



**ISLAMIC UNIVERSITY
IN
UGANDA**

**COMPARATIVE LAW
JOURNAL**

IUIUCLJ

IUIUCLJ. VOL 6, ISSUE 2, 2019

ISLAMIC LAW CONCEPT OF WEALTH CIRCULATION AS PANACEA TO THE SCOURGE OF ECONOMIC AND FINANCIAL CRIME IN NIGERIA

OLAGUNJU-IBRAHIM, R.O (Ph.D.)[□]

Abstract

Economic and financial crime refers to non-violent criminal and illicit activity aimed at gaining wealth illegally. Perpetration of this crime always comes with unpleasant implications on the economic stability of affected nations as well as the financial standing of the victim citizens thereat. Nigeria is indeed one of those nations of the world which are badly affected by the scourge of this crime. Attempt to curb this has prompted successive government administrations in the country to develop a number of legal and institutional frameworks but without much succor up till now. The fact that wealth acquisition is a major target of the perpetrators of this crime raises puzzles as to the adequacy and effectiveness of wealth circulation provisions in the Nigerian legal regime. This therefore calls for imminence of the need in this paper to transcend the confines of the Nigeria law and research into how the objective of wealth circulation is being treated in another legal regime, both in theory and practice. The benefit which lies in this exercise is to become familiar with what the system is like in the alien law and to see to what extent the Nigerian law can take useful cue (if any) therefrom.

Introduction

Economic and financial crime is one sure monster that is pursuing and scaring almost all countries of the world nowadays. Of course, Nigeria is not an exception from the list of the nations affected in this wise. Though, few other reasons aside the desire to amass wealth are sometimes responsible for inclination towards economic and financial crime, uncultured obsession for wealth acquisition seems to be the paramount motive behind inclination in this brand of crime.

It is common knowledge that the rate of general crime and that of economic and financial crime is relatively low in some contemporary Islamic law tailored states such as Saudi Arabia and Iran. It is also known that economic situations in those jurisdictions are fairly impressive. Islamic law recognizes human need for wealth and thus enjoins mankind to engage in lawful work as a sure means of making money. The same law also commands an effective wealth distribution scheme within the Islamic law environments. A major focus in this paper is therefore to analyze both the theory and practice of sharing wealth in those environments with a view to seeing how the system really works thereat.

Before coming down to this major preoccupation, it is deemed worthwhile to consider

Lecturer I, Department of Islamic Law, Faculty of Law, University of Ilorin, Nigeria Email:
ridwanolagunju@gmail.com, Phone number : +2348038262823

Islamic Law Concept of Wealth Circulation as Panacea to the Scourge of Economic and Financial Crime in Nigeria the connotations of economic and financial crimes, as well as the analysis of some previous legal and institutional frameworks in Nigeria to curb the menace of economic and financial crime.

General Conceptual Clarifications

Economic and financial crimes refer generally to money related abuse. They are crimes perpetrated individually or in group with the aim of gaining wealth illegally either from individual victims, companies or government parastatals, etc. In the main, economic and financial crimes are misconducts amounting to desecration of economic regulatory provisions of any given society.

In a way, a cursory look at the coinage of the phrase ‘economic and financial crimes’ may appear as indicative of sameness of meaning of the two crimes put in one i.e. economic and financial crime, nevertheless, these two types of crime differ in some material respects. For instance, while economic crime is identified with its two categories of white-collar and organized crimes, financial crime, on the other hand, gives a notion of crimes against property.

Economic and financial crimes are really not a new dimension of crimes. They are rather a variant of the entire gamut of crimes which have been in the reckoning of people since antiquity. For instance, in the previous Roman-Dutch law, no difference whatsoever was recognized between felonies and misdemeanours. Every unlawful act punishable back then at the instance of the State was crime¹.

Simon and Hagan have traced the root of economic and financial crimes in the United States to the countless privileges and perks which politicians of all stripes and at all levels of government conveyed upon themselves in the olden days². Those privileges are said to have contributed to an atmosphere of elitism and arrogance in an environment conducive to the idea that holders of political powers can do no wrong³. According to the same writers, it was from the wide concept of elitism and arrogance that other larger corrupt offences⁴ sprang up all under the theme ‘white collar deviance’⁵. The last of these other larger corrupt offences is said⁶ to be economic crime, which has been defined to mean any non-violent, illegal activity that principally involves deceit,

¹ Itahlo H.R., and Kahn E., *South Africa: The Development of its Laws and Constitution* (Juta & Co; Cape Town, 1987), pp. 163 – 166

² Simon D.R. and Hagan F.E., *White Collar Deviance* (Allyn & Bacon, United States of America, 1998), p.43

³ *Ibid*

⁴ Such as; White Collar crime, criminaloid, elite crime, corporate crime and avocational crime. Others include; elite deviance, occupational crime, organizational crime, professional crime and upperworld crime.

⁵ Simon D.R. and Hagan F.E., *White Collar Deviance* p.3

⁶ *Ibid*

misrepresentation, concealment, manipulation, breach of trust, subterfuge or illegal circumvention⁷.

Economic and Financial Crimes in the EFCC Act.

The Economic and Financial Crimes Act, 2004, was enacted to address a wide range of crimes of which corruption is just a fraction. To this extent, the Act is different from an earlier one, the ICPC Act which is primarily aimed and directed at the fight against corruption in public offices. EFCC Act offers a working definition for the crimes covered by it. It defines the economic and financial crimes as:

*The non-violent criminal and illicit activity committed with the objective of earning wealth illegally either individually or in a group or organized manner thereby violating existing legislation governing the economic activities of government and its administration and includes any form of fraud, narcotic drug trafficking, money laundering, embezzlement, bribery, looting and any form of corrupt practices, illegal arms deal, smuggling, human trafficking and child labour, illegal oil bunkering and illegal mining, tax evasion, foreign exchange malpractices including counterfeiting of currency, theft of intellectual property and piracy, open market abuse, dumping of toxic waste and prohibited goods, etc.*⁸

At cursory look, the above definition would seem somewhat detailed. Its coverage of a manifold of acts which constitute economic and financial crimes is one possible factor of this wide impression. However, the phrase “non-violent”, which features at the beginning of the quotation i.e. “the non-violent criminal and illicit activity committed with the objective of earning wealth illegally...” casts doubt to the correctness of this impression. Why? Not in all cases of economic and financial crimes can violence be avoided in the process of committing the offense.

By the framing of the above definition in the EFCC Act, instances of acts which should ordinarily fall within the spheres of economic and financial crimes will remain outside the scope once it can be established that an element of violence is involved in the commission of the crime. To this extent, this observation, as briefly discussed, is in itself a point of limiting the conceptual horizon of economic and financial crimes in S. 46 of the EFCC Act.

Aside the above, another point of limitation is also discernible from the conceptual quotation at hand. The definition, as it appears, does not seem to accord any relevance or concern to the effectiveness or otherwise of the imperative of wealth circulation scheme of the government for the citizens. Not giving this important point a reflection in the definition under reference is, in the opinion of this writer, another perceived

⁷ American Bar Association: Report on Organized Crime (ABA, New York, 1952), p.17

⁸ S. 46, EFCC Act.

conceptual shortcoming having implications of narrowing down the coverage of the concept against the conscious mindset of the draftsmen.

The take of this paper tilts towards the propriety of mitigating the gravity of any aspect of economic and financial crime committed during the time the government fails to discharge its responsibility of wealth circulation to the citizens. If this position appeals to good reasoning, then, the provision of S. 46 of the EFCC Act on the definition of economic and financial crimes must, at least by allusion, be couched in a way to show that effective implementation or otherwise of wealth circulation by the government will to a great extent determine the gravity of any alleged economic and financial crime. Thus, omission of this vital contribution in the EFCC Act as it currently stands leaves much to be desired as same narrows down the ambit.

Adverse Effects of Economic and Financial Crimes.

Economic and financial crimes are fast becoming a phenomenon throughout the globe. Though, not a new brand of offences unknown at all hitherto, the increasing wave of civilization and progression in technology has been responsible in recent times for broader and unfamiliar manifestations of this brand of crimes. This has made the ill-effects of economic and financial crimes to be more devastating and unbearable. For instance, the integrity of financial markets is compromised, economic distortions are created while erosion of investor confidence sets in⁹. Further, international capital flows and exchange rates become volatile due to unanticipated cross border transfers. Money launderers have no legitimate interest in industries used to facilitate their activities and there is rapid movement of funds through the financial system that makes profits and investments unreliable¹⁰.

Nigeria like other jurisdictions has had her high share of the taste of these devastating effects. Democracy and democratic institutions in the country are often times among the direct victims of threats posed by economic and financial crimes. For instance, there is hardly an election in Nigeria that is seen to be free from one form of manipulation or the other. The offshoots of flaws in these elections often give rise to emergence of leaders and policy makers who are at distance from the yearnings and aspirations of the masses who constitute the bulk of the voting public. There is also loss of revenue investments and trade opportunities among others. Due to illegal bunkering and pipeline vandalizations, billions of naira are being lost almost on daily basis by the Federal Government. Nuhu Ribadu once quoted a one-time Nigerian Chief of Naval

⁹ Hening J., 'Perspectives on Financial Crimes in Roman-Dutch Law: Bribery, Fraud and General Crime of Falsity (Falsityt)' www.emeraldinsight.com accessed on 4th March, 2009. See also *Journal of Financial Crime*, (Emerald Group Publishing Limited, Vol. 16, No. 4, 2009), p. 302

¹⁰ *Ibid*

staff as saying that the Nation was losing an average of \$5million per day to crude oil thieves¹¹.

Nigerian Legislative Measures of Combating Economic and Financial Crimes.

Attempts to come out of the mess of economic and financial crimes in Nigeria have led almost all the previous governments in the country to introduce a number of legislations in order to tame the tide of this crime. For instance, the second military regime under General Yakubu Gowon promulgated the Public Officer Investigation of Assets Decree No. 5 of 1966 (repealed),¹² which empowered the Head of State to require public officers to declare their assets. In addition, tribunals were set up with powers to investigate corrupt enrichment by public officers.¹³ In 1975, General Murtala Mohammed also made several efforts to combat corruption. He set up an Asset Investigation Panel to investigate the assets of state governors, federal commissioners and high ranking officials. The Defunct Corrupt Practices (Decree) Act, No. 38 of 1975 was promulgated to extend the scope of the regime's anti-corruption measures to officials of private sector.¹⁴

Further, Buhari/Idiagbon's regime promulgated the Recovery of Public Property (Special Military Tribunal) Act of 1984 (as amended). The military under this regime believed that draconian anti-corruption measures including long sentences and forfeiture of assets would re-assure the public of its commitment to fight corruption. This regime also launched a War Against Indiscipline (WAI). Generals Ibrahim Badamasi Babangida and Sani Abacha also promulgated various similar policies¹⁵ in the fight against corruption in Nigeria. President Shehu Shagari¹⁶ and President Umar Yaradua¹⁷ also had their quota contribution to the fight against this enormous menace. Having said this as the general preliminary on the various efforts of successive governments against economic crime and corruption in Nigeria, it is imperative to give a list of Nigerian legislations which so far have been enacted or adopted in the country to checkmate the spread of economic crime and corruption.

They are the following;

1. The Constitution of the Federal Republic of Nigeria, 1999 (as amended), (Cap. C23) LFN, 2004

¹¹ Ribadu N., 'Implication of Economic and Financial Crimes on the Nation's Economy' being the text of a paper presented at the International Summit on the Global State of Anti-Graft Wars in Washington D.C., U.S.A, from 22nd – 24th April, 2005.

¹²This particular decree and a host of others have suffered repeal, but those others not repealed are now contained in the Laws of the Federation of Nigeria as 'Acts'.

¹³Okechukwu E., 'A Critique of the Activities of EFCC vis-à-vis the 1999 Constitution' in *Ife Juris Review: A Journal of Contemporary Legal and Allied Issues*, Vol. 3, Part 1, 2006, p. 104

¹⁴*Ibid*

¹⁵For instance, the Structural Adjustment Programme (SAP) and the War Against Indiscipline and Corruption (WAIC) were introduced by Babangida and Abacha respectively during their days as some of their anti corruption policies.

¹⁶Shagari's contribution on this was his 'National Ethical Revolution'

¹⁷Yaradua's contribution was his 'Policy of Zero Tolerance for Corruption'

2. The Criminal Code Act, (Cap. C 38) LFN, 2004
3. The Penal Code Law, (Cap P 3) LFN, 2004
4. Corrupt Practices (Decree No. 38) of 1975
5. Banks and Other Financial Institutions Act (Cap. B 3) LFN, 2004.
6. Code of Conduct Bureau and Tribunal Act, (Cap. C 15) LFN, 2004¹⁸
7. Advance Fee Fraud and other Related Offences Act, (Cap. P. A6) 2006¹⁹
8. Money Laundering (Prohibition) Act, Vol. II, 2011²⁰
9. Public Accounts Implementation Tribunal Act, (Cap. P. 36) LFN, 2004
10. Public Procurement Act, No. 14 of 2007
11. Fiscal Responsibility Act, No. 31 of 2007
12. Investigation of Assets (Public Officers and Other Persons) Decree, 1968.
13. Public Officers (Special Provisions) Decree, 1976
14. Miscellaneous Offences Act, 1983
15. Recovery of Public Property Decree, 1984
16. Bank Employee (Declaration of Assets) Act, 1986.
17. Promulgation of the Mutual Assistance in Criminal Matters within the Commonwealth (Enactment and Enforcement) Act, No. 13 of 1988.²¹
18. National Drug Law Enforcement Agency (NDLEA) Act, 1990.²²
19. Public Complaints Commission Act, (Cap. P 37), LFN, 2004
20. Recovery of Public Property (Special Military Tribunal) Act, (Cap. R4) LFN, 2004.

¹⁸The New Code of Conduct ... Act, Cap C 15, now replaces the earlier Code of Conduct Bureau and Tribunal Decree of 1975.

¹⁹This is the latest Act on the crime. It repeals and replaces both the Advance fee fraud and other fraud related offences Decree, later Act No. 13, of 1995 and the Amendment Act on the Crime in 2005.

²⁰This now repeals and replaces the Money Laundering Decree No. 13 of 1995 as well as the Money Laundering Act, (Cap. M 18) LFN, 2004.

²¹This law was designed to bring Nigeria's municipal law in line with the Harara Scheme which contains provisions on how to deal with the proceeds of crime and laundering of such money.

²²This was the first ever law to be promulgated in Nigeria on criminalization of money laundering acts.

21. Failed Banks (Recovery of Debts and Financial Malpractices in Banks) Act, (Cap. F 2) LFN, 2004.²³
22. Foreign Exchange (Monitoring and Miscellaneous Provisions) Act, 1995
23. Central Bank of Nigeria Act, (Cap. C4) LFN, 2004
24. Securities and Exchange Commission's Anti-Money Laundering/Combating Financing of Terrorism (AML/CFT) Compliance Manual for Capital Market Operation, No. 1 of 2011 (which replaces that of 2010).
25. Guidelines for Anti-money Laundering/Combating Finance of Terrorism for the Insurance Industry in Nigeria, No. 5 of 2011.
26. Economic and Financial Crimes Commission (Enforcement) Regulations, No. 39 of 2011.
27. Asset Management Corporation of Nigeria Act, No. 4 of 2011.
28. Financial Reporting Council of Nigeria Act, No. 6 of 2011.
29. Terrorism (Prevention) Act, No. 10 of 2011.
30. Terrorism (Freezing of International Terrorists Funds and other Related Measures) Regulation No. 29 of 2011.
31. Technical Unit on Governance and Anti-Corruption Reforms (TUGAR).²⁴
32. Nigerian Extractive Industries Transparency Initiative Act, 2007.²⁵
33. The Freedom of Information Act, 2011
34. The Independent Corrupt Practices and Other Related Offences (ICPC) Act, (Cap. C31), LFN, 2004.
35. The Economic and Financial Crimes Commission (EFCC) Act, (Cap. E1), LFN, 2004.

By and large, it can be said that Nigeria has put in a considerably fair and impressive legislative effort in the fight against the menace of economic and financial crimes. The

²³This repeals and replaces the 1994 Act on the issue as well as the Tribunals (Certain Consequential Amendments, etc) Act, No. 62 of 1999 also on the issue.

²⁴This is an institution dedicated to monitoring the 'ongoing anti-corruption and governance initiatives, evaluate both the structures and their output for impact, access public feedback, and generate empirical data which will feed into the policy framework and enable reforms'. See TUGAR, "Why TUGAR", <http://www.tugar.org.ng/why-tugar>, accessed on March 26, 2013.

²⁵This is a national version of the global initiative, Extractive Industries Transparency Agency (EITI) whose aim is to promote due process and transparency in extractive revenues paid to and received by governments. See: http://www.neiti.org.ng/pages/about_neiti, accessed Dec. 2nd, 2014

long list of some of these enactments paraded above is a proof of this assertion. Unfortunately, these enactments have been of little or no effect. Hence, the imminence of this paper.

Concept of Wealth Distribution in Islamic Law.

The glorious book of Allah, Qur'an, occupies the top echelon position of primacy in the list of authorities under the primary source of Islamic law. This platitude makes the Qur'an the first book to be reckoned with in the search for legality or illegality of any concept or issue in the fold of Islam. It is in tandem with this truism that legality of wealth circulation as a concept in the context of this paper will have to be traced down to this divine scripture.

In the first instance, it is inappropriate in Islamic law for anyone to see himself as the ultimate owner of the money, wealth, riches or other properties under his control. No matter how wealthy, one is expected to see himself only as a trustee holding his affluence on behalf of Allah, the Ultimate Owner. The Qur'an is emphatic on this in a number of its verses such as where it says:

Believe in Allah and His Messenger (Muhammad) and spend of that whereof He has made you trustee and such of you who believe and spend (in Allah ways), theirs will be a great reward. (Q57:7)

In his exegetic efforts on the verse herein above quoted, Al-Qurtubi sees the need for people who are materially rich to seize the opportunity of the little period of time such wealth will be in their disposal to spend out of it in upholding the ideal of social justice and wealth distribution among all and sundry in the society.²⁶ In the words of Al-Qurtubi, people who are rich and affluent should not be so called. Instead, they are representatives and agents of Allah (Nuwwab and Wukalau) on the riches in their possession.²⁷

It is from this Quranic instruction and many similar others²⁸ that leaders at the helm of affairs in Islamic jurisdiction are always found very responsible, sharing out the national incomes from sources such as booties and offerings to all categories of people under their governance.

One possible factor which stimulates obedience and compliance with respect to this Quranic instruction in Islamic law tailored jurisdictions is the attachment of impressive reward bundles to the complaint.²⁹ Such rewards are believed by the Muslim faithful to be due for reaping on the day of resurrection when all will stand for accountability

²⁶ Al – Qurtubi M.A, Tafsir al- Qurtubi: Al –Jami[^] Li ahkam al- Qur'an (Vol. 17, 1st ed., Dar at-Taqwah Printing Press, Cairo, Egypt, 2008), P. 180.

²⁷ *ibid*

²⁸ Such as; Q 67: 15, Q 59: 7 and Q 2: 177, 195, 219, 254 and 261.

²⁹ This reward system is evident in a number of Quranic verses such as the phrase “theirs will be a great reward” which comes at the end of Q 57 : 7.

before Allah, the creator, in awe and diffidence.³⁰

Wealth Circulation in the Early Classical Periods of Islam

Prophet Muhammad (S.A.W) was the first eminent personality who labored so much to introduce and propagate Islam upon its advent till it came to fruition. It therefore appeals to reasoning that he, and no other person, would always be the first figure to come to mind when searching for the layers of solid foundation for the practical aspects of all that is today known as the major tenets, ideals and principles of Islamic law.

Prophet Muhammad (S.A.W) was the first President and Commander-in-chief of the Muslim Ummah. While his tenure lasted, he was the best any good leader can be in terms of sharing dividends of governance amongst the populace.³¹ Whenever any national income arrived, his style was to resort to immediate sharing of same amongst all and sundry. He started this with some units of camel which Abdullah bin Jahsh (Prophet's emissary to Nakhlah)³² brought as booty. The booty was brought on Abdullahi's return from where he had gone to carry out the Prophet's instruction to hide and learn about the war antics of the Quraish tribe.³³ According to Al-Qurashi, an author, the Prophet (may Allah be pleased with him) gave instant order that the said booty be given out to worthiers of same among the populace.³⁴ It is on record that this same line of action was the Prophet's practice with the subsequent booties which came from war encounters such as *Badr*,³⁵ *Hunayn*,³⁶ *Tabuk*³⁷ and other encounters with the tribe of *Qainuqa* from the Jews³⁸, as well as the tribe of *Quraiza*.³⁹

This instant sharing practice of the Prophet towards distribution of the common wealth of people was resorted to due to lack of a dedicated place to serve as depository of such incomes at the period.⁴⁰ Another reason for this instant dish-out is traceable to the negligible size of those incomes then.⁴¹ This should not spring surprise. The few available Muslims who lived at the period constituted the narrow source from which the said incomes usually came forth. This situation at the early stage of Islam cannot be expected to remain static at a much later time, such as during Caliph Umar's tenure and beyond, when Muslims' population started recording geometric increase following torrential spread of the religion at all nooks and crannies.

³⁰ Q 40: 16-17.

³¹ Muhammad D.R., *Al-Kharaj Wan- Nuzum al- Maliyyah (4th ed., Dar al-Ansar Press, Cairo, Egypt, 1977,.) P. 137*

³² A place between Mecca and Taif.

³³ Al- Qurashi G.A., *Awwaliyyat al- Faruq as- Siyasiyyah (1st ed., Al- Maktab al- Islamy, Beirut, Lebanon, 1983), P.338.*

³⁴ *Ibid.*

³⁵ *Ibid.*, P. 339

³⁶ *Ibid.*, P. 340

³⁷ *Ibid.*

³⁸ *Ibid.*, P. 339

³⁹ *Ibid.*

⁴⁰ *Ibid.*, P. 338

⁴¹ *Ibid.*

Upon the demise of the Prophet, the first Caliph to succeed him was Abubakr. Because the entire Muslim Ummah was still somehow few at the period, Abubakr was left with no other choice than to follow the pathway of his predecessor on instant distribution⁴² of earnings and proceeds.

As for Caliph Umar, he also started his tenure applying the instant method of sharing which he met on ground.⁴³ He however varied this after some time upon noticing regular increase in the magnitude of incomes following increase in the population of Muslims.⁴⁴ Aside the reason of high population, additional sources of income such as *kharaj* i.e. tax on land and *Ushur at-Tijarah* i.e. ten percent from proceeds of commercial transaction by a non-Muslim also sprang up during Umar's Caliphate.⁴⁵ A combination of these reasons informed Umar's departure from the earlier method of quick sharing he inherited. He thus established a national treasury (Baytul-Mal) with branches in all sensitive areas and kept therein all incomes for a period of one year before distributing same amongst all.⁴⁶

On the practical examples of wealth distribution scheme by Umar during his tenure, some interesting episodes are handy as reference points. For instance, the Caliph once offered a sum of four hundred *Dinar* to Abu Ubaydah, as the latter's portion from a huge sum of money meant for the entire Muslim community. In a similar manner, Caliph Umar gave out the share of Muadh the son of Jabal and dished out the remnant among other worthy members of the community. After receiving his portion, Abu Ubaydah exhibited a high spirit of magnanimity by voluntarily sharing others around him from it. Muadh too did the same.⁴⁷ Caliph Umar was informed of this and his instant response went thus: "They are very cooperative among themselves as brothers. May Allah be pleased with them all".⁴⁸

During his tenure, Caliph Umar considered four determinants in fixing the quantum of wealth due to be given to each person under the wealth distribution policy. The factors of earliness in becoming Muslim, serving in one position of responsibility or the other such as Governor of a State and being a scholar (whose efforts influenced the accrual of some religious and mundane benefits) are some of these determinants.⁴⁹ The fact of having undergone some hard times in the course of Allah, engaging in war (Jihad) in order to protect Muslims against harms and persecutions and the fact of being in

⁴² *Ibid.*

⁴³ *Ibid.*, P. 342

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ Ibn al- Jawzi A.A., *Tarikh Umar* (Dar Ihyah Ulumid- Din, Damascus, undated) P. 119.

⁴⁷ Zaky A.S., Rajab A., Na'nau A. and Sanbaty A.M., *Al-Mutala'ah Al-azhariyyah Lis-saff Al-awwal Ath-thanawi* (Qita'u Al-ma'ahid Al-azhariyyah, Cairo, 2007), pp.12-13

⁴⁸ *Ibid*

⁴⁹ *Ibid.*, p.358

financial need are the two other determinants which Umar always considered before giving out portions.⁵⁰

It is interesting to note that Umar went so far in his consideration of these differential factors that he employed other determinants to segregate even among people of the same category. For instance, while he gave out an annual share of five thousand *Dirhams* to each of the early Muslims who participated in the *Badr* war encounter, those who did not witness the encounter were each given four thousand *Dirhams* annually despite their earliness also in embracing Islam.⁵¹

At one particular time, Umar differentiated between the shares of his matured son (Abdullah bin Umar) and the shares of other early emigrants from Makkah to Madinah like Abdullah. The latter, just like the former, did not witness the great *Badr* encounter. But, despite this and a number of other identical situations between Abdullah and those other emigrants, four thousand *Dirhams* went to each of the latter while the former (Abdullah bin Umar) only got three thousand *Dirhams*.⁵² The rationale behind the difference in the sharing formula is clear in the response given by Caliph Umar when queried by some. It was the fact that the migration by his son was not by the son's volition but rather a function of the influence of his two parents, while each of the remaining others decided to migrate on self-decision.⁵³

For those whose migration to Madinah was late (but still before '*Ām al-Fath*'-the year of victory) and those who migrated after the victory an annual share of three thousand *Dirhams* and two thousand *Dirhams* respectively were given out by Umar to those in the two categories.⁵⁴ Youngsters among the children of both the *Muhajirun* and the *Ansar* were each given two thousand *Dirhams* annually.⁵⁵ For the wives of the *Muhajirun* and the *Ansar*, their shares at a time stood at six hundred and four hundred *Dirhams* respectively.⁵⁶

From the preceding paragraphs, a true reflection of what the laudable scheme of wealth circulation was during the eras of Prophet Muhammad and downwards is lucid. By extension, the pro-people robust maintenance arrangement which now goes round in some contemporary Islamic States is also enough to show that the same dish-out spirit of the early glowing periods still manifests in clear terms in the said Islamic law environments. Though, this is no longer in the form of giving out money physically to individuals, the impressive welfare package offers are nonetheless in the overall interest of the society at large in those contemporary environments. It is to this extent that the

⁵⁰*Ibid.*

⁵¹*Ibid.*, p.360

⁵²*Ibid.*, p.253

⁵³*Ibid*

⁵⁴ Al-Qurashi G.A., p.361

⁵⁵*Ibid.*

⁵⁶*Ibid.*

Islamic Law Concept of Wealth Circulation as Panacea to the Scourge of Economic and Financial Crime in Nigeria

current economic situation in the two selected Islamic States (Saudi-Arabia and Iran) shall be considered for the purpose of conviction.

Current Economic Situation in Saudi-Arabia

Economic performance in the Kingdom of Saudi-Arabia has been said⁵⁷ to have been very strong over the years, with growth supporting further increases in per capita GDP and income. Newly released real GDP data from the Central Department of Statistics and Information have revealed that the annual rate growth has always surpassed expectations⁵⁸. Saudi-Arabia's economic freedom score is 62.1 making its economy the 77th freest in the 2015 index. This score has been essentially unchanged since that time with improvements in trade freedom and freedom from corruption.⁵⁹

Generally, Saudi Arabians enjoy a decent standard of living due in large part to many laudable programs of the government designed to minimize poverty. For instance, Saudi citizens are given free education and free health care⁶⁰. In fact, all Saudis are entitled to a plot of land each and a loan of US\$80,000 with which to build a modern time comfortable house.⁶¹ The country has good access to electricity, drinking water, sanitation and a distribution network for oil products among others.⁶²

The GDP per capita in Saudi-Arabia reached its peak as at 1970s and 1980s, when elevated oil prices were generating levels of revenue. In 1981, GDP per head reached US\$16,650. Slipping oil prices and declining production in the ensuing years caused the per capita GDP to fall. By the end of the decade, the figure dropped to US\$5,500. Rising oil prices following the Gulf War, coupled with increased Saudi production, helped raised the per capita GDP once again. In 1999, the figure stood at US\$9,000.⁶³

Current Economic Situation in Iran

Iran is the second largest economy in the Middle East and North Africa (MENA) region after Saudi Arabia, with an estimated Gross Domestic Product (GDP) of US\$406.3 billion in 2014. It also has the second largest population of the region after Egypt, with an estimated 80.8 million people as of individuals in July 2014. Iran economy is characterized by a large hydrocarbon sector, small scale agriculture and services sectors, and a noticeable state presence in manufacturing and financial services. Iran ranks second in the world in natural gas reserves and fourth in proven crude oil reserves.⁶⁴

⁵⁷<http://www.bankaudigroup.com/Groupwebsite/openAudifile.aspx?id=2297>

⁵⁸*Ibid*

⁵⁹<http://www.heritage.org/index/country/saudi-arabia>

⁶⁰<http://www.nationsencyclopaedia.com/economies/Asia-and-the-pacific/Saudi-Arabia-PovertyAndWealth.htm#ix22ftse21w>

⁶¹*Ibid*.

⁶²*Ibid*

⁶³ *Ibid*

⁶⁴ <http://webcache.googleusercontent.com/search?q=cache:BIIBhkTmkoEJ:nearest.fao.org/Download.ashx%3ffile%3DFckupload/File/?NENAPGRN/Iran.pdf+epcd+7&W=ene.ct=clnkeigl=kw>

The Iranian government has implemented a major reform of its indirect subsidy system on key staples such as petroleum products, water, electricity and bread, which has resulted in a moderate improvement in the efficiency of expenditures and economic activities. The overall indirect subsidies, which were estimated to be equivalent to 27% of GDP in 2007/2008 (approximately US\$D 77.2 billion), have been replaced by a direct cash transfer programme to Iranian households.⁶⁵

The economy has also benefitted from the real exchange rate depreciation through improved international competitiveness in the agriculture, manufacturing, and non-oil exports. Data from Iran's Customs Administration show that Iran's non-oil export rose to 24.2 percent % in the first ten months of the Iranian calendar year (i.e., March 21-January 20, 2015) compared to the same period in 2014. Furthermore, the depreciation of the real exchange rate has improved the competitiveness of the agriculture, manufacturing, and non-oil exports sectors, as well as of the hydrocarbons industry. Inflationary pressures on the economy have eased from a year-on-year peak of 35% in 2013 to 15% in 2014. This was facilitated by a number of factors including the appreciation of the Iranian Rial, the decline in global prices for key staples, and the easing of international sanctions.⁶⁶

Comparing the Nigerian EFCC Act to The Anti-Economic And Financial Crime Policies Of Saudi Arabia and Iran.

Looking at the overview of economic situations in the two selected Islamic States as discussed above, one observes presence of the governments' concern in those states for the welfare of the citizens, a trait reminiscent of the early classical periods of Islam as discussed much earlier. Although the modern day governments of these countries hardly resort to wealth distribution in form of sharing raw cash as it was the practice during the era of the Prophet (S.A.W) downwards, the various operative schemes which ensure high standards of living in the selected countries (especially Saudi-Arabia) such as education, free health care delivery services, free land allotment and offer of handsome loan for developing same and host of others can arguably be said to serve the same purpose as cash distribution of the Prophet's era.

All the above variables are lacking in the EFCC Act and other anti-graft legislations in Nigeria. Where they are, per adventure, provided for like in ss.13-18 of the 1999 Constitution, the provisions prove to be of no impact as the particular chapter of the Constitution where they are contained (chapter II) is yet to be made justiciable in Nigeria either by necessary amendment of the Constitution to that effect, or by the National Assembly's assumption of their power under s.4(2) of the same Constitution to make special law which shall give effect to those socio-economic rights of Nigerians

⁶⁵*ibid*

⁶⁶<http://en.org/wiki/crime-in-iran>

under the ambit of good governance.⁶⁷ In addition to this, there is the need to put relevant institutions in place to be in charge of bringing the said welfare benefits down to the doorsteps of all and sundry. Nigerian citizens shall have a sigh of relief once this particular precautionary measure is taken to as adherence to it will surely reduce corruption to the lowest level.

Conclusion

The crucial point which the theme of this paper points to concerns the positive attitudes of some Islamic law states to wealth distribution among citizens. The paper submits that the regularity of this sharing and distribution is a major factor in keeping the rate of crime and, in particular, economic and financial crime at bay during the early classical periods of Islam and even in some contemporary Islamic law states.

It is to the above extent that the paper highlights some practical examples of this distribution beginning from the glorious period of Prophet Muhammad, down to the succeeding tenures of his rightly guided Caliphs such as Abubakr, and especially Umar. In all, what the paper seeks to achieve is affordance of practical templates of the manner of wealth distribution which have worked out well to maintain low crime rates in some jurisdictions and can also work well for us in Nigeria if factored into our anti-graft war antics in the country.

⁶⁷ Item 60 (a) of the Executive Legislative List also empowers national Assembly to establish and regulate any authority or commission it feels capable to promote and enforce the observance of any aspect of the Fundamental Objectives and Directive principles of State Policy.

