

# Â GENERAL INTRODUCTION TO CRIMINAL LAW

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The Nigerian society is made up of a collection of different people that are diverse in a lot of respects. In the course of the daily interactions between these peoples, some people intentionally or inadvertently step on the toes of some others. In order for peace and order to be maintained in the society, redress has to be put in place to check the excesses of the defaulting party(s).

It is on this premise that criminal law has to be put in place by the government in order to regulate the actions of citizens towards each other or to the government and vice versa.

## Different Definitions Of Criminal Law

As with most other concepts in law, there is no universally accepted definition of criminal law. However, all definitions of criminal law must state that it is a set of rules, it prescribes offences and provides the punishment thereof.

Criminal law can be defined as a codified set of rules that control and regulate certain acts which are criminal in the society. It is also defined as an aspect of law that classifies certain kinds of behaviours as offences to the state. These offences don't necessarily violate private rights and they are punishable by the state.

Criminal law can also be defined as the branch of law that concerns the citizenry more than any other branch of law. It controls the aspects of human behavior that concerns relation between the citizen, his neighbour and the state.

It is arguable that criminal law is selective. This is because it punishes only some kinds of human conduct and this is usually subjective. This means that some acts that are considered crime in some areas might not be considered so in the criminal law of another.Â A good example is that of adultery. Adultery is considered as a crime in the Northern part of Nigeria;Â **s.387 and 388 Penal Code**. In the Southern part, it isn't considered a crime.

## What Is A Crime?

In Criminal Law, the most important subject matter is the crime. The main purpose of criminal law is to curb crime. What then is a crime?

A crime can be defined as an anti-social behavior that falls within the general disapproval of the state or the society. It can also be understood as an act or omission which is considered grievous by the society in order to warrant being punishable by the laid down set of rules.

A crime can also be understood as a breach of rules that leads to the accusatorial procedure controlled by the state and is liable to punishment.

To give a juristic approach to the definition of crime, it has been defined byÂ **Okonkwo and Naish**Â as "those breaches of the law resulting in special accusatorial procedure controlled by the state and liable to sanction over and above compensation and cost".

It has also been defined byÂ **Richard Quinney**Â in his bookÂ *The Social Reality of Crime*Â as "human conduct that is prohibited by authorized agent in a politically organised society".

Crime has also been defined in the case ofÂ *R vs Taylor*Â as an act committed or omitted in violation of public law either forbidding or commanding it.

Crime has also been defined byÂ **S. 2 of the Criminal Code**Â as an act or omission which renders the person doing the act or making the omission liable to punishment under this code, or under any Act or Law.

It should be noted that an act is not considered a crime if it is not contained in a written law;Â **S.36(12) of the 1999 Constitution, S.11 Criminal Code**.

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## Â The Aims and Objectives of Criminal Law

There are certain reasons for the institution of criminal law in any given society. They are:

**1. Preservation of Life:**Â The preservation of life is one of the foremost objectives of law in general and criminal law in particular. Life is preserved by criminal law through punishment for crimes like homicide;Â **s.220 Penal Code(PC)**, assault;**s.264 Penal Code**, physical violence, manslaughter;Â **s.317 Criminal Code(CC)**Â and so on.

**2. Preservation of Property:**Â The property of an individual is undoubtedly protected by criminal law from unwanted destruction, interference, dishonest dealing by unauthorized persons etc. Criminal law achieves this through the punishment of crimes like theft;Â **s.286 PC**, embezzlement, criminal trespass;Â **s.342 PC**Â etc.

**3. The Exigencies of Good Governance:**Â In order to ensure good governance, certain acts are punishable by the criminal law. Examples of these kinds of acts include acceptance of bribe by public officials;Â **s.98 CC**, resisting lawful

arrest, misappropriation of public funds and so on.

**4. Protection of the State:** Some acts are also prohibited by criminal law in order to protect the state. Some of the prohibited acts include treason; **s.37 CC**, treasonable felony, sedition; **s.50 CC** and so on.

**5. Protection of Public Tranquility:** The preservation of the sanity of the society is also under the purview of criminal law. For example, public nuisance is a crime according to the provisions of **s.234 of the Criminal Code**. This is in order to help in preserving public tranquility.

**6. Protection of Morality:** Criminal also helps to ensure that the values of the society are not eroded over the passage of time. This is accomplished by the prohibition of some acts that are considered immoral. Some of them are adultery; s.387 PC and prostitution; **S.405(1)(d) PC**.

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## SOURCES

1. Lecture delivered by Dr Mrs. M.A. Abdulraheem Mustapha
2. Okonkwo and Naish: Criminal Law in Nigeria
3. **Richard Quinney: The Social Reality of Crime**
4. The Constitution of the Federal Republic of Nigeria 1999(as amended)
5. The Nigerian Criminal Code
6. The Nigerian Penal Code