

Legal Involvement in Management of Corrupt Cases in Nigeria: A Study of Economic and Financial Crime Commission

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Abstract

The study examined the Impact of legal involvement in management of corrupt cases in Nigeria: A study of Economic and Financial crime commission (EFCC). The level of bribery and corruption in Nigeria has for decades destroyed the socio-economic and political activities of the nations which directly manufacture hunger, unemployment, and many more social problems that have affected human basic social needs. The study demonstrated what, why and how corruption has affected all other institutions and what are the role of legal institutions in fighting corruption, with particular, reference to EFCC. However, the study was conceptual in nature, paper was reviewed through valid consultation of previous literature such as books, journal, newspaper, magazines and other valid economic and financial crimes commission documents that could enhance the quality of the work. The study findings, which revealed that number of issues regarding the Management and control of corruption in Nigeria, have been established by several past and present administrations yet the passive rate of corruption in the country is worsening due to poor implementation of the policies and programmes. The study therefore suggested way forward in the implementation and autonomy giving to judicial system in other to enable them carries their duty effectively and efficiently

Keywords: *Legal, Management, Corruption & EFCC*

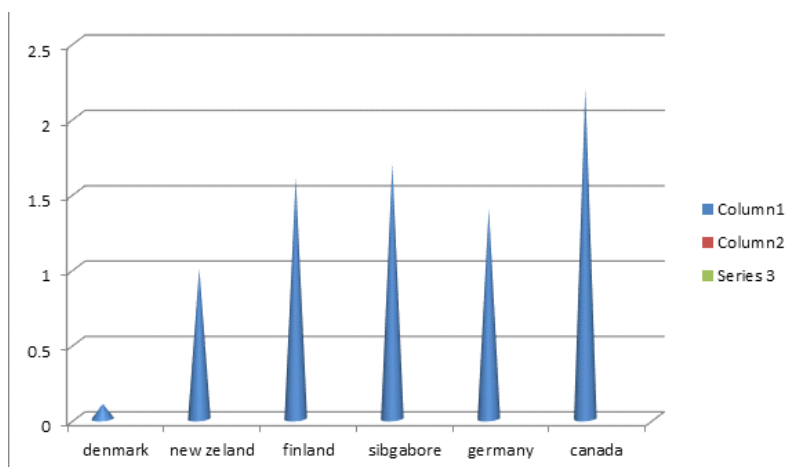
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Background of the Study

Legal institutions are one of the fundamental institutions that control and management of social problems which without could destroy the political and economic development of any nations. Corruption, is one of the societal social problems that have delayed several development in both private and public sectors of our economic and contributed fundamentally in the slow movement of the nation at large. Several examples have been documented regarding issues of corruption and the role of EFCC in managing the rate of corruption in various states of the nations. In several years Nigeria had been ranked as the most corrupt nations in the world, in the 2012, transparent international ranked as 32 most corrupt nation which has affected several sector of the economy for example, in other countries in the world corruption has been regulated due to the fact that the government has strengthen a very logical policies and programs that could enhance and ensure that corrupt cases where given due consideration rate of corruption in Denmark which was ranked by the transparency International was the least corrupt country in the world, this justified that Denmark has the capacity of improving teir socio-economic and political institutions for fighting corruption

In Norway for example number of corrupt cases where low due to the fact that they have regulatory bodies that fight corruption in the country. However, in development of policies and programs that could improve the quality and quantity of our agencies such agencies are EFCC AND ICPC there is need for the government to make sure that it has improve the capacity and to ensure that full autonomies were given to all agency without government interference.

Fig. 1: Global ant graft movement 2020 in collaboration with transparency international 2020 the least corrupt countries in Europe's.

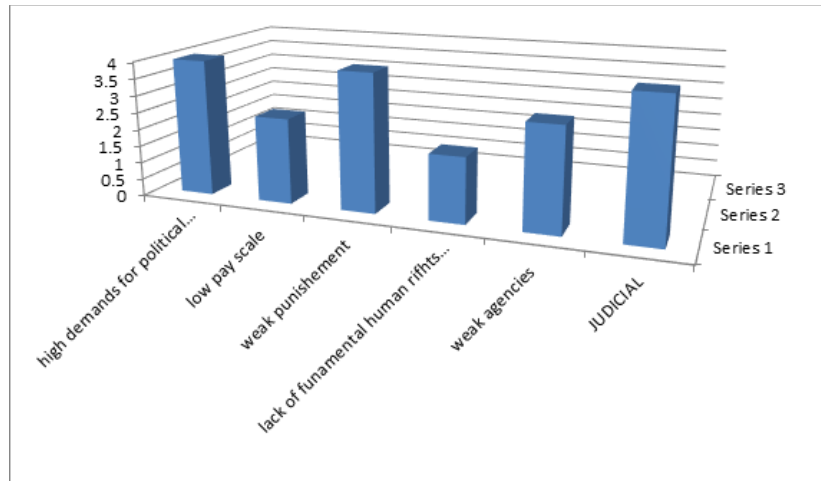


Statement of the Problems

Nigeria is a very rich country and one of the powerful countries and well-known country in the whole world but it remains one of the corrupt nations not even in Africa but in the world. Due

to the fact that number of factors were associated with the ugly factors called corruption. However, number of factors could be identified in tabular form to indicate the fundamental problems of corruption in Nigeria.

Fig. 2



Source: From Empirical Reviewed Work 2021

From the above table responded, the fundamental problems facing Nigeria in the area of corruption and other cases was indicated above. According to transparency international (2020) noted that one of the problems that have led high rate of corruption in Nigeria was as a result of late payment of salary, lack of strict punishment for corrupt leaders, weak transparency on the side of agencies who fight corruption such as EFCC and ICPC. Additionally, the government could not be able to grant full autonomy for the judicial system which is one of the vital problems that have hindered and rises corruption in Nigeria.

There are needs for the government to improve in the judicial system and ensure that legitimate power is vested to all judicial system that should improve the effectiveness and the efficiency of Nigeria judicial system at the same time it would help in improvement of ways of fighting corrupt cases in Nigeria strike

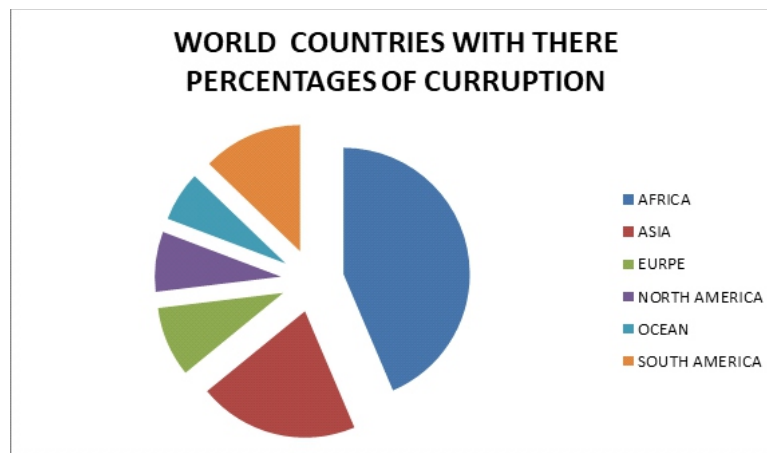
Objectives of the study: The study is to examine the relationship between legal institutions and EFCC in the fight against corruption. To understand the fundamental challenges that have hinders the legal institutions. To effectively provide recommendations base on the challenges

Literature Review

Overview of corruption across the globe

Corruption has become a global social problems that have affected several countries in the world and directly affected socio-economic and political development of many nations particularly, Africa and developing countries. According to transparency international 2018 noted that number of countries engages into corrupt practices and due to the fact that some countries could be able to manage the malice due to the strong legal institution not that countries. For example,

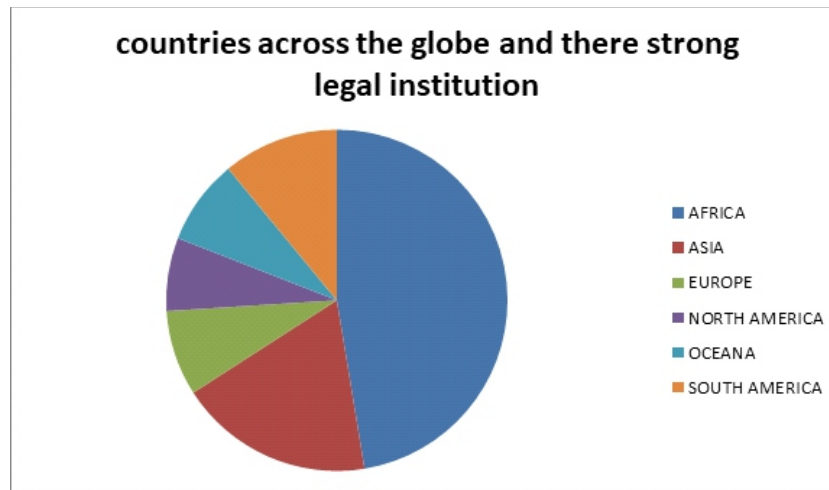
Fig. 3



Sources: From empirical review 2021

From the above diagram indicated that number of countries with their percentages of corruption in various way have shown clearly, no countries in this world that is free from corruption. However, in African countries which are the most developing nation have the highest number of corrupt cases across the globe those countries in Africa are Angola, Nigeria, Niger, Cameroon, Egypt, Congo, Ghana, Liberia, South Africa and many more Africa countries that have not been mentioned have the highest rate of corruption. Tendency international 2019, argued that in ASIA, such countries are Afghanistan, Armor Bartram, Bangladesh, Cambodia, China, North Korea, Cyprus, India Indonesia, Jordan, Iraa and many more. Asian countries which they also surfers from the rate of corruption that is indicates that however, some countries in ASIA have limited corrupt cases such nations are china, north Korea and other few. Similarly in Europe, which serves as a body for fighting corruption [which have been observed and copy from many African and Asian countries and have been picture as powerful countries in the world have also have severe case of corruption such countries are Albania, Australia, Belgium, Bulgaria, Croatia, Republic of Denmark, Finland, French, Germany, Greece, Iceland, Italy, Spain, Sweden, Netherland, Norway, Poland, Portugal Romania, Russia, Swaziland United kingdom and many other European nations have little cases of corruption due to the fact that legal institutions where very strong in fighting corruption. However, in North American, has also in line with other countries resulting from corruption, example of those countries are. Canada, Cuba, Haiti, Mexico, United State and many more with low practices of corruption. In Oceana however, has similar cases with that of European countries those countries are Australia, New Zeeland, however, in South America such countries are Argentina, Brazil, Chili, Colombia, etc. transparency international 2019.

Fig. 4



Sources: Empirical Reviewed 2021

Corruption in Pre-Colonial Nigeria

Corruption in pre-colonial Nigeria had not been too pronounced as today's corruption cases at that era was limited due to fact that, people where not attached to it. It was at that period the colonial masters controlled and coordinates all the affairs of people. According to sources, noted that corruption at the period of pre-colonial was not that rampant in the sense that there were laws and people obey the law. The position of the researcher argued that the considering the number of populations at then and the resources available. However, corruption could have been better managed if in the sense that the colonial master had established strong policies that could penalized corrupt officers if possible dead however, the people by then believed with supernatural powers and magic that assisted that in ruling the affairs of their respective families. The idea of office, money and other colorful things that could lead then to corruption was not there. Therefore the only sources for survival was hunting and gathering

Corruption in the Colonial Period

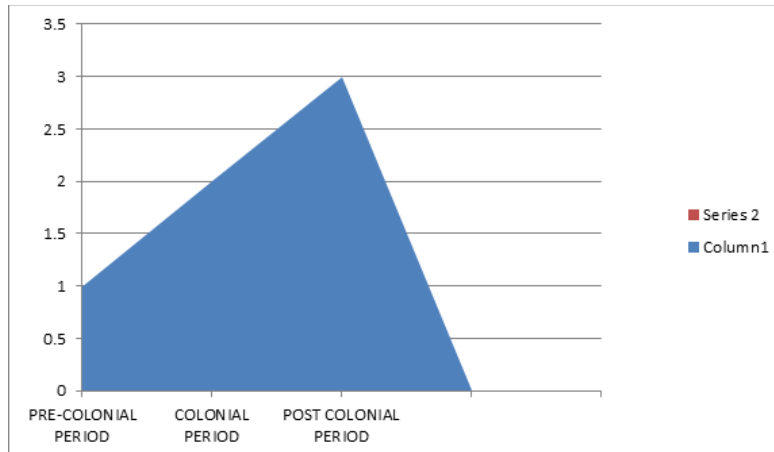
In th period of colonial master this was the period that we were govern by European policies and the make sure that policies and problem were established and implemented based on their interest. However, this period was the begging of corruption from the European master were man sale man for money. The position of the researchers noted that that this was the highest stage of corruption, had established by colonial masters, number of rules and regulations were developed to ensure that it protect and goes in line with the practice of the colonial masters particularly the indirect rule which was established by the colonial master. Yet corruption was not that high due to the fact that the level of economic development was too low.

Corruption in the Post Colonial Period

This period marked the beginning of corruption nepotism and many form of corrupt practices in the countries, at this period economic development is moving, the birth of the country Nigeria took place 1960 after number of colonial ruled. However, significant number of corruption were not that identified at this period until the discovery of oil 1970s .

Example given below the arithmetical pattern of corruption from the pre-colonial, colonial and post-colonial periods.

Fig. 5



Sources: Empirical Reviewed 2021

Corruption in Nigeria

In December 2009, a Federal High Court in Asaba, Delta State Discharged and acquitted James OnanefeIbori of all 170 charges of corruption brought by the Economic and Financial Crimes Commission (EFCC). The justification and the position of the researchers noted that, Economic and Financial Crime Commission has for long contributed in the control of corruption in the state however, due to. Two years later he pled guilty in a South Crown Court to 10 (ten) counts of fraud, money laundering and corruption, the idea behind it is the legal backing people have even the crime they committed was against the law of the state.

Number of cases regarding corruption and other dangerous practices that are related to corruption have been taken to the court for further jurisdictions, many Nigerian both the public and private sectors have injected corruption as a culture and total way of life which have directly has impact on Nigeria economy and development, however, manufacture number of unemployment hunger, crime, insurgency and many more social problems that affected development to Nigeria

Corruption did not end after colonization and has continued from independence to present times. Nnamdi Azikiwe, who was Nigerian first head of state, during his time as premier of the Eastern Region was investigated by the Foster-Sutton Tribunal⁷ for his involvement in the affairs of the defunct African Continental Bank. Under the code of conduct for ministers, a government official was required to relinquish his holdings in private businesses when he assumed public office. The Tribunal believed that Mr. Azikiwe who was the key political leaders ruled Nigeria in 1944 that was before independence in the first republic the cases of corruption in Nigeria was not to ramparted. However, Gawon administration was August 1966 to July 1975. This was another leader who served by examples, and effectively utilizes the resources in accordance to the rule of law yet he could not established any agency that could

fight against corrupt cases due to the fact that corruption was low. Murtala administration 1975-1978 Murtala established reform after military coup that brought him to power yet the rate of corruption was at the low rate and no any agency was created to fight corruption. Obasanjo 1979 followed by Shagari 1979-1983 according to sources this was the pensive period of corruption in the history of Nigeria, at this period stages of corruption have been identified in all of the sectors of Nigeria economy yet no agency that had been established to fight corruption. Buhari regime, December, 1983-August 1985 this administration came into power to established and to oriented the character of people of Nigeria which lead the creation of indiscipline among Nigerians. Babangida Regime was another millstone of corruption in Nigeria August 1985-1993 the regime of positive corruption among leaders yet the regime could not developed way of fight [ting corruption. Abacha regimes 1993-1998 a lot of money were stolen in the government treasure 1999 -2007 this was the administration that developed an agencies to fight corruption that are EFCC and ICPC

Rule of the Judicial System in Fighting Corruption

Judicial system have number of function and responsibilities to offers in the process of management and control of corruption in Nigeria, however, the system could be effective if the following segment were accomplished and the government should not by any reason compromise with any judicial act and allows them to work as independent institution as such number of transformations shall be improve and therefore it would promote the quality and quantity of judicial system at that level it will control the rate of corruption in Nigeria. Judiciary is rule markers, equality legislation, and protection of guidance and custodian of Nigerian constitutions. However, it has been observed that Nigeria judicial system were on strike due to the fact that, they are demanding for full autonomy which is right, and could improve the effectiveness of their work, interference of political leaders have pasted the quality of judicial system in Nigeria number of corrupts cases where taken to court yet none of them were treated due to full intervention of the political leads. Similarly, EFCC can never succeed in the fight against corruption until the federal government and the state level permit and granted full autonomy to judicial system. Currently now judicial system are on strike for more than three months yet there was no positive outcomes from the state and federal level, this justify that those political elites could not want the end of corruption in Nigeria

Durkheim's theory of Anomie

Emile Durkheim's theory of Anomie was espoused in his division of labour and society published in 1893. In that treatise, Durkheim noted that traditional cultures initially are characterized by high level of social and moral integration with little or no individuation. This way, members' behavior were governed by social norms which were usually embodied in religion or other aspects of the culture. People in those societies shared the same value systems and beliefs, such that the society was homogenous through the collective conscience (totality of beliefs and sentiments common to average citizens of the same society) of members which is based on an existing type of societal integration described by Durkheim as mechanical solidarity (the solidarity of resemblance, likeness or homogeneity). With division of labour however, the collective conscience gradually began to give way to weaker forms of societal integration -organic solidarity, distinct from the hitherto existing mechanical solidarity. This occurs as a result of division of labour that is massively changing the nature and structure of

society. Through division of labor, society becomes more complex, individuals play more specialized roles and become increasingly dissimilar in their social experiences, material interests, values, and beliefs, which is a complete departure from the organic solidarity that obtained at the earlier stages of society. A major feature of this process is individualization, which implies that division of labour occurs at the expense of common values, morality, beliefs, and norms including the communality that characterized society. Therefore, society loses its sense of community and social bond is weakened while social values and beliefs no longer provide coherent or insistent moral guidance.

This situation according to Durkheim, leads to anomie: the absence, breakdown, confusion or conflict in the norms of society (Scott and Marshall, 2005) which generates social problems such as corruption. According to Karimu (2016), corruption include to those attitudes, practices, and behaviors which are contrary to the established social norms, values, laws, rules and regulations in institutions, bureaucratic and non-bureaucratic organizations. This, as implied by Durkheim's theory is a function of the social structure which characterizes a condition in which individual desires are no longer regulated by common norms and where, as a consequence, individuals are left without moral guidance in the pursuit of their goals. The occurrence of anomie in society is due to the inability of moral regulation to keep pace with the increasing differentiation and specialization, all which result from large-scale division of labor vis-a-vis society's increasing complexity.

in view of the above model, Durkheim views on law as one of the social control that promote solidarity and social cohesion for hi, society could never achieved it social unity without establishing fundamental norms and values Durkheim also noted that those norms and values that we established protect human society and as well established integration which all parts of human institution could survives and achieved oit aims and objectives

Conclusion

Legal involvement in the fight against corruption is one of vital tools that could control the rate of corruption in Nigeria. Legal system provides fundamental practices that managed and enhances the quality and quantity of agency or department. However, numbers of political and selfish interest have occupied the judicial service commission, due to the reasons that political elites could not allow the commission to be granted full autonomy. Virtually, no society or cou&ntry that could achieved it fundamental progress without judicial system given valid autonomy over it affairs. Number of countries whom they succeeded in the fight against corruption have to strengthen their judicial system and ensure that adequate and proper socio-political and economic investment where established for the commission. Finally, the study had recommended full autonomy should be granted to judicial system to enable them to fight corruption at all level.

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