

<b>Forum:</b>	Legal Committee (GA6)
<b>Issue:</b>	Proposing measures to address the issue of vigilantism
<b>Student Officer:</b>	Sara Alsabeg
<b>Position:</b>	Co-Chair

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## PERSONAL INTRODUCTION

Dear delegates,

It is my utmost honor to serve as your co-chair for Platon School's Model United Nations' 11th conference. My name is Sara Alsabeg, and I'm a 10th grader currently attending Advanced Learning Schools in Riyadh, Saudi Arabia. Model United Nations is one of my greatest passions, and I am thrilled to be working as a co-chair in my first ever PS MUN conference. To me, MUN is an opportunity to broaden my scope of knowledge while interacting with a diverse group of people of different backgrounds and cultures all while having fun and debating on topics I care about. I will work to the best of my ability to push the delegates of the GA6 to develop stronger communication skills and forge long-lasting relationships and connections.

To begin, I would like to congratulate all delegates for being selected to partake in such a prestigious conference; I am sure we will all work synchronously and develop interesting debates, one of them revolving around the issue of vigilantism. This committee will delve into particular topics regarding this issue by discussion, thorough investigation, and planning innovative solutions to manage the threat vigilantism imposes on our planet. This study guide should equip enough background information about the topic, but you are highly encouraged to perform individual research to better understand your respective delegation's stance more extensively.

Lastly, feel free to visit the resources in the bibliography, and never hesitate to contact me with anything you may need. I am always here to help, and I understand how nerve-wracking a conference can be, especially your first one! You can contact me at [saraalsabeg@gmail.com](mailto:saraalsabeg@gmail.com).

Best regards,

Sara Alsabeg

## TOPIC INTRODUCTION

In most nations, the state has sole authority to enforce laws and punish individuals who violate them. To achieve these aims, it establishes police forces and court systems. However, when individuals believe justice or punishment has not been given, they may take action independently. Vigilantism is the term used to describe such behavior. Simply put, vigilantes are individuals who seek justice by taking the law into their own hands. Vigilantism stretches back to Roman times when vigils (from the Latin root for "awake" or "observant") were always on the watch for fires and other hazards such as burglars and runaway slaves. Vigilantism can also refer to groups united by a shared opinion that established systems and processes cannot provide justice. These organizations seek to restore public order via retribution and occasionally expand into informal "secret police forces." Vigilantism uses flagrantly unlawful techniques and dubious procedures to achieve retribution and justice. Numerous attempts have been made to formalize the notion of vigilantism. However, the lack of agreement among these definitions reflects the biases of the various disciplines attempting to do so. For example, political scientists typically classify vigilantism as a subtype of political violence (Rosenbaum and Sedberg 1976). In contrast, psychologists and some criminologists view vigilante actions as good citizenship that contribute significantly to the establishment of social order.<sup>1</sup>

On a philosophical level, vigilantism exemplifies morally pious action to repair or resolve a societal structural fault. As such, modern vigilantes are individuals who believe that those who violate the social compact have escaped punishment and admonition through established legal systems. Complicated legal procedures and court judgments seen as unjust to victims might foster vigilante attitudes for revenge. In periods of cultural and political transition, in regions with high levels of cultural variety, and in times of institutional instability, vigilantes are more prominent. Though vigilantes can occasionally address issues that states cannot, they are prone to opportunism and lead to bloodshed, corruption, and social exclusions. According to political scientists, vigilantism frequently reflects features of government failure. Vigilantism has emerged as governments grapple with insurgency and cartel violence in Nigeria and Mexico. Though vigilante action can remedy governance failings, it can create more harm than good if it is sustained, unregulated, or based in a system that excludes and oppresses. It is crucial that the United Nations joins together in unity to speak up and take action against this issue, especially at the rate vigilantes are growing in the modern society.

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<sup>1</sup> "Vigilantism." *Criminal Justice*, 17 Sept. 2015, criminal-justice.iresearchnet.com/system/vigilantism/.

## DEFINITION OF KEY TERMS

### Vigilantism

Vigilantism is when someone decides to take the law into their own hands and seeks to impose justice in accordance with their own sense of right and wrong. It is an activity conducted by a voluntary individual or group of individuals who group to safeguard a shared interest, such as liberty, property, or personal security, in addition to opposing current laws.<sup>2</sup>

### Vigilance Committees

Vigilance committees were informal organizations of males (rarely women) that banded together to confront real or perceived threats to their communities, families, property, power, or privileges. These temporary organizations associations were often structured with formal hierarchies, well-defined chains of command, documented bylaws, and paramilitary rites.<sup>3</sup>

### Rule of Law

The rule of law is the institution, practice, or standard that promotes equality before the law, ensures a non-arbitrary form of government, and more broadly prohibits the arbitrary use of authority. The phrase 'arbitrary' refers to a penalty that is determined by an individual's judgment (like a judge) and is not predetermined by standards, regulations, or legislation. In general, the rule of law indicates that the process of enacting, enforcing, and relating legal rules are all governed by law. It warrants that no one (not even the highest-ranking official) is above the law.<sup>4</sup>

### Criminal Law

Criminal law is a legislative body that defines criminal acts, governs the arrest, charging, and trial of suspects, and establishes the consequences and forms of treatment for convicted criminals. Criminal law is merely one of the mechanisms by which organized societies safeguard individual interests and secure the group's existence. Additionally, there are the norms of behavior imparted in children by their

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<sup>2</sup> "Vigilantism - Origins." *Origins - Law, Victims, Force, and Vigilance - JRank Articles*, [law.jrank.org/pages/2285/Vigilantism-Origins.html](http://law.jrank.org/pages/2285/Vigilantism-Origins.html).

<sup>3</sup> "Vigilantism - Origins." *Origins - Law, Victims, Force, and Vigilance - JRank Articles*, [law.jrank.org/pages/2285/Vigilantism-Origins.html](http://law.jrank.org/pages/2285/Vigilantism-Origins.html).

<sup>4</sup> Choi, Naomi. "Rule of Law." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., [www.britannica.com/topic/rule-of-law](http://www.britannica.com/topic/rule-of-law).

families, schools, and religion; the rules of the workplace and industry; and the regulations of civic life enforced by conventional police authorities.<sup>5</sup>

### Lynching

Lynching is an act of violence where a mob murders a perceived wrongdoer without a trial, frequently after torturing and mutilating the victim. *Lynch law* is a term that refers to a self-constituted court that sentences an individual without an official judicial process.<sup>6</sup>

### Legislation

Legislation is the creation of laws or the laws that Congress enacts. Specifically, the exercise of the power and function of creating rules (such as laws) that have a legal effect because they are promulgated by a state or other organization's official organ.<sup>7</sup>

### Extralegal

Extralegal is defined as something that is not regulated by laws or is outside of the realm of the law.<sup>8</sup> For example, an extralegal scenario occurs when person A has wronged person B in a way that is ethically wrong but not unlawful, and laws do not regulate person A's remedies to repair the wrong.

### Cyber vigilantism

An attempt to achieve justice or accomplish anything online through illicit routes is cyber vigilantism. Cyber vigilantism is carried out online by self-appointed people or organizations that use unlawful or dubious means to attain a particular goal. Internet vigilantes are another term for cyber vigilantes.<sup>9</sup>

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<sup>5</sup> Norton, Jerry. "Criminal Law." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., [www.britannica.com/topic/criminal-law](http://www.britannica.com/topic/criminal-law).

<sup>6</sup> Abbott, Geoffry. "Lynching." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., [www.britannica.com/topic/lynching](http://www.britannica.com/topic/lynching).

<sup>7</sup> "Legislation ." *Merriam-Webster*, Merriam-Webster, [www.merriam-webster.com/dictionary/legislation](http://www.merriam-webster.com/dictionary/legislation).

<sup>8</sup> "Extralegal." *Extralegal Meaning | Best 6 Definitions of Extralegal*, [www.yourdictionary.com/extralegal](http://www.yourdictionary.com/extralegal).

<sup>9</sup> Wigmore, Ivy. "Cyber Vigilantism." *WhatIs.com*, TechTarget, 3 Dec. 2018, [whatIs.techtarget.com/definition/cyber-vigilantism](http://whatIs.techtarget.com/definition/cyber-vigilantism).

## BACKGROUND INFORMATION

### Origins of Vigilantism

Initially, formally-defined vigilantism developed due to the danger and reality of crime in the United States. The pioneers who settled the Deep South and the Old West did not have a criminal justice system to defend them. There were no law enforcement organizations, regularly scheduled court hearings, no local jails or prisons, and substantial open regions where criminals might flee their victims. Without a judicial system, penal facilities, or institutional means to redress complaints, victims and their allies felt obligated to seek down and take action against criminals. Vigilantism was at the heart of aggressive extralegal justice in America in the early twentieth century, during the late colonial period. Between 1767 and 1769, the first significant outbreak of Vigilantism occurred in the Regulator movement in South Carolina's backcountry. A decade later, in Revolutionary Virginia, a similar movement enforced vigilant punishment on Tories and outlaws under the supervision of a leading local figure, Colonel Charles Lynch, whose name became synonymous with one of the general words of American Vigilantism: lynch law. Following the Revolutionary War, Vigilantism followed the pioneers west over the Appalachians. From 1767 to 1910, at least 326 vigilante movements spread over nearly all trans-Appalachian states and a few Atlantic states. So often referred to as "regulators," Vigilantism has been used to label numerous circumstances throughout the ages that no 'perfect' definition can encompass all of its components.<sup>10</sup>

### Causes of Vigilantism

#### Resentment towards the government

Political Vigilantism often entails physical and psychological violence. Riots, violent demonstrations, and vandalism are commonplace among vigilantes. They have also been known to target elections, harass voters, or erect barriers to keep "outsiders" from watching polls. Vigilantes have been accused of harassing, threatening, assaulting, and assassinating opponents. If people were satisfied with their current governmental situation, they would simply not feel a need to oppose it by taking the law into their own hands. The majority of Vigilantism stems from a discontent with the institutions that maintain the public order. A country's politics is always essential for maintaining peace and order. The authoritative allocation of values is one of the most often acknowledged reasons for vigilantism. It is predicted that if individuals feel unfair treatment by the government in allocating state resources, they will form vigilante-style organizations to combat the government.

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<sup>10</sup> "Vigilantism - Origins." *Origins - Law, Victims, Force, and Vigilance - JRank Articles*, law.jrank.org/pages/2285/Vigilantism-Origins.html.

## Extremism

Extremism is simply the belief and support for beliefs that are considerably different from what most people consider proper or acceptable, according to the Cambridge dictionary.<sup>11</sup> This generally relates to political and/or religious beliefs. Consequently, "extremism" refers to views or behaviors that are considered out of the ordinary. This fundamental dictionary definition emphasizes the term's intrinsically subjective nature, which may take on a variety of meanings depending on who defines the standard and determines what is acceptable or not. Violent extremism is most commonly understood to relate to the ideas and activities of persons who embrace or use violence to achieve ideological, religious, or political aims. Terrorism and various types of politically motivated and sectarian violence fall under this category.

Violent extremism has emerged as a significant danger to societies worldwide. It impacts many people's security, well-being, and dignity in both developed and developing countries, as well as their peaceful and sustainable lifestyles. It also poses a severe threat to human rights. Thus far, the threats posed by violent extremism have primarily been assessed via military and security perspectives. Between 2001 and 2017, the US government spent around \$1.78 trillion on counter-terrorism. According to estimates, the European Union's investment climbed from €5.7 million in 2002 to €93.5 million in 2009. However, governments are becoming increasingly aware that investing funding to strengthen security measures is insufficient to safeguard everyone from terrorist acts carried out by violent extremists.

The Ku Klux Klan lynchings of black people and other minorities, frequently accused of committing crimes or violating white supremacy's "moral order," are a prominent example of vigilante extremism. Similar incidents occurred in Russia, particularly between 2006 and 2010 when vigilante violence against migrants and gays raged for years. The string of murders of Roma individuals in Hungary from 2008 to 2009 was another extreme example of vigilante terrorism. When they assaulted Roma communities with weapons, a killer commando of four culprits killed ten people (including a child) and injured six more. The perpetrators excused their heinous actions by stating that they were 'taking revenge.'<sup>12</sup>

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<sup>11</sup> "Extremism." Cambridge Dictionary, [dictionary.cambridge.org/dictionary/english/extremism](https://dictionary.cambridge.org/dictionary/english/extremism).

<sup>12</sup> Bjorgo, Tore. "Taking the Law into One's Own Hands? on the Nature, Organization and Rationale of Vigilantism against Migrants and Minorities in Europe." *C-REX - Center for Research on Extremism*, 18 Nov. 2019, [www.sv.uio.no/c-rex/english/news-and-events/right-now/2019/vigilantism.html](http://www.sv.uio.no/c-rex/english/news-and-events/right-now/2019/vigilantism.html).

### Rise of populism

Populism is widely used to define significant features of today's far-right parties. In a nutshell, it is an ideology that believes society is eventually divided into two homogenous opposing groups: "the pure people" and "the corrupt elite," and that contends that politics should be an expression of the people's general will." It is a political movement that mixes aspects of the left and right wings, opposing big corporate and financial interests while antagonizing established socialist and labor organizations. Populism may be used to describe democratic or authoritarian movements and is often critical of political representation and everything that serves as a conduit between the people and their leader or government. Populism, in its most democratic form, aspires to protect the interests of ordinary individuals and increase their power via reform rather than revolution. In a contemporary sense, populism is most typically connected with authoritarian governments. According to this concept, populist politics centers around a charismatic leader who appeals to and claims to represent the people's will to solidify his own authority. Political parties lose their relevance in this individualized type of politics, and elections reinforce the leader's power rather than represent the many allegiances of the people. In addition, most authoritarian forms of rule are associated with extreme nationalism, racism, conspiracy theorizing, and scapegoating of marginalized groups. This is used to consolidate the leader's power, divert public attention away from the leader's failures, or conceal the nature of the leader's rule or economic or social problems in some forms of authoritarian populism.<sup>13</sup>

By establishing claims of privilege for dominant ethnic groups and undercutting minority rights, right-wing populism is endangering the pluralist foundations of varied democracies worldwide. Existing research has analyzed these risks in terms of charismatic leaders seeking electoral triumph peddling a majoritarian agenda and the implementation of discriminatory policies through the deconstruction of institutional restraints by those already in power. Vigilantism is an effective tool for right-wing populists because of its inherent features as an efficient and transformational type of violence. Three elements, however, permit its employment for political purposes in two of the world's major democracies. First, because the Indian and Indonesian system of legislation makes it harder to curb minority rights, Vigilantism has emerged as an appealing extralegal tactic for eroding these rights from the bottom up. Second, right-wing populists may scale up local models of violence for federal purposes because of the extensive social legitimacy associated with standard forms of Vigilantism. Third, the nations' state-building disorders allow right-

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<sup>13</sup> Munro, Andre. "Populism." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., [www.britannica.com/topic/populism](http://www.britannica.com/topic/populism).

wing vigilantes to act with impunity. While Vigilantism has traditionally been considered a mechanism for disempowered individuals to cope with the state's ineffective maintenance of order, right-wing populists are turning Vigilantism into a tool for social domination engineering.<sup>14</sup>

### Inefficient legal systems

Vigilantes frequently operate in weak nations that lack the resources and authority to offer protection and services to their population. Mexico is a prevalent example of this. Due to the government's incapacity to combat the violence perpetrated by drug trafficking organizations, vigilante groups have formed in more than 60 Mexican cities to combat crime. Most studies believe that support for Vigilantism and its involvement occurs in "stateless regions," or places where formal judicial systems are weak or non-existent.<sup>15</sup> Despite this widespread accord, quantifiable evidence of this link can only be found in a few country-specific studies that employed solely subjective survey-based measures of institutional weakness.

Additionally, Vigilantism is enabled in countries with permissive legislation for armed self-defense or citizen patrols. The permissive laws in the United States of America on gun ownership and the freedom to use lethal force for self-defense and property protection provide the perfect environment for legalizing Vigilantism. Furthermore, political scientists agree that Vigilantism usually reflects characteristics of government failure. As governments grapple with insurgency and cartel violence in Nigeria and Mexico, Vigilantism has emerged. However, governance failures can also occur in politically powerful nations amid social shifts. Systemic racism in the United States has resulted in a wide range of Vigilantism. Though vigilante action can remedy governance failings, it can create more harm than good if it is sustained, unregulated, or based in a system that excludes and oppresses.<sup>16</sup>

### Post-conflict or transitioning periods

Even after a civil war, the environment remains turbulent and unstable. The threat of a new battle hangs large over the post-settlement peace process.

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<sup>14</sup> Jaffrey, Sana. "Right-Wing Populism and Vigilante Violence in Asia." *SpringerLink*, Springer US, 30 June 2021, [link.springer.com/article/10.1007/s12116-021-09336-7](https://link.springer.com/article/10.1007/s12116-021-09336-7).

<sup>15</sup> Nivette, Amy. "Institutional Ineffectiveness, Illegitimacy, and Public Support for Vigilantism in Latin America." *Wiley Online Library*, 15 Feb. 2016, [onlinelibrary.wiley.com/doi/abs/10.1111/1745-9125.12099](https://onlinelibrary.wiley.com/doi/abs/10.1111/1745-9125.12099).

<sup>16</sup> Davis, Phillip. "Governance Failures, Vigilantism, and Its Dangers." *Political Violence at a Glance*, 12 Aug. 2020, [politicalviolenceataglance.org/2020/08/12/governance-failures-vigilantism-and-its-dangers/](https://politicalviolenceataglance.org/2020/08/12/governance-failures-vigilantism-and-its-dangers/).

According to research, the danger of conflict recurrence is most significant in the first years after a war ends. Throughout 1945-2009, more than half of the nations with armed conflicts had a war relapse. This empirical fact has piqued scholarly attention in dealing with the deadly violence that might emerge in post-settlement contexts.

An overlooked aspect in peace and conflict studies is post-civil war societies. It is, nevertheless, a daily reality in some areas of the world, where communities are confronted with difficult post-war conditions, with high levels of crime and a lack of order and security marking the transition from war to peace. For example, during the 2015/2016 refugee crisis in Europe, vigilante groups arose in reaction to European nations' perceived inaction in dealing with the enormous influx of migrants from a different culture. The Soldiers of Odin, a vigilante organization based in northern Finland, began patrolling the streets to defend Finnish civilians against "Islamist invaders," a term used to describe migrants and refugees from Muslim-majority countries. According to reports, this social movement ultimately extended to Sweden, Canada, and fourteen other nations. As this instance demonstrates, Vigilantism is more about responding to a collective sense of fear and the impression that the state is inadequate or unwilling to deliver the security that the collective needs than it is about opposing the state.<sup>17</sup>

## Consequences of Vigilantism

### Corruption

The abuse of power for personal benefit is regarded as corruption. Corruption undermines confidence, undermines democracy, stifles economic progress, and exacerbates inequality, poverty, social division, and environmental disaster. The abuse of authority by government officials or their network contacts for unlawful private gain is known as political corruption. Bribery, lobbying, extortion, cronyism, nepotism, parochialism, patronage, influence peddling, graft, and embezzlement are examples of corruption.

Vigilantes are not only regular citizens, but they can also be members of law enforcement, as seen in the gruesome Kanto Massacre of 1923. The Kanto Massacre was a mass murder performed by the Japanese military, police, and vigilantes in the early aftermath of the 1923 Great Kant earthquake against the Korean people of the Kanto region, as well as socialists, communists, anarchists, and other dissidents. The Massacre of Koreans in 1923 is another name for the massacre of Korean inhabitants. The massacre began on

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<sup>17</sup> Haggqvist, Linn. *Taking the Law into Your Own Hands*. 2017, [www.diva-portal.org/smash/get/diva2:1113108/FULLTEXT01.pdf](http://www.diva-portal.org/smash/get/diva2:1113108/FULLTEXT01.pdf).

September 1, 1923, after a massive earthquake rocked the Kanto area and continued for three weeks. Approximately 6,000 ethnic Koreans and Japanese socialists were murdered by Imperial Japanese Army soldiers, police, and vigilantes during this time. Japanese officials denied the slaughter almost soon after it occurred, but some members of the public praised it. Japanese right-wing organizations continue to alternatively deny and glorify it now.

### Increased crime rates

With people taking the law by their own accord, it only makes sense for crime rates to increase, seeing as most ill-intentioned vigilante activities are illegal. Mexico, a nation with an already high crime rate, is undergoing a severe period of violence caused by vigilantes. In the past, the deadliest violence has been directly tied to territory disputes between organized criminal gangs. Because Mexico's legal system is unable to pursue violent crimes, more than 90% of them go unpunished. As a result, petty crime rises, particularly in big urban centers like Mexico City, as organized crime and the country's court system deteriorate. According to an investigative reporter, Street crime is rampant on the capital's outskirts, particularly public transit. Thousands of low-income residents in the capital's extensive working-class districts rely on minibuses and combis for everyday transit, making them ideal targets for petty thieves. According to the government, more than 40,000 people are expected to be killed by the end of 2020, which is the most significant number of homicides since the National Institute for Statistics and Geography began reporting those figures in 1990.<sup>18</sup>

## Challenges in addressing vigilantism

### Legal

Vigilantism is extralegal, which means it exists "outside of the law." "Extralegal" does not simply mean "illegal." Most extralegal action is criminal; however, this is not always the case. For example, muggings and property theft are common crimes that are unlawful but not extralegal. Illegality is defined as a violation of the law. Extralegality necessitates that an activity goes beyond the law, implying that it is heading in the same direction as the law but beyond its breadth or severity. Four aspects are implied by the term "extralegal" regarding vigilantism and its connection to the state and the law. First, vigilantism can only take place in the context of the law. As a result, vigilantism

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<sup>18</sup> Hootsen, Jan-Albert. "Crime Rates in Mexico Are Higher than Ever. Vigilante Justice Might Make That Worse." *America Magazine*, 21 Oct. 2020, [www.americamagazine.org/politics-society/2020/10/14/crime-rates-mexico-violence-vigilante-justice](http://www.americamagazine.org/politics-society/2020/10/14/crime-rates-mexico-violence-vigilante-justice).

is a relational term. Acting "outside the law" necessitates the existence of a recognized legal order. This is simply a scope condition: there cannot possibly be vigilantism if there are no laws. Secondly, the term "extralegal" suggests that vigilantism involves a struggle with the law and the government. Citizens engaged in vigilantism must dispute, usurp, supersede, or displace the state's power since their acts go "beyond the law," even if they profess to maintain or rectify the state's law. Third, because vigilantism must be "extralegal," it can only occur in areas where the state monitors police conflicts and punishes infractions. Finally, state agents, such as police officers, mayors, judges, and soldiers, can behave extralegally while on duty or off duty. Agents of the state occasionally help, sanction, or tolerate vigilante acts carried out by others. They can also engage in vigilantism themselves, preventing, investigating, or punishing crimes that are not covered by state law.<sup>19</sup>

### Social

Some forms of punishments vigilantes use are beatings and "knee-cappings" of offenders by paramilitaries in Northern Ireland, "necklacing" of criminals in black townships in South Africa, or "Sharia patrols" in Iran. Such vigilante acts often target whole groups of "others" — ethnic minorities and/or migrants — under the guise of policing their alleged crime or violation of social norms. For example, Ku Klux Klan lynchings of blacks in the United States in the recent past, current street patrols against alleged criminal migrants in cities across Western Europe and Canada, self-proclaimed border guards on the Mexican and Turkish borders, lynchings of Muslims by Hindu cow protection groups in India, lethal attacks on migrants and homosexuals in Russia, or party militias against alleged Roma criminals in Central Europe are all examples of vigilante activities. This new surge of vigilantism aimed at migrants and minorities in countries throughout the globe has piqued our curiosity in the phenomenon's recent evolution.

In the wake of violent occurrences in which migrants or minorities were (supposedly) implicated as offenders, vigilantes tend to arise from discussion forums on Facebook or other social media. In addition, the concept for vigilante patrols was often sparked by substantial press coverage of criminal occurrences and vigilante reactions abroad. The most obvious example was the surge in vigilante actions in the wake of the New Year's celebration in Cologne in 2015/2016, particularly the Soldiers of Odin chapters' quick expansion into about 20 nations in only a few months.

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<sup>19</sup> Bateson, Regina. "The Politics of Vigilantism - Journals.sagepub.com." *Sage Journals*, 21 Sept. 2020, [journals.sagepub.com/doi/10.1177/0010414020957692?icid=int.sj-abstract.citing-articles.3](https://journals.sagepub.com/doi/10.1177/0010414020957692?icid=int.sj-abstract.citing-articles.3).

### Economic

To properly execute its deterrent function, the legal system must impose penalties for illegal conduct and enforce those penalties with sufficient frequency to guarantee that the balance favors legitimate over criminal activity. Although it may appear self-evident, criminal sanctions and enforcement come with their own set of societal consequences. Over-enforcement might end up costing more than the crime it prevents. When deciding how much illegal activity to allow in society, the criminal justice system must weigh these three factors (net harm from the offense, cost of the sentence, and enforcement costs). Additionally, a source of vigilantism is the competition for land. More violence erupted as a result of this. Those who were landless utilized all means necessary to gain land, often violently, in order to make some money from the land's production.

### Political

Because it is strongly tied to fundamental notions like power, order, state-building, and collective action, vigilantism is theoretically and empirically significant for political science. Nevertheless, despite political scientists becoming more interested in vigilantism, the field has never formed a long-term, comprehensive study plan on the topic. It is said that this is because existing definitions of vigilantism are inconsistent, tautological, and difficult to operationalize. Moreover, because it shapes the terms of public debate, vigilantism is a powerful tool in politics. Vigilantism establishes and perpetuates systems that elevate certain voices while silencing others, effectively suffocating dissent. At the same time, vigilantes can raise attention to specific concerns by selectively punishing just certain infractions. In California, for example, vigilante attacks on the homeless have gained global media coverage, altering public impressions of the state's homelessness situation.<sup>20</sup>

### Digital Vigilantism

The internet has long been portrayed as a platform that fosters participation, a more active and decentralized public sphere, and an independent space of citizen power, all of which are predicated on a relatively civic notion of democracy. Additionally, it has been lauded as a victory of mass self-communication in service of political development. However, as recent events have demonstrated, it is also the site of more messy and problematic modes of involvement. This has become increasingly clear as hate speech, discrimination, and harassment have been demonstrated to play a

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<sup>20</sup> Bateson, Regina. "The Politics of Vigilantism - Journals.sagepub.com." *Sage Journals*, 21 Sept. 2020, [journals.sagepub.com/doi/10.1177/0010414020957692?icid=int.sj-abstract.citing-articles.3](https://journals.sagepub.com/doi/10.1177/0010414020957692?icid=int.sj-abstract.citing-articles.3).

significant role in online encounters. However, a category of practices that straddles these two extremes are performed in the name of justice. However, they do not conform to participative ideas or the due process of policing and law enforcement. It is considered political participation, moral regulation, and response to criminal activity.

Digital vigilantism is the practice of taking direct action against perceived civil or moral breaches, crimes, or injustices over the internet. It further complicates issues for at least two primary reasons. The first is that it is less clearly associated with physical coercion in the sense that the majority of these online actions take the form of public denunciations or targeted harassment, but more frequently to identify, humiliate, or disgrace the perpetrators, or to elicit a response from authorities and the judicial system. As a result, it largely relies on 'unwanted,' 'intense,' and 'persistent' types of sight. While this can be considered symbolic violence with severe psychological, social, and even physical consequences, its punitive components are frequently more complicated. The second reason is the internet's easy accessibility.

Digital vigilantism may take a 'naming and shaming' form of exposure. This often entails releasing the targeted individual's personal details on a public website, which may include sensitive information such as the target's home address, employment information, as well as financial and medical information. In addition, the spread of false information, such as when a target is mistaken as a suspect or offender, can encourage digital vigilantism. Furthermore, there is evidence that such lies circulate more rapidly than accurate facts. However, while considering the societal effects of digital vigilantism, it is also necessary to consider the precision and ease with which personal information is collected and circulated.<sup>21</sup>

## MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

### United States of America (USA)

The legal system in the United States of America is built upon the principle of the rule of law, which is expressed in the belief that the United States is a country of laws, not of individuals. The rule of law presupposes that rules exist independently of and distinct from human volition. Even when a person's personal biases are relevant to the cause, the decision-maker is expected to be bound by the law. In other words, police officers, judges, and juries should follow the law, not their personal inclinations or biases. In the United States, vigilantism is as old as the country itself. In many respects, the United States' history began with vigilantism. For example, on December 16, 1773, American colonists staged what became known as the Boston Tea Party in response

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<sup>21</sup> Loveluck, Benjamin. "The Many Shades of Digital Vigilantism. A Typology of Online Self Justice." *Hal Open Science*, 5 Apr. 2021, hal.archives-ouvertes.fr/hal-02169819/document.

to British direct taxation. They tossed 342 chests of tea into Boston Harbor as part of the rebellion. During the 1830s, vigilance committees arose in the South to defend against incursion by abolitionists, who were frequently attacked, tarred, feathered, and generally intimidated by these committees with the cooperation of local law enforcement authorities. Following the abolition of slavery, southern vigilante organizations such as the Klu Klux Klan attempted to maintain white domination over freed black communities through lynching and other illegal intimidation methods. In addition, African-American vigilantes inflicted upon symbols of white power and property connected with white society in vengeance for the damages and indignities caused by racial segregation and discrimination throughout the second half of the twentieth century.

Vigilantism is undergoing a metamorphosis. Private watch organizations patrol communities to keep an eye out for illegal behavior. Anti-abortion radicals carry out lethal attacks against family health care centers and staff, frequently in the name of religion. Environmental activists create economic harm to businesses by delaying authorized commercial activity they believe will harm the air, water, or land. Individuals use force and violence every day to pursue retribution on those they think have wronged them. In each scenario, vigilantes operate independently of police officers, attorneys, judges, and the rest of the established legal apparatus.<sup>22</sup>

## India

Cow slaughter prohibition laws have been in effect in several states as early as 1932. However, some states recently amended these regulations, including Gujarat, Uttar Pradesh, Karnataka, Haryana, Sikkim, and Madhya Pradesh. These revisions strengthen existing penalties for cow slaughter and, in certain situations, criminalize the transport, ownership, and selling of cattle/meat. These restrictions and vigilante attacks have harmed India's cow trade, rural agricultural economy, and leather and meat export businesses. The assaults are primarily carried out by groups associated with the Bharatiya Janata Party (BJP) and predominantly target Muslim, Dalit, and Adivasi (indigenous) populations. The government's insufficient retaliation to these attacks harms populations, especially those whose livelihoods are dependent on animals, including farmers, herders, cattle transporters, meat sellers, and leather workers (Human Rights Watch, 2019).<sup>23</sup>

The adoption of legislation and the enforcement of tighter restrictions have occurred concurrently with an increase in violence linked to cow protection across the country. Between 2016 and 2020, approximately 50 people have been killed due to lynching or mob violence in response to alleged cow slaughter or trading. In 2018, the Armed

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<sup>22</sup> "Vigilantism." *Law, Private, Vigilantes, and Justice - JRank Articles*, law.jrank.org/pages/11129/Vigilantism.html.

<sup>23</sup> "Appendix: India National and State Cow Protection Laws." Human Rights Watch, Jan. 2019, [www.hrw.org/sites/default/files/report\\_pdf/india0219\\_appendix\\_1.pdf](http://www.hrw.org/sites/default/files/report_pdf/india0219_appendix_1.pdf).

Conflict Location and Event Data Project (ACLED) reported a dramatic increase in the number of incidences of political violence in India connected to cow protection. Political violence incidents with cow protection spiked by more than 40% in 2017 and nearly doubled in 2018. Over 80% of recorded incidents of violence connected to cow protection have been aimed towards people. Typically, persons involved in the cattle trade and members of minority groups, such as Muslims, Dalits, or Adivasi groups, are the targets of these attacks. The adoption of more stringent rules around the country has facilitated the targeting of minority groups in the name of cow protection. Since the BJP administration came to power, Muslims and Hindus from lower castes (Dalits) have frequently been the target of hate speech, threats, and violence. Muslims and Dalits have both worked in the leather and meat industries as cattle carters and as tannery employees.<sup>24</sup>

### South Africa

Senior South African officials have urged ordinary residents not to take the law into their own hands as vigilante groups develop in the aftermath of days of unrestrained looting and violent demonstrations throughout a large portion of the nation. Thousands of soldiers were sent to assist the police on the streets to help deal with this issue. However, law enforcement authorities continue to struggle to contain continuous attacks on warehouses, supermarkets, shopping malls, clinics, and workplaces by mobs. Numerous vigilante groups and armed community patrols have developed in various regions of Gauteng and KwaZulu-Natal, the two provinces worst impacted by the violence, as frightened locals strive to safeguard their homes and businesses.<sup>25</sup>

Certain crimes in the Western Cape increased in the 2002/2003 fiscal years. Murder, attempted murder, aggravated robbery, public violence, and assault are all on the rise. Vigilante operations were primarily motivated by the offenses mentioned earlier. Since 2001, vigilante occurrences in Khayelitsha, Phillipi East, and Nyanga Community Service Centre (CSC) have increased. In addition, daily vigilantism occurrences occur in Mfuleni and neighboring areas such as Khayelitsha, Phillipi East, Nyanga, and Delft. These occurrences occur daily, weekly, or monthly and vary from one to three per day to seven per month. Inadequate policing in communities is a significant factor contributing to vigilantism in South Africa. However, others argue that weak governance may also cause the growth of vigilantism. Corruption, unemployment,

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<sup>24</sup> Maskara, Shreya. "Cow Protection Legislation and Vigilante Violence in India." *ACLED*, 6 May 2021, [acleddata.com/2021/05/03/cow-protection-legislation-and-vigilante-violence-in-india/](https://acleddata.com/2021/05/03/cow-protection-legislation-and-vigilante-violence-in-india/).

<sup>25</sup> Zuma, Jacob. "Vigilante Groups Form in South Africa amid Looting and Violence." *The Guardian*, Guardian News and Media, 15 July 2021, [www.theguardian.com/world/2021/jul/14/vigilante-groups-form-south-africa-tackle-looting-violence](https://www.theguardian.com/world/2021/jul/14/vigilante-groups-form-south-africa-tackle-looting-violence).

poverty, inequality, and high crime rates contribute to residents' sense of insecurity and distrust of the state.

From a historical perspective, marginalized communities have suffered at the hands of those in power since the emergence of colonialism, throughout the apartheid era, and following South Africa's transition to democracy. Consequently, they have been forced to rely on their knowledge and resources to provide for and sustain their communities. These neighborhoods are frequently ignored and suffer from substandard service delivery, increased crime, and isolation from the country's economy; as a result, they lack the fundamental necessities for safe and productive daily life. As a result, these societies have a history of organizations regulating them and imposing social control.<sup>26</sup>

## Indonesia

President Joko Widodo's authority was shattered by three consecutive Defense of Islam protests in Jakarta. Spectators were taken aback by the government's ambivalence regarding the overtly forceful demands for the punishment of Jakarta's Chinese-Christian governor on blasphemy accusations, in addition to the extent of popular mobilization around the subject. Following an astonishing show of force in the country's capital, a series of mob attacks against religious minorities in Bandung, Yogyakarta, and Surabaya have heightened worries of an Islamist threat to Jokowi's leadership. There is no ignoring the sectarian overtones of these particular events and their political significance. On the other hand, Vigilantism is a widespread phenomenon in Indonesia, when mobs demand that the law be enforced to their satisfaction under fear of violence or actively punish an alleged infringement. Although large-scale violence garners greater public attention, the cumulative impact of vigilantism is thrice that of large-scale violence in Indonesia. Numerous historians have documented the infrequent hanging of accused thieves and offenders throughout the New Order and even earlier during colonial authority. However, vigilante violence has increased dramatically in frequency after the Reformasi. While a spate of witch-huntings in East Java in 1998 attracted widespread attention to the topic, observers voiced worry about Jakarta's remarkable growth in mob justice occurrences.

A case study of these early transition years corroborated this rising tendency and linked it to the fast changes in local government caused by decentralization efforts. As a result, it was expected that vigilantism would reduce as communities acclimated to these reforms. However, recent NVMS statistics imply the opposite. Rather than declining, the incidence of mob violence increased by 25% between 2007 and 2014. This pattern is consistent with the emergence and institutionalization of vigilantism in

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<sup>26</sup> Haefele, Benjamin. "Vigilantism in the Western Cape." *Western Cape*, [www.westerncape.gov.za/Text/2006/4/vigilantism\\_in\\_the\\_western\\_cape.pdf](http://www.westerncape.gov.za/Text/2006/4/vigilantism_in_the_western_cape.pdf).

other developing democracies, like Guatemala, Nigeria, the Philippines, and South Africa. This counterintuitive increase of vigilantism in the face of increasing police capabilities may be traced back to Indonesia's authoritarian state-building past. Having led the country's nationalist battle, civilian militias had a significant part in the 1965 communist assassinations. Not only did the New Order administration continue to use these organizations to suppress opposition, but it also gained surveillance support from regular citizens through sophisticated civilian defense programs. In exchange for their assistance in dealing with broader dangers to the regime, the state granted communities some latitude in dealing with violations of local order. Thus, society's coercive potential has risen in lockstep with, rather than in place of, the state.

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## TIMELINE OF EVENTS

Date of Event	Description of event
1851	The formation of the San Francisco Committee of Vigilance
1859	The formation of the Anti-horse Thief Association
1865	The formation of the Klu Klux Klan (KKK)
1868	200 African-Americans were hunted down by Southern White Democrats in order to suppress voter turnouts
1922	The Big Sword Society of China safeguarded the nation's livelihood against anarchy
1967	Lynching was at it's most popular state after the American civil war
1981	The formation of the Black Shadow (Sombra Negro) in El Salvador to murder criminals and gang members
1992	The formation of Los Pepes in Columbia to oppose Pablo Escobar
2004	The formation of the Minuteman Project to force illegal Mexican immigrants out of American Borders
2010	The adoption of the UN general assembly Resolution 3997
2011	A bus carrying armed illegal loggers associated with a Mexican drug cartel was attacked by group of women in Chèran
2021	The raiding of the Capitol building in Washington DC by a mob of Donald Trump supporters

<sup>27</sup> Jaffrey, Sana. "Justice by Numbers." *Policy Forum*, 17 Jan. 2017, [www.policyforum.net/justice-by-numbers/](http://www.policyforum.net/justice-by-numbers/).

## PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

### UN General Assembly Resolution 3997, November 2010

Against the 16th of November, the draft resolution III on extrajudicial, summary, or arbitrary executions was passed with a vote of 165 in favor, zero against, and ten abstentions. The General Assembly would, under its wording, once again strongly condemn such executions and urge that they cease. It would reaffirm that all states have a responsibility to investigate all suspected incidents of extrajudicial killings, bring those guilty to justice, recompense victims or their relatives, and take legal and judicial steps to put an end to impunity. It would urge all countries to take essential precautions to prevent deaths during public protests, internal and communal violence, civil disturbances, public crises, and armed wars. It would encourage states to prevent or eliminate prisoner control. It would express concern over vigilante killings and advise states to conduct comprehensive investigations into the phenomena to take the required legislative, judicial, administrative, and educational steps.<sup>28</sup>

## POSSIBLE SOLUTIONS

### Strengthening the Criminal System

To address society's issues today, improvements to the criminal justice system are vital. These issues include the long wait defendants undergo before their trials. Sometimes, it is not always evident whether or not a choice to not prosecute is reasonable. When a case is decided, the penalty is often carried out at a later period or not at all (eg: because the perpetrator cannot be identified). One of the main goals is to improve the ability of judicial systems to operate more effectively under the rule of law, with particular emphasis paid to the needs of vulnerable populations, including children and crime victims. Effective, fair, and humane criminal justice systems are required as a foundation for measures to prevent and respond to illicit drugs, organized crime, corruption, and terrorism. Crime prevention techniques that are comprehensive and balanced are also essential. If a nation's criminal system is more fair and inclusive, fewer people would be maltreated and wronged by the law. With a strengthened criminal system, there would be less of a need for an individual to take action, visa ve, decreased vigilante rates.

### Establishing special tribunals for vigilantes

A tribunal, in general, is any person or entity with the capacity to judge, adjudicate, or resolve claims or disputes, whether or not the title of the person or organization is

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<sup>28</sup> "General Assembly Will Hold 'World Conference on Indigenous Peoples' in 2014, under Terms of Resolution Recommended by Third Committee." *United Nations*, United Nations, 16 Nov. 2010, [www.un.org/press/en/2010/gashc3997.doc.htm](http://www.un.org/press/en/2010/gashc3997.doc.htm).

"tribunal." An advocate who appears before a single judge, for example, might refer to that judge as "their tribunal." In this sense, a tribunal is a statutory body. Its goal is to assess a person's legal standing in a private law dispute or a public law claim, whether at the outset, on appeal, or through judicial review. Tribunals and courts are comparable in that they employ the same procedures to resolve disputes between parties. On the other hand, Tribunals are not part of the legally created judicial system. A special tribunal is a criminal court established by the United Nations on an ad hoc basis. It is usually established to look into major international crimes such as war crimes, crimes against humanity, and genocide in the context of a given conflict. Due to the severity of the planet's current situation regarding violent vigilantism, it is only fitting to designate a specific cause towards combating it. By drawing more focus through an international scope, vigilantism will be a more focused-on issue, thus pushing the world in a positive direction to prevent it.<sup>29</sup>

### Raising awareness

Members of SANCO, Neighborhood watch, Provincial Legislature, Social Services, Public Prosecutor and Church Leader, Disaster Manager, Regional Magistrate, SAPS, and CODETA believe that communities as a whole need education on how the Criminal Justice System operates. Workshops are needed to educate people on how the court functions and the roles of the prosecutor and judge. There was also a recommendation that individuals be taught how to exercise self-control and adequately cope with negative responses. Awareness is the first step towards action, so it is crucial to raise awareness on the topic. A public awareness and education initiative is a means to draw the attention of a large number of people to a particular topic. A poster contest, a fair in a local mall, or a broadcast on one of your town's radio or television stations are all examples of this type of endeavor. A public awareness and education initiative is an excellent method to draw attention to a subject in your community. An essential aspect is to deliver critical information to your target audience (youth, adults, or children) and persuade them to take steps to avoid or reduce crime. One of the vital measures for avoiding crime is public education. People who understand how to lower their risk of becoming a victim of vigilantism and improve neighborhood safety are at the heart of a safer community. In Chicago, IL, 16 to 21-year-olds collaborated with their community center to design an educational resource bundle that was delivered to adolescents around the area. They also held youth forums on crime and crime prevention and performed role-plays and skits about crime and drug prevention to raise prevention awareness among their peers. Small steps go a long way.

### Reforming legislation

Corruption unfairly attacks the poor and vulnerable, raising expenses and limiting access to services such as health, education, and justice. For example, corruption in the purchase of medications and medical equipment raises costs and results in

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<sup>29</sup> "Assessment of Statutory Frameworks of Tribunals in India." *Law Commission of India*, Oct. 2017, [lawcommissionofindia.nic.in/reports/Report272.pdf](http://lawcommissionofindia.nic.in/reports/Report272.pdf).

substandard or hazardous products. The human costs of counterfeit medications and vaccines regarding health outcomes and long-term effects on children considerably outweigh the monetary expenses. Poor individuals are more vulnerable to unauthorized payments for services. According to empirical studies, the impoverished pay the most significant percentage of their income in bribes. According to some research, the impoverished may be preyed upon since they are perceived as helpless to protest. Every dollar, euro, peso, yuan, rupee, or ruble stolen or misdirected denies the poor an equal chance in life and prohibits governments from investing in their human capital. Corruption erodes public trust and puts the social compact at risk. Corruption generates and maintains the disparities and dissatisfaction that contribute to fragility, violent extremism, and war across the world, but especially in situations of fragility and violence. In the absence of comprehensive change, progress may be made through improved and more open procedures, professional accountability systems, and the use of new technology to record, analyze, and share data in order to avoid, detect, and discourage corruption. If corruption is combated through reforming legislation to form a fairer government system, there would be less of a need to commit acts of vigilantism in the first place<sup>30</sup>

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<sup>30</sup> World Bank Group. "Combating Corruption." *World Bank*, World Bank Group, 19 Oct. 2021, [www.worldbank.org/en/topic/governance/brief/anti-corruption](http://www.worldbank.org/en/topic/governance/brief/anti-corruption).

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