

Could Tough Anti-Corruption Laws and an Exclusive Anti-Corruption Court Safeguard Nigeria's National Treasury?

John Egbeazien Oshodi

Department of Psychology, Nasarawa State University, Keffi, Nasarawa State, Nigeria

E-mail: jos5930458@aol.com

Abstract

In this paper corruption in Nigeria is expressed as realistically unmanageable and there is no current aggressive way of reducing its spread. The nation has been judged to be surrounded by corruptible persons, especially in public leadership. In this paper a line of unusual legal and therapeutic methods are suggested. It is being offered in this paper that the nation should develop in-house forensic institutions for corruption suspects and convicts following a battery of psychological testing on the mental condition of corruption suspects (i.e., the malady of Corruptomania) to determine underlying impulsive and social personality related predispositions. In this article assumptive lines of anti-corruption fights are proposed such as the death penalty. Instituting some special courts will quicken the implementation of hard core punishment like the death.

Keywords: hospitals, forensic, special courts, corruption, legal, "corruptomaniac", sharia, Nigeria.

1. Introduction

During a 15 minute meeting in Washington, D. C. in April of 2010, President Barack Obama of the United States advised then acting President Goodluck Jonathan to make major progress during his tenure by aggressively fighting corruption in Nigeria. Mrs. Farida Waziri, a law enforcement expert and the current head of the Economic and Financial Crimes Commission (EFCC), has recently called on the newly inaugurated 7th National Assembly to pass the non-conviction based asset recovery bill, a bill that has the full blessings of the United Nations Convention against Corruption. Mrs. Waziri stated that the Special Courts (Establishment Bill) and the Evidence Act (Amendment Bill), both legal weapons in the anti-corruption fight, require the National Assembly's expeditious passage. Professor Attahiru Jega, the former Vice Chancellor of Ado Bayero University, Kano, and now the Chairman of the Independent National Electoral Commission (INEC), has specifically judged the country as currently in a disabled state as a result of a public leadership marked with corruptible hands. Professor Jega called for strong public support for the anti-corruption agencies in their daily legal battle against those that are illegally sucking the people's money for their own personal and selfish use.

Judging from these major calls for a professional but definitive way to counter corruption through extreme and stiff legal consequences, this paper seek to provide a psycho-legal approach to this vice and lasting punitive and therapeutic ways to reduce corruption in leadership and deter acts of corruption now and in the future. There is no doubt that most Nigerians would agree that the central enemy in the country is corruption and the fight against this cancerous societal tumor has been overwhelming for everyone. No day passes without more distressful news about bribery in the millions, in naira, pounds, or dollars. This goes on and on with no apparent end.

So what else could be done? This is a good time to raise more questions as they relate to putting alarm in the minds and hearts of the would-be-corrupt officials who serve as potential threats to our national security. The new National Assembly is said to be reconstructing and updating the Constitution, hopefully with open, strong, and penetrating input from the public as they are the ultimate bearers of the symptoms of the

chronic and current disease of economic terror, especially corruption. At this time, what is needed is anti-corruption legislation with swift and powerful phrases, amendments, and clauses that could come within the updated Constitution. The anti-corruption laws should contain different levels of sanctions customized according to the degree of the fraud, bribery, or corruption.

It is now a reality that many in the ruling class across the government and corporate environments have made the nation a class A, corruption-driven society. Compared to other societies, the psychology of bribery is rampant, open, habitual, focused, dicey, passionate, engaging, and even developmental as it has become systematic and almost lifelong in pattern. If truth be told from 2004 to the present day the anti-corruption under the respective leadership of Nuhu Ribadu and Farida Waziri have been massive but more convictions are needed. Also, the many anti-justice forces that remain live within and across different areas of public and private works continue to enlarge in width and length. These forces of bribery will not give up easily. These vicious operations are countless and occur within the bedrooms, latrines, classrooms, parlors, places of worship, wards, clinics, hospitals, highways, morgues, offices, housing, airports, businesses, councils, police stations, courtrooms, and other settings. The intractable nature of the pro-bribery mentality and the pervasive arrangement of corruption have left the country in a state of gross inequality in terms of basic needs and public benefits. At best, these many anti-justice forces are a threat to the nation's national treasury.

Anti-corruption legislation that is culturally appropriate to the people's diverse ways of existence is what society needs now. Constitutionally, Nigeria has both civil laws and the Sharia laws and the courts react in various ways to various misconducts in terms of what type of punitive and retributive justice is given out. Nigerian society and its citizens are generally aware of the legal penalties for major acts of theft, like medically supervised amputation, partial blindness, and others that are not uncommon in some northern states. As generally known, the civil law aspect of the Nigerian Constitution already has the death sentence clause for certain offenses. As starting points, Nigerian Corruption Courts could be in places like Zamfara, Yobe, Katsina, Sokoto, Jigawa, Kebbi, Kano, Abuja, and maybe, in other areas like Warri, Benin City, Lagos, Oyo, Port Harcourt and other places of interest as deemed necessary by judicial best practices.

2. Possible Advantages of Special Corruption Courts

Here are some possible advantages:

1. Because these courts are less crowded, they could be very effective in terms of just and speedy resolutions.
2. They are retributive in terms of penalties.
3. The tactics of justice are scary but markedly just and heavily deterring.
4. The harsh outcomes that come at the end of any successful prosecution and conviction are quickly recognized in public.
5. These courts could open potential offenders to psychological ramifications as in acute apprehension and dreadful thoughts of facing tough impositions common in various judgments—public flogging, body branding, nose cutting, cutting of hands, eye gouging, leg amputation, and death sentence by stoning, beheading, and hanging.
6. The judges are, in general, holy warriors of injustice and are less susceptible to enticement; therefore they could be harsh towards public immoralities like crimes of corruption and firearms.
7. Along some of the reported retributive penalties, should be various forms of restitution and the monies recovered from the culprit should be used to fix broken windows/chairs of primary schools and to provide water/electric power to hospitals located in the culprit's native town.

It is worth noting that in the northern states that rely heavily on aggravating-type verdicts and rulings, the results appears to be characterized by high deterring or valuable outcomes (BBC, 2002). In most cases strong signals have been sent to an offender.

3. Possible Judicial Deterrents

Along with these assumptive lines of anti-corruption proposals, there should be the start the immediate study of penalties like the death sentence, amputation, blindness, and other swift or hard core measures. If they end up as part of the amended act in the Constitution, each of these sentences should be compassionately done in a non-gruesome procedure and fully supervised by a competent clinician and pain-oriented psychologist. China, Nigeria's economic global big brother already has a death penalty system for some special fraudulent offenses so there's a good chance that China could serve as a good study and role model (Scobell, 1990). Let's hope that those with a highly corruptible spirit, eyes, legs, and hands could come to the reality that the already noted sanctions have everlasting, grave consequences. As such, these types of sanctions could slow down their high level and powerful social living.

4. Possible Therapeutic Methods

There is a strong need to study what could be called Hospital and Confinement Institutions for Corruption Suspects. It is being proposed in this paper that Nigeria should develop forensic based medical and confinement institutions for corruption suspects and convicts. It could be stated that the minds and bodies of perpetrators that energize corruption crimes are certainly overbearing for an emerging society like Nigeria (Oshodi, 2010). The amount of public money misappropriated by many of these individuals for their own personal use is always so huge that in their respective lifetime they will not be able to use it all. So could their misconducts be solely corruptly and mentally driven and if so what could be done to reduce their dangerousness to society? Again, the Chief Corruption Prosecutor of the nation, Mrs. Farida Waziri has publicly admitted that acts of corruption are scaring off foreign investment from the nation. As part of the Wazirian theory on corruption reduction, she has recently called for the legal endorsement of the death penalty for convicted corruption offenders (2010, p.1). In an eloquent write-up, Olawale (2010), stated that the "Death sentence...will serve as deterrent to corrupt practices in Nigeria. Corruption must not be treated with kid gloves...Just last week a former Chief Judge of China was executed after the Court found him guilty of corruption and if China, a developed nation, will treat corruption seriously then Nigeria, a developing nation, should take it serious too."

In this paper, there is a call for various methods against corruption in terms of psycho-legal punitive measures. In the same vein, the Oshodi theory on this national predicament is for the legislature to pass very harsh anti-corruption laws with the Sharia type punishment meted out on corruption convicts. The nation is clearly under national and international threat as a result of endless number of cases of corruption spanning from those currently on prolonged bail, undergoing long, drawn out trials, and mounting ongoing appeals, as well as those on runaway status or in local prisons. Therefore, it is time to start managing these persons in a whole different way as nothing seems to be working on their minds! Also, is it time for a corruption offender registry? The answer is a resounding yes and it must be a public registry. Is it time for a Forensic Hospital and Confinement Center for Corruption Offenders (FHCCCO)? Of course yes and it could become operational as soon as possible in form of private therapeutic wards or as correctional treatment ventures.

5. Here is how it could Work

As the aforementioned institutional name indicates, it could be a two-tie system with the first for those with active cases in court but needing a form of treatment and confinement as they remain dangerous to witnesses and informants. The second phase of hospitalization and confinement is strictly for the already convicted corruption offenders in need of a rehabilitative and punitive environment. He or she should have been diagnostically assumed to suffer from what could be called "Corruptomania," an apparent impulsive and anti-social personality-like syndrome that requires ongoing study for the sake of objectivity and proper classification.

For the purpose of definition, a battery of psychological testing should be conducted on the individual to determine if he or she meets the criteria of being classified with one or more mental diseases in the areas of impulsive and social personality related ailments. Psychologists are familiar with various psychological tests (Lees-Haley, 1992; McCann, 2002; Millon et al, 2006; Otto, 2002) which could be utilized in forensic settings. Actual examples of personality and clinical tests (Oladimeji, 2005) commonly used in forensic evaluations include projective tests like the Kinetic Drawings (also known as the House-Tree-Person test); ink blots tests like the Rorschach; Sentence Completion tests like the Oshodi Sentence Completion Index; and objective tests like the California Psychological Inventory-Revised (CPI-R), the Sixteen Personality Factors (16PF), the Minnesota Multiphasic Personality Inventory-2 (MMPI-2), and the Millon Clinical Multiaxial Inventory-III (MCMI-III).

These tests while in the hands of competent psychologists could reveal psychological disturbances in the likes of the anti-moral personality, authoritarian personality, impulse control disorder, and other related mental diseases with a clear and revealing picture of a criminal corruption offender (CCO). A possible diagnosis which could be termed “Corruptomania” could be reached on the offender who could be characterized as a “Corruptomaniac.” However, these are presumptive classifications by this author and certainly require further study. Again, the battery of tests must be carried out by qualified doctoral level psychologists given their lengthy training and extensive practicum and experience in intellectual, projective, affective, personality, and neuro-psychological evaluations. Clinicians with training mainly in psychiatry, a specialty that is related to the application of medicine to mental illness, should be fully involved with the committed or confined offender mainly for the purpose of psychotropic medication assessment and maintenance, as well as completing a symptoms check list. For the sake of proficiency, it is emphasized that private ventures should be authorized to open and manage the forensic Mental Health Hospital-Confinement structures. However, public operation of some of these confinement centers is encouraged as long as it is evidenced by efficiency. Meanwhile, existing university teaching hospitals, some of them almost sitting empty or lacking adequate clients and clinical students, should be used by the supervising private companies on contractual basis. The atmosphere must be that of maximum security environment. This will reduce the chance of these “corruptomanics” threatening informants and witnesses or prejudicing their case by absconding to overseas.

6. Shielding Society

The goal of these persons being hospitalized includes:

1. Keeping the public safe as some of these offenders are known to cause fear and put in danger in those who try to bear witness against them.
2. To stop their continued impulsive spending of the monies, in billions of naira or millions of dollars, that they reportedly pilfered.
3. Under involuntary hospitalization, they are more likely to become out-of-pocket or money and prone to freely engage in confessional and penitent-related behaviors.
4. For the convicted “corruptomaniac,” instead of becoming a bearer of State Execution, long-term detention would help provide the development of guilt, responsibility, and controllability.

The Forensic Hospital and Confinement Center for Corruption Offenders must be expanded into a full blown phase for convicted “corruptomanics” where they will face both punitive consequences and therapeutic applications, all pointing to moralistic and civil restoration. The benefit of the this proposed system of dealing with corruption suspects or convicted corruption offenders is the idea of not putting them in regular jails or prisons where they could face fatal and deadly acts from the general inmate population because of their crimes against the public treasury. They need to be placed in special environments like the FHCCCO because they are corruption crime offenders (CCO) and nothing else. As we may know they are highly malevolent in their advances to the public order. While in the first or second phase of placement their seductiveness to shady or crooked money must be therapeutically addressed so as to assist them develop an understanding of the societal, financial, and other destructive harms they have caused to

the general population.

7. Conclusion

The most essential goal of corruption offender restoration is that he or she refrains from committing corruption offences in the future. This goal is more important than feelings of recovered self-esteem and well-being when they return to the society. To reduce their susceptibility to temptation and recidivism or future reconviction, long-term probation is recommended, as well as the need to deny them entry into any job that involves financial contact. The treatment and penal directions of this proposed system of justice could help reduce the dreadful nature and consequences of “corruptomanics” and help them develop humane behaviors and caring ways to the nation. Certainly, as controversial as these suggestions may appear the Human Rights advocates should note that ethics of sensitivity will fully guide these suggestions and the applicability of these far reaching recommendations will certainly require further theoretical and applied study before their usage.

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