THE ROLE OF EFCC IN PROSECUTING CORPORATE FINANCIAL CRIMES IN NIGERIA

Uchegbu Callista Ukamaka and Kelvin Ibobo
Department of Accountancy, Faculty of Management Sciences, Nnamdi Azikiwe University, Awka.
Email: cu.uchegbu@unizik.edu.ng

Abstract
This study centered on the role of EFCC in prosecuting corporate financial crimes in Nigeria. Its specific objectives were to ascertain the determinants of corporate financial crimes in Nigeria; to investigate the economic implication of corporate financial crimes in Nigeria; as well as to examine the effectiveness of EFCC in prosecuting corporate financial crimes in Nigeria. To this end, the researcher administered two hundred (200) questionnaires to respondents, out of which one hundred and ninety-eight (198) were recovered.
The researcher employed chi-square statistical tool in testing the stated hypotheses. At the end of the exercise, the researcher found that lack of control over management by directors of corporate organizations, corporate culture, weakness in traditional auditing style have contributed to corporate financial crimes among other factors responsible for corporate financial crimes in Nigeria, that there are economic implication of corporate financial crimes on Nigeria economy, such as discouragement of foreign capital inflow, as well as reducing economic performance; that the EFCC have not being effective in prosecuting corporate financial crimes in Nigeria due to over protection of top corporate officials involved in financial crime, insincerity on the part of the presiding judges, etc.
Deriving from the findings of this study, the researcher recommends that the rule of law must be upheld to instill sanity in the administration of justice. Equal treatment of corrupt officials is a necessity. There should be no exceptions to the rules as the law is no respecter of any person.
Keywords: Corporate Financial Crimes, EFCC, Nigeria Economy, Economic Performance, Corrupt Officials and Administration of Justice.

Introduction

Recent statistics regarding economic crime show that corporate financial crime is one of the most problematic issues for businesses around the world (Sadique, Roudaki, Clark and Alias, 2010). Voon, Puah and Entebang (2008) opine that issues regarding corporate financial crime are getting more prominent among the public, especially investors, investment managers and also regulators. Corporate financial crime is a serious crime that relates to ethical behaviour which should not be taken lightly, as it does not only have deep impact on the reputation of the company affected, but also causes greater financial loss and loss of investors' confidence.

Corporate financial crimes have a negative impact on the company's brand(s), staff morale, external business relations, relations with regulators, and the value of the company's shares. It can be fairly said that corporate financial crime impacts on the company, its shareholders, and society at large by way of employment and social stability. The need for a more effective way to regulate, enforce, detect and prevent financial crime has increased since one cannot rely upon accidental detection to combat such crime. The regulators have to be more vigilant and effective in their efforts to fight corporate financial crimes. According to (Dada, Owolabi and Okwu, 2013), the negative effect of corruption/financial crimes on development has made Nigerian government to seek for solution on how to combat the menace.

Corporate financial crime enjoys worldwide condemnation and therefore laws are made to daunt perpetration of financial crime in the society. Nigeria is not an exception in this area, with several Acts on ground to carry out prosecution. Adeleke (2012) believe that the zeal to tame financial crime became very high in Nigeria with the establishment of Independent Corrupt Practices and other Related Offences Commission (ICPC) in 2002 and Economic and Financial Crimes Commission (EFCC) in 2003. Several achievements have been made by these two bodies, particularly the EFCC, in exposing, recovering of loots and sentencing of the people who were guilty of corruption. In the light of the above discussion, this study intends to examine the role of EFCC in prosecuting corporate financial crimes in Nigeria.

Recently, fraud has received tremendous public attention and it tends to become serious corporate problems and challenges in today's competitive business environment. Corporate crime has caused most of the organizations suffer from various form of damages such as a loss of assets and reputation, decreased staff motivation, and damaged business relations (Mung-Ling, Sze-Ling and Chin-Hong, 2008). The effect of financial crimes is enormous, Emeh and Obi (2013) attributes the collapse of Enron, WorldCom, Tyco, Adelphia, to corporate fraud where over $460 billion was said to have been lost. In Nigeria, Cadbury Nig Plc whose books were criminally manipulated by management was credited to have lost $15 million. In the case of nine commercial banks that were involved in fraudulent financial crimes in Nigeria, about one trillion naira was reported to have been lost through different means.

The broad objective of this study is to examine the role of EFCC in prosecuting corporate financial crimes in Nigeria and the specific objectives are:

1. To ascertain the determinants of corporate financial crimes in Nigeria.
2. To investigate the economic implication of corporate financial crimes in Nigeria.
3. To examine the effectiveness of EFCC in prosecuting corporate financial crimes in Nigeria.

Review of Related Literature

Conceptual Review of Related Literature

The concept of financial fraud, according to (Fich and Shivdasani, 2005), opine that financial fraud typically has a substantial adverse valuation effect on companies. In order to interpret this valuation effect, it is helpful to understand the stylized sequence of information released to the market. Often, indications of fraud surface with the release of certain trigger events. Most commonly, a trigger event is a self-initiated press release by a firm alerting investors to the potential for accounting or other financial irregularities. They enumerated the following to be the typical crimes committed by employees; theft, or “skimming” of cash; theft of inventory, merchandise or equipment; writing company checks; falsifying revenue reports; processing fraudulent invoices; customer identity theft; money laundering; intellectual property theft; credit card fraud; overstated expense reports and payroll fraud

Mung-Ling, Sze-Ling and Chin-Hong (2008) opine that corporate crime can be defined as in the making if one tries to deliberately plan, deceive or cheat with the intention of depriving other’s property or rights, regardless of whether the perpetrator gain any benefit or not in the process. According to (Njanike, Dube and Mashayanye, 2009), fraud together with its sister white-collar crimes which came into being later in the 19th and 20th century inter alia corruption, money laundering, tax evasion, externalization of foreign currency to itemize just a few have stood as potent weapons capable of hemorrhaging the entire world economies, particularly the banking sector because of its high risk factor.

Obuah (2012) says that over the years various administrations in Nigeria have articulated polices and measures designed to combat corruption. Examples include General Murtala Muhammed’s crusade of confiscation of assets illegally acquired by Nigerians; Shehu Shagari’s ethical revolution to combat corruption through the introduction of code of conduct for public servants, General Buhari’s operation war against indiscipline, General Ibrahim Babaginda’s ethical and social mobilization crusade, etc.

Financial Crime

Financial crime, also often referred to as white collar crime, covers a wide range of criminal offences which are generally international in nature. Closely connected to cybercrime, financial crimes are often committed via the internet and have a major impact on the international banking and financial sectors-both official and alternative. Financial crimes affect private individuals, companies, organizations, and even nations, and have a negative impact on the economic and social system through the considerable loss of money incurred.

Financial Crime in Nigeria

Prior to the enactment of the Act of 2002 as amended by the EFCC Act 2004 there was no comprehensive definition of what constitute the financial crime. Section 46 of the EFCC Act 2004 define financial crime as a nonviolent criminal unlawful action concerned with the objective of earning wealth illegally either individually or a group or organized manner thereby violating existing legislation governing the financial actions of a government and its administration and includes any forms of fraud such as: money laundering, embezzlements, bribery, looting and any form of corrupt malpractices, illegal arms deal, smuggling, human trafficking and child labor, illegal oil bunkering, theft of intellectual property and piracy, open market abuse, dumping of toxic waste and prohibited good. This statutory definition reveals that the crime could reasonably include a wide variety of criminal offences. (Establishment Act, 2004).

Economic and Financial Crime Commission (EFCC)

Based on Mallam Nuhu Ribadu, chairman of EFCC address to the US congressional house committee on international development (2006) corruption had been part of Nigerian existence for 39 years of military rule after independence in 1960. The desire of stealing public treasury, decapitated public institutions and free speech restrictions led to secrecy in the running of affairs of government. The outcome was complete insecurity, poor economics management, abuse of human rights and ethnic conflicts Ribadu (2006). After all this trauma democracy was restored to Nigeria in May 1999, with the election of civilian president under the leadership of Olusegun Aremu Obasanjo. One notable performance of the President is the formation of Economics and financial crime commission and Independent corrupt practices commission in 2000 and 2003 respectively to fight against corruption and waste in the public service. (Sowunmi and Raufu, 2010), one of the biggest killer diseases in Africa is corruption; apart from its distortion of macroeconomic indices, it ensures that basic facilities such as Medicare, water; schools; roads and other infrastructure are unavailable.

The Functions and Powers of EFCC

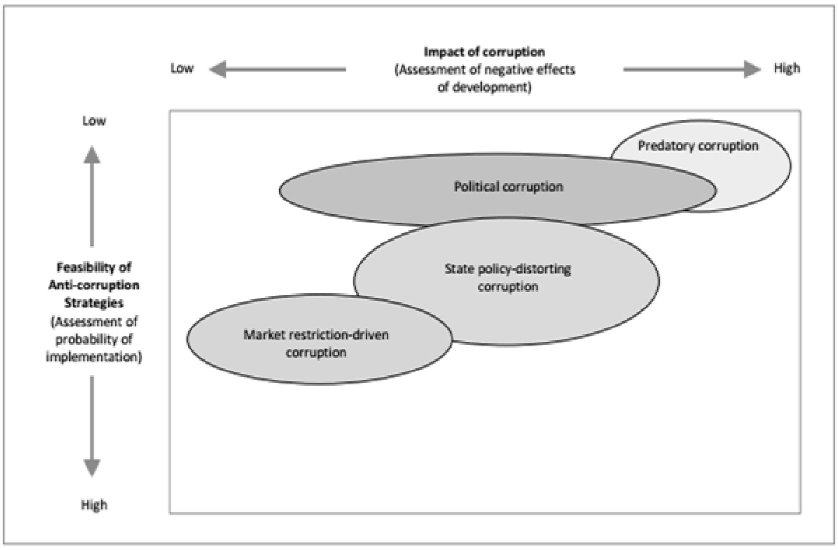
The commission's broad, statutory duties and responsibilities cover dealing with Economic and Financial Crimes, as well as combating terrorism and terrorist tendencies. The mandates of the commission with respect to its functions of fighting economic and financial crimes include the following; a) Enforcement and the due administration of the provision of this ACT. b) Investigation of all financial crimes including advance fee fraud, money laundering and counterfeiting, illegal change transfers, future market fraud, fraudulent encashment of negotiable instrument, computer credit card fraud, contract scam, etc. c) The co-ordination and enforcement of all economic and financial crimes laws and enforcement functions conferred on any other person or authority. d) Adoption of measures to identify, trace, confiscate proceeds derived from terrorist activities, economic financial crimes related offences. e) The adoption of measures which includes coordinated preventive and regulatory actions, introduction and maintenance of investigative and control methods on prevention of economic and financial related crimes. f) Facilitation of rapid exchange of scientific and technical information and the conduct of joint operations geared towards the eradication of economic and financial crimes. g) The examination and investigation of all reported cases of economic and financial crimes with a view to identifying individuals co-operate bodies or groups involved. h) Collaborating with government bodies both within and outside Nigeria carrying on functions wholly or in part analogous with those of the commission concerning - i. Identification, determination, of the whereabouts and activities of persons suspected of being involved in economic and financial crimes; ii. The movement of proceeds or properties derived from the commission of economic and financial and other related crimes; iii. The exchange of personnel or other experts; iv. The establishment and maintenance of a system for monitoring international economic and financial crimes in order to identify suspicious transactions and persons involved.

Corruption in Nigeria and the Role of the EFCC

As outlined in (Khan, Andreoni, Roy, 2017), corruption is a structural feature of governance in developing countries where strikingly high levels of informality make it difficult for formal rules to be enforced. Nigeria is no exception (Roy, 2017), and has acquired a reputation as one of the most corrupt countries in the world. Indeed, in 1996 it was ranked by Transparency International's Corruption Perception Index (CPI) as the most corrupt country in the world. Anti-corruption strategies in developing countries have typically been based on vertical enforcement using prosecutions, legal requirements for transparency and accountability, and impartiality for rule of law. While there have been some successes in these types of anticorruption efforts in some countries, sustainable progress has been difficult due to the weakness of horizontal enforcement at a societal level: developing and emerging countries have a high level of 'informality', which suggests that large parts of society do not follow formal rules. The problems are unfortunately compounded in Nigeria due to the presence of a significant number of oil reserves. With enormous oil reserves, the culture of rent seeking has been entrenched in the extractive sectors, particularly the oil sector which accounts for majority of Nigeria's revenue. Political corruption is a feature of this informality and is most clearly observed in how rents are allocated.

The Anti-Corruption Evidence (ACE) framework (Figure 1) provides a unique matrix with which to test how potentially successful anti-corruption policies are likely to be.

Figure 1: ACE framework



Source: Khan et al. (2017).

For the purposes of our research on the EFCC for ACE, however, the researcher decided to measure the effectiveness of the EFCC in terms of successful prosecutions and, to a lesser extent, public education and its efforts to sensitize citizens on the effect of corruption in Nigeria. Most studies of ACAs tend to rely on statistics on investigations or responses to complaints; however, an analysis of the proportions of investigations to prosecutions and the prosecutions to convictions, as well as the nature of the prosecutions, can provide important insights into the effectiveness of an ACA that only focusing on investigations cannot provide.

The Effectiveness of the EFCC as a Prosecuting Agency

By virtue of the provisions of the EFCC Act,53 the Commission has adopted criminal prosecution as its primary tool in the anti-corruption crusade. Based on data obtained through interviews with judicial officers, ACA officers, documentary analysis and participation in various focus group discussions on Nigeria's anti-corruption drive organized under the ACE project in Abuja on 16 August 2018, this section examines how effective the EFCC is in fulfilling its criminal enforcement and prosecution mandate, particularly with respect to high profile prosecutions. The EFCC has recorded some reasonable achievements since its establishment, however certain responsibilities have been constrained as a result of the political corruption described in section 3.

Theoretical Framework

The finance theory is more related to this study.

Simple Finance Theory

Simple Finance Theory posits that there is the dire need to construct rules on all financial matters and incentives in corporate organisations so as to effectively and efficiently align the behaviour of managers (as agents) with the desires of principals (Turnbull, 1997, Hawley & Williams 1996). For being accountable to the owners, the managers, as agents are entitled to agency fees, which constitute what theorist called agency costs to the organisations. Agency costs are the sum of the cost of monitoring management (the agent); bonding the agent to the principal (stockholder/'residual claimant') and residual losses. This Theory emphasizes need for rules and professional ethics to guide operations of organization from recklessness. The views above clearly provide functions for owners and agents. It is therefore in consonance with the principles of accountability and corporate governance and professional ethics expected of accountants.

Empirical Review of Related Literature

Fich and Shivdasani (2005), examine reputational effects of financial fraud for outside directors of firms accused of fraud using a sample of firms facing class action lawsuits alleging violation of SEC rule. They find that fraud is followed by a large and significant decline in the number of other board appointments held by outside directors. This decline is consistent with both a reputational penalty being borne by outside directors as well as an endogenous adjustment of monitoring expertise, where the expertise is reallocated to firms that are revealed to be more fraud-prone than previously expected. Their study also shows that a contagion effect exists for financial fraud through the board of directors.

Mung-Ling, Sze-Ling and Chin-Hong (2008), investigate the determinants of corporate crime activities in organizations, in order to minimize the occurrence of fraud. A survey involving existing and potential investors was undertaken. The findings indicate that the corporate crime determinants ranked by most of the respondents are insufficient controls, followed by personal financial pressure and expensive lifestyle. To minimize the occurrence of corporate crime activities in the organizations, the management team should impose tighter control over internal operations. Obuah (2010), review the political economy of corruption and the efforts by the Nigerian government to combat it by examining the types and forms of corruption and the various perspectives for understanding the causes of corruption. He recognizing the importance of the various perspectives, notes that both the institutional and rent-seeking theories offer deeper insights into the systemic corruption activities. And finally, examines the activities of the EFCC and notes that it faces serious challenges, as the configurations of the Nigerian political landscape are uncertain.

Methodology

For the purpose of this study, the survey research design was adopted. The population of this study is the entire management and non-management staff of selected banks, operating in Asaba, Delta State. The sample size for this study is a purposive two hundred respondents randomly selected management and non-management staff of quoted banks, operating in Asaba, Delta State, from which empirical findings and conclusion were drawn. The choice of Asaba is that it is the capital of Delta state and has large concentration of banks Cost considerations informed the choice of only one state in this study.

Primary data gathered by the researcher through use of questionnaire. The questionnaire was administered to respondents drawn from staff of selected banks, operating in Asaba, Delta State. The questionnaire contains close ended questions to cover areas involved in the research. The questionnaire is divided into two sections; Section A – Personal Data, Section B – main research questions patterned on the 5-point likert scale.

The data generated through questionnaire administration was analyzed through the use of descriptive statistics (mean, standard deviation, etc), statistical tables and percentage analysis, while the formulated hypotheses were tested using One Sample T-test statistics. A one sample t-test compares the mean with a hypothetical value; it is often performed for testing the mean value of large samples of distribution or for comparing a sample mean when the population mean is known. The Statistical Product and Service Solutions Package (SPSS) version 20 was employed in performing the statistical test - analysis of data and test of hypotheses.

Results and Discussion

Analytical instruments which were applied include percentages and averages, being operational tools used in analyzing questionnaire obtained from the field.

To achieve the objectives of this study, a total of two hundred (200) questionnaires were distributed to respondents, out of which one hundred and ninety-eight (198) were properly filled and returned and were used for the analysis of this study as presented below.

Testing of Hypotheses

Hypothesis I

There are no factors responsible for corporate financial crimes in Nigeria.

No. of Responses

Q	Strongly Agree	Agree	Undecided	Strongly Disagree	Disagree	Total
5	130	57	7	0	4	198
6	129	35	11	8	15	198
7	116	46	16	6	14	198
8	132	20	18	11	14	198
Q	**Strongly Agree**	**Agree**	**Undecided**	**Strongly Disagree**	**Disagree**	**Total**
9	121	51	18	3	5	198
10	150	46	2	2	1	198
Total	**778**	**255**	**72**	**30**	**53**	**1188**

Source: Field Study, 2021

df = (R – 1) (C – 1)
= (6 – 1) (5 – 1)
= 5 x 4 = <u>20</u>

Margin for error = 5% or 0.05

Table value of χ^2 @ 0.05 level of significance at degree of freedom of 20 = 31.41

Row/column	F_0	F_e	F_0-F_e	$(F_0-F_e)^2$	$\frac{(F_0-F_e)^2}{F_e}$
R_1C_1	130	112	18	1386	12.375
R_1C_2	57	53	4	108	2.037735849
R_1C_3	7	15	-8	-8	-0.533333333
R_1C4	0	6	-6	-12	-2
R_1C5	4	13	-9	-18	-1.384615385
R_2C_1	129	112	17	1309	11.6875
R_2C_2	35	53	-18	-486	-9.169811321
R_2C_3	11	15	-4	-4	-0.266666667
R_3C_4	8	6	2	4	0.666666667
R_3C5	15	13	2	4	0.307692308
R_2C_1	116	112	4	308	2.75
R_2C_2	46	53	-7	-189	-3.566037736
R_2C_3	16	15	1	1	0.066666667
R_3C_4	6	6	0	0	0
R_3C5	14	13	1	2	0.153846154
R_1C_1	132	112	20	1540	13.75
R_1C_2	20	53	-33	-891	-16.81132075
R_1C_3	21	15	6	6	0.4
R_1C4	11	6	5	10	1.666666667
R_1C5	14	13	1	2	0.153846154

Row/column	F_0	F_e	F_0-F_e	$(F_0-F_e)^2$	$\frac{(F_0-F_e)^2}{F_e}$
R_2C_1	121	112	9	693	6.1875
R_2C_2	51	53	-2	-54	-1.018867925
R_2C_3	18	15	3	3	0.2
R_3C_4	3	6	-3	-6	-1
R_3C5	5	13	-8	-16	-1.230769231
R_2C_1	150	112	38	2926	26.125
R_2C_2	46	53	-7	-189	-3.566037736
R_2C_3	2	15	-13	-13	-0.866666667
R_3C_4	2	6	-4	-8	-1.333333333
R_3C5	1	13	-12	-24	-1.846153846
Total					**χ^2 = 33.93450653**

Source: *Field Study, 2021*

Decision

Since the table value χ^2 (33.93450653) is greater than the computed χ^2 value (31.410), it means we reject the null hypotheses and accept alternative hypotheses which says there are factors responsible for corporate financial crimes in Nigeria.

Hypothesis II

There is no economic implication of corporate financial crimes on Nigeria economy.

Table 4.2.2: No. of Responses

Q	Strongly Agree	Agree	Undecided	Strongly Disagree	Disagree	Total
11	153	35	8	0	8	198
12	150	42	5	0	1	198
13	155	40	2	2	1	198
Total	**458**	**117**	**15**	**2**	**10**	**594**

Source: Field Study, 2021

df = (R – 1) (C – 1)
= (3 – 1) (5 – 1)
= 2 x 4 = 8

Margin for error = 5% or 0.05

Table value of χ^2 @ 0.05 level of significance at degree of freedom of 8 = 15.5.

Row/column	F_0	F_e	F_0-F_e	$(F_0-F_e)^2$	$\frac{(F_0-F_e)^2}{F_e}$
R_1C_1	153	127	26	2002	15.76377953
R_1C_2	35	51	-16	-432	-8.470588235
R_1C_3	8	12	-4	-4	-0.333333333
R_1C4	2	3	-1	-2	-0.666666667
R_1C5	0	5	-5	-10	-2

Row/column	F_0	F_e	F_0-F_e	$(F_0-F_e)^2$	$\frac{(F_0-F_e)^2}{F_e}$
					13.94488189
R_2C_2	42	51	-9	-243	-4.764705882
R_2C_3	5	12	-7	-7	-0.583333333
R_3C_4	0	3	-3	-6	-2
R_3C5	1	5	-4	-8	-1.6
R_2C_1	155	127	28	2156	16.97637795
R_2C_2	40	51	-11	-297	-5.823529412
R_2C_3	2	12	-10	-10	-0.833333333
R_3C_4	1	3	-2	-4	-1.333333333
R_3C5	0	5	-5	-10	-2
Total					**χ^2 = 16.27621584**

Source: *Field Study, 2021*

Decision

Since the table value χ^2 (16.27621584) is greater than the computed χ^2 value (15.5), it means we reject the null hypotheses and accept alternative hypotheses which says there are factors responsible for corporate financial crimes in Nigeria.

Hypothesis III

The EFCC have not being effective in prosecuting corporate financial crimes in Nigeria.

Table 4.2.3: No. of Responses

Q	Strongly Agree	Agree	Undecided	Strongly Disagree	Disagree	Total
14	112	74	8	2	2	198
15	118	55	13	2	10	198
16	148	30	10	0	10	198
17	105	43	28	5	17	198
18	159	15	9	7	8	198
Total	**642**	**217**	**68**	**16**	**47**	**990**

Source: Field Study, 2021

df = (R – 1) (C – 1)
= (5 – 1) (5 – 1)
= 4 x 4 = 16
Margin for error = 5% or 0.05

Table value of χ^2 @ 0.05 level of significance at degree of freedom of 16 = 26.296

Row/column	**F_0**	**F_e**	**F_0-F_e**	**$(F_0\text{-}F_e)^2$**	**$\frac{(F_0\text{-}F_e)^2}{F_e}$**
R_1C_1	112	116.4	-4.4	-338.8	-2.910652921
R_1C_2	74	55.4	18.6	502.2	9.064981949
R_1C_3	8	14	-6	-6	-0.428571429
R_1C4	2	3.2	-1.2	-2.4	-0.75
R_1C5	2	9.4	-7.4	-14.8	-1.574468085
R_2C_1	118	116.4	1.6	123.2	1.058419244
R_2C_2	55	55.4	-0.4	-10.8	-0.194945848
R_2C_3	13	14	-1	-1	-0.071428571
R_3C_4	2	3.2	-1.2	-2.4	-0.75
R_3C5	10	9.4	0.6	1.2	0.127659574
R_2C_1	148	116.4	31.6	2433.2	20.90378007
R_2C_2	30	55.4	-25.4	-685.8	-12.37906137
R_2C_3	10	14	-4	-4	-0.285714286
R_3C_4	0	3.2	-3.2	-6.4	-2
R_3C5	10	9.4	0.6	1.2	0.127659574
R_1C_1	105	116.4	-11.4	-877.8	-7.541237113
R_1C_2	43	55.4	-12.4	-334.8	-6.0433213
R_1C_3	28	14	14	14	1
R_1C4	5	3.2	1.8	3.6	1.125
R_1C5	17	9.4	7.6	15.2	1.617021277
R_2C_1	159	116.4	42.6	3280.2	28.18041237
R_2C_2	15	55.4	-40.4	-1090.8	-19.68953069
R_2C_3	9	14	-5	-5	-0.357142857
R_3C_4	7	3.2	3.8	7.6	2.375
R_3C5	8	9.4	-1.4	-2.8	-0.29787234
Total					**χ^2 = 10.30598725**

Source: Field Study, 2021

Decision

Since the table value χ^2 (10.30598725) is less than the computed χ^2 value (26.296), it means we therefore accept the null hypotheses and reject the alternative hypotheses which says the EFCC have not being effective in prosecuting corporate financial crimes in Nigeria.

Discussion of Findings

The major findings of this study are:

1. That lack of control over management by directors of corporate organizations, corporate culture, collusion between employees and third party, management override of internal controls, weakness in traditional auditing style has contributed

to corporate financial crimes among others are factors responsible for corporate financial crimes in Nigeria.

2. That there are economic implication of corporate financial crimes on Nigeria economy, such as having negative effect on economy image, discourage foreign capital inflow, as well as reducing economic performance.
3. That the EFCC have not being effective in prosecuting corporate financial crimes in Nigeria due to over protection of top corporate officials involving in financial crime, fear of the unknown, sincerity on the part of the presiding judge, etc.

Conclusion

The prosecution of those involved in financial crime 2007 till date by the Economic and Financial Crimes Commission were inconclusive as shown by the various presentations and narratives. With the exception of the case of the former Edo State Governor, Lucky Igbinedion, who was released by the court after fulfilling all the terms of the plea bargain, no any other high profile corruption case has been successfully concluded by the EFCC. The EFCC contributes to its inability to be effective in the discharge of its mandate. However, the activities of the lawyers, judges and the government as represented by the Attorney-General of the Federation, contributed more to the weak performance of the EFCC as clearly enumerated.

Furthermore, some members of the Judiciary and senior lawyers have been accused of colluding with the accused in frustrating the trial of high profile corrupt persons. It was observed that the case with which persons accused of crimes like possession of fake currency are prosecuted and convicted within few weeks, while endless delays are granted to the accused in high profile corruption cases at the behest of the lawyers (Oluokun, 2012). In addition, it was further observed that senior lawyers were too attracted to money to be made from defending highly corrupt persons to the extent that some of them were totally without inhibition. For example, there was an incidence in which six Senior Advocates of Nigeria (SANs) at an Abuja High Court were scrambling to appear for six suspects arraigned before an Abuja High Court on a 16 counts charge of stealing N32.8 billion. In addition, the activities of the EFCC in the prosecution of cases in court have also been called to question. As it has been proven that the EFCC is fond of filing for amendments of the charges against accused persons after their arraignment on the basis to which lawyers to the accused persons always use the opportunity to ask for adjournments to enable them study and respond to the new charges (Oluokun, 2012).

Recommendations

Based on the findings made and conclusions drawn from the study, the following recommendations were made:

The activities of the anti-corruption agencies in Nigeria such as the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices and Related Offences Commission (ICPC) should be strengthened. The rule of law must be upheld to instill sanity in the administration of justice. Equal treatment of corrupt officials is a necessity. There should be no exceptions to the rules as the law is no respecter of persons. Nigeria's legal and judicial system should be reviewed and restructured to handle swiftly the cases of people that are engaged in corrupt practices. There is a need for the introduction of measures that will make both the means and rewards of corruption unprofitable for the perpetrators by applying strict sanctions.

The Government should set up a Special Court that will try all those accused of economic and financial crimes and other corruption related offences. Also, in order to reduce the amount of injunctions and adjournments which usually keep financial crimes cases on perpetually, the provision of section 40 of the EFCC (Establishment) Act, which clearly stated that subject to the provisions of the Constitution of the Federal Republic of Nigeria 1999, an application for stay of proceedings in respect of any criminal matter brought by the Commission before the High Court shall not be entertained until judgment is delivered by the High Court; Section 19 (2) of the Act stated that "The court shall have power, notwithstanding anything to the contrary in any other enactment; (b) to ensure that all matters brought before the court by the commission shall be conducted with dispatch and given accelerated hearing; (c) the court shall adopt all legal measures necessary to avoid unnecessary delays and abuse in the conduct of matters brought by the commission (EFCC), before it or against any person, body or authority; should be respected, upheld and invoked by the EFCC and the Courts.

References

Adeleke, G. O. (2012). Prosecuting corruption and the application of plea bargaining in Nigeria: A Critique, *International Journal of Advanced Legal Studies and Governance*, 3(1), 53 – 70.

Dada, B.R., Owolabi, E.C., & Okwu. D.I. (2013). Forensic accounting a panacea to alleviation of fraudulent practices in Nigeria, *Int.J.Buss.Mgt.Eco.Res*., 4(5), 787-792

Emeh, Y., & Obi, J. O. (2013), An empirical analysis of forensic accounting and financial fraud, *African Journal of Social Sciences*, 3(4), 112 – 121.

Fich, E. M., & Shivdasani, A. (2005), Financial fraud, director reputation, and shareholder wealth, *Drexel University, Philadelphia*, PA 19104

Hawley, J.P., & Williams, A.T. (1996). Corporate governance in the United States: The rise of
fiduciary capitalism, *Working Paper, Saint Mary's College of California, School of Economics and Business Administration*.

Khan, M., Andreoni, A., & Roy, P. (2017) Anti-corruption in adverse contexts: a strategic approach. *London: School of Oriental and African Studies, University of London*

Mung-Ling, V., Sze-Ling, V., & Chin-Hong, P. (2008). An empirical analysis of the determinants of corporate crime in Malaysia, *International Applied Economics and Management Letters*, 1(1), 13 – 17.

Njanike, K., Dube, T., & Mashayanye, E. (2009), The effectiveness of forensic auditing in detecting, investigating, and preventing bank frauds, *Journal of Sustainable Development in Africa*, 10(4), 405-425.

Obuah, E. (2012), Combating corruption in Nigeria: The Nigerian economic and financial crimes, *African Studies Quarterly*, 12(1), 17 – 44.

Oluokun, A. (2012). Forgoten cases of looting. Abuja, *The News Magazine, November* 5th, pages 14-19.

Ribadu, N. (2006). Economic and financial crime commission. A presentation to United State congressional house committee on *International Development, Washington*

Roy, P. (2017). Anti-corruption in Nigeria: A political settlements analysis. Working Paper 002. London: *School of Oriental and African Studies, University of London*

Sowunmi, F.A., & Raufu, A.A. (2010). The role of media in curbing corruption in Nigeria. Lagos state university, *Research Journal of Information Technology* 2(1). 7-23, 2010

Sadique, R. B., Roudaki, J., Clark, M. B., & Alias, N. (2010). Corporate fraud: An analysis of Malaysian Securities Commission enforcement releases, *World Academy of Science, Engineering and Technology*.

Turnbull, S. (1997). Corporate governance: Its scope, concerns & theories. Corporate governance: *An International Review, Blackwood, Oxford*, 5(4), 180-205.

Voon, S., Puah, C., & Entebang, H. (2008). Corporate crime announcement effects on stock performance: An empirical study in Malaysia, *Journal of Economics Cooperation*, 29, 15-23.