



## CORRUPTION AND DEMOCRATIC GOVERNANCE IN NIGERIA: AN ISLAMIC PERSPECTIVE ON SOLUTION

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**Abstract:** *That corruption is regarded with a permissive attitude or winked at in Nigeria is no secret. The basic problem for analysis here is the unedifying glorification of corruption by condemning it with one corner of the mouth and tries to justify it with another, despite moral and religious condemnation of corruption in all forms. The contention of this paper is that Islam does not only claim panacea for corruptions plaguing human society, indeed it has guidance which will help to tackle the problems. Unfortunately the religious influence on moral behavior is fast being lost in society; a strong urge for liberation from religious obligations is in motion and gaining momentum almost everywhere in the World. The paper thus concludes that, there are many areas of crime control or prevention which can be borrowed from the Islamic legal, social and political system to save any country from the menace of corruption. Nigerians have drifted far from our creator felt non chalet in worshipping Him but resorted to worship on mammon. Unless we repent, change and amend our evil ways, it is then that our conditions can improve and be better.*

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## **INTRODUCTION**

Despite the much talk about democracy, rule of law and good governance, corruption is still very much rampant in Nigeria (Kwache, 2008: 6). It is a bitter truth that corruption did not start in Nigeria yesterday. A thorough prognostication of the historicity of Corruption in Nigeria would, therefore, trace it to the 60s; if not beyond (Economic Intelligent Team, 2008: 30). Corruptions have caused decay and dereliction within the infrastructure of government and the society in physical, social and human terms. Corruption has been responsible for the instability of successive governments since the first Republic. Even coup since then has been in the name of stamping out the disease called Corruption. Unfortunately, the cure often turned out to be worse than the disease (Anti-Corruption compendium, 2008: 27). In fact one of the greatest causes of social injustice today in Africa is Corruption. It stands glaringly at the gate of every initiative of government to bring relief from extreme poverty in the citizenry obstructing delivery of socio-economic progress and infrastructural development in Nigeria (Oglafa, 2011: 42).

Every successive regime in Nigeria has always applied the relevant provision of the law to deal with corrupt practices and abuse of office. Even the late maximum dictator, General Sani Abacha who stashed away over \$5 billion in the vault of Western banks enacted highly draconian law under which some Nigerians were jailed for corruption, economic sabotage and advance fee fraud otherwise known as "419" (Falana, 2002: 38). But unfortunately, the lessons of those experiences were lost on the Nigerians political class within the next few years they were released from prisons even when prima facie cases of corruption were publicly seen to have established against them. Thus majority of the unrepentant politicians found their ways back into government circles to continue to perpetuate the vicious cycle of corruption and mismanagement of the nation's resources (Economic Intellectual Team, 2008: 30).

As a result of prolonged military rule and consequent historical inability to check the menace of Corruption, it penetrated very deep into all segments in Nigeria society and into the fibre of all government structures (economic intelligent Team, 2008: 30). Thus, the result is high levels of poverty, failed political institutions, economic dependence on natural resources, nepotism, and lack of respect for rule of law and human rights violations (Keighley, 2009: 17).



Democracy is a form of government in which the supreme is retained by the people collectively and exercised directly or indirectly through their representatives; a state or society characterized by recognition of equality of rights and privileges. Democracy is thus refers to a system of government in which ruler are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives (Schmitter and Karl, 1991:76).

The single most significant ideal in democratic thought is belief in the basic integrity of the individual. This system treats all the individuals as end in and of themselves. Consequently, the government exists for the individual and not the other way round. The government must protect, promote and defend the integrity of the individual. Other major values of democracy include: equality, meaning the right of all individuals to make or influence government decisions as well as to be treated equally under the law (Moten, 2003: 107-108).

But most of these assumptions and principles proved unworkable both in Western and non-Western settings. Some liberal practitioners account for this failure by citing the decline of consensus on the democratic creed; other maintain that the uniqueness of democracy in the West has precluded its applicability in non-Western areas (Hallowell, 1954: 136).

## **THEORETICAL FRAMEWORK**

That corruption is regarded with a permissive attitude or winked at in Nigeria is no secret and this has been demonstrated repeatedly (Ekemenah, a 2008: 6). The basic problem for analysis here is the unedifying glorification of corruption by condemning it with one corner of the mouth and then in our private or even in public life try to justify it with other corner of the mouth by appealing to nonsensical ethnic shibboleths of "sharing the national cake together". This despite moral and religious condemnation of corruption in all forms (Ekemenah, b: 6).

We put the blame on one government or the other. Have we ever sat down and think deeply about the causes of these problems and possible solutions? In the Qur'an, the Almighty Allah proclaims: *"corruption has spread on land and sea because of what men's hand have wrought, that He may make them taste the fruit of some of their doings, so that they may turn back from evil"* (Qur'an,30:42).



This shows the level which people not only in Nigeria, but throughout the world have sunk in moral turpitude. Nations of the World have become corrupted to the core politically, socially and morally, hence the commitment of heinous crimes like armed robbery, embezzlement of public funds, kidnapping etc. most of these ills are being adduced to our groggy economy but we should look beyond the façade of this economic recession for adequate explanation of what is wrong with us as a nation (Sunmonu, 1997: 8). Transparency International (TI) agreeing with these points asserted that corruption is on increase in a majority of countries around the world. TI noted that the survey showed that taking bribes was particularly prevalent in Africa, Eastern Europe and Latin America. Political parties were the most corrupt bodies they were followed by parliaments, police and judicial system (Business World, 2009: 41).

The contention of this paper is that Islam does not only claim panacea for corruptions plaguing human society, indeed it has guidance which will help to tackle the problem it has within its framework a comprehensive legal system, the *Shari'ah* as a complete way of life. Islam integrates man with Allah, awakens in him moral consciousness and invites him to deal with all the problems of life individual and social, economic and political, in accord with his commitment to Allah (Malik, 2001: 26). This paper intends to achieve the following objectives: stating and clarifying what is corruption, Islamic moral value, Islamic Social Order, the punishment for corruption in Islam and Conclusion

## **DEFINITION OF CORRUPTION**

Corruption is not only a criminal act, it can also be sociologically defined as deviant and nefarious act departing from legal and social norms which carries the possibility of legal prosecution, social opprobrium and humiliation when caught in the act. Corruption is a form of primitive or crude accumulation of wealth and /or extraction of surplus value of social common wealth through illegal or criminal means (Economic Intelligent Team, 2008: 30). Webster's integrated dictionary and Thesaurus defines corruption as: Decomposition; impunity; bribery; perversion; contamination; degeneration; distortions; dishonesty; depravity; deterioration and infection (213-214). Corruption is defined by Transparency International as the abuse of entrusted power for private gain (Business World, 2009: 41).



Perhaps, it is in line with the above definition that *Al-Masri* described the implications of corruption and says: “ *Corruption comprises national development, contaminates collective morality and values, distort national planning, corrodes integrity and discipline, and destroy the foundations of creativity, innovation, and democratic structure and development*” (1985: 16).

There is no gainsaying in the fact that, corruption distorts the composition of government expenditure. It may tempt government officials to choose government expenditures less on the basis of public welfare than on the opportunity they provide for extorting bribes. Large projects whose exact value is difficult to monitor may present lucrative opportunities for corruption (Business World, 2009: 41). Essentially, corruption is the main instrument for diverting and draining national resources in a concentrated form into wrong pockets of individuals is it in the private or public sector. Thus, corruption is a social phenomenon or sociological problem and it is how society view corruption that determines its substance or essence and how we all react to it. Thus, it can be viewed from various stand points: historical, philosophical, cultural, economic, moral etc. It is therefore in these contexts that one can locate the reason for corrupt practices in any society (Economic Intelligent Team, 2008: 30).

The word used for the corruption in Qur'an is '*fasaad*' which means corruption, decay, iniquity, immorality, imperfection of a legal transaction (Cowan, 1960: 712). While the words, '*rashw*', *rishwa*, *rashwa* are used for bribery, corruption and dishonesty (Cowan, 342). Thus according to Islam corruption is not just act of giving and receiving of bribes. Corruption covers such act as: Use of one's office or position for pecuniary advantages, Gratification, Influence peddling and Insincerity in advance with aim of going advantages etc.

## **NIGERIA LAW AND CORRUPTION**

Apart from many federal states including the criminal Act (cap 77) Laws of the Federation of Nigeria, 1990 there are adequate laws in each of the states of the federation dealing with corruption Fraud and Associated Offences (Falana, 2002).<sup>24</sup> Nigeria has enacted the following bodies and legislations:

- (1) The Independent Corrupt Practices and other related offences (ICPC) Act.
- (2) The Economic and Financial Crimes Commission (EFCC) Act.



- (3) The Fiscal Responsibility Act.
- (4) The Public Procurement Act.
- (5) The Money Laundering Prohibition Act.
- (6) The Code of conduct bureau and Tribunal are saddled with the responsibility to ensure compliance with the code of conduct for public officers set out in the fourth schedule to the 1999 constitution.
- (7) The Nigeria Extractive industry Transparency initiative Act 2007.

These legislations are to ensure that infractions and adequate sanction are in place to deter corrupt practices and criminal activity (Oglafo, 2011).<sup>25</sup> But the aforesaid laws on corruption and abuse office have been observed in the breach because of the lack of political will on the part of the Nigeria ruling class to combat corruption (Falana, 2002).<sup>26</sup>

Between 1999 -2007 Obasanjo regimes fooled Nigerian to believe that corruption was the major clog in the wheel of Nigerians development and that his government had an anti-dote that would cure the social menace. But in the reality Obasanjo turned to be a mere superficial in his anti- corruption crusade as he deliberately helped some business men to great fortunes at the expense of the masses (Lawrence Olaoye, 1008:69).<sup>27</sup>

Also at power sector probe Obasanjo, with Governor Liyel Imoke of Cross River State and Olusegun Agagu former governor of Ondo state were alleged to have spent \$16 million to kick-start the power sector. All testimonies given at the investigation into the expenditure carried out by the Obasanjo administration on power and steel especially by the past ministers including senator Imoke and Agagu indicated that they acted according to the directive given by Obasanjo (Lawrence Olaoye, 2008).<sup>28</sup>

Yar'Adura administration that promised as a matter of state policy to abide by the rule of law and zero tolerance for corruption as one of the seven cardinal agenda of his administration. It is noted that hardly had president promised not to interfere in the autonomy of the EFCC on the early day of his administration than the minister of Justice and attorney General of the federation Mr. Michael Aondoakaa (SAN) took up the gaunt led of challenging the very authority of the EFCC in the fundamental works of arresting and detaining suspected corrupt officials in the country (Ekemenah, 2008).<sup>29</sup>

A typical example here is the zeal with which he seems to have provides cover, alibi and protection for the former governor of Delta state, Mr. James Ibori, because the previous



looters get away with their loot, the subsequent political office holders feel comforted in the belief that they can continue to steal with impunity (Falana)<sup>30</sup> Thus, despite the much talk about democracy, rule of law, zero tolerance for corruption and good governance, corruption is still very much rampant in the country. Government officials, governors and their associates are still stealing public fund left, right and centre.

Looking at the kind of money that has been spent during the 2011 general election, one feels that the Economic have failed in its duties as money flowed into the communities in such volumes that rendered the essence of the Bank useless. This shows the failure of the various regulatory agencies and institutions in addressing some social defaults like financial crimes such as bribery and corruption that made politicians more ruthless in handling decision that would be needed to improve the quality of life in Nigeria (Echebiri, 20011).<sup>31</sup> Corrupt practices have continued to thrive in the country with grave consequences for the socio economic development of the nation. Our collective common wealth is siphoned to foreign countries by corrupt public officers (2011).<sup>32</sup>

Some of them have successfully meandered into appointive or even elective office such as the senate where they further enjoy apparent immunity. Thus, it has become obvious that the Nigerian penal system has failed the country since it has not been able to deliver justice that would serve the purpose of deterrence. One of the evidence of this failure is the indiscriminate dispensation of plea bargain (Echebiri, 2011).<sup>33</sup> A plea bargain, is defined in the Webster's Integrated Dictionary and Thesaurus as pretrial negotiations in which the defendant agrees to plea guilty to lesser charges if more serious charges are dropped.(p. 698).<sup>34</sup>

Thus the plea bargain is an agreement in a criminal case between the prosecutor and defendant whereby the defendant agrees to plead guilty to a particular charge in return for some concession from the prosecutor. This may mean that the defendant will plead guilty to a less serious charge or to one of several charges, in return for the dismissal of other charges; or it may mean that the defendant will plead guilty to the original criminal charge in return for more lenient sentence (Uba, 2011).<sup>35</sup> According to legal experts, a plea bargain allows both parties to avoid a lengthy criminal trial and may allow criminal defendants to avoid the risk of conviction at trial on a more serious charge. No doubt, plea bargain is accommodated within the criminal justice system. But where it runs against the grain of



social justice or even public policy, it becomes hindrance to the dispensation of justice as a whole. This is why the call for the exclusion of plea bargain in corruption cases is apposite. This practice has not in any way helped in the fight against corruption, justice Dahiru Musdapher, Chief Justice of Nigeria, has declared in strongest terms that plea bargain- a strategy adopted by the EFCC to make suspects accept guilty and forfeit their loot in exchange for light sentences- is illegal and dubious, flying directly in the face of criminal justice (Echebiri, 2011).<sup>36</sup>

Thus Justice Musdapher advised that plea bargain should no longer be relied upon considering the dubious ring to it, and also because there is no place for it in Nigeria law. The idea was a contraption to shield high- profile criminals who looted the treasury entrusted to them. It is an obstacle to the fight against corruption (Echebiri, 2011).<sup>37</sup> Moreover, since the practice was adopted by the EFCC, convicted felons who were accused and found guilty of looting public treasury blind, especially from the tribe of ex-governors, have been able to escape justice. None of the ex-governors found guilty of corrupt practices are in jail today. The plea bargain has thus become a stumbling-block to the success of the anti-corruption crusade in the country and should therefore, not be encouraged by officers of the law (Echebiri, 2011).<sup>38</sup>

It is an irony that in Nigeria justice system, while other categories of petty criminals get severe punishment for their crimes, corrupt governors and politicians , who loot the treasuries, thus sentencing the society to long spell of underdevelopment and poverty, are given light sentences through plea bargain. Against this backdrop, we have to look for alternative solution to the problem of corruption in the country.

## ISLAMIC MORAL VALUE

The most valuable contribution made by Islam in the cultural sphere is through the definition of moral value and standards. To begin with, Islam has abolished all privilege and class distinctions. Righteous conduct is the only badge of honour. The Qur'an says: " *We have divided you in to tribes and nations for greater faculty of identification and intercourse, but the most honoured among you in the sight of God is he who led the purest and most righteous life*" (Qur'an, 49:13)

If the purity and righteousness of a person's life become the sole criteria of honour among mankind, as we are taught they are in the sight of Allah, we shall very soon achieve a much





needed moral and spiritual revolution in Nigeria and in its outlook. All other standards would then adjust themselves in subordination to this. For, again, it is obvious and at various places the Qur'an recognizes, that all factors in human life have their uses and their value and that they can all serve a beneficent purpose if they are properly regulated and adjusted. Islam is a faith that insists upon the acceptance of life on a positive and constructive basis and disapproves and even condemns the rejection, negation, or stultification of life. It seeks to inculcate a consciousness of the capacity and dignity of life and recognition of the far-reaching consequences of human action and human thought (Khan, 1966: 8). We are admonished:

O you who believe, fear God and let every soul look to what it sends forth for the tomorrow. Fear God! Verily God is well aware of what you do. Be not like those who forget God and whom He has consequently caused to forget their own soul (Qur'an, 59:18-19).

It is disregard of the morrow that has falsified our standards of values. Allah says:

They say, there is nothing but this our present life; we live here and we die. Time alone destroys us. They have no knowledge concerning it, they do but conjecture... say, if is God who gives you life, then causes you to die; then He will gather you together unto the Day of Resurrection about which there is no doubt. But most men Know not (Qur'an, 45:26).

The Qur'an is as insistent upon belief in the life after death as it is upon belief in the Existence and unity of God. It warns that without this belief, human life would not be in balance. It is only through achieving this balance, neither transgressing nor falling short of measure set up by God that life on earth can become beneficent (Khan, 1966: 9). It is only a life which is in balance in the perspective of today and of tomorrow, that embraces both the foreground of the here and the background of the hereafter, in accordance with the measure set up by God, neither transgressing nor falling short of it, that can be truly beneficent. It is only men who lead such lives who will always stand with truth and justice and conduct themselves with equity. In their hands and under their control, all powers and



all forces will only be instruments of beneficence that will be employed for fostering human welfare to the greater glory and praise of God (Khan, 1966: 10).

It may be asked, is this not merely a counsel of perfection. It certainly is a counsel of perfection; nothing else would be adequate. But it is not merely a counsel in the sense of being only academic speculation. What has been said here by way of illustration and that which is expounded in the Qur'an in greater detail as the way of beneficent life in all spheres, spiritual, moral, political, is all eminently practicable and can easily be put into effect.

The starting point of all Islamic thought, whether political, economic, or social, is the truth that real ownership, sovereignty and power belong to only God (Ahmad, 1995: 51). In the Qur'an we read: *"And blessed is He to whom belongs the kingdom of the heavens and the earth and what is between them, and with Him is the knowledge of the Hour, and to Him shall you be brought back"* (Qur'an, 43:85).

The truth expressed in these words form the fundamental basis of all Islamic teachings. Ultimate ownership of the universe with everything it contains lies with God to who returns, in the last resort, everything that breathes and lives in this world (Ahmad, 1995: 51).

Evidently, where a man holds an office as a trust, he is answerable for his behavior in that capacity to the agency that put him into that position. The Qur'anic verse quoted above makes it clear that all empires and kingdoms, and all instruments of control by man over man and lower animals, and so many trust put into his hands for the mutual benefit of all. No one, therefore, should presume to act as if he were the absolute master, because real ownership and mastery over everything and everyone lie only with God. Others in their respective spheres are no more than trustees, answerable before God for the manner in which they discharge the trust reposed in them (Ahmad, 1995: 51-52).

The Qur'an lays down another important principle for leadership and that is the requirement that leaders carry out their duties with strict impartiality and absolute justice. They should not attempt to pervert the course of justice for the sake of relationships, or self interest. The Qur'an says:

O you who believe! Be strict in observing justice, being witnesses for the sake of Allah, even though it be against you or against parents and kindred. Whether he be rich or poor,



Allah is more regardful of them both than you are. Therefore, follow not low desires so that you may be able to act of Allah, and bear witness in equity; and let not a people's hostility towards you incite. Be always just, that is nearer to righteousness. And fear Allah surely, Allah is well aware of what you do (Qur'an, 5:8).

The cumulative effect of these verses is that, when we are in a position to have a say in the appointment of functions of government, our duty from God is to select the best man for job, capable of handling the affairs of state with integrity, forbearance, sagacity, and strength. In addition, those who are appointed to these offices of trust are enjoined to guard against partiality for or against particular individuals or classes. No one is to be unduly suppressed; no one unduly uplifted to the detriment of others (Ahmad, 1995: 54).

We are told, moreover, that this is not an arbitrary order devoid of rational basis. It rests on the sure foundation of a deep truth which leads to far reaching beneficial results when properly observed. Even handed justice for all, irrespective of circumstances of birth, financial weight, class, ethnicity, political or religious leaning, is the foremost condition needed to create a sense of security and peace in society and in the World (Adam, 2005: 44). Without which no regime can last or achieve anything of real benefit for people.

Differentiating policies upset essential balances, creating thereby severe heart burning and deep-seated hatreds, which make peace impossible, except for brief uncertain periods followed by beastly demonstrations of baseness and cruelty by the underdogs, whenever they get a chance to bite in turn (Ahmad, 1995: 54).

In Islam, it is considered highly essential that those in authority should be sensitive to the cause of the people to a degree that there is no need to form pressure groups (Ahmad, 1997). According to the Qur'an, the ruler is repeatedly held responsible and answerable to God for the state of affairs to those who are under him in place under his trust. The prophet of Islam is reported to have said: ... *"the king is a ruler and he shall be questioned about his subjects"* (Ali, 1973: 394).

It was the custom of Umar, the second caliph in Islam to walk the streets incognito to see for himself at firsthand what was happening to the people under his authority. He is doing that because he felt, that the entire township and its affairs were his ultimate responsibility-



a trust he had to discharge by himself (Ahmad, 1997: 158). It is impossible for the head of every government to physically emulate what Umar did in both spirit and attitude Umar remains an excellent model. This is the spirit which must be following by modern societies everywhere. If the governments become sensitive to the cause and sufferings of the people, then, even before the people begin to give voice to their pain and sense of deprivation, those in authority would be compelled to take remedial measures not because of demands from fear but from the impelling voice of their own conscience (Ahmad, 158).

Unfortunately the religious influence on moral behavior is fast being lost in society. To aggravate the situation, a strong urge for liberation from religious obligations is in motion and gaining momentum almost everywhere in the contemporary World. Yet, there is also panic born out of the growing lack of security and disorderliness in social behavior running parallel to the trends to disregard religious and ethical codes. Belief in a living God, who has shaped not only the destiny of human beings but who also has a right to determine the patterns of their day to day life is rapidly eroding (Ahmad, 1997: 63). The Qur'an, obviously speaking of such an age, declares:

We bring to witness that age when men as a whole would be in  
a state of loss, except for those few who believe and do good  
deeds and exhort others with the truth to accept truth, and  
admonish others with patience to be patient (Qur'an, 103: 1-3).

Exploitation, duplicity, hypocrisy, selfishness, oppression, greed, the man pursuit of pleasure, indiscipline, corruption, theft, robbery, violation of human rights, fraud, treachery, kidnapping, lack of responsibility and want to mutual respect and trust have become hallmark of modern societies. The veneer of civilization can no longer hide the ugliness which is becoming more and more apparent (Ahmad, 1997: 65).

The question then arises why societies believe in a God and the Hereafter, yet in all other characteristic remain materialist? The answer is not difficult to find when we examine in depth the nature of the beliefs. In fact, just a remote theosophical belief in a God cannot influence the social academic in nature and is never translated into responsible godly behavior (Ahmad, 1997: 74). How can genuine belief in God cohabit with lies, falsehood, extreme selfishness, usurpation of the right of others, corruption and cruelty? The concept of God in such societies is only cosmetic, too unreal and superficial to play an active role in



fashioning human conduct. Likewise, the belief in the afterlife and accountability is reduced only to the pale shadow of a distant possibility. At every moment of choice, immediate interests always dominate and displace any consideration for the life to come (Ahmad, 74). It is disregard of the morrow that has falsified our standard of values. The proclamation and repetition of high principle, though necessary, is of little value unless we carry them in to effect and illustrate them in our conduct. We must completely eschew hypocrisy (Khan, 1966: 11). *“O ye who believe! Why do you say what you do not do? Most hateful is it in the sight of Allah that you say what you do not do (Qur’an 61: 2-3).*

### ISLAMIC SOCIAL ORDER

The Islamic social order stands for the uprooting of the evil tree and the planting of a healthier one instead. The Qur’anic verse which is most central to this issue is as follows: *“Verily God enjoins justice, and the doing of good to others; and giving like kindred; and forbids indecency and manifest evil and transgression” (Qur’an, 16:90).*

The first part of this verse is applicable more to the economic sphere than the social order. It paints a clear image of the Islamic concept of justice, fair play and benevolence in treating the less fortunate section of society. The second which Islam is committed to create, In this part, God forbids all that is considered wrong by universal standards, like indecent behavior, affront, insult and indeed all social evils which, without reference to any religious teachings, are condemned by the general consensus of human society at large (Ahmad, 1996: 13-14).

Thus, Islam lies down as a condition of faith that recourse must be had to the judicial process for the settlement of disputes. The judgment handed down must be accepted without demur and carried out fully (Qur’an, 4:66). Judges are admonished to carry out their duties with strict impartiality and justice (4:59). The course of justice must not be sought to be corrupt through bribery (2:159) or the presentation of false evidence (25:73)

According to Islam, no one is above the law, as far as the treatment of the accused is concerned, all persons are entitled to fair and equal treatment. Dignified behavior and deportment and respect for dignity of others have been outstanding characteristics of Islam system (shah, 1979: 19).

All these principles were not theory but actually put to practice in the history of Islam. Muhammad the prophet of Islam was reported to have castigated some people who used a



beloved- close relation of his to plead to him not to inflict the rule of law upon a prominent woman in their community who committed crime by saying as follows:

O people! People before you perished because when a lowly person committed an offence, they inflict the letter of the law upon him, but when an elite commits the same offence, they overlook his offence. By Him (God) in whose hand is my soul, if my daughter Fatima were to have committed theft, I would not hesitate to have her hand cut off (Al-Asqalani, 1996: 440).

It is on that strictness that caliph Umar removes a judge when he was a defendant in a case before the judge and the judge rose from his seat as a sign of respect for the caliph i.e. (Head of state) in the course of the case. Umar the caliph saw this as a sign of partiality though in his favour to remove the judge as unfit to perform judicial functions (Ali, 1951: 177).

It is the same equality before the law which causes a judge to reject the witness of caliph Ali (another head of state) for being Ali's close relation when a dispute arose between caliph Ali and the Jew and the judgment was given in favour of the Jew for lack of sufficient evidence on the part of caliph Ali (As-suyuti, 203).

According to Islam, the state machinery alone is inadequate to suppress, discourage or minimize crime. Once criminal tendencies are permitted to grow and flourish in homes and societies in general, the best government can do is to wipe out the symptoms from time to time the root cause of evil is far too deep for the long arm of the law to reach. It is primary job of families, religious leaders of the public opinion in every society to eradicate evil (Ahmad, 1996:52). This is to say that Islam fixes the responsibility on society to launch, individually as well as collectively, a holy war against evil, not with the help of the sword and restrictive legislation, but more so by constant admonition, advice and wise counsel. Admonition and persuasion with patience is the best instrument to cleanse the society of social evils (Ahmad, 52). Therefore it must be pointed out that the official anti-corruption crusade cannot succeed without the cooperation of the members of the public. If the campaign against corruption is to succeed the indiscriminate award of chieftaincy little by traditional and religious institutions must stop forth with. Because any nation that honours criminals cannot morally wage a war against corruption. In the same vain any



nation that has no respect for the rule of law cannot succeed in stamping out corruption and abuse of power (Falana, 2002:39).

The government should realize that no country has ever succeeded in combating corruption without first putting in place a functional social security system. A country where salaries and allowances of civil servants are not paid as at when due cannot seriously wage war against official corruption, if gratuity and pension are not paid regularly to retired officials who have served the country diligently those in the serve are simply being asked to prepare for the rainy day through corrupt practices. The prophet of Islam is reported to have said that in an Islamic society the wages of laborer must paid to him before his sweat dries upon his body (Ibn majah).

### THE PUNISHMENT FOR CORRUPTION IN ISLAM

The Islamic penal system recognizes three kinds of punishment: *hadd*, *qisas* and *ta'zir*. As used in the Islamic legal sense, the word *hadd* (plural, *hudud*) means a punishment which has been prescribed by God in the revealed texts of the Qur'an, the application of which is the right of God (El-Awa, 1998: 96). The punishment prescribed in Islamic law for murder and infliction of injury is what is called *qisas*. The third kind of punishment recognized in Islamic penal system is *ta'zir* (El-Awa, 96). *ta'zir* was defined as discretionary punishment to be delivered for transgression against God, or against an individual for which there is neither fixed punishment nor penance (Sarakhsi, 1342 A.H: IX, 36 ). This definition automatically excludes all crimes for which *qisas* is prescribed, for where had, penance or *qisas* are applied, *ta'zir* cannot intervene nor replace any of them. It is possible that *ta'zir* may appear as an alternative and/ or additional punishment in some cases, but not as the sole punishment (Ibn Nujaym, 1315 A. H: V, 44).

The Qur'an and the Sunnah (the practice of the prophet) contain many statements which prohibit various types of human activity and classify them as sins. In relation to these forbidden acts the ruler's or judge's task is to choose the punishment applicable in each case, but he has nothing to do with the determination of the offense as it has already been determined by the Qur'an or the Sunnah. Examples of such cases are: false testimony, breach of trust, bribery and gratification.

False testimony is condemned in the Qur'an and Muslims are commanded to bear witness to the truth. One verse enjoins: "O you who believe be strict in observing justice, and be





witness to Allah, even though it be against yourselves or against your parents or kindred" (Qur'an, 4: 135). The expression 'against you' may also signify against your people or kith and kin. The word 'parents and kindred' have been added to emphasize the force of the injunction. Another verse orders the believers to shun the speaking of falsehood. "*Shun all words of untruth* (Qur'an, 22:30). The third verse describes believers as "*those who bear not false witness* (Qur'an, 25:72).

Breach of trust the Qur'an states, "*God commands you to deliver trust back to their owners*" (Qur'an, 4:58). Another verse reads, "*O you who believe, betray not God and messenger, and betray not your trusts knowingly*" (Qur'an 8:27). There are many other Qur'anic verses concerned with the breaches of trust, but these two are sufficient to indicate that these offenses were formulated in the Qur'an.

Bribery and gratification just as the Qur'an forbade falsehood, and breach of trust and considered them as an unlawful way of making money are likewise prohibited. Concerning bribery and gratification the Qur'an says, "*And do not devour your property among yourselves by false means and over it not as bribe to the authorities that you may devour a part of the wealth of other people wrongfully while you know*" (Qur'an, 11:188).

The verse forcefully condemns the practice of giving and taking bribe. Based on the prohibition of bribery established by this verse, it is considered an offence punishable in the *Shari'ah*. The prophet Muhammad is reported to have said Allah causes the one who bribes and the one who takes bribes. According to *shari'ah*, acceptance of gifts on the part of state officers is forbidden. The prophet said: "*Anyone of you will not take anything from the public funds without any justification, but will meet his Lord carrying it on himself on the Day of Judgement*" (Muslim).

*Ta'zir* punishment is that part of the Islamic penal system which deals with the less serious offenses. The death penalty is usually imposed for the most serious crimes; In Islamic law, it is the punishment for two *hadd* offenses and in the form of *qisas*, for homicide. The jurists, accordingly, are normally against its being inflicted as a *ta'zir* punishment, but exceptional cases in which *ta'zir* by death penalty is allowed are mentioned in the texts of almost every school. One example of offenders who can be awarded the death penalty is the habitual thief or habitual offender whose wickedness can only be stopped by death penalty (Ibn al-Qayyim, 1953: III, 332).





Corruption has become a cankerworm that has eaten into the fabric of Nigeria society at every level. It has caused decay and dereliction within the infrastructure of government and the society in physical, social and human term. Thus this offense can only be stopped by death penalty. Politicians and public officers in the country are so wicked to the level that their wickedness can only be stopped by death penalty.

## CONCLUSION

Our submission is that there is no meeting point between Nigeria law and corruption. Thus, to make the anti-corruption law effective the government has to show leadership by example through obedience to court orders and due compliance with the law. The presidency and the anti-corruption agencies should show more commitment to wipe out corruption in Nigeria. They can do this by putting measure in place to monitor and enforce integrity in the public office. And by introducing death penalty for corrupt practices. There are other areas of crime control or prevention which can be borrowed from Islamic social and political system to save the country from the menace of armed robbery, kidnapping and corruption plaguing the society. On this, we assert very vehemently that Nigerians have drifted far from our creator, felt non chalet in worshipping Him but resorted to worship on mammon. Unless we repent, change and amend our evil ways, it is then that our conditions can improve and be better as our Gracious God accepts repentance and shows mercy and forgiveness. We would like to add; however, that panacea to all social evils in Nigeria is good governance culminating into better welfare of the people in terms of feeding, shelter, clothing employment and security.

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