

CORRUPTION WITHIN THE NIGERIA JUDICIARY: CAUSES AND SOLUTIONS

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The major objective of the judiciary is to ensure the rule of law and legal security for individuals. The role of the judiciary is paramount in every society as it the guardian and protector the constitution and the fundamental rights of the people. The judiciary has a large role to play in the successful administration of justice in a given polity. To achieve this, it must be fearless, just and fair in the determination of cases before it. Garner highlights this view when he observes, “A society without legislature is conceivable, and indeed, legislative organs did not make their appearance in the state until modern times, but a civilised state without a judicial organ and machinery is hardly conceivable.” According to the human rights lawyer Femi Falana (SAN), a judge is more powerful than a President because he can sentence a man to death. With the germane role of the judiciary in Nigeria society, there is a need for it to be corrupt-free. However, the roles of the judiciary have sparked up debates and questioning that there is corruption within the Nigeria Judiciary. It is in the background that this essay will discuss the causes and solution to the topic, Corruption within the Nigeria Judiciary.

Transparency International defines corruption as ‘the abuse of entrusted power for private gain’. This means both financial or material gain and non-material gain, such as furtherance of political or professional ambitions. By inference, judicial corruption is acts or omissions that constitute the use of public authority for the private benefit of judges, court and other justice sector personnel that result in the improper and unfair delivery of judicial decisions (Ayodeji & Odukoya, 2014). Corruption exists in all sectors of the society and the judiciary is not left out of this. The causes of corruption within the Nigeria judiciary are;

1. Political interference

Political interference of the judiciary is a cause of corruption within the Nigeria judiciary. The judiciary can never be free from interference or influence. Such influence could be from several sources. It could arise from improper pressure by the executive or legislature, the litigants, the media, pressure group, self-interest or other co-judges/senior judges. Many cases abound at the state level where judges are frequently influenced by the governors to delay, pervert the case or do something scandalous to favour those who lost out in election (Aver & Orban, 2014). The Nigeria judiciary faces this interference or influence from these various sources; it only takes a disciplined judge to give a free and fair judgment according to the law. According to the Judicial Ethics Training Manual for the Nigerian Judiciary states that The judiciary shall decide matters before it impartially...without any restrictions, proper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason. The Nigeria judiciary should try as much as possible to follow the rule state the Judicial Ethics Training Manual to uphold justice and fairness.

2. Bribery

Bribery has been defined as an act of giving or taking money or something valuable to gain favour in a dishonest manner (Okeyim, 2013). In Nigeria, Bribery is a common form of corruption that occurs in her judiciary. Judicial officers receiving bribes compromise the application of the rule of law and the interpretation of the law.

Receiving bribes compromises the application of the rule of law and the interpretation of the law. Ogbu (2011). A judge who has taken a bribe cannot be independent, impartial or fair. When a party to judicial proceedings offers a bribe to a judge or other officials, and the bribe is accepted, that party immediately acquires a privileged status to other parties who have not offered or are

not in a position to offer, a bribe or inducement. This ruling by the apex court was quite unfortunate and damaging for the image of the judiciary. The court should have, at least made pronouncement on the illegality and unconstitutionality of the action of corporate Nigeria in making a political donation in billions of naira to President Obasanjo's re-election campaign when the constitution in an unambiguous term expressly prohibits it. The above analyses portray the judiciary as not only compromising the law but laying dangerous precedents for corrupt practices to thrive in Nigeria. It is therefore based on all these compromising applications of the rule of law that the issue of corruption within the judicial system in Nigeria was generated. Nepotism and cronyism fall under bribery. Nepotism means favouring of relatives, cronyism means favouring personal friends. When a relative or personal friend is favoured by a judicial officer of the law, it is a form of illegitimate gain.

3. Weak Judicial system

Judicial systems are weak as a result of poor conditions of service. The weak judicial system creates room for the rich or dominant groups to always stand a better chance of getting justice over the poor or non-dominant groups respectively. A functioning judicial/legal system is important for sustained democracy. One of the side effects of a corrupt judiciary is that it becomes inevitably too weak and increasingly incapable of discharging its critical responsibilities to the society, especially to the poor and vulnerable. Incidentally, this is one of the indicators of a "failed state", according to the Failed States Index

Having looked at some of the causes of corruption within the Nigeria judiciary, we must proffer solutions to the problem. A corrupt-free judiciary is central to democracy and rule of law. The following are solutions to the problem of corruption within Nigeria judiciary;

1. Judicial Appointments: There is a need to institute more transparent procedures for judicial appointments to combat the actuality or perception of corruption in judicial appointments (including nepotism or politicisation) and to expose candidates for appointment, appropriately, to examination concerning allegations or suspicion of past involvement in corruption. Judicial appointments should be done by merit and not by influence
2. Computerisation of Records: Computerized means of record-keeping should be adopted, such as computerisation of court files, to avoid the reality or appearance that court files are “lost” to require “fees” for their retrieval or substitution. In this respect, modern technology should be utilised by the judiciary to improve efficiency and to redress corruption.
3. Remuneration: There is a need to improve the low salaries paid to judicial officers and court staff in Nigeria. Where it exists, there is a need to abolish the traditional system of paying “tips” to court staff on the filing of documents and the replacement of such salary supplements by conventional remuneration.
4. Seminars: Regular seminars should be organized for judges for the judiciary to consider ethical issues and to combat corruption in the ranks of the judiciary and to heighten vigilance by the judiciary against all forms of corruption.

The judiciary is referred to as the last hope of the common man and the temple of justice, so there is every need for the judiciary to be corrupt free. I end this discussion with the Latin maxim *et aequitatem stricto juri praefert* – A good judge decides according to **justice** and right and prefers equity to strict law

REFERENCES

Researchgate publication Corruption in the Nigeria Judicial System An Overview

Transparency International, Global corruption report, 2007, corruption in judicial systems

Yourarticlelibrary judiciary functions importance and an essential quality

Punch Newspaper April 17, 2019

Strengthening judicial integrity and capacity in Nigeria, Reports of the first federal integrity meeting, 26 & 27 October 2001

The Guardian Newspapers

Perceptions of Corruption in the Nigerian Judiciary, Journal of Political Science and Leadership Research ISSN 2504-883X Vol. 1 No.8 2015