

## **EFFECT OF ECONOMIC AND FINANCIAL CRIME COMMISSION (EFCC) ON SOCIO-ECONOMIC DEVELOPMENT IN NIGERIA**

**AHMED ISMAIL KAWU**

Department of public administration  
Niger state polytechnic, bida campus

**AND**

**SHEHU ADAMU ABDULLAHI**

Department of public administration  
The federal polytechnic, bida

### **Abstract**

*The pandemic corrupt practices in Nigeria has been as a shortcoming on Nigerian Society, and this resulted in the slow pace of socioeconomic development in the country. This paper adopted secondary technique of data collection. The study revealed that there is a remarkable achievement on the recovering of looted fund by Economic and Financial Crime Commission which improves the socio-economic development in Nigeria. The main objective of the study is to examine the effect of the institution EFCC towards the actualization of its goals, through vision, mission and functions of the commission. The paper analyzed that EFCC has a significant impact on the socio-economic development in Nigeria. However, the commission is faced with the challenges of operating within an unfavorable legal space of limited prosecutorial powers that hinders to a large extent its operational success. Thus, some of these legal limitations posed a serious threat to their effective performance. The paper therefore, recommended that the legal powers of the commission be enlarge and the declaration of assets should be mandatory to all public office holders at least every two year. While, independent and special designated courts should be instituted to prosecute corrupt cases to ensure effective service delivery of the commission.*

**KEYWORDS:** Economic, Financial, Crime, Socio-economic, development

### **Introduction**

Corruption and other financial and economic crimes are the bane of Nigerian development efforts. Corruption bestrides the lives of the citizens. The judgment of Transparency International is a reflection of what the nation has given to the World-419, money laundering, inflated contracts, scam mails, illegal oil bunkering, disappearance of ships etc. All these crimes harm Nigerian economy in no small measure. Ribadu (2014) stated that all these crimes continued in the system in spite of the government laudable efforts to address the problem, many political stakeholders want to maintain the dispensation of the corrupt practices. He reiterated that there are those whose lives thrive on corruption, while they are willing to share in the proceeds, they themselves become culprits. This is never the dividend of good governance and transparency in Nigerian. This paper is also to examine the effect of EFCC on socio-economic Development in Nigeria and to also observe some of its challenges for a proper recommendation.

Andvig, et al. (2001) sees corruption as largely a clandestine or concealed practice with strong normative undertones similar to other phenomenon like large scale and petty crime, parallel to black market activities and drug marketing. When making a house-cleaning, one will have to start from the upper stories and shove the trash towards the ground floor. Likewise, the fight against corruption will have to start at the highest levels of the start (Andvig, et al., 2001).

An anti-corruption agency on the other hand is a publicly funded body of a lasting nature with a specific mission to fight corruption and reduce opportunities for corruption by means of prevention and repression strategies (Meagher & Voland, 2006). Although, arguments abound that democratization will nevertheless have to be supported by strengthening the democratic institutions in order to work against corruption. This implies efficient mechanisms of control, detection and punishment (what has been called watchdog bodies). Except for the few instances in which efficient control is based on authoritarian (totalitarian) rule, the different watchdog bodies will have to be independent institutions that can survey, report, arbitrate, judge, and enforce. Besides, democratization will in addition to the establishment and independence of these institutions and practices, also imply a prior democratic institutionalization of a larger set of relatively balanced social forces, of politically countervailing powers.

Economic and financial crimes are the greatest threat to national economic and development as the nation has nothing to show for its huge earnings from oil. Waziri (2011) stated that that corruption afflicts virtually all parts of the Nigeria Society. It has eaten deep into Nigeria value system and is now threatening to spread to the culture as to how people came by their questionable wealth. In its 2014 report on worldwide corrupt practices, Transparency International survey covered 146 countries, which rated Nigeria as the third most corrupt country, beating Haiti and Bangladesh to the second and last positions respectively. The focus of the Transparency International 2014 report was more on the oil sector as a revenue source for most oil producing countries (Ribadu, 2014). Corruption is prevalent in almost every country of the world but some are more corrupt than the others (Alipius, 2010). According to Yalwa (2018), Somalia is ranked the top most corrupt country in the world today, also with a high crime rate, followed by North Korea, Sudan, Afghanistan, Iraq and Serbia while Nigeria stand presently at the position of 47<sup>th</sup> corrupt nation of the world.

Nigeria was formally or previously in the position of 26<sup>th</sup> most corrupt nation but due to existence of the present mechanism of anti-graft of this present democratic dispensation (EFCC), the rate which corruption was previously alarming has drastically reduce (Awolabi, 2017). Owolabi further emphasized that, the Chairman of Transparency International Board of Directors observed in 2014 that in oil producing countries, public contracting in the oil sector is plagued by revenue vanishing into the pockets of Western oil executives, middlemen and local officials. He suggested that oil companies could help fight corruption by making public details of payments made to government and state-controlled oil firms. That access to vital information will minimize the opportunity for the payment of kickbacks to secure oil tenders, a practice that has lighted the oil industry in transition and post war economies.

The long years of military rule had entrenched corruption in Nigeria; almost becoming institutionalized. Corruption reached its zenith during the reign of General Abacha who was acknowledged to have stolen between 4 and 5 billion USD between 1994 and 1998, surpassing all records of state thieving within such as short period. Law and order collapsed and the rule of law took a back seat in the face of tyranny, despotism and impunity. However the civilian Administration (Democracy, seems more corrupt than the military era due to excessive spending by the national legislative arm and lack of proper financial accountability all in the name of federalism. Our resource are expected to be control and maintained to boost the socio-economic development of national, this equally gave rise to this study. Accountability and sustainability can also be secured by EFCC. All law enforcement and other watchdog institutions were so

compromised that they now served the needs of the corrupt than those of the society they were set up for. (Akomaye, 2017). Nigeria was assessed by many risk rating agencies as too risky a jurisdiction for quality investment. Foreign Direct Investment (FDI) took flight in spite of ceaseless flow of petrodollars, the economy plummeted, and witnessing double digit inflation and poverty became pervasive particularly in the Niger Delta giving rise to crises that severally threatened state security. This suddenly led to corrupt practice of some leaders in the region and sabotage to socio-economic development of the territory. Crises and insecurity is as a result of misappropriations in the country. The outcome is always poverty and underdevelopment (Yalwa, 2018).

### **Objective of the Study**

The main objective of the study is to assess the effect of Economic and Financial Crime Commission (EFCC) on Socio-economic development in Nigeria. Other specific objectives are:

- To find out/identify some of the looted funds recovered by the EFCC in Nigeria
- To determine some function of the commission through their vision, mission and function.
- To identify some of the challenges face by EFCC and finally.
- To profile recommendations at the end of the exercise and to be use by policy maker, and interested researchers.

### **Methodology**

The information was derived through secondary source. Content analysis was used as the major source. The topic covered is on the effect of Economic and Financial Crime Commission EFCC on Socio-Economic Development in Nigeria.

### **Conceptual Framework**

The Economic and Financial Crime Commission EFCC is a Nigeria Law Enforcement Agency that investigates financial crimes such as advance fee fraud (419 frauds) and money laundering (Katuka, 2013). The Economic and Financial Crime Commission is a legal bureaucracy instituted by Nigeria government for monitoring international economic and financial crime in order to identify suspicious transaction and persons involve (Galazy, 2012)

Adejo (2011) perceived EFCC as a body undertaking research and similar work with a view to determining the manifestation, extent, magnitude and effect of economic and financial crime and advising government on appropriate intervention measures for combating same. The Economic and Financial Crimes Commission (EFCC) is a Nigerian law enforcement agency that investigates financial crimes such as Advance Free Fraud (419 frauds) and money laundering. The EFCC was established in 2003, partially in response to pressure from the Financial Action Task Force on Money Laundering (FATF), which named Nigeria as one of 23 countries non-cooperative in the international community's efforts to fight money laundering. The agency has its head office in Abuja.

The concept of corruption has been greatly overstretched in the academic circle and so the assessment of the anti-corruption agency. The scourge has been viewed with different phases and extents depending on the context, the society and time. The common ground however in all conceptions and contexts has been that corruption

and/or any act perceived to be corruption is an evil inclination which diametrically negates human and societal development.

Andvig, et al. (2001) view corruption as largely a clandestine or concealed practice with strong normative undertones similar to other phenomenon like large scale and petty crime, parallel to black market activities and drug marketing. When making a house-cleaning, one will have to start from the upper stories and shove the trash towards the ground floor. Likewise, the fight against corruption will have to start at the highest levels of the start (Andvig, et al., 2001).

An anti-corruption agency on the other hand is a publicly funded body of a lasting nature with a specific mission to fight corruption and reduce opportunities for corruption by means of prevention and repression strategies (Meagher & Voland, 2006). Although, arguments abound that democratization will nevertheless have to be supported by strengthening the democratic institutions in order to work against corruption. This implies efficient mechanisms of control, detection and punishment (what has been called watchdog bodies). Except for the few instances in which efficient control is based on authoritarian (totalitarian) rule, the different watchdog bodies will have to be independent institutions that can survey, report, arbitrate, judge, and enforce. Besides, democratization will in addition to the establishment and independence of these institutions and practices, also imply a prior democratic institutionalization of a larger set of relatively balanced social forces, of politically countervailing powers.

The Economic and Financial Crimes Commission (EFCC) Established by the EFCC (Establishment) Act 2002 and (repealed and re-enacted by EFCC) Act 2004 is a body corporate with perpetual succession and a common seal. It is designated Financial Intelligence Unit (FIU) in Nigeria with powers to coordinate various institutions involved in the fight against money laundering and enforcement of all laws dealing with economic and financial crimes. The Commission's power also covers combating terrorism and terrorist financing.

The commission is also bestowed with the responsibility of enforcing the following laws including the money laundering (prohibition) Act 2004, Advance Free Fraud (and other Related Offences) Act 1995 the Failed Bank (Recovery of Debts) and other financial institutions Act 1994 as amended, the bank and other financial institutions Act 1991as amended and the miscellaneous offences Act 1985. The Commission also has its mandate, coordinating preventive and regulatory action, including introducing and maintaining an investigative and control techniques on the prevention of economic and financial crimes.

### **Vision, Mission and Function**

The Vision of the EFFCC is "to make Nigeria a safe and corruption-free Business environment for the sound health and positive image of the country" Alipius (2010) highlight that "The EFCC is to curb the menace of corruption that constitute the cog in the wheel of progress; protect national and foreign investments in the country, imbibe the spirit of hard work in the citizenry and discourage ill gotten wealth, identify illegally acquired wealth and confiscate it; build an upright workforce in both public and private sectors of the economy and; contribute to the global war against financial crimes and terrorism financing. The Commission is responsible for;

- a. The investigation of all financial crimes including advance free fraud, money laundering, counterfeiting, illegal charge transfers, future

- market fraud, fraudulent encashment of negotiable instruments, computer credit fraud, contract scam etc.
- b. The Co-ordination and enforcement of all economic and financial crime laws and enforcement functions conferred on any other persons or authority.
  - c. The adoption of measure which includes coordinated, preventive and regulatory actions, introduction and maintenance of investigative and control techniques on the prevention of economic and financial related crimes.
  - d. The determination of the extent of financial loss and such other losses by government, private individuals or organizations.
  - e. Maintaining data, statistics, records and reports on persons, organizations, proceeds, properties, documents or other items or assets involved in economic crimes both national & international.
  - 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.
  - g. Maintaining a liaison with the office of the Attorney-General of the federation, the Nigeria Custom Service, the Immigration and Prison Service Board, The Central Bank of Nigeria, the Nigerian Deposit Insurance corporation, the National Drug Law Enforcement Agency, all government security and law enforcement Agencies and such other financial supervisory institution involved in the eradication of the economic and financial crimes.
  - h. Carrying out and sustaining rigorous public enlightenment campaign against economic and financial crimes within and outside Nigeria.

***Some achievement of EFCC also include.***

- Upholding all monetary budgetary wrongdoing laws.
- The agency has recovered N500b, convicted 603 peoples under Buhari (Yalwa, 2018).
- For the first time too, judges and top military officers including retired service achieves are being prosecuted for corrupt enrichment.

The existence of EFCC has subjected some agencies to public monitoring and proper accountability in rendering their service and public officer are liable to sanctions on misconduct (Akomaye, 2017).

This achievement has led to transparency both at National and International sphere and a great achievement on the socio-economic development in Nigeria. According to the chairman of EFCC.

*“This year alone we recorded over two hundred convictions in various courts across the country but they are mostly advance fee fraud, we have the yahoo yahoo, we have the commercial cases, we have the executives of financial institutions that are involved in currency trafficking. The cases that most people are interested in its conclusion are those before the Supreme Court (Daily Post, 2012).*

Most of the recovered looted funds were used for Budget Supplementation which boosts Agricultural production, industrialization and infrastructural development in Nigeria. This has also enhanced the level of employment of youths in the country.

Treasury Single Account (TSA) practice by Nigeria government is presently a way forward to minimize corruption and to ensure all revenue accrued by government are secured in a single formal account, this system is also practice at all government levels or the three tiers of government including parastatals for accountability. Due to officers frequent calls to account for their stewardship after vacating office or retirement personnel are always caution and careful in all financial undertaking and ensure record keeping as an act of discipline. With the initiation of (TSA), there is high level of financial discipline and order is maintained in Nigeria compare to the previous dispensation. It is an empirical observation that government officials are cautioned on how fiscal allocation can be utilized. There is more accountability in the present Muhammadu Buhari democratic regime due to the watch dog instruments (Yalwa, 2018). It is a clear observation that the government official are presently more financial disciplined than the past due to control mechanism set up by the government (EFCC), Niger State polytechnic is one of the empirical example where all funds generated by the institution are putting in Treasure Single Account (TSA) and all account officers in the institution were made accountable in internal revenue generation. For the success of this objectives in all sphere of Nigeria government, legal body or other paradigm to minimize corruption and other crimes is instituted to ascertain predetermine objectives of crime control in Nigeria.

### **Problems of EFCC**

The commission operates within a rough terrain and it is only its doggedness that has ensured the result that it has posted. The key problem of the Commission has been the absence of the requisite favorable legislative framework necessary for the success of an anti-corruption war (Ridadu, 2014). The first of these constraints is the absence of a special court for the trial of cases of corruption and financial crimes. We have already noted debilitating effect of the slow pace of trials. The study therefore, advocates for the establishment of a special court to handle cases of financial crimes and other related offences of high profile.

Secondly, there is the need for a non-conviction based assets forfeiture law. Indeed the barometer for measuring the seriousness of any country is the enactment of this piece of vital legislation. Unfortunately, Nigeria does not have this legislation and several attempts to introduce it have proved futile. If the Commission can boast of a recovery of \$11 billion in 7 years, without this law, then definitely it will do better once the legislation is enacted. The case for the law becomes stronger in view of the unnecessary delays in trials. Once it is appreciated that corruption and economic crimes thrive because the criminal is interested in the acquisition of wealth, then part of the anti-corruption strategy must include legal structure for depriving the criminal within the process of trial of the illicit wealth. Most politically exposed person have political immunity and have the means to evade or delay trials. However where their assets are sequestered within the bounds of the law, it is their interest therefore to either not loot public funds or to avoid delaying trials. The delay in judicial proceedings plea bargain and bureaucratic process of the Public organization is seen as a shortcoming of the commission (Waziri, 2011).

The next problem the Commission faces is weak funding and capacity building structure for its staff which is a derivative of the former factor. It must be accepted that fighting corruption is expensive. It must also be accepted that the investigation of specialized economic crimes can only succeed where the officers are suitably and adequately trained.

Outdated laws within Nigeria have not been helpful to the anti-corruption fight. Nigeria's evidence Act was enacted in 1945 and is out touch with modern day commercial realities. For instance, electronically generated evidence is not admissible and in today's world, it makes the job of establishing criminally a herculean task. Further, the Penal and Criminal Codes of Nigeria are over 50 years old and probably drafted for an age when the country faced "lesser" crimes such as simple theft, house breaking, etc. However, the world of commerce and the society has grown more sophisticated. It would have been unimaginable to the draftsmen of the Criminal and Penal Code that anyone can steal in billions of Naira. The practical effect is that not all crimes are recognized. The sanctions contained in these two pieces of legislation are insufficient and this leads to public outcry when a convict who steals billions of Naira is convicted and sentenced to jail terms of two years or even less. Experience with certain countries has not been palatable. Consistently countries have not been too cooperative in retrieval of stolen funds and it will appear that peculiar national interest guides cooperation with us. We must understand that the ill effects of corruption does not only affect the origin of the illicit funds but also the receiving countries in the sense that in both locations, funds that have no bearing on productive ventures has either left the economy or has been injected into it. Consequently, there is a major distortion in macroeconomic indices and this should not be accepted. Countries must work better together.

#### **UN Media Report June 2017**

According to the UN, in the year 2017 around \$148 billion is annually stolen from Africa by the political leaders, the business elite and civil servants with the collusion and connivance of banking industries in Europe and other developed economies(Awolabi, 2017).

Ibrahim Magu, the acting chairman of the Economic and Financial Crime Commission EFCC disclosed that the commission recovered over ₦473 billion in 2017, Four hundred and seventy three billion naira. The chairman of the EFCC announced the figure of the discovered looted fund before the committee on financial crime in house of representative in Abuja on 16<sup>th</sup> – 09- 2017 to defend the agency's 2018 budget proposal and review of performance of the 2017 allocations. The chairman of the commission also added other fund recovered in foreign currencies were \$98.2m, £294,851; Dirham 443, 400; and South Africa rand 70, 500. While forfeiture of ₦32bn and \$5m recovered from former minister of petroleum Mrs. Diezani Alison Madueke, had been secured for the federal government, ₦449 million discovered by the agency at Lagico Plaza in Victoria Island Lagos, also for future of \$43m discovered in the Osborne towers, Ikoyi Lagos, ₦329bn from petroleum marketers, recovery from port authority was ₦1.1 billion naira, recovery of subsidy fraud of over ₦4 billion naira.

The commission eventually identify the owners of the money. He reply that nobody come forward to claim ownership of the money after agency advertised it along with the building. He disclose that the EFCC later went to court to obtain a final forfeiture order of the money and the property for the government. The total sum of ₦78,325,354,631.82, \$185,119,584.61, £3,508,355.46 and €11,250 between May 29, 2015 and May 25, 2016. Some of the information by the commission from June to the present date in 2018 is yet to be officially released by the EFCC or any other authentic sources. The president Muhammadu buhari democratic administration come to power on the back of promise to stamp out corruption. His administration has claimed severally that it has recovered billion from corrupt persons.

**Non cash recoveries****Series Items**

1. Farmland		22
2. Plot of land		4
3. Uncompleted building	2	
4. Completed building		33
5. Vehicle		22
6. Maritime vessels		5
<b>Total</b>		<b>88</b>

**Fund awaiting return from foreign jurisdictions**

<b>Jurisdiction</b>	<b>US Dollar</b>	<b>GB pounds</b>
<b>Euro</b>		
1. Swizerland	321000000	
2. UK		6900000
3. UAE	310501	
	11826.11	
4. USA	6225.1	
<b>Total</b>	<b>321,316,726.1</b>	<b>6,900,000</b>
	<b>11,826.11</b>	

**Source UN Media Report June 2017**

**Theoretical Framework**

This study is conducted within the context of structural functional theory attributed to the work of Gabriel Almond, a theory that became so popular in the 60s. This theory suggests functional specification of a designate structure established for a particular set of activities. This goes to mean that a set of roles prescribed for an agency as justifications for its existence. The operational powers of such structure therefore flow from these very purposes. The EFCC is an agency (structure) of government established to fight a specific form of corruption derived from it name, the Economic and Financial Crimes commission. This is to say that the commission is saddled with the function of fighting financial crimes and related offences. The legal space and powers of its operations should be adequate to allow operational success in that direction .This structural functional theory provides a theoretical clue for an assessment of EFCC to determine the latitude of legal wherewithal it enjoys for its operations. For structural functionalism, the question is what a structure does within the political system. This is to understand what is expected of the structure to do and the actual. In the same token, EFCC is a structure established on the expectations to address the menace of financial crimes within certain legal space.

**Findings**

Majority of Public Office holders are ignorant on the implications of being found wanted by the EFCC for committing crime. Also, some of the culprits are desperate for selfish desires and they ignored the public stigma that is associated with public indictment. The commission served as a watchdog and therefore identified as a trait to Criminals including fraud stars and National Assembly Members who do not welcome



the idea of Appointing Ibrahim Magu as the EFCC Boss in the first instance. The research further found that EFCC as a body to fight corruption, it must be free from political interference. The body is to investigate all financial crime including advance fee fraud, money laundering, counterfeiting, Illegal change transfer, future market fraud, fraudulent enrichment of negotiable instrument, computer credit fraud, contract scam e.t.c.

The commission is also face with some challenges i.e. on investigation and trials. Other challenges include Absence of special court for the trial and weak funding of the commission is also a major challenged. The areas within the jurisdiction of EFCC is large for it to cover as provided for by the law is much for the EFCC that some crime are not maintained. The Nigeria court system has frustrated the efforts of the EFCC through delay and incessant injunctions. It was discovered that the senior legal counsels usually connive with the judges to subvert/manipulate judgments in favour of their clients (Akomaye, 2017).

### **Conclusion**

This paper employed Almond Gabriels (1966) structural functional theory to provide a theoretical frame work to assess the functions and performance of the Economic and Financial Crimes Commission. The study discusses the introduction of the study, the functions of the commission to ensure a transparency and good governance in the country. It also examines the commissions shortcomings, the conclusion was drawn and recommendations were issued. for Hence, the study suggest that the right caliber of people should be recruited into the public offices and they should be made accountable during and after their stewardship. The EFCC has been recognized globally as an agent to fight corruption, the present Nigeria elected president, President Muhammadu Buhari has seek negotiation and understanding with some of the world leaders on how Nigeria looted funds will be recovered to Nigerian treasury. This in a view to restore the decay in Nigeria economy. Reated to the above, today, billions of US dollars has been recovered and some are investigations are still on going to recovered looted funds. Despite the social economic and political challenges Nigeria is facing there are positive responses and reactions in the area of transparency and good governance in Nigeria. This success was as a result of effective exercise of EFCC in Nigeria, the transparency and good governance of the administration which commence from May 29, 2015 to date. The remarkable achievement of the present regime provided the bailout fund to state government to ease the untold hardships inherited from the immediate past regime, reduce security challenges, restore the epileptic electricity supply, reduce massive unemployment, etc. but In addition, plans are also ongoing towards the diversification of Nigerian economy from a mono petroleum based economy.

### **Recommendations**

It is obvious to posit that the EFCC and other anti-corruption agencies have to cooperate in combating political corruption in the electoral process. This is because political corruption undermines the democratic process. Political corruption leads to a compromising of democratic ideals, the growth of political apathy among electors, mistrust of the electoral process and authorities, and the consolation of authoritarian tendencies in the polity. It is upon these problems that, this paper review in this section. In the literature, some conditions are considered to provide breeding ground for political corruption. For instance, political corruption thrives in polities where self-interested closed cliques, a pathetic and ignorant populace, and where legal framework is weak.

In the light of the above, the study recommends that there is urgent need for Federal government to distribute the bulk funds from the excess crude account independently to the three tiers of government to execute specific projects that would impact positively on the socio-economic development of the nation. This will to a large extent curtail the incidents of capital flight. Moreover, for greater effectiveness and results-oriented anti-graft campaign, should have urgent need for special or designated courts to prosecute corruption cases. This will help solve the problem of delays in the trial of the suspects. Law should be enacted to prohibit anyone found guilty of corrupt offences not to contest for any political offices or be awarded any public contract and as well, not be given any public offices to serve.

Declaration of Assets should be mandatory to all public office holders at list every two years or during Annual Performance Evaluation Report (APER) to critically assess corrupt practices by EFCC. Minimum wage of the public office holders should be upwardly reviewed to reduce corruption to a bearable minimum. Contractors who are to execute public contract should be well assessed and to be awarded base on their areas of specialization and to ensure the avoidance of kickback principles both in public and private sectors. Pension and gratuity of retired officer should be paid promptly. To avoid the thought of retired personnel not having anything to show or depend on at the end of their retirement, this assurance can give the officers an impression not to be corrupt during their carrier or services years. Furthermore, the recovered looted funds by EFCC should be made to augment supplementary fiscal policy on agricultural extension, industrial boost, reduce unemployment through provision of employment opportunities, loans to farmers and small scale business or entrepreneurs, building and restructuring of educational sectors, diversification of the economic from oil & gas to agriculture and industrialization. The growth and development of nations could only be attained in a corrupt free environment.

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