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ECONOMIC RIGHTS OR FINANCIAL FRAUD: A CRITICAL ANALYSIS OF THE CURTAILMENT AND PROSECUTION OF THE CRIME OF "YAHOO PLUS"

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ABSTRACT

The impact of the advent of technology cannot be overemphasized. The use of computers and the internet facilities have opened up so many opportunities and allowed for an all-round development in various countries. Despite the good tidings of the internet, it has also birthed the era of financial internet Fraud which is generally known as "Yahoo Yahoo" and has emerged into "Yahoo Plus" in Nigeria of which unsuspecting foreign victims lose millions of dollars to perpetrators of this crime which is now a nightmare across the globe. The resultant effect of this nefarious activity is that Non-Nigerians view Nigerians as fraudsters and the honour of Nigeria as a country is smeared. This paper therefore assessed the prevalence and prosecution of "Yahoo Plus" under the Criminal Justice Administration in Nigeria. The study adopts the doctrinal method to examine the legal framework and prosecution of "Yahoo Plus" while the analytical method is used to analysis the prevalence and societal acceptance of the crime in Nigerian. The study recommends that the Cyber Crimes Act 2015 should be strictly adhered to during trials of accused persons. Also, awareness should be created on the dangers of "Yahoo plus" so as to reduce its societal acceptance in Nigeria. The work concludes that in order to reduce or out rightly eradicate "Yahoo Plus" in Nigeria, the Nigerian government should step up efforts to increase youth employment and reduce the poverty level of an average Nigeria.

Key words: "Yahoo Plus", Internet, Cyber Fraud, Legal Framework.

Introduction

In this 21st century, man's daily activities can not be imagined without the use of the internet. Without the internet, our paradigms of administration and businesses will be slower and inefficient. The Internet has stayed as one of the best developments for mankind with its pertinence is constantly dominant in the entirety of human dealings (Dinesh and Chalawadi, 2016). These innovations have brought new developments to the social and business world (Bartling & Friesike, 2014). To a great extent, the world now depends on technology to carry out their various transactions and businesses. A major outcome of the innovations in technology, which has become the cornerstone of the activities in the world, is the 'Internet' (Fettweis, & Alamouti, 2014). The World Wide Web has become an

instrument of transaction, and has opened up opportunities for all. The Internet helps to simplify various transactions in businesses, government work, industry and many other areas. As a result of the personalized assistance available to customers, there is an increased return to businesses. Internet works when “millions of computers around the world that are connected between each other” (Puspita and Rohedi, 2018).

Although there have been many advantages of the advent and use of the internet and computer to the free flow of business and financial activities, it also has quite a number of disadvantages. In modern times, the internet is used as an instrument of fraud and has now become a danger to individuals, institutions, groups, businesses and the State in general. Criminals now use their Computers to commit various negative acts. It seems as though with the advancement of technology, criminal acts also keeps increasing and the opportunity to commit crime arises as technology makes it easier to commit these acts with little or no fear of getting caught (Wang & Huang, 2011). Some of the consequences brought about by the internet include internet addiction, pornography, (Dinesh and Chalawadi, 2016), emotional instability and low academic performance among students (Ambad, Kalim and Yusof, 2017), ATM frauds, identity theft, criminal activities, credit card frauds, spamming, phishing, and a space for cyber-criminals to commit nefarious acts. The effect of this is that the input of internet to the advancement and development of nations has been corrupted by the many crimes committed through it. In every country, the youths are viewed as the leaders of tomorrow and as people of great advantage to the society. Unfortunately, as observed by Olaide and Adewole (2004) the youths comprise the majority of the criminals in Nigeria. Thus, the view held by various researchers in Nigeria is that a large number of cyber-fraudsters in Nigeria are students in the university, thus they are youths (Aghatise, 2006; Aransiola & Asindemade, 2011; Ojedokun & Eraye, 2012). According to Aghatise (2006) a whopping 80% of the cyber-fraudsters are students. With the aid of the internet, these youths have developed ways of committing different kinds of criminal acts. Thus the prevalence of cyber fraud(yahoo yahoo) is mostly among students in the Universities.

In the past years, Nigeria has been notoriously known across the world as the originating country for “yahoo yahoo” activities and development, Chawki,M, (2007). This crime is also referred to as “419”, advance fee fraud or as it is recently called, “yahoo plus” and “dating”. “Advance fee fraud” or “419”2 refers to the act of obtaining property or money by false pretence (“obtaining by tricks”). This form of fraudulent activity does not have its origin in modern times. Although the issue of cyber fraud is not peculiar to only Nigeria, it can be said that it is prevalent in Nigeria due to the socioeconomic conditions, high rate of unemployment, inadequate security, and refusal to report such incidences of yahoo plus (Akinbode, 2009).

It is very unfortunate that people who commit the crime of yahoo plus view it as their economic right and not fraud because they see their victims as the covetous ones who wants to get money wrongfully. The truth of the matter is that the victims of the crime believe in the state of affairs as presented to them by the yahoo guys and the victims only fall prey because of the false misrepresentation from the accused persons. It is asserted by the author that yahoo plus is not an economic right of the accused person and the crime is an absolute fraud. An average Nigerian’s knowledge of the internet is limited to chatting, entertainment and getting information, which means that such a person would not have the adequate knowledge to safeguard his/her information or data from unwanted programmers. This unwanted programmers can be termed as “yahoo boys” in Nigeria and they engage in credit card theft, ATM fraud and deceit of people to get money from them (Akogwu, 2012).

The prevalence of Cyber fraud (Hereinafter known as “yahoo plus” in this study) has now become one of the safest and most well-paying crimes in Nigeria. As each day passes by, cases of

“yahoo plus” becomes more prevalent and threatening. “Yahoo plus” has become a disheartening occurrence which brings shame and pain to the whole country, as a lot of atrocities and stealing is done through the channel of the internet. Over time, the issue of cyber fraud has deteriorated with the emergence of the “so called “Yahoo plus”. It is believed that this “yahoo plus” makes use of Charms and traditional voodoo powers to carry out the internet fraud.

Despite the prevalence of “yahoo Plus”, there is hardly any news of a full prosecution of the criminals that are caught. First, they are hardly caught as majority of them hide under having their own businesses. Secondly, even when they are caught, no thorough Prosecution is carried out and most of them end up getting away Scot-free.

Statement of Problem

Some Nigerian Youths have taken up “yahoo plus” as a means of livelihood and they seem to see nothing wrong with the attitude until they are apprehended by the police or sentenced to imprisonment after a long trial. Secondly, due to the high poverty and unemployment rates, mothers, brothers, sisters, cousins, other family members, religious institutions and different paradigms in Nigerian societies have accepted this crime as a norm.

Furthermore, the Integrity of Nigeria as a state is always in question by other nationals across the world due to the nefarious activities of the “yahoo” Boys. This indirectly affects the status of innocent Nigerian Citizens who are resident abroad. Lack of Forensic laboratories under the Criminal Justice Administration and unnecessary delay or long trials are impediments to securing convictions of accused persons. Mostly Foreign Nationals and other Nigerian citizens lose their money and sometime, other valuable properties to the “yahoo” boys and they are left penniless and bankrupt. Invariably, this situation negatively affects the integrity of Nigeria as a state and the trustworthiness of her citizens across the globe. This study examined these issues in order to identify more efficient means of solving them.

The Concept of Cyber Fraud (“Yahoo Plus”)

The term cyber-crime refers to the use of computers or the internet to carry out criminal activities (Okeshola, 2013). The term cybercrime is thus used to describe crimes involving the use of internet networks and computers, such as: blackmail, fraud, forgery, theft, embezzlement.

The concept of cyber-crime has a historical basis. In 1960, the first occurrence of cyber-crime was reported to have taken place on a mainframe computer (Maitanmi, 2013). The crime was however not committed through the internet but by the employers in the company with the use of information contained on the computer. From the last census of 2006 which showed that there are about 160 million people living in Nigeria, 28.9% were revealed to have access to the internet (Hassan, 2012). Also Nigerians make up 39.6% of the African users of the internet. This explains the high rate of cyber fraud in Nigeria (Hassan, 2012). This cyber fraud is majorly by the youths, although it is performed by both the young and the old. More importantly, cyber fraud involves the use of computers and internet networks for criminal activities and deceit, in order to derive unlawful and unfair gains. According to Singleton and Singleton (2010:40), *“it takes the forms of trick, cunning, deceit and unfair means by which another is cheated.”* It could also go from downloading document files for information from the internet, to downloading bank account information and consequently duping and stealing using the channel of the internet (Ebenezer, 2014). Common examples of cyber fraud are *“online credit card theft, non-delivery of merchandise or software bought online and non- delivery of paid products purchased online”* (BJA, 2012).

“Yahoo plus” is a cyberfraud that involves the use of internet network to trick and defraud people or to take unfair advantage of the victims. This is mostly done by stealing information of individuals and engaging in identity theft. The most common way the “yahoo boys” carry out their

activity is by fraudulently asking for money from their victims with the pretense of being who they are not or having one problem or the other. At times, they also claim to be in possession of a huge sum of money inherited by the victim and then ask that a particular sum of money be sent to them in order to process the supposed inherited wealth for the victim. Another way the “yahoo plus” operates is to act like the owner of big corporations, organizations or properties and falsely sell what is not theirs to the unsuspecting victims. Intriguing enough is the fact that they sometimes find a way to present the false company or property to the victims for inspection.

Generally, Cyber fraud can hardly be committed without a good knowledge of the information and communications technology (ICT) (Broadhurst, 2006; Grabosky, 2010; Alazab & Chon, 2014). As much as I agree with the view of this author, recent happenings have also proven that in Nigeria, to embark on the “yahoo plus” business, a basic knowledge of the computer is what is needed, as it mostly involves the ability to deceive and convince people that black is the same thing as white. This could make the work of investigation and prosecution difficult for the law enforcement agencies. Generally, Cyber criminals all over the world now meet up on the Net to penetrate into business transaction for the sole aim of theft. This poses a great danger to the affected individual, institution, or group’s wealth and investments and also serves as a detriment to the economy of the nation.

Methodology

This paper adopts the doctrinal method so as to explore the provisions of the various Laws and Codes that combats the crime of “Yahoo plus” in Nigeria. The analytical and qualitative approaches were used to analyse the secondary sources of information. These sources include: books, journal articles, newspaper articles, internet publications, conference papers, among others.

The Internet as a Tool for “Yahoo Plus”.

Since the advent of the internet, it has played a major role among the youths all over the world. McLuhan (1994) in his attempt to explain the reason for the importance of the internet to youths was of the view that the media creates a particular consciousness in each age group and the age group bonds with the specific consciousness. Also, research shows that technology is a form of stimulant for youths. The youth makes maximum use of every technological advancement that comes their way in all areas of their lives. Some of the activities it is used for includes: communication, academic assignments, and for surfing the internet. Thus, the internet serves as a much valued educational tool. It also provides the latest news on all segments of entertainment.

A major function of the internet for youths is that it serves as an instrument for building social relationships. The internet is used for interaction and this takes the form of e-mailing, chat rooms and instant messaging (Cheskin, 1999). In addition, there are also various social Media in recent times which aid the interaction of various people. Some of them includes: twitter, Instagram, Facebook, Snap chat and many others. The popularity of the internet is to the extent that youths who do not have access to the internet see themselves as lacking an essential amenity. Despite the many usefulness of the internet, it also has its woes. The internet can be said to aid in anti-social conducts as most youths become too ingrained in their phones and the internet sensation. There is the fear that the scale of cybercrimes may rise as the internet has now become a center-stool for cyber fraud, pornography, money laundering, internet terrorism and many other crimes (Wall, 2001).

Initially, the youths were applauded for their role in the advancement of the internet, as a high level of performance and innovation was shown, which ultimately led to new innovations in the internet network technology (Wall, 2001). However, overtime, research showed that the youths posed a threat to the activities of the medium (Chandler, 1996; Duff & Gardiner, 1996; Jordan & Taylor, 1998; Taylor, 1999). Wall (2001) states that the youths now engage in cyber trespassing, cyber fraud and

other cybercrimes. The political and socioeconomic condition of Nigeria provides a sound premise for the commission of various fraudulent acts and criminal activities, this is coupled by the fact that corruption seems to be the way of life in the country. The effect the social environment of a person has on the behavior and activities of such person cannot be over-looked (Putnam, 2001; Loury, 1977; Putnam, 1995; Coleman, 1988; Bourdieu, 1986). Cyber fraud mostly occurs as a result of a bad economy and lack of social capital. Also, unfortunately, cyber fraud thrives when the environment is welcoming of disadvantageous innovations which are fostered by the availability of technology and cyber space (Rogers, 1983). In addition, a large number of youths are vast in the knowledge of the computer, experienced in the use of the internet, and are therefore ready to risk their liberty if they believe that the outcome would be worth the while. They care less about the punishments or consequences as long as they get the immediate gain or outcome.

Considering the high rate of socio-economic ills in Nigeria and the wide gap between the few rich elite and poor or even average citizens, it is clear why the internet has now turned to a tool for "yahoo plus". In more civilized countries, for example, the United States, a college or even a high school student is afforded the opportunity of a part time work in a reasonable place to earn spending allowance. In a typical average family in America, a 22 year old most likely already has a car and takes care of the gas bills by him/her. The same cannot be said of Nigeria. The graduates who have Masters degree and other professional degrees are lacking employment and about 5,000 people show up for a job opening in need of just five people. This is the high rate of unemployment in the country. How then can a University undergraduate or even high school student get a job to earn spending allowance. The little or no allowance given to them by family is hardly enough to spend. Thus, the issue of starting a small business to earn money is hardly achievable. When such a youth sees an opportunity to earn money, and all he/she needs is internet network, such youth jumps at The opportunity to earn cash. The youth without any regards for the consequences of his/her action or care for the victims, only cares about making money.

Furthermore, another ill brought by the use of the internet is the menace of social media. In modern times, such social media like the instagram, snapchat, facebook, and many others, affords people the opportunity to post their pictures and put the occurrences in their life out for the world to view. The effect of this is that everybody sees and knows how everybody is doing and monitors the progress of each other's lives. As a result of this, it is now much easier for youths to compare their lives with that of other people, and this brings about the desire to live a robust live. The sense of greed and want overcomes the sense of morality and need to obey the laws. Thus, the supposed outcome outweighs the consequences for them. For this reason and many more, one cannot help but think that the emergence of social media aided largely by the internet, has caused more harm than good.

The Emergence of "Yahoo Plus"

In Nigeria, there used to be a time when all that was required for cyber fraud, popularly known as "yahoo" was a computer and internet connection. The internet fraudsters would remain in the comfort of their homes or in cyber cafes to carry out various criminal activities. However, as a result of the fact that more people are becoming aware of the tricks and ways of the "so-called yahoo boys", it has become much more difficult for them to carry out their criminal activities. Many people now guard all their personal financial information with utmost care and the number of people who fall for their lies have reduced. As a result of this, in Nigeria, the "yahoo" boys have realized that they can no longer rely on the strength of only their laptop and internet network anymore. Thus, the new menace is to seek for spiritual backings, charms and rely on voodoo. The use of this voodoo makes it easier to carry out the fraudulent activities as it ensures them protection from getting caught and it gives them the assurance of duping their victims effortlessly. This new activity is known as the

“yahoo plus”. It simply means “yahoo” plus voodoo. The popularity of this “yahoo plus” increases with every passing day and several youths now engage in the act regardless of the consequences it might bring upon them.

Furthermore, a recent occurrence in Nigeria is the stealing of female underwear (Panties) for money rituals. It is believed that the shape of the female panties takes the same shape as that of the popular brand of Car known as “Benz”. The criminals involved thus harbour the belief that using the underwear (panties) for ritual would automatically guarantee them the ownership of a Benz car. Recently, there was an occurrence in a restaurant in Ijebu-ode, Ogun state, where some robbers came into the restaurant and ordered all the females there to surrender their underwear, after which they went away with it. “Yahoo plus” is therefore now much more popular than the “yahoo”, although it is not for the faint hearted. All this points to the level of popularity “yahoo plus” has in the present day society. The youths now embrace the “get rich quick” idea, regardless of the criminal implications it may bring to them.

The Societal Acceptance of “Yahoo Plus” in Nigeria.

Due to the high level of poverty in the country, the acceptance of the culture of “yahoo plus” is on a high increase, most especially by the relatives to the “so-called yahoo boys”. The acceptance rate is to the point that some musicians in Nigeria take pride in singing the praises of the “yahoo boys”, thereby lending their encouragement and support to the culture. It is widely known that entertainers wield a high level of influence on the society. The praise of the menace of “yahoo plus” by this musicians thus influences the societal acceptance of it and makes it seem like a normal occurrence.

Also, as a result of the money gained from these cybercrimes, those involved live a lavish life: purchasing expensive cars and alcohol, partying, living in high-priced houses, owning expensive gadgets and costly jewellery (Aghatise, 2006; Aransiola and Asindemade, 2011). The effect of this is that the normal average youth would be envious of the kind of live such a cyber-fraudster is living, and would inadvertently see it as acceptable, as long as the end result is such kind of wealthy live. This to a large extent increases the level of societal acceptability of the crime. The fact that the traditional nickname of cyber fraudsters in Nigeria is “yahoo boys”, does not however mean that it is only the males that engage in the act, as females also take part in the cyber fraud. However, it is most prevalent amongst the male youths.

The prevalence of “yahoo plus” in Nigeria and the inability of the law enforcement agencies to efficiently arrest the criminals involved in the cyber fraud and bring them to justice, all points to the level of acceptance it has garnered in Nigeria. The youths involved in the “so-called yahoo plus” are known to be some of the richest youths in the country. As a result of this, there is a considerable level of acceptance of the culture of “yahoo plus” in the society. Worst of it is the acceptance of the culture by the family members of the “yahoo boys” who parade themselves with pride and happily associate with their rich “yahoo” relatives. A good example of the high level of the acceptance is the emergence of the “Yahoo Boys Mother’s Association” in Ilishan-Remo, Ogun state, Nigeria. This is a group made up of the mothers of youths involved in “Yahoo plus” in the Ilishan-Remo environs. The existence of such an association is disheartening as it clearly points to the societal acceptance of the menace in some areas.

However, it must be emphasized that the fact that the culture of “yahoo plus” is accepted to an extent does not mean that the culture is embraced and encouraged by all Nigerians. In fact, a good number of Nigerians are against the culture and speak up against it. Many people disassociate themselves from anyone they know is involved in the act of cyber fraud, so as not to be seen as being involved in it too. An average Nigerian frowns at it and endeavors to ensure that he/she is not a partaker of the culture.

Prosecution of Cyber Fraud “Yahoo Plus” in Nigeria

The Nigerian Police have emphatically insisted that they will track down “yahoo” boys and truth to their words, they have been doing so in prominent cities and towns Police but a pertinent question that arises with regards to cyber fraud “yahoo plus” in Nigeria is whether or not any of the criminals ever get prosecuted. Under the Nigerian criminal law, there must be evidence of the commission of a crime before an accused can be prosecuted for such crime. Most of the evidence related to the crime of “yahoo plus” is usually contained on the major tool of the cyber fraud, which is the computer. Thus, to derive evidence from it, the police need to have good knowledge of the workings of a computer network and the internet. The lack of this often deters the prosecution of the case as suspects are caught and then set free due to lack of evidence.

Also, sometimes, even when the criminals are prosecuted, the punishment is not strict enough to deter others from committing the same crime. A recent case is that of *Pius Jesse v The State* (2019), unreported. The 27 year old internet fraudster was arraigned at the Federal Capital Territory High Court Nyanya for defrauding three women. The accused had used the internet (facebook) to defraud three women, Cindy, Janeth and Bertha of 300, 150 and 250 dollar itunes card. The accused, Pius Jesse adopted false European names, Uzzisavage and Philplaory, and used fake photos to carry out the fraudulent acts. The defendant pleaded guilty to the charge and entered into a plea bargain with the Economics and Financial Crimes Commission (EFCC). The defendant was thereafter sentenced to Two months imprisonment. This is a very good example of how the prosecution of cyber fraud in Nigeria is as good as a myth. The punishment is not enough deterrent for others to desist from the act. Two months is too outrageous for the crime of “yahoo plus” committed by the convict.

Furthermore, the non-availability of forensic laboratories and its expensive nature even if they are accessible is another impediment to the effective prosecution of “yahoo plus” in Nigeria.

Despite the few cases which point to the lack of good prosecution of “yahoo plus” in Nigeria, some other cases have been encouraging and the author hopes that the direction of these cases will be towards a true prosecution of the crime. Some of such cases include: The case of *The State v Favour Oriafor and Ojo Adefemi Adedoyin* (2018), unreported. The 2nd defendant, a banker and account officer had connived with the 1st defendant to defraud a Hong Kong woman, Xu Yue of 79,000 Euros. The 1st defendant through the channel of Facebook disguised under the name Terry Mac as a football agent. He confessed that he and the 2nd defendant who provided the domiciliary account defrauded the victim. The defendants are being charged to court.

Another good case is that of *The State v Akintunde Vincent Abiodun* (2017), unreported. The defendant under the disguise of the name Christopher Williams defrauded the victim, Dona Bonni of the sum of 7.8 million Naira. The defendant went as far as forging a United States passport in order to convince the victim of his purported nationality. He pleaded not guilty to the offence but after the prosecution counsel adduced many evidence to prove his guilt, he filed an application for plea bargaining. He was however sentenced to six years imprisonment for the offence. This is a good development and the author hopes that many more cases of the Prosecution of cyber fraud “yahoo plus” will be recorded moving forward.

Legal Framework for the Prosecution of Cyber Fraud “Yahoo Plus” in Nigeria

The legal structure for the prosecution of Yahoo plus crime is explored in this section;

The Cybercrimes (Prohibition, Prevention, ETC) Act, 2015.

The major legal framework for the prosecution of cyber fraud in Nigeria is the Cybercrimes (Prohibition, Prevention, ETC) Act, 2015. The act serves as an effective and thorough regulatory and legal framework for the prevention and prosecution of cybercrimes in Nigeria.

The Act applies to all of Nigeria, Section 2 of the Act. The Act in Section 1 states out its objective to be:

“(a) Provide an effective and unified legal, regulatory and institutional framework for the prohibition, prevention, detection, prosecution and punishment of cybercrimes in Nigeria;

(b) ensure the protection of critical national information infrastructure; and

(c) promote cyber security and the protection of computer systems and networks, electronic communications, data and computer programs, intellectual property and privacy rights.”

Part III of the Act, Section 5 to Section 36 provides for the various Offences a person can be guilty of under the Act, as well as the penalties for the various Offences.

Particularly Section 14(2) of the Act states that:

“Any person who with intent to defraud send electronic message materially misrepresents any fact or set of facts upon which reliance the recipient or another person is caused to suffer any damage or loss, commits an offense and shall be liable on conviction to imprisonment for a term of not less than 5 years and to a fine of not less than N10,000,000.00 or both fine and imprisonment.”

This particular section addresses the famous internet scam, especially the “love scam” deployed by most “yahoo boys”. Part IV of the Act gives a detailed instruction on the duties of the financial institutions with relation to cybercrimes in Nigeria.

The Court with the jurisdiction to try Offences under the Cyber Act 2015 by virtue of Section 50, is the Federal High Court. The Cybercrimes (Prohibition, Prevention, ETC) Act, 2015 is a great improvement in the fight against cyber fraud in Nigeria. If utilized well, it has the potential to adequately curb the menace of Cyber fraud in Nigeria.

The Advance Fee Fraud and other Fraud Related Offences Act of 2006

The Advance Fee Fraud and Other Fraud Related Offences Act was enacted in 2006. The Act repealed the Advanced Fee Fraud and other Related Offences (Amendment) Act, 2005. The main function of the Act is to prohibit and administer punishments on the perpetrators of advance fee fraud and related Offences, popularly known as “419” in Nigeria. By virtue of Section 24 of the Advance Fee Fraud Act of 2006, the Federal High Court, the High Courts of the Federal Capital Territory and that of the States have the jurisdiction to try and punish offences under the Act.

The main focus of this paper being cyber fraud “yahoo plus”, the offence most related to the offence of “yahoo plus” is defined under Section 20 of the Advanced Fee Fraud Act, 2006. The offence is that of Obtaining by false pretence (419). Section 1(1) of the Act states that:

“any person who by any false pretence, and with intent to defraud: (a) obtains, from any other person, in Nigeria or in any other country for himself or any other person; (b) induces any other person, in Nigeria or in any other country, to deliver to any person; or (c) obtains any property, whether or not the property is obtained or its delivery is induced through the medium of a contract induced by the false pretence, commits an offence under this Act.”

Subsection 2 of Section 1 further states that:

“A person who by false pretence, and with the intent to defraud, induces any other person, in Nigeria or in any other country, to confer a benefit on him or on any other person by doing or permitting a thing to be done on the understanding that the benefit has been or will be paid for, commits an offence under this Act.”

Subsection 3 of the same section states the punishment for obtaining by false pretence as: *“A person who commits an offence under subsection (1) or (2) of this section is liable on conviction to imprisonment for a term of not more than 20 years and not less than seven years without the option of a fine.”*

The aforementioned sections can be appropriately enforced against perpetrators of cyber fraud, most especially the popular 'Love Scam'. This perpetrators under the guise of being who they are not enter into relationships with foreign women for the sole aim of scamming such women of their money and properties. Section 1 of the Advanced Fee Fraud Act is couched in such a way that it can be used to criminalize the offence, whether perpetrated physically or through the channel of the Computer (Internet).

A popular act adopted by yahoo boys is that of inviting their targets to Nigeria or the country in question, for the aim of inspecting fake properties which they intend to purportedly sell. These fraudsters sometimes go as far as to pretend that they are the owners of big corporations and properties. A popular story in Nigeria is that of the yahoo yahoo boy who successfully sold "Central Bank of Nigeria" to a foreigner. Another yahoo boy sold the "Nigerian International Airport" to a foreigner. These sales are obviously fake fraudulent sales. The yahoo boys with the aid of the earlier discussed spirituality (yahoo plus), successfully sell big corporations which they claim to own. The Advance Fee Fraud Act of 2006 in Section 4 deals with the fraudulent invitation of victims to Nigeria for the purpose of the scam. Section 4 of the Act states that:

"A person who by false pretence, and with the intent to defraud any other person, invites or otherwise induces that person or any other person to visit Nigeria for any purpose connected with the commission of an offence under this Act commits an offence and is liable on conviction to imprisonment for a term not more than 20 years and not less than 7 years without the option of a fine."

Section 419 of the Criminal Code.

Section 419 of the Criminal Code criminalises the offence of obtaining by false pretence. Obtaining by false pretence is otherwise known as 'Advance Fee Fraud'. It is an offence that has caused foreign businessmen to be reluctant of entering into local business proposals with Nigerians. It leads to huge loss on the part of the victims.

Section 419 of the Criminal Code states that:

"Any person who by any false pretence, and with intent to defraud, obtains from any other person anything capable of being stolen, or induces any other person to deliver to any person anything capable of being stolen, is guilty of a felony, and is liable to imprisonment for three years. If the thing if of the value of one thousand naira or upwards, he is liable to imprisonment for seven years. It is immaterial that the thing is obtained or its delivery is induced through the medium of a contract induced by the false pretence. The offender cannot be arrested without warrant unless found committing the offence."

Section 419- 425 of the Criminal Code provides for the different scenarios that constitute the offence of obtaining by false pretence. They include: fraudulent tricks, fraud committed during a sale or mortgage, practice of fortune-telling or witchcraft to influence victims.

The Economic and Financial Crime Commission (EFCC)

The Economic and Financial Crime Commission (EFCC) Establishment Act of 2004, the Evidence Act, and the Money Laundering Act of 2004 section 12(1) (c) - (d), are also legal frameworks under the Nigeria criminal law, geared towards ensuring that the perpetrators of cyber fraud and cyber-crime in general are adequately punished.

By Section 7(2) of the EFCC Act, 2004, the Economic and Financial Crimes Commission is the regulatory agency responsible for ensuring that the provisions of the Advanced Fee Fraud and other Fraud Related Offences Act, 2006, are adhered to. The power of the EFCC extends to embarking on investigations on a corporate body or an individual, to determine the existence or otherwise of the crime (Section 6 & 7 (1) (a), EFCC Act, 2004). The effect of this is that the Economic and Financial Crimes Commission have the power to demand and collect information, relevant to a particular

cyberfraud investigation, from any individual, corporate body or authority, without disturbance (Section 38 of the EFCC Act 2004). (Uchenna Orji, 2011)

Further, Section 41 of the EFCC Act is to the effect that EFCC officials are endowed with the same powers and privileges of a Police officer, as specified under the Police Act, during the process of investigation or prosecution. This means that the EFCC officers have the authority to accustom any suspected cyber fraudster and ensure his/her prosecution. Hence, EFCC officers serve as law enforcement agents along with Police Officers to fight against cyber fraud in Nigeria.

However, some of the challenges faced by this law enforcement agencies such as the Nigeria Police Force (NPF), and the Economic and Financial Crime Commission (EFCC), in their fight against cyber fraud in Nigeria include, inadequate cooperation of Internet Service Providers (ISPs) and telecoms service providers, non-registration of Internet modems, insufficiently and inadequacy of trained personnel in the law enforcement agencies (K.N. Igwe and Ahiaoma Ibegwam, 2014).

Other Means of Curbing Cyber Fraud in Nigeria

Due to the increase in the prevalence of yahoo yahoo, and the low prosecution rate in Nigeria, other means of curbing the menace outside the scope of the legal framework, have developed over time. The means are a combination of the efforts of the government and that of the members of the Society at large. They include:

- Poverty reduction through N-Power and Tradermoni: The N- Power is a federal government empowerment initiative which is geared towards ensuring that jobs are made available. The goal of the N-power is to create jobs and engage the unemployed in activities that will be beneficial to them. This programme has helped to keep a number of youths off the street and away from criminal activities. Another initiative of the government which has been of immense help in reducing poverty is the TraderMoni. It is a federal government loan programme, initiated for the benefit of artisans and petty traders in Nigeria. The scheme offers interest-free loans to traders which ultimately helps their business to grow. By doing this, the government encourages youths to pursue entrepreneurship which results in poverty reduction (TraderMoni, 2019)
- Raids and stint arrests by the SARS on suspected criminals: The Special Anti-Robbery Squad (SARS) is a branch of the Nigerian Police Force under the Criminal Investigating Department. The group was specially created to combat robbery in Nigeria. In recent times, the SARS have extended their duties to apprehending suspected cyber fraudsters. They have been able to effect arrest to a great extent, especially in Lagos and Ogun state. They monitor suspected cyber fraudsters and ensure that they are brought to justice. It should be noted that there is a current outcry to end SARS due to allegations that their acts end in apprehending and sometimes death of innocent Youths.
- The present fights against corruption by the Buhari led government: Since the inception of the Buhari administration in 2015, many corrupt officials in various fields of government have been apprehended and the money laundered collected from them
- Reduction of unemployment rate: One of the greatest ways to curb cyber fraud in Nigeria is to ensure that employment opportunities are made available for the youths and all Nigerians generally. As earlier mentioned in this paper, many youths feel a need to engage in cyber fraud due to lack of employment opportunities and high poverty rate. Compared to their fellow youths around the world, Nigerian Youths have little or no opportunities or encouragement from the government. The need to forge ahead to meet up with other youths around the world whose government provide opportunity to thrive, often leads to the youths embarking on criminal activities. Bad circumstances are no excuse for criminality, and the aforementioned is not intended as an excuse for the criminal acts. It is intended as a call to the government to

understand the reasoning behind cyber fraud, more times than not. Hence, if employment opportunities are provided and encouragement is given to those who decide to be entrepreneurs, the author is of the opinion that the rate of cyber fraud will inevitably reduce.

- The introduction of Cashless policy in the Nigerian banking sector which has greatly reduced fraudulent financial transactions in and out of Nigeria. The cashless policy aids the banking sector to identify owners of criminal accounts of “yahoo” boys through Bank Verification Number(BVN)
- Whistle blowing by citizens and neighbors who are aware of the nefarious and fraudulent activities of the scammers: Generally, Nigeria is a country with high cultural and moral values. As a result of this, many Nigerians endeavour to report fraudulent activities in their environment. This act of whistle blowing

Conclusion and Recommendation

There used to be a time when morals were held highly and honesty was a virtue had by all. In recent times, this is not the case. Technology has brought a lot of advancements and positives to the world as a whole. The development experienced by Nigeria as a nation, due to the advancement of technology cannot be over emphasized. The Computer and by extension the Internet is a great achievement birthed by technology. It has greatly improved the lives of everyone across the globe. However, with every good thing come great consequences. One of such consequences is the menace of Cybercrimes, particularly Cyber fraud. This has led many to lose their lifelong savings and lose trust in Nigeria as a whole.

This paper has established that cyber fraud popularly known as “Yahoo plus” in Nigeria is most common among the youths. “Yahoo plus” has now become the order of the day amongst many youths and has gone a step further to making use of spirituality to achieve perfect Fraudulent Acts. More saddening is the fact that b it is accepted by some of the family members of the perpetrators and by some in the society. The act is even praised by some musicians in their songs. Prosecution of “yahoo plus” in Nigeria has not been too impressive. The author however hopes that with the recent cases in the country, there would be a turning point and the prosecution will finally become a reality rather than a myth.

Thus, the author recommends that awareness be created for all on the dangers of “yahoo plus”. People should be made aware that Nigeria is slowly being known as the home of fraudulent people and this ultimately deter foreigners from associating with Nigerians across the globe. Also, there is a need to have adequately qualified personnel within the various law enforcement agencies, with sound knowledge of the computer, internet and programming languages. Further, the Cyber Act 2015 is a good legal framework and should be well adhered to by the Courts.

The work concludes that in order to reduce or out rightly eradicate “yahoo plus” in Nigeria, the Nigerian government should step up efforts to increase youth employment and reduce the poverty level of an average Nigerian.

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