

FRAUD AND CORRUPTION IN NIGERIA: A HISTORICAL INVESTIGATION AND AN OVERVIEW OF THE THEORY OF PUNISHMENT

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ABSTRACT

This research was carried out to investigate fraud and corruption in Nigeria; It employed the use secondary data: The research employed histograms, pie charts, tables, bar charts as descriptive devices to present the information sourced such that the reader will easily follow the trends of the analysis. It also employed an overview of the theories of punishment; Deterrence, retributive, preventive and reformatory theories as theories of punishment that has not been fully complied with in the punishment of fraudulent and corrupt individuals in Nigeria. The research concluded that fraud has risen to the highest crescendo within this current administration and it has created the greatest level of stunted development in all ramifications towards the developmental part of the nation. It inferred that current administration of justice in Nigeria to fraudulent and corrupt officials, cannot serve as deterrent to others. In other instance, which is really an anomaly, the punishment meted out to the offenders is not commensurate with the offence. Hence, instead of serving as a deterrent factor, it acts as an impetus for younger generations to copy and even carry out more dastardly corrupt practices. The research also concluded that the concept of plea bargaining should be totally removed from the fraud dictionary of Nigeria. A thief is a thief.

Keywords: Fraud, Corruption, Punishment Theory and Forensic Investigation

INTRODUCTION

The incidence of fraud and corruption has not just started; it dates back to years, even during those ancient civilizations. In the last two decades the incidences of corruption and fraudulent activities in Nigeria has taken the central stage and has attracted renewed interest from both policy makers and the academia. Fraud, in the words of Robert Longley (2022), is a wide range of dishonest acts that is intentionally used as deception to forcibly deprive another person or entity of money, property, or legal rights. It has become a major topic of discourse, ever since the beginning of this administration, the Buhari-Oshibajo connection. It is at the fore front of their agenda, an unusual crusade to rid the community of fraudulent individuals and corrupt practices. The sensation, the ripples, the exposition, the outcry, the court cases trailing the now popular DASUKIGATE has its multiplier effects; some of the subtending cases are not yet fully concluded even as at the time of this research.

The case of former security adviser in the then President Goodluck Jonathan's regime readily come to mind. He was given funds to procure security equipment for the use by the military to

fight Boko-haram insurgency; which was diverted to several private pockets for different uses? These scandals, including that of the Nigerian National Petroleum, (NNPC), Diazeini Madueke, (the petroleum minister under president Goodluck Jonathan), Stella Oduah, (former aviation minister under the same dispensation) and so many others, that cannot be mentioned has become a hydra-headed monster capable of destroying the polity, impoverishing the people and destroying the very fabric of the nation, if not quickly addressed. The major concern about fraudulent activities in governance, public sector organizations, private sector systems, is driven by its widely accepted pernicious effects; it undermines development by distorting the rule of law and weakening the institutional framework on which economic growth and development rests. It undermines sound governance and competitive transaction; it distorts competition and presents serious legal and reputational risks; it is costly for business with the extra financial burden estimated to be an extra 20% on cost of doing business.

This sends a negative signal or perception to the generality of the people, that there is no gain in hard work, honesty and being a law-abiding citizen. Fraud and corrupt practices are not an identifiable single, separate, independent entity that can be isolated and destroyed like a pathogen that causes a disease condition: Rather, it is a complicated hydra-headed apparition, very much like an octopus, which has defiled all the measures to tackle it. It is a cankerworm that involves multivariate process and procedures difficult to recognize and measure, because it involves diversified human behavior. It is found, not only in government democratic or dictatorial polity, in privatized firms and organizations, in the developing as well as developed economies. The harmful effects of these misfeasance is especially very severe on poor people, who are the hardest hit by the variables of economic decline, since they are the ones most reliant on public services and the least capable of paying any extra cost associated with it.

In Nigeria, fraud and corrupt practices are not only endemic, but has become a pandemic with leaders and followers 'guilty as charged' and with impunity, shamelessness being the order of the day. The possibility of fraud occurring is a stark reality, especially during the period of economic downturns when organizational turnovers is low, interest rates are high, inflation is oligopolistic, prices of goods and services are at their all-time high, salaries and wages are stagnant and most Nigerians are leaving below the poverty level: Successive governments over the years had made efforts to tackle this malice headlong with the establishment of monitoring institutions and government parastatal which are anti-graft agencies, like the; Independent Corrupt Practices Commission (ICPC), the Economic and Financial Crimes Commission (EFCC), the Cashless Economy and the Single Treasury Account by the duo of Buhari and Osibajo to tackle fraudulent activities and corrupt practices within the national economic space.

One may argue that the causes of fraud are numerous, varied and far in-between especially in public sector systems, including but not restricted to; a lack of a well-designed control system, poorly organized internal audit departments, parastatal and ministries, departments and agencies (MDAS), accounting records and transactions not fully digitalized, insufficient accounting records in terms of a computerized accounting system, uncontrolled use of input devices even where the system is computerized, lack of proper security network in a computerized environment, lack of segregation of duties, excessive reliance by management on the technical competencies of staff, collusion and a consciously, carefully designed and entrenched scheme of fraud. The researcher was then forced to ask the question, what is the place of punishment in the fight against fraudulent activities and corrupt practices in Nigeria; how has the governments over

the years and even the current one, used punishment to serve as deterrent for fraudulent behavior and what is the place of the theory of punishment in the corruption fight in Nigeria?

LITERATURE REVIEW

Deterrence theory

The deterrence theory asserts that individuals do not commit crimes because they are afraid of being caught, but rather because they are motivated by a deep moral sense. According to the theory, the only reason most people will avoid the act is if it is met with swift, certain, and severe punishment. It was popularized in the 18th century by Adam Smith, but it can be traced back to the works of Thomas Hobbes (1588-1678) and Caesarea (1738-1794). During the Cold War, the deterrence theory was developed to prevent countries from using nuclear weapons. According to the theory, if the United States and Russia knew that their use of nuclear weapons would be met with a response, they would refrain from using them. And so for anybody who has stolen a huge amount of money to be given a light sentence that sometimes run concurrently, is not likely to deter another from perpetrating the act if he had the opportunity to be in a public office. Other theories are redistributive, preventive theories etc.

Reformative theory

According to the reformative theory, the goal of punishment should be to reform the criminal through the method of individualization and rehabilitation. It is based on the humanistic principle that an offender does not cease to be a human being just because he commits a crime. Rehabilitation aims to effect fundamental changes in offenders' behavior: to reduce the likelihood of future criminality, rehabilitation generally works through education and psychological treatment. According to the theory, offenders commit crime primarily due to psychological factors, personality flaws, or social pressures.

How many people have been prosecuted and punished?

The Economic and Financial Crimes Commission (EFCC) successfully recorded 2,544 convictions from 39,970 corruption cases investigated by the Independent Corrupt Practices and other Related Offences Commission (ICPC). This represents 6.36% of all cases investigated by the Commission in the last nine years. This is according to EFCC Operational Statistics obtained from This Day Newspaper August 2022. The commission received 73,948 petitions from members of the public in total, between years 2010 and 2019, the document revealed the number of petitions received by the anti-graft agency, the total number of cases investigated, cases filed in court, and convictions obtained till date, but only 5,767 were heard in court. This is approximately 0.078 i.e. 8% of the total cases taken to court by EFCC. This means that between years 2010 and 2019 they could not prosecute up to 10% of the cases they took to court. The EFCC successfully prosecuted two former governors and 137 suspects in 2018. The FBI charged 77 Nigerians in year 2019; 2011, the EFCC arraigned approximately 1,200 people for Advanced Fee Fraud (419).

According to data, the Economic and Financial Crimes Commission (EFCC) secured a total of 2,220 convictions in 2021 in its fight against corruption. Although the nature of the cases for prosecution was not disclosed, the agency stated that it won 2,220 cases and lost 34 cases in the fiscal year ended 2021. According to a six-year review of the Commission's conviction data; it

obtained its highest conviction last year. This represents a 127.46% increase over 2020 and a 73.44% increase over its previous high of 2019. However, the EFCC said records 98.49% success rate in its 2021 prosecution; between January and August 2022, 2,210 suspects were convicted, according to EFCC Boss Bawa.

Arrest and Detention

Jolly Nyame of Taraba state was sentenced to 14 years in prison by a high court in the Federal Capital Territory, Abuja, for diverting N1.64 billion. Joshua Dariye of Plateau: He was sentenced to 14 years in prison for misappropriating N1.16 billion in ecological funds while governing the state from 1999 to 2007. 3. James Bala Ngilari, former governor of Adamawa state, was sentenced to 5 years in prison without the option of a fine for defrauding his state of N167 million. Former Edo state governor Lucky Igbinedion was sentenced to six months in prison for money laundering, worth N25 billion: but he accepted a plea bargain that required him to pay a N3.5 million fine. Bayesian's late Diepreye Alamiyesegeha after being found guilty of laundering N3.7 billion, he was sentenced to two years in prison under a plea bargain

Conceptual Review

Fraud and fraudulent activities

Fraud has been defined by various authorities from 1990 till date. Millichamp (1990) says it is a deliberate act on the part of the perpetrator, whereby the victim is deprived of his rights through unethical means. The civil service courts of justice described it as all actions, omissions and concealment that causes harm to another person by violating a legal or equitable duty, trust or confidence that was legitimately placed in them or by giving themselves an unfair or unjustifiable advantage over others; any surprise, trick, cunning, dissembling, or other unfair method used to deceive anyone. Morris (1991) believed that an unethical or fraudulent behavior by persons in position of authority frequently involving bribes and improper exercise of authority for personal gain is fraud and corruption; offering a bribe to an official in order to conceal facts is corruption. It includes any conduct that is deemed criminal in nature by legislative or specific culture, including embezzling public monies for personal gain. Jenfa (2002) opined that fraud in the body politics of the Nigeria system became rampant after the civil war when the desire to get rich quick became the order of the day. Fraudulent activities include forgery; which is the fraudulent alteration of a thing or something fake that is presented as real. The act of misappropriating money or property that has been entrusted to one possession for their own use is often called embezzlement. Braithwaite (1991) argued that a white-collar crime is a defining issue in criminology as it puts into sharp relief the differentials of power and influence as well as the dynamics of inequality in wealth, power, status and reputation.

Kalubanga et al (2013) defines it as an act or course of deception, an intentional concealment, omission, or perversion of truth, to: (a) gain unlawful or unfair advantage (b) induce another to part with some valuable items or surrender a legal right, or (c) inflict injury in some manner (d) believed to be acted upon by the victim and (e) to the victims chagrin or damage. The fraud triangle is a perfect conceptual tool, but there are other factors like the arid acquisitiveness, a 'revenge motive' to make the organization pay for perceived inequalities or the 'catch me if you can' attitude. Fraud is a white-collar crime which is notoriously difficult to prosecute, because the offenders are usually well connected and sometimes first time offenders. The perpetrators of

this illicit act take extreme care to conceal their activities, destroy evidence and disrupt the audit trail.

Asaolu (2013), noted different types and forms of fraudulent activities which include: Bribery (kickbacks, pay-offs) offering someone money “under the table” in order to persuade him to do something, extra payments, gifts and grafts for a return: Embezzlement-theft of resources and miss-use of public or private funds: Advanced-fee-fraud popularly known as 419: Extortion-money or other resources extracted by coercion, threats or the use of force: Nepotism-applying family members to prominent positions: Cronyism-granting offices to friends and relatives, regardless of merit. Corruption can also be seen in terms of magnitude, so you can have petty corruption (administrative bureaucracy), grand corruption (Political corruption), and State capture (influence peddling). It can also be seen as a level of pervasiveness of the corruption, gently classified as: incidental (individuals)-individual political or public servant, Institutions (police, universities, polytechnics, colleges, Nigerian football association, custom service, immigrations, Nigerian Shipper’s council, etc.) and systemic fraud which pervades the society as it has been institutionalized.

Corruption, an alter ego of fraud.

Fraud can be delineated from corruption so that it can be isolated for the purpose of scholarly and research presentation. However, fraud is an aspect of corruption which cannot be fully and clearly discussed without the mention of corrupt practices. Corruption is an alter ego of fraud. Corruption in its most simplistic form is said to be an ‘abuse of a public power (office) for private benefit’. While this definition is not fully satisfactory in all cases, it provides a simple bases or a benchmark upon which all the views and definitions agree. The definition implies endogeneity, i.e., the extent of corruption is determined within an economic system. Asaolu, T.O. (2013) stated that corruption in its simplest form is the abuse of power, most often for personal gain or for the benefit of a group to which one owes allegiance. It could be motivated by greed, by the desire to retain or increase one’s power and pervasively enough, by the belief in a supposed greater god.

United Nations defined it ‘as the use of public power for private profit, preferment of prestige or for the benefit of a group or class, in a way that constitutes a breach of law or standards of high moral conduct’. This definition is not an isolate; it is a benchmark for others. Accordingly, an insight is provided into the nature of man. Human beings are by nature interdependent, this leads to the abuse of office. They must seek services from one another and in turn supply: Justice requires that there should be fair recompense for services rendered: they are also careful not to offend relationship, so that the weaker party in the transaction is not treated shabbily as an outsider. This transaction is an underhanded illegitimate one, so parties involved will keep it from the public domain. Abiola (2022) defines "Corruption" on page 397 of the Deluxe Ninth Edition of Black's Law Dictionary as;

The use of a fiduciary or official's station or office to obtain a benefit for oneself or another against the rights of others and the act of doing something with the intent to give some advantage conflicting with official duty and the rights of others.

Corruption is a complex issue grounded in the countries social and cultural history, its political economic development and its bureaucratic traditions cum policies. Corrupt practices have

become endemic in so many facets of the Nigeria system, politics, universities, polytechnics, colleges of education, as well as technical colleges, the police force, Nigerian football association and, the custom service. Storey Report (2014) maintained that Nigerian politics is plagued with persistent political corruption. There have been instances of government officials misusing resources for their own financial gain ever since the country's modern public administration was established. An investigation was conducted after the former president Sanni Abacha passed away to ascertain how much money had been stolen from the nation's Gas Plant Construction (GPC).

The investigations resulted in the freezing of his accounts that contained about 100 million in stolen American dollars (Hector 2004). In another report by Uzochukwu (2013) a total of 3 billion Dollars was infamously stolen by the Sanni Abacha lead administration. In December 201, a total of 322 million US dollars was recovered through the agreement of federal government with the Swiss Government to return part of the stolen money (Webby 2018). The universities, colleges and polytechnics are not spared. Lectures are known to have pressured ladies into having sexual relationship with them for grades (see the case of a professor who was recently dismissed from the services of the university as a result). Lecturers are employed through a process called 'sorting' rather than on merit. Nigerian universities have poor international ranking because of corruption. A lecturer in the Metallurgical department of Anambra State University has this to say about the Foundry's Subpar:

“What makes our foundry to be of a low standard is corruption. An organization gave the department some money that would have been more than enough to upgrade and standardize the foundry, but I do not know what the management of the department did with the money.”

How do some college students get into the institutions? Some wealthy men in the nation bribe Vice Chancellors and departmental heads to grant their children admission. Those who would have been admitted based on merit are cheated when this type of unethical practice is carried out because admission will not be granted to them. A university in Nigeria is limited in the number of students it can accept each year by a quota. This is a country where a student with 250 marks in the Joint Admission and Matriculation Board Examinations (JAMBE) will not be admitted when another with as low as 160, even 140 marks will be admitted.

Concept of bribery

Bribery is a major type of corrupt practice in Nigeria, according to Markus (2022) a bribe is an illegal or unethical gift or lobbying effort bestowed to influence the recipient's conduct. It may be money, goods, rights in action, property, preferment, privilege, emolument, objects of value, advantage, or merely a promise to induce or influence the action, vote, or influence a person in an official or public capacity. According to Adeyeye (2020) bribery is a double-edged sword in Nigeria where a 'defiant' or non-cooperating citizen get no result or sometimes suffer for it. Bribery is a criminal and corrupt practice where an entity offers something of value to a corporate or public official in exchange for their cooperation in influencing a decision-making process, committing or allowing fraud against the official's organization, or otherwise violating their official duties.

In year 2019, Nigerian adults paid 1.1 Million Naira in bribes on the average. An estimated 117 Million Naira was paid in bribes in Nigeria in the 12 months preceding the year of the study

(Adeyeye 2020). It was based on the projected 107.5 Million adult population of the nation at the time. This did not only demonstrate the scope of the issue in Nigeria but also the potency of the survey methodology as a tool for gathering data on corruption at the national level. Corruption, particularly bribery, is an ongoing problem. On the one hand, it gives you immediate access to things you do not have and failure to comply is costly. Then there's the concept of the "usefulness" of it all, to the point where reporting incidents is frequently futile. According to the survey, Adeyeye (2020), 30% of Nigerians bribe government official; in year 2019, private sector bribery was 5.7%, while public sector bribery was 30%; in the same year, 60% of all bribery transactions were direct request from public officials; while the prevalence of bribery has decreased slightly, the frequency of bribe payment has not. The study discovered that the rate of bribery increased with educational attainment, bribes are more likely to be paid by more educated people. In Nigeria, the prevalence of bribery increased with educational attainment and 48% of Nigerians who refused to pay bribes suffered negative consequences.

In Nigeria rural areas, women are less likely to offer bribes to public officials or to be asked to do so, (Doris 2022). This was predicted to be true as at February 1, 2022. In rural Nigeria, in year 2019, 21.6% of female respondents were reported to have paid a bribe in the 12 months before the survey, compared to 33 % of men. Overall, bribery is more common in Nigeria's cities than in its rural regions.

Regional Dimension of Bribery

The prevalence and patterns of bribery differ significantly throughout six geo-political zones in Nigeria. At 25% and 26%, respectively, the North-West and South-East had the lowest level of prevalence of bribery in year 2019, although the prevalence rate was over 30% in all other zones. The prevalence of bribery has decreased in three of the country's six zones (the North-East, North-West, and South-West) since year 2016. The North West experienced a statistically significant fall from 36.2% to 25.2%; while the two other zones recorded smaller decreases. However, from years 2016-2019, the prevalence of bribery increased in the North-Central, South-East, and South-South zones. The North-Central zone saw the highest rise, from 29.1% to 32.6% (a statistically significant increase), while the other two zones saw lower increases. The average number of bribes paid by bribe-payers varied significantly by region between years 2016 and 2019, with notably high increases in the North-West and North-Central zones, where the average jumped from 5.2% to 6.6% and from 6.4% to 8.0%, respectively (Transparency International 2020). The South South and North-East zones experienced the biggest reductions. In the latter, from 6.1% in year 2016 to 4.7% in year 2019. In all the average number of bribes paid by bribe-payers fell substantially.

Urban and rural dimension

In many nations, including Nigeria, one of the strongest indicators of exposure to bribery is one's place of residence. In Nigeria, the prevalence of bribery among residents of urban regions in year 2019 was 34%, around 6% percentage points greater than that among residents of rural areas which were 28%. This difference demonstrates that bribes may be more necessary in densely populated areas than in less densely populated areas for removing bottlenecks and facilitating the delivery of services by public officials, because there are more opportunities to interact with various types of public officials there. In Nigeria, the average number of bribes paid by bribe-

payers is marginally higher in rural areas than in the urban arena, in contrast to the prevalence of bribing.

In spite of the fact that the prevalence of bribery was higher in urban than rural areas in year 2016 (35% versus 31% or 4 percentage points), the growing urban-rural disparity is caused by two divergent developments: a decline in the prevalence of bribery in the rural areas in four of the country's six geopolitical zones, particularly the North-West; and a significant rise in the prevalence of bribery in the urban areas of the North-Central and South-South zones; from years 2016 to 2019, the prevalence of bribery changed significantly in 17 out of the 37 states in Nigeria, including the Federal Capital Territory (FCT), nine of which saw significant decreases: some of the states where there were significant decreases are Abia, Kano, Taraba, Zamfara, Sokoto, Nasarawa, Ondo, Kebbi, and Borno, listed from smallest to largest decline. In contrast, from 2016 to 2019, the prevalence of bribery increased and was statistically significant in eight states. The states were Niger, Enugu, Osun, AkwaIbom, Gombe, Kogi, Ebonyi, and Kwara, listed from least to highest rise (Adeyeye, 2020).

Who instigates bribes?

The bribery of public officials can be started in a variety of ways, including a public official making a direct, overt request, through insinuation, through a third party, or by a person making an offer. The higher the proportion of direct bribery requests, the more invulnerable a public officer feels to the negative consequences of doing so. In fact, the great majority of requests for bribes in Nigeria come directly from public officials. In year 2019, 60% of all bribery transactions were direct requests for bribes by public officials, which are a slight reduction from the 66.6% found in the year 2016 survey (Adeyeye, 2020). Similar to year 2016, 20% of all bribery transactions involved indirect solicitations for a bribe, while 8% involved unplanned contributions to hasten or facilitate a process and as a final gesture of gratitude to a public official for their work, 5% of bribes were given without a prior request.

When are bribes paid?

The timing of bribe payments in Nigeria follows a predictable pattern as well; two-thirds of bribes (67%) are paid before a public official provides a service, according to the year 2019 survey (Adeyeye 2020). This percentage is only marginally lower than the 69% found in the year 2016 survey. The remaining bribes are paid in years 2019 either after the service (15%), concurrently with the service (11%) or in two consecutive installments before and after the service (2% each). 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 routinely expected and are prepared for in advance by bribe-payers (Adeyeye 2020).

There are some really intriguing patterns that emerge when the date and method of bribe payments are combined. For instance, between 55% and 77% of bribes are paid before the requested service is rendered anytime a public official seeks one, whether directly or indirectly. This study emphasizes the leverage that public officials have because of their position, which allows them to ask for money in exchange for the promise of performing a public service. However, a sizeable number of bribes are also given before a service is rendered in order to encourage officials to speed up a service or cut out red tape. The majority of people who pay unsolicited bribes purely as a sign of appreciation do so after a service has been provided

Corruption Cases in Nigeria

There had been several corruption cases in Nigeria from the period of independence till today. In this controversial regime of Buhari and Oshibajo, the most celebrated are the following: In another expose', **Raymond Dokpesi**, the chairman of Africa Independent Television (AIT), was another Nigerian who shared from the Dazukigate loot. The Economic and Financial Commission (EFCC) figured that he collected 2.1 Billion Naira from the Central Bank of Nigeria (CBN). The report claimed that the former National Security Adviser (NSA), Dasuki, gave the order to pay Raymond Dokpesi the money. Apart from these there are other fraud cases for profiling viz;

Adedeji Alumile is another well-known figure in the Advanced Fee Fraud, 419 industries, whose image loomed so large in the 1990s that almost all of Nigeria's top musicians were vying for his attention. He was brash, flamboyant, and daring: Back in 1999, he defrauded a former military governor of the old North Central State, retired General Abba Kyari, of 500 Million Naira. He was later convicted, served his sentence and returned to claim he is now born again and pastors a church. Ibusa native **Fred Ajudua** studied law and graduated from the University of Benin in Edo State. He was involved in some of Nigeria's most daring Advanced Fee Fraud cases, including defrauding a former Chief of Army Staff, Lt.-Gen. Ishaya Bamaïyi, of approximately \$8 million in year 2004. Aside from the Bamaïyi case, Ajudua is also on trial for stealing \$550,000 from Ziad Abu Zalaf of Technical International Limited in Germany in 1993. One of **Ajudua's** strongest points, according to those who know him well, is that he is a brilliant lawyer who understands the law and how to use it to his advantage.

Emmanuel Nwude, a businessman convicted of defrauding a Brazilian bank of \$242 Million Dollars. He denied knowing the source of the funds while testifying before an Ikeja Special Offences Court. According to the News Agency of Nigeria (NAN), Nwude was convicted in year 2005 by an Ikeja High Court of impersonating Paul Ogwuma, a former governor of the Central Bank of Nigeria (CBN) who served from October 1, 1993, to May 29, 1999, in order to defraud a Brazilian bank; between 1995 and 1998, the bank, **Banco Noroeste**, was defrauded of \$242 million. Forbes Billionaire **Obinwanne Okeke**, also known as **Invictus Obi**, was arrested by the Federal Bureau of Investigation (FBI) and extradited to the United States in August year 2019 on charges of stealing 11Million Dollars (4.2 billion Naira) through computer and wire fraud between 2015 and 2019.

Punishment

Punishment is said to be the way of making someone suffer because he has broken a law or done something against traditional set rules and regulations, so that the particular caution meant for that type of behavior is executed on the wrong doer, to serve as deterrent for him in the future and others who may want to toe that line. It is to set a standard of behavior in the society and give a negative reward for a crime. This is to bring every member of a community to act in specific ways so that there will peace and justice to prevent the breakdown of law and order. Where law and orderliness break down, chaos and anarchy take over. In those days murder was always punished with death penalty. Corruption is of different facets as has been analyzed earlier. If bribery is isolated, then the different types can be met with different punishment. The different types include; Bribery and kickbacks, bribes and public officials, bribing of (or by) a witness, bribing a foreign official, bank bribery and sporting bribery.

METHODOLOGY

Historical explorative investigation and theoretical approach. According to Siegel (2015), a historical research answers the question of, 'how did things use to be, how are they now and how are they likely to be in future'? It entails synthesizing data from a variety of sources. This research is a historical one that makes use of secondary sources as well as a wide range of primary documentary evidence from diaries, official records, reports, archives and non-textual information, maps, pictures, audio and visual recording. It also involves the profiling of big-time fraudulent activities in Nigeria. It also reviewed the theory of fraud as propagated by various scholars and how that has been applied to Nigerian as a case study. The research question, this article seeks to answer is, how well has the theory of punishment been used within the Nigerian context to serve as deterrent for offenders.

RESULTS

Fraud has become a second nature to Nigerians, virtually in all facets of life and their existence. A quick look at the profile of big-time fraud in Nigeria sadly revealed that the highest sentence for crimes as high as the 20 Billion Dollars is 14 years imprisonment. The punishment varies from 7 years, 12 years and 14 years in prison. It is common knowledge that even before some of the prison sentences are fully consummated, the offender may get a state pardon; invariably he has not suffered any pain or loss for embezzling such a humongous amount. The question then asked is, what is the role of the theories of punishment in all these?

CONCLUSION

This research concluded that the rate of corruption in Nigeria is very high, which is common knowledge and that the infrastructural deficit associated with these numerous crimes and a loss to Nigerians is enormous, it has also increased the poverty level of most Nigerians. It is a result of this research that if the theories of punishment are anything to go by then most corrupt Nigerian officials have not been served the adequate punishment due to their illegality. Imagine, Lucky Igbinedion who stole 3 Billion Naira was asked to bring 140 million as plea bargaining and after laundering 25 billion Naira was asked to pay 3.5 Million Naira as fine. It is also in consonance with the retributive law called the law of retributive justice, which suggests that when an offender violates the law justice demands that they should suffer in return and that the response to the crime should be proportionate to the offence.

It is also the opinion of this researcher that following the spate of miniature punishment for humongous crime the deterrent theory of punishment says; this will not serve as deterrent to any member of the society. It could be a tunic to encourage other members of the society to toe that line and surpass past offenders. The ego-centric syndrome in the current polity now is to get rich quickly by any means possible. The is also to suggest that the yesteryears values on which this Nation Nigeria had thrived are no longer valuable; hard work, integrity, courage, dexterity, respect for mutual property, faith in little things, patriotism and national development. All can see that public office holders who embezzle public fund go scot free. You can imagine an Accountant General of the Federation embezzling as much as 109 Billion Naira, in the last few months. The theory of retributive justice states that what you sow is what you reap and those who sow the wind will reap the whirl wind. The last but one military head of state has died several years ago, yet his loot stashed away in several banks abroad is gradually being returned.

RECOMMENDATIONS

In view of the unusual loss associated with fraud and corrupt practices in the society and the poverty, stunted developmental part associated with it, plea bargaining should be removed from the laws of the land if it was ever there. How do you ask someone who has stolen from funds meant for the use of all, by the utilitarian theory, to return part of it and continue to use the rest even though he has been fully paid his own emoluments, perquisites and paraphernalia of office.

A special tribunal, that has the powers of the supreme court of justice, should be set up to speedily try offenders irrespective of the level they have found themselves, rather than the court cases that are dragged to eternity and at the end of the day when people have lost track of the case, a mild judgment is served. Justice delayed is justice denied and a thief is a thief, whether it is a GSM phone or I billion Naira. The ideals of the past should be re-invigorated into the consciousness of Nigerians where only merit and hard work is celebrated rather than unbridled wealth. Nigeria should copy all the good ideals of the advanced nations without compromising our culture. The culture of our founding fathers is that of hard work, integrity, value for the next person, culture, respect for elders /constituted authority and agriculture.

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