



CRITICAL REVIEW OF THE JUDICIARY AND CONSOLIDATION OF DEMOCRACY IN NIGERIA FROM 2015-2023

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Abstract

This study examined the role of judiciary in democratic consolidation in Nigeria from 2015 — 2023. The broad objective of the study is to examine the roles played by the judiciary in the period under review 2015- 2023. We tried to fill the gap or lacuna created by other researchers on the topic such as in the areas of corruption and pervasion of justice by some corrupt judges. We adopted “Content analysis” as our method of data collection; As we reviewed other existing literature on the subject matter. Our theoretical frame work of analysis was based on the relative derivative theory which is an individual and group theory of aggression which contends that frustration becomes the norm while satisfaction of value expectation in terms of economic and political benefit is surpassed by the expectation itself. The theory is so important in this study when compared to the role of corrupt judges and the consequent violent agitation in the country after judicial/post-election decisions. In our findings we discovered that the judiciary compromised its roles in favour of the executives and we recommended a national reformation of the judiciary and equally recommend that the judiciary should work towards redeeming its lost image to the public by living above board.

Key words. Judiciary, Democratic Consolidation, Democracy, Corruption.

Introduction

1.1 Background of Study

The Nigeria politics in the period under review 2015 to 2023 was still in its experimental level. The judiciary being the third arm of government tried to carry out its own niche in developing Nigeria democracy. The judiciary took a bold step towards making strong pronouncements that changed the way politics was conducted in Nigeria. The judiciary acted as a change agent. Judiciary tried to shape events that enabled the consolidation of democracy in 2015 — 2023 and witnessed the two-tenure reign of President Mohammadu Buhari as president of Nigeria.

The judiciary was constitutionally empowered to interpret the law of the land. Members of judiciary are trained lawyers who sometimes are appointed judges and magistrates who preside over the courts to interpret the law. In Nigeria a body known as the judicial service commission made up mostly of people trained in law and representing the ministry of justice recommended suitable lawyers with the necessary years of experience to the executive arms especially the president for appointment as judges. The 1999 constitution equally provided that at least three judges of the federal court of appeal should be trained in Islamic laws. It also stated



that the chief justice of Nigeria should be appointed by the president of Nigeria subject to the approval of the senate. Other appointment of judges of all other federal courts of appeals should be made by the president on the advice of the federal judicial service commission and subject to the confirmation of the senate. The constitution of the federal republic of Nigeria (1999 chapter VII) stated that the judiciary interprets the constitution, reviews the action of other arms of government to make sure that they are lawful, protects the fundamental human rights of the citizens and other civil liberties of citizens, settle dispute between the state and citizens and between institutions of government. Finally, Benga (1993) opined that the judiciary adds to the law because its interpretation stands as what the law says.

Democracy: many authors across the globe have debated the concept of democracy because of the confusion surrounding the subject. The debate was whether the kind of democracy Africa, v-a-vis Nigeria practice should be the western liberal types or the Marxist Lennist vanguards types or the third world mobilization types. Mecpherson (1966) and Nnoli (2003) noted that democracy is a system of government usually involving freedom of the individual in various aspects of political life and equally among citizens. Nnoli asserted that any democracy that ignores the factors above — is a mere propaganda.

1.2 Statement of Problems

Montesquieu, John Locke and others, were French philosophers of the 18th century who propounded the concept of separation of powers, checks and balances in government. The duo were of the opinion that a democratic government must possess three arms namely — the legislature, the executive and the judiciary. The executive enforces the law while the judiciary interprets the law. According to Montesquieu, there should be separation of powers, checks and balance between the three arms, therefore granting independence to each of the arms from one another. However, our problem in this work is to examine the role of the judiciary in its interpretation of the constitution and the laws of the land. The paper therefore proposed to address this problem of whether the judiciary was able to consolidate democracy from 2015 — 2023 by making bold decisions capable of consolidating democracy, or compromised its constitutional roles because of greed and corruption thereby undermining democracy in the period under review.

1.3 Research Questions

We wish to present the following research questions to guide our study:

- What are the major challenges of the judiciary towards democratic consolidation in Nigeria in the period 2015 -2023?



- What is the impact of the judiciary towards democratic consolidation in Nigeria from 2015-2023?

1.4 Objectives of the Study

The broad objective of this study is to research into the major challenges of judiciary toward democratic consolidation in Nigeria in 2015-2023. Our second objective is to investigate the impact of judiciary towards democratic consolidation in Nigeria in 2015 — 2023. We know that Nigeria democracy is still classified as an emergent type and its structure are still undergoing a kind of trial and experimentation. The foundation of our democracy has remained weak and palpable. The expected independence or checks and balances among the three arms of government are in the law to consolidate democracy. This research work accessible as what was obtainable was fusion of roles and not true separation of powers. This is because each arm seems to compromise its roles as a result of the prevalent corruption in our country. Corruption has plunged Nigeria into serious difficulties. Our objectives in this work therefore are as stated above, to find out the roles the judiciary played to consolidate democracy or whether it undermined democracy by compromising its roles in the period under research.

1.5 Significance of the Study

This research work has both empirical and theoretical significance. Empirically, the study shall be of immense help to policy makers in the formulation of public oriented policies and shall equally serve as a frame work to guide future judicial leaders to play effective roles in democracy consolidation in Nigeria. It shall guide Nigerian leader in taking juridical decisions that shall move democracy forward in line with international judicial practices. The research work shall equally be an addition to the existing literature on the topic in issue and guide other researchers on judiciary and democracy consolidation in Nigeria from 2015-2023.

The work is so important because of the present political, social and economic challenges in Nigeria and the belief of Nigeria on judiciary as the hope of common man.

1.6 Scope of the Study

The scope of this study covers the topic, judiciary and democratic consolidation in Nigeria from 2015 — 2023. A study of Nigerian politics in the above period. It equally covers the roles played by judiciary to consolidate democracy in Nigeria in the period under review.



1.7 Limitations of the Study

In research of this nature, some factors may limit the researcher from doing more work expected of him. Some of those factors include the inability to lay hand on some research works of the previous researchers on topic of the study, more so, our research was based on the most recent past administration in Nigeria from 2015 — 2023. Past research work may not be in libraries to help us in our research. However, we mitigated all these short coming by digging deeper from relevant materials to come up with this work.

Literature Review

2.1 Conceptual Review (Democracy)

This chapter undertakes a better review of other researcher's works on the topic in issue which is judiciary and democratic consolidation from 2015 — 2023. This is because no man has monopoly of knowledge, our review of literature is related to the topic judiciary and democratic consolidation in Nigeria. Okolie, (1990) stated that Nigeria suffered different transitions, most of which were truncated due to the inability to keep faith with the acceptable democratic culture. He noted that credible elections, parliamentary constitution, a free press and the existence of the rule of law are all critical factors for the existence of democratic culture. Okolie opined that all these factors, in the absence of the people's welfare might not translate into the desired results.

Nigeria, a nation rich in natural and human resources suffered endemic poverty thereby preventing the people from doing the right things and these telling on their sense of justice and moral description.

This poverty is a contradiction because the country is naturally blessed with material and human recourses, so, the problem is the prevalent corruption in the land coupled with nepotism and poor management of mese resources. It is worthy of note that we have not forgotten our colonial experience which bequeathed a political economy that emphasized patronage over production, commerce over industry and state over civil society and market forces. The "Tell magazine" of February 10th 1999 stated that president Olusegun Obasanjo in his post-election speech remarked as follows; my believe in democracy is absolute and I will always seek opportunities and means to improve on our practice of democracy, however, the activities of chief Obasanjo in office as president was nothing but a rape of democratic confidence since he became obsessed with power even to the extent of tacitly reducing Nigeria state to one party state system of government. His pronouncement in 2007 election was a total consideration of his earlier assertions.



Odey, (2007) quoted Obasanjo as saying the following: I am very much aware of the wide spread criticism and total lack of confidence on government, emanating from the actions of recent administration where official pronouncement are repeatedly made and not matched by actions which the tendency is that government forfeits the confidence of the people and their trust. In 2007 general elections, the following observations were noted:

- a. Seek and hide game by chief Obasanjo to perpetrate himself in office
- b. Refusal to obey court orders and ruling. See Ngige case and reinstatement of security in 2006.
- c. What of the hoax called the 2007 elections. The elections are still lingering with its adverse effects on democratic consolidation.
- d. No respect for human dignity as represented in the faces of the people of Odey and Zakibian.
- e. Building open, accountable sensitive democratic institutions and structure.
- f. Security was represented in the whole lot of political motivated killing during the democratic era of 2003 — 2007.
- g. Projections of the people's welfare and wellbeing as in the collapse of power projects, infrastructural delay and liquidations of many enterprises, Odey, (2007) reacted to the above observations and noted that democracy demands that those to rule the people must be put in power by the people

Ake, (1995) stated that democracy was not a significant item on Africans post independent governance agenda. Also, Elbadwin and Sambanis (2000) after conducting a rigorous empirical study to determine the cause of civil wars in Africa asserted the most important factor causing conflict is poor governance in respect of poor performance of that three arms of government or the inability to perform its constitutional roles is due to corruption in Africa vis-à-vis Nigeria. They noted that dead democratic institution is one of the significant factors causing civil war in Africa. Collier (2010) asks the questions if the spread of democracy has affected proneness to violence due to the complementary and reinforcing attributes of democracy. Collier and Rohner (2008) averred that democracy had the opposite effect in the poor countries than in richer ones. According to Olateju (2013) democracy is flexible both in theory and practice which makes it highly complex to understand practices. To understand it requires consideration of context. The development of institutional rights and procedures cannot be assumed outside the context of their applications hence justification for non — conformity in the application of democracy as a system of government hence, justification for non- uniformity in the spread of democracy in the world is expected that a nations political future, security economic strength and



identify will be shaped by the creation of better transparent government. Democracy possesses the following characteristics different from other forms of government namely:

1. Franchise; which means right to vote and be voted for
2. Independence of judiciary; which means that judiciary should be free from any form of control either by the executive or legislature
3. Sovereignty of the people; is basic and democracy must be people centred. It must start with the people.
4. The authority of government must be based on the consent of the people and the people consent must be given through, elections. There can be elections within democracy but there cannot be democracy without elections.
5. Democracy entails that majority must have its way.
6. In democracy basic human rights must be safeguarded such as freedom of expression, freedom of press, freedom of worship, freedom of assembly, freedom of association, like minds are free to meet, discuss and interact on any area of common interest, right to due process and fair hearing before a court of competent Jurisdiction. Every suspect is innocent except when found guilty beyond reasonable doubts before he/she can be convicted or punished While on trial the suspect is entitled to a lawyer to defend him or her.
- 7 In democracy the government has constitutional limits
8. The constitution guarantees the rights of the citizen and that of the government and protects each. other against abuse. (Odey 2007) 2.21 Judiciary

According to the Google — judiciary is the system of the courts that adjudicates legal disputes, disagreements and interprets, defends and applies the law in legal cases. It stated that the three main functions of the judiciary are to dispense justice, protect the rights of the people and act as guardian protector of the constitution of the country.

The judiciary is the third arm of the government that interprets the law decides disputes and applies the constitution to dispense justice.

The judiciary plays the role of providing a mechanism for solving disputes between citizens and the government, between two states governments and between individuals and the governments etc.

Democracy

According to Google — is a system of government by the whole population or all the eligible members of a state, typically through elected representatives. A system of parliamentary democracy that is representative government elective government,



constitutional government, popular government, self-government, government by the people, autonomy, republic, common wealth.

The word democracy originated from the Greek word “demos” meaning people and “kratos” meaning power. This means that democracy is people-oriented government or power to the people. That means government depending on the will of the people. Democracy therefore is a government in which power is vested on the people and exercised by them directly or through freely elected government.

2.3 Empirical Review

The word empirical is used to mean a phenomenon concerned with or verifiable on experimental by observation or experience rather than theory or pure logic. They provide empirical evidence to support their argument. Something that is Scientific or factual, verifiable, practical, observable, measurable, mathematical and provable, In the present case of democratic consolidation by the judiciary in Nigeria, we can only use judicial decisions to prove the position of judiciary in either consolidating democracy or undermining democracy within the period under review i.e. in 2015 to 2023.

We discovered in some of the judicial decision during the Buhari’s government of 2015 — 2023, that the judiciary undermined democracy due to prevalent corruption in which judgment was based on give and take. That is cash and carry in which the higher bidder collects justice while the poor becomes vulnerable and helpless. (Ogbuagu, 2016)

Okakwu (2016) noted that seven (7) judges were arrested by the Buhari’s government and accused of perverting justice due to corruption and were stopped from sitting as judges and so many other cases like that. We reviewed the previous research works of other researchers on the topic in issue. We reviewed the works of Okeke, Remi, Eme, Chukwudi, Martin and others. We reviewed the internet (2007) on w.w.w solarena, vol. 2 940 2132. Okechukwu Eme and Martin Okeke (2017) and others who discussed elaborately the topic; judiciary and democratic consolidation in Nigeria in the period under research. They all agreed that for democracy to thrive, there must be independence of the three arms of government instead of the unnecessary fusion of roles and that checks and balances must be maintained among the three arms of government. The checkmating of each arm by the other, shall prevent despotism, abuse and arbitrariness.



The attempt of this study is to examine how judiciary fared in 2015-2023 to fulfil its constitutional role or mandate of interpreting the law to consolidate democracy in Nigeria in the period under review.

Gap in Literature

There has been enormous literature on the above topic which is judiciary and democratic consolidation in Nigeria from 2015 to 2023. The period covers the recent past administration in Nigeria representing the administration of Alhaji Mohammadu Buhari. Our research work is an attempt to fill those gaps created by the past researchers especially on the role of judiciary to consolidate democracy in Nigeria in the period of our study and more so to find out if judiciary actually consolidated democracy or compromised fundamental roles to undermine democracy in Nigeria in that period of 2015 to 2023. Those gaps include the impact and challenges of judiciary to consolidate democracy in that period under review

Methodology

Theoretical Framework of Analysis

Relative Deprivation Theory

We adopted the relative deprivation theory to guide our research work. Nwagboso (2012) stated that this theory was aimed at bridging the gap between revolution and revolts in the society. It is an individual and group-based theory of aggression. It contends that frustration becomes the norm when satisfaction of value expectation in terms of economic and political benefits is surpassed by the expectation itself. This means that the aggregate of such frustration manifests in form of violence and conflicts among the various organs of government; by inference, the natural and reasons for rebellion, revolts, conflicts, insurgence, agitation and recurrent rise of violent group against the government. He averred that the increase in and demands of, surgent groups, militia groups and violent agitations, is as a result of the failure of judiciary and other arms of government to ensure collective performance by their constitutional roles to sustain or consolidate democracy in Nigeria. This indicates that judiciary as an arm of government responsible for the interpretation of law may not have played its constitutional roles creditably well hence the various agitations in the country against the government. One may equally argue that the failure of judiciary may have been used by other prevalent corruption found among judicial officers Nigeria. The effect of such corruption is the various agitations by different ethnic nationalities and militia group in Nigeria. The failure government to perform its mandated duties may not only cause agitations but may have intensified economic inequality and socio-political rights, denials and so on, leading to socio-economic



challenges such as unemployment, illiteracy, poverty, low per income capita, poor infrastructural facilities, high rate of inflation, poor health facilities, recession and low technological development (Anosike, 2010).

Hypotheses

This research work is guided by the following hypothesis

1. The challenges judiciary in 2015 — 2023 has made it impossible for judiciary to contribute much to democratic consolidation in Nigeria in 2015 - 2023.
- 2 The prevalent corruption in Nigeria in the period under review affected judicial decisions thereby made the judiciary to compromise it's constitutional roles 3.3

Research Design

In a standard research methodology, a research design is a plan set out to answer the research questions. The deprivation theory is applied to answer the research questions in the study.

Method of Data Collection

Data for this study is collected or sourced from existing records in books, journals, government and other official publications, Internet materials, seminar papers as well as other related documents on the topic of research which, is judiciary and democratic consolidation in Nigeria from 2015 — 2023. We therefore, employed the technique called "Content Analysis".

According to Obikeze (1990) this technique was developed as a result of the need for a reliable scientific method for assessing, analysing and interpreting a large validity of materials. Thus, we relied mainly on this analytical technique to evaluate the data generated in the cause of this study.

Method of Data Analysis

The nature of this research work demands a descriptive analysis in order to study the different variables involved in the work. Creswell (2003) stated eight procedural perspectives of validating the accuracy of research findings. We adopted content analysis as our analytical instrument to analyse data collected from existing records in books, Journals, publications, 'internet material etc.

We relied much on validated records related to the topic under study which is judiciary and democratic consolidation in Nigeria in 2015 — 2023. Kombo and Tromp (2006) stated that the method of data analysis entails an examination of data collected from where deductions and inferences are made. According to Twan and



Ongonodo (2011), data analysis in qualitative research consists of transcription of data in such a way that the reader can make sense of it in the interpretation and discussion of finding. In this work, we applied content analysis to guide our work.

Data Presentation and Analysis

4.1. Judicial political decisions in Nigeria from 2003 2023

The 2003 elections in Nigeria, assumed a pre — determined and predictable posture as they favoured a particular party, being the dominant people's democratic party (PDP). Ogbuagu (2015) stated that the overbearing dominance of the ruling PDP greatly influenced judicial decisions on post-election matters.

Mohammodu, Buhari of the ANPP suffered defeat in the election by the candidate of the PDP, General Olusegun Obasanjo (Rtd). This defeat led to series of election petitions from the tribunal to the federal appeal court. However, Mohammodu, Buhari was defeated in both courts. The defeat of Mohammodu Buhari in all the court made his lawyer mike Ahamba to declare as follows. The judgment of the tribunal and that of the learned judges were more political than legal. He averred that the judges were intimidated by the power of incumbency. According to Ahamba, the electoral Act 135(1) was exploited by the ruling PDP. This is because that section of their law failed to specify a time limit for the adjudication of post-election cases as a time buying strategy.

According to him, as the litigation lingered, it enabled the incumbent to protract and also created ample time for politics to infiltrate the judicial process. (Ojeifo, 2004). Ajayi (2006) asserts that the re-echoing of the politically concocted script which had been conventionally admitted at both the tribunal and the appeal court. It was the rejection of election results and the subsequent disapproval and dissatisfaction with the verdicts of courts on post-election litigation that lead to many election petitions by disgruntled and vulnerable Politicians who felt intimidated by opponents or the INEC officials. The year 2007 marked the year with the highest number of post-election litigations. According to Daily Trust online news 3/1/2020, the then president of Nigeria Late Umar Musa Yaradua who was elected into office in 2007 confirmed that he was a beneficiary of a flawed electoral process. The then Chief observer for the European Union mission confessed that the 2007 election had fallen short of the basic international standard for elections and therefore cannot be considered credible. Furthermore, a prominent Nigeria Lawyer Falana, observed that lack of proper organization on the part of national electoral commission provided enough evidence to warrant the cancellation of the 2007 presidential election; Even, Senator Ken Nnamani, a member of the ruling people's democratic party criticized



the conduct of the 2007 presidential election. Azeez (2013) noted that four out of the seven justices who delivered judgment on the 2007 post presidential election in favour of the PDP financially compromised. According to Kenneth Nwoko (2021), most court judges in Nigeria have itchy palms and as such can easily succumb to being bribed in order to compromise judgment. According to him, the public perception of the judiciary is on the negative angle. He posited that a former justice of the supreme court of Nigeria, Late Kayode Eso had described some of the judges who presided over the 2007 election petition tribunal cases as billionaires due to the obvious sharp practices that characterized the 2007 post-election judgments. Also, a former president of the Nigeria Bar Association, Joseph Daudu once asserted that justice in Nigeria was for sale to the highest bidder and further stated that most judges in Nigeria were in the habit of collecting incredible sum of money to compromise election petition judgments. In 2016 justice Muazu, was arrested by DSS for his complicit in 2015, River state election tribunal judgment. According to the source Muazu cooperated with the DSS detectives in the course of interrogating him over the allegation of N100 million bribe he received from governor Nyeson. Wike (Ogbuagu,)

Udenwa (2020) observed that the majority of Nigerians express widespread view that the presence of justice Mary Odili on the panel of supreme court judges during rulings on post-election litigations always favoured the ruling PDP litigants because, Sir Peter Odili is a PDP chieftain and the husband of justice Mary Odili.

According to Auwal Musa, head of transparency international (TI) in Nigeria, the nation's judiciary remains a weak link in obtaining justice in high corruption cases. According to him many high-profile cases, have exposed the failure of the country's justice system to effectively secure convictions on corrupt related charges. Titiope Anifowoshe, a lawyer and public analyst said that in 2022, justice is still hindered by mere technicalities in our cour. This means that the judiciary which ought to spearhead the fight against corruption isn't joining the activism.

In the case of senator Hope Uzodinma, All Progress Congress (APC) and Rt. Hon. Emeka Ihedioha, People Democratic Party (PDP) and the independent national electoral commission at the supreme court of Nigeria Holden at Abuja on Tuesday the 14th day of January 2020 in the governorship election conducted in Imo State on 8th March, 2019 along with 68 other candidates, the 1 respondent being Rt Hon. Emeka Ihedioha was declared the winner of the election. The first appellant being Senator Hope Uzodinma was dissatisfied with the return of the first respondent and filed a petition challenging the said return on two grounds of not being validly elected by majority of lawful votes cast and secondly, that the declaration and return of the first



respondent is invalid by reason of noncompliance with the electoral act. He sought several reliefs including the nullification of the 1 respondent's return and declaration of the 1 appellant as the winner of the said election. It was the appellants contention inter alia that the election held in 27 local government areas, 305 electoral wards and 3,523 polling units, collated results from 2,883 polling unit and excluded from 388 polling units, it the appellants contention that they scored an overwhelming majority in the 388 polling units, The result of which was excluded from ward collation result (from EC8B). Judgment delivered by Kudirat Motonmori, Olatokunbo Kekere Ekun uphold the appeal of Hope Uzodinma and declared him winner against the incumbent governor Ihedioha.

Other such cases and high court judgments include Suit NO HOW/755/2018: HE Prince Madumere Vs (1) APC (2) Ugwumbo Uche Nwoso delivered 21/11/2018. The court ruled that the issue raised in the 1 respondents' application is a fresh issue being raised for the first time and so failure to seek and obtain the requisite leave renders the issue incompetent. Others are Adeosun vs Governor of Ekiti state (2012) 4NWLR PT.1291)581. The rationale for 'this principle was explained in the case of Bankole and ors vs Mejidi Pelu and ors 1991) LPELR749(SC) e36CF as follows; The rationale for the principles is the consideration that a trial court is generally required to make primary findings of fact. Where there are such findings by such court of trial the appellate court will not lightly depart from them. The appellate court relies on the opinion of the court below for its determination of the appeal before it. However, the jurisdiction of the court is confined to the correction of the errors of the court from which it hears appeals.

In conclusion, there were evidences of bribery and corruption in such high-profile cases where politicians were desperate to climb the ladder. For instance, one who never contested an election but ended up at primaries was declared winner against the one elected by people's mandate through the polls. The judiciary must be reformed if Nigerians wants it to live up to the expectation of being the only hope of the common man.

4.2. Testing and Validating Hypotheses I

In this segment, we try to adduce data to test or validate our hypothesis. Validating hypotheses, I which states "the role of judiciary has not contributed much to democratic consolidation in Nigeria from 2015 — 2023.

According to Arowolo and Aluko, (2012) Nigerian democracy is being manipulated by those in power. They monopolize state machinery to maintain their hold on power.



Chief Obasanjo administration for instance, was noted for its selective judgment and flagrant disrespect for and disobedience to the law. This is also a function of ineffective rules and weak institution. They hunted their opponents with the aid of the economic and financial crimes commissions (EFCC). It is only natural and expected, therefore, in situations where political opponents are clamped down upon that the political space becomes heated and tension soaked as the opponents strive to balance the error.

Ezeigwe (2011) stated that the military came again and democracy was suspended until 1999. President Olusegun Obasanjo former military head of state (1975 — 1979) was elected in 1999 under the platform of the people's democratic party (PDP). In his administration democracy continued on the path of democratic experimentation for a period of sixteen years.

In 2015, opposition parties came under an amalgam of the political parties and registered as All Progress Congress (APC) and defeated the PDP at the presidential level. The PDP's incumbent president Goodluck Jonathan handed over to Mohammadu Buhari, Nigeria's former head of state (1983 — 1985) who was the APC's presidential candidate.

Within the period and subsequent periods, how has judiciary contributed to the consolidation of democracy. Nigeria judiciary has been characterized by a history of Good and bad experiences. During the military era, the judiciary played the role of an anti — democratic institution and was mostly controlled by the military just as to achieve their dictates. For instance, the role played by judiciary during the annulment of June 12 election in Nigeria by the military government of general Ibrahim Babangida made judiciary anti — democratic.

Obute (2016) stated that the June 12 election was reported to be the fairest and most creditable election in Nigeria so far. Agbo, (2008), and Ekweremadu (2011) further narrated that the drama began when justices Bassey Ikpeme of the Abuja high court granted an interim injunction stopping the conduct of the presidential polls. The order came two days before the election and was given despite an existing law barring courts from entertaining suits, relating to elections. It was a suit instituted by the Association for Better Nigeria (ABN) led by a controversial political chief author Nzeribe who was pro-military rule that led to the order by justice Bassey Ikpeme of the Abuja high court granting the interim injunction as mentioned above. Though, the National Election Commission (NEC) disobeyed the order on the grounds that section



37 of the transition to civil rule decree ousted all court ruling on the conduct of the election, but on the contrary, General Ibrahim Babangida leveraged on the court order to annul the June 12 election.

Abdulmamed, (2014) and Orban, (2014) argued that the role of judiciary in a democratic system should stand as follows:

That judiciary is the foundation upon which democracy grows and develops, because of its exclusion right to deal with the administration and dispensation of justice in any democratic nation. Following such importance, those who are entrusted with the dispensation of justice should be guided by the principles of truth and morality. The existence of judiciary in any democratic government is justified by the principles of separation of powers which states that personnel who make the law should be separated from those who implement or interpret the laws. The essence of separation of power is aimed at preventing dictatorship or arbitrariness.

According to Aver and Oraban (2014) the judiciary in Nigeria has made justice a cash and carry democracy. They further narrated that more worrisome is the association of judiciary with unbridled corruption where desperate politician's go to great lengths to corrupt judges in order to secure undue advantages for themselves at the detriment of the poor masses, hence the integrity of the Nigeria judiciary became questionable. as contrary to the assertion that judiciary is the last hope of the common man. Also Aver and Orban (2014) Enofe, Ezeani and Ejchie, (2015) agreed that the image of the judiciary in Nigeria is that of an institution where anything goes. This is because of the numerous cases of perversion of justice in civil and political cases by corrupt judges,

On the other side 'of the coin, Ekweremadu (2011) asserted that while the benefits of most institutional reforms have been difficult to measure, there has been significant progress in a few other key areas of national political life. One of them is the emergence as a courageous and impartial arbiter in intra — electoral disputes in the chequered unstable federation. As a result, there have been records of large number of judicial pronouncements that have restored results of several flawed intra-party elections and restored many elected officials such as governors, senators, reps and so on wrongly removed from their positions back to their seats.

According to Ekweremadu, Nigerian politicians were increasingly resorting to courts to resolve their political differences and most of them accepted court decisions. However, the belief of Nigerians is that the judiciary is corruption tainted, the



politicians are the prominent culprits or the major suspects in the subsisting assumption of deeply compromised judiciary in the current democratic setting.

Mustapher (2011) stated that a chief justice of Nigeria declared that the Nigeria judiciary grapples with the fact that it appears the society is not entirely satisfied with the performance of the judiciary in Nigeria. Abdullahi (2014) posits that tie nations judiciary currently is passing through difficulty. Within the period under review witnessed the arrest of serving Nigeria judges suspected of aiding and abetting corruption over the years. The DSS claimed that such judges compromised its constitutional roles by collecting huge cash to pervert the cause of justice before, during and after 2015 elections. Three supreme court justice were arrested to face the law. These justices were from Sokoto, Bauch and Kano. A federal high court judge in Abuja were picked up by the DSS. (Olakwu, 2016)

We therefore agree that the cash and carry judgment in the judiciary, judicial impunity, and incidence of corruption by some corrupt judges proves that the judiciary in Nigeria in 2015 - 2023 compromised its constitutional roles to undermine democratic consolidation in Nigeria. Oni, (2014) averred that the role of judiciary in the 4th republic was carpeted under the two arms of government and controlled with impunity by the executive arm. A judiciary should not timidly obey the orders of the executive but should maintain equality.

Summary, Conclusion and Recommendation

Summary

In summary, we noted that the judiciary in 2015 — 2023 was dominated by the two arms of government. We observed the judiciary was controlled with impunity even to the extent of arresting serving judges. Judiciary by compromising their roles as a result of corruption and lack of integrity denied themselves independence. They were accused of cash and carry judgment instigated by corrupt politicians, we therefore epitomize that the judiciary in 2015 — 2023 did not contribute much to the development and consolidation of democracy in Nigeria because some judges compromised their constitutional roles in favour of corruption and get rich quick syndrome ravaging the entire country.

Conclusion

In conclusion, the foundations of Nigeria's democracy is palpably weak. According to Oni, (2014) the issues of checks and balance complementarities, and unhelpful independence and unnecessary superiority among the institutions has remained highly pronounced. And traumatic phase in its annals and its quite obvious and



certainly not in doubt. It is a phase which is evidently marked by deep loss of faith in the judicial process and courts. It is a phase marked by claims of ethnic lop-sidedness in the composition of the federal judiciary and serious allegations of corruption, ineptitude, laziness, incompetence against judiciary officers, abuse of office even against the supreme court judges in the discharge of their judiciary function. The above has prevented the Nigeria judiciary over the years from acting as a check on the excesses of other arms of government.

Okakwu agreed that the role of judiciary in Nigeria has not contributed much to the consideration of democracy in Nigeria. We therefore, have succeeded in validating hypothesis 1 which states that the role of Nigeria judiciary in 2015 — 2022 has not contributed much to the consolidation of democracy in Nigeria.

Validating hypotheses 2

which states that the judiciary compromised its constitutional roles in 2015-2023. To prove the above assertion, the Buhari government in the period 11th three arms has continued to be enmeshed in monumental corruption. Obuta, (2016) argued that if the judiciary which is considered to be the hope of the common man and they bacon of democratic process and good governance is tainted in corruption, then the developmental objectives of the country will be considered a mirage. In this research work therefore, there is evidence of corruption in all the facets of Nigerian judicial system (Oduntan, 2017).

Recommendations

We have actually answered and validated both the research questions and hypothesis bordering on the role the judiciary played in Nigeria in the period under review and discovered that judiciary did not do much to consolidate democracy in 2015 — 2023 as judiciary compromised its roles due to corruption.

We saw corruption as prevalent in all the facets of the judicial system in Nigeria in the period under review which is 2015 — 2023.

We therefore wish to recommend as follows:

1. That judiciary should do everything legally possible to redeem its lost glory to convince the country to still trust them as the last hope of the common man: that the Nigerian judges should not serve God and mammon at the same time. They should uphold the basic tenets of justice. The judges should be ready to make bold declarations no matter whose ox is gored. Let it be the resolve of the judges to



contribute meaningfully as their own contribution to consolidate democracy in Nigeria. Judges should live above board because to question the integrity of a judge in Nigeria should be seen as terrible and bad to hear, let there be no such cases like arresting a judge for corruption or perversion of justice.

2. Finally, we wish to recommend again that the judiciary should be nationally reformed to achieve an independent judiciary that is capable of standing firm to consolidate democracy in Nigeria. The independence advocated here entails freedom of the judiciary from executive control and separation from the other arms of government.

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