

DEMOCRATISATION OF CORRUPTION IN NIGERIA: ANALYSIS OF ITS SOCIO-POLITICAL, ECONOMIC AND LEGAL IMPLICATIONS*

Abstract

Corruption is among the series of problems and challenges faced by the Nigerian State. The ferocious nature of the spread of the evil of corruption in Nigeria has left many citizens to believe and think that the phenomenon has become highly accepted as culture and is at present a democratized notion in our state. It is seemingly democratized in the sense that out of one hundred Nigerians, over ninety five are corrupt and do not see anything bad in the glorification of the act. There is no institution in Nigeria that can be singled out to be corrupt free. Indeed, the problem of corruption has attained the height of a pandemic in the country and has infiltrated into the family, the school at all levels, the government including the three levels of government and their respective organs or arms, the sacred sanctuary of God without exemption of any of the denominations, it does not also isolate any sex or age bracket nor does it respect the marital status of the individual, it does not recognize the poor or the wealthy nor does it look at ones educational qualification or lack of it. Corruption no doubt like the law of the land is no respecter of persons, government as well as powers. This paper aims at looking at Corruption in Nigeria and how it has grown in all facets of our life and how it has impacted on the socio-political and economic aspects of the Nigeria state. The paper also makes an in-depth discovery on the causes and effects of corruption in the various sectors and institutions in the country and offered suggestions and recommendations on the way forward but not without looking at the laws applied in Nigeria to address the evil of corruption.

Keywords: Corruption, Democracy and Democratization of Corruption, misappropriation and greed.

1. Introduction

Corruption has eaten deep into every fabric of the Nigerian society.¹This implies that like cancer and other dangerous diseases, corruption has paralyzed every sector in the Nigerian economy.² The manifestation of corruption is visibly shown in the failure and collapse of all sector in the economy and indeed the failure of the state as a whole.³ The consequences of corruption is obvious in the country, it has led to the enthronement of politics of patronage, money politics, ethnic and tribal colouration of politics and growing tendency of dominance of one region over the other or over the rest of the regions concerned. It has also led to defeat of merit in the sharing of appointments and positions and some regions and ethnic groups are brought in the limelight while some other regions and people are completely sidelined without any appointment extended to them as a mark of their being part and parcel of Nigeria. In other institutions of government and even the private sector, corrupt practice is a flourishing business hence in parastatals, state corporations, ministries and departments, in our primary schools, secondary schools and even in the tertiary schools including universities, polytechnics, colleges of education, institutes as case may be, corruption is an old language spoken and understood by the students and their teachers. Among the legislature, executive and judiciary perceived to be the last hope of the common man, corruption has not stopped rearing its ugly heads. Even in the sacred places, the places believed to be the sanctuary of the almighty God i.e the churches, has also become a hot bed for corruption. Sacred corruption once found and allowed to grow in any country brings the country into extinction. Corruption has left the abode of man and entered the 'Sacred Places of God' in Nigeria and with this Nigeria is finished.⁴

2. Definition of Terms

In order to present a comprehensive paper that will ensure reader's understanding of the subject matter, there is need to define some key concepts or words which will assist in realizing the objective of the paper.

Corruption

Corruption is commonly defined as the misuse of public office or entrusted power for private gain.⁵ This definition is narrow and restrictive because to accept it wholly means that only persons holding public office or entrusted with power engage and perpetrate the evil called corruption. Corruption is not restricted to public officers alone nor is it used with regards to only persons entrusted with power. It cuts across all strata of life.

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¹ S.O Uwaifo 'Corruption and Nigeria society: Biblical Perspective, Journal of Sociology & Criminology', Vol 2018.

² Ibid.

³ Ibid.

⁴ Diri Gloppen 'Corruption, Courts and Judicial Independence' Elgar online. Com.

⁵ S.O. Uwaifo 'Corruption in Nigeria Society: Biblical Perception *Journal of Sociology and Criminology* Vol 6, Issue 2, 2018.

Corruption is a human conduct and nature characterized by human behavior, attitude, greed and postures.⁶ From the above, it is evident that corruption as an act or action is fuelled by man's desire and quest to outwit others, unaccounted wealth, properties, position, status, recognition and promotion through unexplainable, unconventional, unethical, criminal and questionable means and platforms.⁷ A Contractor bids and gets a contract for a project, he or she is paid, the government officials that facilitated the contract takes their commission, everybody involved take theirs and leaves the actual contractor and at point of execution, he is left with little or nothing and he abandons the project.⁸ Those who awarded the contract are under moral burden because they collected a share and cannot go after the contractor and the citizenry suffers. Unfit and unqualified persons are drafted to leadership positions in the legislature and executive by their 'God fathers', they take an Oath of secrecy on how the 'booties' shall be shared against state interest, they assume office, people are crying, they look them, and turn away, they are under a burden, some judges are appointed 'square pegs in a round whole', they did not do pupilage let alone practice law but for political patronage, they are elevated, the justice system suffers, the citizens suffer, merit is buried and clannish interest is the consideration than the ability and capability of the person appointed.

Democracy and Democratisation of Corruption

The word democracy is derived from the Greek Anthenia word 'demokratia' meaning 'rule of the people' and coined from 'demos' people and 'kratos' power or rule around the 5th century BC⁹. From the above, it is understood that democracy is a system of government where supreme power is vested on the people and exercised by them through their representatives. Among the Athenians, politics and leadership was dominated by the 'elit class' is excluded just like the women and the 'minority' dominated by touts and illiterates who are either drop outs or never saw the walls of any school in their life. Democracy has also been defined as a system of government with four basic elements of choosing and replacing the leaders by free and fair elections, active participation of the people, protection of human rights and then rule of law where laws apply equally to all citizen.¹⁰ The above elements are absent in our system. There is no free and fair election, human rights protection is more or less at Zero level, there is apathy among the people instead of actively been involved because people are disenchanted with what is going on. One of the common traits of all democracies all over the world is the fact that it allows competitive elections promoting equality among all eligible citizens in all respects with clear electoral rules,¹¹ much as this is the case, the situation in Nigeria seems to be an aberration as the rules laid both by the laws, guidelines and procedures are flouted recklessly by the actors under the watch of electoral umpires who sit down and say nothing over grievances raised against the election they supervised their conduct, the manipulation of the scores, the trimming down of some candidates votes and the jerking up of votes of other preferred candidates and not just that but the abuse of judicial powers in favour of candidates such that there are at present leaders who are branded 'tribunal governors' and supreme court senators and supreme court governors.

Misappropriation

Corruption makes accountability difficult. A corrupt person or corrupt government has no regard for accountability. Similarly such government or individual has no discipline. Corruption endangers development because the resources mapped out or earmarked for development is either embezzled or diverted for private gain not in any way to advance good.¹² Misappropriation means intentional misuse or misapplication of funds for a purpose other than what is was appropriated for. It means also the diversion of funds and deliberate neglect to use the money for what it is meant to be used.¹³ The cases of public officers found wanting for misappropriation in Nigeria is on the increase on daily basis, this is because of the mentality of large chunk of the population having the orientation of 'amass wealth as much as you can before leaving office' or be reprimanded by your people when you come back empty handed.

⁶ ibid

⁷ G.A.I. NWOGU, 'Democracy: its meaning and Dissenting opinion of political class in Nigeria: A philosophical *Approach*' *Journal of Education and Practice*, VOL 6 NO, 2015 PG1.

⁸ ibid

⁹ ibid

¹⁰ ibid

¹¹A. U. Abonyi 'The Powers of EFFC and State Security Service to Prosecute Service Judicial Officers for Alleged Corrupt Practice' An Appraisal, *COOU Journal of Public and Private Law*, Vol 2 No 1, 2019.

¹² ibid

¹³ Wikipediagooglescholar online. Com. UK.

Greed

A greedy person is one who cannot control his quest for a thing whether 'edible thing' or material thing'. A greedy person has unpleasant instinct to take advantage whether he deserves it or not and whether he has the capacity or competence is not his concern. When a person is greedy, his attitude goes out of normal and he or she behaves in abnormal and uncoordinated manner. A greedy person is sensitive and vulnerable over taking advantage or exploiting every situation to his gain or benefit even if it means doing. Corruption like we said involves abuse of power and exercise of it to take personal or private undeserved gain. One of the remote causes of corruption is greed, out of greed, a person begins to think of 'short cut', 'shoddy means' and unacceptable means of cheating to gain advantage in appointments, promotions, examinations, recruitment interviews etc.

3. State of the Law on Democracy, Rule of Law and Corruption in Nigeria

In addition to the provisions of the 1999 Constitution of the Federal Republic of Nigeria as amended in 2018 as it relates to corruption especially as it concern code of conduct for public officers in the three organs of government, the fight against corruption in the country gathered and gained momentum in 2000 when the Corrupt Practices and Other Related Offences Act 2000, was enacted.¹⁴ The Act thereafter established the Corrupt Practices and Other Related Offences Commission and vested it with the powers to support the government of Nigeria in its campaign and fight against corruption in the land. In 2016, Nigeria was ranked 136th out of 176 countries in the corruption perception index as reported by Transparency International and the country scored 28/100.¹⁵ The above report indicates a bad signal for the country especially as it concerns her image regionally and internationally. This is also a problem to the country's economy as it will create investor's lack of trust and confidence on the capacity of the country to sustain investments from external investors. The soaring and rising level of corruption in the country create panic everywhere and the country is left with no option than to roll out laws to curb and wipe out the virus in the land. Shortly and four years after the enactment of the ICPC Act, the federal government under the leadership of Olusegun Aremu Obasanjo spearheaded the enactment of EFCC Act of 2004 which established the Economic and Financial Crimes Commission EFCC under Section 1 of the Act and vested it with the power to detect, prevent, investigate and prosecute offenders for financial and economic offences including bribery, corruption, obtaining under the colour of one's position or office, money laundering, fraud, looting and any form of corrupt practices including embezzlement and so on and so forth.¹⁶ There are other institutions in Nigeria apart from EFCC and ICPC that has legal powers to fight corruption and they include the:

- i. Central Bank of Nigeria (CBN)
- ii. The Securities and Exchange Commission (SEC)
- iii. The Code of Conduct Bureau (CCB) and the tribunal for public officers established by the Code of Conduct Bureau and Tribunal Act cap c.15, LFN 2004.
- iv. The Attorneys- General of the Federation and states and of course.
- v. The Nigerian police established by the Police Act of 2020 (Sections 4,10) and reinforced by the provision of the constitution under Sections 150,195, and 214 of the 1999 constitution of Nigeria as amended in 2018.

It is observed that whereas the laws are comprehensive as to the provisions against corruption, the implementation of these laws has been difficult there by jeopardizing the effort to fight corruption doggedly. There is the challenge of overlapping of functions of the relevant organs or commissions set up in line with the laws to act as a basis for the fight against corruption. The whistle blowing initiative encourages the disclosure of hidden proceeds of corrupt practices. Some states like Lagos have also adopted the whistle blowing culture of fighting corrupt practices through the promotion of enactment of whistle blower law in the state known as 'The Disclosure of Impropriety Bill 2016.' It is on record that until the enactment of the Freedom of Information Act in 2011, (FOI Act) there was no specific law providing access to public records and information. The Act allows or permits the provision of information held by public authorities and institutions. The Act is innovative as it enables transparency in the activities of those in public offices. It makes citizens to hold government and its agencies accountable and facilitate investigation of cases by law enforcement agencies. Any person can apply for public records of government officials and same can be granted or denied and by the Act, upon the application the officer is notified.¹⁷ This provision under the Act compelling or directing persons in public offices to make available their official records promotes fight against corruption. An officer who denies the application and refuses to makes available even when such denial is wrongful will not go without a liability.¹⁸ The fine of ₦500,000 Naira to us is too minimal and amounts to no fine compared with the huge amount hidden

¹⁴ *ibid*

¹⁵ Section 7 of the EFCC Act, also Section 46 of the Act.

¹⁶ Section 4 of FOI Act.

¹⁷ Section 7 of the FOI Act.

¹⁸ Section 10 of the FOI Act.

which the denial of records or refusal to disclose may have caused the citizenry and the state at large not to know. Refusal to release public records by officers in public office should not only attract civil liability but criminal liability. We also reason that the punishment of one year imprisonment for a person or persons that destroy public records or alter such records¹⁹ is too small and cannot deter future commission of the offence. The punishment should be made more strong and stiff to serve the purpose of deterrence. Like it was pointed out, ICPC Act was a landmark in the fight of corruption in Nigeria and the Act is bold in creating the following offences: accepting gratification, giving or accepting gratification, bribery of public officers, use of office or position to receive gratification, bribery in relation to auctions and bribery in regards to contracts.²⁰

In addition to the above, the ICPC Act also made some veritable provisions which in our view promotes the fight against corrupt practices including imposing obligation on the person from whom any gratification has been solicited or obtained or even attempt to obtain has been made to report such incident either to the commission or its staff or a police officer and failure to make such report without reasonable excuse is a crime.²¹ The Criminal Code also criminalized acts which are seen as corrupt in nature including public officers asking for or receiving or obtaining property or benefit of any kind for himself or for any other person or even attempting to receive or agreeing to receive.²² The criminal code has wide range of acts as can be seen in the provisions of the section under review that come within the purview of corruption. In the same respect the code also punish any person or persons who compels another to sell or alienate his property at a price other than its fair market value.²³ It is also observed that the bank and other financial institution amendment act, 1991 prohibited the receipt of any gift, commission, property or anything having value by any staff of any bank for his or personal benefit.²⁴ The Act went to make an explicit provisions to the effect that the offender for the offence under section 47, will be liable for a term of imprisonment of 5 years or fine of ₦50,000 or both and in addition forfeit such gift or commission to federal government. This provision will check the excesses of not just receive gift, the received must forfeit the gift or commission received and same hundred to government.²⁵ The Code of Conduct and Tribunal Act also made provisions criminalizing the offering and receiving of gifts or benefits as inducement or bribe for granting or discharging of favour by a public officer of his duty.²⁶ Thus, one cannot expect favour or accept or receive it as part of discharging his official duty or receive such favour in order to do his duty.

The laws against corruption and corrupt practices are not only made to catch the offenders caught in act but extends to those supporting the offenders, the accessories and those that counsel, aid, instigate and abet the acts in question and were not themselves the actual perpetrators²⁷ of the acts. It is also interesting to note that the main fact that the 'gratis' or 'gifts' was received through an agent is not a defence to avail the defendant,²⁸ or that it was received for a third party²⁹ other categories or classes of defendants in corrupt practices include those:

1. Failure to report bribery is punished by the Act.³⁰
2. Withholding information over receiving or giving of bribe and other practices is criminalized.³¹
3. Receiving proceeds of corruption or bribery.³²
4. Making false statements to ICPC.³³
5. Tampering with evidence and deliberate frustration of investigation.³⁴

From the above, the offence of corruption is elastic and many acts are involved and interconnected with one another. In addition to the above, attempt to commit the offence of corruption or obtaining benefits corruptly also amounts to an offence.³⁵ Relating to sanctions imposed on the offenders, the law made provisions for imprisonment for terms ranging from two to 7 years as case may and at some other times, there are provision for

¹⁹ Section 8-26 of DOI Act, 2011.

²⁰ Section 98 (1)CC.

²¹ Section 104 CC.

²² Section 47 of BOIF Act.

²³ Ibid.

²⁴ Section 10 of CCBT Act.

²⁵ G. Elias 'Key Issues In Anti-Bribery And Anti- Corruption (ABC)Laws for Foreign Investors, Lagos, Gbolahan Elias & Co) 2007

²⁶ Ibid.

²⁷ Section 17 of ICPC Act, Section 7 CC Act.

²⁸ Section 8- 10 ICPC Act.

²⁹ Section 23(3) of ICPC Act.

³⁰ Section 40 ICPC Act.

³¹ Section 8-10 ICPC Act.

³² Section 25 of ICPC Act.

³³ Section 15 of ICPC Act.

³⁴ Section 4 of Criminal Code Act (CC Act).

³⁵ Section 47 of the ICPC Act.

finances ranging from ₦5,000, ₦1,000,000 as well as temporary detention orders, civil remedies as well as interim and perpetual forfeiture orders and disqualifications.³⁶ Forfeiture orders are made over any property that is the subject matter of the offence.³⁷ The essence of the forfeiture order of court in respect of the property subject matter of the offence is to ensure that the property is not disposed or sold while the matter is pending in court. The property and the documents and books evidencing the commission of the crime may be temporarily seized and the court makes order upon application by the commission to stop whoever the property is in his possession as well as document not to do anything over the property being the subject of the offence. The disqualification for directorship in companies for 10 years is also not acceptable in my view instead the offender if found culpable should be disqualified permanently and stopped from holding such vantage position.

4. Discussion on the Democratization of the Culture of Corruption in all Windows of Nigerian State

There was the vision of Nigeria becoming the 'giant of Africa' but the hope of leading the entire black race was dashed as Nigeria was challenged by many problems ranging from bad and inept leadership, lack of good governance, all these made the country to be indeed among the most backward countries in the African continent and indeed in the world.³⁸ The problem did not stop at bad and inept leadership, the entry by the military junta and their dictatorial leadership style which dominated the political scene from the first military coup in 1966 up to the subsequent 'coups' and military adventurism which kept Nigerian in dilemma for many years until the year 1999 seem to be working again. There was arrest and detention of human rights activists and pro-democracy activists and the strangulation of rule of law and institutionalization of corruption in the Nigerian state in a manner worse than colonialism. This did not stop even after the military and enthronement of civilian democracy. Corruption is spreading like a wild hamartan fire and enclosing everyone including the educated elite and the illiterates, public office holders, captains of industries, schools and colleges, the health sector, the judiciary, the sacred spiritual places including the churches and mosques, the leaders of these places of worship as well as workers unions spread in all the nooks and crannies of Nigeria. Political corruption is a global issue of serious concern existing in all human society.³⁹ However, it is more prevalent in some societies more than the other. In Nigeria, corruption is not an error that should be approached with kid gloves nor is it a mere error that can readily and easily be corrected.⁴⁰ Political corruption involves an act of a public official be it a civil person or in military, police, courts, schools, hospitals, industries aimed at changing the normal or lawful course of events, especially where such a person uses his position of authority for the purposes of personal or group interest.⁴¹ To break down the issues and points, corruption in the public sphere involves the following:

- (a) An act by a person occupying a position of service.
- (b) Such position can be in any department or segment of public life.
- (c) The act is intended by the person doing it to use his position and office to change the normal or lawful cause of events
- (d) Such act is aimed at the individual concerned using such his elevated or strategic position for purposes of personal or group interest.

The government of Mohammed Buhari does not hide the fact that he is tribalistic and this can be seen in his appointments and implementation of policies of his government touching the lives of the people. In the whole security architecture, the Fulanis dominate other ethnic units, Fulanis are in control of 'DSS', the 'Army', the police force, the financial ministry, the aviation, the Senate, the judiciary, the communication ministry and others. Recently, over twenty five judges were elevated to the Court of appeal of Nigeria out of which more than twenty are from North while the rest of the other ethnic nationalities shared the remaining slots with some areas not getting a slot at all. This is a serious issue. Manipulation of the system is encouraged in Nigeria and the system supports acts ranging from:

- i. Misuse of office for accumulation of wealth.
- ii. Unauthorized sale of government property.
- iii. Illegal hoarding of essential and critical commodities
- iv. Favouritism
- v. Nepotism.
- vi. Purchase of loyalty by illegitimate or outrightly an illegal regime.
- vii. Victimization of opponents and critics.

³⁶ Section 48 of the ICPC Act.

³⁷ D. Y. Adewale 'Political Corruption; Democratization and the Squandering of hope in Nigeria, *Journal of African Elections* (JAE) VOL 10, NO 1, 2003.

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

- viii. Election rigging, falsification of election result and use of machinery of courts and judges to frustrate victory of candidates perceived to have the mandate and support of the voters like it happened recently in one of the states in Nigeria after the 2019 governorship elections where a 4th runner up became governor.
- ix. Examination malpractices in schools and even in the recruitment process leading to appointments of Nigerians into offices.
- x. Distribution and siting of government projects to the advantage of some units against others implies series of continuous action and changes geared towards perceived replacement of existing system of authoritarian and undemocratic regime with one that is participatory and democratic in nature.⁴²The process of democratisation is open, competitive, more representative and accommodating.⁴³

It is a process driven by the rule of the people and the wish of the people. However, in the context of corruption, the term 'democratisation' changes from positive to negative idea and implies the process or action of the majority promoting and encouraging or participating in corruption. A brief analysis of some specific areas in our national life will bring out the meaning and nature of this pandemic of democratisation of corruption among Nigerians of all ages, class, marital status, ethnic origin, status in the society and indeed all the facets of our life-like our health sector, educational sector, the churches and areas of worship, the judiciary and others etc.

- (a). Corruption in the family Units and at Community level.
- (b). Corruption among the officers in the Legislature and the Executive.
- (c). Corruption in the judiciary.
- (d). Corruption in the educational sector
- (e). Corruption in the sacred place of worship.

Corruption in the Family Units and The Level Of Community

In most Nigerian families, we witness the steady encouragement of laziness among the children by the parents. The children are encouraged to embrace taking to 'short cuts', 'cutting corners' to make it in life and this is irrespective of whether such children are embracing education as a career or taking other vocations like learning a trade and so on. Parents assist their wards to register in special centers and pay high fees than the lawful fees for external examinations like WAEC, JAMB, GCE and other examinations. A child is encouraged by his parents who provide the financial resources to register for all the above examinations outside their school and sometimes leave their states and travel far away to other states where they are assured of making their results, students travel from one state to the other even going towards the north and south all in a bid to get a centre where examination malpractice is condoned as 'business as usual', the owners of such centers comprise the examination invigilators and supervisors or inspectors and the security agencies with financial rewards and on the examination day, the presence of the invigilators, supervisors and security agents are mere formality as they stay, watch students engage in all manner of misconduct without raising an eye brow including bringing and using of 'foreign materials' in the hall, 'collaborative cheating' use of electronic gadgets in the hall like android phones for accessing of possible answers to the questions. This no doubt is sad.

Corruption in the Executive and the Legislature

Corruption among the occupiers of executive and legislative offices starts from the time of contest for election into the offices. So many issues come up and are involved in the process to gain one advantage or the other by the actors starting from the picking of forms for primary elections in the different party platforms. Not only that the fees for nomination forms are excessive, the time of getting the forms and deadline for submission is always are tailored to favour preferred candidates. Even the electioneering campaign itself and the eventual election is nothing to write home about, candidates are intimidated by other candidates to surrender and back out of the election, at other times, the election is compromised through vote buying or hijacking of ballot boxes at gun point and other related activities like padding or jacking of votes upward for preferred candidates and jacking down of the votes of candidates who ordinarily has the potentials and qualities to lead. There is no good policy that is people driven and taken up by the executive to remove the poor from poverty and empower him with a good job. The government does not invest in infrastructural development and hence the people groan out of hunger and under the pains of unemployment.

Corruption in the Judiciary

⁴² Ibid

⁴³ Ibid

The judiciary is one of the three organs or branches of government in Nigeria.⁴⁴ Indeed, the judiciary is the foundation of any society, the hope of the common man and in the event of crisis or conflict between the other organs of government, the judiciary adjudicates by interpreting the law to resolve the crisis and stabilize the polity.⁴⁵ Sadly, this all important arm or organ of government has lost its glory and the citizenry no longer have confidence or trust on the ability of the judiciary and its staff to sustain the wheel of justice in Nigeria due to corruption that has infected the system. Many surveys carried out by reputable bodies on the impact and place of corruption in the judiciary has shown that judicial institutions are corruptible, and the experience with and perceptions of corruption in the courts are widespread.⁴⁶ The world justice Report 2021 and the Annual Report of Transparency International, 2011 noted that globally, almost half of the those surveyed, 46% perceived their judiciary as corrupt.⁴⁷ In Europe, according to Euro barometer 2012, a third out of those surveys think corruption is widespread in their judicial services.⁴⁸ In Bangladesh, 88% reported to have experienced corruption when dealing with the courts,⁴⁹ then for the diverse countries of Afghanistan, Bolivia, Bulgaria, Cambodia, Croatia, Ethiopia, Georgia, Morocco, former Yugoslav Republic of Moldova, Peru and Ukraine, the judiciary was seen as the most corrupt of all public institution.⁵⁰ Corruption in the judiciary in most African states including Nigeria does not show anything different from the countries above and indeed, the situation in Africa is worst case scenario. It is not in doubt that a well functioning justice system as Gløppen reasoned is crucial to address corruption effectively, which in turn is important for development. Unfortunately most justice system is corrupt and has no justification to fight corruption perse. If the justice system is unclean, then the entire system in the country is in a mess.⁵¹ Corruption and perceptions of corruption in the judiciary not only undermines the court's credibility as corruption fighters, it erodes trust in the court's impartiality, harming all the core judicial functions such as dispute resolution, law enforcement, protection of property rights, and contract enforcement.⁵² It also harms the broader accountability function that the judiciary is entrusted within democratic systems- upholding citizen's rights, securing the integrity of the political rules of the game and sanctioning representatives of other branches when they act in contravention of the law.⁵³ To Gløppen, the corruption in the judiciary can be classified into the following:

Petty Corruption: a situation where the personnel of the judiciary engage in the collection of illegal fees to facilitate the perceived flow of cases and they fix and collect the fees from litigants as well as lawyers to get things done, and at other times for them to speak and talk to the judge or judges, this makes the judge to be bias and will no longer stand independently in mind and in spirit while handling the case. Those who pay such fees no matter how 'small' are placed to an advantage against the other party, sometimes there will be problem when the personnel of the court are differently collecting the fees from the two parties with similar promise and in such situation the judges are placed in a double dilemma because he or she will no longer know which side to favour as the two sides are alive and attentive in the process and conduct of the case in the court.

Undue Political Influences: Some judges have political affiliations and sympathy for certain political parties. The judge's political bias and the perception of the citizenry of such bias undermines the role of the courts as protector of citizen's rights.⁵⁴ In such situation, the people are at receiving end where the state is the offending party and there will be little or no protection when state prefer charges, the judges impartiality will be defeated and injustice will be manifest. In most election matters, experience and observations indicate that the judiciary is not consistent in following some of its principles and hence they give one decision today and give another different decision on two similar issues and one begins to wonder.

The source of corruption arising from political influences can come from the question on: Procedure of judicial appointments, Terms and conditions of tenure, Regulation of finances 'including salaries and benefit, and Undue influence in internal judiciary hierarchy. The procedure for appointment of judges is totally unacceptable. Not only that due process is not followed at the state level as against what is perceived to be in the centre, most of the time, the political class hijack the process and hence mediocre and lawyers who never had any practice are appointed and such people cannot help the justice system, they are loyal to their God fathers who facilitated

⁴⁴ Section 4,5 and 6 of 1999 constitution as amended in 2018.

⁴⁵ Section 6 of 1999 CFRN as amended in 2018.

⁴⁶ Siri Gløppen 'Courts, Corruption and Judicial Independence' Elgar online via EEP Inc 17/5/2021.

⁴⁷ *ibid*

⁴⁸ *ibid*

⁴⁹ *ibid*

⁵⁰ *ibid*

⁵¹ A.U.Abonyi, comments and observations on corruption among judicial officers, 2018 annual law week of NBA, Nnewi branch held at sir Emeka offor sports hall Nnewi may 2018.

⁵² Siri Gløppen (*supra*).

⁵³ *Ibid*

⁵⁴ *Ibid*

their appointment. In judicial appointments in Nigeria, merit is sidelined, ethnicism, political affiliation and other senseless considerations are the parameter. Both in the centre and at the level of states, political influence play serious role. In most developed states, judicial appointments are based on merit, integrity and capacity of the person seeking for appointment. The government and indeed the executive and legislature regulate the finances including salaries and benefits of the judges and other staff of the judiciary. They use this to strangle and have stronghold of the courts. Also most of the time, the government determines the time such salaries can be boosted so that they get favour from the courts like during elections and some other times on the part of the parliament during budgetary allocations as is the case in Zambia and Malawi.⁵⁵ The executive and the legislature use their control over the judiciary finances to make the court and its personnel to be at their mercy. Usually while election is coming and after the elections, they enhance salary and benefits of judges so as to gain favour in the judgments, the judges become bias instead and abandon the procedural rules of acting fairly but act in line with the yearnings of the political class that has jerked up their salaries and benefits. This is corruption perse, the judiciary is expected to be autonomous and independent, and notwithstanding that the constitution of Nigeria as amended approved 'autonomy' for judiciary arm, the government especially in the states have refused to implement this autonomy in accordance with the constitution, the silence of the federal government who came up with an executive order in year 2021 approving autonomy for the judiciary in not directing the accountant general to deduct at source the finance of the judiciary and pay into their respective accounts makes the citizenry to suspect the federal government as not prepared for the implementation of the constitutional principle and mandate of judicial autonomy. This situation has kept all the court nationwide to 'shut' in 2021 for months.

Corruption in the Educational Sector

Like in other works of life, corruption and corrupt practice flourish in the educational sector in Nigeria as the key actors are motivated in their human nature and triggered by greed and by this they deprive others access to the good things of life and take such things selfishly for their own gain and benefits.⁵⁶ Many reputable organizations including the transparency international see education as the largest element in the public sector of many countries being a focal flash point where politicians and leaders of government derive legitimacy from the public.⁵⁷ Notwithstanding this enviable place and position of education in the development of individual citizens and the state at large, the Nigerian education sector has faced so many challenges worst of which is corruption.⁵⁸ The educational sector attracts the highest funds from international donor agencies, multinational corporations, as part of their corporate social responsibility, federal, state and local government, town unions and private persons but this massive funds are not utilized and does not lead to positive development in the sector as the funds are not properly being accounted for.⁵⁹ The gate keepers in the sector receive bribes from parents, students and visitors and involve themselves in corrupt and fraudulent practices and impose an unholy mentality not on learners alone but other stake holders and disrupt meaningful academic activities. The education personnel in low and high cadre are compromised and the system remain neck deep in corruption. Parents pay for marks for their wards, the boys and girls themselves submit for sexual adventurism with their teachers, admission is commercialized, examination misconduct of various kinds become the order of the day and the silence of the authorities confirms the 'compromise' and the fact that the authority itself aids and abets the scam. The head teachers, principals, rectors and vice chancellors are all culprits in the sense that they remain aloof and deep in their slumber while the corrupt practices occur under their watch. Though some are good but it is 2% in 100%. Some heads of departments and deans of faculties in times of promotion of academic and non academic staff look at other motives and criterias other than the set standards for appraisal of staff, some staff members are denied promotions not because they are not diligent in their duties but because the person is not 'liked' or is not perceived to be in the good books of the immediate superior required to make recommendations for the promotions, nepotic and clannish consideration are brought in to play significant role, 'he or she is not from our state' but from another, he or she should go back to his state, even in appointments into administrative or academic leadership positions, some persons with higher qualifications and who ordinarily should be appointed are denied such appointment because of the improper motive 'he or she is not our own' 'he is not our man' this is notwithstanding that everybody knows that such victim is hardworking in the discharge of his duties. A situation where some staff are promoted while others are kept at one position for years does not encourage diligence rather it demoralizes the staff concerned and discourages handwork and diligence.

Corruption in the Sacred Places of Worship or Church

⁵⁵ Gloppen (supra)

⁵⁶D.O. Nwaokughaetal 'corruption in the educational industry in Nigeria: implications for national development, *European journal of training and development studies* VOL 4 NO1 2017 (UK) pg 7.

⁵⁷ *ibid*

⁵⁸ *Ibid.*

⁵⁹ *Ibid*

Corruption is a product of greed and takes place where someone who is in a position of authority deviates from the normal rules and procedure governing his action and starts to take actions intended to place him to personal advantages or benefit or interest.⁶⁰ It is a failure on somebody's part to tap self interest for productive purpose⁶¹ whether corruption occurs in the public sphere or private life, what is important is that it symbolizes an abuse of institutional trust for private gain.⁶² In Nigeria, corruption is a serious problem and challenge to the overall existence of the economy and other areas of our state life. The problem of corruption in Nigeria has reached the level of a pandemic; there is no area it has not penetrated including the church and the sacred places of worship. In Nigeria, there are three main religions including Christianity, Islam and traditional religion. Being diverse in nature, the three religions have several sects and are not homogenous⁶³ Hence among the Christians, there are the Catholics, the Anglicans, protestants and the Pentecostals while in Islam and among the muslims, we can find the Sunni, the Shi'ite, the Wahhabis and the suffis.⁶⁴ In line with Islamic tradition, it is on record that Prophet Mohammed predicted that his followers will be divided up to 73 sects, a hadili-mishkat 1:169-170.⁶⁵ Nigeria is a secular state so to say going by the provisions of the constitution. In this direction, whereas many are Christians, others are Muslims while quite a good number of the citizenry are adherents of the African traditional religion (ATR). This set of believers though fondly called by others as unbelievers worship different kinds of gods such as 'Ogun' god of iron, 'oramila' god of divination, 'sango' or 'amadioha' 'god of thunder' and 'ESU'.⁶⁶ Despite the potency of the 'ATR' it is not immune to corruption as diviners of 'ATR' now manipulate oracle divinations in circumstances intended to suit their personal cravings and gains in these places of worship like is the case of other works of our national life, church hierarchy put in place system of exploitation of worshippers, injustice and other class privileges just as there is institutionalization of exploitation of the people in the public dormain and political space such that whereas the leaders of the churches swim in the ocean of affluence riding exotic cars and acquiring most expensive luxurious vehicles, their congregation finds it hard to eat three square meals, some of the church leaders now fly with private jets whereas some of the worshippers do not have bicycle nor even accommodation, most of the churches leaders send their own children abroad to acquire qualitative education and put up private colleges where the poor worshippers contribute their quota in form of 'sowing seed' and pay 'tithe' and on the completion of the school, fees are fixed such that the poor worshippers who paid contributions in the church for building the school cannot afford to pay the school fees for their children.

From the biblical olden days, monies or anything likened to it was rejected from being brought into the house of God. Just like Jesus rebuked the tax collectors who were meddling with money in the temple, Jesus told them that such is not allowed in his father's household, when Judas Iscariot betrayed Jesus by collecting money and going ahead to kiss him so that he can be identified by the enemies, he brought back the money to the chief priests, they rejected the money believing it is unclean.

It is sad that in Nigeria, even though there is increase in the number of churches and mosques, corruption is at all times high in the country and deep rooted in these sacred places of worship.⁶⁷

Christian Evangelists or what today is known as 'Tele-Evangelists' use available media outfits, newspaper, mobile phone, internet to spread the gospel of prosperity and materialism.⁶⁸ Today, money laundry activities in our churches is no longer news, as kukah put it, these pastors are scavenging for fortunes in the name of leading souls to God through the organization of endless spiritual trade fairs called 'revivals' aimed at indoctrinating ordinary citizens away from the culture of handwork and the need to develop a truly Christian ethics to wealth.⁶⁹ Corrupt indoctrination symbolized by the 'get rich quick' sermons in some of our churches are pushing Christians into corrupt practices. Nowadays, churches now judge the commitment of their members by equating their contributions to project at par with their employment status or business standing; some members of these churches commit unspeakable financial crimes in order to meet their church expectations. A good example is the case of Mr Atuche the former boss of bank PHB who paid the sum of ₦46M to a church as 'tithes' from stolen money.⁷⁰ In some churches, they interpret 'first fruit' as the January salary.⁷¹ This interpretation is prevalent in

⁶⁰O. A. Faleye 'Religious Corruption: A Dilemma of the Nigerian State' *Journal of Sustainable Development in Africa*. VOL 15 NO 1 2019 pg 170.

⁶¹ Ibid

⁶² Ibid

⁶³ ibid

⁶⁴ ibid

⁶⁵ ibid

⁶⁶ Ibid

⁶⁷ ibid

⁶⁸ ibid

⁶⁹ ibid

⁷⁰ ibid

churches in the west like Akure, Ibadan, Ilorin, Lagos etc⁷² Sometimes in 2002, it was discovered that one Lawrence Agade, a Pastorial Assistant with Christ Embassy Church stole ₦39M over a period of times from Sheraton Hotels Lagos where he worked as a cashier, unfortunately, it was disclosed that the bulk of the stolen money was paid as tithes and offerings to a parish of Christ embassy Lagos, his general overseer gave him a commendation letter.⁷³ The purport of the commendation letter is nothing than the fact that the thief was encouraged and given kudos by the church thus supporting corruption. There is no corruption no matter how we look at it that is more destructive than that in the church. In comparison of the foreign religions or Christianity and Islamic religion, the contention is that African traditional religion has stoutly demonstrated a high level of discipline inform of ethics and moral values.⁷⁴ In ATR, the spirits communicate to the adherents through the chief priests the standards of values and ethical observations that must be obeyed by the adherents and deviation leads to instant calamity.

Even among the Christians and the Muslims, they say it that traditional justice is instant and adherents of ATR see the sand we rest our legs, the water, the fire, the sun as natural elements that have potency and force of power on the people, a Christian or Muslim who is alleged to have done a thing and is given option of taking an oath within the ATR setting either confesses his guilty or takes the oath and face the punishment and sometimes, decides not to take the oath and takes the option of amicable settlement of the matter. The above however does not mean the ATR is devoid of bad eggs and hence there is still instances of corrupt practices here and there like cases where in some communities the chief priests of the shrines used as centers for worship under ATR compromise the procedure for material benefits and these elements have used it to kill many people in the past especially where they started using the process for debt recovery and for political purposes.

5. Socio-Political, Economic and Legal Implications of Democratizing Corruption In Nigeria

Corruption is morally bad and legally a crime.⁷⁵ Corruption exist in all human society but is more prominent in developing economies.⁷⁶ The obvious reason for the situation in these underworld countries including Nigeria is largely because the leaders are greedy and nepotic and most often lack leadership qualities, and values capable of providing for the common good and aspirations of the majority that elected them into office. The government branded 'IPOB' as terrorist group even though the members of the group are agitating for self determination as indigenous people for a country of their own 'Biafra' to be created out of the present Nigeria. Agitation for self determination or secession is a right permitted under international law and is supported by many United Nations Charters, regional instruments as well as national laws of states.⁷⁷ Assuming without conceding that members of 'IPOB' are terrorists as the governments wants the world to believe, why has the same federal government kept quiet and refused to do the needful by also declaring the Fulani herdsmen carrying AK47 about and killing farmers, raping women and destroying the farms, kidnapping innocent Nigerians as terrorists. The silence on the part of Buhari led government on the issue is corruption no doubt. Having stated the above, it is pertinent to look at the impact of corruption and the democratisation of this culture in our socio-economic life as well as its legal implication. Where government regulation is pervasive and officials have discretion in applying them, individuals are often willing to offer bribes to officials to circumvent the rules and officials are occasionally tempted to accept these bribes.⁷⁸

6. Findings, Conclusion, and Recommendations

In summary, the following findings exist over corruption and its democratization in Nigeria. Corruption is a global phenomenon and is prevalent in every human society both in developed countries of the west as well as developing countries in Africa.

- a. Corruption is a serious challenge to Nigeria as a country and reports of global credible organizations show that Nigeria is among the most corrupt countries of the world in the world corruption index rating and this menace has caused serious problems to the economy, to the citizens, rule of law and undermined the security of the state.
- b. In Nigeria, there is no sector, no agency, no institution, no arm of government that is exempted from corruption, the most destructive aspect is the corruption in the family, school system, politics and in the church.

⁷¹ Ibid

⁷² ibid

⁷³ ibid

⁷⁴ Ibid

⁷⁵ Ibid

⁷⁶A. U. Abonyi 'Powers of EFCC and State Security Service to Prosecute Serving Judicial Officers for Corruption in Nigeria; An Appraisal *COOU journal of public and private law* Vol 2 No 1 2019.

⁷⁷ Ibid, also see 1999 CFRN, UN Chapter on human rights African charter.

⁷⁸ Omokeji etal (supra).

- c. There are laws put in place to fight corruption in Nigeria but these laws either make provisions for little or no sanctions or provide for very minimal fines that the offender can easily pay and go back and commit the same offence as was the case of the pencon boss, Alhaji Maina accused of diverting and laundering billions of naira (pension funds) he was convicted and given option to pay fine of ₦500,000 Naira.
- d. There is also lack of coordination of law enforcement agencies empowered to investigate and prosecute corrupt individuals, the functions of the agencies overlap.
- e. In the fight against corruption in Nigeria, the regulator is not regulated. Most of the personnel of the anti corruption agencies themselves are corrupt, so they recover the loot and loot it themselves, suspicion that at long run, the allegation will be established as true.
- f. Corruption is now popularized like a democracy with a large number of persons within a local government, state and country being entangled in this societal evil and celebrate it as a culture and part of life.

We make bold to state that no society is free from corruption but some societies are inclined to this societal evil more than others. Nigeria is among the country in the world associated with corruption. The country still has a long way to go to eradicate corruption in our individual and national life. Whereas in other countries, a public servant found wanting for corruption resigns his position and tenders apology to his citizens, the situation in Nigeria is different in the sense that an individual or leader who occupies or occupied a public office will be rebuked and excommunicated by his people if after his service, he came home empty handed without any evidence that he has or did amass public funds for himself during his stewardship in public service. Nigeria is a 'no mans land' In addressing corruption in Nigeria, the following imperatives are recommended:

1. Strict Coordination of law enforcement agencies involved in the implementation and application of Anti-Corruption laws must be seen as an emergency. There must be a synergy and each must see the other as a partner not as enemy.
2. The provisions of our anti corruption laws should be revisited by the parliament in Nigeria and amendments made in respect of punishments for corrupt practices especially on the terms of imprisonment and fines respectively.
3. Leaders in Nigeria should de-emphasize clannish and personal interest but think of collective interest, nepotism and tribal thinking and actions taken directed towards that in most government institutions, agencies schools, judiciary especially on issues of appointments, promotions, recruitments etc should be discouraged as they do not encourage sense of belonging but leads to everybody thinking of his tribe or region than Nigeria.
4. Whistle blowing is a good strategy to fight corruption, however there must be a law to protect the blower and possibly such law must make provision for compensation of the blower's family in the event that the blower is killed in the process.
5. The national assembly should as a matter of urgency enact a law to establish a commission that should invest the monies or funds recovered from corrupt public officials and politicians and check the prevailing case of personnel of anti corruption agencies recovering loots or stolen monies and themselves converting or stealing the money thereafter. The regulator must be regulated himself.
6. The national orientation agency must also put up together sensitization and awareness summits, campaigns towards creating consciousness on the citizenry on the negative impacts and implications of corruption on our national survival and security. This campaign should also be directed to target those occupying strategic offices like office of the attorney general of the federation and others so as to let them know that their views and opinion and position on any issue or question of national discourse can be a relief or a threat to the sovereignty of the country. A good example is the statement of Abubakar Malami (AGF) recently in response to the resolution of southern governors in Delta banning open grazing in southern Nigeria that banning open grazing in the south is the same thing as banning the sale of spare parts in northern Nigeria. We disagree with Malami just like many Nigerians have done including activist lawyer Mike Ozekhome and others who pointedly criticized the said position as 'Nepotism' and 'Clannish' in intents and in all ramifications. In our firm view, the statement of Malami is a 'hate speech' directed to 'Igbos' who are mainly the people associated with spare parts in Nigeria. The statement of 'AGF' in its entirety amounts to promotion of corruption and as a senior advocate, he should have known that 'cattles' as animals are not human beings, no citizen is banned, what is banned by southern governors is movement of cattles openly in the streets or forests of southern part of Nigeria.
7. Finally, the check corruption, the 'so called' people's constitution of 1999 should be collapsed and the over 68 items in the exclusive list dismembered to give states powers in the configuration called Nigeria