

## Evaluation of the Strengthening of Nigeria's Justice System Integrity and Capacity Selective States : The Supreme Court of Nigeria's Analysis Principle

Ajiteru S.A.R<sup>1\*</sup>, Sulaiman T.H<sup>2</sup>, Abalaka J.N<sup>3</sup>

<sup>1</sup>Department of Political Science & International Relations Achievers University,  
Owo, P.M.B.1030 Owo Ondo State Nigeria

<sup>2,3</sup>Faculty of Social Science, in USA, Official Partners' Constituent Campuses at  
Government Regulated Universities Worldwide and Online Operation,  
Crown University Intl Chartered Inc, Nigeria

Email: [ajiterudr.sheriffdeen@gmail.com](mailto:ajiterudr.sheriffdeen@gmail.com), [staiwohassan99@yahoo.com](mailto:staiwohassan99@yahoo.com), [abalaka.james@yahoo.com](mailto:abalaka.james@yahoo.com)

Corresponding Author: [ajiterudr.sheriffdeen@gmail.com](mailto:ajiterudr.sheriffdeen@gmail.com)\*

**Abstract.** *The technical assessment project's major goals were to gain a comprehensive understanding of the integrity and capacity status of the justice sector in Nigeria. Nigeria's existing levels of access to justice, the promptness and caliber of justice delivery, the independence and impartiality of the judiciary, corruption, and public confidence in justice sector institutions were all examined in this study. In three pilot states, respondents were given pre-formulated questions intended to elicit their perceptions and experiences related to a particular day in court. Both narrative and graphic formats are used to present the interview results. The report presents key findings relating to the target groups' perceptions and experiences regarding the delivery of justice and the integrity of the justice system, and it identifies the underlying causes of the issues by drawing on and analyzing the data, paying particular attention to the reinforcing interdependencies of the various problems. The study, which is structured around 17 major findings, provides a thorough examination of the information acquired from the interviews. Based on the main conclusions, it offers comprehensive policy recommendations for judicial reform initiatives that will improve public trust in the legal system, increase the independence, fairness, and impartiality of the judiciary, improve accessibility to the courts, improve the efficiency of justice delivery, and reduce corruption in the legal system.*

**Keywords:** Integrity, Justice System, Restrictions

### 1. OVERVIEW

The majority of public institutions, including the judiciary, which has hitherto been neglected, have been severely harmed by Nigeria's political instability, which is typified by frequent military interventions in the political administration of the nation (Holmes OW, 2017). As a result of this disregard, corruption has become widespread and prevalent in Aguda TA (2018) discusses the legal system. No trustworthy evidence has been provided regarding the issue, despite the fact that accusations of corruption inside the Nigerian judiciary have escalated to concerning levels in recent years (Ajiteru, 2024). However, this hasn't stopped the public's trust in the legal system from declining (Holmes OW, 2017). The Nigerian judiciary as a whole generally lacks the effectiveness and efficiency to handle the drawn-out and complicated procedures that are typical in significant corruption trials. Sulaiman (2024). A major contributing factor to the overall corruption issue is the judiciary's incapacity to combat corruption inside it and preserve its integrity. Gray JC (2021). The primary obstacle facing the Nigerian judiciary at this early

stage is the lack of comprehensive knowledge and information about the scope, character, and causes of the judiciary's dysfunction. Lastly, both at the federal and state levels, there are no comprehensive, realistic, time-bound, or systematic anti-corruption action plans. By assisting the Nigerian judiciary in determining the extent, causes, locations, kinds, and expenses of corruption in the legal system, as well as in organizing, carrying out, and overseeing a long-term reformatory process at the federal level and in three pilot states, the project aimed to close this gap (Sulaiman, 2018). UNODC's aid in this case is consistent with the all-encompassing, integrated, evidence-based, and impact-driven methodology often employed by its Global Programme against Corruption (Ajiteru, 2024).

## **2. A THOROUGH EVALUATION**

Understanding integrity and capacity in the justice sector was one of the assessment's primary goals, according to Gray JC (2021). The study examined the nation's present levels of access to justice, the promptness and caliber of justice delivery, the independence and impartiality of the judiciary, and the corruption of and public confidence in the institutions of the justice sector in order to achieve this goal. TA Aguda (2018). In this setting, particular attention was paid to the ways in which different problems reinforce one another. The identification of the underlying causes and the creation of suitable solutions to rectify these deficiencies were then made possible by cause-and-effect analysis. Sulaiman (2024).

### **Important conclusions from the thorough evaluation**

- a. Reform initiatives appear to favor grassroots economic development, which aims to improving justice delivery's speed and quality, expanding access to justice, and reducing corruption in the legal system.
- b. Also, (i) improved access to justice and (ii) lower levels of corruption could be very advantageous for foreign capital investment.
- c. Court users were more prone to avoid using the courts when necessary because they had more unfavorable opinions and experiences when it came to obtaining justice.
- d. Ineffective courts are likely to incite people to turn to other, frequently illegal methods, such as corruption, in order to resolve their legal issues rather than following the law. Holmes OW (2017).
- e. Reducing the significance of political connections and promoting meritocracy can improve the perceived and experienced quality of justice delivery while overseeing employees.

### 3. A COMPILATION OF THE PILOT STATES

#### **State of Lagos**

Lagos, which is situated in the southwest of the nation, is Nigeria's commercial hub after losing the seat of government to Abuja in 1991 (Gray JC, 2021). With a surface area of 1,800 square kilometers and a population of 5,725,116 million according to the 1991 census, Lagos is a densely populated city. Despite the fact that the Aworis, Egun, Ijebu, and Egbas are the main indigenous tribes, the state is a melting pot of foreigners and all sociocultural groups in Nigeria. According to Holmes OW (2017), Islam, Christianity, and traditionalists are the three most common religions. Agriculture and fishing, trade, and commercial and industrial operations are the State's main economic endeavors (Belgore MB, 2019). The Lagos Judiciary's litigation volume is estimated to be highly high with an average of 11,000 cases filed annually. But because of the judiciary's fundamental issues, less than half of the lawsuits that are brought each year get resolved. High Courts, Magistrate Courts, and Customary Courts make up the judicial system (Grey JC, 2021). Holmes OW (2017) states that appeals from the State High Court proceed to the Court of Appeal and the Supreme Court. Recent judicial reforms, such as the Multi-Door Court House, the New Civil Procedure Rules, and Specialized Divisions at the High Court level, are intended to reduce the current court caseload and guarantee a quicker resolution of cases. Abalaka (2024).

#### **Delta State**

Delta State is located in the South-South geo-political zone of the country. The state is situated inside the Niger Delta, where there is a lot of oil exploration and exploitation. As a result, oil exploration and service businesses dominate the state's industrial and commercial activity. Although the 1996 estimate placed the state's population at 2,952,928 Gray JC (2021), the 1991 census placed it at 2,590,491 million. The Urhobo, Iyalla, Ika (Ibo), and Isoko are the most common ethnic groupings. According to Aguda TA (2018), Christianity is the most common religion in the state, followed by Islam and traditionalism.

Aside from steel production and oil exploration, the state's main economic activities include the production of palm oil, plywood, rubber, and lumber. Additionally, the populace is well-educated and aware of legal issues. Environmental claims and civil claims for compensation for land are among the main cases that are brought in the courts. The court system comprises of Customary Courts, Magistrate Courts, Customary Court of

Appeal and High Courts. Appeals from the High Court go to the Court of Appeal and Supreme Court respectively Belgore MB (2019).

### **Borno State**

Located in the country's North East geopolitical zone, Borno State has a population of 2,536,003 according to the 1991 census, but the 1996 projection placed that number at 2,927,178 million Holmes OW (2017). The state is primarily home to Muslims and adherents of Traditional Religion, with an estimated 1,060,721 and 705,222 adherents, respectively, according to Sulaiman (2018). The Sharia legal system was recently established in the State, although at the time of research, the enabling legislation had not yet been passed into law and skin, trans-Saharan commerce, and raising cattle. The State's Area Sharia Courts handle the majority of litigation, with cases being decided according to Islamic or customary law (Grey JC, 2021). Compared to other pilot states, the High Court level has a relatively lesser number of litigation because the majority of cases are decided in first instance courts, such as Area and Sharia courts, which have a low appeal rate. Aguda TA (2018) is the Sharia Court of Appeal, which hears appeals from Sharia Courts. High Court appeals go to the Supreme Court and the Court of Appeal, respectively (Sulaiman, 2018).

### **Evaluating Judicial Capability and Integrity**

Knowing a problem in its appropriate context is a crucial first step in determining One of the primary goals of the Judicial Integrity and Capacity Project was to close this gap by conducting an assessment to ascertain the current status of integrity and capacity in the justice system in three pilot states Holmes OW (2017). A few empirical studies have previously been conducted on the justice system in general and the problem of corruption in particular, but there is a lack of concrete data on the precise nature, extent, and locations of corruption that would guide meaningful policy formulation and enforcement (Ajiteru, 2024).

#### **a) The goals**

Gaining a comprehensive grasp of the integrity and capability of the different justice sector institutions in the three pilot States was one of the assessment's primary goals. In particular, the study evaluated:

- 1) Justice accessibility
- 2) The promptness of the administration of justice
- 3) Justice delivery quality
- 4) The judiciary's impartiality, independence, and equity

- 5) Public confidence in the judiciary
- 6) the court system's corruption
- b) Techniques

A desk study of the body of literature already written about the judicial system, a desk review of anti-corruption legislation, and a case analysis were all part of the research process. Court decisions/judgments regarding bail requests for drug-related and land-related crimes in Lagos; armed robbery and land-related cases in Delta; and theft and land-related cases in Borno state Holmes OW (2017). The survey of judges, attorneys, prosecutors, court users, businesses, inmates awaiting trial, and court employees was the main component of the study (Grey JC, 2021).

In order to evaluate the degree of judicial integrity and capacity in the pilot states, it was decided to measure the following impact indicators in the pilot states. These guidelines were approved at the First Federal Integrity Meeting, which took place in Abuja from October 26–27, 2001.

#### **Features of the sample segments and groupings**

The following displays the population of the different groups sampled in the three pilot states:

**Table 1.** Features of the sample segments

NO	GROUPS	LAGOS STATE	DELTA STATE	BORNO STATE
1.	Judges:			
	High Court	54	28	15
	Magistrate Court	99	64	27
	Customary Court of Appeal/Sharia Court of Appeal	-	3	3
	Area Customary Court/Upper Area Courts	-	80	22
	District Customary Court/Area Courts	230	154	54
2.	Lawyers	1500	500	150
3.	Court Users	11000	1200	1000
4.	Sub Total	12883	2029	2081

**Total (12883 + 1982 + 2081) = 16,993**

**Table 2.** Features of the sample segments

NO	SURVEY GROUPS	LAGOS	DELTA	BORNO	SURVEY SAMPLE TOTAL
1	Court Users	561	541	573	1675
2	Judges	43	40	31	114
3	Lawyers/Prosecutors	395	109	44	548
4	Business People	156	80	43	279
5	Prisoners Awaiting trial	1206	591	353	2150
6	Serving Court Staff	561	268	154	983
7	Retired Court Staff	0	6	11	17
	<b>State/General Total</b>	<b>2922</b>	<b>1635</b>	<b>1209</b>	<b>5766</b>

NIALS reviewed the field data to ensure that the replies were accurate, consistent, and comprehensive. It showed certain cases where the responders did not fully understand the questions. But these were obviously insignificant (Sulaiman, 2018). After that, the data was entered into Microsoft Excel files as the initial step in the analytic process. Gray JC (2021). The United Nations Office on Drugs and Crime's Global Programme against Corruption conducted the second phase of the data evaluation and analysis. The data was categorized in three primary sections at this phase.

- 1) A descriptive section that compiles the interviewees' evidence: According to the indications established by the First Federal Integrity Meeting, the data was combined into six categories. Specifically, the availability of justice, the promptness and quality of the administration of justice, corruption, public confidence in the institutions of the justice system, and the independence and impartiality of the judiciary. This comprises a comparison between states as well as between respondent types. TA Aguda (2018).
- 2) Assumptions and hypotheses about cause-and-effect relationships pertaining to the descriptive phase's findings are developed as part of the data analysis. It was possible to determine the existence and strength of the relationships between those variables by developing indices of corruption, accessibility, timeliness, quality, public trust, independence, fairness, and impartiality of the courts, as well as by using statistical parametric and non-parametric techniques. The individual metrics for each of the six judicial reform domains are being incorporated into the Perception and experience indicators for public faith in the legal system, judicial independence, fairness or impartiality, and corruption, as well as accessibility, punctuality, and quality of justice delivery (Sulaiman, 2018). Mainstream statistical and criminological theories have

been applied to compare and validate the hypotheses and major assumptions based on the findings. Gray JC (2021).

#### **4. RESTRICTIONS**

It should be mentioned that, although being a common law nation, Nigeria actually follows a structural combination of Sharia law, common law, and customary law. Borno state is the only one of the three states where Sharia is fully operating, demonstrating that this variety was recognized early on in the pilot state selection process. Therefore, it is common for such a study to run into some limitations and relative disparities. Sulaiman (2018). As a result, the following was disclosed in the report of field workers' experiences during the research.

- a. Due to their hectic schedules, it was especially challenging to conduct one-on-one interviews with judges and attorneys. In general, they favored the survey tools must be left for them to complete on their own schedule.
- b. Fieldworkers found it difficult to reach court users because some requested payment before answering questionnaires, others were turned away by their attorneys, and yet others showed little interest in the study, arguing that earlier attempts had not yet produced the anticipated results.
- c. Many of the questions on the survey instruments required explanations in order to receive logical responses. As a result, several respondents misinterpreted the purpose of the questions since those who were unable to participate in in-person interviews were unable to gain from fieldworkers' explanations.
- d. Awaiting the trial People were often reluctant to respond to inquiries about corruption in the legal system, particularly when it came to the judges, police, and prison officials out of concern for possible consequences. The fact that the majority of them had to be interviewed in front of prison officials made the issue worse. It was widely believed that they had been told not to criticize the system.
- e. Lawyers and businesspeople were more open about their encounters with corrupt activities in the judicial system and who they believe should bear the blame for the misconduct.

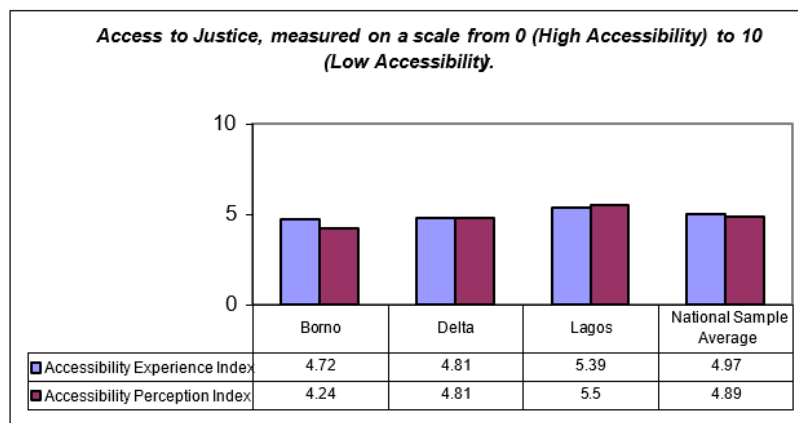
## 5. EXAMINATION

### Justice Access

All of the questions about the experiences of court users and businesspeople in particular while seeking access to justice were used to create the Accessibility Experience Index. These variables include "the frequency with which respondents had been invited to attend All of the questions about the experiences of court users and businesspeople in particular while seeking access to justice were used to create the Accessibility Experience Index. For example, "how difficult it was to report a crime or to find information on the court case they are involved in" and "the number of times respondents had been asked to come to court before the case was concluded" (Aguda TA, 2018).

Additionally, Oyeboode AB (2015) developed an Accessibility Perception Index. This is especially important since, more often than not, the perception of accessibility—rather than past experiences determines whether or not someone chooses to seek access to the judicial system. The Accessibility Perception Index consists of inquiries about opinions about the overall affordability of the legal system, the intricacy of the processes, and whether the expenses for court or attorney fees are excessively high, according to Belgore MB (2019).

According to a cross-state comparison, it is more difficult to access justice institutions in Lagos, but Borno and Delta scored higher on perceived and experienced accessibility.



**Figure 1. Access to Justice**

By comparing the individual elements of the two indices, it can be confirmed that "the difficulties to report to the police and to find information on the laws and regulations" and "the consistencies of laws and regulations and their interpretation" have the greatest detrimental effects on the overall accessibility experience (Gray JC, 2021). This implies

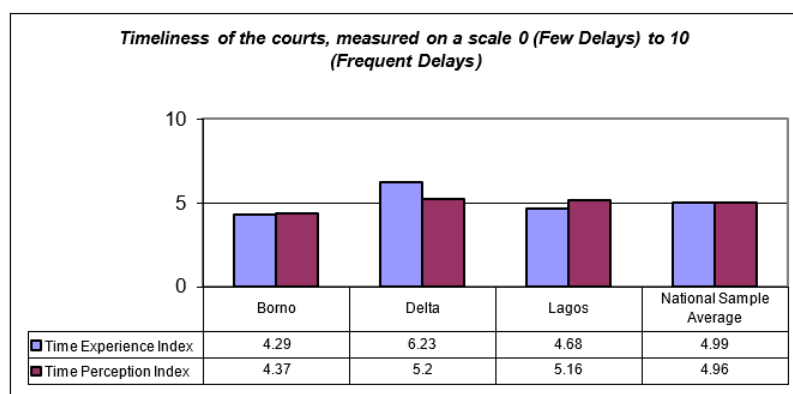


that the legislature might increase the accessibility of the legal system generally by simplifying the legal structure and its interpretation, as well as by creating and enforcing explicit guidelines for reporting crimes to and receiving information from the police.

Both the Accessibility Experience Index and the Accessibility Perception Index were associated with the indices for independence, public trust, corruption, and quality and timeliness in order to demonstrate cause-and-effect relationships. The severity of these relationships is depicted in the following charts by Oyeboode AB (2015). While accessibility experiences are mostly linked to the perceived quality of justice delivery, the following charts demonstrate the strongest correlation between accessibility perception and independence (Abalaka, 2024).

### Timeliness

The "actual time the case took to be resolved as well as experiences of undue delays during specific procedural steps" are taken into account by the Timeliness Experience Index. Gray JC (2021). The Timeliness Perception Index is created by taking into account the opinions of judges, lawyers, businesspeople, and court users regarding how quick the nation's justice system is and whether they believe that the amount of time needed to resolve a case is adequate or too long. In addition, the index contains responses to the question of whether, in relation to other reasons impeding the administration of justice, "the length of the trial is among the most serious problems of the country's justice system." Examining how timeliness is perceived and experienced in the three States reveals that, although When it comes to real experiences, Delta ranks lower than Lagos, which is thought to have the slowest justice system out of the three states (Sulaiman, 2024).

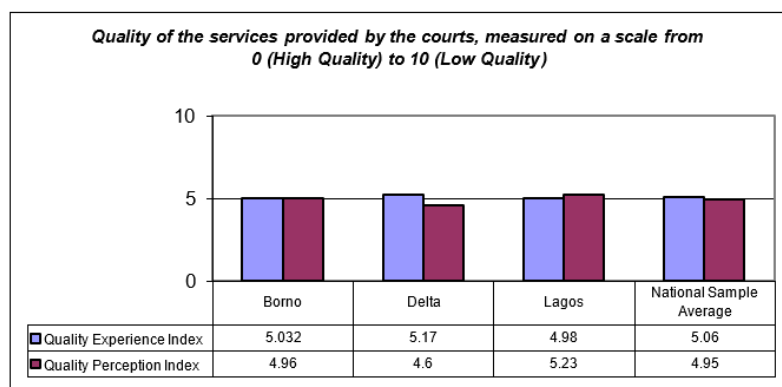


**Figure 2. Timeliness of the Courts**

The strongest correlations could be established between the Timeliness Experience Index and experiences with corruption as well as with judicial independence, while the Timeliness Perception Index was mainly correlated to the Quality Experience Index and the Trust Index.

### **Excellence**

Indicators of the justice system's ability to uphold the rule of law are included in the Quality Experience Index. These include the dependability of the "enforcement of judgments" and the "arrest of the perpetrator of the crime." Oyeboode AB (2015). Furthermore, it includes all inquiries concerning the "difficulties encountered when retrieving information" and the "consistency of the laws, regulations, and their interpretation data derived from court documents. The "frequency of performance evaluations and of inspections" of judicial officials and the "areas covered by these inspections" are additional elements that were incorporated into the Quality Experience Index. The assessment of "the services provided" by the different players in the judicial system, such as judges, prosecutors, public and private attorneys, court clerks, police, enforcement officials, and prison staff, is one of the variables taken into account for the Quality Perception Index. Additionally, opinions regarding the "competence of the judges" and the "importance of merit and of the length of service" in terms of employment and career advancement in the court were included. Although Lagos State has the lowest assessed quality of the legal system, Delta State scored worse than Lagos and Borno State as far as experiences are concerned Sulaiman, (2018).



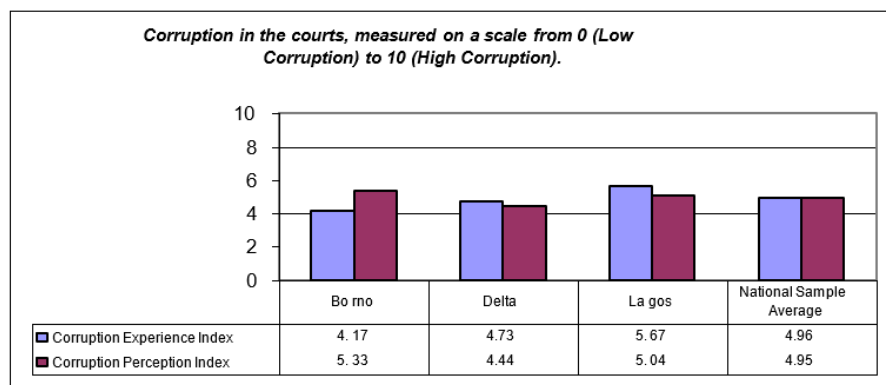
**Figure 3. Quality of the Services**

## A Corruption

The Corruption Experience Index consists several metrics that pertain to the experiences of different respondent categories with "unofficial payments to judges, The frequency of "payments made with the purpose of obtaining a favorable judgment," the "number of illegal payments made during the last year, and "episodes of delays caused by corruption," or, more generally, "the use of informal paths for a positive outcome of the dispute," in addition to the involvement of attorneys, court employees, and police (Oyebode AB, 2015).

The answers of the several stakeholders to inquiries about the "levels of corruption in the courts" are included in the Corruption Perception Index. The Index also incorporates the results of questions that asked participants to rank corruption as one of the issues impeding the administration of justice in relation to other issues and their impact on the administration of justice.

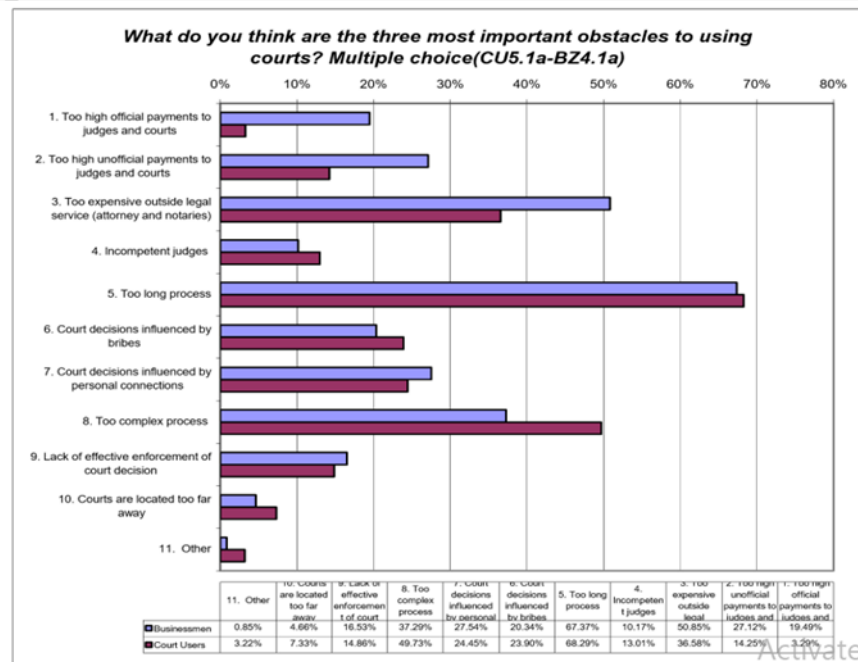
When the Corruption Perception and Corruption Experience Index were compared across states, Lagos came out on top as the state with the highest apparent prevalence of judicial corruption R. Dworkin (2017). High levels of perceived corruption were shown to be associated with frequent encounters with corrupt practices in the justice system when the two indices were correlated (Oyebode AB, 2015). A sizable portion of cases, meanwhile, also showed that high levels of perception could not be explained by similarly high levels of experiences. This implies that views of corruption are not solely based on real experiences, even though experiences and perceptions are generally consistent. Sulaiman (2018).



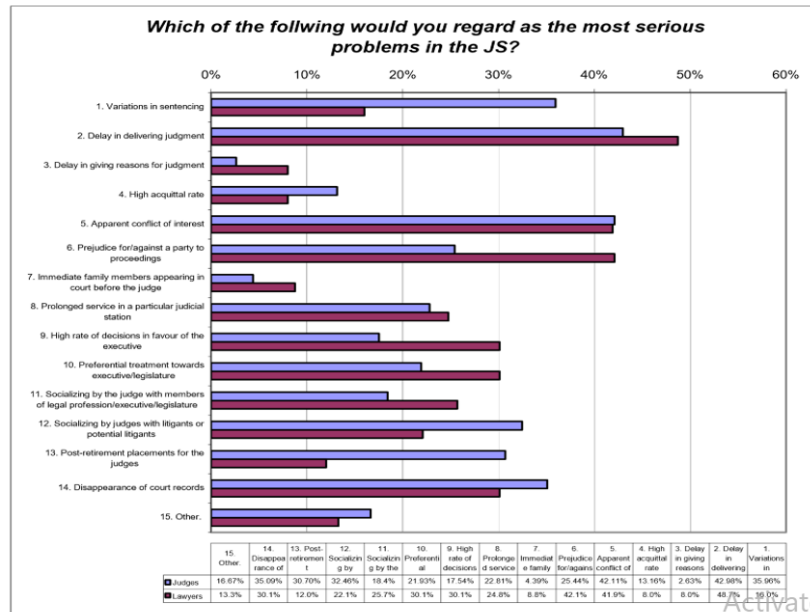
**Figure 4.** Corruption in the courts

## The primary issues as reported by interviewees

Court Users and Business People were asked what they believed to be the main barriers to utilizing the courts, and they emphasized the duration of the process, the need for money to pay for legal expenses, and the complexity of the process.



This conclusion was somewhat supported by judges and attorneys who named the most significant issues affecting the legal system as decision delivery delays (43%) Hart HLA (2021). Nevertheless, when taking into account the evaluations of apparent conflicts of interest (42%), networking with litigants or future litigants (33%), and other members of the legal profession, the legislative or executive branch (26%), the preferential treatment of the legislative and executive branches (21%), and prejudice against a party (42%), judges appear to rank these different manifestations of the same phenomenon—that is, the misuse of authority—as the top issue facing the legal system. AB Oyeboode (2015). Several respondents also highlighted the disappearance of court records, which is another problem that is frequently linked to corruption. 35 percent and sentencing variation (38 percent) Freedman, MD (2015). Judges were not as concerned about timing as lawyers were. The most significant issue facing the system, according to 48% of respondents, is delays in rendering the judgment (48%), followed by perceived conflicts of interest (42%), and prejudice against a party. (42%) Dworkin R (2017).



## 6. SUMMARY

Opinions about the justice system are typically founded on real events or first-hand knowledge of such experiences, according to the analysis, which showed that perceptions and experiences were typically associated. Additionally, it became clear that respondents' perceptions appear to be unaffected by the case's or judgment's ultimate outcome. Perceptions differed considerably depending on whether the respondent won or lost the case, but only in relation to judicial independence. Regarding the experiences and opinions of respondents with varying socioeconomic and demographic traits, notable disparities were discovered. Ajiteru (2019). Ethnic minorities and those who are less affluent and educated, in particular, have a tendency to have negative experiences with and opinions of the legal system. At the notes that although the majority of respondents were male, gender did not appear to have an impact on their experiences in the legal system. Therefore, this finding should be interpreted cautiously Sulaiman (2018).

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