Corruption in the Nigerian Judicial System: A Critical Discourse

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Abstract

This study x-rayed the causes and implications of corruption and other related problems in Nigerian the judicial system. In order to answer the research questions, descriptive cum qualitative approach was employed. This instrument, coupled with mail interview guide, proved effective in collecting data from experts in different fields of human endeavour, such as correctional officers, criminologists, legal practitioners, and educationalists. The collected data were transcribed and coded, using Nvivo12 and was analyzed thematically. Findings revealed that the prevalence of corruption precedes the dispensation of unfair judgments; the existence of corruption leads to a situation in which bourgeoisies in the society get favoured in exchange for cash and other favours; corruption within the Nigerian Judicial System has actually led to the proliferation of criminal activities, the perpetrators of which routinely pay their way to evade justice; judicial corruption engenders a biased administration of justice; and the independence of the judiciary is necessary for democracy and the rule of law to thrive. Based on the findings, the study recommended the need to strategize reformations of policies that will suffice to efface, or enfeeble, the corruption bug which appears to have stung the Nigerian Judicial System for decades.

Keywords: Corruption; court; judge; judicial; policy; system

Introduction

Although crime and its commission could be regarded as a breach of moral code in an ideal human society, our perception of crime should rely heavily on what the law of the society in which we inhabit considers a crime. In our anxious fight for a concise definition, a crime may refer to a specific act committed in defiance of the law. In view of this, the weight of punishment is measured in terms of the unambiguous interpretation and unbiased application of the law. In spite of the existence of criminal justice system in Nigeria, however, avalanches of reports on the growth in crime rate, as depicted on the faces of our national dailies, are alarmin. Having raised fundamental questions regarding the seemingly unsurmountable ills that have bedevilled our society, our

curious gaze is fixed on the administration of justice in Nigeria (Tunrayo, Adedeji & Suleiman, 2017).

The judiciary is the organ of government responsible for the interpretation and application of laws. The judicial function of applying the law can best be viewed from the punishment of law breakers. The judiciary embodies the law courts and the judges. In Nigeria, like many countries of the world, the judiciary is compartmentalized into different courts such as the Supreme Court, high court, appeal court, magistrate court, customary court, administrative court, sharia court and tribunal. Of all these courts, the Supreme Court is the highest court whose judgments cannot be jettisoned or appealed against. However, the judiciary has been translated into the cesspit of politics. In Nigeria, the Judicial Service Commission, a body of law experts, recommends qualified lawyers with indisputable legal stamina and wealth of experience for appointment. But the appointment method has some loopholes. In practice, the executive has the final approval, leading to the flagrant violation of the principle of separation of powers. Viewed from political angles, this mode of appointment can undermine the credibility of court decisions. According to doyens in Social Sciences, this is a horrible situation in which principles of the rule of law, such as equality of all before the law, fundamental human rights, supremacy and impartiality of the law, cannot hold water in the Nigerian judicial lexicon (Salihu & Hossien, 2018; Unini, 2015).

The surveys conducted by Unini (2015) and Oladotun (2016) indicated that quite a vast number, if not all, of those who occupy the positions of power and authority in Nigeria, have crass disregard for laws. Reports on how and why the power-that-be manipulate the contents of laws to vitiate the ruling of cases against them have witnessed some increase to a fearsome crescendo. More often than not, we have keenly observed how corrupt politicians take the advantage of the power of incumbency to influence the decisions of the courts. Of recent, Ghanaian government gave 27 high court judges a matching order for corruption. Such scenarios have never played out in Nigerian Judicial System. There is a trite saying amongst Nigerians that "justice is for sale." Court decisions are sold to the highest bidders. Nigerian nascent democracy can only transpose into enviable maturity with substantial social benefits provided injustice and corruption are brought to a halt in the nation's judiciary system. (Onyekachi, 2015; Oladotun, 2016).

Sadly, enough, the same law that punishes the weak exonerates the strong on the equal scale of offence. One is not flabbergasted after all that those who are zealously involved in sordid practices are high-profile individuals, such as stout politicians who are usually in possession of bundles of stolen money to bribe their ways into self-bloated gainful ends. Despite the public outbursts over the perpetual engagement of judges in flagrant corruption, little or nothing has been done to salvage this ugly trend. Occurrences such as this are detrimental to the moral foundation of the state. Olumide (2022) observed that Nigerian judiciary is no longer as insolent as it was before. In this overzealous era of political influence, the appointment process is

blurred by evident lop-sidedness to the extent that individual skills and experience suffer from dynastification, commodification and genitalization trends which have shamelessly engulfed the judicial seat. Unless the judiciary is insulated from the unlawful encumbrance of the other two organs of government, this proverbial cankerworm will continue to rear its ugly head. An independent judiciary will discharge its duties better than when it is suffocated by the encroachment of tyrannical executives or defiant legislators.

Corruption and Nigerian Criminal Justice System

Speaking on the occasion of the signing into law of the ICPC Act, President Olusegun Obasanjo (as he then was) had the following to say: "As we all know, corruption is a cankerworm that has eaten into the fabrics of our society at every level. It has caused decay and dereliction within the infrastructure of government and the society in physical social and human terms. Corruption has been responsible for the instability of successive government since the First Republic. Every coup since then has been in the name of stamping out corruption. Unfortunately, the cure has often turned out to be worse than the disease. And Nigeria has been worse for it. Nigeria's external image took a serious bashing, as our beloved country began to feature on top of every corruption index . . . with corruption there can be neither sustainable development nor political stability" (Ani, 2022).

Despite the avalanche of legislations, anti-corruption agencies, policies and strategies, the level of corruption in Nigeria is still as high as ever. Nigeria was rated in December 2012 as the 35th most corrupt nation by the Transparency International Corruption Perception Index (CPI). It is instructive to note that owing to its constitutional responsibility, the role of the judiciary as a bastion in the anti-corruption war is unique. Little wonder, therefore, recent events in the anti-corruption struggle has placed the judiciary, which is often regarded as the hope of the common man, on the spotlight. These events also involve cases of alleged corrupt practices within the judiciary itself thereby raising serious questions as to the effectiveness of the judiciary in the performance of its role in combating corruption in Nigeria (Abdulrahman, 2012).

It is a hopeless hope to assume that ordinary people would readily abide by the laws when those entrusted with governmental power and authority treat the same laws with basest disregard. While a good judge makes a bad law look good, a corrupt judge makes a good law look terrible. In view of the fact that corruption has been crowned with ubiquitous honour at every stage of legal proceedings and processes, it is not surprising that the unguilty usually become victims of corrupt judgments. At the climax of judicial debauchery, it is the society that is ruined, not the unguilty. Unfortunately, the evidence of corruption is concealed behind a veil of secrecy obviously outside the public eye and often carried out stealthily between two individuals, both of whom are swayed by their illegal shenanigans and each receives a fair share of their unlawful rewards (Joseph, 2021).

Accordingly, the prevailing reality within the justice system portends the arrival of a new era of judicial malfeasance. To gain a deep insight into this theme, we must cast a brilliant light upon some of the factors that have contributed tremendously to its development. In the investigation of criminal conduct, police have large mandatory powers, many of which go unchallenged. To be

sure, police can suppress the filing of their reports, thwart the proofs of evidence in order to advance their own malicious goals. In other words, in their curious desperation to achieve certain results, police may engage in dally tactics until the evidence is lost even tactically cast aside investigation, particularly when this revolves around politically powerful, wealthy individuals; prosecutors having been bribed readily comply to tread the path of delay tactics to frustrate the investigation and distilling of a case (Olumide, 2022; Oladotun, 2016; Oyebode, 2005).

Unfortunately, not all judicial officers have keyed in to combat the monster. Actions and pronouncement of some judicial officers have tended to present the judiciary as a formidable ally with alleged corrupt officers, thereby truncating the anticorruption efforts of the government. Herein lays one of the factors militating against the effective performance of the judiciary role in curbing corruption. Judicial corruption is an especially pernicious phenomenon. When the judiciary which is expected to serve as guardian of the rule of law is itself corrupt, anticorruption strategies are deprived of essential measures that are needed to increase the risks and reduce the benefits of corruption and to punish corrupt acts. The resulting distortions, including the impunity of corrupt individuals, undermine the rule of law, foster public cynicism about the integrity of government, and thus impair essential capacities for sound economic, social and political development. Conversely, strengthening judicial integrity and related capacities to combat corruption can have enormous benefits (Abdulrahman, 2012; Joseph, 2021; Ani, 2022).

The Battle Between Social Relationship and Nigerian Judicial System

According to Thomas Hobbes (1588-1679) men decided to make contract among themselves and enter into a civil society and create rules which would regulate their behaviour and guarantee conditions of life. If there is no agency or a body to regulate people's activities, the society will degenerate into what Hobbes called primitive society where life was "solitary, poor, nasty, brutish and short". In other words, every state has a group of individuals who are authorised to make laws and to enforce such laws in the interest of all residents within the state. Every state exists for some purpose which includes establishment of order, promotion of individual welfare and promotion of general welfare. Without functional, responsible and accountable government, the purpose of a state will be a forlorn hope. However, it is undeniable that law operates within the core of social relationship. Law is, therefore, the ultimate expression of the will of the people. Whatever may be the discontentment of any person or a group of persons, the law bears the mark of authority and sovereignty until it is changed either through a peaceful or violent means. To some extent, this definition has revealed the all-important functions of judiciary as there can be no idea of a government without a constitution.

When the eminent French jurist, Charles de Montesquieu (1689-1755) in his book, Esprit de Lois (The Spirit of Laws) expounded the concept of separation of powers, his worries were mainly about the excesses of the Executive – the Leviathan needed to be reined in by both the Legislature and Judiciary. Throughout history, however, and especially in countries where corruption is rife, men who bear arms have either solely or in connivance with few civilians, tried to thwart the spirit

of the laws by undermining the legislative and judicial arms of government. Whenever that happens, the society is the worse for it.

In Nigeria, the Judiciary, though often succumbing to manipulations, has fought a good fight both to survive as an estate of the realm and to remain the last hope of the common man which it is constitutionally and morally mandated to be. Whenever legal battles to protect the rights of the common man and check dictatorship in Nigeria is mentioned, the late Chief Gani Fawehinmi's (SAN) name looms large. Gani not only fought against dictatorship and for the common man, he also fought for the survival of the Judiciary and preservation of the integrity of the institution. Activist legal luminaries know the harm that a compromised and corrupt Judiciary can inflict on society, and they always fight to keep those vices at arm's length. Today, the Nigeria Judiciary has once again come to a crossroads where it is gasping for air. This is the juncture where the judiciary fails to lighten our plight. While the haves who accede to the most despicable of unlawful dealings go unpunished, the have-nots who involve in petty crimes, such as pickpocketing, are riddled with capital punishment. One wonders how the criminal law will accomplish its chief objective of decontaminating the society of ills (Saharareporters, 2009)

At an interactive meeting between grassroots women and service providers put together by WARDC in Lagos, the Independent Corrupt Practices and Other Related Offences Commission (the ICPC) urged Nigerians at all levels to complement its effort towards the eradication of corruption. The agency, which spoke through its representative, Seyi Ade-Adams, said anti-corruption agencies cannot fight corruption alone. The impact of corruption is more magnified among the vulnerable groups in the society. To ensure a meaningful and reliable social relationship, all and sundry must see the need to be part of this intervention as there will be little or no progress in a society where corruption is allowed to thrive (Olabisi, 2020).

The Paradoxes in Criminal Justice System

The investigation of crime, arrest of alleged offenders, their trial and punishment occur within the gamut of the criminal justice system. The judiciary is central to this system as it bears the burden of determining the guilt or otherwise of an accused person. This burden is discharged by the judge. It is beyond dispute that the Nigeria criminal justice system is founded on the common law system as that of Britain as opposed to the civil law system practiced in France and other civil law countries. What this implies is that the Nigeria criminal justice system is adversarial in nature as against the inquisitorial system of the civil law countries. The courts in Nigeria practice the accusatorial system of criminal procedure in criminal matters. The accusatorial system is the criminal procedure in which the court's principal role is to determine whether or not the accusation levelled against a person, usually by the state, is substantiated or not. It is also the case, too, that in this system the role of the judge is not limited to that of a referee. He performs a very important role which determines, in the minds of the man on the street, whether justice has been done (Olumide, 2022; Oladotun, 2016; Oyebode, 2005).

The judge's referee role in a criminal trial, apart from making sure that the prosecution proves his case beyond reasonable doubt in order to slam a verdict of guilty on the accused person, also

includes the interpretation and application of statutes passed by the legislature. In other words, judges are bound to apply the law as it is. They are not law makers. We must hurriedly make the point that a criminal trial is not decided on passion, sentiments, conjecture or imagined analysis of what could have been. Rather, a Judge is expected to be impartial, dispassionate, disconnected in his assessment of the evidence before him so as to do justice to the parties. Thus, whatever the offence for which an accused is standing trial, the Judge should approach the trial with an open mind, objectively and with the presumption of the accused person's innocence, until the contrary is proved beyond all reasonable doubt by the prosecution. The Judge's role is not at an end even at the conclusion of trial. He has the ultimate task of sentencing the accused especially where a verdict of guilt has been reached (Onyekachi, 2015; Oladotun, 2016).

This is no mean task as the Judge is expected to apply the law as it is and not as it ought to be. The exercise of this task can subject the Judge to public condemnation or praise depending on the sentence he pronounced particularly in corruption trials. But the Judge is not a man-about-town and he is expected to discharge his function regardless of public opinion. Sentences prescribed by law may be mandatory or discretionary. Where it is mandatory, the Judge is bound to apply the prescribed sentence. But where it is discretionary, he has a lot of liberty when carrying out sentencing provided that he must act within the latitude of the law prescribing the punishment. Judges are mere mortals subject to the vagaries of imperfection in an imperfect world even though they are expected, like Caesar's wife, to be above board. Thus, while sentencing, Judge's discretion is likely to be abused or wrongly applied owing to skewed or jaundiced assessment of the case or outright incompetence (Chidi, 2022).

Calls have been made for the adoption of part of the inquisitorial system of civil law countries where the duty is placed on the accused person to prove his innocence. Those making the calls canvass for a legal regime similar to section 6(3) of the repealed Recovery of Public Property (Special Military Tribunals) Decree No. 3 of 1984 passed by the Buhari led military government. The section provides that "The onus of proving any trial that there was no enrichment contrary to the provisions of section 1 of this Decree shall lie upon the Public Officer or person concerned" (United Nation Office on Drug and Crime, 2020).

The menace of corruption has reached staggering heights such that stern measures are required to curb it. A few adjustments in the Nigeria criminal justice system will not render the whole system draconian. Such legislation is not only apposite today but also practicable. All that is required will be an amendment of the 1999 Constitution in line with the above adumbration to create an exception to section 36(5) of the Constitution and sections 135 and 139 of the Evidence Act, No. 18, 2011 in respect of corruption charges alone (Ali, 2008).

Theoretical framework

This study is anchored on the social justice theory. The theory was propounded by John Rawls (1971). Social justice refers to a political and philosophical theory that focuses on the concept of fairness in relations to individuals in society and equal access to wealth, opportunities, and social privileges. While activists and advocates significantly influence the widespread emphasis on social

justice in the world today, the actual implementation of social justice policies is often left to administrators, such as the government, non-profit organizations, foundations, or agencies within the bureaucracy. Such organizations are responsible for shaping public policies to address social justice issues, and as a result, political factors influence the extent to which social justice plays a role in the policies shaped by the government and administrators of the day.

Social justice initiatives can be pursued through many different types of government programs via wealth and income redistribution, government subsidies, protected legal status in employment, and even legalized discrimination against privileged groups through fines and taxes or even through purges historically. Social justice initiatives are commonly seen in socialist and communist countries, which integrates them into their economic policies, as well as in the platforms of left-leaning political parties within democracies (Outhwaite & Bottomore, 1993).

Five Assumptions of Social Justice

There are five main principles of social justice that are paramount to understanding the concept better. Namely, these are access to resources, equity, participation, diversity, and human rights.

Firstly, we have access to resources is an important principle of social justice and refers to the extent to which different socioeconomic groups receive equal access to give everyone an equal start in life. Many societies offer a multitude of resources and services for their citizens, such as healthcare, food, shelter, education, and recreational opportunities. However, unequal access to such services often exists. For example, individuals from wealthy households among the upper and upper-middle classes are often better able to afford to attend good schools and access post-secondary education, which leads to a greater chance of obtaining jobs with higher income in the future. In contrast, those from the lower classes face fewer opportunities. It, in turn, limits access to education for future generations and continues the cycle of facing disadvantages. However, equity refers to how individuals are given tools specific to their needs and socioeconomic status in order to move towards similar outcomes. It contrasts with equality, where everyone is offered the same tools to move towards the same outcome. As such, often, things that are equal are not equitable due to the more advanced needs of some individuals and groups. Social justice, integrated with addressing equity issues, might include advancing policies that provide support to overcome systemic barriers. In addition, participation refers to how everyone in society is given a voice and opportunity to verbalize their opinions and concern s and have a role in any decision-making that affects their livelihood and standard of living. Social injustice occurs when a small group of individuals makes decisions for a large group, while some people are unable to voice their opinions. More so, understanding diversity and appreciating the value of cultural differences are especially important because policymakers are often better able to construct policies that take into consideration differences that exist among different societal groups. It is important to recognize that some groups face more barriers in society, and by considering the inequities, policymakers and civil servants will be in a stronger position to expand opportunities for marginalized or disadvantaged groups. Discrimination in employment on the basis of factors such as race, gender, ethnicity, sex, age, and other characteristics are constant issues in society, and

enforcing policies to countermand discriminatory practices are one way in which diversity is taken into consideration.

Lastly, human rights are one of the most important principles of social justice and form a foundational part of the concept. Human rights and social justice are certainly interrelated, and it is impossible for one to exist without the other. Human rights are fundamental to societies that respect the civil, economic, political, cultural, and legal rights of individuals and governments, organizations, and individuals must be held responsible if they fail to ensure the upholding of these rights. They are extremely important in many societies and are recognized internationally through institutions such as the International Criminal Court and the United Nations Human Rights Council (Hantal, 1993).

It should be stated that just same way Rawls social justice attracted the admiration of some scholars; it has continuously attracted various criticisms. Roger (2000) has opined that the British commission on social justice is quite explicit in rejecting Rawls structures against letting individuals profit from their natural skills and endowment. Rogers accordingly poses the following pizzles; what is the reason that despite it commendability, Rawls theory has not had any great influence on the "real" what? Why has Rawls work showed to be dead as a political force having enormous impact only at the theoretical level? Even Rawls himself during the 25th anniversary of a theory of justice which was marked with a super splendid large conference at santa clara, equally concerns about the fact that political liberty is not almost infinitely greater for some than it is for others. Even at these criticisms, intellectual descendants of Rawls are of the view that Rawls time has come; that his ideas are so powerful and profound not to have an effect on any real societies.

In Nigeria, individual level of resources such as power, wealth, political influence and societal status are determiner factors of treatment, experience and justice delivered in judicial system. The Have who committed more serious crime such as public financial embezzlement or diversion of public funds are given light and friendly punishment range from fine to bargaining as against the Have not who mostly committed mere offence only to survive are mostly sent to prison for years.

Research Methodology

The selection of an appropriate approach to answer research questions is one of the most important stages of the research process; consequently, there is a requirement that researchers can clearly articulate and defend their selection. Those who wish to undertake qualitative research have a range of approaches available to them including grounded theory, phenomenology and ethnography. However, these designs may not be the most suitable for studies that do not require a deeply theoretical context and aim to stay close to and describe participants' experiences. The most frequently proposed rationale for the use of a descriptive approach is to provide straightforward descriptions of experiences and perceptions (Sandelowski, 2010), particularly in areas where little is known about the topic under investigation. A qualitative, descriptive design may be deemed most appropriate as it recognises the subjective nature of the problem, the different

experiences participants have and will present the findings in a way that directly reflects or closely resembles the terminology used in the initial research question (Bradshaw, 2017).

Descriptive qualitative research method was adopted for this study. Its value was based on the premise that problems could be solved and practices improved through observation, analysis, and description. The most common descriptive research method is the survey, which includes questionnaires, personal interviews, phone surveys, and normative surveys. Hence, this research relied on interview method to gather data and relevant information for the study. Participatory respondents were chosen based on their in-depth and critical awareness and understanding of the subject matter. The following professions were randomly selected to participate in the study due to their willingness and readiness to contribute to the success of the study. These include: correctional officers, criminology lecturers, legal practitioners and security analyst experts.

Analysis

Nvivo is the leading qualitative data analysis software. It helps you discover more from your qualitative and mixed methods data. To uncover richer insights and produce clearly articulated, defensible findings backed by rigorous evidence, Nvivo 12 was used for this study. The data collected was coded inductively and a coding tree was built from simple descriptive codes to complex analytical codes. Thematic analysis was used to analyze the data and this involves sorting out, interpreting and reporting patterns of connotation (Ritchie *et al*, 2014). The relationship between the themes and research questions were checked, and labelled adequately, indicating that the codes were assigned. Labels were issued to the participants as a means of identification, and to guarantee anonymity according to their professions and age. For instance, the abbreviation "Officer, Male, 41" indicates a 41 years old male correctional officer whose source of livelihood is being a civil servant.

Result of the Findings

The following is a summary of the research findings from this qualitative research:

Corruption refers to any act of dishonesty exhibited by any person who has a responsibility to uphold the code of conduct of a particular office with particular reference to the Nigerian Judicial system, the prevalence of corruption precedes the dispensation of unfair judgments. The existence of corruption leads to a situation in which bourgeoisies in the society get favoured in exchange for cash and other favours. Corruption within the Nigerian Judicial system has actually led to the proliferation of criminal activities particularly white-collar crimes, the perpetrators of which routinely pay their way to evade justice. The independence of the judiciary is necessary for democracy and the rule of law to thrive and so judicial corruption engenders a biased administration of justice. The causes of corruption are numerous including, but not limited to: greed, lack of transparency in the recruitment process of judicial officers; executive influence; poor remuneration of judicial officers; nepotism; favouritism; tribalism; etc.

Facile injustice in the operation of judicial system

When a matter is properly before the Court for trial, it is then the manifest in-adequacies of our criminal justice system come to the fore. This entails reckoning with the attendant delays in the trial process, the manipulations and antics of legal practitioners, and of course, the attitude of the Presiding Judge or Magistrate (Yusuf, 2018; Mary, 2003).

In Nigeria, it is not surprising for a simple case of assault occasioning harm to last for over five (5) years. Instances where cases have lasted between ten to fifteen years are legion. Some Lawyers are in the habit of seeking unmerited adjournments from courts, and this usually happens where the Barrister is either not prepared to go on with the case or has not been properly settled financially by his clients. Although it is a principle of law that adjournments are not granted as a matter of right, the courts very often oblige lawyers when they apply for adjournment of cases, sometimes on very flimsy reasons. Unfortunately, this practice has also robbed off on Judges and Magistrates. It is not uncommon therefore for such judicial officers to arrive court either very late or even fail to go to Court for some days without any extenuating or compelling reasons. The cumulative effect of this is that litigants continue to groan under this debilitating scenario of undue delays in the dispensation of justice. According to Dr. Akinola Aguda, this "slow motion judicial process" has adverse effects on the quest for the quick dispensation of justice.

Another aspect of the criminal trial process where the Nigerian factor manifests itself is in the taking of evidence and determination of cases by the presiding Magistrate or Judge. While judicial officers are expected to perform their duty without fear or favour, affection or ill will, in practice, this is hardly the case. It is unfortunately becoming a common practice for Judges and Magistrates to hear and even determine cases based on prior arrangements or settlements arrived at either directly with litigants or their relations or agents. This has given rise to the belief today in Nigeria that as long as one is well connected with the Judge or Magistrate, one is sure to obtain favourable judgment in any particular case. Below are the views and contentions of participatory respondents on the subject matter via a mail interview guide.

A respondent has this to say:

> Nigerian judiciary system is not only run by corrupt judges but by a group of thieves, because the judiciary that is supposed to be the hope of the common man is now an agent of oppression, subjugation and deprivation of justice in the Nigerian society. In fact, I have lost hope in the Nigerian judicial system because justice in Nigeria is for sales and for the highest bidder. If you go to correctional centres across the country, you will discover that 90 percent or 98 percent of inmates convicted, or waiting for trials, are commoners. This means they have committed minor offences, ranging from handset stealing to minor offences. The children of The Haves (the rich) will kill a child of The Have-nots (the poor) and go squat free, while a child of The Have-nots (the poor) dies in the jail for the same offence. It is only in Nigeria, I see 80 lawyers in court to defend one prominent politician: Saraki vs Federal Government of Nigeria. (Correctional service officer, Male, 48 years, civil servant).

According to another participant:

> Yes, I'm in support of the argument. Majority of our judges are corrupt. There are corruption cases filed by EFCC some year back that still lingering in court till now. We all know that justice delay is justice deny. Just of recent accountant general of federation was alleged of 84 or 86 billion of naira in his possession. He was arrested and later one of these judges gave him a bail of some millions of naira. Another one that is very close to us is Offa robbery cases, till now the case is still there. Our judges kept postponing the judgment. Average Nigerian have lost hope in Nigeria judiciary. Imaging Chindinma murder cases, with all the evidence proven by the lawyer that she truly committed the offence. Nigeria judges keep postponing the judgment. The last hope of common man which is the judiciary has been bastardized. When a common man steals a loaf of bread, he or she will be immediately sent to prison, but the same law is not working on the "bigwigs" of the society (Security analysis expert, Male, 37 years, trader).

Babachir's Grass Cutting Scandal Versus Judicial Corruption

Recently, an FCT High Court discharged and acquitted a former Secretary to the Government of the Federation (SGF), Babachir Lawal, and five others of N544million grass-cutting contract scandal. Justice Charles Agbaza on Friday held that the Economic and Financial Crimes Commission (EFCC) failed to establish a prima facie case against Lawal and others.

The EFCC had in 2020 arraigned Lawal on a 10-count charge of criminal conspiracy, fraud and diversion of about N500million alongside his younger brother, Hamidu David Lawal, Suleiman Abubakar, John Apeh, and Rholavision Engineering and Josmon Technologies over the diversion funds meant to clear evasive plant species and grasses in the North East. In his ruling, Justice Agbaza held that the 11 witnesses presented by the EFCC did not give evidence to establish that Lawal was either a member of the Presidential Initiative for North East (PINE) that awarded the contract or a member of the Ministerial Tenders Board that vetted and gave approval to the disputed contract.

A respondent holds the following view:

> Premeditated judgment and great cover up, which is another great suicidal corruption engineering against PMB led government. It's a brazen traverse of justice and an attempt to right the wrong of loyal patronage of Babachir……. Since he is part of government, his indictment could be a big blow to the credibility of APC, hence, the urgency to sanitize the house for campaign and integrity record purpose for all concerned. I doubt if there would be an appeal. (Criminologist, Male, 47 years, civil servant)

According to another participant:

> Babachir lawal's grass cutting scandal is one of the numerous ugly occurrences recorded in public life. More sadly, once a corrupt politician belongs to the ruling clique, he is considered above board irrespective of any offence he commits_ EFCC and the court of law become powerless or complicit. This is quite unfortunate. All sorts of problems that befall

> Nigeria today are as a result of corruption. To fight corruption is to fight the entire system. Corruption thrives perpetually because it has become the collective will of those who occupy the positions of authority. Late Prof. Chinua Achebe clearly aligned with my contestation when he said, "The trouble with Nigeria is simply and squarely a failure of leadership (Educationalist and lecturer in the Faculty of Law, Male, 51 years, public servant).

Elsewhere, there is zero tolerance for judicial corruption. Take the case of Rodolfo Delgado, a United States district judge in Texas State. In 2019, he was convicted of accepting bribes of $520 and $5,500 on separate occasions and obstructing justice. Of the verdict, Texas state Assistant Attorney General, Brian Benczkowski, said, "Corrupt judges can harm a community's confidence in our judicial system. This is how to treat corrupt judges. A constitution amendment is required to establish judicial councils at the state level, comprising the Bench, Bar, and laypersons of integrity.

The anti-graft agencies should not repeat their mistakes; after conducting their investigations on judiciary branch suspects, they should hand over the cases to the appropriate agency for prosecution. The National Judicial Council (the NJC) should come down hard on judges who undermine the polity with their reckless orders. They should be prosecuted and kicked out of the system.

Discussions

Corruption is generally defined as the abuse of public office for private gain. In Nigeria, the practice of corruption is prevalent at the federal, state, and local government levels as well as some other decentralized centres of power and authority in addition to the private sector. As the scope of corruption has widened, its definition and meaning has equally been enlarged to cover the abuse of all offices of trust for private gain. It is basically the illegitimate use of public power or position to benefit a private interest (Uzochukwu, 2018; Salihu & Hossien, 2018).

According to Senior (1987, p. 2006), corruption is an action to secretly provide a good or service to another or a third party so that he or she can influence certain actions which benefit the corrupt, a third party, or both in which the corrupt agent has authority. It encompasses unilateral abuses by government officials such as embezzlement and nepotism, as well as abuses linking public and private actors such as bribery, extortion, influence peddling, and fraud. Corruption arises in both political and bureaucratic offices and can be petty or grand, organized or unorganized. Though corruption often facilitates criminal activities such as fraud, stealing, money laundering, and prostitution, it is however not restricted to these activities. Thus, for purposes of understanding the problem and devising remedies, it is necessary to keep crime and corruption analytically distinct. While corruption is a crime within the framework of our corpus juris in Nigeria, the reverse is not necessarily so. Crime is thus wider than, and encompasses corruption. Corruption is the single greatest obstacle to economic and social development around the world (UNODC, 2020).

Political corruption takes place at the highest level of political authority. It occurs when the political decision makers who are entitled to formulate, establish, and implement the laws in the

name of the people are themselves corrupt. It also takes place when policy formulation and legislation is tailored to benefit politicians and legislators. Political corruption is sometimes seen as similar to "corruption of greed" as it affects the manner in which decisions are made, and it manipulates political institutions, rules of procedure, and distorts the institutions of government. It is the use of powers by government officials for illegitimate private gain (Chidi, 2022).

Bureaucratic corruption on the other hand occurs in the public administration particularly at the implementation end of policies. This kind of corruption is sometimes referred to as "petty" or "low level" corruption. It is the kind of corruption that citizens encounter daily in public and private offices and which has become more or less routine. Indeed, it has been posited that poor people are more likely to be victims of corrupt behaviour by street-level bureaucrats as the poor often rely heavily on services provided by government (Justesen, 2014).

The judicial arm of government is thus not an exception and both lawyers and litigants are consciously or unconsciously made victims of varying degrees of extortion by judicial officers in the course of the dispensation of justice. For clarity of purpose, the term judicial system is used loosely to refer to the courts, judges, magistrates, and other adjudicators who are assigned the task of resolving conflicts and disputes in accordance with the law in a given state either on career or ad-hoc basis. A judicial officer is thus any person with the responsibility and power to facilitate, arbitrate, preside over, and make decisions and directions in regard to the application of the law (Olabisi, 2020).

In any democratic dispensation where there is the rule of law, it is the responsibility of the judicial officers to interpret the constitution and other laws in order to maintain law and order. Consequently, the credibility of a political system is usually assessed on the basis of the extent to which the judicial arm is able to hold the scale of justice over and above the other arms of government. The relevance of an independent and competent judicial system that is impartial, efficient, and reliable cannot then be over-emphasized. This requires a strict compliance with objective criteria for the appointment and removal of judges and other judicial officers at all levels, adequate remuneration, security of tenure, and independence from both the executive and legislative arms of government both in direct and indirect terms. This is in realization of the trite fact that unless the judiciary is independent, it will neither be able to pass judgments impartially, nor defend the citizens against wrongful use of power by an unpopular administration (Onyekachi, 2012).

To be specific, the challenge of corruption in this arm of government that is to uphold the rule of law is manifest in the allegations that patently corrupt and incapable persons are routinely appointed into the superior courts as a result of which they have caused significant damage to the dignity and image of the judiciary. Consequently, the media has been awash with news of arrests and prosecution of judges accused of corruption and receiving of bribes and other favours especially in the course of adjudication of high-profile cases such as election petitions, corruption cases, and the trial of other high profile and especially politically exposed litigants, etc.

Conclusion

It is an acknowledged fact that a corrupt judiciary is inimical to the moral foundation of any state. Unfortunately, corruption has reached epidemic proportions within the Nigerian Judicial system. Shamelessly, it has become an autochthonous disease not only among judicial officers, but equally among court registrars who have particularly mastered the art of swindling money out of both lawyers and litigants to carry out their cut-and-dried duties. Widespread and routine as this has become, judicial officers now readily and freely throw themselves into unlawful activities in exchange for financial considerations to basterdize and pervert the course of justice. Such sordid practices and unlawful shenanigans within the Nigerian judicial system have subjected both the administration of justice and national development to obvious peril. In other words, the activities of corrupt judicial officers not only erode the existing moral values of the society, but also extirpate the very foundation of the rule of law and justice. Given this obnoxious reality, a reliable and vibrant judicial system will remain a mirage, unless corruption and its relentless perpetrators are sincerely and rigorously tackled.

Recommendations

Based on the findings of the study, the following recommendations are suggested;

i. To purge itself of bad eggs, the judiciary should encourage the prosecution and indictment of errant judicial officers in accordance with the letter and spirit of the laws.

ii. The independence of the judiciary should be safeguarded so that the members of the bench are not unduly influenced in the discharge of their duties. For instance, a judge who holds office at the pleasure of the executive cannot be expected to be impartial in a case involving the executive.

iii. To ensure the credibility of the judiciary as an organ of government, the appointment of judges should be based on merit and integrity, and on the recommendation of an impartial, neutral body such as the National Judicial Council.

iv. The Code of Conduct Bureau should ensure that judicial officers adhere to the requirement of compulsory declaration of assets as a grudge for anti-graft agencies in carrying out investigations of corrupt charges against judicial officers.

v. After conducting their investigations on judiciary branch suspects, the anti-graft agencies should hand over the cases to the appropriate agency for prosecution.

vi. The remuneration of judges must be attractive enough to reduce their incessant crave for financial gratification by which court decisions are perverted.

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