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Research Article

An Application of Shari'ah Law In Curbing Corruption In Contemporary Nigeria

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Abstract. Over the years, corruption has been the bane of development in Nigeria. This menace has eaten deep into all sectors in the country. Through, corruption has always been a serious problem in most developing countries most especially in AFRICA, Nigeria is not an exception. Nigeria, corruption has eaten deep into education, healthy, judiciary, political leaders among others. The paper adopted historical and sociological research approaches for data gathering and analysis. The paper discovered that, even religion houses are left out in terms of corruption. It was also unfolded that unemployment, lack of transparency, fear of poverty and greed are among the major factors that enhance and encourage corruption in Nigeria. Though, many governments in the country have put one measure or another in place to fight corruption, but it seems the measure put in place has not yielded much

result, as many political office holders are still found carting away millions and billions of Naira on yearly basis. The paper therefore recommended stiffer punishment for anybody found carting away public funds in Nigeria.

Keywords: Corruption, Nigeria, Development, Causes of Corruption, Anti-Corruption Measures.

INTRODUCTION

According to Usman Muhammad, corruption is defines as any type of behavior that deviates from an acceptable or established norm with regards to public trust, (Muhammad, 2013). It could also be theft of concerned is elected, selected, nominated or appointed and it does not matter whether the person affected holds public office or not, hence anybody could be corrupt. To him, Sthe only way out of corruption is when there is visionary and God fearing leaders. He further explains that without piety (*Taqwa*) there could be no good governance and accountability. Piety plays a critical role in ensuring good governance, collaborative peaceful co-existence, developmental projects, democratic culture and socialization, (Muhammad, 2013).

In other words, corruption involves the acceptance of gifts or money for improper reasons, (Onimajesin, 2006) In Nigeria, millions of people are still unemployed and living in abject poverty due to corruption, embezzlement and mismanagement of public funds by the few people in both public and private sectors in the economy. Combating corruption is possible when there is visionary leaders with piety, when requires economic approach, coupled with great political will and a mass attitudinal change, (Onimajesin, 2006).

Corruption is also considered as the abuse of public power on the public interest and self-interest of an individual to use or exploit them for personal gain, (Philip, 2013). The level of corruption engaged in by Nigeria private and public office holders is not because the people in Nigeria is different from other people of the world, but simply because the past leaders lack piety and political-will to fight the menace called corruption in the country. His own thesis, (Ugwu, 2015), embraces a broad spectrum of activities ranging from fraud, bribery, embezzlement among others. Ugwu further suggested rule and measures which could lay the foundation for good governance, accountability, transparency, an judiciary, an independent media among others,

David (2012) in his opinion opines that corruption is any act that breach rules that bind the conduct of official duties. Arguably, no one is completely free from the shackle of corruption, either as a doer or as a victim. He gives a tripartite approach for fighting corrupting vis-à-vis putting in place a mechanism to monitor official conducts and expose wrong doing, secondly, creation a system that is credible and must be built for assessing charges for wrong doing and to punish convicted the

wrong doers, thirdly, creating an institution such as watch dogs and whistle-blowers so as to arrest the corrupt individual both in private and public office Shari'ah Law, corruption and Anti- corruption Agencies in Nigeria.

The Meaning of Shari'ah:

Scholars of Islamic religion have given various definition of Shari'ah. Most of these scholars have identified the fact that it is the divine law of the Muslims, containing information on how to live a life approved by Allah. (Sayed H.A. Malik, 2001 says thus;

Shari'ah means the path established by Allah (S.W.T) for mun to follow in order to succeed in all aspect worldly and spiritual life. It is the path that ensures success in this world and salvation in the hereafter.

This definition construes Shari'ah to be a God-given Law, that guides the life of the totality of mankind both Muslims and non-Muslims. If followed strictly, a success-filled life is guaranteed in this life and in the hereafter.

Forms of Corruption:

Corruption takes place in diverse form, which has made scholars classify it into various forms. Some of the common types of corruption in Nigeria include:

- **Bureaucratic Corruption:** This is said to be the type of corruption that takes place mostly in the public administration or the implementation end of politics. It is encountered by citizens daily at the hospital, schools, licensing offices and various ministries, (Keeper, 2010).
- **Electoral Corruption:** This form of corruption may include buying of votes with money, coercion, intimidation and interference with votes, (Keeper, 2010). When this happens, people are killed, property destroyed, losers end-up as the winners in election, and votes announced where election was not conducted.
- **Administrative Corruption:** This includes the use of bribery and favouritism to allow certain individuals, business men to reduce their taxes, escape regulations.
- **Bribery:** This is the form of corruption that involves the use of cash and kind. It is called "Kickbacks", "gratuities", "greasing of palm" and many more, (Montesh, 2016).
- **Fraud:** This is the form of corruption that involves the use of deceptive or misleading information. It also includes misrepresentation the amount necessary for a particular service to be rendered. According to (Keeper, 2010), this form of corruption include racketing of prize to be paid the contract awarded smuggling, swindling, deceit and forgery of official documents so as to gain undue advantage, (Keeper, 2010).

- **Extortion:** This is a form of a corruption in which forceful means is used, sometimes the victim maybe threatened or delay by government officials. This form corruption is very common among the Nigerian security agencies.
- **Nepotism;** This is a form of corruption when an individual is giving an unfair advantage to someone else simply because he or she is a relative or family member.
- **Embezzlement and Theft:** This is a form of corruption that is mostly found in public and private offices. It is always characterized by taking and giving money or property, or other valuables for personal benefit, (Hernandez, 2009)

Main Causes of Corruption in Nigeria

Over the years, the causes of corruption in Nigeria had always remained almost the same; it is all about greed and lack of control of appetite over material wealth. (Ugwu, 2015), observes thus:

Greed does not surface when one is lacking, instead, it comes up as a consuming desire and deep craving by the average man to always have an unfair advantage over this neighbour. Corruption can be attributed to simple greediness.

The arguments by Ugwu could not be totally correct, not only the average man engage in corruption, but also corruption is noticeable among the wealthy and 'well to do' citizens of Nigeria, most especially government officials. In the case of African leaders and Nigeria in particular, corruption level among the affluent individuals is more emphatic than that which exists among the common Nigerians, Government officials engage in corrupt practices not because of lacking basic necessity of life, but because of greediness and insatiability.

The following are some of the common reasons for the perceptible acts of corruption in Nigeria, they include:

1. **Weak Enforcement Institutions;** This is another cause, as the constitutional provision against corruption and abuse of office is hardly enforced. As a result, the Nigerian populace has lost confidence in the police and the judiciary, (Onimajesin, 2006).
2. **Pervasive Poverty:** This also contributes the problem of corruption in Nigeria, with respect to the unlivable wages and salaries, high unemployment and difficulty of physical survival. Each of these factors could drive government officials to misappropriate public funds and receive gratification in order to make ends meet, (Onimode, 2002).
3. **Lack of Transparency and Accountability:** This occurs in the course of transacting business both in the private and public sector. Nepotism, tribalism, favouritism and lack of political will makes corruption a persistent phenomenon in Nigeria, (Onimajesin, 2006).

4. **Poor Reward System:** This is another factor that needs urgent attention if curbing corruption is to yield any positive results. Reward system in Nigeria has been said to be among the poorest in the world, (Nwaze, 2012). In Nigeria, primary, secondary and university teachers are face with the challenge of living on a salary and wages that could not meet their basic needs, and consequently, such workers might be tempted to engage in corrupt practices.

Effects of Corruption in Nigeria

- a. Negative Impact on Quality of Infrastructure and Public Service:** When public contracts are procured through a corrupt system it results in lower quality of infrastructure and public service, (Bello, 2005). No individual and contractor would want to spend beyond his budget on any project awarded to him, because he must have spent a lot to lobby so as to secure the project.
- b. Corruption Hinders Development:** Corruption is anti-development such that Nigeria, despite its rich endowment in natural and human resources is perpetually seeking foreign aids, when in the real sense, what is corruptly taken away from the national purse is often more than the loan expected from the World Bank and the London Club, (Nwaze, 2012).
- c. Waste Skills and Time:** In trying to curb the menace of corruption, considerable time and skills are dissipated.
- d. Proliferation of Abandoned Projects:** One of the major effects of corruption is the abandoning of some multi-billion Naira Projects. In Nigeria, contracts are awarded as a way to siphon money out of the public treasury, many with little or no execution plan. In other words, many project contractors are simply agents of public office holders, protecting their interest and carrying out their wishes; when the funds is disbursed and shared, the contract is then abandoned.

The Establishment of Anti-Corruption Agencies in Nigeria

Since corruption covers a broad aspect of vices that occur in Nigeria, many anti-corruption agencies have been founded over-time so as to tackle this endemic phenomenon called corruption. The biggest and the most effective of the agencies is the Economic and Financial Crimes Commission (E.F.C.C) will be discussed here

The anti-graft agency was created in 2002 and started operation in 2003. Its establishment was in partial response to pressure from the Financial Action Task Force on money laundering (F.A.T.F.), (Ugwu, 2015). It is a Nigerian Law Enforcement Agency empowered to prevent any form of Economic and Financial Crime in Nigeria; investigate and prosecute those involved in money laundering, embezzlement, bribery, smuggling, illegal arms transactions, oil bunkering, unauthorized mining, human-trafficking, child-labour, tax related offences, cyber-crimes, foreign-exchange malpractices, currency-counterfeiting, tracking, freezing as well as confiscation of

sleaze wealth including those of terrorist outfits. The EFCC has its headquarters in Abuja. The first chairman of the commission was Nuhu Ribadu. During his tenure as the chairman, he announced that thirty-two out of the thirty-six state governors in Nigeria had been found to be massively involved in corruption, (Lawrence, 2016).

In a "shut-up your mouth" clampdown, Obasanjo, the then President of Nigeria publicly over ruled the claim of Ribadu, and declared that all of those governors were free, except only four of them. His reasons for declaring that only four of those governors will be tried for the alleged corruption were hidden to the public, (Onabule, 2016).

Ibrahim, Magu is another chairman that headed the commission after Ribadu, he officially assumed office on November 11th 2015. Ibrahim Magu became the fourth chief executive chairman of the agency after Nuhu Ribadu, Farrida Waziri and Ibrahim Lamorde have all previously held the post. The E.F.C.C. is well known for its popular slogan "We will get you, anywhere, anytime."

Corruption has always been a part of the Nigeria economy since independence, all through the military era, but it arguably got to an alarming state during the regime of Ibrahim Babangida. His administration not only promoted corrupt practices but also pardoned corrupt officials convicted by his predecessors, and returned their ill-gotten money and properties seized by the overthrown regime. Corruption went largely unchecked all through these periods till the Obasanjo administration, that later established two major anti-graft agencies namely EFCC and ICPC, (Muhammad, 2013).

The following are some of the acts of corruption exposed by the EFCC in Nigeria.

1. Senate President Chuba Okadigbo and his deputy senator, Haruna Abubakar were in 1999 impeached by the senate for embezzling the sum of N22.9 million and N16.9 million respectively as Christmas and Sallah gifts.
2. Another Senate President, Adolphos Wabara, was also guilty of receiving bribe of N55 million from Professor Osuji (the former Education Minister) to inflate the budgeting allocation to the Education Ministry.
3. In December, 2007, Senator Iyabo Obasanjo was involved in a contract scandal amounting to N3.5 billion involving her and an Australian firm. According to the EFCC, the senator used her mother's maiden name, Akinlawon to hide her identity in the contract.
4. Former Inspector General of Police, Tafa Balogun was convicted in November 2005 for extorting more than N13 billion during his three years tenure.
5. Former Governor of Bayelsa Diepreye Alamiyeseigha was arrested on forty counts of corruption and money laundering, and later in 2006, the British government returned about £1 million of his illegal gain that he stashed in British banks.

6. In 2025, former Attorney General and Minister of Justice, Abubakar Malami, his wife and son were arrested by EFCC and charged to court of law for money laundering and illegally enriching himself, wife and son to the tune of N250 billion while properties worth of N500 were confiscated from Abubakar Malami.
7. Former Governor of Central Bank of Nigeria, Godwin Emefele was arrested and by charged to court by the EFCC, properties worth of N700 billion were confiscated from him and it was also reported by the EFCC that Emefele operated not less than twenty-seven foreign accounts.

In view of the above cases of mismanagement of funds by the government officials which had plunged the country into economic misery over the years. Mallam Nuhu Ribadu, the former EFCC Chairman maintained that over N400 billion that had been looted from the commonwealth by the leaders, is "six times the total value of resources committed to rebuilding Western Europe after the Second World War, (Ademola, 2011).

Shari'ah Law as a Solution to the Problem of Corruption in Nigeria

In Nigeria, there are many endemic vices that are besetting the country, ranging from political corruption, social corruption, moral corruption, financial corruption among others. There is almost no sector that this endemic called corruption has not extended its root. Corruption is found in schools, judiciary, politicians, in religious institutions and among the public and private workers.

One mystifying fact is that most of the people arrested and charged to court of law for corruption are either Muslims or Christians, and when one is being confronted with the reality that no religion encourages corruption, then, the situation becomes more confusing. Most of the people that are found in this endemic vice lack the fear (*Taqwa*) of Allah. The Prophet (peace and blessings of be unto him) was reported to have said thus:

Any man whom Allah has given the authority of ruling some people and he does not look after them in an honest manner, will never fact even the smell of paradise, (Sahih Muslim).

The above hadith emphasizes the need for the leaders to be pro-active in discharging their statutory duty towards their people. If this could be done by our leaders, then corruption in Nigeria would be a thing of the past. As for as corruption is concerned in Nigeria, the judiciary has not live to expectation of the masses. The judiciary that is supposed to be the last hope of the common man, but they are now found to be overwhelmingly involved in the endemic vice called corruption. Allah reminds us thus:

O you who believe, be persistently standing firm in justice as witnesses for Allah, even if it be against yourselves or parents and relatives. Whether one is rich

or poor, Allah is more worthy of both. Follow not your desires, lest you not be just. If you distort your testimony or refuse to give it, then Allah is aware of what you do. (Qur'an 4:135).

Islamic Conception of Corruption

The Principle of justice is a very key value in Islamic moral teachings, such that it is considered as the foundation for man's creation by Allah. According to the teachings of the Islamic law (Shari'ah), any action or deed of mankind that flouts justice on earth is an act of corruption. So therefore, Islam centres its teachings on the promotion and enforcement of a code of ethics among mankind, (Atanda, 2015).

Islam is a advocate of social justice, as it is central to the concept of development in Islam. Social Justice is explained as the fair and equitable distribution of wealth, provision of basic necessities of life and the protection of the indigent from the intimidation of the affluent, (Badawi, 1982). These should be done in such ways that values of fairness, honesty and mercy should be evident when applying justice irrespective of colour, race, political view or religious belief.

In Islam, issues related to corruption in the Qur'an are explained via the use of the Arabic concept '*fasaad*.' The term '*Fasaad*' encompasses all human behaviours that disrupt the tranquil existence, social harmony of individuals, that harms the environment and consequently hinder sustainable development, (Atanda, 2015). The concept of corruption in Islam is broader than its mainstream use, which always tends to conceive corruption as the abuse of entrusted public power or office for private or personal benefits. From an Islamic point of view, corruption is inimical to the economic, social, moral and ecological balance of human existence and it is thus condemned by the *Shari'ah*. Islam prohibits blasphemy, murder, terrorism, oppression, injustice, enmity, adultery, homicide and graft, which are all omens of corruption, (Ali, 2016).

Stealing/Theft (*Sariqah*): In Islam, if any person removes dishonestly any property without the consent of the owner, such a person is said to have committed theft, (Ostein, 2001). Allah reminds us from the Qur'an thus:

And do not consume one another's wealth unjustly or send it (in bribery) to the rulers in order that (they might aid) you (to) consume a portion of the wealth of the people in sin, while you know (it is unlawful). (Qur'an 2:188).

According to the Islamic law, (*Shari'ah*) the punishment for stealing is cutting of the hands, but before then, the following conditions must be met:

- * The person who was said to have committed the theft or stealing must be sane;
- * He must be an adult;
- * He must not have been compelled to commit theft, (Ostein, 2001).

Allah ta'ala instructs in the Qur'an thus:

As for the thief, the male and female, amputate their hands in recompense for what they committed as a deterrent (punishment) from Allah. Allah is Exalted in Might and Wise. (Qur'an 5:38).

Without iota doubt, the punishment against theft in this regard seems enough to scare any individual from being corrupt, be it public or private officials, since chopping off a individual's hand disfigures such a person, making him look strange among others. Perhaps if this is applied to the Nigeria situation, anyone possibly interested in embezzling public fund or stealing would always give it a second thought. Not that the political office holder that steal has no clue on the punishment for stealing, but perhaps he still goes ahead to engage in this vice only because the punishment passed on the corrupt officials are not sever enough to deterred them. If Shari'ah law could be used for the corrupt Nigeria officials corruption will be reduced to its barest minimum.

Armed or Highway Robbery (*Hiraabah*): The intention to commit robbery with force by lying in wait for mayfarers on the highway, prowling houses in the night and harassing passerby fully armed is sufficient for conviction of the crime even if the culprit is not successful, (Al-Awwal, 1985).

Since the crime violates the ultimate objectives of the divine law to protect both human life and property, the Qur'an has described it as waging war both against Allah and His Prophet, as well a spreading mischief on earth. Allah ta'ala instructs thus:

Indeed the penalty for those who wage war against Allah and His messenger and strive upon earth (to cause) corruption is none but that be killed or crucified, or that their hands and feet be cut off from opposite sides or that they be exited from the land. That is for them a disgrace in this world, and for them in the hereafter is a great punishment. (Qur'an 3:33).

According to (Husein, 1999), the death penalty is prescribed if the robber has killed but has not got away with the stolen property; crucifixion where the robber killed and got away the stolen property, cutting off the hand and foot on the opposite sides if the robber robbed with violence but killed no one, and exile or banishment where the robber only frightens the victim but neither killed nor got away with the stolen property. Punishment ought to be severe enough so as to deter any potential perpetrator; else, it will just be Otiose.

Fraud: This can take different forms, but the most popular is the advance fee fraud, otherwise known as (419). It has eaten deep into the fabrics of the Nigerian Society. It is practically found everywhere in Nigeria. It is the unlawful acquisition of money or property, (ICPC Reports, 2000).

In Islam, only lawful acquisition of property is recognized, unlawfully acquired wealth is totally (*Haram*) and Islam frowns at it. Allah ta'ada warns:

O you who have believed, do not consume one another's wealth unjustly but only (in lawful) business by mutual consent. And do not kill yourself (or one another). Indeed, Allah is to you over Merciful. (Qur'an 4:29).

Fraud is punishable by imprisonment or other less severe means to stealing. This is based on the fact that the thief, unlike the fraudster can physically attack or eliminate the owner of the property, if he challenges or becomes conscious of the stealing, (Iqbal and Lewis, 2001). Fraud often involves cheating and Allah strictly warns:

Woe to those who give less (than due). Who when they take a measure from people, take in full. But if they give by measure or by weight to them, they cause loss. (Qur'an 83:1 – 3)

The non compliance with these injunctions in the Qur'an by many Nigerians has led to frequent cases of fraud in both public and private sector. It is only these injunctions are strictly adhered to, then fraud and all other social vices in its entirety could be curbed.

CONCLUSION

Everyone keeps blaming the politicians and some other individuals for being unrepentantly corrupt, when in the true sense, they in themselves are not completely free of corruption. Corruption is not peculiar to this nation alone, it is found in every part of the world. The task of chasing away this useless evil is the responsibility of all well-wishing Nigerians, especially the religious leaders.

These so called religious leaders have not done enough to stamp corruption out of our contemporary Nigeria, they have, in actual fact, worsened the matter. Even the body language of some of them appears to support corruption, because they hardly question members on how their wealth is gotten, all they know is to receive whatever they presented as gifts. The religious leaders should strive to lead a life devoid of deceit, lack of trust and unrighteousness. Their lives should be characterized of trust, honesty, piety and fear of Allah, a life that could be emulated by the citizens of Nigeria.

The Islamic scholars and leaders should also learn to walk their talk, and not just talk and talk. Their responsibility and pre-occupation should be how to educate the leaders on how to lead in a way that pleases Allah, through the teachings of the Shari'ah. If all these could be done, then corruption will be a thing of history in our contemporary Nigeria.

RECOMMENDATIONS:

- a. Government should implement the stipulations of the Shari'ah law on any individuals caught looting the public funds.
- b. There should be special court for anti-graft offenders in the country so as to enhance speedy justice.
- c. Government at all – level should create more jobs for the youth in the country.
- d. Living wages and salary should be paid to government workers so as to curb stealing of public funds.
- e. Our religious leaders should stop preaching prosperity in the church and mosque, contentment should be our watchword.

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