



## **Towards a more Perfect Judiciary: A Critical Analysis of Inconsistencies in Nigerian Court Judgments and a Prescription for Reform and Renewal**

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### **Abstract**

Globally, the judiciary is epitomized by the courts, which serve as the paramount arbiters of justice, entrusted with the noble functions of interpreting laws, adjudicating disputes, meting out punishment to transgressors, and providing sagacious guidance on constitutional matters. Ideally, the judiciary, as an instrument of social control, should maintain an unimpeachable independence from the other two branches of government, namely the legislative and executive arms. However, in Nigeria, this fundamental principle is brazenly compromised, as the judiciary is woefully bereft of genuine autonomy. The insidious influence of political control over the judiciary, exemplified by the executive's appointment of judicial heads, utterly undermines the notion of independence. This lamentable state of affairs is replete with glaring contradictions and inconsistencies in numerous judicial proceedings, thereby casting a long shadow of embarrassment over the entire judicial system. A comprehensive examination of Nigeria's judicial system and the inconsistencies in court judgments reveals a pressing need for reform. Anchored in rational choice theory and bolstered by qualitative research methods, this study underscores the imperative for the Nigerian Judicial Council to prioritize judicial education through regular training programs designed to enhance the skills and inputs of judicial officials. Only through such concerted efforts can the judiciary hope to reclaim its rightful place as a beacon of integrity, impartiality, and justice.

**Keywords:** Independence, Judicial System, Court Judgments, Justice, Judicial Reform

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### **Introduction**

The judicial system is a revered institution comprising a complex network of courts that adjudicate legal disputes, interpret, defend, and apply the law in legal cases. In Canada, the judiciary is embodied by the courts, which, as one of their cardinal functions, resolve conflicts pertinent to laws. Notably, the courts in Canada possess both federal and provincial jurisdiction, and are entirely independent of the legislative and executive powers, in stark contrast to the practice in Nigeria (Canada judicial council, 2023). In the United States, the constitution meticulously specifies the method of selection and terms of office for all federal and state judges. This deliberate approach was adopted to ensure that judges remain independent of the other branches of government, thereby rendering public pressure ineffective. Conversely, in Nigeria, the executive branch wields considerable power over judiciary officials, who can be arbitrarily hired and fired for deviating from the dictates of those in power.

A plethora of instances illustrate this aberration, including the removal of the chief judge of Osun State by Governor Adeleke on December 7, 2023. Similarly, in 2012, former Governor Bukola Saraki of Kwara State removed Chief Judge Raliat Elelu Habeeb, only for the Nigeria Judicial Council to reinstate her later. Furthermore, in February 2019, the Nigerian president sacked the chief justice of Nigeria mere weeks before a general election. These incidents raise fundamental questions about the separation of powers in Nigeria, as enshrined in its constitution. It is indeed lamentable that the Nigerian judicial system has devolved into a battleground for the political elite. In contrast, nations like South Africa and Kenya have established unitary judicial systems, reflecting the ethos of their centralized federations. Nigeria's federalized court structures, which divide judicial functions between the central government and sub-national governments, have not yielded comparable results (Nico & Zemelak, 2020). This study x-



rayed the Nigerian judicial system in relation to inconsistencies in court judgments, highlighting the imperative need for a more nuanced approach to addressing the complexities of the country's judicial framework.

### **Inconsistency in Nigerian Court Judgment**

"Injustice anywhere is a threat to justice everywhere," as aptly stated by Martin Luther King. This poignant quote resonates deeply in the context of Nigeria's judicial system, which has been marred by inconsistencies and controversies. A recent corruption charge against former Governor Yahaya Bello of Kogi State by the Economic and Financial Crimes Commission (EFCC) has brought to the fore the embarrassing inconsistencies in Nigerian court proceedings. The scenario has generated stern controversy over conflicting court orders, calling into question the competent and constitutional roles of the Nigerian judicial system. As noted by BrainyQuote, "True freedom requires the rule of law and justice, and a judicial system in which the rights of some are not secured by the denial of rights to others".<sup>2</sup> Unfortunately, Nigeria's judicial system falls short of this ideal.

Courts of coordinate jurisdiction have issued conflicting orders on the arrest and prosecution of Yahaya Bello, with a Federal High Court in Abuja ordering his arrest and prosecution, while the Kogi State High Court ordered the EFCC to be restrained from arresting and prosecuting him. This blatant disregard for the rule of law has led to a loss of faith in the judicial system. According to Olumide (2023), the Nigerian judicial system has become a "family affair," with relatives and wives of politicians being appointed to the bench through connections. This assertion is corroborated by the appointment of the wife of a federal minister as a judge on May 15, 2024, and the subsequent dropping of the wife of former Governor Yahaya Bello from the list of judges by the Nigerian Judicial Council on May 17, 2024. The appointment of judges based on merit, rather than political affiliation, is essential to redeeming the image of the Nigerian judicial system at the international level. As Edmund Burke aptly

stated, "Whenever a separation is made between liberty and justice, neither, in my opinion, is safe". It is imperative that Nigeria's judicial system prioritizes justice and liberty, rather than political expediency.

### **Inconsistency in the Court Judgement and its Implication for Legal Profession**

The legal profession is a noble pursuit, wherein legal professionals diligently study, develop, and apply the law, while legal practitioners provide expert guidance to individuals navigating complex legal issues. However, the inconsistency in court judgments has spawned confusion, confrontation, and interminable debate within our firm. A recent case in Kano State, as noted by Falana (2024), has exposed the embarrassing contradictions within Nigeria's judicial system. The order emanating from Kano has been particularly egregious, revealing a "sad reflection of a muddled judicial system in Nigeria," as observed by many scholars. This inconsistency has also highlighted the contradictions in the interpretation of law among legal practitioners regarding the court order on the emirship tussle in Kano State. As Olawuyi (2024) astutely observed, controversial court orders are flying all over the place; this raises fundamental questions to all legal practitioners in Nigeria. The crux of the issue lies in the fact that Nigeria's judiciary is expected to function as a cohesive unit, with judicial officials at all levels adhering to a uniform standard. However, the reality is far from this ideal.

The appointment of judiciary officials in Nigeria has been marred by controversy, with many political elites facing corruption-related charges. This has led to a situation where, as noted by Politico (2024), "lawmakers are the lawbreakers." The stark contrast between Nigeria's judicial system and that of other nations is evident in the case of a New York court sentencing a former Honduran president to 45 years in prison for colluding with drug traffickers. In conclusion, the inconsistency in court judgments and the controversial appointment of judiciary officials in Nigeria have severely undermined the integrity of



the country's judicial system. As the National Judicial Council emphasizes, the appointment of judicial officers must be based on merit, with a focus on good character and reputation, diligence and hard work, honesty, integrity, and sound knowledge of law. Only through an unwavering commitment to these principles can Nigeria's judicial system hope to redeem itself and uphold the rule of law.

### **Who is to Blame?**

The sanctity of the judiciary is a cornerstone of any decent society, and it is expected that citizens, regardless of their stature, will submit to the rigors of the law. In a landmark decision, the American judicial system convicted Hunter Biden, the progeny of President Joe Biden, of unlawful firearms procurement in 2018. This egregious transgression rendered him liable to a protracted incarceration of up to 25 years. The guilty verdict was handed down by a federal jury in the District of Delaware, following a week-long trial that meticulously examined the circumstances surrounding Biden's illicit acquisition of a firearm. Specifically, the jury found Biden culpable of making false statements in connection with the purchase of a firearm, as well as possession of a firearm while being an unlawful user of a controlled substance (Al Jazeera News in 2024). This legal episode serves as a stark reminder of the accountability that comes with the rule of law. However, the question remains: can such a scenario unfold in Nigeria's judicial system? Unfortunately, the answer is a resounding "no." As Falana (2024) astutely notes, Nigeria's judicial system is still an integral part of the global judicial system, but it is plagued by perfidy and willful desperation to thwart justice among some judicial officials. This egregious professional misconduct has severely compromised the integrity of the judiciary.

Scholars across various disciplines concur that the Nigeria National Judicial Council and the statutory disciplinary organ within the judiciary bear significant responsibility for this judicial rascality. The fact that the Nigeria Judicial Council has failed to sanitize the bench over the

past decade is a damning indictment of the system's inability to self-regulate. As the renowned legal practitioner, Daniel Gregory Daniel, emphasizes, "The independence of the Judiciary must be protected at all times, and not discouraged, threatened, bullied, nor jeopardized". It is imperative that Nigeria's judicial system undergoes a radical transformation to ensure that justice is served, and the rule of law is upheld.

### **Methods**

This research undertook an exhaustive descriptive analysis to elucidate the pervasive inconsistencies in court judgments within the Nigerian jurisdiction. The foundational framework of this research was anchored on a dual-pronged approach, incorporating both primary and secondary sources of information. Primary data was garnered through a meticulously designed survey, wherein participatory respondents were judiciously selected based on their profound expertise, critical awareness, and nuanced understanding of the subject matter. A stratified random sampling technique was employed to select respondents from a diverse array of professions, including lawyers, academics, criminologists, and administrators within the judiciary sector. These respondents, distinguished by their willingness and readiness to contribute to the study's success, provided invaluable insights that informed the analysis. The investigation's objectives were multifaceted, and included:

1. The Endemic Nature of Inconsistency in the Administration of Justice in Nigeria.
2. What are the Perfidious Outcomes of Inconsistencies in Judicial Decisions?

### **Result**

1. The Endemic Nature of Inconsistency in the Administration of Justice in Nigeria:

The judicial system in Nigeria has been compromised to the extent that the scales of justice are skewed in favour of the highest bidder, while the vulnerable are left to suffer, particularly in high-profile cases.



One respondent has this to say:

This has been a problem that has marred our country since Independence and has only proliferated more in the Fourth Republic where blatant judgments are made without aligning with the truth and realities on ground (In-depth interview, 29 years, male, law student)

Another respondent says:

In most cases, one will see that the court of appeal will make a judgement and the same judgement will be overturned by the Supreme Court. This indicates either lack of merit on their part or the fact that they are under superior influence (In-depth interview, 34 years, Male, criminologist).

## 2. Perfidious Outcomes of Inconsistencies in Judicial Decisions:

The pernicious phenomenon of inconsistency in court judgments has far-reaching and deleterious consequences, one of which is the egregious erosion of integrity within the entire judicial apparatus, thereby undermining the very fabric of our esteemed system of justice.

One respondent has this to say:

The judiciary is believed to be the last hope of the common man but when the desires of the common man are not reflected, then such a statement does not stand. This, therefore, means the court will lose the trust of the public (in-depth interview, 47 years, male, lawyer, 2024).

Another respondent says:

It will also be undermining the rule of law and the constitution of the land because they are going contrary to what the law dictates (in-depth interview, 32 years, female, lawyer, 2024).

One respondent has this to say:

This inconsistency brings about a delay in the dispensation of justice. Hence, we see that some court cases can last for many years and even decades (in-depth interview, 28 years, male, lawyer, 2024).

## Theoretical framework

This study is grounded in the rational choice theory posited by the illustrious Adam Smith, which is predicated on the following axiomatic assumptions:

1. The human being is a rational player. In other words, man is endowed with the faculty of reason, thereby rendering the human entity a sagacious and discerning actor, perpetually engaged in the pursuit of self-interest and optimal outcomes through the exercise of rational choice.
2. Individuals, endowed with the capacity for rational deliberation, exercise their agency by voluntarily selecting behavioural trajectories, encompassing both normative conformity and deviant expressions, predicated upon a meticulous calculus of potential consequences and anticipated rewards.
3. In the absence of extraneous variables, the autonomous individual, driven by an innate propensity for self-interest, will invariably orient their choices towards the optimization of personal utility, thereby endeavouring to maximize their hedonic experience and attain the zenith of Epicurean delight.

The disparate applications of rational choice theory have culminated in its profound interdisciplinary relevance, thereby rendering it a seminal theoretical paradigm in a vast array of disciplines, including sociology, criminology, political science, and economics (Adam, 1790). Rational choice theory postulates that human beings are sentient actors who engage in meticulous calculations of costs and benefits, thereby informing their rational decision-making processes. This study, grounded in the intentional, conscious, and calculative tenets of rational choice theory, endeavours to elucidate the enigmatic phenomenon of inconsistency in court judgments. By adopting this theoretical perspective, this research implies that judges engage in conscious deliberations regarding risk, cost, and benefits, often prioritizing mundane interests such as political connections, status, and





pecuniary gain. The emergence of a virtuous judge, therefore, appears to be an aberration rather than the norm, underscoring the imperative need for a paradigmatic shift in the judiciary's *modus operandi*.

The judicial system occupies a paramount position in the grand tapestry of societal existence, its centrality to stability and continuity being utterly indispensable. The moment the populace's faith in the institution entrusted with the sacred duties of adjudication and justice delivery begins to wane, the very foundations of that society are imperiled, and its demise becomes increasingly imminent. A plethora of empirical evidence substantiates the distressing notion that the Nigerian judiciary is beset by the scourge of corruption. A damning report by Banjo (2020) reveals that the Nigerian judiciary has been ranked amongst the top five most corrupt institutions in Nigeria. Furthermore, Transparency International's (2019) Global Corruption Barometer Africa report ranks the Nigerian judiciary as the third most corrupt institution in the country, a shocking reality considering the substantial financial resources allocated to this vital arm of government. Rational choice theory, a concept rooted in the notion that human beings are sentient actors driven by self-interest, posits that corrupt judges are motivated by economic considerations. It is essential to acknowledge that no society can ascend to greatness when its administration of justice is compromised by pervasive corruption. The inconsistency in court judgments, facilitated by self-interested and corrupt judges, constitutes a perilous fulcrum that undermines the integrity of the judicial system, thereby eroding the public's trust in this sacred institution (Matsuede, Kreager, & Huizinga, 2006).

### **A Way Forward**

In light of the prevailing tumult within Nigeria's judicial system, it is exceedingly improbable that a single day transpires without allegations of inconsistency in judgment levied against judiciary officials. This ostensible inconsistency in court judgments serves as a paradigmatic exemplar of unethical conduct, corrupt practices,

and behavior unbecoming of judiciary officials. The endemic issue of inconsistency within Nigeria's judiciary framework constitutes a lamentable plight, perpetuated by judiciary officials themselves. Rectification of this anomaly necessitates the intervention of the Nigerian Judicial Council, the paramount authority entrusted with the sacrosanct duty of upholding the temple of justice. In this critical juncture, the legal profession is in dire need of judiciary officials who prioritize the advancement of justice. However, the pervasive inconsistencies in court judgments betray the presence of compromised judiciary officials who have reneged on their responsibilities to the court. The Nigerian Judicial Council must, as a matter of utmost urgency, extricate itself from this morass of depravity and perfidiousness. It is imperative that the council capitalize on the dwindling hope remaining in the sector, effecting a paradigmatic shift towards a more just and equitable judiciary.

### **Conclusion**

This study endeavoured to conduct an in-depth examination of the Nigerian judicial system, with a specific focus on the phenomenon of inconsistency in court judgments. The findings, as delineated above, unequivocally demonstrate the pervasive presence of inconsistency in court judgments within the Nigerian judicial framework. In light of this revelation, it is imperative to acknowledge the profound implications of this practice on the Nigerian judicial system. Consequently, there exists an urgent necessity to enlighten judiciary officials regarding the deleterious consequences of their actions, or occasionally, their inaction. Furthermore, it is essential to establish stringent procedures aimed at the complete eradication of this egregious practice from the Nigerian judiciary system, thereby restoring the integrity and credibility of the judicial institution.

### **Recommendations**

To effectively address the myriad challenges plaguing Nigeria's judicial system, several seminal recommendations have been proposed. These innovative solutions are designed to combat the entrenched issues and revitalize the system.



### **Key Recommendations:**

**1. Judicial Reform:** Implementing comprehensive reforms to strengthen the judiciary's independence, impartiality, and accountability is crucial. This can be achieved through the establishment of robust institutional frameworks, transparent appointment processes, and continuous professional development for judges and judicial staff.<sup>1</sup>

**2. Anti-Corruption Measures:** Intensifying efforts to eradicate corruption within the judiciary is vital. This can be accomplished through the creation of specialized anti-corruption courts, enhanced asset declaration requirements for judicial officials, and strengthened whistleblower protection mechanisms.

**3. Infrastructure Development:** Investing in modern, secure, and accessible judicial infrastructure is essential. This includes the construction of new court facilities, the renovation of existing ones, and the implementation of cutting-edge technology to enhance the efficiency and transparency of judicial proceedings.

**4. Public Engagement and Awareness:** Fostering a culture of transparency and accountability within the judiciary requires active public engagement and awareness. This can be achieved through strategic communications, public outreach programs, and collaborative initiatives with civil society organizations and community groups.

**5. Capacity Building and Training:** Providing ongoing training and capacity-building programs for judges, judicial staff, and other stakeholders is

critical. This includes training on best practices, ethics, and integrity, as well as specialized programs on emerging issues such as cybersecurity, digital evidence, and human rights.

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