

Influence of Forensic Accounting on Litigation Support and Engagement in Nigeria

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Abstract

The research focused on the influence of forensic accounting on the objectivity of forensic accountant's investigation and the Attorney's judgment in litigation cases in Nigeria. The study was carried out using a descriptive survey design. The study population is the over 400 professionals and practitioners in Osogbo, Osun State which included deposit money banks, law firms, audit firms, higher education institutions as well as small and mid-sized industries. In determining the sample size, Solvin's formula was used and 200 respondents were selected in the study while a technique of randomization and convenience sampling has been applied. For this study, primary data were used. Questionnaires have been employed as a tool for collecting data. The results of the study showed that forensic accounting ($\alpha = 0.293$; $p < 0.05$) and ($\alpha = 0.243$; $p < 0.05$) had positive and significant effect on the objectivity of forensic accountant's investigation and the Attorney's judgment in litigation cases in Nigeria respectively. The study concluded that the use of forensic accounting services in Nigeria is an effective way to obtain verifiable evidence and support for litigation that aids activities of Attorney's in the process of prosecuting fraudsters and ensuring dispute resolution. The study recommends that management of firms in Nigeria should develop more interest in forensic accounting by recruiting more forensic accountants with good knowledge in investigative skills and litigation support services as part of their accounts and audit departments.

Keywords: Litigation Support, Forensic Accounting, Investigation, Objectivity, Attorney's Judgment.

1.0 Introduction

The current business environment has become more complex and interconnected, so does the potential for fraud and disputes over financial matters. Often, these situations involve litigation that revolves around uncovering and presenting financial data to substantiate the claims in a financial litigation case. The term forensic accounting has been widely used in view of these topical issues (Ojo-Agboodu et al., 2022). According to Osunwole et al. (2020) forensic accountants use special skills in accounting, auditing, financial analysis, quantitative techniques, some areas of the law, research and investigative work for the purpose of collecting, analyzing and evaluating evidence and communicating its findings. To help lawyers translate complex issues to simpler and more reasoned solutions, they may use forensic accountants. The decisive factor for the final result of a legal action is the financial issues. According to Kaur et al. (2023) in the present day electronic world, the utilization of forensic accountants by the lawyers to inquire, identify, investigate, test, examine, analyze and interpret financial documents and data is required more than ever before. This is because the outcome of forensic accountants could reveal stowed away resources, distinguish unreported profits and help lawyers in anything explicit monetary matters the case needs (Al-Shaikh & Al-Adeem, 2023).

Abalaka, (2022) opined that a number of specific financial skills which include accounting, auditing and finance, in addition to some other skills which are not financial in nature like perseverance, resourcefulness, judgment, carefulness and clear communication, are involved in the application of forensic accounting. These attributes, along with inquisitive mindset, allow the forensic accountant to thoroughly examine and evaluate the financial aspects and various stages of a legal case on behalf of the lawyer (Micah et al., 2023; Eneisik & Ogbonna, 2021; Ajiteru, 2020). Through the integration of these diverse fields, the forensic accountant's analysis of the financial and non-financial data can provide the practicing lawyer with invaluable understanding at every stage of the case as new information emerges or events transpire.

Financial crime, mismanagement, and money theft in Nigerian government agencies, corporate firms, and organizations have all continued to be in the increase. The Nigerian past and present governments made efforts to fight against corruption as a dominant agenda. Many arrests have been made, however, the number of prosecution cannot be viewed in the same manner. This could be linked to underutilization of forensic accounting services skills in the investigation process or limited awareness as to the application of forensic accounting in litigation process. For instance, Mr. Ahmed Idris, the former Accountant General of the Federation (AG), was suspended for compromising Treasury Single Account (TSA), Government Integrated Financial Management Information System (GIFMIS), and Integrated Payroll and Personnel Information System (IPPIS) for personal gains, and being prosecuted to the tune of ₦109 billion (approximately \$147,098,515, using ₦741/\$1 at the prevailing rate of 31st December, 2022) by the Economic and Financial Crimes Commission (EFCC). From this amount, ₦30 billion was recovered from the sacked AG (Omolaoye, 2022). According to Akinadewo et al., (2024) the Economic and Financial Crimes Commission (EFCC) is prosecuting the former Kogi state governor, Mr. Yahaya Bello and two of his former aids on 19-count charge bordering on money laundering to the tune ₦80.2 billion, though the former governor is at large.

Also in 2024, the EFCC filed a 26-count charge relating to abuse of office and corruption against the former governor of the Central Bank of Nigeria (CBN) Mr. Godwin Emefiele. He was specifically charged with accepting gratification, accepting gifts through agents, receipt of property fraudulently obtained, conferring corrupt advantage on his associates and arbitrarily allocating foreign exchange in the aggregate sum of \$2,136,391,737.33 without bids which is contrary to the Corrupt Practices Act of 2000. The EFCC has succeeded in forfeiture of his \$2.4 million and several of his assets located in Lagos and Delta states (Akinadewo et. al., 2024; Enietan-Matthews, 2023). In July, 2023, the Independent Corrupt Practices and Other Related Offences Commission (ICPC) arraigned the former Registrar of the Joint Admission and Matriculation Board (JAMB), Professor Dibu Ojerinde and 10 others, which included his wife, children and six companies on 17-count charge bothering on official corruption, abuse of office and forgery. The ICPC alleged that the former JAMB boss conspired with three of his children to sell off property worth \$150,000 after it had been forfeited to the federal government by a court order. The case is still on-going (Micah et. al., 2023).

Numerous studies in the field of forensic accounting have been carried out by scholars in Nigeria. Studies such as Gideon and Omolara (2024), Safiyanu et al., (2019), Ojo-Agbodu et al., (2022), Okoye and Mbanugo, (2020), Eneisik, (2021), Dada and Jimoh, (2020), Sulaiman et al. (2023), Ozigbo and Orife (2023) and Osunwole et al., (2020) have all demonstrated the significance of forensic accounting in the identification and mitigation of fraud. However, studies on the relationship between forensic accounting and litigation support and engagement are scarce. Thus, the purpose of this study is to evaluate how forensic accounting affects litigation engagement and support in Nigeria.

2.0 Literature Review and Hypotheses Development

Theoretical Framework

There are many theories that are applicable in forensic accounting study such as Fraud triangle theory, fraud diamond theory, White-collar crime theory et cetera, however, this study is underpinned on the agency theory which best explain the role of forensic accountants in legal proceedings. Agency theory is a concept that explains the relationship between principals and their agents, who act on their behalf in financial transactions or decisions. The theory assumes that there may be conflicts of interest or disagreements between the principals and the agents, due to differences in goals, risk preferences, or information asymmetry. The theory also suggests ways to align the interests of both parties and reduce agency costs or losses.

Agency theory was developed by economists such as Jensen and Meckling (1976), Ross (1973), and Fama and Jensen (1983), among others. The theory has been applied to various contexts, such as corporate governance, accounting, auditing, contracting, and organizational behavior. One of the main arguments of the theory is that principals should design optimal contracts or incentives for their agents, such as performance-based compensation, monitoring, bonding, or reputation mechanisms. One of the weaknesses of the theory is that it may oversimplify the complexity and diversity of human behavior and motivation. It may also ignore other factors that affect the principal-agent relationship, such as trust, ethics, culture, or social norms. Moreover, some critics argue that agency theory may create a self-fulfilling prophecy, by encouraging opportunistic or selfish behavior among agents.

Agency theory can be applied to the study of forensic accounting and litigation support, which involves the use of accounting skills and knowledge to investigate fraud, financial mismanagement, or disputes. Forensic accountants can act as agents for various principals, such as investors, shareholders, creditors, regulators, courts, or attorneys. They can provide services such as fraud detection, investigative accounting, litigation support services, damage quantification, expert testimony, or dispute resolution. In this context, agency theory can help explain the challenges and opportunities that forensic accountants face in their work. For example, agency theory can help identify the potential sources of conflict or bias that may arise between forensic accountants and their clients or employers. It can also help design effective contracts or incentives for forensic accountants to ensure their independence, objectivity, and quality of work. Furthermore, agency theory can help evaluate the impact of forensic accounting on the principal-agent relationship between other parties involved in legal proceedings, such as plaintiffs and defendants, or judges and juries.

Empirical Review

Akinadewo et al., (2024) investigated the determinants of forensic accounting techniques' choice of practitioners in addition to the influence of cashless policy as a moderating factor. Research survey design was adopted for data collection through structured questionnaire on practitioners. Purposive sampling technique was used to determine the population and the sample size, which were 110 respondents. Data were analyzed using Logistic regression. The results showed that size of fraud, organizational policies, and legal factors, have a positive but statistically insignificant effect, while educational attributes, industry attributes, professional fees, type of fraud, criminal evidence availability, and audit quality, showed a negative and insignificant effect on the forensic accounting techniques choice for fraudulent practices investigation. The results further showed that the moderating variable (cashless policy) demonstrated a negative and insignificant effect on the relationship of the main variable, but with mixed results with individual components. It was recommended that forensic accountants require a more

in-depth knowledge of the respective technique and the type of the fraudulent practices, for effective and efficient forensic accounting investigation assignments.

Gideon and Omolara (2024) worked on forensic accounting and corporate fraud in Nigerian deposit money banks. Survey research methods was used and ten employees were randomly selected from ten banks which represented all of the Deposit Money Banks in Ekiti State, Nigeria. Using multiple regression analysis, the study found out that forensic accounting activities such as forensic review, forensic inspection, and forensic documentation, have positive and significant effect on fraud detection and prevention in deposit money institutions and that forensic litigation and investigation play a significant role in detection and prevention of corporate fraud. Micah et. al., (2023) looked into how forensic accounting and litigation support might help unearth intricate financial transactions and schemes that are employed in Nigerian money laundering cases. The study employed a qualitative research design, collecting data from secondary sources and analyzing it through content analysis. According to the study, as demonstrated by the cases involving James Ibori, Darius Ishaku, and Diezani Alison-Madueke, forensic accounting and litigation support are essential in revealing intricate financial transactions and schemes used in money laundering cases in Nigeria. The study also discovered that the expert witnesses improved the prosecution's credibility and persuasiveness, clarified and simplified complicated financial issues, and helped educate and inform the judges or jury about forensic accounting concepts and techniques.

Sulaiman et al. (2023) examined the significant difference between forensic accounting and fraud identification in the Nigerian public sector using research survey design. Four (4) ministries out of the entire federal ministries in Nigeria constituted the population of the study in which a sample size of one hundred (100) respondents, which comprises auditors and accountants within the four (4) ministries selected from FCT Abuja in Nigeria served as sample for the research. Analysis of Variance (ANOVA) statistical tool used to test the hypotheses formulated. The findings revealed that the application of forensic accounting in Nigeria's public sector is effective in detecting fraud. The research also found that there is a significant relationship between forensic accounting and litigation support services in Nigeria's courts. The study recommended that public sector should build a continuous improvement in the internal control system and initiate effective and efficient internal checks and sound accounting system. Using exploratory and content analysis research methods, Eneisik and Ogbonna (2021) investigated the role of forensic accountants in Nigeria as expert witnesses. They discovered that forensic accountants, in their capacity as witnesses, present complex business issues, analyze, and summarize financial dealings in a clear and comprehensible manner, bolstered by persuasive and verifiable evidence to assist attorneys in prosecuting financial and economic fraudsters or resolving civil disputes. Furthermore, Dada and Jimoh (2020) looked into the relationship between financial crimes and forensic accounting in the Nigerian public sector. Field survey research methods was used. Questionnaire was administered on selected employees of ministries and establishments in Lagos state. The result of linear regression analysis revealed a negative significant relationship between litigations and the reduction of financial crimes.

Safiyanu et al. (2019) carried out a study on how forensic accounting investigations services could identify financial crime. Past studies on forensic accounting and application techniques were relied upon. The study established that forensic accounting investigations facilitate the discovery of financial fraud and other fraudulent acts in Nigeria. In addition, the study also revealed that objectivity of fraud investigation is enhanced using forensic accounting services. Forensic accounting techniques and the integrity of financial statements were investigated in Oyedokun et al. (2018) study. The survey research

design was chosen. 350 respondents were chosen using the purposive random sampling technique, and they were then given questionnaires. The study's use of multiple regression analysis demonstrated the beneficial effects of forensic accounting services on the accuracy of business organizations' financial statements. These services include fraud prevention, detection, and deterrence skills, forensic audit, forensic investigation, forensic interviewing skills, litigation, mediation, and arbitration skills, computer-assisted reviews, and document reviews. Modugu and Anyaduba (2018), examined forensic accounting and financial fraud in Nigeria. The study used a survey design utilizing a sample size of 143, comprising practicing auditors, accountants, stakeholders, and management staff. The authors used the binomial test for data analysis and determined that there is significant consensus amongst the stakeholders on the effectiveness of forensic accounting in fraud prevention and control, internal control quality, and financial reporting. This study tested the following research hypotheses.

H1: *Forensic accounting does not have significant influence on the objectivity of Forensic Accountant's investigation in Nigeria.*

H2: *Forensic accounting report does not have significant influence on the Attorney's judgment in litigation cases in Nigeria.*

3.0 Methodology

A descriptive survey design has been adopted in the study. Since the study sought to examine the impact of forensic accounting on litigation support and engagement, this design was chosen. This plan was used to disclose the impact of forensic accounting on litigation support and engagement among professionals and practitioners in Osogbo, Osun state. According to the first examination, there are about 400 professionals which include accounting experts, auditors and legal practitioners located in Osogbo, Osun state. Slovin's formula was used for determination of the sample size:

$$n = \frac{N}{[1 + N(e)^2]}$$

According to Grima et al. (2020), N represent the size of the population, n represent the size of sample and the margin of error is represented by e. The sample size of 200 was therefore found to be the following:

$$N = 400$$

$$e = 5 \text{ percent of margin of error}$$

$$\begin{aligned} \text{Thus, } n &= \frac{400}{[1 + 400(0.05)^2]} \\ &= \frac{400}{[1 + 1]} = 200 \end{aligned}$$

Random and stratified sampling designs were used for the research. This ensures that each part of the population is accurately sampled, resulting in representativeness within the selected sample. 186 out of the 200 sampled respondents responded. Primary source of information, through the use of questionnaire was used in order to obtain data for the study. There were two parts to the designed questionnaire. Basic demographic information was requested in the initial part while questions concerning the two dependent variables viz-a-ziz (objectivity in investigation and Attorney's judgment) were dealt with in the following section. In assessing the impact of forensic accounting on litigation support and engagement, a five points likert scale questions were used. Before the final draft, the

questionnaire was subjected to a pilot test in order to obtain necessary information and enhance the reliability of the questionnaire (Honigsberg, 2020). Fifteen experts in Osogbo, Osun state were involved in the pilot study, but did not participated in the final study.

Analysis of data was carried out using Statistical Package for Social Sciences software. In this analysis both inferential and descriptive statistics were adopted. Tables, percentages, and frequency distributions were used for descriptive analysis so as to allow for the explanation of the different collected data. A regression analysis which helped in establishing the impact of forensic accounting on litigation support and engagement was used for inferential statistics.

As shown below, the regression model was used;

$$Y = \alpha_0 + \alpha X + \mu \dots\dots\dots i$$

$$y_1 = \alpha_0 + \alpha_1 X + \mu \dots\dots\dots ii$$

$$y_2 = \alpha_0 + \alpha_1 X + \mu \dots\dots\dots iii$$

Where;

Y= Litigation support and engagement [Objectivity in investigation and Attorney's judgment]

y₁ = Objectivity in investigation

y₂ = Attorney's judgment

X = Forensic Accounting

α₀ = Constant

α₁ = Model coefficient

μ = Error term

4.0 Results and Discussion

In analyzing the primary data 186 questionnaires were retrieved from the respondents and are presented in the order of questions raised in the study. The 93. 00% retrieved was alright to meet the specific objectives of the study.

Table 1: Socio Demographic Characteristics of the Respondents

Category		Frequency (N= 186)	Percentage (%)
Sex	Female	51	27.42
	Male	135	72.58
	Total	186	100.00
Age	Below year 30	23	12.37
	Year 31 – 40	79	42.47
	Year 41 – 50	44	23.66
	Year 50 and above	40	21.50
	Total	186	100.00
Qualification	Bachelor of Law Degree	47	25.27
	Bachelor of Science Degree	71	38.17
	Master of Science Degree	30	16.13
	Doctorate Degree	15	8.06
	Others	23	12.37
	Total	186	100.00
Work Experience	Year 1 – 10	59	31.72
	Year 11 – 20	70	37.63
	Year 21-30	40	21.51
	Years 31 and above	17	9.14
	Total	186	100.00

Source: Field Survey, 2024.

The highest response of 72.58% came from the male respondents and a female response rate of 27.42% was recorded, according to Table 1. This suggests that most respondents in the study are men. Furthermore, the table showed that generality of respondents was between 31 and 40 years of age, with 42.47%. According to the results, 25.27% of respondents have bachelor's degree in law. 38.17% are with Bachelor of Science degree in different field, 16.13% are with master degree and 80.06% are with Ph.D. However, in the field of accounting and other profession, 12.37% of respondents hold different types of professional qualifications. Furthermore, the analysis shows that 37.63% of the respondents have 11 years of experience. OLS regression methods have been used for inferential data analysis. The following is the result of the analysis:

Table 2: Forensic accounting and objectivity in investigation.

Model one	R = 0.830	R ² = 0.689	Adj.R ² = 0.687	Std. Error estimation = 0.307	Durbin-Watson = 1.796
	Sum of Square	Df	Mean Square	F	Sig.
Regression	6159.426	1	6159.426	315.328	.000 ^b
Residual	2844.794	184	19.475		
Total	8934.319	185			
	Unstandardized Coefficients		Standardized Coefficients	t	Sig.
	B	Std. Error	Beta		
Constant	-12.147	2.639		-3.789	.000
Forensic Accounting	.293	.018	.833	19.015	.000

Source: Author's Data Analysis, 2024.

Table 2 revealed that forensic accounting ($\alpha = 0.293$, $t = 19.015$, $P = .000$) has positive and significant effect on the objectivity of Forensic Accountant's investigations in Nigeria. In addition, the outcome also shows that there is a 68.90% absolute influence of forensic accounting on the Forensic Accountant's investigations in Nigeria. The p-value of 0.00 is below the significant level of 0.05. This indicate that forensic accounting has significant positive impact on the objectivity of Forensic Accountant's investigations in Nigeria. This is in agreement with Gideon and Omolara (2024), Oyedokun et al. (2018) and Safiyanu et al. (2019) who were of the opinion that objectivity of fraud investigation is enhanced using forensic accounting services.

Table 3: Forensic Accounting and Attorney's Judgment.

Model two		R = .809	R ² = .654	Adj.R ² = .652	Std. Error estimation = 3.873	Durbin-Watson = 1.807
	Sum of Square	Df	Mean Square	F	Sig.	
Regression	4259.546	1	4259.546	285.947	.000 ^b	
Residual	2308.896	184	15.889			
Total	6514.432	185				
	Unstandardized Coefficients		Standardized Coefficients	t	Sig.	
Constant	B	Std. Error	Beta			
Forensic Accounting	-6.819 .243	2.461 .016	.810	-2.446 17.267	.000 .000	

Source: Author's Data Analysis, 2024.

Table 3 shows that forensic accounting ($\alpha = 0.243$, $t = 17.267$, $P = .000$) has a strong predictive effect on attorney's judgment in litigation cases in Nigeria. Also, the p-value of 0.00 is below the significant level of 0.05. This indicate that forensic accounting has significant positive influence on attorney's judgment in litigation cases in Nigeria. The outcome revealed that 65.4% absolute influence of forensic accounting is on attorney's judgment in litigation cases in Nigeria. This finding is consistent with the studies of Micah, Adinnu et al. (2023), Ejoh (2017) and Eneisik and Ogbonna (2021).

5.0 Conclusion and Recommendations

The influence of forensic accounting on the litigation support and engagement in Nigeria was examined in this study. Using OLS regression method, hypotheses that were developed, was tested on the basis of data collected from questionnaires. The analysis of data has shown that there is a strong relationship between forensic accounting and litigation support and engagement in Nigeria. This finding is consistent with Micah et al., (2023) study which shows that forensic accounting experts can be of great value in gathering evidence which may help the legal team to identify information that can determine the foundation of litigation and also, find fundamental problems which are not noticeable by others. On the basis of these findings, this study concluded that the use of forensic accounting in Nigeria is efficient in providing verifiable evidence and legal aids which support the activities of attorney in the process of prosecuting fraudsters and ensuring dispute resolution. Taking into account the findings of the study, the following recommendations have been made;

- By recruiting more forensic accountants with good investigative skills and litigation support services as part of their accounts and audits departments, the management of companies and organizations in Nigeria should be more interested in forensic accounting.
- There is a need for training and retraining of forensic accountants in Nigeria by government, accounting professional bodies and the private sector in order to facilitate efficient litigation support services and engagement in Nigeria.

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