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The Role Of Economic And Financial Crime Commission (Efcc) In Combating Corruption In Nigeria

Matthew Funsho Bello ^{1,*} and Adaran Olapade Cosmas ²

¹ Afiliasi Department of Public Administration Faculty of Arts and Social Sciences Gombe State University, Gombe – Nigeria

* Korespondensi: matthewfbello@gsu.edu.ng

Abstrak: Korupsi sebagai “monster” merongrong institusi publik dan kapasitasnya untuk melakukan tugas yang diberikan secara efisien, sehingga merusak kepentingan substantif dan membahayakan kehidupan warga negara yang seharusnya dilayani oleh institusi tersebut. Hal ini menunjukkan bahwa semakin tinggi kecenderungan dan kemauan negara untuk memberantas korupsi, maka semakin rendah pula bahaya keterbelakangan dan disintegrasi masyarakat, dan sebaliknya. Tujuan utama dari penelitian ini adalah untuk menilai peran Komisi Kejahatan Ekonomi dan Keuangan dalam memerangi korupsi. Sumber pengumpulan data sekunder digunakan untuk penelitian ini. Studi tersebut mengungkapkan bahwa campur tangan politik menghalangi EFCC untuk menjalankan perannya dalam memerangi korupsi. Selain itu, penelitian ini juga menemukan bahwa EFCC telah berperan dalam mengurangi tingkat korupsi di sektor publik. Direkomendasikan bahwa pemerintah federal harus berkomitmen untuk menerjemahkan dengan tulus keinginan politik yang diungkapkan untuk memerangi korupsi menjadi kenyataan dengan membiarkan lembaga-lembaga anti-korupsi beroperasi tanpa intervensi politik agar tidak berkompromi dengan tanggung jawab yang ditetapkan secara hukum.

Kata Kunci: Sektor Publik, Korupsi, Pemberantasan, Nigeria, Komisi Kejahatan Ekonomi dan Keuangan

Abstract: Corruption as a “monster” subverts public institutions and their capacity to perform their assigned tasks efficiently, thereby damaging the substantive interest and endangering the lives of citizens whom these institutions are meant to serve. This indicates that the higher the propensity and will of the state to combat corruption the lower the dangers underdevelopment and societal disintegration, and vice-versa. The main objective of the study is to assess the role of the Economic and Financial Crimes Commission in combating corruption. The secondary source of data collection was used for this study. The study revealed that political interference hinders the EFCC from performing its role in the fight against corruption. Also, the study also found out that the EFCC has played a role in reducing the level of corruption in the public sector. It was recommended that the federal government should be committed to the sincere translation of the expressed political will of fighting corruption into reality by allowing the anti-corruption institutions to operate without political intervention in order not to compromise with their statutorily assigned responsibilities.

Key Words: Public Sector, Corruption, Combat, Nigeria, Economic and Financial Crime Commission

1. Introduction

In recent times, the prevalence of economic and financial crimes of all kinds have been a major factor that has impeded the economic growth and development of emerging nations across the globe, Nigeria inclusive. Pado (2011) asserted that corruption has caused governments and residents of nations around the world a colossal amount of money in providing facilities, resources and intellectuals that will assist in curbing this peril.

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Ogbewe (2005) also asserted that this high rate of fraudulent activities, economic mismanagement, money laundering, and other forms of corrupt practices, has over the years caused the Nigeria government recurrently over fifty billion naira annually in trying to curb the menace. But through time, the Nigerian government is increasingly becoming resolute in setting up strategic policies in other to combat the menace. Thus, the need to curb the high rate of financial crimes led to the establishment of Economic and Financial Crimes Commission (EFCC) in April 16 2003 under the administration of former President Olusegun Obasanjo.

Togbolo (2005) noted that the establishment of this Commission was also in response to pressures from the Financial Action Task Force on Money Laundering (FATF), which then named Nigeria as one of the 23 countries non-cooperative in the international community's efforts to fight money laundering. In essence, EFCC was established to rid Nigeria of economic and financial crimes and to effectively coordinate the domestic effort of the global fight against money laundering and terrorist financing. This Commission was established with the mandate to investigate, prevent and persecute persons of economic and financial crimes in Nigeria. Thus, legal instrument backing the Commission is the EFCC (establishment) Act 2002. The Act enables EFCC to oversee the investigation of financial and economic irregularities against individuals, corporate bodies and national communities.

Since inception, it is on record through information from the EFCC's website, that in terms of annual prosecution activities records the Commission has been consistent in the investigation and prosecution of all manners of persons that are accused or charged with economic and financial crimes in Nigeria (Dike, 2008). According to Daniel (2013), the commission has among others recorded several convictions on money laundering (Efenyumi, 2013), oil pipeline vandalism (Akinpelu, 2021) and related economic crimes, assets and money worth over billions have been recovered from corrupt officials and their cohorts (Nzekekwu, 2011). With the uncovering of the 43 million dollars in April, 2017 hidden in an apartment in Ikoyi, Lagos, allegedly owned by the wife of the former NIA boss, 9.8 million dollars was uncovered in a building owned by the former GMD of the NNPC and a number of others reiterate the fact that the EFCC seems to be playing its role as expected (Gana, 2018).

However, studies conducted by Ahmed (2016), Julian (2014) and Kassim (2017) have also shown that the EFCC is enveloped by myriad of intricate challenges - most of which are politically motivated, problems and inadequacies which in one way or the other has affected its operations and straightjacketed the role it plays as the almighty anti-corruption bulldozer in Nigeria thereby making the society perceive them as inactive. According to Nsirim & Onyige (2020), most of the challenges are systematic ranging from method of investigation and judicial system codified in our statute books which establishes the investigation and prosecution of a suspect. These challenges include delay of justice, lack of facilities for speedy dispensation of justice, long adjournments of cases, political intervention, internal compromise, intrinsic discord from the onus of the agency's modus-operandi to mention but just a few. EFCC was established during the administration of former President Olusegun Obasanjo and was headed by Nuhu Ribadu. The performance of the Commission was adjudged by some public analysts to be marred the fact that the presidency sometimes used the Commission to victimized political opponents and perceived enemies.

Corruption in Nigeria is not a new phenomenon neither is it a new trend in the polity. Over the years, corruption has caused the Nigerian state a global embarrassment, as Nigeria at a time was ranked one of the most corrupt nations of the world by Transparency International (TI) in its corruption index (Okoli, 2003). Nigerian public sector is characterized by widespread financial fraud ranging from embezzlement, payment for jobs not done, over invoicing, double debiting, inflation of contract figure, diversion of public funds, money laundering, release of money without approval or authorization and a host of many others (Okafor 2017). Public officers and politicians in Nigeria, according to Onwubiko (2007) deliberately circumvented transparency, probity and accountability.

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Due process in the management of public resources was relegated to the background. In response to the spate of corruption which has battered the economy and foreign image of Nigeria, President Obasanjo established EFCC in 2003 and assigned certain roles, to wage relentless war against corrupt practices (Ribadu, 2006).

Despite the roles played by the Economic and Financial Crimes Commission and other complementing agencies in combating corruption, the rate of corruption has not abated in real sense. A number of studies on corruption typical of Sasii (2016), Malam (2015) and Moses (2018) concord that political interference and immunity clause are no doubt a stumbling-block for the EFCC in its fight against corruption in Nigeria. With all the arrests, prosecutions and recoveries by the EFCC, the polity has remained consumed by varied sorts of fraudulent acts. In 2017 Nigeria ranked 184 on the CPI and dropped to 144 in 2018, while in 2019 the country was ranked 146 (TI, 2019). Transparency International (2020) held that in 2020 the story took a turn too insignificant in the face of world's most corrupt countries and ranked 149 on the CPI. In fact, the rate at which corruption thrives in Nigeria is mind blowing. Just recently, Magu who was the EFCC's Chairman on an acting capacity from 2015 to January 2021 was suspended by President Muhammadu Buhari on alleged counts of corruption and abuse of power. This ushered in the window for the appointment of the current substantive Chairman of the EFCC in early 2021. Two months after his appointment he alarmed receiving death threats from people he referred to as perpetrators of corruption.

Corruption and corrupt practices were considered normal especially in government transactions and activities before the establishment of the Economic Crime and Financial Commission (EFCC). It was common to see public officials openly and brazenly telling members of the public what percentage they are willing to receive in the awards of contracts, processing of files and other transactions with government. In fact, nothing got done without one form of bribery or the other. Securing admission into higher institutions settling the admission officers with nearly impossible. All categories of public officials were widely involved and the citizens seemed helpless until the EFCC was established. Although, corruption has not been totally eradicated, instances of brazen and open face corruption have decreased. According to the survey United Nations office on Drugs and Crime in 2019 in Nigeria Bribery dealings can be initiated in different ways: direct bribery requests by a public official accounted for 60 per cent of all bribery transactions in Nigeria in 2019, representing a moderate decrease from the 66 per cent recorded in the 2016 survey. As in 2016, indirect requests for a bribe accounted for 20 per cent of all bribery transactions, while spontaneous payments to facilitate or to accelerate a procedure accounted for 8 per cent. Some 5 per cent of bribes were also paid with no prior request from the bribe-taker as a sign of appreciation to a public official for services rendered. Around two thirds of bribes (67 per cent) are paid before a service is provided by a public official, according to the 2019 survey, a proportion only slightly smaller than the 70 per cent recorded in the 2016 survey. The consistently large share of bribes paid in anticipation of a service to be rendered by a public official is an indication that bribes are often requested before action is taken to deliver a service. Cash continues to be the dominant type of bribe More than 93 per cent of all bribes paid in 2019 were paid in cash, a slightly larger share than in 2016. According to the 2019 survey, the average cash bribe paid is 5,754 Nigerian Naira (NGN), a sum equivalent to roughly \$52 in Purchasing Power Parity (PPP). Overall, it is estimated that a total of roughly NGN 675 billion was paid in cash bribes to public officials in Nigeria in 2019, corresponding to 0.52 per cent of the entire Gross Domestic Product (GDP) of Nigeria. The economic cost of bribery becomes even more palpable when considering that, on average, bribe-payers pay an amount equivalent to 6 per cent of the average annual income of Nigerians (UNODC, 2019). Against this backdrop, one can argue that, there is a wide gap between the manner in which the Commission performs its roles and what is expected, this therefore raise the following questions that are expected to guide the research:

- a. Does political interference hinder the EFCC from performing its role in the fight against corruption in Nigeria?

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- b. To what extent has the role of the EFCC in combating corruption reduced the level of corruption in Nigeria?
- c. Does the provision of immunity clause for some certain public officers strengthen EFCC's fight against corruption?

2. Research methods

Objectives of the Study. The main objective of the study is to assess the role of the Economic and Financial Crimes Commission in combating corruption. However, below are the specific objectives:

- 1) To determine the extent to which political interference hinder the EFCC from performing its role in the fight against corruption.
- 2) To examine extent to which the role of the EFCC in combating corruption have reduced the level of corruption in Nigeria.
- 3) To find out whether the removal of immunity clause for some public officers will strengthen EFCC's fight against corruption.

3. Results and Discussion

Literature Review

Concept and Types of Corruption

As real and pervasive as corruption is, it defies a precise definition. Scholars and practitioners therefore, have advanced different definitions of the concept based on their orientation and social milieu. Transparency International (TI) (1999, 2002), the world's most reputable non-governmental anti-corruption watchdog Tanzi (1998), and the World Bank (1997) define corruption as the abuse of Public Office for private gains. Svenson (2005) in a similar vein sees corruption as the misuse of public office for private gain. This, to him, involves applying a legal standard. He also observes as Brownsherger (1983) did, that corruption is an outcome or reflection of a country's legal economic, cultural and political institutions. The scholar gave examples of corruption to include sale of government property by government officials, kickbacks in public procurement, bribery and embezzlement of government funds. This definition as those of TI (1999 and 2002) and the World Bank (1997) is concerned with public sector corruption which is the concern of this study. It is however, worthy to note that in spite of any difference in countries legal, economic, cultural and political institutions, corruption in the public realm involves the misuses of public office for private gains. Otit (1986) sees corruption as:

State of affairs through bribery, favour, or moral depravity; when at least, two parties have interacted to change the structure or process of society or the behaviour of functionaries in order to provide dishonest, unfaithful or defiled situations, then, corruption has taken place. It therefore, involves the injection of additional but improper transactions aimed at changing the normal course of events and altering judgements and positions of events.

This definition points out that, corruption involves the manipulation of due processes, induced behaviour of functionaries to desecrate the norms, ethics and statutory provisions in an organization. It is not however particular to the public service alone. In addition, an act of corruption is not always the injection of additional but improper transactions, it could also be a deliberate act of omission for self-interest or for the interest of a third party.

Adagba (2007) expatiates the views of Khan (1996) in defining corruption as an act which deviates from the rules of conduct governing the action of someone in position of public authority because of private regarding motives – such as wealth and power. The African Development Bank (ADB) (2006) in its contribution to the definitional crises, defines corruption as misappropriation of public assets or public office/trust for private gain. The ADB also identifies two major types of corruption. These are: grand corruption and bureaucratic corruption. Grand corruption involving big businesses and highly placed officials results in state capture such as those of Siemens Brothers and Wibrow

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International. Bureaucratic corruption involves the offer of incentives by citizens in return for favour from public servants in service provision.

Ekumankama (2002) reiterating the views of Atlas (1980) and Brooks (1990), identifies three common elements in the definition of corruption. These are: abuse of power; violation of official or judiciary duty; and intentional design for personal gain against the interest of the public or individuals. These acts usually take place in secrecy. It is line with the above definition that Njokwu (2007) defines corruption "as taking undue personal advantage of one's position against the perceive common good of society." From a narrower perspective, Onaiyekan (2008) sees public corruption as largely referring to the misuse of public funds or the appropriation of resources meant for the community into private pocket. While Osoba (2005) defines it "as an anti-social behaviour conferring improper benefits contrary to legal and moral norms and which undermines the authority's capacity to secure the welfare of the state." To the Jamaican Commission for the Prevention of Corruption (2000), corruption is simply the misuse of public office for private gain for the benefit of the holder of the office or some third party. Aduda (2007) in his empirical study defines corruption as the abuse of public office for private gain. He explains that public office is abused when officials accept, solicit or extort a bribe and when private agents offer bribes to circumvent public policies and processes for competitive advantage and profits. Others include patronage and nepotism, theft of state assets or diversion of state revenues among others.

Bello-Imam (2005) reiterates the views of Bayley (1966) and Nye (1967) in defining corruption as a deviation from the formal duties of a public role because of private-regarding motives (personal, close family, private clique), pecuniary exercise of certain types of private regarding influence which include bribery; nepotism; and misappropriation. Corruption to Bayley (1966) however, transcends personal monetary gain. In view of this definitional crisis, it is inevitable to settle for an operational definition of corruption which according to Bello-Imam (2005) is any induced or un-induced behaviour within a complex or private organization to falsify its integrity, purpose, virtue and ethics. He also identifies five different types of corruption as; political, economic, bureaucratic, judicial and moral corruption.

The definitions offered by Otite (1986) and Njoku (2007) are from a sociological point of view. They are concerned with corruption in the society in general and not particular to the public sector as those of Khan (1996), World Bank (1997), TI (1999, 2002), ADB (2006) and Onaiyekan (2008) among others. Khan's definition however squared corruption in the public sector as if it does not take place in the private sector. It however, fits well into the public sector which is the concern of this study. While this definition as those of TI, the World Bank and ADB, fits our need, it is important to note that corrupt practices are sometimes not committed for self-gain but for a third party as pointed out by Bello-Imam (2005) and the Jamaican Commission for the Prevention of Corruption (2000).

As Osoba (2005) observes, "corruption is an anti-social action." This is why it takes place in secrecy (Ekumakama, 2002). It is the misuse or abuse of public office, trust or authority by conferring improper or undue benefits on oneself or others contrary to legal, statutory or ethical norms of the Public Service. This can be in the form of bribery, inflation of contracts, tempering with payment vouchers, embezzlement and diversion of public funds and or property. Others include deliberate breach of procedures and rules of the public service for private gain. This undermines the capacity of the public service in discharging its responsibilities. In identifying the types of corruption, different criteria can be considered. These include the size and sectors; economic, political, bureaucratic, judicial and even moral realms. These definitions of corruption by various scholars are important and germane for this study. This is because each writer describes an aspect of corruption which enables the reader to grasp the many sided aspects of this societal problem.

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The Role and Functions of EFCC

Part II, sections six and seven (6 and 7) of the EFCC Act, 2004 provides for the functions and powers of the commission respectively. Specifically, section 6(a – q) provides that the commission shall be responsible for:

- 1) The enforcement and the due administration of the provision of this Act;
- 2) The investigation of all financial crimes including advanced free fraud, money laundering, counterfeiting, illegal charges transfers, futures market fraud, fraudulent encashment of negotiable instruments, computer credit card fraud, contract scam etc.
- 3) The coordination and enforcement of all economic and financial crimes laws and enforcement functions conferred on any other person or authority;
- 4) The adoption of measures to identify, trace, freeze, confiscate or seize proceeds derived from terrorist activities, economic and financial crime related offences or the properties the value of which corresponds to the such proceeds;
- 5) The adoption of measures to eradicate the commission of economic and financial crimes;
- 6) The adoption of measures which include coordinated, preventive and regulatory actions, introduction and maintenance of investigative and control techniques on the prevention of economic and financial related crimes;
- 7) The facilitation of rapid exchange of scientific and technical information and the conduct of joint operations geared towards the eradication of economic and financial crimes;
- 8) The examination and investigation of all reported cases of economic and financial crimes with a view to identifying individuals' corporate bodies, or groups involved;
- 9) The determination of the extent of financial loss and such other losses by government, private individuals or organizations;
- 10) Collaborating with government bodies both within and outside Nigeria carrying on function wholly or in part analogues with those of the commission concerning:
- 11) The identification, determination of the whereabouts and activities of persons suspected of being involved in economic and financial crimes
 - a) The movement of proceeds or properties involved from the commission of economic and financial and other related crimes
 - b) the exchange of personnel or other experts
 - c) the establishment and maintenance of a system for administering international economic and financial crimes in order to identify suspicious transactions and persons involved
 - d) maintaining data, statistics, records and reports on persons, organisations, proceeds, properties, documents or other items involved in economic and financial crimes
 - e) undertaking research and similar works with a view to determining the manifestation, extend, magnitude and effects of economic and financial crimes and advising government on appropriate intervention measures for combating same
 - f) dealing with matters connected with extradition, deportation and mutual legal or other assistance between Nigeria and any other country involving economic and financial crimes
- 12) dealing with matters connected with extradition, deportation and mutual legal or other assistance between Nigeria and any other country involving economic and financial crimes.
- 13) the collection of all reports relating to suspicious financial transactions, analyze and disseminate to all relevant government institutions taking charge of, supervising, controlling, coordinating all the responsibilities, functions and activities relating to the current investigation and prosecution of all offences connected with or relating to economic and financial crimes.
- 14) The coordination of all existing, economic and financial crimes investigating units in Nigeria.

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- 15) Maintaining a liaison with the office of the Attorney-General of the Federation, the Nigeria customs services; the imagination and prison service board, the control bank of Nigeria, the Federal Deposit Insurance Corporation, the National Drug Law Enforcement Agency, all government security and law enforcement institutions and such other financial supervisory institutions involved in the eradication of economic and financial crimes.
- 16) Carrying out and sustaining rigorous public enlightenment campaign against economic and financial crimes within and outside Nigeria; and
- 17) Carrying out such other activities as are necessary or expedient for the full discharge of at all or any of the functions conferred on it by this Act.

The Perceived Causes of Corruption in the Public Service

The causes of corruption in the Federal Public Service are varied and dynamic. Ribadu (2006) attributes it to the country's history of prolonged military rule that dominated the political scene, subdued the rule of law, facilitated wanton looting of public treasury, depilated public institutions and instituted a secret and opaque culture in the running of government business. TI (2008) observes that corruption is a product of environmental variables. It thrives where temptation co-exists with permissiveness; where institutional checks on power are missing; where decision making remains obscure; where civil society is thin on the ground; and where great inequalities in the distribution of wealth condemn people to live in poverty.

The Federal Government of Nigeria in 2001 assigned a consortium of Federal institutions led by the Institute for Development Research, Ahmadu Bello University, Zaria to conduct a Governance and Corruption Survey study. The report was released in 2003. In the opinion of public officials, the major causes of corruption in the public service were low salary for public officials and lack of transparent political process. Others include: lack of effective corruption reporting system, lack of effective judiciary and ineffective mass media among others. The African Development Bank (2006) argues that, corrupt practices become the exemption rather than the norm if the likelihood of being caught is high, if the consequence once caught is predictable and severe, and if it is generally condemned by society. The ADB (2006) and Gregory (2007) summarize the dynamics of public sector corruption using a simple model: $C = M + D - A$; where C is corruption, M is monopoly, D is discretion and A is accountability. That is, corruption = monopoly + discretion - accountability. Under this model, a public servant is assumed to have monopoly of power over goods or services which generate economic rent, and has discretion to decide who will acquire it. That is, he determines how rent is distributed, and is not accountable for his action.

Bello-Imam (2005) identifies the sources of corruption as: trade restrictions; government subsidies, price control, low wages in the public service, weak democratic structures, and sociological factors inter-alia. In their contributions Ekumankama (2002) and Adebayo (1986) identified diminished societal value system; poor leadership and political instability; lack of effective internal control and the problem of prosecution and inadequate sanctions against offenders as being responsible for the high rate of corruption in the Federal Public Service. Tanzi (1998) observes that corruption is generally connected with the state and especially with its monopoly and discretionary powers manifested in regulations and authorizations, taxation manifested in spending decisions in the form of investment projects, procurement spending and extra budgetary accounts. It also includes: subsidies, party financing, quality of the bureaucracy and level of public sector wages, others are penalty system, institutional controls and transparency of rules, laws and processes. In developing countries like Nigeria, virtually every aspect of the citizens' activities has to be authorized and regulated by the government. These range from owing a shop, borrowing money, investing, owing and driving a car, building a house, obtaining foreign exchange, getting a passport and so on. Government monopoly in the granting of these authorizations gives the bureaucrats a great amount of power and a good opportunity to extract bribes.

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Taxes based on clear laws and not requiring contacts between taxpayers and tax inspectors are much less likely to cause corruption. However, where, the tax laws are difficult to understand, the payment of taxes requires frequent contacts between taxpayers and tax administrators, the wages of tax administrators are low and more broadly, the control from the state on the agents charged with carrying out its functions are weak (Tanzi, 1998). Public projects have, at times, been carried out specifically to provide opportunities to some individuals or political groups to get “commission” from those who are chosen to execute the projects. Government provision of goods and services at subsidized rates such as petroleum products, foreign exchange, health, education, electricity, water and public housing - prompts citizens to offer bribes to public employees in times of limited supply. Poor public sector wages, mild penalties for corruption offences and weak institutional controls are other causes of corruption (Tanzi, 1998).

Under-resourced and weak institutions (courts and anti-corruption institutions) cannot effectively fight corruption. A corrupt society produces corrupt public service. Corrupt political process produces corrupt legislators and executives. A poorly paid public service will be more prone to corruption than a well-paid one. Excessive secrecy in public service will make the detection and investigation of corruption cases difficult. Public sector corruption is generally connected with the state powers and especially with its monopoly and discretionary powers. Some of these factors are direct causes of corruption such as political party financing, subsidies, mild punishment for corruption offences and weak institutional controls. The indirect factors are societal such as the tendency to make sudden wealth and waning societal norms such as honesty, and hard work.

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Institutions Perceived to be Most Corrupt in the Public Service

The scope of corruption is contextual and its incidence varies greatly reflecting a country's legislations, bureaucratic culture, political development and social tradition. Even though corruption affects all sectors, it tends to pervade some more than others. The ADB (2006) identifies public procurement process, the process of privatization of public assets, operation of public utilities, issuance of license and mineral resource exploitation as some of the most corrupt areas. The New Internationalist (2006) using the TI (2006) Corruption Perceptions Index of 2006 rated certain institutions/sectors that are most corrupt in the world in descending order thus:

Table 1: Sectors/Institutions most Affected by Corruption (1 not at all Corrupt 5 – Extremely Corrupt)

S/No.	Institutions	Rank
1.	Political Parties	4.0
2.	Parliament/Legislature	3.7
3.	Police	3.6
4.	Legal System/Judiciary	3.5
5.	Business/Private Sector	3.4
6.	Tax Revenue	3.3

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7.	Custom	3.2
8.	Media	3.2
9.	Medical Services	3.0
10.	Utilities	3.0
11.	Education System	2.9
12.	Non-Governmental Organisations	2.8
13.	Religious Bodies	2.6

Source: New Internationalist (2018)

As shown in table 2.1 above, corruption in the world permeates both public and private sectors. Even religious institutions, the NGOs and the media that are expected to play the role of gate keepers to moral uprightness are not spared. However, political parties and parliaments top the list closely followed by the police and the judiciary. These are institutions that should be primarily concerned with enforcing the laws of the land. The findings of the New Internationalist (2006) were from a global point of view. The final Report of Nigeria Governance and Corruption Survey Study (2003) led by Institute for Development Research, Ahmadu Bello University, Zaria, identified seven Public Institutions that are perceived as most corrupt in the public service.

Table 2: Public Institutions Perceived as Corrupt (The Institutions are Ranked in a Descending Order of Corruption from 1-7)

S/No.	Institution	Rating
1.	Nigerian Police	1
2.	Political Parties	2
3.	National and State Assemblies	3
4.	Local and Municipal Councils	4
5.	Federal and State Executive Councils	5
6.	Traffic Police and Federal Road Safety Commission	6
7.	Power Holding Company of Nigeria	7

Source: FRN (2015) Nigeria Governance and Corruption Survey

The table above shows that, the Nigeria police, political parties and parliament/legislature have been consistently identified as institutions most perceived as corrupt both in Nigeria and the world over.

The Perceived Effects of Corruption in the Public Service

The effects of corruption in the Federal Public Service are diverse and excruciating especially on the poor and the vulnerable. It affects all facets of our national life (security, health, education, economic, political and administrative); and as African Diaspora Initiative (2007) asserts:

In the political realm, it undermines democracy and the legitimacy of government by subverting formal processes. In so doing, it reduces seriously the trust and confidence of people in their institutions. Corruption in elections and in legislative bodies reduces accountability and representation in policy making. Corruption in Public Administration results to uneven provision of services. It undermines economic development in a variety of ways of creating distortions, inefficiencies and diverting resources.

It also undermines consolidation of good governance and violates the social contract between citizens and the state. The FGN (2003) in its Nigeria Governance and Corruption Study Report, 60.8% of the respondents identified corruption as a perceived obstacle to development. TI (2008) and African Diaspora Initiative (2007) identified a fourfold effect of corruption: political, economic, social and environmental. Political corruption constitutes a major obstacle to democracy and the rule of law, loss of legitimacy of public institutions, and irresponsible political leadership. Economically, corruption depletes national wealth and socially most damaging as it undermines people trust in the political system and leadership. These result to frustration, apathy and illusion among the public.

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Corruption also gives preference to environmentally devastating projects such as mining, drilling and logging because they are easy targets for siphoning public money into private pockets.

Systemic corruption in the public sector erodes public trust in government institutions, damages policy integrity, and distorts public sector outcomes. It also has a deep-seated negative impact on the public sector in that it leads to a self-perpetuating organizational culture of corruption. The vested interests of the different actors in the system make systemic corruption very difficult to fight. It thus becomes necessary to base anti-corruption efforts, as much as possible, on both intrinsic elements in the public sector and on external controls (including laws and regulations), as well as on broad public participation.

Institutional Autonomy

Njoku (2007) espouses the views of Marx (1867) who argues that, the human person is bound to the structures and superstructures of society. That, his reasoning is determined by the consciousness which these structures bequeath to him and his actions are tied to socio-economic and political conditions and insist that the human person is a determination of social structures and forces. Consequently, change of the structures and superstructure of society and indeed the public service can lead to behavioural change of public servants. In the fight against corruption in the Public Service, the ADB (2006) observes the imperatives of anti-corruption institutions like the EFCC. The bank stresses that, though the EFCC now exists, its ability to function effectively and the resources at its disposal must be sufficient. To be effective, the ADB (2006) adds that, the institutions must be autonomous. Seth (2008) sees institutional autonomy as;

...the process and state by which an institutional core is constituted by a distinct set of material and symbolic resources, has a discrete set of organizational and individual actors with distinct activities, and finally, has a set of rules specifically addressing these actors and resources.

This implies that institutions become differentiated from each other to the point where the actors of one institution are readily distinguishable from the actors of another, the symbolic resources are distinct, and while the material resources may overlap, their use, and allocation will be institution-specific. It is along these dimensions that one can determine the degree of autonomy an institution possess. It is worthy to note that, autonomy neither implies self-sufficiency nor detachment, but is best understood with some type of qualifying adjectives like limited or relative autonomy. From the foregoing, it is clear that, for the EFCC to be effective in fighting corruption in the public service, there is the need to be autonomous. However, institutional autonomy is not absolute but relative. Therefore, the anti-corruption institutions must be constituted by a distinct material and symbolic resources, discrete actors, and a particular set of rules delineating their relationships all in relative terms.

Challenges Faced by the EFCC

The incessant court injunctions got by individuals (indicted) to frustrate and stop the Commission from doing its official duties as stipulated by the establishment Act is a major challenge. For instance, on April 6, 2006, it was noted by a national tabloid that the plan by the EFCC to arraign the erstwhile Power and Steel Minister, Alhaji Basher Dalhatu before an Ikeja High Court was frustrated by a federal high court judge, Justice Ibrahim Auta who ordered the Commission not to arrest or arraign the former minister before any court (This day, April 6, 2006). The case is the same with Dr. Peter Odili former Rivers State Governor with several others across the nation. The activities, operations and efforts of EFCC are obvious, manifesting in the arrest, prosecution and punishment of the culprits since inception.

Despite the seemingly great achievements in the fight against corruption in Nigeria, certain factors have limited the efforts of the Commission. Factors such as immunity, politics and manipulation retarded so much the activities of the EFCC. The immunity

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placed on certain public officers hinders and handicaps the Commission from prosecuting the offenders. These personalities are the President, Vice President, Governors and Deputy Governors. For instance, the 1999 constitution of the Federal Republic of Nigeria, section 30 & (1), options (a), (b), (c) stipulates that:

a.No civil or criminal proceedings shall be instituted or continued against a person to whom this section applies during his period of office.

b.A person to whom this section applies shall not be arrested or imprisoned during that period either on pursuance of the process of any court or otherwise; and

c.A process of any court requiring or compelling the appearance of a person to whom this section applies, shall not be applied for or issued; provided that in ascertaining whether any period of limitation has expired for the purposes of any proceedings against the officer.

Subsection (2) holds that the provision of subsection (1) of this section shall not apply to civil proceedings against a person to whom this section applies in his official capacity or to civil or criminal proceedings in which such a person is only a normal party. Then subsection (3) pointed out the personalities to whom this applies thus: This section applies to a person holding the office of President or Vice President, Governor or Deputy Governor, and reference in this section to “period of office” is a reference to the period during which the person holding such is required to perform the function of the office. With the above constitutional provisions, the power of the EFCC is limited because the above-named personalities stand un-persecutable and unpunished by EFCC while in the office. Onabanjo & Sawyer (2006) further explained that “the supreme court has ruled that whereas the Governors cannot be prosecuted in office, they can be investigated”. So, public officers afore-mentioned can only be investigated while in office. Critics of the Commission accuse it of being selective in the execution of its mandate. They argue that only political enemies and critics of the government are prosecuted by the Commission. More so, the EFCC’s role is short of indictment and declaring anyone guilty as it was the case with the Nuhu Ribadu led administration. This, the Commission has done time without number. This fact was corroborated by Ibrahim Babangida when he stated thus: “I know the only body that adjudges you guilty or indicts is the court, so, I will be unfair to accept what anybody (EFCC) said, as such allegations still remain allegations until proven beyond reasonable doubts in a court of competent jurisdiction” (Daily Sun, 3rd 2006).

There are cynicisms over the tail coat of EFCC, with many analysts describing it as a lap-dog of the ruling People’s Democratic Party (PDP), especially the Presidency. The problem, simply put, dwells on the EFCC baring its fangs only at out-of-favour associates and political enemies of the President. For instance, President Obasanjo was quoted as saying in one of his political visits to Ondo State, that for his erstwhile Minister of Housing and Urban Development, Dr. Olusegun Mimiko to have flouted his orders by jumping the PDP ship and choosing to contest the generational stool in his native Ondo State on the platform of the Labour Party (LP), he, Mimiko would be visited by the EFCC (The Source, Vol. 20, No. 19 of Feb, 19 2007). In other words, if the former minister had heeded his entreaties not to contest the polls, it would have been needles to send the EFCC on his trail. A similar incident played out in Maiduguri when the former President declared that Governor Ali Modu sheriff would be visited by the EFCC as well as a number of cases. It is simply on this premise, that the former Vice President Alhaji Atiku Abubakar declared in one of his numerous interviews granted the cable Network News (CNN) penultimate the 2007 presidential election thus: “EFCC is basically a tool in the hands of the government of President Obasanjo to haunt perceived political opponents”. It is against this backdrop, which prompted THE SOURCE magazine in its editorial to opine: “The EFCC is President Obasanjo’s political police”. THE SOURCE, 19, Feb, 2007. This lack of confidence in the government’s anti-corruption drive may be because of what Effective Business Survey Nigeria Ltd (EBS) an independent research organization described as the selective way in which the government through EFCC investigates, arrests and prosecutes corrupt public officers.

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In a recent poll by the organization, 51 percent of the respondents scored the EFCC low, while 39 percent believed otherwise, with 10 percent undecided (Uche, 2006). Also, the US government through one of its envoys in Nigeria expressed similar feelings from the American government, at a weekly media briefing. Michael L. McGee said that merely arresting people connected with financial crimes is not enough proof of the country's seriousness to combat corruption, according to him, "when you have hundreds of cases that were brought and you have thousands of people that were investigated and you have one conviction, what does that tell you?" (Tide, 19, Feb. 2007)

Application of Punishments for Corruption Offences

Any genuine fight against corruption must be multi-faceted. That is, it should be concerned with enlightenment, prevention, detection, investigation, prosecution, trial, and sanctioning. Corrupt practices therefore, become the exception rather than the norm if the likelihood of being caught is high, if the consequence once caught is predictable and severe. Enforcement of punishments for corrupt practices can serve as a deterrent against corruption (ADB, 2006). Huther & Shah (2000) advocate that successful anti-corruption programmes should lower the expected gains and raise the expected penalties of corrupt behaviour. That is, anti-corruption programmes must change the cost benefit calculations of public officials who believe that, the expected net benefits of corruption are positive. They observe that, a self-interested individual will seek out or accept corruption if the expected gains outweigh the cost as presented in the equation below:

$$E[B] = n \times E[G] - \text{Prob}[p] \times [p] > 0$$

Where:

E is the expectations operator;

n is the number of corruption transactions;

G is the gain from the corruption transaction;

Prob [p] is the probability of paying a penalty; and

P is the penalty for the corrupt activity.

Based on the cost-benefit considerations, anti-corruption programmes can influence corruption by reducing the scope of gains by reducing the number of transactions, increasing the probability of paying a penalty, and enforcing the penalty for corrupt behaviour. The reduction in the scope and number of government transactions will lead to reducing the size of government. However, there has been a call for increase in the size of the government in Nigeria as in other developing countries with weak private sector. It is therefore, more desirable to increase the probability of paying a penalty and enforcing punishment for corruption offences than reducing the number of transactions.

Section Eighteen of the EFCC Act (2004) identified Economic and Financial Crimes as well as their penalties ranging between one-two years imprisonment. Section 18 (2) (a-c) of the Fifth Schedule to the 1999 Constitution also spells out punishments for breach of the code of conduct for public officers. They are not more severe than those of ICPC and EFCC. Bello – Imam (2005), Falana (2006, 2007), Onaiyekan (2008) and Ekwueme (2009) frown at the immunity clause as contained in section 308 of the 1999 Constitution which was meant to prevent Chief Executives and their deputies at the Federal and State levels from undue disruptive harassment by frivolous litigants. This has now been catapulted to a position where immunity becomes impunity (Ekwueme 2009). The trials of alleged corrupt former state chief executives in Nigeria are yet to be concluded. So far in Nigeria, only the former Bayelsa State Governor, DSP Alamieyeseigha was convicted and sentenced to twelve years in imprisonment on 26 July, 2006 but was freed in 2008. In 2007, Siemens (German Company) 1.3 billion Euro and Wilbrows International Ten Million bribe to Federal public servants has been revealed (Tell, Dec. 3, 2007, Punch, Nov. 19, 2007 and Financial Standard Nov. 19, 2007). However, while Germany has since jailed the erring officials of the company involved in the Siemens scandal, their indicted Federal counterparts in Nigeria still continue to enjoy their ill-gotten wealth due to relaxed laws

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(Tell, March, 9, 2009). While corrupt public servants are promoted and honoured in Nigeria, the reverse is the case in other countries.

For instance, former Italian Prime Minister; Bettino Craxi was forced to live in exile in Tunisia to escape extradition for corruption charges in Rome (Vital, 2000). In Nigeria, the trial of some former state chief executives is stalled and upon completion of their tenure some are now either members of the National Assembly or Members of the Federal Executive Council as Ministers. A former Inspector General of Police (Tafa Balogun) spent his two-year jail term on a soft bed at the National Hospital, Abuja on a 70-count charge by the EFCC and the embezzlement of N17 billion naira belonging to the Nigeria Police (Adebayo, 2010).

Societal Value Re-Orientation

Corruption is a complex moral, social, political and economic problem which does not exempt but transcends the limits of law, crime and punishment. It is fundamentally a question of personal belief, ethics, cultural attitudes and behaviour. To attack the social and cultural roots of corruption, the government requires the support of all in launching a National Campaign Against Corruption, similar to our National Campaign Against HIV/AIDS. This massive prevention campaign should aim at bringing about a radical transformation of our society, and reinforce a culture of stigmatization and rejection of corruption in all its forms. In essence, the fight against corruption in the Federal public service will not only involve fundamental changes in our systems of governance but also in our personalities, lifestyles and patterns of behaviour.

Onaiyekan (2008) stresses the superiority of value orientation over rules and regulations. He observes that, “rules and regulations of public accountability are subverted and rendered meaningless by public servants.” He asserts that rather than solely relying on rules and regulations, we need to return to the question of our values and how to re-orientate them well. While Ali (2007) and Falana (2006) are concerned with strong anti-corruption legislations, others like Onaiyekan (2008) were much more concerned with societal value re-orientation. It is instructive to state that, the fight against corruption, in the public service requires both strong anti-corruption legislations, and institutions as well as societal value re-orientation. In essence, the two are mutually exclusive of each other. Because, people make anti-corruption laws, constitute and manage the anti-corruption institutions, their value re-orientation and that of the society at large is therefore imperative.

Empirical Review on the Role of the EFCC in Combating Corruption

Amadi (2018) noted that the Economic and Financial Crimes Commission (EFCC) is the second anti-corruption agency set up by the President Obasanjo government. Its focus is to combat financial and economic crimes. The Commission is empowered to prevent, investigate, prosecute and penalize economic and financial crimes and is charged with the responsibility of enforcing the provisions of other laws and regulations relating to economic and financial crimes, including: Economic and Financial Crimes Commission Establishment act (2004), the Money Laundering Act 1995, the Money Laundering (Prohibition) act 2004, the Advance Fee Fraud and Other Fraud Related Offences Act 1995, the Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Act 1994, the Banks and other Financial Institutions Act 1991, and Miscellaneous Offences Act.

Junaidu (2015) observed that the EFCC under the leadership of Nuhu Ribadu was been quite effective in carrying out its statutory roles and its activities made newspaper headlines. Alaka (2016) opined that the Commission has acquired experience in handling cases of advance fee fraud (commonly called 419), such as obtaining by false pretense through different fraudulent schemes e.g., contract scam, credit card scam, inheritance scam, job scam, lottery scam, ‘wash wash’ scam (money washing scam), marriage scam, immigration scam, counterfeiting, and religious scam. It also investigated cases of cybercrime, including cases involving banks and other financial institutions, cases of

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issuance of dud cheque, fraudulent encashment of negotiable instruments, foreign exchange malpractices and other financial malpractices in financial institutions. The definition of economic and financial crimes under its purview includes cases associated with good governance, transparency and accountability in government. Bello-Imam (2011) argued that in the notable roles it plays, it investigates cases of abuse of office, official corruption, bribery of government officials, diversion of public funds through fraudulent award of contracts, corruption in land allocation, tax fraud, capital market fraud, money laundering, oil bunkering etc. Thus, the EFCC is quite useful in combating electoral fraud. Indeed, it is a veritable instrument for promoting good governance.

Aganga, (2020) maintained that in addition to its investigative power, the EFCC has the power to bring charges of corruption so that accused persons can be brought to court for criminal trial. In 2006, the EFCC had received 4,200 petitions on illegal corruption, investigated 1,200 cases, and taken 406 cases to the court. Bello-Imam, (2012) asserted that after months of investigation of the petitions and allegations of corruption against thirty-one out of thirty-six states in Nigeria, the EFCC decided to indict fifteen governors and gave a clean bill to only six state governors. The EFCC's indictments, arrests, and reports on corruption involving high profile public officials were indicative of the distance high level public officials in Nigeria were willing to go to exploit, loot, steal, misappropriate and launder public money for personal aggrandizement instead of improving the well-being of the people. Yusuf (2016) established that before the 2007 general election, the EFCC published an advisory list of corrupt and unfit candidates to hold public offices. The list was submitted to all registered political parties and the Independent National Electoral Commission (INEC). An analysis of the list of unfit politicians with respect to the spread among the major political parties showed that the People's Democratic Party had the highest number of unfit political office seekers (53), followed by the All Nigeria Peoples Party (39), the Action Congress (28), the Peoples Progressive Alliance (10), the Democratic People's Party (5), and the Alliance for Democracy (1). The spread among the states was: Zamfara (18), Adamawa (16), Taraba (15), Abia (12), and Bauchi (10). Furthermore, of the forty-three high profile cases amounting to over N1 trillion published by EFCC in October 2009, eleven involved former governors; five involved former federal ministers; two involved two serving senators and three serving members of the House of Representative; and several other cases involved high profile public civil servants. Anthony (2015) in a study titled "Corruption in Nigeria's Public Service" discovered that the EFCC has also made progress in the following cases: Recovered money and assets derived from crime worth over \$700 million, and £3 million from the British government between May 2003 and June 2004.

- a) Recovered N100 billion assets from ex-governors and N55 million bribes in 2005 from committee members of the National Assembly given as public relations to lobby for increase in education budget.
- b) Recovered N200 billion from fraudulent bank officials and \$700 million from corrupt public officers who allegedly looted public funds.
- c) Confiscated over forty oil tankers engaged in crude oil bunkering.
- d) Recovered \$750 million from 419 gangs and N50 billion worth of assets from the impeached governor of Bayelsa State, Chief Alamieyeseigha.
- e) Recovered over N85 billion by the Due Process Office.
- f) Put over five hundred suspects in custody and prosecuted one of the world's biggest fraud cases involving the perpetrators Amaka Anajemba, Emmanuel Nwude, and Nzeribe Okoli who duped a Brazilian banker, Nelson Sakaguchi, of about \$242 million.
- g) Indicted fifteen state governors in 2006.
- h) Made restitution to victims of 419 frauds recovered from scam investigations. For example, in October 2005, the EFCC refunded the sum of \$4.48 million to a 86 year old Hong Kong woman, Juliana Ching.
- i) Increased the revenue profile of Nigeria by about 20 percent due to its activities in the Federal Inland Revenue Service and the Seaports.

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- j) Recovered revenue of over N20 billion from government, and billions more naira for the government in terms of failed contracts.
- k) Reduced crude oil bunkering activities in the Niger Delta region through prosecution of persons involved and confiscation of ships.
- l) Succeeded in securing the return of N50 million from the British Metropolitan Police Proceeds of Corruption Unit following the successful confiscation hearing of a mistress of a former governor of Plateau State, Chief Joshua Dariye.
- m) Assisting banks to recover bad debts that resulted from credit abuse by directors of failed banks. For example, it confiscated documents and property worth N3.5 billion of the Chief executive Officer of Tanzila Petroleum Company, Ltd. for defaulting on a bank loan.
- n) It has forty-three ongoing high-profile cases in different courts at various stages involving politicians, office holders, lawmakers, businesses, and non-Nigerians.

Although the above examples are the tip of the iceberg, it is a significant and symbolic start. In cooperation and collaboration with other states and global actors such as the US Federal Bureau of Investigation, the UK's Office of Fair Trading and Metropolitan Police, and international actors such as the World Bank, the IMF, Egmont, and Microsoft, the EFCC is not only significantly contributing to the fight against corruption but is also helping salvage the hitherto negative image of Nigeria in the international arena. Nigeria's image has for too long been synonymous with corruption, and the EFCC is working hard to change this image. For example, in May 2007, Nigeria became a member of the internationally acclaimed Egmont Group of Financial Intelligence Units. On the contrary, Paul, (2015) asserted that in Nigeria, the Economic and Financial Crime Commission (EFCC) made significant strides in combating both political and economic corruption. Some condemned its activities as a tool by the government to suppress the opposition. The accusations were not unfounded. The EFCC's refusal to arrest or prosecute certain persons was not in error as the unit refrained from going after the friends of the ruling political party, People's Democratic Party (PDP). The case of Olabode George, a former state governor, who was accused of corruption as the Chairman of the Nigerian Ports Authority (NPA) revealed how the Commission has shielded selected corrupt members of the PDP from prosecution.

Bello-Imam, however noted that it was ironic, as the then EFCC Chairman, Nuhu Ribadu, frantically defended Bode George (the Chairman of the South-Western zone of PDP) due to his close relationship with the Presidency. Shortly thereafter, the intrigues of power-play resulted in the dismissal of Ribadu as EFCC Chairman. However, Bode George was arrested for the same allegation, charged to court by EFCC, and found guilty by a competent court of law and subsequently jailed. Ivkovic (2003) ascertains that no police agency is completely free of corruption and police officers entrusted to enforce the law could transform to the most aggressive criminals themselves. In the US, the Knapp Commission and the Pennsylvania Crime Commission (US) reveal that police crime was widespread and highly organised in the following context: The gambling, prostitution, drug distribution, pornography, and usury which flourish in the lower-class center of the city do so with the compliance, encouragement, and cooperation of the major political and law enforcement officials in the city. There is in fact a symbiotic relationship between the law enforcement-political organizations of the city and a group of local, as distinct from national, men who control the distribution of vices (Ivkovic, 2003).

Kalil (2016) asserted that the effort of the Nigerian government to confront the menace of corruption was also downplayed. The EFCC moved a step further in its anti-graft struggle to arrest some state governors that were deemed close to the then elected President Musa Yar'Adua. The then Attorney General, Michael Aondoakaa, announced that the independent prosecutorial power granted to the EFCC was unconstitutional; hence, all future prosecutions must be vetted by his office (Lawson, 2009). This position

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seemed legally sound but it was politically suspected as a means to protect from prosecution the former Delta State governor, James Ibori, who was seen as a close ally of the President (Lawson, 2009).

The then EFCC boss, Nuhu Ribadu, staunchly opposed the Attorney General's pronouncement and continued in his bid to prosecute all erring governors. Thereafter, the then Nigerian police chief, Mike Okiro, suddenly announced that Ribadu had been ordered to attend a year course in Policy and Strategic Studies in Jos, Nigeria (BBC News 28.12.2007). With this, Ribadu was eventually removed from his position as head of the EFCC. Amos, (2021) asserted that the stroke of political sway that got the then EFCC boss Nuhu Ribadu out of office on grounds too vague to concur shadowed the fate of the just suspended EFCC chairman Ibrahim Magu with similitude, though on varied grounds of corruption and abuse of office. This dramatic unfolding of events convinced, Saleh (2021) to maintain that though the EFCC plays a tremendous role in the fight against corruption in Nigeria, there are numerous instances that qualify ones to think or assume that political interference and immunity clause are indeed bottlenecks in combating corruption in Nigeria.

Theoretical Framework

Corruption is a concept which lends itself to theoretical orientation. Thus, the theoretical framework adopted in this research is the structural functionalism championed by Victor A. Thompson (modern organization), Philip Selznick (Leadership in Organization), Demerath and Peterson (systems change and conflict), and popularized by Charles Perrow (complex organizations) (Okoli, 2004). It is also known as structural-functional Approach. The theory is based on the assumption that for function to be performed there must be structure and vice versa. On the other hand, efficient decision-making and implementation depends on the structure through which they are performed.

The sociological theory takes into cognizance the environmental impacts on organization as it affects the attainment of its objectives. Its assumption is that a structure is set up to perform some goals and the achievement of the goals depends on the efficiency of the structure. In the context of this research, this theory examined the institutions of EFCC with a view to exposing how decisions are reached and implemented by the agency. The relationship between the institution ad political agencies particularly the presidency.

Summary

The increasing incidence of corruption with impunity especially in the public service is one of the major challenges of governments and has therefore, became a matter of public concern. In response to this, the Federal Government of Nigeria established EFCC to speed head the fight against corruption. Among other things, the study examines the level of effectiveness of the EFCC in combating corruption and how it affects their ability to deliver on their mandate. The study also identified the problems facing the Commission in fighting corruption in Nigeria and suggested ways to surmount them, in order to make the EFCC more effective.

The literature relating to the study was thematically reviewed. These include inter-alia: the concept and types of corruption, the perceived causes of corruption and strategies for combating corruption in the public service. A theoretical framework using the structural functional as a theory to guide the discussion.

4. Conclusion

From the literature reviewed, the study concludes that the level of autonomy of the anti-corruption institutions for the period under study was low. There is a link between the reduced level of corruption and role of the EFCC in the fight against corruption compared to previous administration. The EFCC was found to be ineffective in dealing with corruption in federal public service. It must be stressed that the low level of autonomy of the anti-corruption commission is among the factors responsible for the ineffectiveness of

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the EFCC in dealing with corruption in the public service. Therefore, an increase in the level of autonomy of the anti-corruption institutions, an increase in the level of effectiveness of corruption reporting system in the public service, and an increase in the level of enforcement of punishments for corruption offences will among others improve the level of effectiveness of the institutions in dealing with corruption in Nigeria.

Recommendations

In view of the findings made, the study recommends that:

- 1) The federal government should be committed to the sincere translation of the expressed political will of fighting corruption into reality by allowing the anti-corruption institutions to operate without political intervention in order not to compromise with their statutorily assigned responsibilities. This can be achieved through guaranteed tenure of the chairmen of the institutions especially the EFCC.
- 2) Although the role of the EFCC has been instrumental in the reduced level of corruption owing to the introduction of the whistle-blower policy which led to the uncovering of huge amounts of looted monies typical of the 9.8 million dollars recovered from a property belonging to the former GMD of the NNPC (Andrew Yakubu) and that of Ikoyi where 43 million dollars were recovered. These and other instances alike showed the renewed drive by the commission to fight corruption. Therefore, in order to sustain the vigour of the commission to curb financial crimes in Nigeria, the government should ensure that whistle-blowers are treated with absolute anonymity and their security must be ensured. Also, the commission should be adequately funded to enable it also to establish more state offices and employ more staff. This will enable the agency ease its operations through decentralization. EFCC should be directly funded rather than through the Presidency in order to ensure financial autonomy.
- 3) The clause granting immunity to certain heads in the public service such as the President, Vice-president, Governors and their deputies as contained in section 308 of the 1999 constitution of the federal republic of Nigeria (as amended) should be expunged so that the phrase “that no one is above the law” will be in full force. Also, the laws establishing the institutions should be strengthened by according them greater operational autonomy to enable them perform their responsibilities without hindrance. Parts of the laws subjugating the institutions to other institutions should be repealed. A typical example is the provision of section 39 of the EFCC Act which empowers the Attorney General of the Federation and Minister of Justice, to act as supervisory Ministry and to make rules and regulations with respect to the exercise of any of the duties, functions and powers of the commission. These powers should be entrusted on the National Assembly as the judiciary abused such powers in certain trials of corrupt public officials.

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Referensi

1. Adagba, O. S. (2007). *An Assessment of the Institutional Frameworks for Combating Corruption in the Federal Public Sector in the Fourth Republic*. Being a PhD Seminar Paper Presented to the Department of Public Administration, Faculty of Administration, Ahmadu Bello University, Zaria.
2. Adebayo, F. (2010). Lords of the Law. *Tell Magazine*, December 2, p. 46.
3. Amadi, J. (2018). The Anti-Graft War and the Sincerity of the Obasanjo Administration in Combating Corruption in Nigeria, *ESUT Journal of Political Science*, Vol. I No. 1.
4. Aduda, G. T. (2007). Budget Monitoring and Price Intelligence Unit (Due Process); *A Mechanism for Combating Corruption in Infrastructure Delivery in Nigeria*. Partnering to Combating Corruption Series, Leicestershire, Water Engineering and Development Centre, Loughborough University, United Kingdom.
5. African Development Bank Group (2006). *Combating Corruption in Africa: Issues and Challenges*. Concept Note Paper for the 2006 Annual Meetings, Ouagadougou, Burkina Faso.
6. Aganga, N. (2020). Development and Governmental Corruption – Materialism and Political Fragmentation in Nigeria. *The Journal of African Studies*, 21, 2, pp. 215 – 233.
7. Akinrjomu, B. (2009). Slipping Back into Old Times. *Tell*, March 9, p. 6.
8. Akinpelu, Y. (2021). ANALYSIS: Nigeria Spends Billions on Pipeline Maintenance as Hundreds are Vandalized Annually. Premium Times, Accessed on 19th July 2022,
9. Ali, Y. O. (2007). The Anti-Graft War. In; Saliu, H., Amali, E., and Olawepo, R. (eds), *Nigeria's Reform Programme, Issues and Challenges*. Faculty of Business and Social Sciences, University of Ilorin, Ilorin (511-540).
10. Amos, T. (2021). *Politics, Bureaucracy and Development in Africa*. Spectrum Books Limited, Ibadan.
11. Anthony, L. (2015). Law and Social Change; A Socio-Legal Analysis of Nigeria's Corrupt Practices and Other Related Offences Act, 2000. *Journal of African Law*, 45,2, pp. 173 – 195, School of Oriental and African Studies, United Kingdom.
12. Bajoga, G. (2019). *Selecting Theoretical Framework and stating study Hypotheses*. Unpublished Seminar Paper Presented to the Department of Sociology/Anthropology. University of Nigeria, Nsukka on 20th July.
13. Bello-Imam, I. B. (2005). *The War Against Corruption in Nigeria; Problems and Prospects*. College Press and Publishers Limited, Ibadan.
14. Brownsberger, W. N. (1983). Development and Governmental Corruption – Materialism and Political Fragmentation in Nigeria. *The Journal of African Studies*, 21, 2, pp. 215 – 233.
15. EFCC (2004). Economic and Financial Crimes Commission (Establishment) Act, 2004, Abuja, Heritage Press Limited.
16. Efeyunmi P. M (2013). The Economic Implications of Money Laundering in Nigeria. Seminar Paper. Unpublished.
17. Ekumankama, D. U. (2002). Law, Corruption and Other Economic Crimes in Nigeria Today: Problems and Solutions. New World Publishers, Jos.
18. Ekwueme, A. (2009) Immunity Clause not Necessary. *Tell Magazine*, February 16, pp. 26 – 32.
19. Falana, F. (2006). *Executive Immunity and the Fight Against Corruption*. In EFCC, Proceeding of the Fifth National Seminar on Economic Crime Karu; August 22 – 24, 2006. Federal Government of Nigeria. Federal Ministry of Finance- Whistle Blowing Frequently Asked Questions (FAQ)
20. Falana, F. (2007). Governance, Rule of Law and Anti-Corruption. *Punch Newspaper*, December 10, p. 42.
21. Financial Standard (2007). *Why Nigeria Must Probe the Willbros Exposure*. Financial Standard, November 19, p. 10.
22. FRN (1999). Constitution of the Federal Republic of Nigeria, Lagos, Federal Government Press.
23. Global Integrity (2007). *Global Integrity Report, Key Findings*. Retrieved on December 15, 2008 from globlintegrity Report 2, htm
24. Huther, J. & Shah, A. (2000). *Anti-Corruption Policies and Programmes; A Framework for Evaluation*. Operations and Evaluation Department (OED), the World Bank Policy Research Working Paper WPS2501.
25. Independent Advocacy Group (2007). Organisations Likely to Receive Bribes. In: *Punch Newspaper*, June 14, p. 7.
26. Ivković, S. K. (2003). To Serve and Collect: Measuring Police Corruption. *The Journal of Criminal Law and Criminology*, Volume 93, Number 2/3, pp. 593-650.
27. Jackson, M, Kirby, E, Smith, R., & Thompson, L. (1994). Sovereign Eyes: Legislators' Perception of Corruption, *Journal of Commonwealth and Comparative Politics*, Volume 32, Number 1, pp. 54-67.
28. Jamaican Commission for the Prevention of Corruption, Kingston (2000).
29. Johannsen, L. & Karin, H. P. (2012). How to Combat Corruption: Assessing Anti-Corruption Measures from a Civil Servant's Perspective, *Administrative Culture*, Volume 13, Number 2, pp. 130-146.
30. Junaidu, M. (2015). The Performance Paradox in the Public Sector. *Public Performance and Management Review*, 25 (3); 267-281.
31. Kalil, A. (2016). Fighting Corruption and Social Conflict to Achieve Development. Text of the Lead Lecture Delivered at the 10th Anniversary Celebration of Arewa Consultative Forum on Thursday, April 29th 2010, Kaduna.
32. Klitgaard, R. (1991). Political Corruption: Strategies for Reform, *Journal of Democracy*, Volume 2, Number 4, pp. 86-100.

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33. Laing, A. (2010). Ex-Interpol Chief Convicted of Corruption', *The Telegraph*, 02, July. Lawson, Letitia, L. (2009). The Politics of Anticorruption Reform in Africa, *The Journal of Modern African Studies*, Volume 47, Issue 01, pp 73- 100.
34. Meagher, P. (2004). Anti-Corruption Agencies: A Review of Experience, *The Iris Discussion Papers on Institutions and Development*, Paper No. 04/02.
35. Meagher, Patrick (2005). Anti-corruption Agencies: Rhetoric Versus Reality", *The Journal of Policy Reform*, Volume 8, Number 1, pp. 69- 103.
36. Migdal, J. (1988). *Strong Societies and Weak States*. Princeton, NJ, Princeton University Press. Mishra, A. (2005). Persistence of corruption: Some Theoretical Perspectives, *World Development*, Volume 34, Number 2, pp. 349– 58.
37. Njoku, U. J. (2007). Corruption and Social Change in Federal Public Service and the Agency – Structure Debate.
38. Nzejekwu, I. A. (2011). The Contributions of EFCC in Promoting Financial Accountability and Transparency in Nigeria. An Unpublished MBA Thesis submitted to the School of Postgraduate Studies, University of Nigeria, Nsukka
39. Onaiyekan, J. (2008). *Anti-Corruption and Value Orientation*. Delivered at a Retreat for Ministers and Permanent Secretaries, Abuja.
40. Okoli, M. (2004). Transnational Inducement of Administrative Reform; A Survey of Scope and Critique of Issues. In; Montgomery, J. D. & Siffin, W. J. (eds), *Approaches to Development; Politics, Administration and Change*. McGraw-Hill Book Company. New York, (133-183).
41. Otite, O. (1986). On the Sociological Study of Corruption. In: Odekunle, F. (ed), *Nigeria, Corruption in Development*. University Press, Ibadan (pp. 11-19)
42. Ribadu, N. (2006). *Nigeria's Struggle with Corruption*. Being an Abridged and Edited Version of Presentation to US Congressional Committee on 18 May, 2006, International Development, Washington DC.
43. Shettima, A. G. (2010). Corruption; A Lost War. *Daily Trust*, April 30, p. 14.
44. Tanzi, V. (1998). Corruption Around the World, Causes, Consequences, Scope and Cures. IMF Staff Papers, Vol. 45, No. 4, pp. 559-594.
45. Tell (2009). A Covenant with Darkness. *Tell Magazine*, July 27, pp. 18 – 24.
46. Tell (2009). Report Scores Nigeria Low on Corruption War. *Tell Magazine*. March, 2 p. 20,
47. Transparency International (1999) *Corruption perceptions Index*, 1997 – 2009 <http://www.transparency.org>
48. Uche, S. (2006). *Public Administration and Public Affairs*. Prentice – Hall of India Private Limited, New – Delhi.
49. UNODC (2019). Corruption in Nigeria: Patterns and Trends - Second Survey on Corruption as Experienced by the Population in Nigeria. UN Report on the Corruption Situation in Nigeria.