

Political Islam, judicial corruption and the realisation of social justice in Nigeria

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Abstract

The Judicial arm of government is often touted as the last hope of the commoner. It then presupposes that this all-important arm of government cannot be left in the hands of individuals whose integrity, sense of equity, fair play and justice are in doubt. It is an arm of government that requires people of impeccable character and absolute fidelity to justice. Since the return to civilian rule in 1999, the Nigerian Judiciary has been enmeshed in varied forms of corruption. This study, historically and analytically, examines corruption in Nigeria's justice administration system. The study revealed that the colonial origin of the state, its nature and character, play significant roles in the administration and dispensation of justice. Not only that, it further argues that the organisation of the state in line with the exploitative capitalist and neo-liberal political, economic and social policies, which have intensified poverty, deepened inequality, decaying infrastructure and mass unemployment, cannot help but engender pervasive corruption. This perhaps explains why hitherto efforts to combat corruption in Nigeria have yielded little or no positive results. The paper then avers that Islam, within its doctrine, includes a system of justice and the organisation of society in an equitable and egalitarian manner that can help insulate the Nigerian judiciary and the judicial system as a whole from the current unenviable position it is in. The study concluded that the independence of the judiciary guaranteed by law comes with significant responsibility, and that any society where justice is either for sale or for the highest bidder cannot guarantee peace or social justice, which are critical desiderata for the social, economic, and political emancipation of any society.

Keywords: Corruption, Islam, Judiciary, Social justice

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Introduction

Corruption is said to be a global phenomenon, and it is doubtful whether any human society can be insulated from corruption and its attendant ills. What differentiates one society from another is the efforts often made by individuals, groups, and, indeed, the state to attenuate, if not eliminate, corruption. In Nigeria, corruption has assumed an alarming dimension, as it has permeated the moral, economic, political, and bureaucratic fabric of society. Corruption has now become even more worrisome, as it has crept into the judiciary, the institution of state that is constitutionally expected to try and punish those found guilty of corruption wherever it is perpetrated. A society is therefore on the brink once the judiciary is deeply enmeshed in corruption.

Theoretically, the inherent logic of the doctrine of the separation of powers and the principle of checks and balances among the three arms of government is ostensibly premised on the need to safeguard individual and collective liberty. To check the excesses and recklessness that may creep into the administration of the state by the executive and legislative arms of government, it has become compelling to grant the judicial arm independence. The reality in most developing society, is that the independence of the judiciary is often compromised due to the nature of the state, the character of the ruling elite, the mode and relations of production, the history of the judiciary, the nature of its recruitment process and the character of those individuals who eventually make it to the Bench in the justice administration system.

In Nigeria, like in most developing countries, the judiciary is far from being independent, contrary to legal and constitutional provisions. Poor funding, judicial corruption, undue political interference, and manipulation in the appointment, posting, and removal of judges are among the reasons the independence of the judiciary is compromised. Despite this seeming lack of independence, there was a time when the Nigerian judiciary lived up to its billing as 'the last hope of the common man'. At this time, some judges, such as Justices Adetokunbo Ademola, Chukwudifu Oputa, George Oguntade, and Aloma Mariam Mukhtar, were known to have delivered courageous and landmark judgments that have remained evergreen and set commendable standards in the annals of Nigeria's judiciary.

However, beginning with the infamous "my hands are tied" dubious and controversial declaration of Justice Shodeinde Sowemimo in the treasonable felony of Chief Obafemi Awolowo, to the twelve two thirds electoral judgment that the court of instance declared that 'it must not be cited as a precedent' after the 1979 general election, to several frivolous orders, injunctions and counter injunctions on political and electoral matters, the Nigerian judiciary has been enmeshed in a sea of scandals especially when it has to do with political and electoral adjudication.

Is it therefore safe to establish a correlation between the nature of Nigerian politics, its electoral processes, the character of the ruling elites and judicial corruption? What factors predispose the judiciary to corruption? Why have previous efforts at eradicating judicial corruption failed? How have judicial and other forms of corruption inhibited the realisation of social justice in Nigeria? How can political Islam help combat judicial and other forms of corruption in Nigeria? The rest of the paper is divided into four parts: conceptual and theoretical considerations, perspectives on judicial corruption in Nigeria, political Islam's antidote to judicial and other forms of corruption, and conclusion.

Conceptual and theoretical considerations

Political Islam can be conceived as the avowed desire and commitment of some individuals and groups to practice Islam in its pristine form, in accordance with the dictates of the Quran, and in the form in which the Prophet of Islam practised it, through strict adherence to the Islamic legal code known as the *Shariah*. It can therefore be understood as a set of ideologies which insists that

Islam is not only a religion but also a political system and a way of life. Political Islam can be viewed as an ideology that guides society as a whole and insists that state law must be in conformity with the dictates of the Islamic Sharia (Shepard, 1996, p. 40). This conception is derived from the belief that Islam is a total way of life, and its laws should therefore guide the social, economic, political, and personal ways of life of the people. This then suggests that modern Muslims must be prepared to live according to Islamic principles in their legal, social, economic, cultural, and political undertakings.

Fuller (2003) views political Islam as the "support for (Muslim) identity, authenticity, broader regionalism, revivalism and the revitalization of the (Muslim) community. It is understood as "an Islamic militant, anti-democratic movement bearing a holistic vision of Islam whose final aim is the restoration of the Caliphate" (cf. Fuller, 2003, p. 21). Meanwhile, Ayooob (2005) offered a more precise and analytically useful definition, describing it as the instrumentalisation of Islam by individuals, groups, and organisations pursuing political objectives. It provides, according to him, "political responses to today's societal challenges by imagining a future, the foundations for which rest on re-appropriated, reinvented concepts borrowed from the Islamic tradition" (Ayooob, 2005, p. 952). Indeed, adherents of political Islam are in no doubt as to the fact that Islam as a body of faith has something important to say about how politics and society should be ordered in the contemporary Muslim world and implemented in some fashion in line with the dictates of the Quran and the examples of the Prophet (Ayooob, 2005, p. 951).

The concept of corruption, like most social science concepts, is not only complex in definition but also quite elusive. Despite this definitional challenge, corruption, viewed from a moral perspective, is the vitiation of integrity, virtue, or established ethical principles. It means the opposite of what is generally regarded as 'good', 'pure', 'correct' or 'morally' right. Mensah (1986, p. 56) cautions that although corruption is prevalent in all societies, it possesses distinctive characteristics. Its content and mode of expression are culture-specific and vary over time. Werlin (1972, p. 249) defines corruption as an illegitimate use of power for private ends; it implies the illegal appropriation of power, privileges, opportunities, and other benefits for personal gain or advantage. Khan (1996) avers that:

Corruption is an act which deviates from the formal rules of conduct governing the actions of someone in a position of public authority because of private-regarding motives such as wealth, power or status (Khan, 1996, p. 12)

Corruption manifest in several ways ranging from abuse of official position for private gains, soliciting and accepting bribes before the discharge of lawful duties, undue favouritism, nepotism, appropriation and privatization of state properties for private ends, inflation of government contracts, examination malpractices, patronage, cronyism, tribalism, the use of slush fund, kleptocracy, sexual harassment and perversion or miscarriage of justice etc. Otite (1986, p. 12) insists that corruption is the perversion of integrity or state of affairs through bribery, favour, or moral depravity, which involves the injection of additional but improper transactions aimed at changing the normal course of events and altering judgment and position of trust. It consists of the doers' and receivers' use of formal, extra-legal, or illegal acts to facilitate matters. Otite (1986) identifies five types of corruption: political, economic, bureaucratic, judicial, and moral.

In a more illuminating manner, Olopoenia (1998, p. 21) situates the concept of corruption within the context of bargaining for political power as the product of an exchange relation in the process of a competitive power contest. He notes that corruption is fundamentally a "patron-client relationship" in which the state plays the role of "patron" who allocates rights to private agents

(clients), while the share of the rents is given back to the state. In this kind of relationship, where "political settlement" becomes the norm, the balance of power may give rise to two types of patron-client arrangements. These are the patrimonial and clientelist political settlements. The focus of this paper is on judicial corruption, defined as the perversion or miscarriage of justice for private ends. It manifests in the bribery of judicial officers and other morally reprehensible behaviour from those who function in the temple of justice. It therefore goes without saying that a society where the judiciary is corrupt is doomed, and the realisation of social justice would become a mirage.

In Islam, the word *fasad* is used in both the *Quran* (the Islamic Holy Book) and the *Sunnah* (the teachings and practices of the Prophet Mohammed) to cover a broad range of corrupt, unethical, and unacceptable human behaviour (Fethi, 2018). According to Ibn Ashur, the *Quran* defines *fasad* as any act condemned by the Shariah (Islamic law) or by those knowledgeable enough in Islamic jurisprudence to do so (cf. Fethi, 2018, p. 96). The Dictionary of *Quranic* terms and concepts opines that the word *fasad* connotes mischief, corruption, exploitation, wrongdoing, all forms of injustice, anarchy and chaos (Mir, 1987, p. 42). In fact, it also covers a wide range of issues such as bribery, nepotism, favouritism, backbiting, genocide, ethnic cleansing, any act that dehumanises a people individually or collectively and any form of widespread moral decay.

As for Social justice, it is understood to mean the belief that everyone in a society deserves equal opportunities in the distribution of economic resources and in the enjoyment of socio-political rights. It includes access to all the good things of life without restrictions based on religion, gender, race, class, etc. It also refers to the need to ensure justice by ensuring a fair and balanced distribution of wealth, opportunities, and privileges within a society where individual and collective rights are recognised and protected. According to Bhugra (2016), social justice is aimed at promoting a society which is just and equitable, valuing diversity, providing equal opportunities to all its members, irrespective of their disability, ethnicity, gender, age, sexual orientation or religion, and ensuring fair allocation of resources and support for their human rights.

Although social justice is originally a religious concept, it has come to be conceptualised more loosely as the just organisation of society and social institutions in such a manner that they deliver access to economic and other socio-political benefits, which in some instances are referred to as "distributive justice." There are, however, two important ways to understand the concept of social justice. The first way refers to it as a social virtue that applies to a 'society' rather than simply to individual behaviour towards others. It is concerned with social institutions that distribute material resources and social positions in an open, accessible manner and are open to assessment, whether they are just or unjust. The second conceives social justice as having substantive political content, committed to the alleviation of poverty and the eradication of all forms of inequality as a matter of justice rather than charity (Mwaniki, 2005). It is instructive to note that the idea of social justice was first developed by John Rawls, who published his famous book 'A Theory of Justice' in 1971, where he outlined his vision of "justice as fairness." For Rawls, this meant that people ought to consider the rules for a fair allotment of social goods within a society as well as the levels of inequality that can be allowed within such a society.

There have been several theories that seek to explain corruption. These theories are often rooted in a psychological explanation of corruption. Such theories include the frustration theory of corruption and insecurity, the psychoanalytic theory of corruption, the ethnological theory of corruption and insecurity, and the social learning theory of man (Nnaemeka, 2015, p. 2). The shortcomings of these theories lie in their unidirectional understanding of corruption. Such theories

ignore the historical, socio-economic, and class character of corruption, as engendered by the mode and relations of production, distribution, and exchange in a society. It also pays little attention to the class character, hegemonic interests, and the nature of domination, exploitation, and oppression in such a society. This paper, therefore, adopts the Marxian theory of the state as its theoretical framework for its historical and material analysis of the state and for its objective analyses of the criticisms of the aforementioned theories.

The theory assumes that the state is only an 'instrument' or 'executive committee' of a dominant class, used in the exploitation and oppression of the masses. This is in contrast to the liberal perspective, which assumes that the state is an 'umpire', a 'referee', a 'regulator' and an 'arbiter' of conflicting interests within a society. Despite the pretensions of liberal perspectives, the evidence from developing countries, especially in Africa, supports the view that the state has not acted in any objective manner. When not acting as an appendage of the metropolitan master, it is engaging in activities that are antithetical to the collective aspirations of the African people, such that even after independence, the behaviour of the post-colonial state is still essentially oppressive, parasitic, prebendal and dependent. Beckman (1988), in a classic study of African states, discerned three distinctive paradigms through which the state in Africa can be understood and explained. The first paradigm is the neo-patrimonial theory, which puts the crisis of the state in Africa primarily on personal rule and tribalism. The second is the monopolistic theory, in which case, he underscored the disruptive and monopolistic disposition of the political elites and the bureaucracy in the economy and within the commanding heights of society. The third is the comprador theory, which focuses on the distortion of the state occasioned by imperialist domination of the state and economy. What seems incontrovertible is that in Africa, states are "overwhelmed by their own incoherence, indiscipline and shrinking fiscal base" (Sandbrook, 1985, cf. Beckman, 1988, p. 27), which compels them to corruption and corrupt practices. As indicated earlier, corruption in itself is a cankerworm that has eaten deep into the fabric of Nigerian society. It has become more worrisome as it has crept into the state's judicial apparatus, which is supposed to be the last bastion of hope for the commoner and the bastion of justice in society.

Perspectives on Judicial Corruption in Nigeria

A corrupt judge is more harmful to society than a man who runs amok with a dagger in a crowded street. The latter can be restrained physically. But a corrupt judge deliberately destroys the moral foundation of society and causes incalculable distress to individuals through abusing his office while still being referred to as honourable (Justice Samson Uwaifo, 2005)

The history of Nigeria's judiciary cannot be understood outside the context of the formation of the Nigerian state. Just like the state, the modern-day judicial system was imposed on the Nigerian people by the colonial masters. Apart from assimilating the pre-colonial adjudicatory systems in the empires, kingdoms and societies before the 1914 amalgamation, the introduction and imposition of the European style adjudicatory system began with the establishment of the police magistrate courts to settle petty cases and conduct preliminary hearings in more serious ones, the commercial courts concerned primarily with debt, compensation, commercial contracts cases and the likes, which was renamed the Petty Debt court in 1863 and replaced by a court of Request in 1878 and the Slave Commission court to handle problems relating to the payment of compensation

to former enslavers and cases of runaway slaves, apprenticeship and liberation (Asein, 2005, p. 156). In 1900, through the Protectorate court Proclamation, the High Commissioner established a Supreme court, Provisional Courts and the Cantonment Courts. In the same year, with another proclamation, a system of Native Courts was established for the entire Northern Protectorate. It is important to note that there was a prevalence of new courts established in line with British courts in the southern protectorates, in contrast to what obtained in the Northern protectorate at that time.

It is instructive to note that this situation changed in 1954 following the promulgation of Lyttelton's constitution. The constitution created a federal and three regional governments, and, in consonance with this political arrangement, a Federal Supreme court was established for Lagos. In contrast, the three regions established their respective Magistrates and Native Courts. Regional High Courts were also established to hear appeals from the lower courts. In 1956, the Northern region established the Islamic Court of Appeal to hear appeals from Native Courts' decisions in matters of Islamic law. The court was, however, replaced by the Sharia Court of Appeal in 1960 when Nigeria became independent. By 1963, the Courts in Nigeria shed the last vestiges of colonialism by severing all affiliations and appeals which used to go to the Privy Council in England. With the proclamation of the 1963 Republican constitution, the constitution granted exclusive powers and jurisdiction to the Supreme court of Nigeria as the final appellate authority on any matter relating to civil or criminal litigation in the country.

As indicated in the first section of this paper, there appears to be a correlation between political and electoral litigation and judicial corruption in Nigeria. Indeed, the first litmus test of the judiciary after independence in terms of equity, fairness and justice was the felony trial of Chief Obafemi Awolowo. In the celebrated case, the judiciary proved to be subservient and susceptible to manipulation in the infamous conviction and sentencing to jail of Chief Obafemi Awolowo. Hear Justice George Sowemimo, when he gave the ignominious judgment;

...here we have one of the first premiers of the autonomous region standing trial. If you were the only one before me, I would have felt that it was enough for you to have undergone the strain of the trial. I would have let you go. However, I am sorry; I cannot do so now because my hands are tied (cf. <https://www.thenwehumanitarian.org>report>Nigeria>).

This open admission of a miscarriage of justice, coupled with other political miscalculations, opened a floodgate of political reactions that culminated in the 15th of January, 1966 coup d'état in the country. In fact, the leader of the coup plotters hinged their actions on the intolerable levels of political and judicial corruption prevalent in the society at the time. In the speech announcing the coup, Major Nzeogwu described the political elites in the following manner:

.....our enemies are the political profiteers, the swindlers, the men in high and low places that seek bribes and demand 10 percent; those that seek to keep the country divided permanently, so that they can remain in office as ministers or VIPs at least, the "tribalists", the "nepotists", those that make the country look 'big for nothing' before international circles, those that have corrupted our society and put the Nigerian political calendar back by their words and deeds..... (cf. Nzeogwu Coup Address, 1966)

Another controversial and questionable decision that has put the Nigerian judiciary in disrepute is the twelve-two-thirds saga following the 1979 presidential election between Alhaji Shehu Shagari of the National Party of Nigeria (NPN) and Chief Obafemi Awolowo of the Unity Party of Nigeria (UPN). In the ruling of 6th September, 1979, the Election Tribunal upheld the NPN's lawyer's argument that two-thirds of nineteen is not thirteen, but twelve two-thirds. It declared Alhaji Shehu Shagari the winner of the election. Not satisfied with the Tribunal's decision, the UPN candidate, Chief Obafemi Awolowo, proceeded to appeal the ruling at the Supreme court. At the end of the litigation at the Supreme court, the Judges claimed that the NPN's argument persuaded them, upheld the Tribunal's decision, and declared Alhaji Shehu Shagari as the president. It is important to point out that the Judges were mindful of the inherent lapses in the judgment they premeditatedly gave, but added a caveat to the judgment that the verdict "must never be cited as a precedent" in future cases. What a travesty of justice!

The judiciary was once again enmeshed in an unwarranted controversy bordering on perceived corruption during the events leading to the conduct of the June 12, 1993, presidential election won by Chief Moshood Abiola. In the build up to the election which has been adjudged to be one of the freest and fairest elections in the annals of Nigeria, a faceless organization known as the Association for a Better Nigeria (ABN) led by Chief Arthur Nzeribe, sought and got an injunction from an Abuja High court presided over by Justice Bassey Ikpeme at about 9:35 pm restraining the National Electoral Commission (NEC) from conducting the planned election. As a testament to Justice Bassey Ikpeme's recklessness, the Electoral Commission disregarded the order and proceeded to conduct the election. The chairman of the Electoral Commission, Prof. Humphrey Nwosu, argued that the law that established the Commission emphasised its independence and insulated it from such orders, and that nothing can stop the election except if the Commission deems it fit to do so. With the Commission's resolve, the election was conducted. However, while the results were being collated, another questionable injunction was granted by Justice Dahiru Saleh and handed to the NEC officials by the then Attorney General of the Federation, Mr Clement Akpangbo, ordering the stoppage of the collation. During this period, the Nigerian judiciary was not only ridiculed but also derided by the reckless injunctions and counter-injunctions that Nigerian Courts frivolously granted. At some point, these frivolous injunctions and the occasional times they were granted led some analysts to derogatorily refer to them as "jankara" or "black market" injunctions.

Since the return of civil rule in 1999, the corruption in the judiciary, primarily through election Tribunals, has assumed alarming and unimaginable dimensions and proportions as judges are not only openly accused of collecting bribes for electoral litigations, even judges accuse themselves of corrupt practices ranging from bribery, manipulation of court processes, favouritism, nepotism to deliberate travesty of justice for pecuniary benefits. Apart from the corruption accusations and counter accusations between Justice Aloysious Katsina-Alu, the Chief Justice of the Federation and Justice Isa Ayo Salami, the President of the court of appeal, who was responsible for the constitution of the Electoral Petitions Tribunal bear eloquent testimony to the rot in the judicial system in Nigeria, several Judges have been accused of corruption during election petition trials the case of the gubernatorial election petition tribunal in Akwa Ibom state between Ime Ummanah of the All Nigerian Peoples Party (ANPP) and Victor Attah, the then governor who contested the election under the banner of the Peoples' Democratic Party in the 2003 governorship election bears rendering here:

According to Umanah, the tribunal chairman, Justice Matilda Adamu, received the sum of 6.4 million Naira on May 28, 2003, from the state chief judge, Justice Effiong Udo, on behalf of Governor Attah. The money was said to have been paid into two bank accounts belonging to Justice Adamus's children. Hadiza and Michael Ochoga. While it was not clear how much was given to other members of the tribunal, one of them, Justice D.T. Ahura of the Federal High court, Makurdi, was said to have gone on a spending spree after collecting his share... (Ugochukwu, 2004, p. 69)

The case was so embarrassing to the country's justice delivery system that the National Judicial Council had to order an investigation into all allegations against those who are supposed to be ministers in the temple of justice. It is a sad commentary that all five of them, Justice Effiong Udo, the then Chief Judge of Akwa Ibom State, Judges Matilda Adamu, Anthony Elelegwu, O.J. Isede and Tanimu Mahmoud, were all ignominiously sacked from the bench. In the same vein, there have been allegations of underhanded dealings in the handling of electoral cases in Nigeria. For example, in 2016, the residences of some judges were raided by the Department of State Security Services, during which vast sums of money suspected to be the proceeds of corruption were allegedly recovered. The Judges fingered in the dastardly act are Judge Adeniyi Ademola, and Nnamdi Dimgba of the Federal High court in Abuja, Kabiru Auta of Kano, A. I. Umezulike of Enugu State, Muazu Pindiga of Gombe State, Samia of Sokoto State, as well as Sylvester Ngwuta and John Okoro of the Supreme court of Nigeria (Okakwu, 2016, p. 1).

More recently, in a damning report titled 'Nigeria Corruption Index: Report of a pilot survey' released by the Independent Corrupt Practices and Other Related Offences Commission (ICPC) in 2020, it was estimated that a whopping 9.4 billion was received in a 'bribe-for-judgment' scheme in Nigeria's judicial sector between 2018 and 2020 alone. The report indicated that lawyers were primarily responsible for offering bribes to secure favourable judgments, mostly in electoral and political matters (Sanni, 2020, p. 1). It bears no emphasis that once a judge receives a bribe, such a judge becomes compromised and can no longer be an independent umpire in the temple of justice whose sacred duty is to make a fair, objective, impartial and just pronouncements in all matters brought before him or her without fear or favour to all, irrespective of class, religion, race or any other primordial considerations.

There have been several efforts by successive governments in Nigeria to fight corruption through legal instruments and punitive measures, such as the establishment of the Code of Conduct Bureau and Tribunal, the Economic and Financial Crimes Commission (EFCC), and the Independent Corrupt Practices and Other Related Offences Commission (ICPC). Etc, to investigate and, if found culpable, punish corrupt individuals. Quite commendable as these efforts are, a lot still needs to be desired in the quest to eradicate corruption in Nigeria, especially in the judicial sector. The consequences of a corrupt judicial system are too visible to ignore. In Nigeria today, the people face excruciating poverty, extreme hunger, decayed infrastructure, epileptic power supply despite the billions of dollars reportedly spent on electricity, widening inequality, massive unemployment, banditry, kidnapping, insurgency and terrorism, all of which are accounted for by the unbridled and wanton corruption pervading all sectors of the Nigerian political economy.

Political Islam's Antidote to Judicial and Other Forms of Corruption

A kingdom can endure with unbelief, but it cannot endure with injustice. Shehu Usman Dan Fodio

Unlike the piecemeal, uncoordinated, selective, and often haphazard sectoral fight against corruption in Nigeria, Islam takes a comprehensive, holistic approach to preventing and eradicating corruption, referred to as *fasad* in Islamic exegesis. Apart from the fact that Allah (God) abhors corruption and those who are corrupt, according to the Quran (chapter 2, verse 205), which says that "...and when they leave 'you', they strive throughout the land to spread mischief (corruption) in it and destroy crops and cattle. Allah does not like mischief (corruption)... There are socio-economic obligations of the state as prescribed by the Quran that would make corruption naturally unattractive and, in the same vein, prescribe very severe punishment for social deviants whose proclivity to corruption cannot be attenuated by the benevolence of the Islamic state. This position is reinforced by the dictate of Quran when it admonishes the people to "...seek by means of the wealth that Allah has granted you the abode of the Hereafter, but forget not your share in this world and do good as Allah has been good to you and do not strive to create mischief (corruption) in the land, for Allah loves not those who create mischief corruption"(Q28 verse 77).

One way to prevent judicial and other forms of corruption in society is through the institution of *Zakat* (Alms tax). Through the institution of *Zakat*, society ensures a fair and equitable distribution of wealth, resources, and opportunities, thereby eradicating hunger, alleviating poverty, and reducing unemployment and inequality. In a society with a high rate of youth unemployment that is daily confronted with obscene displays of wealth acquired through illicit means, the propensity to join the corruption bandwagon becomes very high. Islam compels the Amir (Leader of the state) to ensure full employment in the society. It is also his responsibility to ensure that no member of the community goes to bed hungry because this is the *Amanah* (trust) which he committed himself to achieving by accepting the leadership of the society.

In Islam, accepting any position or holding any office involves a long process of assessment and recruitment before any employee is offered a job, whether in politics, bureaucracy, or business, and the duties, responsibilities, and obligations of both parties must be clearly stipulated and spelt out. Once the offer is accepted, it becomes an *Amanah* (trust), and neither party may renege on the terms of the contract. This is expressly enjoined in the *Quran* when it declared that "O you who believe! Do not betray God and the Messenger, nor betray your trusts, while you know" (Qur'an, 8:27). To do otherwise is to incur the wrath of Allah on earth and in the hereafter. The Quran further compels all its adherents to do good at all times whether in politic, business, social relations etc. Allah commands "and do good to parents, kinsfolk, orphans, those in need, neighbors who are near, neighbors who are strangers, the companion by your side, the wayfarer (ye meet)" (Quran chapter 4 verse 36).

Both the Qur'ān and the *Sunnah* strongly condemn judicial corruption in all its ramifications. This is enjoined in the Quran 4 verse 135 when it declared that "O ye who believe! Stand out firmly for justice, as witnesses to God, even as against yourselves, or your parents, or your kin, and whether it is (against) rich or poor for God can best protect both" this is an injunction which compels all to ensure that justice reign supreme in all circumstances and against all odds. It becomes imperative to do justice without fear or favour, or prejudice, to all, whether poor or rich, influential or deprived, and across racial and generational divides. It was reported in one of the sayings of Prophet Mohammed that;

...amongst the three types of judges in a community, two of them will be condemned to hellfire in the Hereafter, and only one will enjoy the blessing inherent in Paradise. A learned judge who is will live eternally in Paradise; an ignorant judge, together with a learned but unjust judge, will rot in Hell (cf. Fethi, 2018, p. 104)

Just as judges have an obligation to do justice, litigants and witnesses also have an obligation to support the judicial process. Unlike in Nigeria, where lawyers delay court proceedings through unnecessary technicalities and sometimes serve as conduits for bribes and other incentives to judges. Quran chapter 4 verse 105 says, "O Messenger! We have revealed to you this Book with the Truth so that you may judge between people in accordance with what Allah has shown you. So do not dispute on behalf of the dishonest (people)" Also, witnesses are enjoined to be witnesses of truth. They are not to conceal, avoid or alter any material facts that would help the justice delivery process, irrespective of the side they may be on. Quran supports this in chapter 4 verse 135, which states that "O Believers! Be upholders of justice, and bearers of witness to truth for the sake of Allah, even though it may either be against yourselves or against your parents and relatives, or the rich or the poor: for Allah is more concerned with their well-being than you are..." (Quran 4 verse 135).

Bribery is one reason judges compromise their impartiality to pervert justice. It confers an undue advantage on the wealthy who can pay the price and deliberately and intentionally do injustice to the righteous on account of unequal socio-economic status in society. This is contrary to the dictates of the *Quran* as contained in chapter 2, verse 188, which outrightly prohibits the giving and collection of bribes in all socio-economic transactions when it states that "...do not consume one another's wealth unjustly, nor deliberately bribe authorities in order to devour a portion of others' property, knowing that it is a sin". This position is also corroborated by the Prophet of Islam's reported statement that "the curse of God is upon the one who offers a bribe and the one who takes it" (cf. Fethi, 2018, p. 101).

In terms of the recruitment of judges, Islam stipulates that only men of proven character and integrity, who are pious, knowledgeable, self-disciplined, and courageous, should be appointed as judges. Once appointed, they are insulated from politics and political manipulation, as they are expected to deliver justice without fear of favour or reprimand, or removal by another arm of government. Each judge is conscious of his actions because, apart from the scrutiny on earth, he is knowledgeable enough to know that he is accountable to Almighty God for all his deeds. The Quran admonishes that anyone who does not judge according to the dictates of the Quran is an evil doer and a transgressor. The Quran further posits that;

...and We have revealed to you, [O Muhammad], the Book in truth, confirming that which preceded it of the Scripture and as a criterion over it. So judge between them by what Allah has revealed and do not follow their inclinations away from what has come to you of the truth. To each of you, we prescribed a law and a method (Quran, 5:48).

Islam abhors favouritism, nepotism and cronyism, which have remained the bane of Nigeria's judiciary. Islam recommends that in filling any vacant position in the political system, especially the judiciary, personal qualities of piety, competence, honesty, trustworthiness and efficiency in the discharge of duties should be the uppermost consideration in the selection process and not some other primordial considerations that can harm the health and proper functioning of the

society. As the Quran indicates, "O my (dear) father! Engage him on wages: truly the best of men for thee to employ is the (man) who is strong and trustworthy" (Quran 28 verse 26). Once these efforts to prevent corruption in a society have been made to no avail, Islam prescribes severe punishment, and in some cases capital punishment, to serve as a deterrent to recalcitrant deviants who may wish to insist on their corrupt ways and tendencies. For the avoidance of doubt, Quran chapter 5 verse 33 stipulates that;

Indeed, the penalty for those who wage war against Allah and His Messenger and strive upon earth [to cause] corruption is none but that they be killed or crucified or that their hands and feet be cut off from opposite sides or that they be exiled from the land (Quran Chapter 5 verse 33).

Conclusion

You (Muslims) are the best community ever raised for humanity (as an example). You enjoin what is right and forbid what is wrong, and believe in Allah (Quran, Chapter 3, verse 110)

The neo-liberal political and electoral process in Nigeria, with its emphasis on electoral competition, predisposes the judiciary to corruption. The nature of the state and the parasitic character of its ruling elites compel a winner-takes-all mentality that glorifies expediency over and above rationality in the capture and retention of power. Given the immensity and the arbitrary use of state power, the Nigerian courts has become what Mohammed Haruna once described as "a safe sanctuary for election riggers, while insisting that election rigging is essentially a political problem and not a legal one, the solution to (election) rigging is to be found in politics and not in the courts" (Haruna, 2008, p. 12)

The optimism that informed the logic of the separation of powers has not materialised. Not only are the rights, liberties, and freedoms of citizens trampled upon, but the wanton corruption in the Nigerian judiciary has largely disempowered them. Although corruption is said to be a global phenomenon, what sets one society apart from another is the commitment to fighting the cankerworm to a standstill. Corruption becomes endemic and intractable once it permeates the judicial system. As Justice Anthony Aniagolu, a onetime Justice of the Supreme court of Nigeria, once declared

You can default in every arm of government, but you dare not default in the Judiciary. That is where God himself sits on the throne. You are therefore representing Almighty God himself as you sit on that throne (cf. The News, July 14, 2008)

This study has shown that some judges have brought the Nigerian judicial system into disrepute by their greed and the display of obscene wealth suspected to be proceeds of bribes paid to them to pervert the course of justice. Judges even refused to be transferred to higher courts, trading corruption accusations and counteraccusations against one another while still on the Bench.

It was observed that previous attempts to combat corruption in the judiciary and other sectors of Nigerian society have been neither effective nor successful because they rely solely on legalistic and punitive measures. In view of this shortcoming, this paper opines that the political Islamic approach tackles corruption comprehensively and holistically. Islam is of the view that you cannot impoverish a people, deploy the weapon of hunger and display obscene wealth and expect the people not to be corrupt.

To holistically fight corruption, especially in the judiciary, Islam institutes an equitable distribution of society's wealth and resources through the compulsory payment of zakat. It also places the faithful implementation of an effective and efficient distribution of society's wealth on the leader's shoulders. It prescribes the appointment of pious, knowledgeable, courageous, and self-disciplined individuals of proven integrity as judges who must deliver judgments with fear of God and without fear or favour. It therefore bears no repetition that the realisation of social justice, in terms of equal opportunities and a more abundant life for all the people in Nigeria, would remain elusive if the judiciary remains corrupt and justice is served only to the highest bidder.

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- Quran 2 verse 205

Quran 28 verse 26

Quran 28 verse 77

Quran 3 verse 110

Quran 4 verse 105

Quran 4 verse 135

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