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Contending Fraud in Nigeria: Is Nigerian Judiciary a Challenge to Prevention?

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Abstract

The purpose of this paper is to explore whether the attitude of the Nigerian judiciary in the fight against fraudulent behavior is a challenge to the prevention of fraud, and to offer a possible solution that could help to exterminate fraud. This study is a qualitative case study approach. It concentrates on finding the outcome from the sources of data that involve government reports, Economic and Financial Crime Comision (EFCC) cases, newspapers, and interviews with the participants. The interview session of 15 participants was gained from the study. The study found that (a) weakness of the Nigerian courts, (b) unpatriotic judges, and (c) lack of commitments from the side of the Nigerian government make fraudulent activities in the Nigerian public sector (NPS) persistent. Thus, it stuck the effort to combat fraud in NPS. This study has practical implications for regulators and anti-corruption bodies such as Central Bank of Nigeria (CBN), Nigerian judiciary, EFCC, Independent Corrupt Practices and Other Related Offences Commission (ICPC), Asset Management Corporation of Nigeria (AMCON), and Code of Conduct Bureau (CCB). The study may perhaps ease and facilitates the technique for combating fraudulent activities among Nigerian public employees (politicians and civil servants). The study also has a scholarly contribution to the body of knowledge and existing literature. This paper is original and unique in its form and has value on prevention, modern-day fraud cases in the Nigerian public sector. The article is also useful to all those who might cherish to admire its standing.

Keywords – Fraud, public sector, judiciary, Nigeria, prevention

Introduction

The public misappropriation in the Nigerian economy had extremely and negatively affected national development. Ranging from negative economic effects, poor standard of leaving, poor educational background, insecurity, and tarnishing national image globally (Adebisi and

Gbegi, 2015). In Nigeria, the agency saddled with the responsibility of collecting and remitting the revenue to the Federal government, which is Federal Inland Revenue Service (FIRS), oil firms, revenue boards have been confirmed to get involved in the huge public sector accounting fraud (Auditor, 2016). Fraudulent behavior can be found everywhere in Nigeria, practically in most of the Nigerian departments, ministries, and other public agencies where the public employee used their official position and power to commit fraud (Abdullahi and Mansor, 2018; Daniel et al., 2025). This statement can be justified by several fraudulent practices that happened in various ministries in Nigeria. For example, Justice of Nigerian Supreme Court Ngwuta Sylvester was arrested and charged in court by the EFCC with almost fifteen counts of different fraudulent cases of money laundering to the turn of $1.5 million and discovered several passports in his possession (Chama, 2019). Furthermore, the EFCC seized over $800,000 in October 2016 in a raid pointing numerous judges directly involved with corruption.

Moreover, the Vanguard Nigerian newspaper on October 14, 2016, revealed that in the Ministry of Interior, over USD 750,000m were discovered with the complaint's response unit of the Nigerian Police Force. The money was allegedly used to bribe Assistance Commissioner of Police' in its endeavor to sweep any grievances against the Police Force by the public under the carpet (Chama, 2019). Subsequently, previous Inspector General of Police Tafa Balogun was detained for allegedly collecting a bribe of over $150 million as a kickback from shell company while he was in office.

Furthermore, audit examination revealed that supplies far above N3 billion for agrochemicals were ordered without going through a proper procurement procedure. These contravened the "provisions of Public Procurement Act, 2007", which provides for proper procurement procedures to be met beforehand. Also, at the Ministry of Information and Culture, 3 vehicles (A Toyota Land Cruiser and 2 Toyota Hilux vans) were observed to be missing at the time of audit inspection in July 2015 (Auditor, 2016). The effect of unethical behavior goes beyond obliterating the economy but to personal or private life.

Accordingly, the Nigerian public sector continues to suffer the most devastating frauds. On December 28th, 2016 the Vanguard Nigerian newspaper reported that the Federal Government of Nigeria discovered and detached over 50,000 ghost workers from its payroll. Prior to this discovery, the menace of ghost workers cost Nigeria a huge amount of money. It was observed that the immediate past Governor of Oyo State Chief Rasheed Lodoja, along with his former Commissioner of finance Waheed Akanbi, were charged in the Federal High Court Lagos, Nigeria and also re-summoned by the EFCC for converting N4.7 billion from the state public treasury account into his account (Chama, 2019). Nigerian tax administration also faces massive bribery as the government discovered more than 700 firms that never settled their regulatory taxes (Parker *at el.*, 2008).

The following section of this paper discussed the literature review. Section 3 provides the methodology. The findings and discussions of this study came in section 4 of this paper, and section 5 of this study presents the conclusion and recommendation.

Literature review

An effective and sound anti-graft agency with proper judicial implementation determines the success or failure of any economy in the fight against the menace of fraudulent behavior. The unpatriotic judiciary creates a room for financial crime (Bazuaye and Oriakhogba, 2016). In this regard, it is essential for every economy to established effective judiciary and sound anti-graft agencies.

Fraud defined

Fraud and is a complicated phenomenon with different inferences that cannot be simply defined. Eyo (2017) argued that different scholars made several attempts to defined the term fraud and yet there is no single definition due to different perceptions of the phenomenon. The meaning of the term fraud

depends on various aspects such as legal, academic and some definition were based on the practical occurrence. The most widely known definition of fraud accents of abuse of trust for personal benefits (Gottschalk and Stanislas, 2017). In another definition, fraud is simply an intentional act by one party from one side to deceive another party on the other hand such the victim party suffers a loss (Hess and Cottrell Jr, 2016).

World Bank and Global Transparency, a foremost global anti-corruption watchdog, viewed fraud as the abuse of public office for private for benefit of the officeholders or some third party (Ndiho, 2018). Thus, fraud simply shows an immoral behavior that violates the rules of the state (Heidenheimer and Johnston, 2011). Fraud is an act perpetrated by entrusted employees using deception, trickery, money laundry, and loss of assets (Ramamoorti, 2008). Fraud can as well be a public error, that may result in loss of property, funds, or money and legal right (Abiola et al., 2013). Mukoro et al., (2006) opined that fraud is an inclination and propensity to act wrongly for self-interest regardless of what the outcome will be on others.

Judiciary

Judiciary is the legal mechanism constituted by a system of the court that ensures justice in the state. The judicial system is a segment of government responsible to address disagreement between two or more parties (Chemerinsky, 2019). Judiciary is a unit of government established by the government to ensure the administration of justice. From a more extensive perspective, the term may likewise refer to an authoritative body, a deliberative body, for example, the General Court of Massachusetts, which is its governing body (Dunoff and Pollack, 2017).

One of the fundamental functions of the judiciary is clarification and application of laws on matters encompassing disagreement between two or more parties to administer justice for each party (Carp *at el.*, 2019). The judiciary is one of the organs of government act as a balancing wheel that sustain harmony among the legislature and the executive from the other side (Chaudhary, 2017). A study conducted in Indian by Ranjan (2020), who argues that the judiciary plays an important role in coordinating the three organs of government in the administration of justice and delivery of good governance that ensures the citizen's welfare. Hence, it is considered as a dispute resolution mechanism. Disagreement in human communities is inevitable, having known of the presence of the judiciary keeps the human environment in peace and gesture. It, therefore, argue that the judicial process of every state must be designed in a manner that promised fair and equitable application of justice to various communities and individual whom the laws are designed to serve (Adebayo, 2018). Nigeria is a democratic state with the power of the government being decentralized into the judiciary, legislature, and the executive. The judiciary is the first among equal that all the citizens believed and expect justice from (Heydebrand and Seron, 1990). Thus, the peaceful coexistence that sustains every nation depends on the efficiency, soundness, and effectiveness of its judicial system (Bernick, 2019). This is the reason the judiciary is generally considered as the last hope of the citizens. The courage of a common man is lost when the decision of the judiciary is influence by components that rout the course of justice (Adebayo, 2018).

Judges are the embodiment of the legal powers of the nation, hence they become the focal figure in the legal framework and the administrations of justice (Bazuaye and Oriakhogba, 2016). In the temple of justice, the judiciary is regarded as an agency through which a state-inspired the administration of justice within its jurisdiction (Oko, 2005). Therefore, the term judiciary is the key factor that ensures the sustenance of every state through the administration of justice. The judicial administrations of justice are tied down to court officials also known as judicial staff (Scalia, 2018).

In Nigeria, the judicial branch consists of the Supreme Court of Nigeria, the Court of Appeals, the State High Courts, and other lower courts including the Magistrates, Customary, Shariah, and other specialized courts (Badejogbin, 2017). The judicial power of the Federal Republic of Nigeria was entrusted to the Nigerian courts as registered in the 1999 Constitution of the Federal Republic of Nigeria (Adebayo, 2018). The courts listed in the Nigerian constitution are called "superior courts" while the one by the law of the federation is referred to as "inferior courts". A court is a formal and legitimate gathering wherein proof of crimes (financial or otherwise), differences, and so on, is presented to a judge for a decision to be made in accordance with the provision of national law (Neubauer and Fradella, 2018). It, therefore, a place where legitimate cases are heard.

Judicial role in combating fraud

To appreciates the efforts of the Nigerian judiciary in combating the fraudulent behavior, hence the need to have an insight into the framework of the Nigerian criminal justice system (Bazuaye and Oriakhogba, 2016). This is a serious matter of concern, particularly the high-profile fraudulent cases. The act of investigating the financial crimes, arrest, and punishment of fraudsters happens within the circle of the criminal justice system. The judiciary staff (judges, police) is fundamental to this effect as bears the burden of determining the faith of an accused person (Guin, 2020).

The criminal justice system (CJS) is a system involving numerous, bodies, institutions, organizations, or agencies saddled with the obligations of ensuring social agreement and compliance with the provision of law. It also charged with the responsibilities of determining based on the fact of whether or not a person is liable for disregarding the state law and the appropriate discipline to be meted to such a person. In addition, the CJS is likewise liable for the consideration and therapy of accused individuals as liable for violating the laws and to whom the recommended discipline is meted (Olonisakin *at el.,* 2017). Justice, equality, fairness, efficiency, and effectiveness are the certain attributes identified with CJS (Olonisakin *et al.,* 2017). The CJS is, therefore, a structure in which the laws guiding the sustenance of the nation are applied.

The Nigerian judiciary through the CSJ and judicial staff recorded serval achievements in fighting the menace of money laundering and other related financial crimes that remained as a deterrence to the number of public officials. This can be justified by the following examples of arraigning and conviction of high-profile public officials. For example, Nigerian newspaper reported that Senator Joshua Dariye, a former governor of Plateau State was on June 12, 2018, sentenced to 14 years in prison for a financial crime of breach of trust and additional 2 years for mismanagement of public funds (Premium times, 2018). Next, the Federal High Court, Lagos Division has on Thursday, 5th of December, 2019 sentenced the serving senator and former governor of Abia state, Orji Kalu to 12 years in prison for a money laundering of N7.65 billion (Premium times, 2019).

In another example, after a trial of over 10 years, Reverend Jolly Nyame, an ex-governor of Taraba state was convicted and sentenced to 14 years in prison for misappropriating public funds while in office (Punch, 2018). Shortly after the Buhari administration came on board by the year 2015, the ex-governor of Jigawa state along with his sons were reminded in "Kurmawa prison" on money laundering charges to the tune of N1.351 billion (Guardian, 2015).

A former national security adviser to the immediate past administration of President Goodluck Jonathan retired Colonel Sambo Dasuki has spent almost 3 years in detention for allegedly misappropriating $2.1 billion. The said amount was meant for the procurement of arms to boost security. The other top shorts allegedly participated in this menace include, Bello Halliru, ex-governor of Sokoto State, Attahiru Bafarawa, former governor of Kano state, Ibrahim Shekarau, Raymond Dokpesi (Wikipedia, 2015).

From the aforementioned example, all the accused individuals are high-ranking Nigerian public officials who served the nation in various respective capacities but found wanting for the breath of trust and were eventually convicted and sentenced to prison. This effort of the Nigerian judiciary served as deterrence to others, thereby discouraging the menace of money laundering and other financial crimes. It was argued that concerning criminal behavior the threat of punishment deters other individuals from committing crime thereby reducing the rate of crimes (Stephen, 2011). More list of the powerful politicians sent to jail is available at: https://www.legit.ng/1175970-list-powerful-politicians-jail-buhari- administration.html.

However, the role of the Nigerian judiciary in the fight against the menace of money laundering and other financial crimes cannot be overemphasized. The influence of the anti-graft bodies in contending the fraudulent behavior depends on the sound judicial system set up to work closely with other arms of government (Bazuaye and Oriakhogba, 2016).

Fraud and Nigerian Judiciary

The Nigerian judiciary is known to have been pervaded with the infection of various forms of financial crimes, such as money laundering, fraud, and embezzlements of public funds (Salihu and Gholami, 2018b). The report of the National Bureau of Statistics released of July 2010, revealed that judicial staff (judges), police, and other prolocutors are the most corrupt public servants (Salihu and Gholami, 2018c; M. A. Umar, 2018). Certain attributes of the Nigerian judiciary toward the financial crime limited the achievement of national's effort in the fight against money laundering (Olonisakin *et al.*, 2017). This can be justified by several instances that happen in the Nigerian judiciary.

For example, Judiciary is a component of government established to ensure the administration of justice. When it comes to fraudulent behavior, the Nigerian judicial system operates contrary to the provision of the law that established them, the administration of justice has been like goods in a competitive market where the higher bidder always wins. In several instances, the unpatriotic registrars are bribed to ensure that a particular case is assigned to a specific judge of interest and also to ensure the case ended in favor of their clients (Salihu and Gholami, 2018a).

Ayodeji and Odukoya (2014) argued that most of the judicial abuse of justice lies in the hand of court clerks and registrars with the assent of the chief judges, as the clerks or the registrars are liable for case enrolments and documentations. The reports of International Transparency and anti-corruption agencies from Human Rights Watch have revealed that the Nigerian judicial system is very corrupt with different sorts of fraudulent practices and unethical attitudes. They further state that issues like the hiding of cases files, bribery, removal of cases record, monetary compensation are very normal among the judges as well as the entire judicial system

The same report also revealed that most of the services rendered by the Nigerian court registrars with the consent of the judges have turned to be exploitation. For instance, getting a verification or confirmation on the certificate or the declaration of official attestations attracts an extra unofficial payment of cash to be paid to the individual in charge without proof of receipt of the payment (Strathem, 2017). The inability to make such a payment synonymous with denial of the service. Therefore, these fraudulent activities and many others remain a challenge among Nigerian judicial employees. The emerging of judicial fraudulent behavior has significantly and negatively affected the judicial system and the entire state in various ways such as loss of trust in the judicial system, loss of confidence on the part of judicial administration, lack of trust of the leaders (Ayodeji and Odukoya, 2014; Nasir, 2019).

Judicial corruption in Nigeria constitutes the utilization of official power or authority for private advantages of judges, judicial staff (court officials), such as registrar, court clerk, and other judicial

personnel involved in bias administration of justice (Enofe, 2015). A judicial abuse of authority for personnel benefit pollutes the whole judicial system by compromising its essential features such as bias less resolution of the disagreement, fairness in the application of justice, and equality (Sweet, 2000).
Fighting the menace of fraud in Nigeria over the several decades has not yielded any significant outcomes as the judiciary draws back the effort of other institutional agencies put in place to aids the process such as Economic and Financial Crime Commission (EFCC), Institute of Corrupt Practices Commission (ICPC), Code of Conduct Bureau (CCD) (Otalor and Eiya, 2013; Pillay, 2004). This is so because, the effectiveness, success, and accomplishment of anti-graft agencies depend entirely upon the number of judicial arraignments (Salihu and Gholami, 2018a).

Methodology

This study is a qualitative study approach. It concentrates on finding the outcome from the sources of data that involve government reports, EFCC cases, newspapers, previous research in the related fields, and the semi-structured interview with the participants. The interview session of 15 participants (legal practitioners and high-profile civil servants) was gained from the study. The interviews were intended to supplement and enrich the data collected from the secondary sources. This helped greatly in delineating a complete image of the study objectives. For example, the open-ended interview session permitted the interviewees to express their insight on the phenomenon under study freely without being limited to a specific area of interest.
Due to the sensitive nature of the objectives of the study, getting the interviewees was a bit hard, then the researchers used the snowballing techniques to find more participants for the study. The early identified interviewees were asked to identify and link the researchers to other participants who may agree to partake in the study. Certain changes were made to the interview guides based on the observations raised during the pilot test conducted with the expert from the study area. This is to ensure the understandability as well as the feasibility of the study, and the interview time was determined by the interviewees. These translate to the validity and reliability of the interview guides. The validity of the qualitative findings is determined by how effective and feasible of the approach adopted in the data collection (Abdalla *at el.*, 2018; Kumar, 2019).
The study adopted a thematic analysis approach in analyzing the interview data which is the process of identifying patterns or themes within the qualitative data (Braun and Clarke, 2019). This helped the interpretation of the transcribed textual data by systematically identified different themes and sub-themes (Castleberry and Nolen, 2018).

Findings

The Discussion of the research findings is guided by the objectives the research intends to achieve (Said and Kasim, 2016). As stated earlier that the objectives study is to explore whether the attitude of the Nigerian judiciary in the fight against fraudulent behavior is a challenge to the prevention of fraud or otherwise, and to offer a possible solution that could help to exterminate fraud.
One of the functions of the judiciary is the interpretation and application of laws to various or particular cases of the dispute that is table before it. It is also part of their responsibilities to administer justice to every citizen (Carp et al., 2019). However, based on the participant's views, the Nigerian judiciary act in a contrary way to the provision of the law that established them as justice become like goods in the competitive market where the higher bidder always wins. In several instances, the unreliable registrars are bribed to ensure that a particular case is assigned to a specific judge of interest and also to ensure the case ended in favor of their clients (Salihu and Gholami, 2018a).

The result of the study disclosed that some of the Nigerian judges work with corrupt registrars that when it comes to payment of fine, the registrars use their receipt in place of government receipt so eventually, the revenue will go into their pocket. The receipt appeared like that of government in terms of features and everything is the same. This is very disheartening evidence to have such unethical behavior from the judiciary and reduce the revenue to the government. This is supported by the findings of Ayodeji and Odukoya (2014), who argued that most abuse of justice lies in the hand of court clerks and registrars with the assent of the chief judges, as the clerk or the registrar are liable for case enrolment, documenting of cases.

One of the areas mentioned by other participants is the weak court. The court is said to be weak when the court cannot enforce the constitution obligation across all citizens (Tushnet, 2009; Zhu, 2013). This may be due to many factors, the study found that Nigerian courts are very weak in the sense that a particular case will be ongoing for a quite long period before finalizing the fate of the victim. This is justified by the case of former chief National Security Adviser to President Goodluck Jonathan (Omezue-Nnali *at el.,* 2018). In the case of former Chief National Security Adviser (NSA) to former President of Republic of Nigeria (President Goodluck Jonathan) in the person of retired Colonel Sambo Dasuki was arrested on 1st December 2015 and until now the case is still ongoing and was granted bail in the early of 2020. This can encourage others to justify their unethical behavior by partaking in misappropriation of public funds thereby failing the attempt (Cressey, 1953).

In addition, the interview data revealed that most of the fraudster enjoys all the privileges enjoys by innocent citizens, they work freely, runs their businesses, stays in their respective houses and some of them travel to abroad for tourists. They only appear in the court on trial dates and some being represented by their lawyers and when they were proven guilty no serious actions are taking against them. These attitudes of the judiciary remain a challenge to the prevention of fraud in Nigeria. In the study conducted by Teichmann (2020), argued that combating corruption without a severe punishment is just mere rhetoric.

In relation to, unpatriotic judges of the Nigerian judicial system, the study discovered that 'selling justice' is becoming the order of the day among the corrupt Nigerian lawyers/judges. Some lawyers assured their clients of winning the case even before appearing in the court because of the corrupt mindset of judges. The attitude of selling justice has made it very costly to the extent that common citizens were denied justice due to their inability to bribe the judicial staff (judges and other court officials) (Yusuf, 2008). It was argued that the corrupt mindset of judges and other court officials may result in unfair delivery of judicial decisions (Salihu and Gholami, 2018a). In many instances, the corrupt registrars are bribed to ensure that a particular case is assigned to a specific judge of interest and also to delay the case enrollment without genuine reasons (Adebayo, 2018). This creates an avenue for more fraudulent practices.

Likewise, the reports of "International Transparency and anti-corruption agencies" from Human Rights Watch have revealed that the Nigerian judicial system is very corrupt with different sorts of fraudulent practices an unethical attitude. Issues like the hiding of cases files, bribery, removal of cases record, monetary compensation are very normal among the judges, objectional view of litigations for selfish interest (Bello, 2017; Salihu and Gholami, 2018a).

Similarly, the report revealed that most of the services rendered by the Nigerian court registrars with the consent of the judges have turned to be exploitation. For example, getting an authentication on the certificate or the certificate itself attract extra and unofficial payment of money to be paid to the person in control without proof or receipt of the payment. Failure to make such payment signifies a lack of interest in the service (Salihu and Gholami, 2018a). Unpatriotic judges are more harmful to economic

development than a man who runs with guns along the street. Such a person can be restrained physically while the corrupt judges intentionally pulverize the ethical foundation of the general public and jeopardize the future of public by abusing their official position while still alluded as respectable (Adebayo, 2018).

Some of the common types of fraudulent practices found among the Nigerian judiciary as outlined by Danileţ and Vasilescu (2010), includes preferential treatment, bribery taking in form of gift (monetary and non-monetary), kickback. These illegal gifts taking by the judiciary are regarded as unethical and make the judiciary launderers (Duri, 2020).

Moreover, the study also found that lack of commitment by the government to address, to prevent fraud in Nigeria in another challenge. The study found that some of the government laws main to prevent the occurrence of unethical behavior in the Nigerian public sector are not operative, where the laws operate are not equitably administered. So being that they are not operative and unfairly administered the attempt to curtail the menace will not be realized. This is in line with the findings of Midgley (2017); Ogundiya (2009), they affirmed that Nigerian laws are mostly applied to the lower-class people.

In Nigeria, the EFCC, ICPC, CCD, ANCOM works hand in hand with the judiciary in the discharge of their responsibilities (Mikail and Iskandar, 2017). Therefore, when these anti-graft bodies arrest a fraudster such an accused person is to be prosecuted by the judiciary (Lgbaekemen *at el.*, 2014). Although the anti-corruption agencies and the judiciary operates independently, yet many times the judiciary influence the operations of the anti-corruption agencies (Ugochukwu, 2011). The study further states that, in many instances, the Nigerian judiciary issue a court order that restricts the arrest and detaining of political leaders or top-public officials who were found wanting for corrupt practices. This mostly creates an avenue for the menace of fraud to continue.

The success or failure of every attempt of preventing any financial crimes lies in the sound and effective judicial system and the rate of conviction issued therefrom. This corresponds with the finding of Salihu and Jafari (2020), who stated that Nigeria had made numerous attempts to prevent fraudulent practices and yet the effort has not yielded any significant result as the judicial system draws back the agencies set up to fight the menace. This is because the rate of judicial prosecution determines the success of the anti-graft bodies (Umar and Umar, 2016). Therefore, these attitudes of the Nigerian judiciary become a challenge in preventing the mismanagement and misappropriation of public funds.

There is increasing evidence in the penetration of fraudulent behavior into the Nigerian judiciary (Esoimeme, 2018). This can be justified by the number of prominent judges that were found wanting with fraudulent cases. For example, more than seven prominent judges from both high and supreme court were arraign and detained by the "Nigerian Department of State security" alleging with different fraudulent cases (Esoimeme, 2018). The study further states that millions of hard currencies were discovered in their houses. It was exactly a direct result of the previous Chief Justice of Nigeria; Justice Mahmud Mohammed conceded that corruption is the most despicable aspect of the country's judiciary (Blueprint, 2016).

Following these, the Nigerian judiciary was blamed for contributing to the spread of fraudulent practices in Nigeria by neutralizing the effort set to combat the corrupt practices (Ijewereme, 2015). The study found that in several cases, the judicial official advice the high-ranking profile personnel who found wanted for fraudulent cases, the best way to escape the court trials. This is supported by the statement made by (Rtd). Honorable Justice Dahiru Mustapha, who states that *"almost every criminal trial particularly on serious charges of corruption, is now preceded by endless objections and applications to quash charges" (p 674).* (Salihu and Gholami, 2018a). Most of the role model judges are presently

tracked by law enforcement agencies and paraded in handcuffs because of the corrupt practices and selfish interest in the discharge of their official obligation (Davis, 2012).

The nature of corrupt practices in Nigeria influences the court officials and the anti-graft agencies to take part in different types of corruption (Essoh et al., 2025; Oloyede, 2016). The Oloyede further states that there was an allegation that some judges will be taken to court on Monday and three Monday have gone as on 26 of October 2016 and no judges were taken to court. Perhaps this might be due to their status. These attitudes of judicial corruption had made the public lost confidence in the judiciary (Barbabela, 2025; Mohammed, 2013).

To effectively fight the unethical behavior and misappropriation of public funds among the public employees it is, therefore, necessary for the government to set up a sound strategy and ensures its effective and fair implementation to all citizens (Quah, 2017). It was argued that the inability of the Nigerian judiciary to combat the menace of fraud is attributed to its lack of independence (Berebon, 2024; Lugard, 2018). Following these, the Nigerian judiciary should be independent in the course of discharging their official obligation.

In addition, to avoid the continual corrupt practices, the activities and the power of the Nigerian judiciary should be checkmate by another power (OnonyeOguekwe andOguekwe, 2020). Moreover, the judicial working condition and their general welfare should be improved to the standard as this will aid in reducing the judicial involvement in corrupt practices such as taking bribe both financial and non-financial.

Conclusion

The objective of this study is to explore whether the attitudes of the Nigerian judiciary in the fight against fraudulent behavior is a challenge to the prevention of fraud. The researchers viewed the achievements of the Nigerian judiciary against fraudulent behavior and their failure. In concluding the findings of this study, a fair judgment is considered, the researchers considered the available shreds of evidence from the government reports, EFCC cases, newspapers, previous research in the related fields. These evidences were supported with data obtained from the study participants.

However, the findings of this study revealed that the unpatriotic of the Nigerian judicial system or judicial officers remains a great challenge in dealing with fraud in the Nigerian public sector. The findings stated that the Nigerian judicial system is very weak and procrastinating when it comes to prosecution or conviction of perpetrators of fraud. Most worrisome, judges were found to be involved in fraudulent activities. This is affirmed by the literature (Ayodeji and Odukoya, 2014; Davis, 2012; Omezue-Nnali *et al.*, 2018; Salihu and Gholami, 2018a).

The study also found that lack of commitment by the Nigerian government to prevent fraud in another challenge to prevention as laws are not equitably applied across the citizens. Based on these pieces of evidence the study found that the Nigerian judiciary is a challenge to the prevention of fraud.

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