



The Shari’ah Frameworks towards Combating Corruption and the Roles of Nigerian Muslim Youth

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Abstract

The youths are the greatest asset and the hope of every society. The future of a society is determined by the attitude of its youth. The Qur’an and Sunnah recognize the importance of the Muslim youth as the vanguard to fight all sorts of evils including crimes in the society. One of such evils (crimes) that pervade the contemporary Nigerian society is corruption, which has affected the nation’s social, economic and political development. It appears the past generation has failed to battle the crime of corruption, hence the need for the youths to step in. Meanwhile prevention is one of the main features of criminal justice system. Thus, one of the necessary tools needed by the youths to combat corruption is to prevent its occurrence both in asking and giving. The Muslim youths are, however, expected to lead the campaign against corruption because they are regarded in Shari’ah as the best of the groups of people. This paper will therefore highlight the effect of corruption in the contemporary Nigerian society. It will also discuss the methods prescribed by Shari’ah for preventing the occurrence of corruption in any society, and then examine the role of the Muslim youths Nigeria in preventing the menace of corruption. The paper proposes that by effectively applying the Islamic methods, the crime of corruption will reduce in Nigeria. The research is mainly doctrinal whereby literature on corruption and its adverse effect on development in Nigeria will be analyzed. The paper will also look into Islamic primary sources including the Qur’an and Hadith and other secondary sources to identify the Islamic remedy for the problem of corruption in the society and how the responsibility can be properly carried out by the Muslim youths.

Keywords: Corruption; Youth; Islam; Development; Muslim youth.

1. Introduction

Like any endeavor in any society, campaign and war against corruption can never be a success without making the youths the warlords of the crusade. The major effect of corruption in any society manifest mostly in the development of such society. A corrupt society is a ‘kwashiorkored’ society. The future of a society is, however, determined by the attitude of its youth. Corruption is believed to be a dominant root cause of the various crimes that bedevil the contemporary Nigerian society. The struggle by the country to meet up with her social, economic and political development has been attributed to corruption. It, however, appears that the older Nigerian generation has failed to battle the crime of corruption, hence the need for the youths to step in. Meanwhile prevention is one of the main features of criminal justice system. Thus, one of the necessary tools needed by the youths to combat corruption is to prevent its occurrence both in asking and giving. The Qur’an and Sunnah recognize the importance of the Muslim youth as the vanguard to fight all sorts of evils including crimes in the society. The Muslim youths are, however, expected to lead the campaign against corruption because they are regarded in Shari’ah as the best of the groups of people. This paper will therefore highlight the effect of corruption in the contemporary Nigerian society. It will also examine, briefly, the efforts by Nigeria to tackle the crime and those efforts are not effective. It will then discuss the approach adopted by Shari’ah for preventing the occurrence of corruption in any society, and then examine the role of the Muslim youths Nigeria in preventing the menace of corruption.



2. Corruption: Definition and Scope

This term has been popularly used in and applied to various circumstances that almost every person believes they know its meaning but this may not be true.¹ Not many understand what corruption entirely means. This does not mean people do not have ideas of what it is. The graphic description of this term by Akanbi remains indelible in our minds. He described corruption as ‘a cankerworm that has eaten deep into the fabrics’ of our nation.²

The term ‘corruption’ is amenable to many definitions but ultimately, it would mean what and how individual chooses to view it. Corruption has been described as ‘a departure from what is pure or correct from the original’.³ It also connotes an impairment of integrity, virtue, or moral principle, especially, the impairment of a public official’s duties by bribery.⁴ In another instance, Kadir gave various definitions for this insidious term to include ‘depravity, pervasion or taint or impairment of integrity, virtue, or moral principle especially impairment of public officials duties by bribery’; ‘act of doing something with intent to give or receive some advantage inconsistent with official duty and the rights of others’; ‘undue advantage, abuse of office, undeserved favor, obtained through manipulation of rule of status, any unfavored conduct occasioned by graft or promise of same’.⁵ In a more apt manner, Kadir gave a definition to the effect that corruption is “a manifestation of lack of transparency and accountability in the governance and in the exercise of discretionary powers of a person invested in power of authority to take decision relating to some other person or body”.⁶ The definitions seem to be endless. It should be observed that from the above definitions, one common index for determining corruption is ‘abuse of public office’. This impliedly suggests that only holders of public positions could be corrupt or are corrupt but this may not be true. To underscore this point, Williams defined corruption as “any act that your conscience tells you is wrong”.⁷ Therefore as much as it involves abuse of office so much it also involves bribery, embezzlement, money laundering among other acts mainly engaged in by citizens who hold no official positions. It thus occurs at political, social and economic environments and in all places irrespective of the type, style and form of governance because corruption has no respect for class or ideology.⁸

While attempting to show that corruption does not discriminate as regarding the persons that could engage in it, Muhammad Uwais CJN (as he then was) in the case of *Attorney General of Ondo State v. Attorney General of the Federation and others*⁹ noted that:

¹Akande, Jadesola., “Address” in *Fawehinmiism: Corruption and the Survival of the Nigerian Nation* (Lagos: N.B.A. Ikeja Branch and Nigerian Law Publications Ltd., 2007), 8 – 11.

² Ige, I., and Lawal, D., “Akanbi reels out causes of corruption in Nigeria”, *Vanguard*, 16 September 2005 <http://journal.probeinternational.org/2005/09/16/akanbi-reels-out-causes-of-corruption-in-nigeria/> (Accessed on 3 October 2014); Shittu, H., “Corruption Still a Cankerworm, Says Akanbi”, *Africa News Service*, 4 February 2008 <http://business.highbeam.com/3548/article-1G1-174203816/corruption-still-cankerworm-says-akanbi> (Accessed on 3 October 2014); Ajibaye, S. A., “Mustapha Akanbi: Quintessential dispenser of justice”, *Daily Newswatch*, 25 July 2013 <http://www.mydailynewswatchng.com/mustapha-akanbi-quintessential-dispenser-of-justice/> (Accessed on 3 October 2014).

³Advanced Law Lexicon: 2005, p.1078

⁴Black’s Law Dictionary: 1999

⁵Kadir, O. R., “Independent Corrupt Practices and Other Related Offences Act 2000: An Examination of Islamic and Common Law Perspectives”, *The Jurist* 8, (2003): 175.

⁶ *Ibid.*, 176.

⁷ Williams, I., “Corruption and the Challenges of Followership, Leadership and Governance in Nigeria” in *Fawehinmiism: Corruption and the Survival of the Nigerian Nation* (Lagos: N.B.A. Ikeja Branch and Nigerian Law Publications Ltd., 2007), 36.

⁸*Ibid.*

⁹ (2002) FWLR (Pt. 111) 1972; (2002) 9 NWLR (Pt. 772) 222; [2002] 27 WRN 1.



Corruption is not disease which affects public officers alone but society as a whole. It is therefore to be eradicated effectively; the solution to it must be pervasive to cover every segment of the society.¹⁰

It is submitted therefore that corruption is anything that deviates from the lawful and morally right system agreed to by the people of a particular locality. The term denotes conducts which are morally unsound and debased including conducts which was neither fraudulent nor dishonest if it would be otherwise blameworthy. The perspectives may rage on but an underlying point is that corruption allows decisions and actions of a person to be influenced not by rights or wrongs of a cause but by the prospects of monetary gains or other selfish considerations.

All these point to the fact that what amounts to corruption differs from one place to another. Also, that corruption does not reside in the public office domain alone but covers every aspect of our individual personal lives. Children cheat their parents by collecting more than levies charged at school or levies not charged at all; spouses connive and collude with other people to swindle their partners; parents collect material gifts to provide partners for their wards (especially daughters); marketers collude to cheat unsuspecting buyers or add to price cost without just reason or even manipulate their measuring tools. The list is endless. In fact, corruption can be described as in the words of Francis Beaumont (1584-1616), “a tree, whose branches are of an unmeasurable length, they spread everywhere...”¹¹

3. Effects of Corruption on Nigerian Society and the Youth

Corruption has been acclaimed a disease that has crippled the Nigerian society. And just like a person who suffers from Malaria would complain of headache, body ache, temperature rise, dizziness, etc., Nigeria now suffers from various smaller societal operation ailments. Oyewole was earlier quoted saying “Corruption and disdain for rule of law threatens the very foundation of our nation”. Despite that corruption has been identified as the major menace threatening the survival of the social, economic and political development in Nigeria, it is sad that the country is not poised to repel the vice and incapacitate its practitioners.¹² Describing the kind of effect corruption has on the nation, Ogwuegbu asserted in the *Attorney General of Ondo State v Attorney General of the Federation & Ors*¹³ that “Corrupt practices and abuse of power can, if not checked, threaten the peace, order and government of the federation or any part thereof...”¹⁴

Corruption has so much afflicted Nigeria to the extent that the nation has been severally rated among the ‘best’ corrupt nations.¹⁵ Sadly, the corrupt practices of Nigerians have spilled beyond the country’s borders.¹⁶ The existence of corruption (which has now been institutionalized) in Nigeria has

¹⁰ (2002) FWLR (Pt. 111) at 2070-2071; (2002) 9 NWLR (Pt. 772) at 306.

¹¹ “Cleaning the Augean stables”, *The Hindu Business Line*, Saturday, 9 December 2000. <http://www.thehindubusinessline.com/2000/12/09/stories/120964tn.htm> (Accessed on 3 October 2013).

¹² Ayoola E. O., “Keynote Address” in *Fawehinmiism: Corruption and the Survival of the Nigerian Nation* (N.B.A. Ikeja Branch and Nigerian Law Publications Ltd., Lagos: 2007) pp.19-20.

¹³ *Supra*.

¹⁴ (2002) FWLR (Pt. 111) at p. 2098; (2002) 9 NWLR (Pt. 772) at pp. 337-339.

¹⁵ As at 16 June 2011, Nigeria was the 4th most corrupt (Muslim populated) country in the world on the Transparency International rating. See Faheem, Y., ‘Confronting Corruption in the Muslim World’ <http://www.huffingtonpost.com/faheem-younus/enforce-shariah-law-or-le_b_877211.html> accessed on 30/11/2011. In the recent Transparency International Corruption Index for 2013, Nigeria ranks 144/177 and scores 25/100. See Transparency International, “Corruption measuring Tools: Nigeria” <<http://www.transparency.org/country#NGA>> (Accessed on 5 October 2014). The Transparency International 2013 Global Corruption Barometer also reveals that 72% of Nigerians believe that corruption has increased a lot in the country. See Transparency International, “Nigeria: Over the Past Two Years how has the Level of Corruption in this Country/Territory Changed” <<http://www.transparency.org/gcb2013/country/?country=nigeria>> (Accessed on 5 October 2014).

¹⁶ Mohammed, JSC in *AG Ondo State v AG Federation and Ors* (*supra*) (FWLR) at p. 2106; (NWLR) at pp. 347-348.



negatively affected the psyche of the people. It has perverted the rationality of Nigerians regarding the concept of righteousness. This has been linked with the Nigerians' social attitude towards the culture of corruption in the country. According to Maduagwu, Nigeria is one of the countries where officials feel proud of being accused of corruption because he would not be condemned by his people.¹⁷ Rather, they would extol him as being smart and if he does not corruptly enrich himself with the public fund before his departure from the public service, the people will brand him as a fool and he may be ostracized.¹⁸

The situation continues to worsen as the corruption culture percolates through generations so much that an average Nigerian youth of today strongly believes in the doctrine of 'national cake'. It is now common to hear from Nigerian youths (whenever issues of civic duty and responsibility crop up) that they care little about whose ox would be gored then but that whenever opportunities come knocking, they would ensure that they quickly cut their own share of the cake (of the public fund).¹⁹ This trait was observed through one of the author's participation and involvement in certain youth programs.²⁰ It is amazing how nowadays when you invite youths to a life changing program, the foremost in their minds (which some will even ask) is what material (nay financial) gain would they get for participating in the course or program. If that is not guaranteed, it is almost certain that the program will not be well attended. One example is about a friend who is a teacher but also enrolled as an unemployed youth with the Nigerian Directorate of Employment (N.D.E.)²¹. He chose to learn computer desktop publishing as a trade. But he refused to attend the computer classes despite the near proximity of the school to his house. When he was asked why he refused to attend the classes, he answered that he did not need the computer training; he only needed to collect the monthly allowance that the N.D.E. gave to participants.

Corruption has a negative impact on all indicators of economic development. Mu'azu noted that corruption, especially political corruption breed lack of productivity, lack of initiative and creativity to put sound policies, which could generate further development.²² Thus, the rate of economic growth, domestic and foreign investment, employment and fair income distribution all suffered and are regarded as a result of corruption.²³

The public sector has been established as the major merchant of corruption in Nigeria.²⁴ Indeed, it is because of the corrupt practices of Nigeria's public service functionaries that neither the landscape of Nigeria nor the standard of living of its citizens has significantly improved since independence, despite the

¹⁷ Maduagwu, E., *Problems of Socialism: The Nigerian Challenge* (London: Zed books, 1982), 483.

¹⁸ Ibid.

¹⁹ See Osundare, N., "Personality Interview" *TELL*, 17 September 2012, 41-43.

²⁰ The first author was a member of the First Session of the Nigerian Youth Parliament between 2008 and 2010. During the period, he organised several youth orientation programmes including a Youth Town hall Meeting in 2010.

²¹ The Nigerian Directorate of Employment is a Federal Government's parastatal charged with the responsibility of designing and implementing programmes to combat unemployment in the country. See Usiwoma, E. E. and Mgbor, M.O. "The National Directorate of Employment's Open Apprenticeship Scheme in Nigeria: New Wine in Old Wineskin?", *Education and Training* 47, No. 4/5 (2005): 325 – 336; Ogunlela, Y. I., "Impact of the Programmes of the National Directorate of Employment on Graduate Employment and Unemployment in Kaduna State of Nigeria" *Pakistan Journal of Social Sciences* 9, (2012): 40-45.

²² Mu'azu, M. Y., "Causes and effects of corruption on society development" (Presented at a seminar organized by the Code of Conduct Bureau, held in Jigawa 3 Star Hotel, Dutse, on 14th November, 2000), 4.

²³ Ibid.

²⁴ According to a recent survey conducted by the Transparency International for the 2013 Nigeria's Corruption Barometer where the question was asked that "To what extent do you Think Corruption is a Problem in the Public Sector in this Country/Territory?", 78% of the respondent answered that it is a serious problem. Meanwhile, in a related survey where rate of corruption was assessed sector by sector, the core public sector (political parties, military, parliament, education, judiciary, police and civil service) had very high corruption ratings. They were had 94%, 45%, 73%, 54%, 66%, 92% and 69% respectively. See Transparency International, "Nigeria: Global Corruption Barometer 2013" <<http://www.transparency.org/gcb2013/country/?country=nigeria>> (Accessed on 5 October 2014).



huge monetary resources which the government has been able to accumulate over the years. Also, at the level of political development, Nigeria remains incapable of resolving its political crisis, including those that lead to the present security challenges we experience.²⁵

Contrary to the popular belief that only the leaders make up the public sector, it is submitted that the public also include the citizens. Thus, we are all guilty of corruption. Showing how the citizens could also perpetrate corruption, Akande narrates that:

“But let me warn that each of us is corrupt. Because the ICPC Act says both the giver and receiver are guilty. Can you say you have never given? Some of us are saying they have never given. The Major General of Transparency International has never given, he has never been asked, and when he was asked, he reported. Well then you are corrupt because not reporting is also part of corruption. You are hiding it; you are encouraging it. You encourage it to thrive. Unless you do not fall into any of those categories, all of us are guilty of corruption. I was driving to Ibadan, this man in front of me, he had taken the money out, he said “just take this”. The police man took it. Because I had a police officer in front of my car, he turned round. I didn’t report. Just on Sunday, yesterday. So, I didn’t report, I haven’t reported and I don’t intend to report.”²⁶

Therefore, to refuse or fail to report a corrupt act is wrong and that is corruption. The main lesson behind the above experience is that at the level we now operate in our society and due to human nature, we cannot eradicate corruption but where it exists, we must have mechanisms, will and zeal for tackling it effectively. This requires cooperation between the leaders and the followers.²⁷ This is because as much as the challenge of leadership in Nigeria is disturbing, far greater a challenge is followership. The fact is always ignored that leaders are not dropped upon people from heaven, they made them. A leader today was a follower before. Followership is the primary base from where leadership is chosen, and empowered to govern so as to impact on the daily lives of the people and lay the foundation for the future.²⁸ Williams defined followership as “a group of people possessing the potentials to produce and choose good leaders”.²⁹ However, in this paper, followership is described as *that group of individuals who are conscious of the fact that they have the potential and indeed the power to choose and produce good and morally sound leaders in a conscientious and morally upright manner*. They will also do righteous acts that will taunt the leaders whenever they tend to stray. This description shows therefore, that it is corruption for voters to give their mandate to politicians who pay them money to vote.

The danger of the effect of unhindered corruption is usually felt in the criminal justice sector of the society. Although the ordinary expectation of citizens in the society is that the justice institutions should protect citizens’ rights and liberties but the typical opinion of majority of Nigerians is that the judicial arm of the government is one of the most corrupt in the country.³⁰ In a recent poll conducted by the Transparency

²⁵ Mu’azu, op. cit., p.6. See also Transparency International, “Nigeria: Corruption and Insecurity” <http://www.transparency.org/news/feature/nigeria_corruption_and_insecurity> (Accessed on 6 October 2014).

²⁶ Akande, op. cit., p. 11.

²⁷ See Ajayi, A. I., “Leadership, Followership and Socio-Political Development in Post-Independence Nigeria” *Glo. Adv. Res. J. Hist. Polit. Sci. Int. Relat.* 1, No. 9, (2012): 191-196.

²⁸ Williams, op. cit., 38.

²⁹ Williams, op. cit., 39.

³⁰ Mary Noel Pepys “Corruption and the Justice Sector”, p. 3. Available at <http://pdf.usaid.gov/pdf_docs/PNACT878.pdf> (Accessed on 28 October 2014).



International, the judiciary and the police had 66% and 92% corruption rating among the citizens.³¹ The abysmal rating is as a result of the citizens' complaints of unequal access to right to fair trial and impartial tribunals as they observe that while the powerful and wealthy in the society often get preferential judicial treatments, the larger percentage of the less privileged offenders are usually denied access to fair and effective judicial services.³² The consequence of the citizens' negative perception of the criminal justice sector is apathy and loss of faith in the system.³³ The citizens thus refrain from approaching the justice institutions for redress thereby resorting to jungle justice and anarchy.³⁴

One of the major effects of the apathy and lack of faith of Nigerians towards the justice institutions in Nigeria is the (in)security challenges that have pervaded the nation starting from the Niger Delta militancy, the *Boko Haram* problems, the serial kidnappings, daylight armed robberies, among others.³⁵

More specifically, Nigerian youth are being negatively affected by the impact of dislocation in the economy as a result of the adverse effects of corruption. According to Sanusi, "[t]hey have been negatively affected in all facets of life, from education to health care and recreation. The fundamentals of our civil society appear to be collapsing as the youth come of age and their future is increasingly threatened by corruption. Clearly, the youth have everything to lose if the present situation in the country continues unabated."³⁶ The corruption in the educational sector corruption presents a good example of how the youths and their attitudes to social values are being affected. Parents pay expensive fees to ensure that their wards acquire good educational training but the schools now organize series of dancing, modelling and miming competitions while debates, quiz and exhibition competitions reduce geometrically. Certainly, the joint culprits here are the parents, the teachers (most of who are also parents) and the media. As a result, the youth are now intellectually corrupt. The only abundant talent in the youths now is lewd and immoral music. Why should this be a concern in public domain?

It is therefore instructive to quote Torulagha who said:

"It is very necessary to clean the educational sector since education is the second or third most powerful and effective instrument of socialization. Indeed, after the family and possibly religion, education follows as the most important agent of socializing children and the youths generally. As a result, if children and the youths are not properly socialized, they are very likely to end up adopting destructive social values. As can be seen, Nigerian youths, for the past twenty or more years, have increasingly adopted habits and tendencies that are destructive to social harmony because the values in society tend to push them in that direction. Most of these habits and tendencies are eating deeply into the philosophy and moral foundation of education in the country. The educational sector today, seems to produce graduates who are not

³¹ See Transparency International, "Nigeria: Global Corruption Barometer 2013" <<http://www.transparency.org/gcb2013/country/?country=nigeria>> (Accessed on 5 October 2014).

³² Mary Noel Pepys "Corruption and the Justice Sector", p. 2-3. Available at <http://pdf.usaid.gov/pdf_docs/PNACT878.pdf> (Accessed on 28 October 2014).

³³ Froilan L. Cabarios "Corruption control in the criminal justice system of the Philippines" (Paper Presented at the tenth international training course on the criminal justice response to corruption participants' papers) in *Resource Materials Series No. 76*, 172. Available at <http://www.unafei.or.jp/english/pdf/RS_No76/No76_19PA_Cabarios.pdf> (Accessed 28 October 2014).

³⁴ Mary Noel Pepys "Corruption and the Justice Sector", p. 3. Available at <http://pdf.usaid.gov/pdf_docs/PNACT878.pdf> (Accessed on 28 October 2014)

³⁵ Transparency International, "Nigeria: Corruption and Insecurity", op. cit.

³⁶ Sanusi L. S. "Sustaining the war against corruption: The role of the youth" (Being a paper delivered at King's College, Lagos 101st Founder's Day lecture on Monday, 20th September 2010).



sufficiently disciplined and equipped with the appropriate academic and professional skills, hence, have no qualms about breaking the law, perpetually looking for shortcuts to amass wealth and are morally bankrupt.”

In effect, a society cannot develop when its inhabitants are not developing and vice versa. This is the spirit behind the concept of sustainable development.³⁷ Corruption is undoubtedly insidious, damaging and harmful in a very significant way to the social, economic and political development of Nigeria. Decisions that should normally be taken for the social good are based on considerations of private gains with little attention paid to the effects on the larger community. It thus breeds lawlessness and breakdown of peace and order as enthused by Ali when he said:

“The adverse effect of corruption on a society can be very significant if left unchecked. It can erode the rule of law, undermine the efficiency of governance, stifle economic development and in some cases may trigger social and political unrest. With corruption, there can be no sustainable development, nor political stability. By breeding and feeding on insufficiency, corruption invariably strangles the system of social organization. In fact, it is the antithesis of development and progress.”³⁸

4. The *Shari’ah* Frameworks towards Combating corruption

It is indubitable that *shari’ah* is all pervading because there is nothing it has left untouched or unattended to. This is one of the immutable characteristics of *shari’ah*. Islam expressly abhors corrupt practices. To exhibit its disdain for corruption, it expounds the concept of fair system of law which extends to lobbying for any appointment. Islam’s view is that any person who lobbies for post does not only have ulterior motive for corruption but also underrates the weight of the responsibility it involves.³⁹ It is *haram* (forbidden) and considered corruption for a judge to take bribe and *shari’ah* is so strict about bribery that to prevent it totally, a judge is not allowed to receive gift from people who are not familiar to him before his appointment.⁴⁰

One of the primary messages of Islam is to ensure the entrenchment of justice among mankind. While eschewing cheating of fellow human beings (in other words corruption), prophet Muhammad (SAW) declared in one his sayings that: “The one who cheats (or deceives) us is not one of us.”⁴¹ In another *hadith*, the Prophet (SAW) also said “Whoever cheats (or deceives) does not belong to me.”⁴²

Corruption is a social malady; thus, *shari’ah* embodies numbers of social laws and obligations. A man’s daily conducts and thoughts consist of both good and evil deeds.⁴³ To control a man’s actions towards

³⁷ Imam-Tamim, M. K., “Challenges of Sustainable Development in Nigeria: Legal Perspectives” in *Law and Sustainable Development in Africa*, edited by Egewole, W. O., Etudaiye, M. O. and Olatunji, O. A. (Ilorin: Faculty of Law, University of Ilorin, 2012), pp. 96-135.

³⁸ Ali Y. O., “Corruption and Electoral Process in Nigeria” in *Fawehinmiism: Corruption and the Survival of the Nigerian Nation* (Lagos: Nigerian Law Publications Ltd., 2007), 54.

³⁹ Kadir, op. cit., 178.

⁴⁰ Ibid.

⁴¹ Narrated by Muslim, Hadith 101.

⁴² Narrated by Muslim, Hadith 102.

⁴³ Al-Balagh Foundation, *The Islamic Principles* (Tehran: Al-Balagh Foundation, 1991), 33.



another, *shari'ah* puts his activities into a variety of categories in order to show him the true path and put forward a criterion by which he values his activities and steers himself from evil and crime. The categories as agreed by the majority of *fuqaha'* are the *Wajib* (obligatory), *Mubah* (permitted), *Mustahab* (recommended), *Makruh* (detested) and *Haraam* (prohibited). Corruption, however, borders on matters that fall within the context of *haraam* and *makruh*.

Makruh is every act that a Muslim is urged to abandon though not absolutely or firmly. Such acts are discouraged because they may lead to harm or corruption.⁴⁴ However, *haraam* is any act that is prohibited for a religiously responsible Muslim and for which a punishment is set for any transgressor.⁴⁵ The prohibition constitutes a pre-emptive step against chaos and corruption. It nips dangers and crimes in the bud. Ultimately through the prohibitory injunctions, *shari'ah* protects man's psyche, body and soul within the individual sphere and it safeguards other human relations and community life, within society from the risks of subversion, perversion and decadence. Generally, *shari'ah* recognises corruption not only as a legal problem but more importantly as an ethical and moral problem that reveals the internal ability of the individual restrain himself from causing harm to others in any form without first thinking of avoiding any legal sanction.⁴⁶ More specifically, *shari'ah* makes *haraam* wrongful acts such as malevolence, hatred, mistrust, adultery, oppression, usury, cheating, theft, telling lies, false witness, bribery, gambling etc. In short, *shari'ah* protects the society from harmful practices in the domains of sociology, politics, economy, the judiciary, education and so on.⁴⁷ In fact among the major *haraam* acts is getting money from sinful acts like selling intoxicants, prostitution, bribery and even salaries or wages given by oppressive regimes when one cooperates with them to prop up injustice and implement their corrupt schemes.

That followers are equally guilty of corruption does not demean the fact that public officers are the major merchants of corruption. With this at the background, Islam postulates that leadership especially the Islamic political system must be based on justice.⁴⁸ Thus, according to Sheikh Abdullahi Fodiyo in his *Dhiyya al-Sultan*, 'justice' (in relation to leadership) means "to give every owner of right (of any kind) his/her own right duly regardless of whether (it's) from oneself (i.e. the leader) or from some other person else (among the citizens)".⁴⁹ He concluded finally that "whoever (a leader) does not procure the rights of the subjects from amongst themselves is not just".⁵⁰ The day justice leaves a society; corruption becomes the order of the day.

Shari'ah teaches against fraud and corruption in leadership and public responsibility. These teachings begin first from the injunctions on morality and all sorts of moral conducts. The epitome of morality is fear of Allah and uprightness in character. It is a popular didactic saying in Islam that fear of Allah is the beginning of wisdom. The most of the righteous conducts enjoined by *shari'ah* include trustworthiness, honesty, truthfulness and probity.⁵¹ In summation, *shari'ah* teaches against fraud.

⁴⁴ Al-Balagh Foundation, *ibid.*, 36.

⁴⁵ Sheikh Muhammed Salih Al-Munajjid, "What is definition of halaal and haram?" <<http://islamqa.info/en/10887>> (Accessed 28 October 2014).

⁴⁶ Mohammed Shehu, "The Role of Islam in fighting Corruption in our Society" (Paper Presented at the Code of Conduct Compliance Training for CEOs of MDAS, held on 23 February, 2012 at EFCC Training and Research Institute, Karu, Abuja).

⁴⁷ Mamoun A., "Islamic Imperatives to Curb Corruption and Promote Sustainable Development" *Islamic Relief Worldwide*, November 2009.

⁴⁸ Kufa Centre of Islamic Knowledge, "Definitions and Fundamentals: Hijrah Year: Islamic Calendar" Newsletter, <<http://www.kufa.org/newsletter0599.htm>> (Accessed on 7 October 2014).

⁴⁹ Salisu, S., *Social Justice and Leadership Responsibility in Islam* (Lagos: Islamic Heritage Foundation, 2007), 38.

⁵⁰ *Ibid.*

⁵¹ Salisu, *ibid.*, 77.



It has been noted that *shari'ah* abhors fraud and nothing nourishes corruption in the contemporary Nigerian society than fraud whether it is of any of the two kinds of fraud – vertical fraud or horizontal fraud. Vertical fraud is the fraud perpetrated by leaders upon the subjects while horizontal fraud is the fraud perpetrated by the masses or ‘common men’ among themselves. Therefore, *shari'ah* opposes fraud at interpersonal, intergroup and partnership levels; fraud in business transactions such as fraud in measuring a commodity or setting up a scale, sale of essential commodities and foodstuff; fraud in public responsibility and leadership such as looting in public treasury or trust, taking of bribe or any form of undue gratification, undue favoritism and unfair treatment of subjects or clients and blocking people’s rights and needs.⁵²

On another wicket, *shari'ah* as a complete system is not oblivious of the fact that a society is run along a two-side divide. Thus, as there are leaders and there must be followers. Many of the issues raised and discussed above may look like they affect only the leaders but pursuant to the universality of Islamic principles and messages they equally apply to the followers. The Islamic principles and teachings are universal in application. Whatever injunction handed down in the *Qur'an* and *sunnah* is universally applicable to all *personam, rem* and *locus* (i.e., all persons, things and places or jurisdictions) except where the contrary is expressly stated. Therefore, though many of the injunctions on justice are addressed to the leaders and appeared to be made in *personam* they apply to all human beings because the Prophet (SAW) had said that all Muslims are leaders in their respective endeavors. For the benefit of those who might not have heard of this before, the Prophet was reported saying:

“All of you are shepherds and shall be called upon to account on his flock. A leader is a shepherd upon his subjects, and shall be called upon to account on his flock; a man is a shepherd upon his family members, and shall be called upon to account on his flock; a woman is a shepherd in the household of her husband, and shall be called upon to account on her flock; a servant is a shepherd upon the wealth of his master, and shall be called on to account on his flock. Verily! All of you are shepherds and you shall be called upon to account on your flock.”⁵³

This *hadith* does not point to only state or political leadership but also to family leadership, master – servant relationship and by extension to other forms of social set ups.

Granted that *shari'ah* objects to all the above acts and human nature is in such a way that favours survivorship by all means. What then has *shari'ah* provided to ensure that people do not fall into the pit of corruption? All the values espoused all along in deed influence and legitimize the Islamic approach to corruption but do not determine how corruption is dealt with in practice. All the foregoing has shown that *shari'ah* does not adopt the realist ontological view of fighting corruption as it is presently the case in Nigeria. *Shari'ah*, rather, adopts the internal realist view by understanding that not only punitive rules but also public moral values will be useful in preventing corruption in the society.⁵⁴ Based on this, *shari'ah* puts some legal and institutional frameworks in place which include the following:

a. The Legal Framework

i. Shari'ah as a legal system

As earlier noted, *shari'ah* is not only a law but a system, a way of life. Thus, there is no separation between the secular and the sacred in Islam and the law is suffused with religion. As a result, fighting

⁵² Salisu, op. cit., 77-89.

⁵³ Reported by Bukhari and others.

⁵⁴ Chandra Muzaffar, “Morality in Public Life: The Challenge before Religion” *The American Journal of Islamic Social Sciences* 19, No. 3 (2001): 90-110.



corruption in an Islamic context must be rooted in the Islamic values guarded by the rules and principles of *shari'ah* to ensure ownership and legitimacy of anti-corruption measures. *Shari'ah* is imbued with such principles and injunctions that dissuade people from being corrupt.

Therefore, ruling in accordance with the dictates of *shari'ah* is a veritable instrument towards combating corruption in any society. Allah (SWT) instructed through the Prophet (SAW) that:

“And you should judge between them by what God has revealed, and do not follow their vain desires, and be cautious of them lest they tempt you from part of what God has revealed to you...”⁵⁵

This verse and other related ones clearly reveal that submitting to Allah and His Prophet's judgment is inseparable from belief. Thus, judging by what Allah has revealed means ruling in accordance with the laid down principles of *shari'ah* while the latter part enjoins the leader to be wary of the corrupt people who may tempt him from doing Allah's will.

Shari'ah has influenced the legal code in many Islamic countries but the extent to which it is integrated in the national legal system varies considerably. While some countries acknowledge Islamic law in their constitutions and consider *shari'ah* as the source of their nations' law, other countries favor a more secular approach to the law. The Nigerian Constitution professes that the country is governed by secular law.⁵⁶ Nevertheless, Nigerian Constitution recognizes the application of Islamic law in the country although it is limited only to the areas of marriage, divorce and inheritance and other personal laws.⁵⁷ At the national level, application of *Shariah* does not extend to criminal cases, which are governed by criminal statutes. Although some states in Nigeria have invoked the principle of federalism in order to make *Shariah* the primary sources of the laws in their states but the wide criticisms meted against them both nationally and internationally have hampered their effective implementation of that policy.⁵⁸

b. The Institutional Frameworks

To sustain the principles entrenched by the above system, *shari'ah* established some institutions to fight and control corruption in the society.

i. Sharia Courts

Shari'ah law is allowed and practiced in Nigeria alongside the state legal system pursuant to the provisions contained in sections 260 and 275 of the Constitution of the Federal Republic of Nigeria 1999, which give way to the establishment of Shariah Courts of Appeal in Nigeria. Sections 262 and 277 however state that the Shariah Courts of Appeal so established only have power to sit, adjudicate upon and determine disputes relating to 'Islamic personal law', i.e., issues regarding Islamic marriage, dissolution of such marriage, foundling or guardianship of infant, *waqf*, gift, and succession.

However, none of the courts has any power to determine cases that are criminal in nature. Thus, the courts are not yet institutions equipped to effectively combat corruption in Nigeria except probably through admonitions from the judge but that would not have any force of law.

⁵⁵ Suratul maidah, Quran, verse 49. There are numerous other similar verses reiterating this dictum. See Suratul-maidah, Quran, verses 60-65, Suratul al-nur, Quran, 47-51, Suratul al-ahzaab, Quran, verse 36 among others.

⁵⁶ Constitution of the Federal republic of Nigeria, 1999 section 10.

⁵⁷ See Constitution of the Federal republic of Nigeria, 1999 sections 262 and 277.

⁵⁸ See Ikenga K.E. Oraegbunam, "Sharia Criminal Law, Islam and Democracy in Nigeria Today" <<http://www.ajol.info/index.php/og/article/download/71768/60724>> (Accessed 28 October 2014).



Although in a bid to break out of this conundrum, states like Zamfara, Sokoto, Kano and few others had since established *Shari'ah* Courts empowered to prosecute criminal cases and prescribe punishments in line with Islamic principles.

The importance and the efficacy of *shari'ah* courts in fighting corruption is gradually being recognized (so much that) there has been a call for the establishment of 'shariah-based corruption court' in Nigeria.⁵⁹ The call was even made by a non-Muslim⁶⁰.

ii. The Institution of *Mazaalim* (Ombudsman/Public Complaints mechanisms)

The term '*mazaalim*' is a derivative of the root word '*zulm*' which means wrongdoing, oppression and injustice. The essence of the *mazaalim* is the protection and/or retrieval of the rights of the weak and the oppressed.⁶¹ Its broad and ultimate goal however is safeguarding of people's rights of whatever sort and form, regardless of their social status, age, ethnicity, religious affiliation, etc.⁶² The institution of the *mazaalim* was traced back to the time of the Prophet (SAW) and developed through the times of the four *Khulafa'* especially during the time of Abubakar when it gained official recognition and during the time of Umar when it flourished. The kinds of rights to be protected by the *mazaalim* when unjustly taken away include oppression, public workers' loot, etc.⁶³

It may be argued that the establishment of *mazaalim* institutions will duplicate the government's effort and may end up facing similar challenges as the existing institutions. The role of the *mazaalim* slightly differs from the existing structures in Nigeria. While the code of conduct bureau and the ICPC investigate only individual for corrupt practices, the *mazaalim* investigates and addresses complaints against the government and also offers free legal assistance to victims of human rights violations.⁶⁴

iii. The *Hisbah* Institution

Another institution found to have been established under *shari'ah* to ensure that citizens observe the laws of Allah is '*hisbah*'. The *Hisbah* (Arabic for "verification") is a religious institution under the authority of the state that fulfils the obligatory duty under *shari'ah* of enjoining what is right and forbidding what is wrong. As *shari'ah* controls in principle, economic activities as much as individual behaviors, the *hisbah* institution extends to regulating business trading, monitoring and supervising commercial activities, market places and other secular affairs. This institution has since been established in some northern States of Nigeria where application of *shari'ah* is more pronounced. As an official institution of a Muslim State, the *Hisbah* offices operate in conjunction with other relevant government agencies and establishments.

5. The Roles of Muslim Youth in combating Corruption

The place and importance of the Youth in the society cannot be overemphasized.⁶⁵ This was adequately captured in the Nigeria Youth Policy which stated that:

⁵⁹ Oshodi J., "Jonathan, Kayode, Waziri, It is time for Sharia-Based Corruption/Arms Court in Nigeria" <<http://focusnigeria.com/jonathan-kayode.htm>> (Accessed on 30 November 2011).

⁶⁰ The call was made by one Dr. John Egbeazien Oshodi who is a practicing Clinical/Forensic Psychologist, and an Interim Associate Dean of the Behavioral Science, North Campus, Broward College, Coconut Creek, Florida. See John Egbeazien Oshodi "Could Tough Anti-Corruption Laws and an Exclusive Anti-Corruption Court Safeguard Nigeria's National Treasury?" *Journal of Law, Policy and Globalization* 1, (2011): 1-5.

⁶¹ Salisu, op. cit., 51.

⁶² Ibid.

⁶³ Salisu, op. cit., 54.

⁶⁴ Dewany, "Letter from The President" <<http://www.dewany.org/en/about-dewany/unique/>> (Accessed 28 October 2014).

⁶⁵ Igbuzor, O., "Youth and the War against Corruption in Africa: Roles and Policy Options" (A paper presented at the National Youth Summit on Corruption and Corrupt Practices in Nigeria organised by Africa Leadership Forum on September 9, 2005 at Ota, Ogun State, Nigeria.), 13.



“Youth are one of the greatest assets that any nation can have. Not only are they legitimately regarded as the future leaders, they are potentially and actually the greatest investment for a country’s development. They serve as a good measure of the extent to which a country can reproduce as well as sustain itself. The extent of their vitality, responsible conduct, and roles in society is positively correlated with the development of their country.”⁶⁶

If the youth are generally designated as the asset of the society, the Muslim youths are more specifically expected to be the best set of youth any society is endowed with. The reason for this is not far-fetched. Allah (SWT) said of us in the *Qur’an*:

“You are the best of peoples ever raised up for mankind; you enjoin *al-ma’aruf* (all that is good) and forbid *al-munkar* (all that is evil) and you believe in Allah...”⁶⁷

Therefore, Muslim youth are expected to always be in the vanguard of ensuring that good is entrenched in the society and evil is exterminated. Muslim youth should, therefore, not fall below the standards of ethical, moral and religious uprightness in the society, rather they should fall into line with whatever is good to positively uplift the image of their societies. To ensure this, the Muslim youth must imbibe certain qualities.

i. Fear of Allah

One of the greatest aphorisms in Islam is the saying that: “Fear of Allah is the beginning of wisdom” Muslims have been enjoined severally in the *Qur’an* to operate and do things with ever consciousness of the presence of Allah’s witnesses around us. The Prophet (SAW) exhorted that:

“Worship Allah as if you see Him (i.e., like you stand physically before Him); (but know that) if you could not see Him, He sees you.”⁶⁸

However, before anybody can claim to fear Allah and/or worship Allah the acceptable way he must have followed the enviable footsteps or legacies left behind by the Prophet Muhammad (SAW), our mentor who Allah had enjoined us to always follow. Allah says: “It is for you (to follow) in the Prophet, the best of character...” Therefore, Muslim youths must always uphold the banner of good and obliterate that of evil anywhere they find it.

ii. Mutual Cooperation in the course of enforcing righteousness and prohibiting evil (corruption).

Muslim youths must cooperate with one another in practicing and promoting goodness and righteousness (*al-birr*). They must not cooperate in the promotion of evil which includes corruption.⁶⁹ This exhortation is rooted in the *Qur’an* thus:

“... help you one another in *al-birr* and *at-taqwa* (virtues, righteousness and piety); but do not help one another in sin and transgression. And fear Allah. Verily, Allah is severe in punishment.”⁷⁰

⁶⁶ Federal Republic of Nigeria, *National Youth Policy* (2001).

⁶⁷ Suratul al-Imraan, verse 110.

⁶⁸ Reported by Bukhari and Muslim.

⁶⁹ Salisu, op. cit., 91.

⁷⁰ Suratul al-maaidah, verse 2.



Although the mutual help and cooperation being enjoined herein pervades all the layers, segments, age-groups, sexes and social statuses,⁷¹ the focus is on the youth.

This is however, an admonition to the Muslim youth organizations in Nigeria that are geometrically proliferating and mushrooming to shun any unhealthy competition qua rivalry (which is fast becoming the fashion) and embrace the above exhortation to facilitate cooperation among themselves. It is becoming difficult for bystanders to identify one organization from the other through their mottos because they are all significantly similar. It is submitted that the splinter organizations could borrow from the recent banking sector reform in Nigeria. When the banks were proliferating and the Nigerian economy could show nothing for it, the Central Bank of Nigeria borrowed a leaf from this verse and brought in recapitalization which facilitated horizontal merger of many banks. This is a good example of cooperation. Therefore, the youth organizations rather than proliferating unnecessarily and (at times) unprofitably should consider merging together to form a common front in the course of fighting evil and corruption in the land.

iii. Advocacy for positive change (*Nasiha*/ '*Al-amru bil ma'aruf wan nahyu 'anil munkar*')

The main target of the missions of the prophets and apostles of Allah was to guide man towards good, improve his character, develop his personality, and rectify his behavior and conscience. Thus, they strived seriously to spread truthfulness, trustworthiness, justice, faithfulness, etc. while they worked tirelessly to suppress the repugnant and evil elements in the characters of men that lead to lying, cheating, hypocrisy, corruption, etc.⁷²

Since the Muslims youths have been enjoined to emulate the best character from prophet Muhammad (SAW), then it becomes incumbent upon them to also guide their fellow compatriots towards chastity and forbid them from immorality. This is what is known as the doctrine of *al-'amru bil ma'aruf wa nahyu 'anil munkar* in Islam. This literally means enjoining goodness and prohibiting evil. Although this obligation is collective and common to all Muslims, the steering wheel is in the hand of the youths who possess the zeal to drive societal change and not the elders who had passed that stage without changing anything but only looked back now and then wishing they had done something better as youth.

The obligation of enjoining good (*al-ma'aruf*) and forbidding evil (*al-munkar*) is one of the fundamental obligations of Islam. It is one of the underlying factors for which Allah preferred and described the Muslims as the best of peoples ever raised up for humankind.⁷³ Allah says in the *Qur'an*:

“You are the best of peoples ever raised up for mankind; you enjoin what is right and you forbid what is wrong, and you believe in God...”⁷⁴

Thus, Islam considers and makes Muslim youths a guardian for others. As a result, they must always admonish themselves and others when they see things going wrong or even just as reminders. That is why Allah (SWT) enjoined that: “Admonish (yourselves) for admonition benefits the believers”

It is this admonition that is also referred to as *Nasiha*. *Nasiha* has various meanings and implications because while it primarily means giving advice it also implies doing the right thing at the right time and in the right situation; and appropriately. So, it is basically about showing people how to do things right. Tameem ibn Aws ad-Daariy (RA) reported the Prophet saying:

⁷¹ Salisu, op. cit., 91.

⁷² Al-Balagh, op. cit., 65 – 66.

⁷³ Al-Qaradawi Y., *State in Islam* (Cairo: El-Falah, 1998), 176.

⁷⁴ Suratul al-Imraan, verse 110.



“Religion (Islam) is counsel. We said “To whom, O messenger of Allah?”
He said: “To Allah; to His messenger; to the Muslim leaders; and to the
entire Muslims”⁷⁵

One of the implications of the *hadith* is that the clause ‘*nasihah* to the generality of Muslims’ means behaving well to them, being good and kind to them, and also making them to do good as well.⁷⁶ To heed this admonition, the Muslim youths must take active steps as enjoined in the *hadith* narrated by Abu Sa’id Al-Khudri (RA) that the Prophet (SAW) said:

“Whoever among you sees an evil committed, must try to change it with his hands. If he is not able to do so, he must try to change it with words. If he is not able to do so, he must object to it in his heart, and that is the least a true believer must do”⁷⁷

So, since the Muslims are the *ummatan wasatan*, doing the middle one should not be a problem for the Muslim youths.

It must however be noted that since admonition is synonymous to correcting peoples’ mistakes, the Muslim youths must bear in mind that rashness and hot-headedness are not and never appropriate approaches talk less of being the best approach to fight corruption. Dealing with and correcting mistakes in the best manners are also part of *nasihah*. The connection between this and the concept of enjoining what is good and forbidding what is evil is quite obvious.⁷⁸ Therefore the Prophet’s life was full of examples of how to correct mistakes in a civil manner. These are replete in the *ahadith* books one of which is “*The Prophet’s Method of Correcting People’s Mistake* (Translated)” written by Sheikh Muhammad Salih Al-Munajjid.

iv. Resistance to Corruption

Pursuant to the spirit of the Abu Sa’id Al-Khudri’s *hadith*, it is imperative for the youth to resist internal corruption whenever it is being perpetrated. The Prophet had urged that the Muslims should resist internal corruption as it is considered to be better than resisting external aggression. He described this as the best form of *jihad*. He said:

“The best kinds of *Jihad* is a true and courageous word said to a despotic ruler”⁷⁹

The Prophet so much emphasised rejection of corruption and oppression that he always prays against oppressors and corrupt leaders in his *Qunut*. Allah also strongly encourages fighting for the sake of the oppressed and the weak. Allah says in the *Qur’an* that:

“And how can you not fight in the cause of Allah and save those men, women and children who have been oppressed and who pray, “Our Lord

⁷⁵ Reported by Bukhari and Abu Dawud.

⁷⁶ Salisu, op. cit., 93.

⁷⁷ Reported by Muslim. Bracketed supplied by authors for emphasis.

⁷⁸ Al-Munajjid, M. S., *The Prophet’s Methods of Correcting People’s Mistake* (Riyadh: International Islamic Publishing House, 1999), 11.

⁷⁹ Reported by Nasai.



deliver us from this land whose people are oppressors and make for us
from You a helper.”⁸⁰

Therefore, the youth should speak out against corruption in the society.

6. Conclusion and Recommendation

From the above discussion, it is clearly shown that corruption may be a necessity due to human nature but the society cannot fold its arm and look away when corruption is being perpetrated. It is also shown that the youths are the greatest assets any society can boast of thus they are a veritable machine of change in the society. The effect of corruption on a society is not quantifiable and shari’ah strictly frowns at it. To ensure that corruption is effectively combated in the society, shari’ah has put in place various legal and institutional frameworks which we discussed above. The paper also discussed the roles to be played by the youth in fighting corruption.

It is obvious from the analysis above that all of Nigeria’s legislative and institutional efforts to curtail and contain corruption has but failed because Nigeria focused only on the confrontational or punitive approach of fighting corruption. There is, therefore, need to consider alternative approaches to fighting corruption in the country. Since Nigeria is a legally plural state with the operation of three systems of law – common law (through the statutes), customary and Islamic laws, this paper seeks to explore the approach of Islamic law (as a dominant system of law in the country) towards fighting corruption. The paper proposes that by effectively applying the Islamic approach, the crime of corruption will reduce significantly in Nigeria. The paper similarly proposes that the fight to further prevent corruption will be more effective by engaging the youths. However, the Muslim youth are expected to lead the vanguard of preventing crimes in the youth due to their naturally expected roles of being the model for other sets of youth in the society.

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⁸⁰ Suratul al-Nisaai, verse 75.



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