

THE IMPACT OF CORRUPTION ON THE ADMINISTRATION OF JUSTICE IN NIGERIA

Nwosu, Uchechukwu Wilson (Ph.D)

Institute of Public Policy & Administration
University of Calabar, Calabar – Nigeria.
uchey2000@yahoo.com; uchey2014@gmail.com
+234-8037050009; +234-8037050010; +234-8052555366.

Abstract.

This study examined the impact of corruption on the administration of justice within the Nigerian Judicial system and the extent to which it has affected the entire judicial process. In so doing, the researcher formulated two hypotheses to guide the study, to wit: there is no relationship between corruption and high crime rate within the Nigerian judicial system; and, judges are less likely to be corrupt when posted within their locality. The Survey Research Design was adopted by the researcher and a structured questionnaire was used to obtain information from 80 respondents consisting of lawyers from both the Bar and Bench, as well as Registrars, and other administrative staff of the Judiciary. This was in addition to direct interviews in the course of which the researcher sought to determine the types, causes, and effects of corruption within the Nigerian judicial system. The data collected were analyzed using Chi-square statistical technique. Results of the analysis revealed that: corruption gives rise to high crime rate; and that Judges are more likely to be corrupt when posted within their locality. It was recommended that: Judges should not only be properly screened to ensure that only people of proven integrity are appointed as judicial officers, but that security agencies should equally monitor them closely and routinely; judicial officers should abstain from membership of political parties to avoid influence from the political class; the National Judicial Council (NJC) should be firm in their duty of disciplining erring judicial officers to ensure dignity and integrity of these officers; all judicial officers should be adequately remunerated to reduce the excessive craving and likelihood of corruption; the practice of the Executive arm of government approving the appointment of Judges should be abolished to reduce the perceived influence of the Governors and President on the judiciary; and finally, judges should as a matter of practice be posted outside their states of origin to reduce excessive influence and pressures from family and friends.

Keywords: Corruption, Judicial Officers, Judicial System, Judiciary, Justice.

Introduction

The word corruption is derived from the Latin words “*corruptus*” or “*corruptere*” in past tense meaning “intensive”, and “*pere*” meaning “destruction”. Thus, corruption loosely meant “intensive destruction” originally. However, the word “corrupt” when used as an adjective literally means “utterly broken”. The word was first used by Aristotle and later by Cicero who added the term bribe and abandonment of good habits. According to the United Nations, corruption is a social ill, an abuse of power for private gains which occurs both in the private and public sector (Osakede, et al., 2015). Former Nigerian President, Dr. Olusegun Obasanjo had presented a Bill to the National Assembly tagged “the prohibition and punishment of bribery, corruption, and other related offences Bill of 1999” during his term in office. While it is believed that Obasanjo’s regime actually fired the first and most critical shot at corruption in Nigeria, the fight against corruption appears to be the major focus of the Muhammadu Buhari regime since May, 2015 having featured as one of his major campaign promises.

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 (Morris, 1991; Uzochukwu, 2018).

According to Senior (1987; 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, 2015).

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 (Wikipedia).

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 (Wikipedia). In any democratic dispensation where there is the rule of law, it is the responsibility of the judicial officersto 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.

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.

Statement of the problem

It is noteworthy that allegations of corruption against judicial officers especially when substantiated strikes at the very root of our democracy since the judicial arm of government is saddled with the responsibility of preserving the rule of law. With particular reference to the administration of justice, corruption destroys and brings about public odium in the administration of justice while making judicial decisions both uncertain and unpredictable. The result as reported by the National Bureau of Statistics (NBS, 2017) is that “not many of the business people turned to the justice system to resolve their disputes anyway”.

Data from Transparency International and other Non-Governmental Organizations suggest that judicial corruption is indeed prevalent in Nigeria and has actually been institutionalized. Thus, a judge may allow or exclude evidence that is relevant in a case with the aim of justifying the guilt or acquittal of a defendant in particular instances. Judicial officers and their staff may manipulate dates, lose files, exhibits, etc. This has led to very embarrassing situations such as the conviction of former Governor James Ibori of Delta state by a UK Court eight years after he was acquitted by the Nigerian Federal High Court sitting in Asaba based on facts arising from the same transactions (Daily Times, 2017).

Transparency International has equally noted that in countries like Nigeria where the prosecution has a near monopoly of bringing prosecutions before the court, a corrupt law officer can effectively protect an accused person by blocking off all avenues for prosecution. Classic examples include the curious and sudden withdrawal of all charges against Mallam Nuhu Ribadu – former Chairman of the Economic and Financial Crimes Commission (EFCC) at the Code of Conduct Bureau (CCB) by the office of the Attorney General of the Federation on the controversial case of his non-declaration of assets (Vanguard, 2010); the sudden abandonment of all corruption charges against the present Emir of Kano Mallam Sanusi Lamido Sanusi by the Federal Government the moment he was crowned Emir in 2014 in reaction to which the former Central Bank Governor withdrew the suit he had filed against the Federal Government at the National Industrial Court over his ‘unlawful suspension’ from office as CBN Governor (Scan News, 2014).

Before then, the National Bureau of Statistics had released its first ever Crime and Corruption Survey on 1st July, 2010 in Abuja (NBS/EFCC-BCCS, 2010). The Report’s statistics deal with the impact assessment of corruption on Nigerian businesses based on the experiences of many entrepreneurs. There was a general consensus that corruption impedes businesses. By extension, it was equally found out that judicial corruption frustrates businesses. While the executive has set up agencies such as the Independent Corrupt Practices and related offences Commission (ICPC), and the Economic and Financial Crimes Commission (EFCC) to assist in stamping out this menace, most of the cases that are taken to court by these agencies equally suffer undue delays that make success a mirage.

Another major problem that has encouraged corruption within the Nigerian judicial system is the obvious weakness of the National Judicial Council (NJC) which is inherent in its composition as provided for under the enabling law. A cursory examination of Paragraph 20 of the Third Schedule to the Constitution of the

Federal Republic of Nigeria, 1999 (As Amended) and which is the enabling Law on the basis of which the NJC was created would disclose that, apart from the appointment of the next most senior Justice of the Supreme Court who shall be the Deputy Chairman, the President of the Court of Appeal, the Chief Judge of the Federal High Court, and the Five members of the Nigerian Bar Association, the Chief Justice of Nigeria enjoys absolute discretion in the appointment of all other members of the Council. He equally has absolute discretion in extending their tenure upon expiration thereby making them vulnerable and perhaps loyal to him.

Given the enormity of such powers, there is a strong likelihood of its abuse by a sitting Chief Justice at any point in time who may use such position in pursuit of a corrupt or personal agenda and instances like that have been noted in Nigeria. It is thus a personality problem as successive Chief Justices have dexterously exploited the provisions of the composition of the NJC in advancing their personal interest rather than protecting the integrity of the system. This is the disadvantage of having a serving head of an institution as the head of its disciplinary body. This arrangement is subject to a high likelihood of abuse, except serious consideration is given to separating the two positions as is the case with the Police Service Commission and the Civil Service Commission which are not headed by the serving heads of those institutions.

It has however been suggested that there should be a return to the good old days of the Advisory Judicial Council where the Chief Justice of Nigeria, the President of the Court of Appeal, and the Chief Judges of the State and Federal High Courts were members of the Council as of right and not at the pleasure of the Chief Justice of the Federation. Retired Supreme Court and Court of Appeal Justices and even members of the Nigerian Bar Association (NBA) may also be members provided their tenure is predetermined and secured.

Equally worrisome is the requirement that the Anti-graft agencies cannot prosecute an erring judicial officer unless she has already been sanctioned by the National Judicial Council. This has generated very serious controversies and has indeed been a subject of litigation in some instances. Thus, on the 11th of December, 2017 the Court of Appeal delivered what many have described as a Landmark judgment concerning the exclusive powers of the National Judicial Council to look into matters pertaining to the discipline of serving judicial officers. In interpreting *Section 158* of the 1999 Constitution, the court held that a judicial officer could not be arrested and arraigned before a court of law where the complaint against him bothers on an infraction of his oath of office and that in such circumstances, such a Judge must firstly be found wanting by the NJC and removed as a Judge, before he could be hauled before a court to face criminal prosecution.

In justifying its position, the Court of Appeal considered that the doctrine of separation of powers necessitates that the judicial arm of government be guaranteed independence. In the absence of this, a tipping point of no return to the traditional equilibrium in inter-branch relations may be reached. Since the National Judicial Council is designed as a mechanism to insulate the Judiciary from outside influence, it must therefore be allowed to carry out its constitutional duties without interference. This does not however relieve the Judiciary and its officers of the duty of accountability as judicial accountability, properly conceived, is essential for judicial independence. This is predicated on the insight that our tradition of judicial independence depends critically on the public's support of the courts irrespective of the decisions they make (Burbank, 2006). In this case, the Court specifically made the following pronouncements among others: Whenever a breach of Judicial Oath occurs, it is a misconduct itself, and the NJC is the appropriate body to investigate such breaches by the judicial officer and if found to be so, such judicial officer shall face disciplinary action and the NJC may recommend the removal of such a judicial officer to the appropriate authority which is either the President in the case of a Federal Judicial Officer or the Governor of the state in the case of a State Judicial Officer, and / or take other actions appropriately. When this is done and accepted by the appropriate authority in compliance with the provisions of the Constitution, then the relevant law enforcement agent or agency is at liberty to make the said judicial officer face the wrath of the law.

The Court went further to state that any act done by the law enforcement agency in violation of the above is tantamount to denying the NJC its powers to discipline Judges in accordance with the provisions of *Section 153(1)* and paragraph 21(a) & (b) Part 1 of the Third Schedule to the 1999 Constitution (as amended). Whenever therefore there is an allegation of official misconduct against a judicial officer and the above stated process is not adhered to, it amounts to jumping the gun and *ipso facto* a direct violation of the Constitution. Recourse to the National Judicial Council is a condition precedent as clearly set out by the Constitution and any attempt by any Agency of Government to by-pass the Council will amount to failure to observe this condition precedent thereby leading to flagrant violation of the Constitution.

Quite understandably, this judgment has attracted diverse reactions and comments from Nigerians. While some including the Economic and Financial Crimes Commission (EFCC) have criticized the Court for what they see as a bid to surreptitiously confer immunity on Judges, others see it as a much welcome development that is sure to strengthen the observance of democratic principles in the country. Nigeria operates a democratic presidential system of government which places emphasis on separation of powers anywhere in the world among the three arms of government which arms are independent of each other (Nwosu, 2018). Of these, the Judiciary enjoys primacy of importance when it comes to the issue of autonomy and independence as a Judiciary which is not free from political interference will bring about the demise of the nation perhaps faster than corruption itself or any other vice would. All over the world, one of the widely accepted means of guaranteeing such independence of the Judiciary lies in the establishment of a Judicial Council.

In an article titled ‘Guarding the Guardians: Judicial Council and Judicial Independence’, the University of Chicago Law School stated that Judicial Councils are bodies that are designed to insulate the functions of appointment, promotion, and discipline of Judges from the partisan political process while ensuring some level of accountability. Judicial Councils lie somewhere in between the polar extremes of letting Judges manage their own affairs and the alternative of complete political control of appointments, promotion, and discipline. The motivating concern for adoption of Councils was ensuring independence of the Judiciary after periods of undemocratic rule. To entrench Judicial Independence therefore, most countries enshrined the Judicial Council in their constitutions. Despite its laudable advantages, the article however found out that there is little relationship between Judicial Councils and quality (Garoupa & Ginsburg, 2008/9).

In the Nigerian scenario, one major criticism leveled against the judgment of the Court of Appeal referred to above is that it seeks to confer immunity on Judges contrary to the provisions of *Section 308* of the 1999 Constitution which limits immunity to only the President, Vice President, Governors, and Deputy Governors. It was however the position of the Court in the same judgment that the NJC would have no role to play if the offence alleged against a Judge or other Judicial Officer is not one that has to do with the violation of his oath of office. It has however been contended that the NJC should rise up to the challenge thrown up by critics of the Court of Appeal decision who refer to what they see as the slow pace of its disciplinary procedure of Judicial Officers as a reason to doubt the efficiency of the NJC itself in the discharge of its duties (Vanguard, 2017). Dutiful discharge of its duties will serve to strengthen democracy and the separation of powers in the manner envisaged by the Constitution and interpreted by the Court in the judgment in this decision.

Selected corruption cases

For a clearer appreciation of the issue under discussion, an examination of some practical cases of corruption is necessary. On the 21st of May, 2015, a Senior Advocate of Nigeria (SAN), Kunle Kalejaiye was stripped of his rank and equally disbarred by the Legal Practitioners’ Disciplinary Committee (LPDC) having been found guilty of professional misconduct. The Registrar of the Supreme Court was thereupon directed to strike his name off the Roll of legal practitioners. The facts were that the SAN while representing the Peoples’ Democratic Party (PDP) and the Osun state Governor at the Election Tribunal engaged in private and confidential telephone conversations with the Chairman of the Tribunal, Justice Thomas Naron. The said

Chairman was also compulsorily retired consequent thereon having been equally found guilty of professional misconduct by the NJC (Sahara Reporters, 2015).

On the 21st of October, 2015, Justice Lateef Lawal-Akapo of the Ikeja High Court, Lagos sentenced a court Registrar Mrs. Oluronke Rosolu to 10 years imprisonment for defrauding a former Chief of Army Staff, retired Lt. General Ishaya Bamaïyi of \$330,000.00. In so doing, the court said “as a Registrar of court, the accused should have been an image maker of the judiciary, but she acted to the contrary”. According to the EFCC prosecution witness, the convict in her capacity as a court Registrar aided one Mr. Fred Ajudua, a one-time Lagos socialite to defraud Bamaïyi who was in detention at the Kirikiri maximum prison between 2004 and 2005, in the course of which she visited Bamaïyi in prison to facilitate the fraud (Premium Times, 2015).

In November 2015, the National Judicial Council suspended one Justice Lambo Akanbi from office having found him guilty of judicial misconduct while the President subsequently approved his sack later the same month. The embattled Justice of the Federal High Court had *inter alia*: unilaterally appointed one Mr. Emeka Nkwo of CYN-JAC (Nig.) Ltd who was not proposed by any of the parties as referee or valuer in Suit Nos: FHC/PH/ CS/ 434/2012, FHC/PH/ CS/ 435/2012; and, FHC/PH/ CS/ 25/2013; sat on the case in the Federal High Court Yenegoa in Suit. No. FHC/YNG/CS/30/2013 after a new Judge had been transferred to the state without a Fiat from the Chief Judge of the Federal High Court; delivered the ruling in Suit No. FHC/PH/CS/07/2009 four months after final addresses were taken contrary to the rule that judgment should be delivered within a period of 90 days after final addresses; dismissed the application to set aside the report prepared by the valuer, CYN-JAC (Nig.) Ltd and later changed the ruling to a final judgment; and that he failed to give a copy of his ruling delivered on 12th June, 2013 to the complainant until the 28th of June, 2013.

In 2016, another Senior Advocate of Nigeria, Mr. Rickey Tarfa was charged to court by the Economic and Financial Crimes Commission (EFCC) on a three-count charge of obstruction of justice, perverting the course of justice by the EFCC, and unlawful secret communication with Justice Mohammed Yunusa who presided over a case in which the learned SAN was appearing. Although the Defendant made a no-case-submission at the end of the prosecution’s case, the court in a considered ruling on the 5th of March, 2018 held a contrary view by stating that it was satisfied that the EFCC had established a *prima-facie* case against Mr. Tarfa and that he should proceed with his defence. In arriving at the decision, the trial court took cognizance of the provisions of *Section 38(2)* of the EFCC Act, and *Section 97(3)* of the Criminal Law of Lagos state, 2011.

Equally worthy of note is the case of Justice Nganjiwa whom the EFCC accused of receiving a total of \$260,000 and N8.65 Million gratification to enrich himself as a public official. The anti-graft agency then arraigned Justice Nganjiwa on 23rd June, 2017 before the Lagos State High Court in Igbosere. Curiously however, in the middle of the trial before Justice Adedayo Akintoye, the Court of Appeal in a judgment of December, 2017 on an interlocutory application quashed the charges, setting the embattled judge free.

The appellate court, in a lead judgment by Justice Abimbola Obaseki-Adejumo held that the anti-graft agency could not prosecute a serving judge unless such a judge had first been sanctioned by the National Judicial Council (NJC). It is however heartwarming that the EFCC has rejected the decision by lodging an appeal to the Supreme Court through its lawyers. In so doing, the agency contended that there is no provision in the 1999 Constitution of the Federal Republic of Nigeria (as amended) making the exercise of powers of law enforcement agencies on investigation and prosecution dependent on the exercise of powers by the National Judicial Council in the context of criminal offences allegedly committed by judicial officers in the course of discharge of their duties (*Punch Online*, 2018).

Theoretical framework

The theories that guide this study are the Classical theory of crime and the Rational Choice theory. These theories, though applied here in the industrial arena or workplace remain theories of criminology. The Classical theory was originally put forth by an Italian scholar and mathematician, Cesare Beccaria and later by Jeremy Bentham. These two scholars sought to reduce the harshness in the eighteenth century judicial systems though coming from different philosophical stances. The aim however is to seek to explain why people engage in criminality such as corrupt practices, in this case by judicial officers. The central idea of this theory is that crime is caused by the freewill of individuals who are rational and so make decisions freely and with understanding of consequences.

Regarding the Rational Choice theory, the central idea is that people behave as they do because they believe that performing their chosen actions has more benefit than costs (Hagan, 2010). That is, people make rational choices based on their goals, and those choices govern their behaviour. Rational Choice theory adopts a utilitarian belief that man is a reasoning actor who weighs means and ends, costs and benefits, and makes a rational choice. This method was designed by Cornish and Clarke to assist in thinking about situational crime prevention.

The central idea is that the theory is based on actions of freewill as human actions are deliberate and so are usually thought through before actualization. The implication is that perpetrators know the repercussion of whatever activity they are about to engage in. It is therefore in the nature of humans to always compare the consequences and / or pleasure derivable from executing certain agenda, bearing in mind that human beings are hedonistic in nature, running away from pain and instinctively lured towards pleasure, enjoyment, and fantasy. It is noteworthy that corrupt judicial officers are usually literate and so can never make a defence of ignorance. In any case, ignorance of the law is no excuse and so, these judicial officers engage in corrupt practices deliberately.

Research methodology

This research is a qualitative study as it intends not only to understand corruption as it bedevils the Nigerian judicial system, but also to formulate effective mitigation strategies. In order to answer the research questions, a simple descriptive and explanatory approach was employed. The term 'Judicial System' for the purpose of this study was used in a loose sense to include Judges and other presiding officers of the various courts and tribunals, court Registrars, as well as lawyers and all administrative staff of the various courts who ordinarily do not come within the strict definition of the narrower term 'Judiciary'. The study population consisted of 80 respondents. A simple random sampling procedure was adopted which entails the chance picking of a small representative portion from a larger population in such a manner that each of them had the same probability of being chosen at any stage during the sampling process. This is in effect an unbiased survey technique.

The sample size is calculated by using Taro Yamane formula with 95% confidence level (Yamane, 1973). The calculation of Taro Yamane is presented as follows:

Where:

n = Sample size required.

N = Number of people in the population.

C = Allowed error (%)

N

n = -----

1 + N_c²

80

$$n = \frac{1}{1 + 80 * (0.05)^2}$$

$$n = 153.846$$

$$n = 154$$

Primary data for this research was obtained using questionnaires designed and distributed to respondents. The questionnaire was designed in simple language and consisted of open ended questions, objective questions, and check-list questions designed to enable the respondents make meaning out of them without difficulty. Secondary sources of data for this study consisted of information that was extracted from the works of other scholars. This includes existing literature in journals, published textbooks, newspapers, seminar papers, and online resources. The questionnaires were administered through random distribution to judges, lawyers, court registrars, and administrative staff of the judiciary. These people were selected because they represent the bulk of the study population and interest groups under focus.

Method of data analysis

Descriptive statistics involving percentage distribution of frequency pattern was used to analyze the data. The analysis of data was based on the response of the respondents. Chi-square statistical technique was then used in testing the veracity of the hypotheses at 0.05 significance level. The Chi-square test is able to measure whether there is an existing relationship between the two variables. The Chi-square formula is given as:

$$X^2 = \sum \frac{(F_o - F_e)^2}{F_e}$$

Where F_o = Observed Frequency

F_e = Expected Frequency

X^2 = Chi-Square

Data presentation, analysis, and interpretation

Altogether, eighty (80) questionnaires were distributed to respondents who were randomly selected as stated. The eighty questionnaires were duly completed and returned to the researcher. The instruments were retrieved the same day to ensure 100% return rate. Thus, the analysis for this research was based on the eighty (80) questionnaires that were duly completed and returned.

On the actual causes of corruption in the Nigerian judicial system, based on the respondents' responses to the questions posed in the questionnaires, 36.25% of the respondents chose low pay / incentive, 45% chose greed while 18.75% chose favouritism / tribalism as the reasons / motives. Regarding the question as to whether judges who are not corrupt are more likely to dispense fair judgment to parties in a case than those who are corrupt, the responses showed that 82.5% think that judges who are not corrupt are more likely to dispense fair judgment to litigants than those who are corrupt while 17.5% of the respondents opposed this view. The response equally showed that while 63.75% of the respondents opined that corruption breaks the efficacy of the rule of law, 36.25% did not agree.

Regarding the actual exhibition of corruption by judges alone, 61.25% of the respondents agreed that corrupt judges are partial at all times while 38.75% do not agree with this view. Similarly, while 13.75% of the respondents agreed that judges are the only people that exhibit corruption within the Nigerian judicial

system, 86.25% disagreed with this view. Finally, while 60% of the respondents suggested that court Registrars engage more in judicial corruption, 40% blamed other judicial officers.

On how the scourge of corruption within the Nigerian judicial system can be eliminated, while 56.25% of the respondents think that posting judges across various states is a way of reducing corruption emanating from tribalism, 43.75% disagreed. The results also showed that 65% of the respondents believe that increasing staff salaries can reduce the level of corruption within the judicial system, while 35% disagreed. With particular reference to the impact of tribalism on the likelihood of judicial corruption, the responses of the respondents showed that 45% of them were of the view that tribalism has an impact on corruption in the Nigerian judicial system while 55% were of the opposite view and so opined that tribalism has no impact on the likelihood or predisposition to judicial corruption.

Test of hypotheses

This research was anchored on two null hypotheses. While the first states that there is no relationship between corruption and high crime rate within the Nigerian Judicial System; the second states that judges are less likely to be corrupt when posted within their locality. The responses of the respondents were relied upon in testing these hypotheses. In so doing, the following was observed with particular reference to hypothesis one: On the question as to whether corruption breaks the efficacy of the rule of law, while fifty one (51) respondents answered in the affirmative, twenty nine (29) respondents answered in the negative. Similarly, on the question as to whether bourgeoisies are favoured by the Nigerian justice system, fifty three (53) respondents answered in the affirmative, while twenty seven (27) answered in the negative.

$$\text{Chi-square} = X^2 = \sum \frac{(F_o - F_e)^2}{F_e}$$

Where X^2 = Chi-square.

\sum = Summation.

F_o = Observed frequency.

F_e = Expected Frequency.

X^2 = Square of Observed Expected Frequency.

Table 1.

F_o	F_e	$F_o - F_e$	$(F_o - F_e)^2$	$(F_o - F_e)^2 / E$
51	42.13	8.87	78.68	1.87
29	23.9	5.1	26.01	1.09
27	20.9	6.1	37.21	1.79
53	45.3	7.7	59.29	1.31
TOTAL				6.06

$X^2 = 6.06$

Degree of freedom = $(R-1)(C-1)$.

Where R = Number of Roll(s) – 1.

C = Number of Columns – 1.

$(2-1)(2-1)$

$(1)(1) = 1$

Significance level: 0.05

0.05 Under 1

From the above table, the result of the analysis on table 1 indicates that it is significant. It further showed that the calculated r – value of 6.06 is observed to be higher than the critical r – value. Therefore, we reject the null hypothesis and accept the alternate hypothesis which states that there is a relationship between corruption and high crime rate within the Nigerian Judicial System.

With particular reference to hypothesis two, the responses of the respondents led to the following observations: On the question as to whether tribalism has an impact on corruption in the Nigerian judicial system, while thirty six (45) respondents responded in the affirmative, forty four (35) respondents responded in the negative. Curiously also, on whether posting judges across various states outside their state of origin is a way of reducing corruption emanating from tribalism, while forty five (45) respondents answered in the affirmative, thirty five (35) respondents conversely answered in the negative.

$$\text{Chi-square} = X^2 = \sum \frac{(F_o - F_e)^2}{F_e}$$

F _o	F _e	F _o -F _e	(F _o -F _e) ²	(F _o -F _e) ² / E
45	34.9	10.1	102.01	2.92
44	41.7	2.3	5.29	0.13
45	43.1	1.9	3.61	0.08
40	33.1	6.9	47.61	1.44
TOTAL				4.71

$$X^2 = 4.71$$

$$\text{Degree of freedom} = (R-1) (C-1)$$

Where R = Number of Rows – 1

C = Number of Columns – 1

$$(2-1) (2-1)$$

$$(1) (1) = 1$$

Significance level: 0.05

0.05 Under 1

From the above table, the result of the analysis on table 1 indicates that it is significant. It further showed that the calculated r – value of 4.71 is observed to be higher than the critical r – value. Therefore, we reject the null hypothesis and accept the alternate hypothesis which states that judges are more likely to be corrupt when posted within their locality of origin.

Summary

The following is a summary of the researcher’s 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.

Conclusion

Corruption is endemic within the Nigerian Judicial system. It is prevalent not only among judicial officers, but is equally common among court registrars who will seize any opportunity to extort money from both lawyers and litigants to perform their normal duties. In most instances, they even engage in illegal activities in exchange for financial considerations to pervert the course of justice either at their own instance, or upon the inducement of lawyers and litigants who now know that such practices are both prevalent and routine.

Corruption within the Nigerian judicial system therefore compromises as well as jeopardizes not just the administration of justice, but by extension national development. The activities of corrupt judicial officers equally not only erodes the existing moral values of society but destroys the very foundation of the rule of law and justice thereby distorting the positive trend of national planning while obliterating integrity and discipline which are basic foundations of the judicial arm of government.

Recommendations

In view of the obviously negative impact of corruption on the judicial arm of government in Nigeria and the consequential impact on the polity generally, the following recommendations are put forth to assist in the effort to end this scourge:

- Judicial officers should abstain from membership of political parties to reduce the likelihood of being pressured to favour politicians either for personal or group gains.
- Security agencies such as the EFCC, ICPC, DSS, and the Police should be more committed to monitoring the lifestyle, finances, and excesses of judicial officers to ensure they do not live above their means.
- The National Judicial Council should be more proactive by adhering to the requirement of in-depth scrutiny of proposed candidates for nomination and appointment as judicial officers in addition to the need to be firm if and when there is a need to investigate and / or discipline sitting judicial officers.
- It is also necessary to review the composition and security of tenure of the members of the National Judicial Council with a view to further guaranteeing firmness in the performance of their duties.
- The Code of Conduct Bureau should ensure compliance by judicial officers with the requirement of compulsory declaration of assets to enable the security agencies take a bearing and be properly guided if and when there is need to investigate these judicial officers.
- The Executive and Legislative arms of government should adhere strictly to the requirement of checks and balances in the polity as an integral requirement of a democratic government that is practicing true federalism to reduce the prevalence of corruption within the Nigerian judicial system.
- The Nigerian government should ensure that all judicial officers including their administrative staff are adequately remunerated via an enhanced pay structure to reduce the crave for money and other forms of gratification which have become the bane of the judiciary.
- Judicial officers should as a matter of policy be posted outside their locality of origin to reduce the likelihood of judgments being rendered based on family, ethnic, as well as social sentiments and pressures.
- The independence of the judiciary should be guaranteed in practical terms to avoid unnecessary influence from the executive especially. A situation like what is obtainable in Nigeria where the appointment of a Judge has to be approved by the Governor or President exposes these judicial officers to some form of indirect executive control and covert pressure.

- The judiciary itself needs to find the courage to purge itself of bad eggs within the system by objectively prosecuting errant judicial officers who are indicted or otherwise found to have engaged in one form of indiscretion or the other, particularly corrupt acts.

References

- Burbank, S. B., 'Judicial Independence, Judicial Accountability, and Interbranch Relations', *Georgetown Law Journal*, Vol. 95, 2006, 909; *University of Pennsylvania Law School, Public Law Working Paper No. 06-29*, 2006, Revised – 2009.
- Constitution of the Federal Republic of Nigeria, 1999 (As Amended).
- Daily Times, 'FG to Reopen Ex-Governor Ibori's Case', [2017], *Daily Times Online* <https://dailytimes.ng/fg-reopen-ex-gov-iboris-case/>, accessed, 20th March, 2018.
- Garoupa, N., & Ginsburg, T., 'Guarding the Guardians: Judicial Councils and Judicial Independence', *American Journal of Comparative Law, University of Chicago Law & Economics, Online Working Paper No.444; University of Chicago Public Law Working Paper No. 250; Centre on Law and Globalization Research Paper No. 09-05*, 2008, Revised-2009.
- Hagan, F.E., *Introduction to Criminology: Theories, Methods, and Criminal Behaviour*, New York: Sage Publications Inc., 2010.
- Justesen, M. K., 'Exploiting the Poor: Bureaucratic Corruption and Poverty in Africa', *Journal of World Development*, Vol. 58, June, 2014, 106-115.
- Morris, S.D., *Corruption and Politics in Contemporary Mexico*, Tuscaloosa: University of Alabama Press, 1991.
- National Bureau of Statistics, 'National Bureau of Statistics (NBS) / Economic and Financial Crimes Commission (EFCC), Business Crimes and Corruption Survey, 2010' in partnership with the United Nations Office on Drugs and Crime (UNODC), *UNODC*, 2010.
- National Bureau of Statistics, 'Nigerian National Corruption Survey: Public Experience with Corruption Infographics Report, 2017' *NBS*, 2017.
- Nwosu, U. W., *The Practice of Administrative Law in Nigeria*, Owerri: Zubic Infinity Concepts Publishers, 2018.
- Osakede, K., Ijimakinwa, S., Adesanya, T., Ojo, A., Ojikutu, Oluwadamilola, & Abubakar, A. 'Corruption in the Nigeria Public Sector: An Impediment to Good Governance and Sustainable Development', *Review of Public Administration and Management*, Vol. 4., No.8., Dec., 2015.
- Premium Times, 'Court Registrar Jailed 10 Years for Defrauding Ex-Army Chief, Bamaiyi of \$330,000.00' [2015], *PremiumTimesOnline* <https://www.premiumtimesng.com/news/headlines/195519-court-registr-ar-jailed-10-years-for-defrauding-ex-army-chief-bamaiyi-of330000.html/>, accessed, 26th March, 2018.
- Sahara Reporters, 'Kunle Kalejaiye Stripped of SAN Rank' [2015] *SaharaReporters* <https://www.saharareporters.com/2015/05/21/kunle-kalejaiye-stripped-san-rank/>, accessed, 27th March, 2018.
- Scan News 'Sanusi Suspension: Emir of Kano Makes U-Turn; Set to Withdraw Suit against FG' [2014], *ScanNewsOnline* <https://www.scannewsnigeria.com/news/emir-of-kano-makes-u-turn-set-to-withdraw-suit-against-fg/>, accessed, 24th March, 2018.
- Senior, I., 'Corruption - The World's Big Corruption Cases: Causes, Consequences, Cures', *Institute of Economic Affairs (IEA)*, 2006.
- United Nations Office on Drug and Crime (UNODC), 'It's a Crime: Corruption', Position Paper presented by the *United Nations work on Corruption: 13th United Nations Crime Congress; International Anti-Corruption Day Campaign*, 2015.
- Uzochukwu, M., 'Corruption in Nigeria: Review, Causes, Effects, and Solutions', *Soapboxie* [2018], <https://soapboxie.com/world-politics/corruption-in-Nigeria>, accessed, 19th March, 2018.
- Vanguard, 'FG Drops Charges Against Ribadu' [2010], *Vanguard Online*, <https://www.vanguardngr.com/2010/05/fg-drops-charges-against-ribadu/>, accessed, 24th March, 2018.

Vanguard, 'Arrest and Prosecution of Serving Judges: The Role of National Judicial Council' [2017],
Vanguard Online, <https://www.vanguardngr.com/2017/12/arrest-prosecution-serving-judges-role-national-judicial-council/>, accessed 24th March, 2018
Wikipedia, <https://en.m.wikipedia.org>, accessed, 20th March, 2018.
Yamane, T., *Statistics: An Introductory Analysis*, (15th edition), New York: Harper & Row, 1973.