HI, University Press of the Pacific, 2001) 198

<sup>41</sup> *Ibid*

<sup>42</sup> P. Jaffe, D. Wolfe and S. K. Wilson, *Children of Battered Women*. (Newbury Park, CA Sage Publications, Inc., 1990) 108

<sup>43</sup> J. D. Hawkins, T. Herrenkohl, D. P. Farrington, D. Brewer, R. F. Catalano, and T. W. Harachi, “A review of predictors of youth violence.” In *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions*, edited by R. Loeber and D. P. Farrington (Thousand Oaks, CA Sage Publications, Inc, 1998.) 106–146

<sup>44</sup> See R. J. Sampson, “Urban black violence: The effect of male joblessness and family disruption”, *American Journal of Sociology*, 1987)93:348–382, he postulated that, on average, children from single-mother households are at increased risk for poor behavioural outcome as a result of their fewer economic resources, mental health problems, higher levels of residential mobility, fewer resources to monitor their children’s activities and where about. Cumulatively, each of these factors contributes to increased levels of early childhood behaviour problems.

<sup>45</sup> T. Hirschi, *Causes of Delinquency*. (University of California Press Berkeley, CA, 1996.) 148

<sup>46</sup> B. B. Lahey, J. C. Piacentini, K. McBurnett, P. Stone, S. Hartdagen, G. Hynd, “Psychopathology in the parents of children with conduct disorder and hyperactivity”, *Journal of the American Academy of Child and Adolescent Psychiatry*, 1988, 27:163–170

<sup>47</sup> The Pittsburgh Youth Study has shown that the association between delinquency and parental anxiety or depression was stronger in younger than in older children. See R. Loeber, D. P. Farrington, M. Stouthamer-Loeber, and W. B. Van Kammen, *Antisocial Behavior and Mental Health Problems: Explanatory Factors in Childhood and Adolescence*. Mahwah, NJ: (Lawrence Erlbaum, 1998). Available at <http://www.ncjrs.gov/html/ojjdp/.../contents.ht...> (Accessed 20<sup>th</sup> October, 2011)

inconsistency, irritability, lack of supervision and increased rates of psychiatric disorder among school-aged children.

Another closely connected predictive factor of delinquency to family factor is child abuse and trauma. In modern world, evidence abound that many children and young persons are subjected to abuse and are traumatised every day.<sup>48</sup> Thus, the correlation between the abuse of young person and the development of serious problems in life is not a surprising one and may turn out to be one of the most significant factors in the development of delinquent behaviour.<sup>49</sup>

Peer pressure can also cause a juvenile to become involved in delinquent and illegal behaviour.<sup>50</sup> In many cases, pressure from peer group may be a principal cause of juvenile delinquency. Young persons are influenced under intense pressure from their peers to participate in criminal or other antisocial activities in order to feel that they belong. Youth policies seldom reflect an understanding of the role of the peer group as an institution of socialisation.<sup>51</sup>

Akin to sociological theory is the exposition of fixing delinquency and criminality to the reflection of the political and social discord of a particular period in society. Criminologists have linked delinquency and criminality to society's inequitable, ideological, political, and socio-economic makeup.<sup>52</sup> They argued that because power and wealth have been unequally distributed, those who have been politically and economically shut out understandably resort to criminal antagonism against the prevailing order.<sup>53</sup> The plight of ethnic minorities, bombing saga, kidnapping and migrants, including displaced persons and refugees in certain parts of the world including Nigeria, is especially distressing. The countries in transition like Nigeria are facing challenges in this respect, with the associated insecurity and turmoil contributing to an increase in the numbers of children and juveniles neglected by their parents and suffering abuse and violence at home.<sup>54</sup>

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<sup>48</sup> C. B. Siegfried, S. J. Ko & A. Kelley, "Victimization and Juvenile Offending." (National Child Traumatic Stress Network, 2004). Available at [http://www.nctsn.org/nctsn\\_assets/pdfs/edu\\_materials/victimization\\_juvenile\\_offending.pdf](http://www.nctsn.org/nctsn_assets/pdfs/edu_materials/victimization_juvenile_offending.pdf) (Accessed on 28<sup>th</sup> April, 2009)

<sup>49</sup> *Ibid*

<sup>50</sup> See Mason, A., "Self-Esteem and delinquency revisited (again): A test of Kaplan's self-derogation theory of delinquency using latent growth curve modeling", *Journal of Youth and Adolescence*, 2001,30(1), 83-101. Available at [http://www.ehow.com/info\\_8260115\\_causes-effects-solutions-juvenile-delinquency.html](http://www.ehow.com/info_8260115_causes-effects-solutions-juvenile-delinquency.html). (Accessed on 25<sup>th</sup> May, 2012)

<sup>51</sup> World Youth Report. (2004). "Juvenile delinquency." Available at <http://www.un.org/esa/socdev/unyin/documents/ch07.pdf>. (Accessed on 2<sup>nd</sup> February, 2011)

<sup>52</sup> See B. Krisberg, *Crime and Privilege: Towards a New Criminology*. (Englewood Cliffs, N.J, Prentice-Hall, 1975) 128

<sup>53</sup> William Bonger made the first consistent attempt to provide a Marxist framework for the analysis of crime. He sought to establish a causal link between crime and material conditions by looking at the effects of competition and 'egoism' on 'criminal thought'.

<sup>54</sup> See B. Krisberg, *Crime and Privilege: Towards a New Criminology*. *Ibid* 135

Another famous predictor of delinquency under the sociological theory is the school organisation and community which play a vital role in the development of children. The generality of the school environment may affect children positively and or negatively.<sup>55</sup> A further specific school influence for delinquency is poor academic performance. Children who perform poorly in academic tasks will fail to develop strong bonds to school and will have lower expectations of success.<sup>56</sup>

The review of the foregoing theoretical literature concludes that it is more likely that delinquents and criminals have a tendency to act and feel in certain ways and in certain situations as opposed to taking a single theory of explanation of deviant behaviours. This paper therefore argues that in order to give a more comprehensive explanation of juvenile delinquency, the social conditions<sup>57</sup> need to be considered as the most factors that can affect criminal behaviour irrespective of biological, physiological or psychological traits.<sup>58</sup>

This paper is in support of this sociological theory of juvenile delinquency on the basis that despite some meaningful contributions to our understanding, the biological, physiological and psychological explanations of juvenile delinquency neglect the most prominent aspect of deviance, that is, like any other human activity, deviant behaviour is inherently “social” in nature. For an individual to be deviant/delinquent, he/she must be involved with other people. Likened to author’s assumption was a longitudinal research that has shown<sup>59</sup> that

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<sup>55</sup> J. D. Cole, R. A. Terry, K. Lenox, J. E. Lochman and C. Hyman, “Childhood peer rejection and aggression as predictors of stable patterns of adolescent disorder.” *Development and Psychopathology* edited by R. Loeber and D.P. Farrington. (Thousand Oaks, CA Sage Publications, Inc., 2001) 211–246.

<sup>55</sup> T. I. Herrenkohl, J. D. Hawkins, I. J. Chung, K. G. Hill, and S. Battin-Pearson, “School and community risk factors and interventions.” In *Child Delinquents: Development, Intervention, and Service Needs*. *Ibid* 231–246.

<sup>56</sup> E. Maguin and R. Loeber, “Academic performance and delinquency.” In *Crime and Justice: A Review of Research*, vol. 20, edited by M. Tonry. Chicago, IL: (University of Chicago Press, 1996) 145–264

<sup>57</sup> The Social theory was developed by Lawrence Kohlberg who argued that people grow in stages starting from the “preconventional” level followed by the “Conventional” level and by the “postconventional” level. He holds the view that “the preconventional level of moral development occurs from birth to age 7; the conventional level occurs between ages 8-12 and the post conventional level occurs from age 12 onward” See S. Lawrence, *Child and Adolescent Development* (Macmillan, New York, 1988). 577

<sup>58</sup> The Social theory is a broader theory that are viewed as intertwined or connected to form a more complete view of the factors affecting human growth and behaviour. Huang et al. were of the view that, “young people learn behaviour from those in their social circles” like “home and school.” See B. Huang, R. Kosterman, R. F. Catalano, J. D. Hawkins and R. D. Abbott, “Modeling Mediation in the Etiology of Violent Behaviour in Adolescence: A Test of the Social Development Model”, *Criminology*, 2001, vol. 39. 75-107

<sup>59</sup> Studies have been conducted in many countries like New Zealand, United States, Oregon and Iowa where the findings concluded that delinquents and criminals are not necessarily born with impulsiveness but that the trait is “learned” in ways in which other behaviours and attitudes are learned. See T. E. Moffitt, “Juvenile Delinquency and Attention Deficit Disorder: Boys’ Developmental Trajectories from Age 3 to Age 15”, *Child Development*, 1990, 61: 893-910.

the sociological theory has been acclaimed to be more broaden in scope and contents. Also, many theorists<sup>60</sup> have confirmed it to be more realistic and that it is able to address many of the points raised in other theories discussed earlier in this paper. According to Gottfredson and Hirchi,<sup>61</sup> “impulsiveness and low self-control are acquired from early childhood experiences, namely, usually by around age ten, they tend to stay with individual throughout his/her life and do not change significantly over the course of one’s life.” However, these kinds of explanations of deviant behaviours are better understood in Nigeria by empirical evidence which this paper seeks to explore.

In Nigeria, however, no particular theory is adopted as a model for explaining juvenile delinquency. Studies conducted by Alemika and Chukwuma,<sup>62</sup> Makinde,<sup>63</sup> Olotuah and Adesiji,<sup>64</sup> Ekpenyong, Raimi and Ekpenyong,<sup>65</sup> Sanniet al,<sup>66</sup> Adegun,<sup>67</sup> Okorodudu,<sup>68</sup> and Fawole and Awoniyi<sup>69</sup> on juvenile delinquency in Nigeria have shown that juvenile justice system is very poor and that juvenile delinquency is on the increase due to urban poverty, poor housing, poor parenting style and family instability which tends to generate slums and later fuel the children’s deviant behaviour without averting their minds to some other predictive factors of juvenile delinquency like peer group influence, drug addiction, low socio-economic background and lack of equal opportunity for social and emotional adjustment among others. However, the status of the existing literature in Nigeria on the subject matter has been provided as a template for the field investigation described in this paper.

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<sup>60</sup> Theorists like, Sampson and Laub, Moffitt et al., James Coleman, Toby Jackson, Benson and Thornberry et al. See R. J. Sampson, and J.H. Laub, *Crime in the Making: Pathways and Turning Points through Life* (Harvard University Press, Cambridge, MA, 1993).

<sup>61</sup> M. R. Gottfredson and T. Hirschi, *A General Theory of Crime* (Stanford University Press, Stanford CA, 1990).140-141

<sup>62</sup> E. E. O. Alemika and I. C. Chukwuma, ‘Juvenile Justice Administration in Nigeria: Philosophy and Practice’ (Centre for Law Enforcement Education, Lagos, 2001)

<sup>63</sup> O. Makinde, *Understanding the Dynamics of Crime in Lagos*. (Spectrum Books, Lagos, 2007). 10

<sup>64</sup> A. O. Olotuah and O. S. Adesiji, *Housing Poverty: Slum Formation and Deviant Behaviour*. (Federal University of Technology Press, Akure, 2009). 12

<sup>65</sup> N. S. Ekpenyong, L. Raimi, and A. S. Ekpenyong, Urban Poverty and Juvenile Delinquency in Nigeria: Through the Lens of Port Harcourt Remand Home Inmates in Research on Humanities and Social Science ISSN 2222-1719 (Paper) ISSN 2222-2863 Vol. 2, No. 8, 2012. Available at <http://www.iiste.org> Accessed on 25<sup>th</sup> February, 2015.

<sup>66</sup> B. Sanni, A. Kudirat, U. Nsiong, Abayomi A. Okediji, M. N. Felicia and Ezech, N. Leonard, “Family Types and Juvenile Delinquency Issues among Secondary School Students in Akwa Ibom State, Nigeria: Counseling Implications”, *Journal of Social Sciences*, 2010, vol. 23 No. 1

<sup>67</sup> O. A. Adegun, An Alysiss of the Offences Committed by Youths in Selected Remand Homes in South West Nigeria, Implication for School Administrators. Available at <https://www.cengagebrain.com.au/content/9781133684190.pdf> Accessed on 25<sup>th</sup> February, 2015.

<sup>68</sup> G. Okorodudu, Influence of Parenting Style on Adolescent Delinquency in Delta Central Senatorial District. Available at <http://www.ajol.info/index.php/ejc/article/viewfile/52682/41286>

<sup>69</sup> O. A. Fawole and D. O. Awoniyi, ‘Parents as Risk Factor for Delinquency’ (2011) 3(1) *Ilorin Journal of Sociology*, Vol. 3 No. 1 2011)

#### 4. Review of the Legal and Institutional Frameworks for Juvenile Delinquency in Nigeria

This section examines whether the existing legal and institutional framework on handling of delinquent child is adequate and effective in Nigeria. Due to global increase in juvenile delinquency<sup>70</sup> and lack of definite provisions dealing with “children who are in conflict with the law” or “in need of care and protection” in the Nigerian Constitution,<sup>71</sup> the concept of child justice administration in Nigeria was formally evolved with the enactment of Children and Young Persons Act<sup>72</sup> (CYPA) and later with Child Rights Act<sup>73</sup> (CRA) after Nigeria signed the international instruments.<sup>74</sup> This paper argues that presently, Nigeria has two types of legislation on the issues of child delinquency.<sup>75</sup> The CYPA had been in use and is still being used by some states in the administration of juvenile justice<sup>76</sup> in Nigeria. However, the CYPA does not place the principle of the best interest of the delinquent as paramount consideration when dealing with him/her as emphasised in the CRA. It places more emphasis on punitive measures rather than the welfare of the child.<sup>77</sup>

But with the enactment of CRA in Nigeria, the need for proper care, protection, treatment and development in the administration of child justice which provides and protects the rights of a Nigerian child and other related matters are given primacy.<sup>78</sup> It therefore puts in place “a child-friendly approach in the adjudication and disposition of matters in his/her best interest”<sup>79</sup> and best ways to secure his/her ultimate rehabilitation through various institutions established under this enactment.” However, the Act has no precision on what must be done to ensure “the best interest of the child” such as ensuring that all necessary investigations have been conducted by qualified professionals in the field of psychology, sociology, criminology, Mental Review Tribunal etc.<sup>80</sup> The CRA provides for the

<sup>70</sup> Juvenile Justice Report: ‘Juvenile Justice in Nigeria’ Available at <http://www.britannica.com/EBchecked/topic/kuvenilejustice/nigeria> Accessed on 2nd February, 2012

<sup>71</sup> Reference can only be inferred from chapter four of the 1999 Nigerian Constitution which generally protects Nigerian Citizens on Fundamental Human Rights

<sup>72</sup> See the Children and Young Persons Act cap 32, Laws of the Federation of Nigeria and Lagos, 1958. Available at [www.cleen.org/Juvenile%20Justice%20Repert](http://www.cleen.org/Juvenile%20Justice%20Repert). Accessed on 20<sup>th</sup> January, 2010

<sup>73</sup> Child Rights Act, cap C50 Laws of the Federation of Nigeria, 2003

<sup>74</sup> The International instruments are the United Nations Convention on the Rights of the Child” (UNCRC), 1989 and the African Charter on the Rights and Welfare of the Child, 1990

<sup>75</sup> The legislation are the CYPA and the CRA.

<sup>76</sup> Child Rights Act has been promulgated into Law in only twenty-three States which are Abia, Anambra, Bayelsa, Ebonyi, Ekiti, Imo, Jigawa, Kwara, Lagos, Nassarawa, Ogun, Ondo, Plateau, Rivers, Taraba, Kogi, Oyo, Benue, Osun, Edo, Delta, Cross River, Akwa Ibom Available at [www.iags.org](http://www.iags.org) See also, [www.unicef.org/wcaro/WCARO\\_Nigeria\\_Factsheets\\_CRA.pdf](http://www.unicef.org/wcaro/WCARO_Nigeria_Factsheets_CRA.pdf) Accessed on 18th January, 2013.

<sup>77</sup> An example is the provision of Section 27 of the CYPA which directs the court to order a child who is beyond parental control to be kept with a probation officer.

<sup>78</sup> See Long title to the Nigerian Child Rights Act, 2003. See also Sections 50 and 204 of CRA

<sup>79</sup> Section 1 of the Child Rights Act provides - that the best interest of the child shall be the primary consideration in any action taken against a child.

<sup>80</sup> For example, it has been contended by H. Prins, *Offender, Deviants or Patients? Explorations in Clinical Criminology* (4<sup>th</sup> ed.) (Routledge, Taylor & Francis Group, London and New York, 2010). 68-

establishment of ‘Family court,’<sup>81</sup> ‘children residential and children correctional centres’<sup>82</sup> and the ‘child care, guidance and supervision.’<sup>83</sup> However, the children residential and children correctional centres are yet to be implemented<sup>84</sup> as the states in the federation are still using remand homes, approved schools or reformatory schools and Borstal institutions.<sup>85</sup> The CRA is a federal Act on a subject which is not within the exclusive legislative competence of the Federal Government. The Act (with the exception of the Federal Capital Territory, Abuja which has direct application) can only become binding on States in the federation if it is approved by a simple majority of all the States or if in the alternative, interested States pass their own version with or without reference to the Federal Statute.<sup>86</sup>

It is the author’s contention that in practice, delinquent child in Nigeria is confronted with non-uniformity of law and procedure as some states are using the old order of CYPA as against the international standard. Also, delinquent child is still being tried in the conventional court environment with the same Magistrate handling adults’ criminal cases even in those states that have domesticated the CRA.<sup>87</sup> The paper argues that the above problems expose children to potential dangers of associating with hardened criminals and act against the spirit behind the administration of child justice which protects the rights of child offender from being mingled with adult offenders.

## **5. Presentation of Data Analysis**

This section examines the field work conducted in respect of the predictive factors of juvenile delinquency and whether the legal and institutional frameworks are adequate and effective in addressing the challenges faced by juveniles in Nigeria. The respondents were

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101. Available at [www.eprints.hud.ac.uk](http://www.eprints.hud.ac.uk) accessed on 13<sup>th</sup> July, 2012 that before any examination on how to handle a child offender is conducted, there must be enquiries into the mental state of the child and allied matters and there must be hospital and penal provisions.

<sup>81</sup> Section 149 of Part XIII *ibid*. The word Child justice court and children’s court were used under both old (old Child Justice Act and Child Cares Act) and the new South African Child Justice Act and Children’s Act respectively

<sup>82</sup> Section 248 of the CRA

<sup>83</sup> Part XXI of the CRA

<sup>84</sup> Studies conducted by M. A. Abdulraheem-Mustapha, *An Analysis of the Framework for Juvenile Justice Administration in Nigeria*. Unpublished (Ph.D. Law, Faculty of Law, University of Ilorin, Nigeria. 2014).

<sup>85</sup> The Laws of the Federal Republic of Nigeria (LFN) 2004 has not been amended to reflect the new names. For instance, the Remand home and Borstal institution are still retained in the LFN as ‘the Borstal Institutions and Remand Centre Act’ despite the enactment of CRA. See *Borstal Institutions and Remand Centre Act No. 32 1960 now cap B38 Laws of the Federation of Nigeria 2004*.

<sup>86</sup> See B. Owasanoye, M. Wenham, *Street Children and Juvenile Justice System in Lagos State of Nigeria* p. 11 cited in H. C. Okoro, ‘Juvenile Justice Administration in Nigeria and International Standards on the Rights of the Child’.

<sup>87</sup> Studies conducted by M. A. Abdulraheem-Mustapha, *An Analysis of the Framework for Juvenile Justice Administration in Nigeria*.

required to express their opinion on a 5-point Likert type scale (5= strongly agree (SA), 4 = Agree (A), 3 = Disagree (D), 2 = Strongly Disagree (SD) and 1 = Undecided (UD)).

**Table 5.1: Responses indicating frequencies and percentage of the Prevailing Factors of Juvenile Delinquency in Nigeria**

| S/NO | ITEMS                                                                                                                                        | SA           | A            | SD           | D            | UD         | TOTAL       |
|------|----------------------------------------------------------------------------------------------------------------------------------------------|--------------|--------------|--------------|--------------|------------|-------------|
| 1    | Respondents' views on whether the need to be recognised makes some children engage in Juvenile Delinquency                                   | 323<br>(26%) | 320<br>(25%) | 340<br>(27%) | 234<br>(19%) | 41<br>(3%) | 1258<br>100 |
| 2    | Respondents' views on whether Exposure of Children to different Types of Foreign Films aggravates Criminal Tendency among Children           | 685<br>(55%) | 418<br>(33%) | 30<br>(2%)   | 96<br>(8%)   | 29<br>(2%) | 1258<br>100 |
| 3    | Respondents' views on whether Low Socio-economic Background may lead Children to Commit Delinquent acts                                      | 593<br>(47%) | 362<br>(29%) | 50<br>(4%)   | 221<br>(18%) | 32<br>(2%) | 1258<br>100 |
| 4    | Respondents' views on whether Laxity of Parents/Guardians in Child up bringing may lead to Development of Delinquent acts among Youths       | 846<br>(67%) | 217<br>(17%) | 36<br>(3%)   | 124<br>(10%) | 35<br>(3%) | 1258<br>100 |
| 5    | Respondents' views on whether Lack of Equal Opportunities for Social and Emotional Adjustment for Children may leads to Juvenile Delinquency | 226<br>(18%) | 779<br>(62%) | 51<br>(4%)   | 146<br>(12%) | 56<br>(4%) | 1258<br>100 |
| 6    | Respondents' views on whether Peer Group Influence contributes to Involvement of Children in Delinquency                                     | 803<br>(64%) | 300<br>(24%) | 52<br>(4%)   | 62<br>(5%)   | 41<br>(3%) | 1258<br>100 |

|    |                                                                                                                       |                |                |              |              |              |             |
|----|-----------------------------------------------------------------------------------------------------------------------|----------------|----------------|--------------|--------------|--------------|-------------|
| 7  | <i>Respondents' views on whether Drug Addiction has the tendency for Children Involvement in Juvenile Delinquency</i> | 896<br>(71.2%) | 275<br>(21.9%) | 23<br>(1.8%) | 43<br>(3.4%) | 21<br>(1.7%) | 1258<br>100 |
| 8  | <i>Respondents' views on whether Child Abuse by parent may make Children Vulnerable to Juvenile Delinquency</i>       | 876<br>(70%)   | 175<br>(14%)   | 50<br>(4%)   | 127<br>(10%) | 30<br>(2%)   | 1258<br>100 |
| 9  | <i>Respondents' views on whether Children from Single Parenthood are Prone to Delinquency</i>                         | 693<br>(55.1%) | 443<br>(35.2%) | 25<br>(2%)   | 55<br>(4.4%) | 42<br>(3.3%) | 1258<br>100 |
| 10 | <i>Respondents' views on whether Domestic Violence may lead to Delinquency</i>                                        | 438<br>(35%)   | 360<br>(29%)   | 269<br>(21%) | 155<br>(12%) | 36<br>(3%)   | 1258<br>100 |

As shown in table 5.1 above, the majority of the respondents, 51% (643), strongly agree and agree that the need to be recognised makes some children to engage in juvenile delinquency. Similarly, from the result emanating in table 5.1 above, the combination of respondents that strongly agree and agreed respectively, representing 88% (1,103), demonstrates a very strong correlation between exposure to foreign films and children's inclination to committing crime.

*From the respondents examined in table 5.1 above, 76% (955) of them strongly agree and agree that low socio-economic background may lead children to commit delinquent acts and the data presented also shows that the majority of the respondents, 84% (1063), strongly agreed and agree that laxity on the part of parents/guardians in child upbringing (e.g, poor parenting) may lead to the development of delinquent acts among youths.*

*In addition, the data presented in table 5.1 above indicates that the majority of the respondents, 80% (1005) strongly agree and agree that lack of equal opportunities for social and emotional adjustment for children may lead them to be delinquents. Also, the data presented above indicates that the majority of the respondents, 88% (1103), strongly agree and agree that peer group influence contributes to the involvement of children in delinquency.*

*It has also been revealed in table 5.1 above that the majority of the respondents of 1,171 (93.1%) representing those that strongly agree and agree are in agreement that drug addiction tends to make children get involved in juvenile delinquency and with a clear difference of 1,051 of the respondents, representing 84% strongly agree and agree respectively that child abuse by parents may make children vulnerable to juvenile delinquency. Table 5.1 equally shows that 90.3% (1136) strongly agree and agree that children of single parents are prone to delinquency and majority of respondents, 64% (798), strongly agree and agree that domestic violence may lead to juvenile delinquency.*

**Table 5.2: Responses indicating frequencies and percentage of the Workings of the Legal and Institutional Frameworks on Juvenile Delinquency in Nigeria**

| S/N<br>O | ITEMS                                                                                                                | SA             | A            | SD             | D              | UD           | TOTAL       |
|----------|----------------------------------------------------------------------------------------------------------------------|----------------|--------------|----------------|----------------|--------------|-------------|
| 1        | Respondents' views on whether Laws and Policies on the Rights of the Child are adequate to address Juvenile Offences | 159<br>(13%)   | 125<br>(10%) | 519<br>(41%)   | 409<br>(33%)   | 46<br>(3%)   | 1258<br>100 |
| 2        | Respondents' views on whether the existing legal measures to regulate juvenile justice administration are adequate   | 277<br>(21.8%) | 61<br>(4.8%) | 448<br>(35.6%) | 454<br>(36.1%) | 21<br>(1.7%) | 1258<br>100 |
| 3        | Respondents' views on whether the Refusal to Enact Child Right Law                                                   | 516<br>(41%)   | 432<br>(34%) | 125<br>(10%)   | 149<br>(12%)   | 36<br>(3%)   | 1258<br>100 |

|   |                                                                                                                                                                |                |                |                |                |            |             |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|----------------|----------------|------------|-------------|
|   | by some States adversely affect Juvenile Justice Administration                                                                                                |                |                |                |                |            |             |
| 4 | Respondents' views on whether the Existing Laws and Policies on Juvenile Custodial Institutions are Adequate                                                   | 267<br>(21%)   | 201<br>(16%)   | 473<br>(38%)   | 243<br>(19%)   | 74<br>(6%) | 1258<br>100 |
| 5 | Respondents' views on whether the responsibilities of Rehabilitation/Correctional Homes are fully provided in the Laws and Policies on the Rights of the child | 490<br>(39%)   | 551<br>(44%)   | 58<br>(5%)     | 104<br>(8%)    | 55<br>(4%) | 1258<br>100 |
| 6 | Respondents' views on the Effectiveness of Juvenile Custodial Institutions in Juvenile Justice Administration                                                  | 490<br>(39%)   | 551<br>(44%)   | 58<br>(5%)     | 104<br>(8%)    | 55<br>(4%) | 1258<br>100 |
| 7 | <i>Respondents' views on whether the use of Children Remand Homes would provide Corrective Measure to reduce Juvenile Delinquency</i>                          | 417<br>(33%)   | 690<br>(55%)   | 50<br>(4%)     | 87<br>(7%)     | 14<br>(1%) | 1258<br>100 |
| 8 | <i>Respondents' views on whether the juvenile Institutions are adequately funded</i>                                                                           | 225<br>(17.9%) | 195<br>(15.5%) | 492<br>(39.1%) | 321<br>(25.5%) | 25<br>(2%) | 1258<br>100 |

**Table 5.2.1: Respondents' views on the Effectiveness of the following Institutions in Juvenile Justice Administration**

| <b>Response</b>     | <b>Effective</b> | <b>Not effective</b> | <b>Undecided</b> | <b>Rank Order</b> |
|---------------------|------------------|----------------------|------------------|-------------------|
| Prison              | 501(39.8%)       | 635(50.5%)           | 122 (9.7%)       | 4                 |
| Borstal Institution | 663(53%)         | 542(43%)             | 53 (4%)          | 1                 |
| Govt Approved Sch   | 517(41%)         | 693(55%)             | 48 (4%)          | 3                 |
| Police Cell         | 457 (36%)        | 653 (52%)            | 148 (12%)        | 5                 |
| Remand Home         | 554(44%)         | 592(47%)             | 112(9%)          | 2                 |

*The data shown in table 5.2 above indicates that the majority of the respondents 74% (928) strongly disagree and disagree that laws and policies on the rights of the child in Nigeria are adequate to address juvenile offences. The data also shows that 71.7% (902) respondents strongly disagree and disagree that the existing legal measures to regulate juvenile justice administration in Nigeria are adequate. When the respondents were questioned on whether the refusal to enact the Child Right Law by some states adversely affects juvenile justice administration in those states, the overwhelming majority of 948 (75%) as revealed in table 5.2 above strongly agree and agree. For example when some of the respondents were told to freely comment on their responses in an interview,<sup>88</sup> one of them, a Legal Practitioner in Ilorin says: "In fact, the inability to implement the Child Right Law by some states in the federation affects juvenile justice administration."*

*Similarly, from the data presented in table 5.2 above, the overwhelming majority of 57% (716) respondents strongly disagreed and disagree that the existing laws and policies on juvenile custodial institutions in Nigeria are adequate. This means that the existing laws and policies on juvenile custodial institutions in Nigeria are insufficient. Also, the data presented in table 5.2 reveals that majority of the respondents representing 83% (1041) strongly agree and agree that the responsibilities of rehabilitation/correctional homes are fully provided in the laws and policies on the rights of the child.*

It has also been revealed in table 5.2 above that the juvenile custodial institutions are performing creditably well. This is shown from the respondents' responses where 83% (1041) of them strongly agree and agree that juvenile justice custodial institutions are effective. To buttress the above assertion, there are respondents' responses in another interval in table 5.2 above where the majority of respondents, 88% (1107) strongly agree and agree that the use of children remand homes would be a corrective measure to reduce juvenile delinquency. However, from table 5.2.1 above, Borstal home was ranked 1<sup>st</sup> in the juvenile justice administration with 663 representing (53%). With 554 (44%) respondents, Remand Home was ranked 2<sup>nd</sup> in the Juvenile justice administration. With 517 (41%) respondents, Government Approved School was ranked 3<sup>rd</sup> in juvenile justice administration. This was followed by Prison with 501 (39.8%) and lastly the Police Cell with 457 (36%).

## **6. Discussion on the Findings and its Implications**

The major findings in tables 5.1 have answered research question 1. The findings show that there is relationship between delinquency and social nature of explaining the theory of juvenile delinquency in Nigeria. These findings are further corroborated by Makinde, Olutuah and Adesiji, Ekpenyong, Raimi and Ekpenyong, Sanni *et al*, Adegun, Okorodudu, and Fawole and Awoniye on issues of parental neglect. The implications of the findings show insecurity, unequal distribution of wealth, lack of social constraint and lack of enough commitment by the Nigerian government to the plight of delinquent children thereby exposing them to potential dangers.

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<sup>88</sup> Interviews conducted in Ilorin dated 18<sup>th</sup> and 20<sup>th</sup> February, 2014

The findings in tables 5.2 and 5.2.1 have answered the research questions 2, 3, and 4 that there are existing legal and institutional frameworks on juvenile delinquency. However, the existing frameworks are not adequate and effective as the findings revealed. The finding was corroborated by the responses garnered from some respondents interviewed particularly Borstal officials in Kaduna and Kwara States to the extent that, the institutions on juvenile delinquency suffered from lack of adequate facilities, funding, personnel, etc.<sup>89</sup> This corroborated the findings of Alemika and Chukwuma that administration of juvenile justice in Nigeria is very poor as this may also be due to the refusal of some states in the federation to domesticate the Child Rights Act as revealed from the findings. It is therefore observed that the legal and institutional frameworks for juvenile delinquency in Nigeria have not met-up with the international standard despite Nigeria being signatory to the international and regional instruments. This portrays that the old colonial legislation i.e. the CYPA which has punitive flavour is still relied on as operational legislation on juvenile delinquency in Nigeria.

The findings in table 5.2.1 also revealed that the ranking of the Borstal institution at first shows the connection that Borstal institution provides two types of training (vocational and educational training), but from the interview conducted,<sup>90</sup> it was revealed that there are three Borstal institutions in Nigeria sited in Kaduna State, Kwara State and Ogun State respectively. The implication is that the three Borstal institutions are congested and this leads to institutionalizing juvenile offenders in prisons with adult inmates as opposed to the international practice.

## **7. Conclusion and Recommendations**

Delinquency and practice of juvenile justice do not occur in a vacuum but in a social content as shown in this paper but this does not mean that individual factors such as the biological makeup, psychological functioning and physiological traits of deviant behaviour do not play a role in delinquency or the operation of juvenile justice. Nor does it imply that individuals do not make often conscious choices to engage in delinquent behaviours. However, this study recognizes that individuals and the choice they make cannot be adequately understood without considering the social context within which the delinquents live and act.

The empirical examination of the prevailing causes of juvenile delinquency leads to the conclusion that the parents and government need to provide holistic approaches towards reducing this menace in order to have a law abiding citizen in Nigeria. Based on the foregoing, this paper makes the following suggestions:

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<sup>89</sup> Interview conducted in Borstal Institutions in Kaduna and Ilorin dated 12<sup>th</sup> February, 2014 and 18<sup>th</sup> February, 2014 respectively in Studies conducted by M. A. Abdulraheem-Mustapha, *An Analysis of the Framework for Juvenile Justice Administration in Nigeria*.

<sup>90</sup> Ibid

- 1 Parents should be sensitized on the need to provide sound education to their children. In so doing, the government must design model educational programmes to assist families and children by providing them with information that informs parent on how to raise healthy children and teach children about the effects of drugs, gang involvement, sex, and weapons. These programmes will instill young persons with an awareness that will allow them to exercise discretion in decision making.
- 2 In order to curb crimes committed by delinquents especially through the factor of drug abuse, it is suggested that medical measures should be intensified. By this, the paper suggests the use of *eugenics* method which involves the practice of sterilization of delinquent addicted to drugs in order to avoid reoccurrence of crime. If society sterilizes deviants, ultimately there would be no more deviants in the population.
- 3 Designing several types of school programmes will serve as interventions for reducing aggressive behaviour in the classroom. This paper supports the postulation of Greenberg and some other scholars,<sup>91</sup> when they opined that schools should design programme that will enhance development of social competence curricula to promote norms against aggressive, violent, and other anti-social behaviours. Conflict resolution and violence prevention curricula, bullying prevention programmes, multicomponent classroom programmes to improve academic achievement and reduce anti-social behaviour, afterschool recreation programs, and mentoring programmes will also help in a greater ways.
- 4 In view of the finding that Borstal institutions are effective, there is need for more of the institutions in Nigeria to reduce congestion and to avoid juveniles' incarceration in prisons so as to address juvenile delinquency in Nigeria. In addition, government should provide adequate funding of juvenile justice institutions as this would have positive impact on juvenile justice administration in Nigeria.
- 5 States that have not enacted the Child Rights Law should be encouraged to do so in order to ensure adequate and effective juvenile justice administration in Nigeria. In so doing, the existing provisions of CYPA should be repealed and provisions of the Child Rights Act and its equivalent provisions in all the states should be implemented in order to evolve a child justice system regime that will be humane and responsive.
- 6 There should be structural reforms towards economic efficiency, equity and democracy as a critical turning point in solving the problems of juvenile delinquency. It is also expected that such reform will allow for better resource management and improve social, economic and political conditions of Nigerian citizens thereby reducing juvenile delinquency to the barest minimum in Nigeria.

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<sup>91</sup> M. T. Greenberg, "Improving peer relations and reducing aggressive behaviour: The classroom level effects of the PATHS curriculum." Paper presented at the Society for Research in Child Development, (Washington, DC, 1997).