

„TAMING THE MONSTER OF MICRO CORRUPTION IN THE PUBLIC SERVICE OF NIGERIA: CLEANING THE AUGEAN STABLES”

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Abstract

Nigeria, the acclaimed giant of Africa is naturally and heavily endowed with immensurable resources which include solid and liquid mineral resources, land and high population. Nigeria is a leading crude oil producer both in Africa and the world at large. Many developed and industrialized nations are not naturally endowed like Nigeria but unfortunately, the country is regarded as the poverty capital of the world. This regrettable status is attributable to the impact of the menace of corruption on the economy which is sucking and drinking the health of Nigeria because where corruption thrives, poverty and not prosperity thrives. Nigeria is stigmatized on account of corruption even at the international level. The Nigerian government has enacted some anti-corruption laws and established some anti-corruption agencies but the monster is still very strong because it has pervaded every fabric of the Nigerian society including the private and public sectors. In the public service, there is hardly any office where corruption is nonexistent in Nigeria. Given the widespread of the virus of corruption in Nigeria, although it is possible to win the battle against it when appropriate measures are taken; its complete eradication would be like cleaning the Augean stable. Consequently, this article sets out to examine corruption in Nigeria vis-à-vis the fight against it which seems non-holistic. The doctrinal methodology is adopted through the study of statutory provisions etcetera from where some inadequacies were identified and recommendations which if implemented would force corruption on its kneel were offered.

Keywords: Augean Stables, Correlates, Corruption, Macro, Micro, Public.

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1. Introduction

Nigeria is widely acclaimed as the giant of Africa on account of its large economy, natural endowments and its being the most populous country in the continent of Africa. Nigeria has abundant mineral resources, vast land mass and of course a leading oil producer in the world who was ranked the third largest producer of oil in Africa following Angola and Libya (Business Insider, 2023). Nigeria with an estimated population of 220, 005, 964 as at 2023 with 70% comprising youths is the 6th youth population in the world, the 1st being India (Worldometer, 2023). However, despite the immeasurable natural endowments in Nigeria, there is poverty in the land. The incidents of poverty and distress growth and development have manifested through high inflation, low revenue generation capacity and infrastructural decay. The resultant lack of significant progress and development in Nigerian has been attributed to being the repercussions of an increasing scale of corruption (Ighodaro, C. A., 2023).

Corruption is a very disturbing phenomenon which everybody including private individuals, corporate bodies and governments preach against yet it could be found in them in one way or the other. It is a great menace that has touched every fabric of our society. There is hue and cry about it such that the government is propelled to raise standards and forces against it but it appears that corruption is resisting all the forces against it and it cannot be said in a hurry that its defeat in Nigeria is in sight. The forceful resistance of corruption to the war against it is due to the fact that consciously or unconsciously, it is gaining support from everybody including the private individuals, religious leaders, traditional rulers, organizations and the State such that the “foot soldiers” or the “large army” of corruption is swelling every day.

Corruption is everywhere including the grassroots or localities of the Nigerian society and it is often addressed by names which tend to hide its bad and offensive nature. Such informal or nicknames include: “brown envelopes”, “greasing palm”, “inducements”, “tips”, “softening the ground”, “side payment”, “mobilization fee”, “padding”, “kickbacks” and “ghost fee”. In other words, this monster called corruption is in every sector of the Nigerian economy. In the public sector for instance, it is present in one form or the other in every

public office. If the countless number of offices where corruption is perpetrated in Nigeria, the countless number of persons involved in various acts of corruption and the diverse methods or techniques¹ that are used to perpetrate corruption in the public service are taken into consideration, the unfortunate temptation of regarding corruption as part of the culture of the Nigerian people may arise. Consequently, the fight against corruption and its ultimate defeat is a Herculean task but as Hercules was able to clean the stables in the old Greek story, so Nigeria shall be victorious in combating corruption when the right approaches are adopted.

Nigeria has over the years adopted many policies in combating corruption but has not succeeded in eradicating.² The fight against corruption took a new dimension when the Anti-Corruption Act (The Independent Corrupt Practices and Other Related Offences Act, 2000, Official Gazette No. 6, 2003) of 2000 which established the Independent Corrupt Practices and Other Related Offences Commission was enacted to enforce it. Other anti-corruption laws (The Economic and Financial Crimes Commission (Establishment) Act, 2004, Official Gazette No. 102, 2024; the Money Laundering (Prohibition) Act, 2011, Official Gazette No. 90, 2022) and agencies have been put in place for the war against corruption but the battle is yet to be won by the State because it appears that corruption is waxing stronger and the country is still being stigmatized by the international community which is indicative of the fact that the country's anti-corruption policies have not been effective.

Considering the resistance of corruption to the anti-corruption fight, it is important to remark that the fight against corruption in Nigeria has majorly been focused on the public sector and monetary or pecuniary indexes. The implication of this one sided fight is that non-monetary corruption and corruption in the private sector are inconsequential. This assertion may not be successfully controverted because most of the time, people see and discuss the concept of corruption only from the angle of public office holders³ and monetary or financial

¹ In some offices, there may be outright and direct demand for bribes. In other occasions, corruption would be perpetrated through unreasonable delays in attending to the legitimate need of a person such that he will be compelled through frustration to "dance to the unholy" music of "tipping" whoever that is in charge.

² Before the enactment of the Anti-Corruption Act, 2000, government policies with anti-corruption stance include: Jaji Declaration of Olusegun Obasanjo; Ethical Revolution of Shehu Shagari; War Against Indiscipline of Muhammadu Buhari; National Orientation Movement and Mass Mobilisation for Social Justice of Ibrahim Babangida and War Against Indiscipline and Corruption of Sanni Abacha.

³ Corruption in the private sector like issuing over paid receipts or over invoicing; using fake motor parts in fixing a vehicle by a mechanic; illegal ticketing; using colors to change palm oil and unripe fruits and pepper; patching one hole in a tyre but charging for two or three holes by vulcanizers; selling fake, adulterated and

perspectives or terms. Non-monetary corruption and actions of private individuals, organizations and even the State that may be deadly and which may act as catalysts to corruption are often overlooked.

In conceiving the idea of making Nigeria a corruption free society, it must be realized that corruption is a “brand or species” of crime and it is not possible for any society to be free of crime. This was eloquently put by Emil Durkheim⁴ who says, “Crime is normal because a society without it is utterly impossible. To classify crime amongst the normal phenomena of society is not merely to say it is inevitable, though regrettable phenomenon due to the incorrigible wickedness of man, it is to affirm that it is a factor in public health, an integral part of all healthy societies.” (Vejar, 2023) In other words, corruption is in every economy including the developed and developing societies and as stressed by Owolabi, “Corruption is a universal disease and every country is making effort to fight it.” (Owolabi, M. E. A., 2007). It follows realistically, that it is not possible to exterminate corruption completely but it can be tamed or control and brought to a level that can be tolerated with minimum discomfort. This was confirmed by former President Olusegun Obasanjo when he said, “We acknowledge that we may not be able to eradicate corruption in its totality over night, but we can at least begin by laying down the foundations of a moral and ethical society.”⁵

The menace of corruption in the Nigerian society may be defeated and brought to its’ kneel if and only if, a holistic approach in the fight against corruption is undertaken. This approach must simultaneously address both official and non-official corruption. It is only when corruption is tackled head-on from everywhere it is domicile be it in the public or private sector that its defeat can be at sight. It is needless to emphasize that the success of the above fight must be rooted in good governance.

In view of the foregoing, this study is conducted in ten sections. Introduction to the study is in section one and section two is devoted to conceptual analysis. The meanings of corruption and some species of corruption were discussed in sections three and four

expired drugs; writing examinations in miracle centres, fake and arranged miracles in churches; referrals of patients from public hospitals by the Doctor to his own private hospital, etcetera, are often overlooked and trivialized.

⁵ Being part of an address by the former President of Nigeria on the occasion of the formal signing into law of the ICPC Act, 2000. Federal Republic of Nigeria Official Gazette Nos. 5 of 2000; 6 of 2003 and 72 of 2009.

respectively. While section five treats the existing legal framework for combating corruption in Nigeria, section six discusses the institutional framework for the enforcement of corruption laws in Nigeria. Section seven considers the channels of micro corruption in Nigeria and section eight deals with the causes of corruption in Nigeria. In section nine, the impacts or consequences of corruption on the Nigerian society were identified while section ten was devoted to conclusion and recommendations.

2. Definitions / Conceptual Analysis

Putting the theme of this discourse in proper perspective requires that some conceptual clarifications be made. Consequently, in this section of our study, we shall briefly examine the meaning of some concepts.

2.1 Augean Stables

This is a concept coined after Hercules who cleaned a very large piece of stables in a day by making a river flow through them (Hornby, A. S., 2005) thus, denoting the performance of a large and unpleasant task or an extremely difficult and distasteful assignment that has long called for attention. It is variously referred to as, “Augean Task”, “Augean Labor”, “Augean Clutter”, or “Herculean Task”. The concept is used in this article to express the difficulties that are associated with fighting corruption or “cleaning the great filth” which corruption represents in Nigeria.

2.2 Economy

In relation to a Community, Locality, State, Country or Region, economy means, the whole network of producers, distributors and consumers of goods and services. It refers to the interaction between all the participants or agents in the chain of production, distribution and consumption of goods and services. In Nigeria, the public service which is the focus of this article is a major component of one of the subdivisions of the economy. Essentially, it may be broadly divided into two namely the formal and informal sectors (Okpako, O., 2021)

2.3 Formal Sector

This refers to that part of the economy or institutions, organizations and services which are monitored by the government and from which the government derives substantial part of its revenue through taxation. People working in the civil / public service, government

agencies / services, defence, private companies, multi-national companies, national companies, schools, colleges, research institutes, management organizations, banks etcetera are all in the formal sector. Although formal sector operators can be victims of corruption, they are the major perpetrators of corruption in Nigeria. The distinguishing characteristics of the formal sector (Okpako, O., 2021) include: (i) Organized system of employment whereby the rules of recruitment, engagement and job responsibility as well as discipline are clearly documented. (ii) Maintenance of a formal contract or agreement through which the employer cum employee relationship is standardised and regulated. (iii) Fixed working hours⁶ for the employee who receives fixed salaries in addition to incentives and perks. (iv) The employees work under a decent work environment and are entitled to benefits such as leave, savings, loans etc. (v) The employees have an organized association or union⁷ where their official grievances are addressed. (vi) The employees are covered under social protection benefits such as life insurance, health insurance, pension, gratuity etcetera. (vii) Lateness on duty and absent from duty are treated as disciplinary offences for which the defaulter may be punished when caught.

2.4 Informal Sector

Alternatively known as the informal economy or the grey economy, the informal sector⁸ may be described as consisting of all economic and commercial activities in all sectors of the economy which operate outside the purview of government regulation. It is that part of the economy that is neither taxed nor monitored by the government of a country. The operators of the informal sector are people who work and earn their living through small scale businesses such as subsistence farming, street trading, hawking, small scale trading,

⁶ Although it is expected that working hours be fixed for the employees of the public sector, exigencies on account of inadequate manpower especially in the units and departments that perform or render essential services may compel their employees to work more than the fixed number of hours even without further remuneration. For instance, contrary to the eight hours that a policeman ought to work as contained in their training manual, many work for more than twelve hours. The situation has even gone worse such that some perform official duties for twenty-four hours a day even without allowances.

⁷ Some agencies that render essential services such as the Nigeria Police Force have no unions where their official grievances can be addressed. This is essentially because where such is allowed the action of members of such union can be detrimental to the public and can fall within the criminal offences of unlawful assembly and mutiny.

⁸ Other concepts and idiomatic expressions which can be used to describe the informal sector are: the “black market”, “shadow economy”, “agorism”, “underground economy”, “under the table”, “off the books” and “working for cash”.

home-based workmen, micro-entrepreneurs, rag-picking, cobblers, porters, laborers, and artisans etcetera. In Nigeria, the operators of the informal sector are the major victims of official corruption through their inducement into giving or offering gratification and bribes and by direct extortion. The characteristics of the informal sector include: (i) Non-existence of written rules or agreements between employers and employees. (ii) Most employees in the informal sector have no fixed wages or fixed hours of work and their income is mostly based on daily earnings. (iii) Most of the times and in most cases, the work atmosphere and environment are congested and unhygienic. (iv) The operators in the informal sector have poor awareness levels regarding social protection schemes and do not see the necessity of insuring themselves. (v) There is inability and unwillingness on the part of the operators of the informal sector to come together and address their problems through associations or groups. (vi) No official way of punishing a person who practices lateness on duty and absent from duty other than a kind of reduced earnings for such a person since in most cases he is a master of his own.

2.5 Society and Culture

Society refers to the people in general that are living together in a particular community. Essentially, the people have some common or shared values which are referred to as culture which bind them together. Culture also includes customs, norms, beliefs, art and way of life and the social organization of the people.

3. Meaning of Corruption

Corruption is a generic word that can be used to describe a variety of conducts. Therefore, the meaning which may be attached to the concept of corruption depends on how and where it is used but in all, it is used to refer to all forms of dishonest, illegal, or immoral⁹ behavior as well as all unethical or untraditional changes. Consequently, in non-human objects such as culture and computer, while cultural corruption means changes in the traditional culture of the people to a form that is non-traditional or contrary to their shared

⁹ Ethically, there is the moral expectation that a man in his transaction or while acting as agent of the State or individual should observe good faith in his dealings which implies that acts leading to personal gain at the expense of his principal should be avoided. It is noteworthy that once an ethical value has been transmitted to law, its goodness or badness becomes irrelevant. See Anya, K. A. (2009). Moral rules, effective law and the Nigerian society. *Igbinedion university college of law journal*, vol. 8, 68-83.

values; corruption in a computer system refers to changes of information in the computer in such manner that can prevent the proper functioning of the system (Bryan A. Garner, 2004). On the other hand, in humans, corruption refers to all forms of dishonest, illegal and immoral behavior that are intended to give advantage which is inconsistent with an official duty or the right of others, to a person especially who is in authority.

Thus, the meaning of the concept of corruption may therefore be better comprehended if some forms of corruption like bribery, extortion and gratification are analyzed. It is however important to remark that under the Nigerian criminal jurisprudence, corruption is broadly classified into two namely, official and judicial corruptions. While official corruption involves employees of the public service in Nigeria other than in judicial capacity (Section 1 of the Criminal Code, Caps. 77 Laws of the Federation of Nigeria (LFN) 1990 & Cap. C38, LFN 2004) judicial corruption is the corruption that involves judicial officers in the performance of their judicial functions (Ibid., and section 98C (3)).

A) Bribery: This is a form of corruption consisting of a two way action which involves giving and taking. While giving of bribe refers to a situation whereby a person known as the giver, corruptly offers something of value especially money to another known as the receiver or taker in exchange for something which is beneficial to the giver (Criminal Code, Cap. C38, Laws of the Federation of Nigeria, 2004, section 98A.) receiving or taking of bribe refers to a situation whereby a person known as the bribe taker or receiver accepts something beneficial to him from another person for the purpose of his doing or not doing something which he ought to do in his official capacity. Essentially, it is where a public officer corruptly asks for, receives or obtains any property or benefit of any kind for himself or any other person on account of anything already done or omitted in the discharge of his official duties or in relation to any matter connected with a function, affairs, or business of a government department, public body or other organization or institutions in which he is serving as a public officer (Criminal Code, Cap. C38, Laws of the Federation of Nigeria, 2004, section 99 and 404).

B) Extortion: This is the taking or acceptance of any kind of reward other than proper pay and emolument by a public officer under the color of his employment or in the performance of his duty from any person through illegitimate means such as force,

persuasion, coercion or threat of any kind. (Criminal Code, Cap. C38, Laws of the Federation of Nigeria, 2004, section 98A.)¹⁰

C) Gratification: This is the voluntary giving of reward or recompense for a service or benefit. It refers to the pleasurable emotional reaction of happiness in response to the fulfillment of a desire or goal by which any corrupt payment whether pecuniary or otherwise is made. It essentially excludes casual gifts which may not result to the corrupt misuse or abuse of public office. In Nigeria, acceptance of gratification by public officers is criminalized (Code of Conduct for Public Officers. See paragraph 6(1); and sections 115-120 of the Penal Code, Cap. 89, Laws of Northern Nigeria, 1963).

4. Other Forms / Correlates of Corruption

The discussion of this section shall be centered on some other forms of corruption and some concepts that are closely related and connected to corruption.

a) Macro and Micro Corruptions: The adjective, “micro” refers to something that is small in scale and scope in contrast to “macro” which means something large in scale and scope (Hornby, A. S., 2005). Therefore, in relation to corruption, the concept of “micro corruption” is used to refer to corruption that is “petty, small in amount, in low places and which is very common in the public service of Nigeria”. In this work, it is used in relation to “junior and medium” levels public servants who are the “foot soldiers” of the public service of Nigeria. This is in contrast to the chief executives and public officers at the top of leadership positions in the public service of Nigeria and who have direct access to public funds or the Nigerian “common wealth”. While the private individuals especially those in the informal sector (Ighodaro, C. A., 2023) are the primary victims of micro corruption because it is their resources that are depleted, the general public is the victim of macro corruption since it depletes the common wealth (Ighodaro, C. A., 2023).

B) Economic and Political Corruptions: Although the concept of economic corruption is not defined in our statutes, it relates to the corruption that is inherent in the acquisition, distribution and consumption of economic resources when market or natural forces are not in charge. It thrives especially in a capitalist system and manifests when there is delegation of

¹⁰ Also see the cases of *R v Ezejiogwu* (1944) WACA 230; *Potts Johnson v COP* (1947) 12 WACA 198.

power, grant of monopolistic powers and positions to some firms and individuals who enjoy certain rights and privileges in dealing with economic matters and contracts (Bresson, J., 1997). On the other hand, political corruption takes place at the very high levels of political leadership and authority. It occurs when political decision makers or takers who ought to formulate law and policies for the general or overall good of the society circumvent and betray the trust reposed in them and tailor the laws and policies to benefit themselves and their cronies. Political corruption is any transaction at the political level through which collective goods are illegitimately converted into private regarding payoffs (Amundsen, I., 1999). Circumvention of due process is one of the tools of economic and political corruptions in Nigeria and they belong to the “macro or mega or grand” category of corruption.

C) Hoarding and Corruption: Hoarding means hiding of goods or resources to create artificial scarcity for personal gain of the hoarder especially during time of crisis. Hoarding and corruption are intertwined especially from economic and political perspectives. While corruptions create a fertile ground or opportunity for hoarding by which funds, goods, assets or resources are kept away from their targets leading to shortages, economic hardship and instability; hoarding exacerbates or brings the negative effects of corruption to the fore by facilitating rent seekers who exploit the opportunity offered by corruption and their position through which they are in possession or in contact with the goods in question to extract wealth for personal gain.

D) Nepotism and Corruption: Nepotism is the practice of favoring relatives and cronies for jobs and positions. It is a very dangerous species of corruption because it erodes meritocracy and emplaces inefficiency and ineffectiveness which will in turn destroy a society or an organization. It leads to distrust, creates unfair advantages and prepares the ground for illicit activities including bribery, embezzlement, extortion, impunity, oppression and tribalism.

E) Fraud and Corruption: Fraud is the act of cheating somebody in order to get money or goods illegally. It connotes lack of honesty of purpose or the act or omission of deceiving others with the intention of gaining something at the expense of another or other persons. The crimes of cheating and obtaining by false pretences are different species or forms of fraud which in turn is part of corrupt practices.

F) Terrorism and Corruption: Terrorism is the act of violence intended to cause serious fear and targeted primarily at coercing a civilian population and influencing the policy of government by intimidation. It affects the conduct of government by creating fear in the minds of people, assassination and abduction or kidnapping of both government officials and other persons in the society (Bamgbose, O., Akinbiyi, S., 2015). The acts of terrorism by which the policies and conduct of government are influenced otherwise than by lawful means are in themselves corruption but beyond this is, the fact that terrorism requires and involves huge amount of money and other resources which are often provided through corruption. Thus, it is the proceeds of corruption that could be easily employed in sponsoring terrorism since such proceeds are not often remitted through normal banking transactions because utmost secrecy is required to avoid detection. The consequence of this assertion is that where there is no corruption in a system, terrorism would not thrive.

G) Money laundering and Corruption: According to Garner, B. A., “Money laundering is the act of transferring illegally obtained money through legitimate people or accounts so that its original source cannot be traced.” (Bryan A. Garner, 2004). Thus, money laundering is a concept used to describe the process whereby the proceeds of crime are converted to other forms or assets for the purpose of concealing or disguising their illicit origin. Corruption and money laundering are interdependent because the presence of one of them triggers or reinforces the other and they tend to occur together (Mugarura, N., 2010). It is pertinent to remark that the monster called corruption is central and a major facilitator of money laundering and other related or kindred crimes like terrorism, drug trafficking, human trafficking, illegal currency trafficking, and arms trafficking.

5. Existing Legal Framework for Combating Corruption in Nigeria

Nigeria has not relented in its determination to end corruption within the country. This consistent battle has not only been fought through the enactment of much legislation that forbid corruption but also through the establishment of agencies whose mandate is the enforcement of anti-corruption laws in Nigeria. These laws include the Constitution of Nigeria (Constitution of the Federal Republic of Nigeria, 1999. Official Gazette No. 24 of 1999, May 5), the Criminal Code (Cap. C38, Laws of the Federal Republic of Nigeria, 1999),

the Penal Code (Cap. 89, Laws of Northern Nigeria, 1963), Advance Fee Fraud and Other Related Offences Act, Failed Banks (Recovery of Debt and Financial Malpractices in Banks) Act, the Banks and Other Financial Institutions (BOFI) Act, the Economic and Financial Crimes Commission (EFCC) Act (Economic and Financial Crime Commission (Establishment) Act, 2004. Official Gazette No. 1 of 2004), the Corrupt Practices and Other Related Offences (ICPC) Act (Independent Corrupt Practices and Other Related Offences Act, 2000. Official Gazette No. 5 of 2000, June 13) and the Money Laundering Act (Cap. M18, Laws of the Federation of Nigeria, 2004. Official Gazette No. 90 of 2022, May 14). It is germane to remark here that the anti-corruption laws in Nigeria appear to be more particular with “official corruption” which relates essentially to corruption in the public service. This may be the reason why the activities of anti-corruption agencies have been centered on the public sector. We shall briefly discuss some of the laws dealing with corruption in Nigeria in this segment of this study.

A) The 1999 Constitution: This is the supreme law of Nigeria and any other law within Nigeria that is inconsistent to it is void to the extent of its inconsistency (The Constitution of the Federal Republic of Nigeria, 1999, Part I of the Fifth Schedule) Provisions relating to corruption in the Constitution can be found in the Code of Conduct for Public Officers. Specifically, a public officer is charged never to put himself in a position where his personal interest conflicts with his duties or responsibility (Paragraph 1) and never to engage or participate in the management or running of any private business, profession or trade except farming (Paragraph 2(b). Similarly, public officers were prohibited from asking or receiving gifts or benefits in kind (gratification), (Paragraph 6(1), for himself or any other person on account of anything done or omitted to be done by him in the discharge of his duties while no person is allowed to offer a public officer any property, gift or benefit of any kind as an inducement or bribe (Paragraph 8) for the granting of any favor or the discharge in his favor of the public officer’s duties.

B) The Criminal Code: The Criminal Code (Cap. C38, Laws of the Federal Republic of Nigeria, 2004) is applicable to the southern part of Nigeria and it has provisions that prohibited official corruption and unjust enrichment of public officers. The Criminal Code is a double edged sword because it punished both the giver and receiver of bribe which is one of

the species of corruption. Specifically, the Criminal Code provides the punishment of seven years imprisonment for any public official who corruptly asks for, receives or obtains any property or benefit of any kind for himself or any other person on account of anything already done or omitted, or any favor or disfavor already shown to any person, by himself in the discharge of his official duties or in relation to any matter connected with his functions, affairs or business of a government department, public body or other organization or institution in which he is serving as a public official (Section 98). In like manner, the code provides the same punishment for any person who offers or gives a public officer bribe (Section 98A) and three years' imprisonment for extortion (Section 99) by public officers when he takes or accepts from any person for the performance of his duties such reward beyond his proper pay and emoluments or any promise of any reward. Other provisions relating to official corruption are found in sections 98B and 98C.

C) The Economic and Financial Crimes Commission (EFCC) Act: Although the EFCC Act (Economic and Financial Crimes Commission (Establishment) Act, 2004) which established the Economic and Financial Crime Commission (Section 1(1) did not specifically define the concept of corruption, it mandated the Commission to investigate (Sections 6 and 7) and prosecute (Section 13(2) all "economic and financial crimes" The Act identifies many economic financial crimes and corruption offences and provides punishment for their commission (Sections 18 and 32). The offences include: engaging in acquisition, possession or use of property knowing same to be derived from any offence under the Act (Section 18(1) (a)), engaging in the management, organization or financing of any offence under the Act; engaging in the conversion or transfer of property knowing that such property is derived from any offence under the Act; engaging in concealing the true nature, source or location of any property knowing same to be derived from any offence under the Act; and disposal or selling of any property which is a subject of attachment, interim order or final order without authorization of the Commission (Section 32(1).

D) Anti-Corruption Law: The ICPC Act (Independent Corrupt Practices & Other Related Offences Commission Act, 2000) established the Independent Corrupt Practices and Other Related Offences Commission (Section 3(1) and vested it with the responsibility of investigation and prosecution of persons who contravene the Act. It defines corruption to

include bribery, fraud, and other related offences (Section 2). The ICPC Act created and identified various offences which are regarded as corruption offences which include: accepting gratification (Section 8); bribery of public officer (Section 8); giving or accepting gratification through agents (section 9); failing to report bribery transaction (section 23) concealing offences relating to corruption (Section 11) fraudulent acquisition of property (Section 10) and fraudulent receipt of property (Section 13) amongst others.

6. Institutional Framework for the Enforcement of Corruption Laws in Nigeria

In elementary political philosophy, it is the responsibility of the executive arm of government to implement the laws that are enacted by the legislative arm of government while the judiciary is to interpret the laws and decide whether or not the provisions of the law have been violated or contravened. Rising up to these mandates, the Nigerian legislature has enacted a number of anti-corruption laws such that it could be said without any fear of contradiction that Nigeria is not lacking anti-corruption laws because if the anti-corruption laws in existence so far in Nigeria are implemented in the spirit of their enactment, corruption would be prevented, frustrated and brought to its knees or to a point where its survival will be doubtful. Similarly, in trying to rise up to the challenge of executing anti-corruption laws in Nigeria, some agencies were put in place by the Nigerian government to assist the executive arm of government in achieving its mandate. Amongst others, the agencies that have been established for the enforcement of anti-corruption laws in Nigeria which would be discussed in this article include the Nigeria Police Force (NPF), the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices and other Related Offences Commission (ICPC).

6.1 The Nigeria Police Force (NPF)

The NPF is the lead internal security and law enforcement agency in Nigeria. Established in section 214(1) of the Nigerian Constitution, it is charged with the enforcement of all laws and regulations without any prejudice to the enabling Acts of other security agencies (Police Act, 2020, Official Gazette No. 2 of 2020, August 17. See section 4(d) thereof; and *Inspector-General of Police v Daniel Andrew* (2014) All FWLR 729 @ 1202) This statutory provision distinguishes the NPF and assigns it with the duty of enforcing all

laws inclusive of anti-corruption laws notwithstanding the fact that a specialized agency can be established for the enforcement of any particular law. In other words, the NPF can enforce by way of prevention and detection of crimes (Section 4(a)) as well as the prosecution of suspects in any court of law subject to the prosecution authority of the Attorney-General¹¹ and the professional restrictions imposed on police officers who are not legal practitioners (Section 66(1) (2)).

6.2 Independent Corrupt Practices and Other Related Offences Commission (ICPC)

The ICPC was established by an Act of the National Assembly. It is the first specialized anti-corruption agency and by job description, it ought to be the war head of anti-corruption crusade that is saddled with the responsibilities of receiving and investigating reports of conspiracy, attempt to commit or the commission of any offence against the ICPC Act or any other law prohibiting corruption in Nigeria. In addition to the above, the ICPC is mandated to examine the practices, system and procedures of public bodies to ensure their non-facilitation or aiding of fraud and corruption; to instruct, advise and assist officers, agencies and parastatals on ways of eliminating or minimizing fraud and corruption; to advise heads of public bodies on ways and systems of reducing the likelihood of bribery and corruption and other related offences; to educate the public on and against bribery, corruption and other related offences; and to enlist and foster public support in combating corruption.¹²

6.3 Economic and Financial Crimes Commission (EFCC)

Similarly, the EFCC was established by an Act of the National Assembly (The Economic and Financial Crimes Commission (Establishment) Act, 2004) The Commission is charged with the responsibility of the investigation of all financial crimes including advance fee fraud, money laundering, counterfeiting, illegal charge transfers, future market fraud, fraudulent encashment of negotiable instruments, computer credit card fraud, contract scam etcetera (Section 6(b)) and the prosecution of offenders (section 13(2)) under the EFCC Act. The concept of “Economic and financial crimes” was defined in the Interpretation Section

¹¹ For further information, see sections 174 and 211 of the Constitution of the Federal Republic of Nigeria, 1999; section 106 of the Administration of Criminal Justice Act, 2015, official gazette no. 49 of 2015, May 14; and section 66(1) of the Police Act, 2020, official gazette no. 2 of August 17.

¹² ICPC Act, section 1(a). There is no legal restriction as to the power of ICPC in investigating reports of corruption the immunity of some persons against criminal prosecution notwithstanding. Besides, so long as the conduct is against any anti-corruption law, the ICPC has a duty to step in or investigate.

(Section 46) of the Act to mean, “the non-violent criminal and illicit activity committed with the objective of earning wealth illegally either individually or in a group or organized manner thereby violating existing legislation governing the economic activities of government and its administration and includes any form of fraud, narcotic drug trafficking, money laundering, embezzlement, bribery, looting and *any form of corrupt malpractices*,¹³ illegal arms deal, smuggling, human trafficking and child labor, illegal oil bunkering and illegal mining, tax evasion, foreign exchange malpractices including counterfeiting of currency, theft of intellectual property and piracy, open market abuse, dumping of toxic wastes and prohibited goods etcetera.” Besides the duties as specified in sections 6 and 13(2) of the EFCC Act, the Commission has powers not only to conduct investigations into the property of any person if it appears to it that the person’s life style and extent of the properties are not justified by his source of income (section 7(1) (b)) but to also compound any offence punishable under the Act by accepting such sums of money as it thinks fit, exceeding the maximum amount to which that person would have been liable if he had been convicted of that offence (section 14(2)).

It is remarkable to state that corruption¹⁴ appears to be waxing very strong in the faces of the anti-corruption laws and the anti-corruption agencies in Nigeria. This is the reason why the Nigerian society is still being perceived by many people, organizations and countries as highly corrupt.¹⁵ While it is acknowledged that the anti-corruption agencies are doing their best, we can also conveniently say that their best is not good enough because corruption is still thriving as can be seen in Nigeria and by the corruption ranking of international bodies and organizations. The continuous existence and vigor of the monster called corruption in Nigeria can safely be attributed to the in-activities, inadequacies, inefficiencies and ineffectiveness of the anti-corruption agencies. This is because despite the anti-corruption laws and the efforts of the anti-corruption agencies, corruption is still very high, strong and robust drawing its vitality from unscrupulous individuals, corporate bodies and government

¹³ Italics, mine for emphasis.

¹⁴ It must be emphasized that corruption is an issue that is very complex with different manifestations and impact on different societies. The ranking perception can vary depending on the indexes or indicators and methodologies that are adopted in the evaluation.

¹⁵ In 2024, Transparency International ranked Nigeria 140 out of the 180 countries that were assessed. This indicates that Nigeria is perceived as a highly corrupt country. See Trading Economics Corruption Ranking by Country / Africa. Retrieved from <https://tradingeconomics.com> on 5/8/2025 at 1230pm.

officials at all levels of government in Nigeria. Therefore, much is needed to be done by the Nigerian government and its anti-corruption agencies in specific terms and all institutions and Nigerians in general terms.

7. Channels of Micro Corruption in Nigeria

Channel of corruption is used in this article to mean the routes through which corruption is perpetrated. These routes are in the various departments, formations, and offices in the public service and government establishments. It must be stated here that it is doubtful if there is any public establishment in Nigeria where there is no corruption at all. This is because even when there may be some individuals who are incorruptible the number must be infinitesimal compared to the number of corrupt persons who perpetrate their acts by directly requesting for bribes, extortion and gratification; or indirectly by using delay tactics and frustration on their victims who would be induced to dance the “corruption music”.

Therefore, producing a catalogue of all the routes or channels of corruption is not feasible but they include: the Nigerian Armed Forces, the Nigeria Police and other paramilitary forces who extort money especially on the public highways all over the country and demand money before suspects are released or granted bail; the teaching service at all levels or the education sector where examination malpractices are encouraged with some centers flourishing as “miracle centers” and in other cases certificates and high grades being given to undeserving persons after some gratifications; and the customs service where smugglers are allowed to smuggle goods especially petroleum products out of the country thereby creating scarcity within the country and substandard goods into the country with reckless abandon after collecting money from the perpetrators and denying the State of the much needed revenue.

Others are the immigration service who collect money and allow illegal immigrants into the country to perpetrate evil and who use agents or touts to collect huge sums of money far above the official amount from persons who are desirous of preparing travelling documents; NNPC Mega Station that sell petroleum products to “black marketers” during period of fuel scarcity; the judiciary where unbelievable judgments are delivered and where the amount that is collected for preparation of affidavits and copies of judgments is different

from the amount that is written on the receipt; the legislative arm of the various levels of government where budget is padded and where projects are awarded based on favoritism; the Federal and State ministries where projects are awarded and money is paid without the execution of the job and on paper, the project has been completed and commissioned; just to mention but a few.

As can be seen from the above, the list is endless and all the above mentioned departments and establishments are littered all over the country such that corruption has spread its tentacles all over the country.

8. Causes of Corruption in Nigeria

Nigeria is not in want of legislation or enactments to fight corruption. However, in the face of the numerous anti-corruption laws in Nigeria, corruption is still on the high side. The reasons for the stiff resistance of corruption to anti-corruption measures in Nigeria are as follows: (i) economic hardship on the citizenry; (ii) inflation that has reduced the value of earnings in Nigeria; (iii) non-availability of living wage for public servants; (iv) non-recognition and adequate protection of the welfare of retirees. This is very important because when serving public servant see and are aware that retirement is like using and “dumping” somebody, there will be no dedication and diligence in the performance of duty with the consequence that serving public servants would look for every avenue to enrich themselves and save for the rainy day; (v) lack or inadequate tools to work with in public offices; ineffectiveness and inefficiency in the enforcement of anti-corruption laws. This is essentially because most of the corruption law enforcers are corrupt or can easily be corrupted; (vi) perception of corruption only in monetary or pecuniary terms; (vii) perception of corruption from only the public service sector perspective; (viii) perceived use of anti-corruption agents against oppositions and non-investigation of persons accused of corruption who belong to the ruling party; (ix) weak traditional and religious institutions; (x) high regard for wealth irrespective of how it is acquired and accumulated; (xi) faulty electoral system giving rise to the election and empowerment of wrong persons as leaders; (xii) judicial system that is perceived to be for the elites and not the hope of the common man.

9. Consequences of Corruption on the Nigerian Society

The impacts of corruption on the economic and socio-political development of any nation are indisputably myriad. Besides its ability to influence and penetrate the very root of an economy, corruption can impact negatively on the economic system through the erosion of property rights, distortion of economic forces, infliction and diversion of public policies and the straining of the political institutions (Ashour, A. S., Hoda, S. A., 2018). It undermines economic growth and development by distorting the rule of law and weakening the institutional foundation on which economic growth depends (Ighodaro, C. A., 2023). In Nigeria, corruption has caused the following specific impacts or consequences: (i) high level of poverty and unemployment; (ii) increase in crimes and criminality; (iii) communal clashes and increase in organized crimes including terrorism (iv) distrust on the electoral system and governance; (v) human rights violations with impunity and subversion of due process; (vi) reduction of accountability and poor representation of the interest of the masses; (vii) partial justice and compromise of the rule of law; (ix) infrastructural decay and collapse of the manufacturing sector; (x) reduction of investment attractiveness of the country and loss of pride in the comity of nations; (xi) much needed revenue of the State in few hands thereby increasing the inequality among the citizens; (xii) replacement of excellence and meritocracy with mediocrity; and (xiii) relocation of industries and other manufacturing concerns out of the country to neighboring countries.

10. Conclusion

Corruption is an endemic problem that is in every jurisdiction in varying degrees. Nigeria as a country has not fared very well in corruption evaluation as it is assessed to be riddled with corruption by world bodies and international organizations. This calls for serious concern and urgent steps to be taken against corruption so as to launch Nigeria into the pride of place it deserves among the comity of nations. Nigeria has taken some positive and giant steps in the fighting against corruption through the enactment of anti-corruption laws, establishment of anti-corruption agencies; and arrest, investigation and prosecution of corruption offenders even till this moment. These efforts have not paid off because Nigeria is

still perceived to be highly corrupt. This situation needs a turn around so that Nigeria can be placed on the same pedestal with other respected countries in the world. An examination of the Nigerian criminal law as it concerns corruption reveals that corruption in Nigeria is seen only from the official perspective which is made up of official corruption comprising bribery, extortion and gratification on the one hand and judicial corruption on the other hand. This study has revealed that corruption in the private sector is a catalyst that has fueled corruption in the public sector. Consequently, although it is regrettable that it is not possible to eradicate corruption completely, it can be brought to a level that may not cause hardship to the citizens of Nigeria through a holistic fight against it. Some recommendations with deterrence potentials which if implemented could mark a turning point in the fight against corruption in Nigeria are hereby offered as follows:

i. There should be legal reforms through which corruption should be properly defined to enable a holistic fight against it. Consequently, corruption should be classified into three namely, private corruption, macro corruption and micro corruption.

ii. Private corruption should be defined to involve all corruptions that take place in the private sector such as cases involving private individuals who dishonestly and secretly buy petroleum products from filling stations or NNPC Mega station for hoarding and sale at the black market especially during scarcity of the products; selling of mints or new currency notes in ceremonies when they are not available in their official destinations; adulteration and faking of products or goods; etcetera.

iii. Mega corruption should be defined to address all corruptions involving public servants who have access to the common wealth or can disburse budgetary allocations or money belonging to the State at the Federal, State and Local Government levels.

iv. Micro corruption should be defined to deal with all official corruptions inclusive of judicial corruption other than those included in mega corruption. This involves all public servants at the senior, intermediate and junior cadres other than

the “chief executives” or those directly in charge of the allocations to their establishments.

v. Stiff penalties should be imposed on violators of the law of corruption. Consequently, any person who corruptly tempers with the common wealth and who is convicted of mega corruption should be sentenced to life imprisonment and the forfeiture of all his property to the State since he will be in custody for the rest of his life.

vi. Any person who is convicted of micro corruption or corruption in the public sector should be sentenced to a minimum of twenty five years imprisonments in addition to the restitution of the corruptly obtained benefit. No option of fine.

vii. Any person convicted of private corruption should be sentenced to a minimum of ten years imprisonment and forfeiture of the corruptly obtained property. No option of fine.

viii. Law enforcement agencies should be overhauled and reinvigorated. Necessary tools to discharge their duties should be provided by the government.

ix. Section 14(2) of the EFCC Act should be amended to disallow the agency from accepting money to compound any corruption offence. Accordingly, the punishment of plea bargain in connection with corruption cases should be abolished.

x. The fight against corruption must be anchored in good governance.

xi. Public servants must be given a living wage to be dissuaded from corrupt practices.

xii. The welfare of persons who have served the country meritoriously and retired without blemish must be paramount in the scheme of things. Priority should be given to the welfare of retirees so that those still serving would know that there is reward for meritorious service.

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