

Review Article

# Judicial Oversight In Nigerian Society: The System Of Justice And Democracy, Issues, Prospects, And Solutions.

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**Abstract:** In recent years, the judiciary has faced harsh criticism for its tardiness in resolving electoral cases in a free and equitable way. Here, a Marxist theoretical approach is used to identify the issue contemplated. Every society's government should ideally endeavor to create a peaceful and habitable environment by enacting laws that safeguard the interests of its residents and those who live nearby. Since the judiciary, an arm of a democratic government, like the one in Nigeria, is tasked with upholding the law, it becomes quite concerning when this branch of the government is beset by charges and convictions of corruption. It was suggested that corrupt judges who commit crimes should face a variety of penalties and sanctions, including the death penalty, termination from their position, and public humiliation by being imprisoned for a period of time. Supporting politicians who buy off judges to see through, they ought to be tried and found guilty of bribing public officials. Additionally, they ought to be disqualified from any political office they are running for, since this will lessen judicial corruption, which impedes the development of Nigerian democracy. This report examines Nigeria's problems with corruption. It uses case studies of two nations with comparable issues and histories to provide a comparative perspective. Some of the suggested methods for an efficient performance of oversight functions include evolving reforms, guiding media and civil society engagement, and involving citizens.

**Keywords:** Nigerian society, judicial oversight, democracy, corruption problems and opportunities

## 1. Overview

The government's judiciary is in charge of providing interpretations the role of the judiciary is crucial because it must uphold the law of the land while enforcing it when required. Since the law of the land serves as the foundation for rulings, it is essential that its interpretation and implementation be done as quickly and carefully as possible. Abalaka (2023). "The Body of Benchers" and "the Bar" themselves make up the Nigerian judicial system. The Chief Justice of the Federation is in charge of the Body of Benchers, which is an association of the nation's top attorneys. Along with some of the nation's most respected attorneys, it also includes the Chief Judges of each State of the Federation as members. In contrast, the Bar is a body comprising all the nation's barristers. The "Nigerian Legal Class" is made up of these. With roots in colonial times, the Nigerian judicial system has advanced significantly. It was tasked with monitoring the actions of the legislative and executive branches of government. As the system that regulates the use and administration of power in the nation, the judiciary actually plays a very important role in the development of the nation (Ajiteru, 2023). The majority of the populace will face several difficulties and

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obstacles if the authority granted to the Executive and Legislative branches is not restrained, according to Sulaiman (2023).

#### **a. Context of the Research**

The most significant issue endangering the judiciary's integrity as the bulwark of justice is personnel issues, which are by far the most difficult task the court faces. The judiciary is made up of judges who are also human, therefore they are susceptible to the subtle whims of human nature (Ajiteru, 2023). Sad to say, a sizable portion of Nigerian judges fall short of the standards expected of them in terms of intellectual capacity, uprightness, character, and integrity, despite the fact that there are good, intellectually sound, and upright judges with impeccable character and integrity in the country. This is reflected in the poor quality of rulings rendered by Nigeria's various courts as well as the growing issue of Conflicting rulings and the resulting ambiguity in Nigeria's legal system Nigeria's legal system suffers from a number of procedural flaws that make it exceedingly challenging to get justice and have court cases resolved quickly. In order to eliminate technicalities and maintain substantive justice, the majority of Nigeria's courts' procedural rules desperately need to be reviewed and changed. The fact that many cases in Nigerian courts take years to resolve is concerning for the legal system and encourages unhappy litigants to turn to self-help, according to Sulaiman (2023).

The Judiciary's main duty is to make sure that the Legislative and Executive branches of government operate within the parameters set forth by the constitutional provisions. While carrying out its constitutional mandate, the judiciary should remain independent. Its core mission can be carried out without intervention from the Executive or Legislature (Abalaka, 2023). It uses the constitutional authority granted to it and runs without interference from outside forces. The Nigerian judicial system has faced numerous difficulties. The Judiciary was so severely emasculated during the chaotic military regime that it no longer had any meaning and was only a nomenclatural entity (Ajiteru, 2023). "The Judiciary sank into oblivion," to use a kind phrase. However, democracy brought with it a structured political front that granted the judiciary its proper position as the political watchdog. Since it is impossible to overstate the judiciary's significance in any political system, the constitution grants it complete autonomy so that it can carry out its holy constitutional role without bias or sentimentality (Akpuru-Aja, 2019).

#### **b. Problem Statement**

Without a doubt, the Nigerian judiciary faces numerous challenges, ranging from procedural to constitutional issues, substandard facilities to insufficient financial resources, and institutional to personnel issues. The urgent need for ongoing training and retraining of judicial officers in the form of workshops, seminars, and symposiums for judges to update their expertise and reorganizing the appointment process was indicated by earlier academics who looked for solutions to the issues.

procedure used by judicial authorities to guarantee that only individuals with respectable character, integrity, and intellectual capacity are appointed to the bench. Nonetheless, the researcher is looking at the Nigerian legal system in order to pinpoint its issues and suggest solutions (Sulaiman, 2023).

#### **c. Study Goals**

The goals of this research are as follows:

1. To investigate the issues facing the Nigerian legal system.
2. To determine how to resolve issues inside the Nigerian legal system.
3. To identify the elements that contribute to issues in the Nigerian legal system.

#### **d. Research Issues**

The study will be guided by the following research questions:

1. What issues exist within the Nigerian legal system?
2. How can issues in Nigeria's judiciary be resolved system?
3. What elements contribute to issues in the Nigerian legal system?

**e. Hypotheses for research**

The study will examine the following hypotheses:

Ho: The people of Nigeria are not receiving justice from the Nigerian legal system.

H1: The people of Nigeria are not receiving justice from the Nigerian judicial system.

Ho: There is no escape from the corruption in Nigeria's judicial system.

H1: There is a suggested remedy for the corruption in the Nigerian judicial system.

**f. Importance of the Research**

The relevance of this study is as follows:

1. The study's findings will inform the public about the issues facing the Nigerian legal system in an effort to develop long-term solutions.
2. Additionally, this study will be a resource base to other academics and researchers who are interested in conducting additional research in this area later on, if used, will go so far as to offer fresh insights into the subject.

**2. Framework Of Theory****The Theory of Marxism**

Marxist philosophy significantly influences sociological perspectives on social structure and power dynamics as individuals interact within a community. Karl Marx (2018–2020) is the theory's proponent. According to him, the necessity of producing products and services for survival lies at the heart of human behavior. Marxist theory's ultimate goal is to create a society without classes, where everyone has roughly equal access to income and power. History, according to Marx, is mostly about the conflict between courses for power Abalaka (2023). "The history of all hitherto existing society is the history of class struggles". Marxists noted that resources, especially privilege, reputation, and power positions, are limited and ephemeral, causing conflict as individuals strive for their objectives. If people were just united by the desire to further their immediate self-interest, society would rapidly descend into a Hobbesian nightmare where "war against all" rules. For the state to maintain control over its citizens, some agencies, such as the police, courts, and prisons, must be strong enough to keep conflict within reasonable bounds (Goode, 2017). Marx argued that the process of production is what drives historical change. There are various classes involved in the social relations of production. The fundamental factor that determines the relationship to the means of production determines a person's class. For instance, the two fundamental groups that still exist in a capitalist society are the owners of the means of production, or capitalists, and the workers, or proletariat, who own only their labor. Therefore, it is possible to identify dominant and submissive classes in any historical epoch (Ajiteru, 2023).

Marx goes on to say that the capitalists need new state institutions, like as the court, with its abilities to enforce the unequal distribution of material and social rewards in order to maintain their position as the downtrodden, less privileged class in society. Marxists went on to say that the ruling class does actually reach out to the underprivileged and devise ways to control them. The one that According to theory, the court serves as the contemporary state's executive branch and a committee that oversees the common interests of all bourgeoisie members. According to this perspective, the capitalist elite may essentially control the courts at will (Beirne 1979). Marxist theorists assert that the judiciary's relationship with the capitalist class is one of "relative autonomy." They contend that the judiciary has its own goals and capabilities that impact society as a whole, making it more than just a tool of the capitalist class (Sulaiman, 2020). Therefore, the interests of society as a

whole or of any specific class are not always served by the judiciary's activities (Barkey and Parikh 2021).

This perspective contends that persistent class conflict the power of the capitalist elite to control political institutions at will is constrained by conflicts between workers and capitalists, boom-bust economic cycles, and corporate rivalry. In addition to fostering an environment that is conducive to capitalism, the court must uphold the integrity of the social order and preserve internal harmony by rendering few rulings (O'Connor, 2013). According to Whitt (2019 and 2020), political processes need to be interpreted in light of the organizational structures of the main social institutions. Instead of concentrating mostly on those who hold the seats of elite power. Whitt believed that social institutions including the police, courts, and prisons were biased and influenced political decisions. He presented society as being organized in a way that limits people's ability to make choices. Given the capitalist logic of Nigerian institutions, the ruling class typically does not need to take direct action to fashion outcomes that are favorable to its interests (Ajiteru, 2023). Marx believed that the inequality of wealth and power is a fundamental moral concern, and that certain groups come to dominate others and win for themselves a disproportionate share of the society, including wealth, power, and privileges. The political outcomes are built within the capitalist ordering of affairs by the way agendas are set and alternatives are defined. It is not necessary to be a lawyer to understand that Nigerian laws and their judicial interpretation unabashedly favor the rich and powerful (Anele, 2018).

Fallacious ideas include things like equality before the law, majority rule, fairness and equity, minority rights, free press, independent judiciary, access to social and economic opportunities, accountability, and transparency. Therefore, the most privileged group and their allies are correct; the government has performed well because our democracy of the rich, by the rich, and for the rich truly benefits the affluent. Therefore, the general public must assist them in their social misdeeds. The Marxist theory is used as a theoretical framework for the investigation of the judiciary and democracy in modern Nigerian society in light of the aforementioned discussion. Sulaiman (2023).

#### **a. Nigerian Judiciary and Democracy: Controversial Issues**

In Nigeria, the judiciary's function, as outlined in the 1999 Constitution and other regulating Acts and laws, is essential to democracy's continued existence and fulfillment. The judiciary is a branch of government that has the authority to conduct judicial reviews, implement laws passed by the legislative and executive branches, and more. In this sense, it serves as the watchdog over the other branches of government, making ensuring that their individual or combined actions not only strictly adhere to the law but also do not undermine or destabilize the democratic order in the community. The organization decides any issue pertaining to people' civil rights and obligations, establishing and upholding rights, and rescinding or approving actions, imposing sanctions, such as jail time, forbidding, pressuring, and generally providing remedies for actionable private and public wrongs (Ogunye 2021).

The Judiciary must be well organized, have solid norms and practices, be appropriately staffed, and have sufficient funding in order to carry out the aforementioned function. Beyond all of this, however, dishonest judges shouldn't be destroying the legal system. Corruption of money, position, and power is what that is. The courts typically must not view, perceived, and believed to be pervasively in corruption. The judiciary must serve as a

repository of integrity, a lighthouse of credibility, and a temple of justice. Regardless of how effectively organized, staffed, and financially supported the judiciary is, and Like in Plateau State, the tribunal was shown a photocopy of the checks that Governor Joshua Dariye used to bribe the police and other agencies involved in the elections, but it was insufficient evidence to declare the election void. The Independent National Electoral Commission (INEC) first declared that Ibrahim Mantu had lost to the Alliance for Democracy (AD) candidate, but later declared Ibrahim Mantu the winner of the election.

later chose him to serve as the Senate's deputy president. Some National Assembly members in Anambra State were chosen without running for office. However, the Nigerian judiciary saw nothing improper with calling off such elections. For example, the Independent National Electoral Commissioner (INEC) even attested in court that previous Senate President Adolphus Wabara did not run for office at all, but this did not prevent him from winning the Senate presidency. According to Sulaiman (2020), the judiciary is the only branch of a democracy that is based on the four pillars of truth, justice, equality, and fundamental rights.

"Democracy is not an esoteric or fanciful concept too difficult to grasp," noted Helen Moronkeji, a judge and member of the Court of Appeal. In Nigeria, it is the The judiciary appears to be more aware of the game than politicians (The Economist Newspaper Limited 2018). The judiciary's decision to maintain the verdict of those deemed to have lost an election shows that the system's flaws have caused it to become a biased arbitrator in Nigerian society's electoral dispute settlement process. Due to severe congenital abnormalities, the Nigerian judiciary has rendered democracy chronically ill and paraplegic, preventing the nation from maturing because the appropriate individuals are not elected to positions that will bring it into the global democratic community. The fact that the system has not responded to the periodic and episodic surgical of democracy is more concerning than these flaws, particularly the capacity of this An major government agency linked to unchecked corruption, where desperate politicians will stop at nothing to sway judges to gain unfair advantages at the expense of the impoverished masses Abalaka (2023). The integrity of the Nigerian court contradicts the claim that it is the last resort of the average citizen. In times of crisis, the judiciary has consistently supported the ruling class in Nigeria against the impoverished masses, which hinders the growth of democracy in the nation.

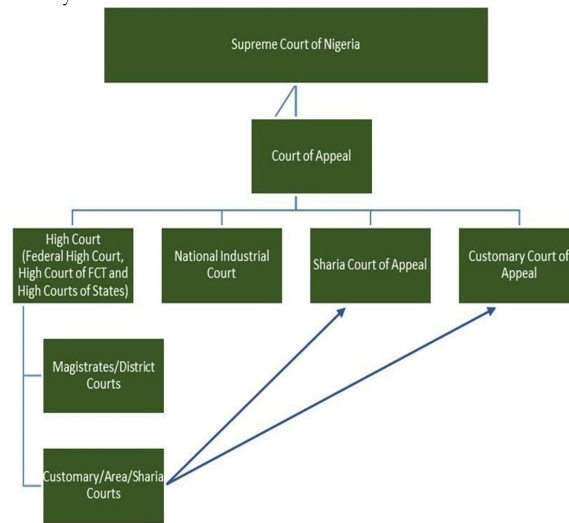
## **b. The Judiciary in Nigeria**

Among the many intricate actors that administer justice in a system that combines common law, Islamic law, and customary law, the Nigerian judiciary is the main player. The organization was established in pre-colonial times, when It was created using the British judiciary as a model. Nigeria's judiciary still bears a significant resemblance to its colonial antecedents in both structure and function, despite having somewhat devolved from its imperial foundations. It consists of two groups: judges of the 1999 Constitution's superior courts and judges of various lesser courts that report to a high court that can be constituted by the national and state legislators (Sulaiman, 2020).

- 1. The courts and their judiciaries** that are specifically listed in the 1999 Constitution are the subject of this section. The following functions of Nigeria's judiciary and court system are described diagrammatically in Figure 1 below:
- 2. The highest court** in Nigeria is the Supreme Court. It is the highest court in all appellate cases and has original jurisdiction over any issue involving the federation and a

state or between states. It is composed of the Chief Justice of the Federation and as many Supreme Court justices as may be specified by a National Assembly (NASS) Act, but no more than 21. The Chief Justice and 16 other Justices currently comprise the Supreme Court.

The President and a minimum of 49 Justices, at least three of whom must be certified in Islamic personal law and three in customary law, make up the Court of Appeal. It is the sole authority to consider and rule on appeals from the Federal High Court, State High Court, Sharia Court of Appeal, Customary Court of Appeal, National Industrial Court, Federal Capital Territory (FCT) High Court, a court-martial, or other tribunals designated by a NASS Act.



**Figure 1:** The Court and Judicial System in Nigeria

Source: Nigerian Judicial System, 2015, by Yemisi Dina, John Akintayo, and Funke Ekundayo, <http://www.nyulawglobal.org/globalex/Nigeria1.html>

3. **The Chief Judge and other Federal High Court judges**, the exact number of whom will be decided by an Act of the NASS, make up the Federal High Court. The NJC makes the recommendation, and the Senate confirms it before the President appoints the Chief Judge and the other judges of the Federal High Court. The court is the only jurisdiction over civil lawsuits and issues pertaining to the federation's government's revenue, including banking, copyright, citizenship, customs and excise taxes, taxes, and admiralty.
4. **The Federal Supreme Court**  
Abuja, the capital territory, is made up of a chief judge and as many judges as a NASS act may specify. Since the High Court of the FCT is a federal court, the President appoints the Chief Judge and the judges on the NJC's proposal, with Senate confirmation for the Chief Judge.
5. **Against the Federal Capital Territory's Customary Court of Appeal**,  
Abuja: includes the court's president and additional judges, whose number is chosen by the NASS, and whose appointment is identical to that of the FCT's federal supreme court.
6. **The Constitution created the Sharia Court of Appeal of the Federal Capital Territory**, Abuja, which has exclusive jurisdiction over the FCT. It has several Kadis, the number of which is decided by the NASS through an Act, as well as a Grand Kadi (or Qadi, which is Arabic for magistrate or judge). The NJC recommends the Grand Kadi, and the Senate must confirm the appointment. The President appoints the Grand Kadi and the other Kadis.

It is crucial to remember that the Federal Judicial Service Commission (FJSC) is required by the Constitution to advise the NJC on the nomination of individuals to the chief judge of the Federal High Court, chief justice of Nigeria (CJN), justice of the Supreme Court, president of the Court of Appeal, justice of the Court of Appeal, chairman and members of the Code of Conduct Tribunal, and chief judge of the Federal High Court (Third Schedule, Part 1, Paragraph 13).

7. **The State High Courts** are presided over by a Chief Judge and backed by as many judges as specified by a State House of Assembly law. Under any state legislation, the High Court has unrestricted authority to hear and decide any civil or criminal case. Every judge in the state high courts is chosen based on the suggestion of the NJC, which suggests their dismissal and is also in charge of their discipline. The Chief Judge of the State and additional judges, whose numbers are decided by the respective State Houses of Assembly, make up each court. On the suggestion of the NJC, the governors of each state pick the Chief Judge and other state judges. The NJC follows the State Judicial Service Commission's (SJSC) opinion when issuing recommendations (Third Schedule, Part 2, Paragraph 6). The corresponding State Houses of Assembly ratify the Chief Judge's nomination.
8. **Additional State Courts:** these comprise the Magistrate Courts, the Sharia Courts of Appeal and, for states that need them, the Customary Courts of Appeal. In Each state also has a Governorship Election Tribunal in addition to the National and State Houses of Assembly Election Tribunals. According to Chapter 7, Part 3, Section 285 of the 1999 Constitution, these tribunals have the original authority to consider petitions resulting from legislative and gubernatorial elections, respectively. In accordance with the Nigerian constitution, the NJC acts as an independent executive body that protects the judiciary from the executive branch of government. It has a significant role in the selection and disciplinary actions of judges; Sulaiman (2020) goes into greater depth about this in the section on judicial oversight.

#### c. **The Judiciary's Advantages**

The common man's last hope is believed to be the court, the third branch of government. This is founded on the idea that the court is the branch of government that shields the populace from the abuses of the other branches. In order to maintain political stability, it interprets the law. Like the legislative, the court might be considered involved in the creation of the law in addition to interpreting it. This is due to the fact that the extent to which the judiciary interprets the law can influence how the law is implemented and how closely citizens follow it. There are several examples of the judiciary exercising its job and/or showcasing its capabilities. Among these functions is the 2010 ruling in *Agbakoba v. Attorney General of the Federation* by Hon. Justice Okechukwu Okeke of the Federal High Court, Lagos wherein the learned judge declared that any constitutional amendment that does not have the president's approval is void. Instead of elaborating on the boundaries of the law, these cases appear to be more instances of upholding the status quo. Here, judicial activism cases might be more pertinent. The Supreme Court ruled in the *Attorney General, Lagos State v. Attorney General, Federation* case that the president lacked the constitutional authority to refuse the state's statutory allotment (Ajiteru, 2023).

#### d. **Obstacles the Judiciary Faces**

This section provides a summary of the many issues that Nigeria's court is now dealing with, many of which are related to the country's vulnerability to corruption. Discussions of judicial corruption have existed from the early 1990s as recommended in a recent article by political analyst Joe Igbokwe.<sup>vi</sup> Before Nigeria's 30-year military rule, which undermined all of the nation's legal institutions, corruption was rare in the country's judiciary, according to current Vice President Professor Yemi Osinbajo. Furthermore, these issues have been discussed at several meetings, as stated in a 2017 media series on Nigerian justice reform. Because of this, their continued existence calls into question the reform management procedure, which is covered in section 5. The issues facing the judiciary are

examined in this part from a longitudinal standpoint, spanning several time periods. It talks about judicial corruption as a cause and an effect of other issues. Starting with a summary of it examines three major categories of issues, including corrupt judicial practices and trends:

First, there are issues that are related to the social and political environment in which the judiciary functions; second, there are issues that arise from the judiciary's daily activities; and third, there are ethical issues. Section 2 elaborates on the second level of apparent flaws, disconnections, and inconsistencies in judicial supervision and regulation procedures that this study identifies as failing to prevent or regulate alleged corruption in the judiciary.

#### **e. The Types of Corruption in Nigeria's Judiciary**

Due to a lack of thorough research and the government's failure to maintain reliable statistics on judicial corruption, the extent of corruption in the judiciary remains unknown. Cases involving corruption and accusations of corruption against judges. The following attachment contains a compilation of media reporting on judicial personnel (Table 1 Case study: the arrests of leading judges in Nigeria). Even the most senior judges and legal experts acknowledge the existence of corruption, but they contend that the extent of corruption may be underestimated. The Economic and Financial Crimes Commission (EFCC) Act 2002, which was revised in 2016, and the Independent Corrupt Practices Commission's (ICPC) Corrupt Practices and other Related Offences Act 2000 do not specifically define it. The ICPC Act only states that "bribery, fraud, and other related offences are included in corruption."Xi Instead of attempting to define corruption, this section examines actions that have been classified as such in connection with particular claims of corruption by some parts of Nigeria's court (many of these violations violate the Federal Republic of Nigeria's Code of Conduct for Judicial Officers and the 1999 Nigerian Constitution's Code of Conduct for Public Officers). This section also includes examples from a 2005 book by Okechukwu Oko, a law professor at the Southern University Law Center in Louisiana, USA, about the issues and shortcomings of Nigeria's court. Oko's work is still relevant today, according to Abalaka (2023).

The most common types of corruption in Nigeria's judiciary can be summed up using the case study of judicial corruption episodes gathered for this study from media reports and other documents. These include requesting, providing, and collecting bribes, as well as perverting justice by revealing private information. information to parties involved in legal disputes and electoral fraud. At least two judges were charged with several categories and/or counts of corruption, according to the report, which raises the intriguing possibility that corruption is a habit that warrants more investigation. It should be mentioned that while certain steps were done in each case, with the exception of two or three, the remaining cases are still unclear, giving the impression that there isn't strict punishment for dishonest judges that would serve as a warning to others. In one case, a few Senior Advocates of Nigeria (SAN) were charged in a high court in Abuja with giving "gifts" to some Independent National Electoral Commission (INEC) officials. On that day, a high court detained the attorneys but promptly released them of their arraignment on baseless technical grounds Sulaiman, (2023).

#### **f. Contextual and Environmental Difficulties**

In light of the high hopes that greeted Buhari's 2015 return to office, Nigerians are growing more and more disenchanted with his apparent inability to keep his campaign pledges to combat corruption. In the midst of political unrest, it is unclear if the judges' arrests were last-ditch attempts to gain political advantage before the 2019 elections or if they reflect a split and a lack of trust in Buhari's own Justice Theresa Uzokwe, the chief judge of Abia State, was suspended, removed, and replaced by the Abia State House of Assembly on January 26, 2018, due to "alleged acts of tyranny and gross misconduct." The Assembly dismissed Justice Uzokwe in absentia in response to a petition signed by two directors of a non-governmental organization (NGO) and established a committee to



Table 1

*Case study: the arrests of senior judges in Nigeria*

On the night of 8 October 2016, Nigeria's State Security Service (SSS), also known as the Department of State Security (DSS) arrested seven judges from their homes, including two Supreme Court justices and one federal high court judge. The DSS reported that it was acting based on allegations of corruption against the said judges and claimed that it recovered over 93 million Naira (approximately 306,000 US dollars) and 530,000 US dollars in cash from three of the arrested judges.

Descriptions of the searches and arrests as 'brazen' conveyed the indignation of many, particularly legal professionals, including the NJC (discussed in more detail below) whose basic functions are to preserve the judiciary's independence as well as ensure that judges work within the rule of law. The NJC said that the judges' arrests were "a threat to the independence of the judiciary, which portends great danger to our democracy" and "a clear attempt by the Department of State Service to humiliate, intimidate, denigrate and cow the judiciary."

The NJC's reaction seemed to stem less from its awareness of incidents and allegations of corruption within the judiciary than its position, shared by many, that the DSS, whose jurisdiction in the matter was questionable, did not follow due process in addressing the allegations. Its press statement detailed several incidents of judicial corruption and professional misconduct for which the NJC had recommended suspension from office, compulsory retirement and other penalties.

All the judges were suspended and three of them were subsequently charged to court. By June 2017, only one case had been concluded, that of Federal High Court judge, Justice Adeniyi Ademola, who was acquitted of corruption charges. He was recalled in

June 2017 alongside five other judges at the instance of the NJC on the grounds that the government had taken too long to prosecute their cases and their continued absence was compounding an existing backlog of cases.

As mentioned earlier, this case brought to the forefront again the issues relating to the causes and the extent of corruption in the judiciary, oversight of the institution, political interference, judicial independence, the image of the judiciary and citizens' trust in the institution's ability to dispense justice equitably according to established laws.

Examine the claims. The case may not be unrelated to a reported crisis in the Abia State Judiciary in 2017 over a standoff between Justice Uzokwe and the state Attorney General, which would imply undue political interference in the judicial process—a practice that Okechukwu Oko stated is a legacy of Nigeria's history of military rule—even though it is too early to assess the truth of the accusations against her. The episode also serves as another example of Nigeria's judiciary's declining respect and legitimacy, which some have attributed to delays or denials of justice in the fight against corruption:

- Physical assaults on the judiciary and court property are another way that disrespect for it shows up. Below is a thorough account of a few chosen occurrences as reported by the media.
- In February 2017, thugs broke into and burned Court 2, a court that handles some delicate matters in Ado-Ekiti, southwest Nigeria. They also poured gasoline in the court registry but fled without setting that area on fire.
- Gunmen believed to be part of a well-known kidnapping and armed robbery ring broke in in January 2017.
- the Owerri High Court in eastern Nigeria and saved Henry Chibueze, a suspected gang member who had been detained on suspicion of kidnapping and other offenses.
- In May 2015, young people in Kano, northwest Nigeria, set fire to a sharia court that was supposed to hear a blasphemy case against Prophet Mohammed. (NAN) said over 1,500 individuals stormed the court grounds, brandishing various weapons and yelling war anthems as they attacked judges and other court employees.

September 2014: Ekiti State courts and judges were allegedly attacked by "thugs," presumably supporters of then-governor-elect Ayodele Fayose. According to reports, they broke into the courtroom of Justice A. S. Daramola, the Chief Judge of Ekiti State, and destroyed court documents by tearing Mr. Justice John Adeyeye's suit at the Ado-Ekiti High Court.

In September 2014, a magistrate court in the Koki local government region was set on fire by at least thirty unidentified "thugs" from Kano. The judge's apparent lack of mercy in deciding cases involving drugs and thuggery was allegedly the driving force behind the attack.

These cases don't seem to be related to December 2014: Young people thought to be political thugs broke into the Ebonyi Court complex in Abakaliki, eastern Nigeria, and interrupted court proceedings. An eyewitness informed Nigeria's News Agency by corruption. Instead, they deal with the disintegration of law and order and the executive branch's unwillingness to adequately secure the courts and judicial officials. The media also reports on an increase in verbal abuse of judges by parties unhappy with their decisions, sometimes during court procedures. Former Chief Justice Mahmud Mohammed filed complaints, and other actors commented on the occurrences (Sulaiman, 2023).

### **g. Challenges in Operations**

In a late-2017 media interview, Chief Justice Walter Onnoghen and Justice Ibrahim Auta, the now-retired Chief Judge of the Federal High Court, listed six significant issues affecting the court and stated their intention to address them. Since the first topic—judicial corruption—has already been covered, it is not repeated here. Additionally, the judges noted backlogs of cases that seem to result from both structural issues and intentional stalling by certain judges in order to take advantage of people who are seeking justice in the legal system for financial benefit. In certain jurisdictions, inadequate court infrastructure presents challenges. According to PWAN's analysis of court circumstances in northwest Nigeria as part of a judicial integrity project, different degrees of electrical outages and certain courts' lack of electronic recording might impede court proceedings and endanger the health of judicial officers. This implies unequal access to the digital resources provided by the United Nations Office on Drugs and Crime (UNODC), according to Justices Onnoghen and Auta. Inadequate judicial and non-judicial staffing, as well as preventable and unnecessary delays in the hearing and decision-making of civil, criminal, and electoral cases and appeals result in significant backlogs and a dearth of trustworthy research tools for case decision-making. Chief Justice Onnoghen stated in 2017 that, of the 1,362 cases heard during the 2016–2017 legal year, the Supreme Court has rendered 243 rulings (17.8%).

Chief Justice Onnoghen criticized the habit of some politically exposed individuals squandering court time and money by attending corruption hearings with as many as 100 lawyers in a 2017 progress report on anti-corruption. According to reports, Senate President Bukola Saraki held a session with 106 attorneys. This is consistent with Okechukwu Oko's description of the "overweening grip" that influential Nigerians and politicians have over the judiciary. Although one source lists insufficient compensation for court staff as an issue, but it appears that the judiciary's financial reliance on the administration has been and continues to be a source of judicial manipulation by incumbent governments (Ajiteru, 2023).

### **h. Nigerian Judicial Regulation and Supervision**

In Nigeria, there are two tiers of judicial supervision and regulation:

- (i) entities empowered by law to oversee and decide cases pertaining to judicial integrity, and
- (ii) additional people and businesses whose actions have some connection to or influence this issue but are not necessarily legally involved. Both are covered in brief below as part of an evaluation of the efficiency and operation of Nigeria's judicial regulatory system. (An explanation is required because the SJSC's responsibility is to propose to the NJC that judicial officers such as the State Chief Judge, High Court judges, the President, and judges of the Customary Court of Appeal be removed from office.) The Legal Practitioners Disciplinary Committee (LPDC) was one of the several methods that were proposed.

The Chief Judge's office bears responsible for the judiciary's oversight system. In a court with multiple judges, the Chief Judge is the most senior judge. In Nigeria's scenario, the President leads the Court of Appeal, while the Chief Justice chairs the Supreme Court. The High Courts of the several states in the union as well as the Federal High Court are led by their Chief Judges, whereas a President leads the National Industrial Court. Ensuring that the heads of courts at both the lower and higher courts remain disciplined and adhere to professional ethics is the duty of the Chief Judges of the various courts. Accordingly, any judge or attorney under their authority who is found to have engaged in misconduct may be disciplined by the Chief

Judges (Abalaka, 2023). These judges oversee the courts, which have the unique duty of upholding and enforcing the moral principles that are the foundation of society. In the numerous situations that are brought before the court, judges are said to be quite powerful in combating injustice, which together determines whether a case is humanitarian or not a brutal tyranny and democracy (Udombana 2017).

Judges' primary responsibilities include interpreting the law, evaluating the evidence put out, and directing the proceedings of hearings and trials in their respective courts. More importantly, judges are essential to the fight for justice because they are unbiased decision-makers. Legal disputes are debated and contested between opposing sides in Nigeria's so-called confrontational or adversarial system of justice, which guarantees that all relevant facts and arguments will be presented in a thorough and compelling manner. However, it is expected of the judge to rise above the controversy and maintain objectivity while offering an unbiased and independent evaluation of the facts and the application of the law to them. Last but not least, the UN noted that unless judges unconditionally serve their respective crucial responsibilities in upholding justice in society, there is a real chance that a culture of impunity will spread, deepening the divide between the general populace and the government, particularly those at the local. According to Ajiteru (2023), a number of incidents have demonstrated that individuals who struggle to obtain justice for themselves are compelled to take matters into their own hands, which leads to a further decline in the administration of justice and maybe to fresh attacks.

#### **i. The National Convention**

The Constitution of the Federal Republic of Nigeria 1999 (as amended) recognizes the NASS as one of the branches of government and grants it the authority to make legislation for the nation's good administration, peace, and order. The NASS has extensive supervision duties as well. It has the authority to form committees made up of its members to examine legislation and the actions of government agencies and representatives, such as the judiciary and judicial officers. The Federal Republic of Nigeria's Senate and House of Representatives make up the NASS, which is a bicameral legislative body. According to the Constitution, the Senate has the only authority to examine and approve important appointments made by the executive branch, including ministers, special advisers, ambassadors, senior judicial officers in charge of particular tiers of the courts, etc. Additionally, the Senate is the only body with the authority to remove judges and other high-ranking executive officials from office. The function of the twin theories of separation of powers and checks and balances, upon which the Senate is founded, have come under fire from some places for not working as well as they should to achieve the intended impact on governance. According to Osagie (2017), these opposing viewpoints might not be unrelated to Nigeria's history of military takeovers in which the legislative and executive branches were combined, as well as decisions to remove the courts' jurisdiction. Even after democracy was restored, this mindset persisted in succeeding administrations, leading to situations where the legislative and executive branches continuously fight against one another at the expense of the average citizen while consistently disobeying court orders. Sulaiman (2023).

The efficiency of NASS's oversight duties has recently become the subject of public discourse. The Senate Committee on Judiciary, Human Rights and Legal Matters, the House bodies on FCT Judiciary, and the Federal Judiciary are among the bodies within the NASS that have been assigned the job of overseeing the judiciary. The problem of inadequate supervision of specialist oversight committees is a topic that frequently comes up in public discourse. "Corruption" is typically the starting point for judicial oversight, according to

Abalaka (2023). Corruption is a problem, but it shouldn't be the only thing that prompts supervision procedures. For instance, it was anticipated that the NASS committees would meet jointly so they could communicate with the NJC, NBA, and NGOs with a particular focus (those in charge of the judiciary, budget, service delivery, etc.) to conduct periodic evaluations and assessments of the court's efficacy in order to make recommendations that would represent a comprehensive strategy for judicial effectiveness in the nation. Therefore, the absence of stakeholder joint sessions may be a cause for concern that necessitates judicial scrutiny (Ajiteru, 2023).

#### **j. The NJC, or National Judicial Council**

Section 153 of the Federal Republic of Nigeria's 1999 Constitution (as amended) established the NJC as a federal executive agency. Its primary responsibility is to protect the judiciary from the whims and desires of the executive branch, ensuring the judiciary's independence, which is essential to any democratic system (Sulaiman, 2023).

The CJN chairs the NJC, which has vast authority and responsibilities. The enabling statute also provides for other members, most of whom should be senior members of the legal profession and holders of senior judicial offices.

In keeping with its enabling mandate, the NJC has established a number of realistic objectives, including making sure

- a well-established and maintained independent judiciary;
- a judiciary dedicated to upholding the rule of law;
- a judiciary that is financially independent;
- a proactive, dynamic judiciary with judicial officials and staff who have demonstrated their honesty and flawless personality;
- a vibrant judiciary composed of officials with diverse backgrounds, levels of discipline, expertise, proficiency; and
- a judiciary with the newest stenographic recording devices and a focus on information technology.

The NJC is empowered by the Constitution to advise the President on the selection of the CJN and other members of the bench of the FCT's courts as well as the presiding judges of superior courts. Additionally, it retains the authority to exert disciplinary supervision over any deviant judicial officers from these courts and to propose to the President that they be removed from office. The recommendations for the appointment or dismissal of Chief Judges of state high courts and other judges, as well as the makeup of other courts of records within the various states, are examples of these authorities that extend beyond the federal courts.

Among the Council's vast constitutional powers are:

- ✓ Gathering, managing, and allocating all funds, including capital and ongoing, for the council's services and the judiciary;
- ✓ Addressing any other issue pertaining to general policy concerns and management; and
- ✓ Evaluating the performance of judicial officers in the federation's superior courts of record, among other crucial duties.

Some of the NJC's powers have been heavily criticized over the years, particularly its ability to recommend the appointment and removal of Chief Judges, judges of state high courts, and other court officers within individual states. This effectively usurps and undermines the SJSJC's primary role, which is against the policy and principle of judicial federalism.

#### **k. The Association of Nigerian Lawyers.**

The NBA is a non-profit, professional umbrella organization that includes all attorneys who have been called to the Nigerian Bar. The association believes that upholding the rule of law, human rights, and good governance in Nigeria is central to its mission. In order to foster professionalism and integrity, it is also its duty to make sure that each and every one of its members adheres to the rules of the legal profession. Numerous national and international NGOs that support human rights, the rule of law, and good governance in Nigeria and throughout Africa collaborate with the NBA (Sulaiman, 2023).

Through the LPDC, which has the authority to sanction any judge or attorney found to have engaged in wrongdoing, the NBA's supervision duties also extend to the judiciary. More than 105,406 attorneys are members of the group, which operates 125 branches throughout the 36 states, including the FCT, Nigeria. With its eleven forums, two institutes, and three practice sections, it provides a unique national platform that no other civic or professional organization in Nigeria can match. The LPDC's efficacy has not yet been evaluated. One thing is clear: the NBA's potential as a powerful watchdog organization has not been fully realized. It can establish standards for hiring, appointing, disciplining, and other aspects of the court as a professional legal association. The NBA, Kano Branch, conducted regular Bar v. Bench interactions with the Kano State Judiciary using the results of the PWAN court observation procedure. The same NBA branch is known for providing the LPDC with official reports on the actions of its members, including judges and those found guilty were subject to disciplinary measures as a result (Ajiteru, 2023).

#### **l. Advice and Final Comments**

Since democracy is seen as the cornerstone of how individuals implement the principles of responsible governance, it is in fact an economic need. Since democracy is the sole method by which a government can elect its representatives, it is an essential component of modern society. Even while the court is an essential function and a tool for advancing democracy in society, it must use extreme caution when handling political cases to ensure that they are free and equitable. Errant judges who engaged in corrupt acts should receive a variety of penalties and sanctions, such as the death penalty, termination from their position, or public humiliation by being sent to jails to fulfill imprisonment sentences. A judge serving a jail sentence alongside the people he may preside over his case while in court would be extremely embarrassing. Politicians who bribe judges to get through at tribunals ought to face the same legal consequences as those who bribe public servants. Additionally, they ought to be excluded from any political office they are running for, since this will lessen judicial corruption and promote Nigerian democracy (Ajiteru, 2023).

Despite the fact that corruption in the judiciary is becoming more common, sociologists contend that corruption is unavoidable and widespread across society, thus efforts should focus on lowering it in all spheres of society, not just the legal system. However, it seems that corruption in Nigeria cannot be eliminated. It can only be lessened; it cannot be completely eradicated. Given that they act as gateways to alternatives and are a significant driver of social change in society, it may not even be wise to eradicate them. Nevertheless, an overabundance of corruption is undoubtedly detrimental to the judiciary in particular and society at large because it will disrupt people's serenity and comfort. According to Sulaiman (2020), the Nigerian justice system completely rejects kangaroo judgment, particularly in political issues that decide who shall rule the people.

## References

- [1] Abalaka, J.N, (2023). The Impact of Social Media on Voting Behaviour in Nigeria: A Study of Selected Voters in Lagos International Journal of Innovative Research in Education, Technology & Social Strategiesp-ISSN: 2465-7298 | e-ISSN: 2467-8163Volume 10, Number 1 April, 2023 <http://internationalpolicybrief.org/journals/international-scientific-research-consortium-journals-2/intl-jrnl-of-innovative-research-in-edu-tech-social-strategies-vol10-no1-april-2023>
- [2] Ajiteru,S.A.R (2023). The Impact of Social Media on Voting Behaviour in Nigeria: A Study of Selected Voters in Lagos International Journal of Innovative Research in Education, Technology & Social Strategiesp-ISSN: 2465-7298 | e-ISSN: 2467-8163Volume 10, Number 1 April, 2023 <http://internationalpolicybrief.org/journals/international-scientific-research-consortium-journals-2/intl-jrnl-of-innovative-research-in-edu-tech-social-strategies-vol10-no1-april-2023>
- [3] Anele, D (2018): Criticism and the growth of democracy in Nigeria (3) on June 16, 2013, The Vanguard June 16, 2013 Sunday Perspectives
- [4] Chambers, R. (2015). Ideas for Development. London: Institute for Development Studies.
- [5] Babatunde, L., (2020): “Abuse and Misuse of Judicial Powers are Inimical to the Development and “Growth of Electoral Laws” A paper presented at the National Symposium Organized by Mustapha Akanbi Foundation (MAF). Abuja, July, 2010
- [5] Barkey, K and Parikh, S (2021) Comparative Perspectives on the State, Annual Review of Sociology, 11:523-549
- [7] Hughes, M and Kroecher, C. J (2028): Sociology the Core, New York, Mc-Graw Hill
- [8] Kolar, M (2015): Politicians should be your humble servants, not your all-powerful masters. Merton, R (2018): Social Structure. Filipino Sociological Review, 3 (5), pp.672-682
- [9] Nwokeoma, J (2017): The Judiciary’s Redemptive Role in Nigeria’s Democracy, Peace and Collaborative Development Network, November 7, 2007 at 5:13am
- [10] Ogunde O (2018): The Nigerian judiciary and electoral fraud, In Defence of Marxist, International Marxist Tendency, Lagos, visit <http://www.marxist.com>. Friday, 25 April 2018.Retrieved September 30, 2013.
- [11] Sulaiman T.H, (2023). The Impact of Social Media on Voting Behaviour in Nigeria: A Study of Selected Voters in Lagos International Journal of Innovative Research in Education, Technology & Social Strategiesp-ISSN: 2465-7298 | e-ISSN: 2467-8163Volume 10, Number 1 April, 2023 <http://internationalpolicybrief.org/journals/international-scientific-research-consortium-journals-2/intl-jrnl-of-innovative-research-in-edu-tech-social-strategies-vol10-no1-april-2023>
- [12] Quadagno, J. S (2014): Welfare Capitalism and the Social Security Act of 1935, American Sociological Review, 49: 632-47
- [13] Whitt, J. A (2019): Toward a class Dialectical Model of Power: An Empirical Assessment of Three Competing Models of Political Power. American Sociological Review, 44:81-100
- [14] Wikipedia, the Free Encyclopedia (2013): Definition of Judiciary. Retrieved October 4th 2013