

1 SAMUEL 8:1-5 AND ITS IMPLICATIONS FOR CORRUPTION IN NIGERIA JUDICIAL SYSTEM

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Abstract

Among the major institutional problems that have impeded sustainable development in Nigeria is corruption. This paper examined some of the vices associated with corruption in the Nigeria judicial system and aims to read 1 Samuel 8:1-5. Its problem is to show that the corrupt practices of the sons of Samuel which was one of the major factors that forced Israel to demand for a king is still raising its ugly head in the Nigeria Judicial system. The paper begins with a reading of 1 Samuel 8:1-5 and examines that the overbearing influence of corruption and its widespread effects on Nigeria judiciary. The most recent antidotes at combating this menace were examined. The paper concludes among others that the adherents of the Christian church and the entire masses have a greater role to play if the fight against corruption in the Nigerian Judiciary must be successful for her growth and stability.

Keywords: Corruption, Judiciary, Implications, Nigeria, 1 Samuel 8:1-5.

Introduction

The reality of corruption in almost all part of the world cannot be overemphasized. Corruption is a product of greed, an act which deviates from the formal rules of conduct governing the actions of someone in a position of public authority because of private motives such as wealth, power or status (Ackerman, 1999:2; Khan, 1996:2-3). It entails a pervasive failure to tap self-interest for productive purposes. Hence, corruption whether in the public or private sector, symbolizes an abuse of institutional trust for private gain. According to Ikelegbe (2009:5) it is an obvious fact that corruption is a major problem confronting sustainable development in Nigeria. Historically, corruption as an institution is an age long pandemic that has ravaged human history, just like the sons of Samuel (Joel and Abijah) in 1 Samuel 8:1-5, they perverted justice and encouraged bribery and corruption. Consequently their greed made Israel to

demand for a king and this action introduced the monarchial system of leadership and finally brought an abrupt end to theocratic form of leadership Yahweh instituted in Israel.

CONCEPT OF CORRUPTION

The term “corruption” refers to the misuse of resources or power for private gain. Transparency International defines corruption as “the abuse of entrusted power for private gain” (Kolstad et al., 2008 :22). Corruption can also be seen as an act of dishonestly persuading someone to act in one’s favor by a payment or (e.g. other inducement. Inducements can take the form of gifts, loans, fees, rewards or other advantages (taxes, services, donations, etc.). For Uyanga (2018:168), corruption is the activities between private persons, and the behavior of people with public or private tasks is corrupt; when they violate their duties to obtain any kind of unjustified advantage. From a legal point of view, embezzlement need not necessarily be or involve corruption. Facilitation payment, a small payment, also called a “speed” or “grease” payment, made to secure or expedite the performance of a routine or necessary action to which the payer has legal or other entitlement can also be termed corruption. Corruption can also be defined as any form of fraudulent act of intention and dishonestly deceiving someone in order to gain an unfair or illegal advantage (financial, political or otherwise). Similarly, Corruption is also any form including an arrangement between two or more parties designed to achieve an improper purpose, influencing Extortion improperly the actions of another party. Oko (2023:7) sees corruption as having many forces and this has been the worst obstacle to successful democracy. He asserts that many leaders strive only to gather wealth for their families alone instead of them who elected them into power of authority.

In government, it refers to the practice of appointing people directly for personal aggrandizement. (Johnsøn, 2014:8) . The commonly used distinction between political corruption and bureaucratic corruption is also helpful. Political corruption takes place at the highest levels of political authority (Andvig and Fjeldstad, 2001:62). It involves politicians, government ministers, senior civil servants and other elected, nominated or appointed senior public office holders. Corruption can be defined as a conduct that violates “specific rules governing the way public duties should be performed”, including illegal exchanges of political favors for private rewards (Williams, 1987:6).

Corruption is a behavior that deviates from the formal duties of a public role because of private gain regarding (personal, close, family, private clique) pecuniary or status gains; or contravene rules against the exercise of certain types of private regarding influence. This includes such as bribery/use of reward to pervert the judgment of a person in a position of trust; nepotism (bestowal of patronage by reason of inscriptive relationship rather than merit); and misappropriation (illegal appropriation of public resources for private uses) . Corruption is the actions and deeds that differ from conventional rules and moral conduct representing the activities of somebody in public office due to his motives, for example, riches, influence or status. Corruption in Nigeria is very visible on every level from the intricate part of the government to the corner of the street (Oko, 2020:190).

According to Khan (1996:9), corruption is the debasement and misuse of public office for private increase. Corruption breeds underdevelopment in all political, economic, socio-cultural, educational and even psychological sectors. For Oko, (2018) as cited by (Atanang, Ekanem and Oko, 2022:205) corruption is another stumbling block for peace in Nigeria and also retards economic growth of the country. Indeed, most of the public policies were not establishes for the sake of the public rather than for the benefit of the elites (i.e. elite's beneficial policies) to the detriment of the populace. This issue has accelerated poverty, inequality and underdevelopment and prevented the country to attain national development. In this respect, Usman (1980:4) maintained that pervasive corruption has remained a serious obstacle to economic development in Nigeria. Corruption inhibits human and social development. Despites very considerable government outlay from soaring revenues and a fast rate of economic growth, the majority of the population especially the local dwellers have benefit little or nothing as many people are living in poverty than before the oil boom started (Oko, 2020: 187). Public institutions are only public in name, because they are running them for the purpose of private accumulation of wealth. Despites the fact that the causes of corruption are enormous but, the key causes are poverty, absence of strong government mechanisms, inequality/ injustice and all sort of indiscipline. For Mikail (2016:4) these were among the factors that led to corruption or foundation pillars of corrupt practices in Nigeria. In other words, greed, lack of youth empowerment, poverty and unemployment were also the factors responsible for corruption in Nigeria (Mike, 2019:6; Oko, 2020). However, the effects of corruption encompass absence of infrastructural facilities such as good roads, schools, hospitals, lack of competent staff to operate the respective of organization therein.

EXEGESIS OF 1 SAMUEL 8:1-5

The Hebrew Text of 1 Samuel 8:1-5

1 Samuel Chapter 8 א מואלש

א ויהי, כאשר זקן שמואל; וישם את-בניו שפטים, לישראל.
ב ויהי שם-בנו הבכור יואל, וישם משנהו אביה--שפטים, בבאר שבע.
ג ולא-הלכו בניו בדרך, וישו אחרי הבצע; ויקחו-שחד--ויטו, משפט. {פ}
ד ויתקבצו, כל זקני ישראל; ויבאו אל-שמואל, הרמתה.
ה ויאמרו אליו, הנה אתה זקנת, ובניך, לא הלכו בדרךך; עתה, שימה לנו מלך לשפטנו--ככל-הגוים.

The English Translation of 1 Samuel 8: I-5

1. When Samuel became old, he made his sons Judges over Israel.
 2. The name of the first- born son was Joel, and the name of his second Abijah; they were Judges in Beersheba.
 3. Yet his sons did not walk in his ways, but turned aside after gain; they took bribes and perverted justice.
 4. Then all elders of Israel gathered together and came to Samuel at Ramah.
 5. And said to him, "Behold, you are old and your sons do not walk in your ways, now appoint for us a king to govern us like all the nations.
- (Source: R. S.V).

A Close Reading of 1 Samuel 8: I-5

The analysis of the Hebrew text of 1 Sam 8:1-5 in this study is a genre narrative. The prominent names in the text are Samuel, Joel and Abijah. The Hebrew word for Samuel is sam' u' - el (

שמואל , shemu'el ; Σαμουήλ , Samouēl): The word "Samuel" signifies "name of God," or "his name is El" (God). Other interpretations of the name that have been offered are almost certainly mistaken. The play upon the name in 1 Samuel 1:20 is not intended of course to be an explanation of its meaning, but is similar to the play upon the name Moses in Exodus 2:10 and frequently elsewhere in similar instances. Thus, by the addition of a few letters shemu'el becomes sha'u'l me'el (שאויל מאל , שמואל) "asked of God," and recalls to the mother of Samuel the circumstances of the divine gift to her of a son.

The passage tends to trace the transition from theocracy to monarchy. The historical setting surrounding the text, was Samuel building an Altar for the Lord at Ramah and dwelt there (1 Sam 7:17). Another prominent name in the passage is Joel, the firstborn of Samuel (1 Samuel 8:2; 1 Chronicles 6:33 (Hebrew 18), and supplied in the Revised Version (British and American) of 1 Chronicles 6:28, correctly). bī'ja (אביה ר אביהו , 'abhīyah or 'abhīyahū (2 Chronicles 13:20 , 2 Chronicles 13:21), "my father is Yahweh," or "Yahweh is father"). The second son of the prophet Samuel is Abijah (1 Samuel 8:2; 1 Chronicles 6:28 (1 Chronicles 6:13).

This passage begins by stating that Samuel was old, having served as a prophet and judge for many years. He represented God in his theocratic rule over Israel. The word Judge is gotten from the Hebrew word (*shophet*), and its plural form is (*shophetim*) meaning Judges, in ancient Hebrew, a judge is properly a magistrate or ruler, rather than one who judges in the sense of trying a cause. This is the name given to those rulers who presided over the affairs of the Israelites during the interval between the death of Joshua and the ascension of Saul (Judg. 2:18), a period of general anarchy and confusion. "The office of judges or regents was held during life, but it was not hereditary, neither could they appoint their successors. Their authority was limited by the law alone, and in doubtful cases they were directed to consult the divine King through the priest by Urim and Thummim (Num. 27:21).

Stacey (2000:2) avows that their authority extended only over those tribes by whom they had been elected or acknowledged. There was no income attached to their office, and they bore no external marks of dignity. The only cases of direct divine appointment are those of Gideon and Samson, and the latter stood in the peculiar position of having been from before his birth ordained to begin to deliver Israel.' Deborah was called to deliver Israel, but was already a judge. Samuel was called by the Lord to be a prophet but not a judge, which ensued from the high gifts the people recognized as dwelling in him; and as to Eli, the office of judge seems to have devolved naturally or rather ex officio upon him" (Bible Dictionary 2023).

The Hebrew word for Justice is *mishpat*. Justice is rendering to everyone that which is his due. Justice means merely the doing what positive law demands. Oko (2017, 2023) sees justices as social worm which guides men in their action towards one another. According to Nyoyoko (2003:6) in the Sinai covenant, judges are to uphold the Mosaic Law by acquitting the innocent and condemning the guilty. A breach of justice consists of a verdict that runs contrary to the law or that do not accord with the known facts (Exod 23:1-9; Deut 25:1-3). In pre monarchical Israel, the culture where judges, not juries, render a verdict, false accusations, bribery, and influence peddling are the favored devices of injustice (Deut 16:18-20 ; 1 Sam 8:3 ; Prov 17:23 ; 19:28 ; Isa 5:23 ; Jer 5:28 ; Ezek 22:29 ; Amos 2:6-7 ; Zech 7:9-10). The victims are disproportionately from the poor, among whom are the fatherless, the widow, and the

resident alien (Deut 27:19; Psalm 82). The righteous judge must never show partiality to the rich (Deu 24:17), nor for that matter to the poor (Lev 19:15); he must render true judgment at all times.

Nyoyoko (2003:7) opines that under the monarchy, the king is the final arbiter of justice (2 Sam 8:15; 15:3-4; 1 Kings 10:9; Prov 20:8). Kings are warned about injustice (Prov 16:10 ; Jer 21:12 ; 22:2-3 ; Micah 3:1-3 Micah 3:9-11).Solomon's wisdom makes him a just king (1 Kings 3:11-12 1 Kings 3:28 ; 2 Chron 9:8). At the same time, justice is not a virtue for judges and kings alone; all Israel is to follow in the "paths of justice" (Gen 18:19 ; Psalm 106:3 ; Prov 21:15 ; Isaiah 1:17 Isaiah 1:59).Pursuing justice in life is of greater worth than religious ritual (Prov 21:3 ; Micah 6:8 ; cf. Matt 23:23).Justice must lead to honesty, even in mundane business transactions (Lev 19:35-36 ; Hosea 12:7).

The Hebrew word for bribe is *shochad*, meaning to pervert a judgment or corrupt the action of a person. Contextually, today the synonym of bribery is corruption. These were exhibited by the sons of Samuel and the scripture kicks against bribery, and it should not be given or taken; "for the gift maketh open eyes blind, and perverteth the cause of the righteous" (Ex. 23:8). A similar incident of bribery and corruption was recorded against (Hophni and Phinehas), the two sons of Eli, the high priest (1 Sam. 1:3; 2:34), who, because he was "very old," resigned to them the active duties of his office. By their scandalous conduct they brought down a curse on their father's house (2:22, 12-27, 27-36; 3:11-14). For their wickedness they were called "sons of Belial," i.e. worthless men (2:12). They both perished in the disastrous battle with the Philistines at Aphek (4:11).

It is Worthy of note that the place where Samuel sons (Joel and Abijah) carried out their responsibilities was Beersheba, the utmost border of the land, to the south as Ramah, where Samuel dwelt and judge was more to the North, where they were placed by their father, for greater convenience of the people of Israel that lived southwards. According to the Theological Hebrew Dictionary (2023:4), Beersheba was also a Well of the oath, or well of seven, a well dug by Abraham, and so named because he and Abimelech here entered into a compact (Gen. 21:31). On re-opening it, Isaac gave it the same name (Gen. 26:31-33). It was a favourite place of abode of both of these patriarchs (21:33-22:1, 19; 26:33; 28:10). However scholars have questioned the age of Samuel that he had to hand over his responsibilities to his sons without proper routine check. A major issue of contention is the age of Samuel who is regarded as an old man, the Hebrew word for old is: זָקֵן, *zāqēn*. The common notion of the Jews is, that he lived but fifty two years, when a man is not usually called an old man, unless the infirmities of old age came upon him sooner than they commonly do, through his indefatigable labors from his childhood, and the cares and burdens of government he had long bore; though some think he was about sixty years of age; and Abarbinel is of opinion that he was more than seventy.

According to Nyoyoko (2003:7) it is a rule with the Jews, that a man is called an old man at sixty, and a grey headed man at seventy: that he made his sons judges over Israel; under himself, not being able through old age to go the circuits he used; he sent them, and appointed them to hear and try cases in his stead, or settled them in some particular places in the land, and, as it seems by what follows, at Beersheba; though whether that was under his direction,

or was their own choice, is not certain. The major idea and thesis statement of the passage is the corrupt practices perpetuated by (Joel and Abijah) Samuel's sons that eventually led to the demand for a king and the end of monarchy in Israel.

CORRUPTION WITHIN THE NIGERIA JUDICIAL SYSTEM

According to Joseph (2021:8), the dust raised by the Independent Corrupt Practices and other Related Offences Commission (ICPC) in its damning report, which indicated that the Judiciary is on top of the Nigeria Corruption Index between 2018 and 2020 is yet to settle. ICPC report had claimed that about N9.458 billion was offered and paid as bribe by lawyers to the sector. Although opinions among lawyers are divided about this development, it has re-ignited citizens' perception and suspicion that monumental graft is being perpetuated within the judiciary, clogging its optimal performance and dashing expectations of the common man. In the report, titled: "Nigeria Corruption Index: Report of a pilot survey" the ICPC through its chairman Prof. Bolaji Owasanoye (SAN), said six female judges reported that they were offered N3, 307,444,000 billion and five male judges reported N392, 220,000million. The anti-corruption agency explained that cases of outright demand and offer of bribes were mostly linked to election matters.

The survey was carried out by the Anti-Corruption Academy of Nigeria, the intellectual arm of the ICPC. According to Joseph (2021:9), the Nigeria Corruption Index (NCI) indicates that both the public and private sectors are complicit in the high corruption levels in Nigeria. He said the NCI explained in details the rot in the Judiciary. The report reads: "Overall, the justice sector had the highest level of corruption with a score of 63%. The level of corruption in the justice sector was heightened by stupendously high amounts of money offered as bribes to judges by lawyers handling high electoral and other political cases. A large percentage, 73 per cent of justice sector respondents did not experience a situation of outright demand or offer of bribe. Nevertheless, it remains alarming that 16 per cent of respondents had experienced such blatant demands or offers of bribes.

Corruption in the Nigerian Judiciary is like pregnancy. It can no longer be covered with bare hands. Like smoke, it has traveled with the air, escaping from narrow openings in windows and doors. Like a wild fire, it has engulfed the roof already, and we can all see from afar. Furthermore, in October 2016, the Federal Government went against some judges including Justices of the Supreme Court in a Gestapo-style operation based on corruption allegations. "Huge sums of money were reportedly found in cash in the homes of some of the Jurists. The natural assumption was that the cash could only be a product of bribery and corruption. The assumption is not totally misplaced because monies offered as bribes are often moved in cash to avoid easy tracing associated with bank transfers/lodgments.

According to Azubuike (2021:23), ICPC in its report held lawyers responsible as the top players in judicial corruption; it may not precisely be so. This, he said, is because lawyers generally do the bidding of their clients, which in this case, are politicians. "The Rules of Professional Conduct require that lawyers are to execute only legitimate and lawful instructions. Thus, they cannot be totally shielded from corrupt practices. However, we must not lose sight of the real players in the corruption game. Azubuike (2021:24), further states that, "At the risk of passing the buck, some of our politicians are the ones polluting the system

because of their desperation to hijack or retain power at all cost. Politicians control the real process of appointment of judges, notwithstanding constitutional provisions on judges' appointment. Most times, the selection process involves high-level lobbying before the lists to be presented to the President (or Governor as the case may be) by the National Judicial Council (NJC) are drawn.

According to Hammad (2020:6) Judicial corruption has a lot of negative impacts on society and is one of the most severe threats to human rights implementation in the country. The effects of judicial corruption in society are numerous which includes but not limited to the following: segregating the communities, violation of human right; the fight against transnational crime would be impossible; and reduces trade, economic, human development, and most importantly, reject persons from fair dispute settlements. These deteriorating effects are harmful to the democratic society and action needs to be taken to curb the malady of judicial corruption in Nigeria. Judges must also be impartial, honest, and competent. It is hard to exaggerate the negative consequences of judicial corruption, both nationally and internationally. Combating transnational crime and terrorism becomes unfeasible; it diminishes economic and human development; and it denies citizens their long-recognized right to impartial dispute settlements.

For Jerome (2021:4), judicial corruption is a personal trait of individual judges, as obtainable in any other profession, and measures against individual corrupt judges may not reverse the corruption trend. According to him, a more effective strategy would be by deterrence of the bribe givers, more than deterrence of bribe-taking judges. Judges, he said, scarcely solicit for bribes. Jerome (2021:6) opines, "It is the litigants through their lawyers, and at times, lawyers on their own, who approach and induce the judges with bribes for undeserved victory. But the appeal structure created by law is designed to preserve justice for the deserving party up to the Supreme Court, no matter who might have bribed judges along the line of the appeals. If your case is strong in law and facts, and well-built from the outset, it may be lost to a bribe giver in a corrupt high court, but there are three wise men at the Court of Appeal to remedy that, and if they fail, there are five wise men at the Supreme Court to restore justice to you.

The researchers have observed that in recent times, the Nigerian Judiciary is increasingly being perceived as corrupt. Oko and Ndubuwa (2022:34) echoes that judiciary as an organ of government is no longer the hope of a common man but rather the grave of the common man as it is the highest bidder that takes it all. The judiciary is composed of judicial officers who are human beings and therefore subject to the vagaries of human nature in its insidious form. While there are good, intellectually sound and upright judicial officers of impeccable character and integrity in Nigeria, it is sad to say that a very tiny percentage of judicial officers in Nigeria fall below the standard expected of judicial officers in the area of intellectual capability, uprightness, character and integrity and this reflects in the poor quality of judgments delivered by the various courts in Nigeria and the growing problem of conflicting judgments and the attendant confusion it brings in the legal system in Nigeria.

COMPARING THE PASSAGE AND NIGERIA JUDICIARY

The Nigeria judicial system is similar and even worst compared to the level of corruption and injustice meted out to the citizens. In response to this fact Oputa (1996) as cited in Oko and

Ndubuwa (2022: 38) reveals that rape of justice in Nigeria even by the judiciary is an open secret. He asserts that it is common knowledge that the courts are infested by virus of bribery and corruption. It's worthy of note that the corrupt and unjust practices perpetuated by Samuel sons (Joel and Abijah) is a common reality in the Nigeria judicial system. Consequently, their actions led to the agitation for a king, and a transition from the theocratic form of Government by God, to the Monarchical system of Government. This substituted the sovereign rule of God in the affairs of the Israelites. If the sons of Samuel (Joel and Abijah) adhere to their father (Samuel) instructions and were constantly reminded on the dangers of corruption and followed the right path, Israel wouldn't have derailed from the precept of Yahweh.

Similarly, there is the urgent need for constant training and re-training of judicial officers in the form of workshops, seminars and symposium for judges to update their knowledge and restructuring the appointment process of judicial officers to ensure that only persons of acceptable intellectual capability, character and integrity are appointed to the bench in order to reduce the level of corruption and the total collapse of the Nigeria Judicial system. However, if Samuel had constantly checked and examine his sons (Joel and Abijah) in the affairs of Judgment and put in measure to avert bribery, Israel wouldn't have been relegated from Yahweh divine plan. In relation to this, the Executive and Legislative arms of government should comply veraciously to the requirements of checks and balances in the polity as an integral requirement of a democratic government that is practicing true federalism to reduce the prevalence of corruption within the Nigerian judicial system.

Conclusion

Parents and religious leaders also have a function to play by advising their children and admonishing their followers who are judicial personnel on the consequences of engaging in corrupt practices. Similarly, to curb to a minimum the operation of corrupt and transactional justice practices within the judiciary, we must begin to consider a judicial Ombudsman framework that will be tasked with the responsibility of inquiring into complaints from court users. As there are whistle-blowing policies in executive administration there should also be such policy in place in the judiciary. Unlike in the other arms of government where officers found to be corrupt could be punished, suspended and allowed to resume their duties, there should be no middle ground or space on the Bench for those found to be partial and corrupt as they are unworthy arbiters of truth. There should therefore be zero tolerance for judicial corruption or misconduct. It's in view of this, the researchers have attempted to highlight the corruption in the judicial system of Nigeria and the passage.

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